

The United Republic of Tanzania Ministry of Water



Water Sector Development Programme

Resettlement Management Framework (RMF)

Revised Version

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ABBREVIATIONS

BWOs	Basin Water Offices
DAWASA	Dar es Salaam Water and Sewerage Authority
DEMC	District Environmental Management Committee
DEMO	District Environmental Management Officer
DWST	District Water and Sanitation Team
ESC	Environmental Safeguard Coordinator
EISs	Environmental Impact Statements
EMA	Environment Management Act
EMC	Environmental Management Committee
EMO	Environmental Management Officer
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
EWURA	Energy and Water Utilities Regulatory Authority
GoT	Government of Tanzania
IAs	Implementing Agencies
LGA	Local Government Authority
MoW	Ministry of Water
NAWAPO	National Water Policy 2002
NEMA	National Environmental Management Act
NEMC	National Environment Management Council
NEP	National Environment Policy
NWSDS	National Water Sector Development Strategy
OP/BP	Operational Bank Policy
PAP	Project Affected People
PCDU	Programme Preparation, Coordination and Delivery Unit
PO-RALG	Prime Minister's Office-Regional Administration and Local Government
RAP	Resettlement/Compensation Action Plan
RMR	Resettlement/Compensation Monitoring Report
RFR	Resettlement/Compensation Final Report
RPA	Resettlement/Compensation Preliminary Assessment
RMF	Resettlement Management Framework
RWSTs	Regional Water and Sanitation Teams
SS	Sewage System
SSC	Social Safeguard Coordinator
SWAp	Sector-Wide Approach to Planning
SRWSP	Sustainable Rural Water Supply Project
TSPs	Technical Service Providers
UWSAs	Urban Water and Sewerage Authorities
UWSSP	Urban Water Supply and Sewerage Programme
VEMO	Village Environmental Management Officer
WRM	Water Resources Management
WRMP	Water Resources Management Programme
WSDP II	Second Water Sector Development Programme
WSS	Water Supply System
WSSAs	Water Supply and Sanitation Authorities
WSSP II	Second Water Sector Support Project

EXECUTIVE SUMMARY

The Government of Tanzania (GoT), through the Ministry of Water (MoW) is implementing the Water Sector Development Programme (WSDP) or “the Programme”, for the period 2006–2025. The first phase of the programme (WSDP-I) started in July 2007 and the Additional Financing closed at the end of December 2015. The second phase of the Programme (WSDP-II) is being implemented since July, 2016 until June, 2021. The WSDP I and II were set up as a SWAP arrangement with a number of DP’s providing financing support in the form of basket financing modality.

The Government of Tanzania in collaboration with development partners has continued to support the implementation of WSDP II. The World Bank is financing the programme through the Water Sector Support Project Phase Two (WSSP II) and Sustainable Rural Water Supply and Sanitation Programme (SRWSP). There have been other credible support from DP’s in financing the implementation of Programme in order to meet targeted objectives of the National Development Vision (2025) and the Sustainable Development Goal by 2030.

The overall objective of the **Resettlement Management Framework (RMF)** for WSDP II, is to guide MoW and the Implementing Agencies (IA’s) in the compliance of the national laws and the International safeguard standards. The national laws governing resettlement and land acquisition issues are defined in the Land acquisition Act No. 47 of 1967 with its regulations. The RMF adheres to the new World Bank Environmental and Social Frameworks on resettlement as defined in the Environmental and Social Standard (ESS 5), also it adheres to the IFC Performance Standards. The framework provide guideline on resettlement issues in all projects implemented under WSDP by defining concepts, principles, methodologies, tools, and procedures that should be applied during the “Project cycle”.

The document is organized into six (6) chapters and Annexes, where the first four chapters include secondary information, which is the base of the resettlement/compensation management; and the others chapters include specific information about the concepts, principles, methodologies, tools, procedures and responsibilities for the resettlement/compensation management of the project.

CHAPTER ONE

1. INTRODUCTION

The Government of Tanzania (GoT), through the Ministry of Water (MoW) is implementing the Water Sector Development Programme (WSDP) or “the Programme”, for the period 2006–2025. The first phase of the programme (WSDP-I) started in July 2007 and the Additional Financing closed at the end of December 2015. The second phase of the Programme (WSDP-II) is being implemented since July, 2016 until June, 2021. The WSDP I and II were set up as a SWAP arrangement with a number of DP’s providing financing support in the form of basket financing modality.

