

**THE UNITED REPUBLIC OF TANZANIA**  
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**GOVERNMENT**



**Tanzania Strategic Cities Project – Additional Financing (TSCP -AF)**

**FINAL REPORT**  
**RESETTLEMENT ACTION PLAN REPORT**  
**FOR INFRASTRUCTURES DEVELOPMENT FOR THE MTWARA**  
**MIKINDANI MUNICIPAL**

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## Table of contents

List of Abbreviations/Acronyms .....	v
ACKNOWLEDGEMENT .....	vi
EXECUTIVE SUMMARY .....	vii
f) Identification of Impacts.....	vii
g) Cut-off Date .....	ix
h) Socio-economic survey of affected PAPs .....	ix
i) Education level and economic activities of the PAPs .....	x
j) Land ownership and Category of land affected .....	x
k) Vulnerable Groups or Persons requiring Special Provisions .....	xi
l) Public participation and stakeholders consultation .....	xi
m) ARAP implementation .....	xi
n) Updated RAP Implementation Budget.....	xi
o) Management of grievances and disputes.....	xii
CHAPTER 1.....	13
INTRODUCTION AND OVERVIEW.....	13
1.1 Background of the overall Tanzania Strategic Cities Project (TSCP).....	13
TSCP - AF in the Mtwara - Mikindani Municipal Council includes proposed works for enhancing the performance of completed and on-going works namely: .....	13
CHAPTER 2.....	14
OBJECTIVES AND METHODOLOGY .....	14
2.1 Objectives of the Resettlement Action Plan .....	14
2.2 Guiding Principles of the Updated RAP.....	14
2.3 Methodology and Approaches.....	15
2.3.1 Overview .....	15
2.3.2 Specific Methods and approaches.....	15
2.4 Methodology for Undertaking PAP Census and Socio-Economic Profile .....	15
2.5 Methods of Valuing Affected Assets and Compensation Payments .....	15
2.5 Disclosure of the Resettlement Action Plan .....	16
CHAPTER 3.....	17
IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT .....	17
3.1 Activities that will lead to Resettlement Impact.....	17
3.2 Categories of Impacts .....	17
3.2.1 Loss of Structures .....	17
3.2.3 Loss of Productive Land and Resources.....	18
3.2.4 Impact on Permanent Crops/Trees .....	18
3.4 Eligibility for Compensation and Resettlement Assistance.....	20
3.6 Cut-off Date .....	20
3.7 Forms of Compensation .....	20
CHAPTER 4.....	21
SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES .....	21
4.1 Introduction and Overview of Social Services in the project area .....	21
4.2 Socio Economic profile of the Project Affected Persons.....	21
4.3 PAP Head of House Hold Demographic Characteristics .....	21
4.4 Education level and Economic Activities of the PAPs .....	21
4.5 Land ownership and Category of land affected.....	22
CHAPTER 5.....	23
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK .....	23
5.1 Introduction .....	23

5.2 Property and Land Rights in Tanzania.....	23
5.3 National Land Policy, 1997.....	23
5.4 The Land Act, 1999.....	23
5.5 The Land Regulations, 2001.....	24
5.6 The Land Disputes Courts Act No. 2 of 2002.....	25
5.7 The World Bank Operational Policy 4.12.....	25
5.8 Updated RAP Implementation Institutions.....	26
<b>CHAPTER 6.....</b>	<b>28</b>
<b>PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS.....</b>	<b>28</b>
6.1 Overview.....	28
6.2 Methods of Stakeholder Participation.....	28
6.2.1 Notification to stakeholders.....	28
6.2.2 Household Interviews.....	28
6.5 Key Recommendations from Stakeholders.....	30
<b>CHAPTER 7.....</b>	<b>34</b>
<b>Updated RAP IMPLEMENTATION.....</b>	<b>34</b>
7.1 Organizational Procedures and Responsibilities for Delivery of Entitlements.....	34
7.2 Delivery of entitlement.....	34
7.3 PAP Vacating Timing.....	34
7.4 Updated RAP Implementation Budget.....	34
<b>CHAPTER 8.....</b>	<b>36</b>
<b>MANAGEMENT OF GRIEVANCES AND DISPUTES.....</b>	<b>36</b>
8.1 Disputes Procedures under Existing Laws.....	36
8.2 Grievances and Complaints Procedures under this Updated RAP.....	36
8.3 Steps to be followed for Grievance Redress.....	37
<b>CHAPTER 9.....</b>	<b>43</b>
<b>MONITORING AND EVALUATION.....</b>	<b>43</b>
9.1 Monitoring and Reporting.....	43
<b>REFERENCES.....</b>	<b>44</b>
<b>LIST OF ANNEXES.....</b>	<b>45</b>

## **List of Abbreviations/Acronyms**

DC	District Commissioner
ESIA	Environmental and Social Impact Assessment
GRC	Grievance Redress Committee
GoT	Government of Tanzania
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
LGAs	Local Government Authorities
MMMC	Mtwara-Mikindani Municipal Council
PAPs	Project Affected Persons
PO-RALG	President's Office - Regional Administration and Local Government
RAPs	Resettlement Action Plans
RPF	Resettlement Policy Framework
TSCP	Tanzania Strategic Cities Project
WB	World Bank
WB/OP	World Bank/Operational Policy

## **ACKNOWLEDGEMENT**

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

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

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

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

## **EXECUTIVE SUMMARY**

### **a) Description of the Project Setting**

The Proposed land take is for the purpose of constructing additional drain along Port and Zambia roads as well as additional drain and street lights along Chuno road in the Mtwara - Mikindani Municipality in the Mtwara Region.

### **b) Objective of the RAP**

The main objective of this Resettlement Action Plan (ARAP) is to provide an agreed plan for the resettlement and compensation of persons affected by land acquisition of these projects under TSCP-AF.

### **c) Methodology**

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

### **d) Methods of Valuing Affected Assets and Compensation Payments**

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

In order to meet the requirements for a RAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance that the compensation value is obtained from the Replacement Cost added with allowances, based on the RPF.

### **e) Disclosure of the Resettlement Action Plan**

The RAP will be available to the public at the following places:

- PO-RALG Office/website
- Office of the Mtwara Mikindani Municipal Council
- World Bank info shop

### **f) Identification of Impacts**

The planned land acquisition for the proposed infrastructure development for the MMMC will be the only activity covered under this RAP. The determination of impact was based on

the fact that these are linear project being implemented on already existing RoW with encroachers.

### Categories of Impacts and entitlement

The affected properties are owned by 87 PAPs and the most affected type of property is permanent crops. The project will affect 530 compensable assets of which 21 are pieces of land, 8 annex structures and 502 permanent crops; Table 1 below summarises the affected assets.

### Project Impacted Assets and Magnitude of Impact

Affected Category	No. Of Assets	Summary of Impacts/Loss
Permanent crops and trees (owned by PAPs)	501	These include trees used as fence/border, e.g banana and coconut trees of different maturity level
Land only	21=136 (sq meter)	It should be noted that PAPs whose land that will be affected is relatively minimal
Structures	08	Annex structures; the impact will not lead to PAP relocating
Encroached Land	66	These PAPs have encroached and planted trees or constructed annex structures; they will receive compensation of the assets as well as disturbance allowance as well as right to salvage but <b>not</b> compensation for land
<b>Total Affected Assets</b>	<b>596</b>	Most of the affected properties are permanent structures
<b>Institution (Government and Private)</b>	<b>09</b>	Minor impact on land that will not affect services provided by these institutions
<b>Encroached land</b>	<b>36</b>	Assets are pieces of land that PAPs have encroached and therefore not entitled for any compensation
<b>TOTAL Compensable Assets</b>	<b>530</b>	

*Source: Socio-economic census and valuation report*

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



### Entitlement Standards for the PAPs with Fixed Assets

TYPE OF LOSS	Unit of Entitlement	ENTITLEMENTS		
		Compensation for Lost Assets	Transport Allowance	Other Assistance
Loss of residential structure	Household	Compensation at full replacement value of structure and affected land	Moving 12 tons of goods for a 20 km. distance	<b>Disturbance Allowance (calculated at 8% of total compensation cost)</b> <b>Accommodation allowance (36months rates)</b>
Loss of mobile/temporary business commercial structure stall	Enterprise owner	Compensation at replacement value of structure Alternative site at a nearby location	-	<b>Disturbance Allowance (calculated at 8% of total compensation cost)</b>
Loss of permanent crops and trees	Household	Compensation of crops at market value	N/A	<b>Disturbance Allowance (calculated at 8% of total compensation cost)</b>
Loss of Land	Household/Public	Compensation at Market value, based on the replacement cost.	N/A	<b>Disturbance Allowance (calculated at 8% of total compensation cost)</b>

#### g) Cut-off Date

The cut-off date was set as 22<sup>nd</sup> June 2016 and communicated to each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should however be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6months from the date the valuation report is approved.

#### h) Socio-economic survey of affected PAPs

The proposed project is located within the MMMC and therefore most of the basic social services are either available within the ward or can be easily accessed in the Municipal

central business district which is about 3-4 kilometres from the project areas. Social services available include schools, health facilities, water and roads; The project has affected a total of 87 PAPs of which 38 are males, 40 females while 9 of the PAPs are institutions (private and Government). Ownership of land by women is common in urban settings where women also own land as well as other assets as they are also engaged in various economic activities. It should be noted that the socio-economic profile will only focus on individual PAPs (78) and not the institutions as the profile mainly focuses on individual PAPs.

Most of the PAPs are married i.e. 55 are married, 9 widow and the rest (15 PAPs) are single or separated respectively. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on the well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This RAP ensured that women participate in the meetings and are aware of the compensation process. It was observed that most of the PAPs' heads of households have an average age of between 20-40 years (38 PAPs), others between 41-64years (31PAPs) and 8 PAPs are above 65years old. It should be noted that one of the PAP is relatively young only 16years and therefore special attention will be paid to the PAP during the RAP implementation. The average size of families in the project area is the 4 members (19households) which is a common size in urban areas of various parts of the country. Other households have only one member (7households), five members (16households), while only 11 of affected households have above six members. Household with 2 members are 10 and those with 3 are 15.

#### **i) Education level and economic activities of the PAPs**

The level of education of the PAPs in the project area is relatively low with 54 PAPs having achieved only primary education, 9 PAPs did not attend any formal education and 10 PAPs have achieved secondary education. It is therefore, important during RAP implementation to ensure that such PAPs are assisted, the assistance will include sensitization on how to use the money compensated, reading the valuation documents as well as handling bank process during receiving compensation payments.

Considering that the site is within the Municipal area, PAPs undertake various economic activities, most of the PAPs are mostly engaged in agriculture activities (40PAPs), while other are engaged in petty business (24PAPs), 5PAPs work and earn salaries, 5mansons and only one is a fisherman.