The Government of Tanzania in collaboration with development partners has continued to support the implementation of WSDP II. The World Bank is financing the programme through the Water Sector Support Project Phase Two (WSSP II) and Sustainable Rural Water Supply and Sanitation Programme (SRWSP). There have been other credible support from DP’s in financing the implementation of Programme in order to meet targeted objectives of the National Development Vision (2025) and the Sustainable Development Goal by 2030.

This revised version of the **Resettlement Management Framework (RMF)**¹ has been prepared considering the Tanzanian’s law and the World Bank Environmental and Social Framework. The purpose of this review was to incorporate all relevant changes according to World Bank Safeguard Policies and the current sector reforms as well as the formation of new DAWASA.

This instrument will be used as a Safeguard Framework for implementation of WSDP II, Water Sector Support Project (WSSP) II, Sustainable Rural Water Supply Project (SRWSP) and any other project which will be implemented under the water sector.

1.1 Objective

The purpose of the RMF is to establish resettlement and compensation principles, organizational arrangements, and design criteria to be applied by the Implementing Agencies (IAs) of the WSDP projects, to ensure that project affected people (PAPs) are meaningfully consulted, have participated in the planning process, and are adequately compensated to ensure that their livelihood is restored or improved and that the process has been fair and transparent.

¹The previous Framework developed for the WSDP I was called Resettlement Policy Framework (RPF), but for this version MoW suggested to call “Resettlement Management Framework (RMF)”.

Among others, the specific objectives of the RMF are to:

- Describe the legal and institutional framework and analyse the gaps between the national law and the World Bank Environmental and Social Frameworks (ESS 5) in order to identify requirements and measures to bridge any gaps between the national laws and international standards;
- Present the main principles, scope, and concepts governing resettlement/compensation issues;
- Design internal tools for the resettlement/compensation management;
- Describe the process for preparing and approving resettlement/compensations plans;
- Identify methods of valuing affected assets;
- Describe grievance redress mechanisms;
- Describe arrangements for funding resettlement and compensation, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- Describe mechanisms for consultations and participation of displaced persons in planning, implementation, and monitoring; and
- Make arrangements for monitoring by the implementing agency and, if required, by independent monitoring agency.

1.2 Rationale for the RMF

This RMF has been prepared to guide all project investments implemented under WSDP. The purpose of this RMF is to establish the mechanisms, procedures and principles for compensation and livelihood restoration for all potentially affected people under the sub-projects and guide the preparation of the RAPs for individual investments and that are not known at the time of appraisal.

Each sub-project investment which might require physical and/or economic resettlement, the number of PAPs will be established through the census which will be undertaken as part of the preparation of the investment specific RAP.

1.3 Scope

This instrument should be applied specially in Component 1, 2 and 3 of the Programme, by the IAs through the Safeguard Coordinator of Implementing Agencies or Environmental and Social Management Units. Other actors involved in the project cycle including the Environmental and Social Safeguards Section of the Ministry of Water, consultants and contractors can use this instrument.

The document is organised into 6 chapters: **Chapter One** provides the introduction, objectives, rationale and scope of the RMF; **Chapter Two** provides Legal and Institutional Framework and Bank's Resettlement Policy; **Chapter Three** provides Principles, concepts and impacts; **Chapter Four** provides the Tools, Instruments and Methodologies; **Chapter Five** provides the Resettlement/Compensation main issues; **Chapter Six** provides the Resettlement/Compensation Management in the project cycle (preliminary assessment, assessment, agreement, construction and operation).

Additionally, the RMF includes Annexes to support resettlement/compensation management during implementation of the water projects, especially with regard of the main resettlement/compensation legislation, World Bank Involuntary Resettlement policy, templates, Guidelines to prepare a Resettlement/Compensation Action Plan (RAP), market values for perennial crops and Grievance Redress Mechanism.

1.4 Projects Description

Sustainable Rural Water Supply Project (SRWSP)

The proposed Sustainable Rural Water Supply and Sanitation Program (SRWS) will support the Government in implementing the Water Sector Development Program II (WSDP II) and help achieve the targets under the program by focusing on one of its subsets, consisting of rural water supply and sanitation services. The SRWS specifically targets WSDP II components 2 (rural water supply), 4 (sanitation and hygiene) and 5 (program delivery support) in a geographic area which covers 17 Regions and 86 Districts which have been selected against the criteria of low access to water supply and sanitation, high stunting rates, and high poverty rates.