#### **j) Land ownership and Category of land affected**

There are mainly three category of land ownership by the PAPs, this include institutional owned land, legal owners and those who have encroached on land owned by the MMMC. The category of land affected is mainly residential-for individual PAPs and land for community services though very minor that will not affect the provision of these community services. It should be noted that none of the PAP affected will have to be relocated as most are losing less than 10% of total land owned and none has residential structures as affected property.

### **k) Vulnerable Groups or Persons requiring Special Provisions**

Among PAP head of household are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions.

Category of vulnerable PAPs include Widow, elderly or sick people; however for the Mtwara - Mikindani project only 6 PAPs (widow) could be categorised as vulnerable PAPs, other vulnerable PAPs include 1elderly and 1orphan. The Community development Office from MMMC will follow-up on them during RAP implementation.

### **l) Public participation and stakeholders consultation**

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

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

### **m) RAP implementation**

The compensation process and RAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, municipal office and its officials and local government officials at ward and street level. The overall responsibility for resettlement lies with MMMC, and payments will be made through the fiscal authority of the council as the project management body for this project, in accordance with its administrative and financial management rules and manuals. To ensure timely completion of resettlement activities, Municipal authorities will facilitate the resettlement process and will urge all PAPs to scavenge or harvest their crops if they need to; the time frame that will be agreed between the two parties.

### **n) RAP Implementation Budget**

The total compensation costs that will be provided under this RAP, as per Compensation Schedules for PAPs with compensable assets is **TZS 31,882,160.96**. This includes payments for all affected properties as per the valuation report prepared in June 2016. The MMMC has set aside 3 million shillings as additional costs to facilitate the implementation of resettlement activities.

The table below summarises the compensation budget

### Consolidated Valuation Summary for the Mtwara TSCP-AF

No	Item	No of Assets	Cost in Tshs
1	Total cost for land	21/ 136sqmetres	6,617,600.00
2	Total cost Crops	501	15,881,589.77
3	Total structures	8	8,230,550.00
	Total Mobile business/stalls		
4	<b>Total Assets</b>	<b>530</b>	
5	Disturbance Allowance		1,152,421.19.00
	RAP implementation cost		3,000,000.00
6	<b>Total compensation costs</b>		<b>34,882,160.96</b>

### Source Valuation Report

#### o) Management of grievances and disputes

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

Monitoring the progress of RAP execution will be carried out through internal monitoring processes by MMMC and through external monitoring involving other agencies as may be deemed appropriate by MMMC/PO-RALG. Currently under the MMMC there is an existing grievance redress mechanism for the TSCP projects and therefore new committees have been established to cater for these new PAPs while that at Municipal level already exists from the initial TSCP and hence will continue to function for TSCP-AF.

## CHAPTER 1

### INTRODUCTION AND OVERVIEW

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

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

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

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

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

1. Additional of one landfill cell and one rainwater storage pond at the Mangamba landfill (A separate RAP prepared),
2. Additional drains along Port and Zambia roads and,
3. Additional drains and street lights along Chuno road.

## **CHAPTER 2 OBJECTIVES AND METHODOLOGY**

### **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 the land take for the purpose of constructing additional drain along Port and Zambia roads as well as additional drain and street lights along Chuno road.

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
- 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 all PAPs whose property /home and assets are affected , including the vulnerable groups, during the RAP implementation

### **2.2 Guiding Principles of the RAP**

This RAP has been prepared and is consistent with RPF prepared for the TSCP-AF in 2014 that is in accordance with the applicable Tanzanian laws and the World Bank Policy on resettlement (OP 4.12). This RAP has been prepared as the proposed project will involve land acquisition. The RAP presents a complete list of the PAPs and an inventory of affected assets as a result of the project and the proposed compensation and resettlement packages.

Specifically the RAP is prepared in order to:

- a) Ensure that the land acquisition process is per the requirements of the World Bank and those of the Tanzanian Government as detailed in the RPF
- b) Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
- c) Set out strategies to mitigate against adverse effects suffered by the PAP including provision of channels and platforms for negotiations;
- d) Assess the Project impact;
- e) Identify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;

- f) Quantify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
- g) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project;
- h) To establish, explain and put in place the mechanism for grievances; and
- i) 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 only minimal acquisition for land for sites that have been encroached or slight impact on land owned by PAPs, it is also important to note that the projects will mostly involve upgrading of these already existing infrastructures and therefore not green projects.

### **2.3.2 Specific Methods and approaches.**

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

(a) ***Review of available data and Relevant Policies and acts*** documents includes:

- Land Acquisition Act 1967
- Land Act No. 4 of 1999
- Village Land Act No. 5 of 1999
- RPF for TSCP-AF 2014
- Land Regulations (Assessment of the Value of Land for Compensation; Compensation Claims: and Scheme of Regularization) of 2001
- World Bank Operational Policies OP 4.11 and OP 4.12

(c) ***Site Verification and assessment***

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

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

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

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

In order to meet the requirements for a RAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance that the compensation value is

obtained from the Full Replacement Cost added with allowances. OP 4.12 provides that, if the impacts include physical relocation, compensator must ensure that the displaced persons entitlement must include:

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 12months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore the total compensation value, then obtain the 8% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

It should be noted that other allowance as stipulated in the law that include

## **2.5 Disclosure of the Resettlement Action Plan**

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

- PO-RALG Office/website: [www.tamisemi.go.tz](http://www.tamisemi.go.tz)
- Office of the MMMC
- World Bank info shop



## CHAPTER 3

### IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

#### 3.1 Activities that will lead to Resettlement Impact

The activities that will lead to land acquisition for the Mtwara - Mikindani TSCP-AF sub projects will mainly be for constructing additional drain along Port and Zambia roads as well as additional drain and street lights along Chuno road.

#### 3.2 Mechanisms to minimise Impacts

Various mechanisms have been considered to ensure minimal resettlement impact for the sub projects and therefore no affected person will be relocated as a result of this project implementation. The mechanisms to minimise impacts are as follows:

- Diverting part of the storm water from the existing drainage-The existing drainage linking to the Zambia road drainage has been encroached and individuals constructed commercial properties and a mosque on top of the drainage; it was therefore agreed that that portion of drain will not be improved but instead establish a new section (about 80meters) that will avoid the encroached part.
- The MMMC in collaboration with the design consultant ensured the design of the sub projects minimises land acquisition issues for instance storm water width reduced and depth increased, reducing size of walk way or covering drainage or storm water and the covered are used as walk ways.
- Use of existing RoW; in areas that the RoW has been encroached reduce the size of walkways but within acceptable safety standards, adjust the alignment to ensure the project is implemented within the remaining RoW.

#### 3.2 Categories of Impacts

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

The affected properties are owned by 87 PAPs and the most affected property is permanent crops. The project will affect 530 compensable assets of which 21 are pieces of land equivalent to 136sqmetres, 501permanent crops and 8 stalls and mobile business.

It should be noted that none of the affected PAPs will have to be relocated or displaced as the impact is minimal; for those losing commercial stalls/ mobile businesses, they will on have to step back but continue with their business in the same area.

##### 3.2.1 Loss of Structures

There will be no residential structures affected by the proposed land take however some annex structures and structures used as shelters by mobile business people along the road will be affected. The structures have just been constructed and are semi-permanent erected on encroached land. Considering that these structures are not used as residential or permanent business structures; PAPs will only be compensated for the loss of structures and disturbance

allowance. It should be noted that no PAP will be physically relocated under this RAP. A total of 8 stalls and mobile business have been affected under this project.

**3.2.3 Loss of Productive Land and Resources**

The land take for infrastructures for the MMMC will be very minimal as the constructed projects are linear projects and mostly on existing RoW. On average most affected PAPs are losing 20sq meters and the total affected land is 136.0sqmeteres. The valuation of properties involved measuring the actual size of land loss by each PAP and compensation will be determined by size of loss of land. All PAPs who will lose land will receive the following compensation:

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

**3.2.4 Impact on Permanent Crops/Trees**

Permanent crops include those taking more than a year to reach full maturity and can be harvested over a long period of time. The affected project area is mainly the existing right of way of the storm water with permanent tress most with 100% maturity level and therefore used by PAPs to supplement food though at a minimal level. The most affected permanent crop is banana tress (292) while other permanent crops such as coconut trees (34), pawpaw (47), and permanent flower crops (42) and other fruits and timber trees etc 148 plants. Therefore a total of 501permanent crops will be affected. PAPs with standing crops and trees on their farms within the defined sub-project area are entitled to compensation. Each tree is counted and compensated according to its market value and age of maturity.

PAPs losing permanent crops are entitled to the following compensation:

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

Table 1 below summarises the affected assets.

**Table 1: Project Impacted Assets and Magnitude of Impact**  
**Project Impacted Assets and Magnitude of Impact**

Affected Category	No. Of Assets	Summary of Impacts/Loss
Permanent crops and trees (owned by PAPs)	501	These include trees used as fence/border, e.g banana and coconut trees of different maturity level
Land only	21=136 (sq meter)	It should be noted that PAPs whose land that will be affected is relatively minimal
Structures	08	Annex structures; the impact will not lead to PAP relocating

Affected Category	No. Of Assets	Summary of Impacts/Loss
Encroached Land	66	These PAPs have encroached and planted trees or constructed annex structures; they will receive compensation of the assets as well as disturbance allowance as well as right to salvage but <b>not</b> compensation for land
<b>Total Affected Assets</b>	<b>596</b>	Most of the affected properties are permanent structures
<b>Institution (Government and Private)</b>	<b>09</b>	Minor impact on land that will not affect services provided by these institutions
<b>Encroached land</b>	<b>36</b>	Assets are pieces of land that PAPs have encroached and therefore not entitled for any compensation
<b>TOTAL Compensable Assets</b>	<b>530</b>	

*Source: Socio-economic census and valuation report*

Note: Size of land and amount received by each PAP is detailed in the valuation report

Table below provides a summary of the entitlement standards for PAPs affected by the land acquisition for the Mtwara - Mikindani Municipal Land Fill.

**Table 1: Entitlement Standards for the PAPs with Fixed Assets**

TYPE OF LOSS	Unit of Entitlement	ENTITLEMENTS		
		Compensation for Lost Assets	Transport Allowance	Other Assistance
<b>Loss of residential structure</b>	Household	Compensation at full replacement value of structure and affected land	Moving 12 tons of goods for a 20 km. distance	<b>Disturbance Allowance (calculated at 8% of total compensation cost) Accommodation allowance (36months rates)</b>
<b>Loss of mobile/temporary business stall</b>	Enterprise owner	Compensation at replacement value of structure Alternative site at a nearby location	-	<b>Disturbance Allowance (calculated at 8% of total compensation cost)</b>

TYPE OF LOSS	Unit of Entitlement	ENTITLEMENTS		
		Compensation for Lost Assets	Transport Allowance	Other Assistance
Loss of permanent crops and trees	Household	Compensation of crops at market value	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)
Loss of Land	Household/Public	Compensation at Market value, based on the replacement cost.	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)

### 3.4 Eligibility for Compensation and Resettlement Assistance

Eligibility for compensation is defined in the provisions of the Land Acts and the Land Acquisition Act; according to these laws, all owners of properties located within the proposed corridor of impact at the time of inspection and valuation will be eligible for compensation in accordance to RPF.