The SRWSP is a hybrid operation that consists of two parts:

Part I comprise of a Payment for Results (PforR), financing instrument which provides performance-based incentives to achieve results measured against disbursement-linked indicators (DLIs) that have been agreed with the GoT; and

Part II include Investment Project Financing (IPF, "Project") to support the GoT to achieve the SRWS Operation results.

Water Sector Support Project (WSSP) II

The project will contribute to the country's effort to address critical water dependent development challenges and deteriorating natural resource base building on results achieved under WSDP I. The project will contribute to improve the knowledge base and management tools by modernizing system operations in critical basins, implement watershed management investments on sustainable land and water management practices in hotspot areas of Wami-Ruvu basin towards reducing the water security challenges the basin. To address the above mentioned areas and achieve its development objectives, the project will finance the following four components. Component 1: Integrated WRM; Component 2: Dar es Salaam water supply improvement; Component 3: Dar es Salaam sanitation improvement; and Component 4: Project Management and Implementation Support.

CHAPTER TWO

2. LEGAL AND INSTITUTIONAL FRAMEWORKS AND BANK'S RESETTLEMENT POLICY

2.1 Legal and institutional frameworks

Land in Tanzania is owned by the state, and ownership is vested with the President as trustee. Ownership is categorized as follows:-

- General/public land: include land that socio-economic activities are permitted, and reserved/restricted lands for national parks. Only about 20 percent of potentially arable land is actually cultivated. Communities and individuals are not permitted to use reserved or restricted land for economic activities. The President or the Minister responsible for conservation of natural resources has the authority to designate land as protected.
- Village land: tenure rights to land in the first category can be held by individuals and by communities. Village communities are allowed to hold land and to manage it, although they do not formally own the land. Individuals can hold land in two ways: through a leasehold right of occupancy for varying periods, for example 33, 66, 99 years, or by customary lands, that is, in usufruct in perpetuity.
- Protected areas and forest/wildlife reserves of which about 25 percent of Tanzania falls into this category and by international standards, this is a high proportion of land under restriction.

The Land Act No. 4 (1999) and the Village Land Act No. 5 (1999) define tenure rights. The main objective of the Land Act is to protect the majority of citizens of Tanzania who have acquired land from either inheritance or village council allocation or clearing bush. The Village Land Act provides for village land to be administered and managed by local communities. Land that is not village land can be allocated by the state to users under specified tenure regimes.

In addition, Land Use Planning Act, No. 6 of 2007 provides for procedures for the preparation, administration and enforcement of land use plan. All land use plans prepared by relevant authorities under the Act shall be relevant at each level.

It is important to mention also **section 15 and 16 of the Village Land Act No. 5 of 1999**, section 15 refers to an allocation of land made to a person or group of persons residing in or required to move to and reside in a village at any time between the first day of January 1970 and the thirty first day of December 1977, and is also about the granted right of occupancy, section 16 provides that for avoidance of doubt and in order to facilitate security of tenure and contribute to the development of village land, the provision of section 15, other than subsection (2) and (3), shall apply to any and every allocation of village land made by village council or by any another authority on and after the first day of January 1978 until the date of the commencement of this Act.

Eligibility of Compensation:

According to the Land Acquisition Act no. 43 of 1967, the Land Act No.4 of 1999 and EMA No. 20 of 2004 Section 160 people who are eligible to be paid compensation include:

- i. The holder of the granted right of a right of occupancy, which is compulsorily acquired by the President for public purposes. So, where the President acquires a piece of land that was granted to an occupier in order to build a road or a school or other public

structure, compensation must be paid to the one who was occupying it through a right of occupancy.

- ii. The holder of a granted right of occupancy which has been revoked;
- iii. The holder of a granted customary right of occupancy in respect of land which is declared to be hazardous land; and
- iv. The occupier of land in any peri-urban area where the President acquires such land. Peri-urban areas are neither urban nor rural and in most cases most developments have been established before the areas were planned. Later when planning is undertaken, including the building of roads or water supply, it may touch upon land that is already occupied and developed.

The Land (Compensation Claims) Regulations, 2001 provides further that any person occupying land is eligible to apply for claim for compensation. This recognises that when deciding as to who is eligible to get compensation it must be borne in mind that there are people who may not have the title to a piece of land but have acquired interests and rights over that piece of land because of the following reasons: (i) A person has occupied land which legally belongs to another person for more than twelve years under the Law of Limitation Act, 1971 acquires all the rights over that piece of land, and therefore also has the right to compensation; and (ii) People who built structures along an informal road, within what may later be regarded as road reserve, and this road is later upgraded to a main road, are also entitled to compensations.