### 3.6 Cut-off Date

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 22<sup>nd</sup> June 2016, when valuations activities were completed.

### 3.7 Forms of Compensation

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

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

For this particular project all PAPs have opted for cash compensation

## **CHAPTER 4**

### **SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES**

#### **4.1 Introduction and Overview of Social Services in the project area**

The proposed project is located within Mtwara - Mikindani Municipal Council and therefore most of the basic social services are either available within the wards or can be easily assessed in the town centre which is about 3-4 kilometres from the sub-project areas. Social services available include schools, health facilities, electricity water and roads.

#### **4.2 Socio Economic profile of the Project Affected Persons**

This section describes the socio-economic characteristics of the PAPs that will be affected; the purpose is to get data for baseline socio-economic conditions (demographic data, vulnerability, economic activities and social services) to enable resettlement planning and generating of data categories of affected people (PAPs) and their properties. Also, is for establishing an enabling and a well-informed resettlement assistance or support for future monitoring of the achievement of the RAP implementation. The general characteristic of the project area is of urban set-up which is mainly residential areas with few households growing trees in the area as well as various economic activities such as petty business.

#### **4.3 PAP Head of House Hold Demographic Characteristics**

The project has affected a total of 87 PAPs of which 38 are males, 40 females while 9 of the PAPs are institutions (private and Government). Ownership of land by women is common in urban settings where women also own land as well as other assets as they are also engaged in various economic activities. It should therefore be noted that the socio-economic profile will only focus on individual PAPs (78) and not the institutions.

Most of the PAPs are married i.e. 55 are married, 9 widow and the rest (15 PAPs) are single or separated respectively. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on the well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This RAP ensured that women participate in the meetings and are aware of the compensation process. It was observed that most of the PAPs' heads of households have an average age of between 20-40 years (38 PAPs), others between 41-64 years (31 PAPs) and 8 PAPs are above 65 years old. It should be noted that one of the PAP is relatively young only 16 years and therefore special attention will be paid to the PAP during the RAP implementation. The average size of families in the project area is the 4 members (19 households) which is a common size in urban areas of various parts of the country. Other households have only one member (7 households), five members (16 households), while only 11 of affected households have above six members. Household with 2 members are 10 and those with 3 are 15.

#### **4.4 Education level and Economic Activities of the PAPs**

The level of education of the PAPs in the project area is relatively low with 54 PAPs having achieved only primary education, 9 PAPs did not attend any formal education and 10 PAPs have

achieved secondary education. It is therefore, important during RAP implementation to ensure that such PAPs are assisted, the assistance will include sensitization on how to use the money compensated, reading the valuation documents as well as handling bank process during receiving compensation payments. Considering that the site is within the Municipal area, PAPs undertake various economic activities, most of the PAPs are mostly engaged in agriculture activities (40PAPs), while other are petty business (24PAPs), 5PAPs work and earn salaries, 5PAPs and only one is a fisherman.

Common perennial crops grown in the area that will be affected are mostly shade trees, and permanent crops used as fence; the other permanent crops such as banana and coconut trees will have minimal impact to the households as the PAPs do not fully depend on the crops as source of income or food but a substitute as they do have alternative farms or income generating activities. Common affected seasonal crops include sweet potatoes, vegetables and maize all used as substitute food by the households.

#### **4.5 Land ownership and Category of land affected**

There are mainly three category of land ownership by the PAPs, this include institutions, legal owners and those who have encroached land owned by the MMMC. The category of land affected is mainly residential-for individual PAPs and land for community services. It should be noted that none of the PAP affected will have to be relocated as most are losing less than 10% of total land owned and none has residential structures as affected property. With regard to vendors/business owner within the project RoW, they will only step back and not relocate from their current business area.

#### **4.5 Vulnerable Groups or Persons requiring Special Provisions**

Among PAP head of household are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions. Category of vulnerable PAPs include Widow, elderly or sick people; for the Mtwara - Mikindani project only 6 PAPs (widow) could be categorised as vulnerable PAPs, other vulnerable PAPs include 1elderly and 1orphan. The Community development Office from MMMC will follow-up on them during RAP implementation.

## **CHAPTER 5**

### **POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK**

#### **5.1 Introduction**

The RAP for the land acquisition to accommodate TSCP-AF sub projects will mainly be for constructing additional drain along Port and Zambia roads as well as additional drain and street lights along Chuno road. The land acquisition procedure will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania and those of the World Bank as follows:

#### **5.2 Property and Land Rights in Tanzania**

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

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

#### **5.3 National Land Policy, 1997**

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

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

#### **5.4 The Land Act, 1999**

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

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

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

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

The applicant shall serve a notice on:

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

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

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

## **5.5 The Land Regulations, 2001**

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

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



The Regulation defines the basis for calculating compensation on any land being the market value of such land. The assessment of the value of land and any improvements will be done by a Qualified Valuer and verified by the Chief Valuer of the Government or his/her representative. In addition, the Regulation defines affected persons that are eligible for compensation/resettlement if some of their properties are affected by a proposed development:

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

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

## **5.6 The Land Disputes Courts Act No. 2 of 2002**

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

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

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

## **5.7 The World Bank Operational Policy 4.12**

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

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

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

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative Project designs;

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

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

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

## **5.8 RAP Implementation Institutions**

The implementation of this RAP will comprise several steps involving individual PAPs, affected communities, the MMMC and Ministries at National level as discussed below:

### **Ministry of Lands, Housing and Human Settlements**

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

The Commissioner of Lands administers most issues dealing with land allocation, acquisition, and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner. With regard to this RAP the Ministry of Land and Human settlement specifically the Government Chief Valuer will be responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties and approving the valuation report. The MMMC Director will be responsible for paying compensation to all affected PAPs as per the approved valuation report.

### **President's Office - Regional Administration and Local Government (PO-RALG)**

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

### **Mtwara – Mikindani Municipal Council**

MMMC is responsible for managing resettlement progress and disbursement of compensation funds. The role of the Municipal Council is to support the compensation process by providing the necessary funds related to project supervision, management and administration. The office

will also coordinate disclosure of Updated RAP to key stakeholders assisting vulnerable PAPs and working close with the Grievance Committee to ensure that all PAP complains are handled on time without further impact to PAPs.

### **Ward and Mtaa level**

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

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

## CHAPTER 6

### PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS

#### 6.1 Overview

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

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

#### 6.2 Methods of Stakeholder Participation

The following methodologies were used in undertaking this exercise:

##### 6.2.1 Notification to stakeholders

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

##### 6.2.2 Household Interviews

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

##### 6.2.3 Public Meetings

The RAP involved a series of Public meetings in the project area, the first meeting conducted on the 12<sup>th</sup> June 2016 aimed at the following:

A series of Public meetings in the sub-project area from the 13<sup>th</sup>-17<sup>th</sup> of June 2016, the meetings were a continuation of meetings that were previously conducted by Mtwara Mikindani Municipal Council Officials that introduced the sub-project to the local communities.

The main objectives of the consultation were to ensure that:

- Stakeholders-particularly residents within project areas are aware of the project and the project implementation time frame
- Show them the project area

- Determine if there are any outstanding issues regarding the previous TSCP implementation mainly compensation issues

Specifically the stakeholders were informed of the following

- About TSCP-AF, description of all sub projects within their City
- Benefits associated with the project that include enhanced value of land and other properties, reduce floods in the area, improve transport, security, safety e.t.c
- Negative impacts associated with the project that include those prior to project implementation- e.g some of them losing their properties as well as those associated with project implementation –both social and environment
- Mitigation measures associated with the negative impacts
- PAPs (if any) entitlement and that it will be according to the TSCP-AF RPF that accommodates the Tanzania land acquisition legal requirements and those of the World Bank (O.P 4.12)
- Establishment of Cut-off date
- Information about the Grievance Redress Committee and Mechanism
- To respond to questions, comments and recommendations provided by the local communities

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

Other public meeting was conducted with PAPs from 13<sup>th</sup>-17<sup>th</sup> June 2016 after the demarcation was undertaken, the meeting aimed at:

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

#### **6.2.4 Demarcation of the core project impact area**

It was agreed during the public meeting that local residents would participate in the demarcation of the project impact area zone as well as identification of PAPs; this exercise was conducted involved surveyors from the MMMC, engineers, local leaders and local communities.

#### **6.3 Summary of Issues and concerns raised by stakeholders**

In general people living near the project area fully accept the project as they understand that these projects will improve roads in the area, enhance safety and security but of more importantly minimise floods in the area.

Considering that the project had minimal impact on individual assets, most of the stakeholders concerns and views were centred on the project related issues; some of the concerns was that the project is covering a small part of the municipal while there are still areas left out of TSCP-AF that also suffer from floods.

Most of the PAPs under these projects have encroached the Municipal way-leave and planted trees, they appreciated the fact that this RAP was participatory i.e there have been involved and that even those who have encroached are entitled to some kind of compensation.

Other recommendations were that the MMMC should ensure that the contractor provides job opportunities to the locals and the contractor should abide to the construction time as well as ensure no impacts such as dust or impact on their structures or any asset during construction.

With regard to damage during construction, MMMC ensured locals that any such damage will be compensated as per the RAP and in case of any damage locals should file this with the Grievance Committee.

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

It was also insisted that PAPs should know how much they are receiving as compensating prior to the Municipal endorsing their payments.

Locals shared experience from other projects that affected people and lacked a designated office to file complains whenever they were not satisfied with the process or the compensation package. Once informed about the establishment of a grievance committee they recommended that local leaders should be part of the committee members.

## **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 RAP that is, the process should be transparent and participatory.
- The MMMC should ensure that all PAPs receive their compensation prior to acquiring the land for the project implementation
- Any impact on properties during construction should be compensated as per the requirements
- The GRC should be active to ensure locals concerns are dealt with on timely manner

The table below summarises issues, questions and concerns raised during various meetings with project stakeholders.