The adjudication function on village lands is assigned to the village government. The village government has administrative control over village land and acts as a liaison between the government and village residents. Within villages, various committees of the village government control land use.

Taxation is the prerogative of local authorities. Villagers hold rights of occupancy and use for an indefinite (that is, unlimited) period. Village lands do not have to be titled for rights of users and occupants to be recognized and are not subject to rental payments.

A summary of each legal instrument is presented in the [Annex 1](#).

2.2 World Bank Land Acquisition, Restriction on Land Use and Involuntary Resettlement

The Bank's Environmental and Social Standard on resettlements (ESS 5) is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The ESS 5 prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments.

In regards of the WSDP-II, the Implementing Agencies (IAs) will make dedicated efforts to avoid impacts on people, land and property, including people's access to natural and other economic resources. Nevertheless, land appropriation, compensation, and resettlement of residents seem inevitable for certain types of projects in certain areas. This social issue is of crucial concern to the GoT and the World Bank, because its impact on poverty, if left unmitigated, is negative, immediate, and widespread.

The resettlement policy applies to all displaced persons, regardless of the total number affected, the severity of the impact, or whether or not they have legal title to the land. Particular attention should be given to the needs of vulnerable groups among those displaced. Where there is a conflict between the laws of Tanzania and the Bank's ESS 5, the latter must take precedence if the Bank is to fund the project.

2.3 Gap Analysis between National Law and the Bank's Policy

In Tanzania, land tenure systems are wide and varied, and entitlements for payment of compensation are essentially based on the rights of ownership as allowed and defined by statute or customary law. The Bank's ESS5 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date. As a result, all land to be acquired or used by the developer under these projects would be acquired or used subject to the laws of Tanzania as well as ESS5. Where there is a conflict, ESS5 will take precedence in the WSSP-II and SRWSP.

Table. 1 presents a gap analysis in a matrix format between the requirements under Tanzania law and the Bank's ESF-ESS5.

Table 2.1: Comparison of Tanzanian Laws and World Bank Safeguard ESF-ESS5

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
Land owners	<p>The Land Acquisition Act, No. 47 of 1967; the Land Act, No. 4 of 1999; and the Village Land Act, No. 5 of 1999 state clearly that land owners, with or without formal legal rights, are entitled to full, fair, and prompt compensation. They also get a disturbance allowance, transport allowance, accommodation allowance, and loss of profit if they were in actual occupation of the appropriated property.</p> <p>Lost assets are limited to "unexhausted improvements," that is, the land and developments on the land.</p> <p>The law does not cover economic and social impacts of relocation, and as such socio-economic surveys are not part of the land appropriation process.</p>	<p>Displaced persons are classified into three groups:</p> <p>(i) Those who have formal legal rights including customary and traditional rights;</p> <p>(ii) Those who do not have formal legal rights to the land, but have a claim to such land or assets provided that such claims are recognized under the law of the country; and (iii) Those who have no legal rights they are occupying.</p> <p>Landowners under cat. (i) & (ii) are among the PAP entitled to full, fair, and prompt compensation as well as other relocation assistance.</p> <p>Socio-economic impacts to PAPs are taken into consideration during RAP preparation.</p>	<p>There is no gap between Tanzania law and ESF-SS5 as far as those with formal legal rights and those without formal legal rights are concerned.</p> <p>However, the lost assets in Tanzania are restricted to land and developments on land, and, where relevant, loss of profits. The lost assets under ESF-SS5 are much broader than land and include loss of access to livelihoods and standard of living and the policy seeks to improve them or at least to restore them to pre- displacement levels.</p>
Land tenants/squatters	<p>The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process.</p>	<p>Renters and tenants of residential properties are eligible for relocation assistance. Renters of businesses are also eligible for relocation and other assistance. In addition, compensation for the loss of income during transition.</p>	<p>ESF-SS5 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights and does not include tenants.</p>
	<p>Squatters may be paid compensation on the whim of the government. In addition, those occupying land for over certain amount of time are entitled to compensation. In some cases, however, they are not paid.</p>	<p>Land users within legal rights to that land, including squatters fit in category (iii) above and are provided resettlement assistance as well as other relocation assistance in lieu of compensation for the land they occupy.</p>	<p>ESF-SS5 includes those occupying land without legal title to that land among the PAP entitled to resettlement assistance as well as other assistance in lieu of the land they occupy. Under Tanzanian law such people are not entitled to any</p>