**Table 3: Stakeholders views and Concerns meetings conducted at all Wards in the project area**

SN	Position/stakeholders	Views/Concerns	Response
1	Eng Mpaki; TSCP-AF Coordinator	<ul style="list-style-type: none"> <li>• The project is a continuation of the TSCP that improved various infrastructures within the Municipal Council</li> <li>• For Mtwara among others the project will improve storm water drainage to reduce floods, road furniture's to enhance safety and security as well as upgrade roads.</li> <li>• We urge locals to accept the project as the purpose is to improve the infrastructures within the Municipal.</li> </ul>	
2	Mr Kubingwa; Municipal Valuer	<ul style="list-style-type: none"> <li>• The valuation exercise will be transparent and participatory</li> <li>• All affected persons will be compensated as per the Tanzania Law requirements as well as those of the World Bank and therefore we anticipate compensation will be fair and prompt</li> <li>• We shall also facilitate to establish a Grievances committee</li> </ul>	-Please provide us with the list of price of crops and land per sq meter
3	Ms Manyama-Municipal Community Development	<ul style="list-style-type: none"> <li>• These projects will have economic benefits to the community</li> <li>• We urge people to form the GRC and to use this committee as a mechanism to file complains</li> </ul>	

		<ul style="list-style-type: none"> <li>Complains should also include those associated with misconduct of the contractor</li> </ul>	
4	Chikongola Ward	<ul style="list-style-type: none"> <li>We want to know how much we are being compensated prior to accepting the package</li> </ul>	
5	Majengo, Magomeni and Vigaeni local communities	<ul style="list-style-type: none"> <li>We accept the project as the major challenge in the area is floods during rainy season; however some of the areas with floods have not been covered by the project, what are the plans?</li> </ul>	Plans are there for further construction of storm water drainage in various parts of the Municipal.
6	Chikongola Ward	<ul style="list-style-type: none"> <li>The contractor should ensure that the quality of the infrastructures constructed is at standard</li> </ul>	These projects will be supervised to ensure standards are met
7	Chikongola Ward	<ul style="list-style-type: none"> <li>The project should ensure that the design considers safety and security of locals e.g. pedestrian cross bridges and covering parts of the drainage</li> </ul>	This has been considered as part of the project design
8	Chikongola Ward	<ul style="list-style-type: none"> <li>Any complains raised during project implementation should be handled on a timely manner</li> </ul>	This will be handled by MMMC in collaboration with the GRC
9	Chikongola, Majengo, Magomeni and Vigaeni Wards	<ul style="list-style-type: none"> <li>Compensation should be paid prior to project implementation stage</li> </ul>	All those eligible for compensation will be paid prior to project implementation
10	Chikongola, Magomeni, Vigaeni and Majengo Wards	<ul style="list-style-type: none"> <li>Locals should be given priority on employment during construction phase</li> </ul>	This is part of the agreement with the Contractor



11	Vigaeni Ward	<ul style="list-style-type: none"> <li>• Who will compensate utilities likely to be damaged during construction?</li> <li>• The MMMC should ensure replacement of utilities is done on time to avoid inconveniences</li> </ul>	<p>-Compensation of utilities will be the responsibility of the contractor with supervision from MMMC</p> <p>-There will be minimal disturbance associated with replacement of utilities;</p>
12	Vigaeni Ward	<ul style="list-style-type: none"> <li>• Locals/particularly the owners of the affected trees should be allowed to harvest</li> </ul>	<p>-Once compensated locals will be allowed to harvest and those with structures allowed to demolish and re use any of the materials</p>
13	Majengo, Vigaeni and Magomeni Wards	<p>There are still some areas which are prone to floods but have not been considered in this project.</p>	<p>-There are still plans to ensure all areas with flood problems; the MMMC constructs storm water drainage.</p>

## 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 office and its officials and local government officials at ward and street level.

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

#### 7.2 Delivery of entitlement

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

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of harvesting any matured crops such as cashew nuts, timber and coconut.

It should be noted that the MMMC land office and the Community Development office is responsible for undertaking the valuation while the MMMC Director's Office will be responsible in budgeting and paying the Compensation as per the RAP report.

#### 7.3 PAP Vacating Timing

It should be noted that for the land acquisition of the sub-projects for the MMMC there is no PAP losing residential structures and therefore PAP will only be notified to harvest their crops. It has been agreed that once compensated, PAPs will have two weeks to harvest or demolish their annex structures.

#### 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 **31,882,160.96Tshs**. This includes payments for all affected properties as per the valuation report to be approved by the Government Chief Valuer. Table 3 below summarises the compensation budget. The MMMC has set aside 3million shillings as additional costs facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate supervision of payment of PAPs.

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

**Table 3 Consolidated Valuation Summary for the Mtwara TSCP-AF**

<b>No</b>	<b>Item</b>	<b>No of Assets</b>	<b>Cost in Tshs</b>
1	Total cost for land	<b>21</b>	<b>6,617,600.00</b>
2	Total cost Crops	<b>501</b>	<b>15,881,589.77</b>
3	Total structures	<b>8</b>	<b>8,230,550.00</b>
4	<b>Total Assets</b>	<b>530</b>	
5	Disturbance Allowance		<b>1,152,421.19.00</b>
	RAP implementation		<b>3,000,000.00</b>
6	<b>Total compensation costs</b>		<b>34,882,160.96</b>