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
			assistance.
Land users	Not entitled to compensation for land, entitled to compensation for crops and sometime provided with other land of equal size and quality	ESF-ESS5 includes displaced persons who have no recognizable legal right or claim to the land they are occupying.	
Owners of no permanent buildings Owners of permanent buildings	Tanzanian law makes no differentiation between owners of permanent and no permanent buildings. As long as ownership can be proved, compensation is payable. Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAP do not get the full replacement cost of lost assets.	Under ESF-SS5, permanent and no permanent buildings need to be compensated for. However, the displaced persons have no recognizable legal rights to land, they are to be provided with resettlement and other assistance in lieu of compensation for the land they occupy plus compensation for assets. Cash compensation levels should be sufficient to replace lost land and other assets at full replacement cost in local markets.	The gap between Tanzania law and ESF-SS5 is about eligibility and hinges upon formal/informal ownership. While in Tanzania compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, ESF-SS5 requires that compensation should be sufficient to replace lost land and other assets at full replacement cost.
Timing of compensation payments	Tanzanian law requires that compensation be full, fair, and prompt. Prompt means it should be paid within six months, failure to do so incurs an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the appropriated land does not have to be paid before taking possession, but in current practice, it is usually paid before existing occupiers are displaced.	ESF-SS5 displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project. Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced person(s).	In terms of timing, both Tanzanian laws and ESF-SS5 require that compensation be paid promptly. This, however, in Tanzania rarely happens in practice, as can be seen in many projects that have involved large-scale land appropriation. Furthermore, WB-ESF is more stringent than Tanzanian law in that it requires that compensation (and where applicable allowance) be paid prior to the taking of land and related assets.

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
Calculation of compensation and valuation	<p>According to the 2001 Land Assessment of the Value of Land for Compensation Regulations as well as the 2001 Village Land Regulations, compensation for loss of any interest in land shall include the value of unexhausted improvements, a disturbance allowance, transport allowance, accommodation allowance, and loss of profits. The basis for assessment of any land and unexhausted improvement for purposes of compensation is the market value of such land. The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties, or use of the income approach, or the replacement cost method if the property is of special nature and not saleable. In practice, for land, an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used.</p>	<p>ESF-SS5 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project. The replacement cost method is used to determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be considered when applying this method. For losses that cannot easily be valued or compensated in monetary terms (example, access to public services, customers and suppliers, or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</p>	<p>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance and accommodation allowance and loss of profits where applicable. Since depreciation is applied under Tanzanian laws, the amount paid in most cases does not amount to that required to replace the lost assets. Furthermore, other types of assets (besides land and its developments) are not considered i.e. access to public services, customers and suppliers, or to fishing, grazing, or forest areas.</p>
Relocation and resettlement	<p>Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general, however, the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to resettle and re-establish</p>	<p>ESF-SS5 stipulates that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as a moving allowance) during relocation and (ii) provided with residential housing, or housing sites, or, as required, agricultural</p>	<p>Tanzanian law provides for a transport allowance for 3 tons of luggage for up to 20 kilometers from the appropriated land, provided the displaced person was living on that land. In lieu of housing, an accommodation allowance is made</p>

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
	themselves elsewhere.	sites for which a combination of productive potential, location advantages, and other factors are at least equivalent to the advantages lost.	in the form of rent for 36 months at rates available within 20 kms from the appropriated land. Occasionally, in a discretionary manner, alternative land is awarded instead of cash.
Completion of resettlement and compensation	Under the law, the government can take possession of the appropriated land at the end of the notice to acquire period, before paying compensation. However, current practice is that possession usually occurs after payment of compensation (including 36months house rent), with displaced persons given time to vacate the land, which is usually as soon as possible.	ESF-SS5 stipulates that it is necessary to ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking possession of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and a moving allowance have been provided to the displaced persons.	The 1967 Land Acquisition Act.No.47 allows the government to appropriate the land before paying compensation which is not consistent with ESF-SS5. Current practice endeavours to pay compensation before taking possession of the land.
Livelihood restoration and assistance	There are no legal provisions requiring the government to restore livelihood or to provide assistance toward the restoration of such livelihoods. Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities. Moreover, there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples.	ESF-SS5 requires that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living and (ii) are provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, and training or job opportunities.	There are no transitional measures provided under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation.