## CHAPTER 8

### MANAGEMENT OF GRIEVANCES AND DISPUTES

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

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

#### 8.1 Disputes Procedures under Existing Laws

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

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

#### 8.2 Grievances and Complaints Procedures under this RAP

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

**Table 4: Names of Grievance Redress Committee members**

No	Ward	Names of Names	Position	Contact
1	CHIKONGOLA	1 DASTAN NANDONDE	WEO	0764104607
		2 JEMSON MWAMPIKI	WCDO	0755-176984
		3 ALLI NAMPOKA	MEMBER/PAP	0784617806
		4 MAGRETH NGOMBO	MEMBER/PAP	0784245127
		5 AHMAD MPONDA	MEMBER/PAP	0684-976641
2	MAGOMENI	1 FADHIL TAFFIQ	MEMBER/PAP	0782-893715
		MS BEATRICE	WEO	
		ROSE MLAKI	WCDO	
		2 SWEETBERT MTEGAJE	MEMBER/PAP	0788-417760
		3 MAIMUNA MKULOKOTA	MEMBER/PAP	0782-671119
		4 MUSA KATURI	MEMBER/PAP	0752-287738
		5 AMINA HASSAN MANDALI	MEMBER/PAP	0688-691918
3	VIGAENI	1 FATUMA KASIM	MEMBER/PAP	0719856721
		2 SAIDI HALFAN		0686857677
		3 FADHIL M. NDEGE		0714 554386
		4 AMINA KUPWAJA		
		5 OMARI H.MAKOROKO		
		SENI MSUYA		
		HUSSEIN SONGEA		
4	MAJENGO/TANDIKA	1 HAMISI SEPETE		
		JONATHAN MHEGELE	WEO	
		NIKU NASAJIGWA	WCDO	
		2 ASHA CHITE	Member /PAP	
		3 ALLY MZUNGU	MEMBER/PAP	
		4 SIWEMA ADAN	MEMBER/PAP	
		5 ATHUMAN AMRI MAMUMA	MEMBER/PAP	

### 8.3 Steps to be followed for Grievance Redress

The proposed project is within four wards and therefore equivalent number of committees has been established that include the following members:

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 the Councillor of the ward and chairman of the Mtaa also form part of the committee. Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the

grievance is resolved and the PAP is satisfied, a report shall be prepared and copies given to the PAP and local authority leader for records and the case is closed.

- In the event that the PAP is not satisfied, with the assistance of the Mtaa leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the MMMC District Commissioner
- The committee under the Mtwara District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAP may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.

Table 4 below provides details of the procedure that is to be followed for grievance redress in this RAP.

**Table 5: Grievance Redress Process**

<i>Step</i>	<i>Reporting officer/committee</i>	<i>Officer/committee members</i>	<i>Time frame to redress</i>	<i>Grievance redressed</i>	<i>Grievance not redressed</i>
<b>1</b>	PAPs for will submit Grievance to the Grievance committee who will review the complaints and later forward to the ward office and receive an acknowledgement	1. Grievance Committee of ward level	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.	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.	<b>If the grievance is not resolved, go to step 2.</b>
<b>2</b>	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.	1- DC – Chairman, 2. District land office, Municipal valuer, CDO, 3. PAP representative	Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by the MMMC Official	If the grievance is resolved and the PAP is satisfied with GRC decision, a report shall be prepared by MMMC. A copy of report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.	<b>If the grievance is not resolved, go to step 3.</b>
<b>3</b>	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	1- Regional Secretariat 2- District Commissioner 3- MMMC	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	If the grievance is resolved and the PAP is satisfied with RS’s decision, a report of the same	<b>If the grievance is not resolved, the PAP may take the case to appropriate court.</b>

<i>Step</i>	<i>Reporting officer/committee</i>	<i>Officer/committee members</i>	<i>Time frame to redress</i>	<i>Grievance redressed</i>	<i>Grievance not redressed</i>
	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.	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 MMMC. A copy of report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.	
<b>4</b>	<b>PAP takes the case to appropriate court.</b>				



A form to be used for filling the grievances is also indicated below.

**Sample Grievance and Resolution Form**

**Name (Filer of Complaint):** \_\_\_\_\_  
**ID Number:** \_\_\_\_\_ (PAPs ID number)  
**Contact Information:** \_\_\_\_\_ (Ward/Mtaa; mobile phone)  
**Nature of Grievance or Complaint:**

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<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>

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:**

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Issues \_\_\_\_\_

Was agreement reached on the issues? Yes No

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

Signed (Conciliator): \_\_\_\_\_ Signed (Filer): \_\_\_\_\_

Signed: \_\_\_\_\_  
Independent Observer  
Date: \_\_\_\_\_



## CHAPTER 9

### MONITORING AND EVALUATION

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

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

#### 9.1 Monitoring and Reporting

Internal monitoring for RAP implementation will be carried out till all PAPs have received compensation and the MMMC agreed on the maximum time of vacating and this should be done once all PAPs have received their compensation. It is recommended that maximum time of vacating could be after harvesting season of cashew nuts. The Council will keep a record of all progress and prepare regular monitoring resettlement implementation reports that outline the successes and challenges encountered and submit to PO-RALG. To maximize efficiency, the community development office which forms part of the TSCP team will facilitate monitoring and reporting activities and a RAP Specialist (preferably from PO-RALG Office) to provide regular reviews and quality control in addressing provisions of OP 4.12. Data from field surveys will be used as the benchmark for monitoring the progress of 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 PO-RALG to engage a monitoring expert who will review all compensation tallies and ascertain whether compensation was provided correctly for all projects under TSCP. The expert will also assess whether PAPs have regained their prior living standards in terms of income, housing, access to basic amenities, and ownership of land and material assets.

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## **LIST OF ANNEXES**

**Annex 1: List of Stakeholders of the Consulted during preparation of RAP for the Infrastructure Development in the Mtwara Municipal.**

(ATTACHED AS A SEPARATE ANNEX)