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
Consultation and disclosure	<p>There are few provisions related to consultation/disclosure in Tanzanian law. The notice, under the 1967 Land Acquisition Act, informs landowners about the president's need to appropriate their land and their right to object. The 1999 Land Act allows displaced persons to fill in forms requiring that their land be valued and state their opinion as to what their assets are worth.</p> <p>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</p>	<p>ESF-SS5 requires that displaced persons are (i) informed about their options and rights pertaining to resettlement and (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.</p>	<p>The provisions in ESF-SS5 requiring consultation and disclosure have no equivalent in Tanzanian law and practice.</p>
Grievance mechanism and dispute resolution	<p>Under S. 13 of the 1967 Land Acquisition Act, if dispute or disagreement regarding any of the matters listed below is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose, the minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.</p> <ul style="list-style-type: none"> (i) The amount of compensation; (ii) The right to appropriate the land; (iii) The identity of persons entitled to compensation; (iv) The application of section 12 to the land; or (v) Any right privilege or liability conferred or 	<p>ESF-SS5 requires that displaced persons, their communities, and any host communities receiving them are provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for these groups.</p>	<p>The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</p>

Types of affected /lost assets	Tanzanian law	World Bank ESF-ESS5	Comparison/gaps
	<p>imposed by this act. In practice, the government tries to resolve grievances through public meetings of the affected persons.</p>		

CHAPTER THREE

3. RESETTLEMENT PRINCIPLES AND IMPACTS

The ESF-SS5 is triggered for all projects under WSDP II, WSSP II and SRWSP and may be applied voluntarily to all WSDP II projects that require land to be appropriated for project use, and people may be affected because they are cultivating, own buildings, access water and have grazing areas for their animals, or they may otherwise access the land economically, spiritually, or in another way that may no longer be possible during or after project implementation.

3.1 Principles

The project under WSDP II, WSSP-II and SRWSP should avoid or minimize the disturbance and displacement of human populations. Where such disturbance is unavoidable, this negative impact on the people should be minimized through judicious routing or siting of project facilities. In this regard, the purpose of this RMF is to ensure that people who are physically or economically displaced as a result of a project construction will not be worse off - and preferably, better off - than they were before the project was undertaken.

The main principles that should be taken into account whenever land is likely to be needed (either permanently or temporarily), for the implementation of the projects (and whenever the projects may lead to restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods) are the following:-

- (i) Involuntary resettlement and land appropriation should be avoided where feasible, or minimized, and all viable alternatives explored;
- (ii) Where involuntary resettlement and land appropriation are unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons economically and/or physically displaced by the project the opportunity to share in project benefits.
- (iii) Voluntary resettlement may take place where communities are willing to give up their land as community contribution to the project. Voluntary resettlement includes the Linear resettlement where the pipeline will be placed and land appropriation are unavoidable, resettlement and compensation activities should involve the PAPs properly consulted, sensitized and advocacy followed by the land acquisition protocols which will be exercised by involving legal officer and village leaders to sign the contract of offering the land voluntarily for the implementation of such project. (Voluntary land acquisition protocol annexes A-B is attached);
- (iv) Economically and physically displaced people should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement/compensation plans; and
- (v) Displaced (economically or physically) persons should be compensated for loss and assisted in their efforts to improve, or at least restore, their livelihoods and standards of living, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

3.2 Involuntary Resettlement

Resettlement is involuntary when it occurs without the informed consent of the displaced persons or, if they give their consent, without having the power to refuse resettlement. People occupying or otherwise dependent on that land for their livelihoods may be offered fair compensation for their losses, it being noted however that preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.

3.2.1 Types of involuntary resettlement

a. Physical displacement: Is the actual physical relocation of people resulting in a loss of shelter, productive assets, or access to productive assets (such as land, water, and forests).

b. Economic displacement: Results from an action that interrupts or eliminates people's access to productive assets without physically relocating the people themselves.

The safeguard policy ESF-SS5 (Involuntary Resettlement) and this RMF, applies in either situation.

While land acquisition does not necessarily require the moving of people occupying or using the land, it may have an effect on the living standards of people who depend on resources located in, on, or around that land. For example, a farming family may lose a portion of its land to a project without having to vacate its homestead. Nevertheless, the loss of even a portion of its land may reduce the overall productivity of that farm. Alternatively, land acquisition may restrict a community's access to commonly held resources such as rangeland and pasture, non-timber forest resources (such as medicinal plants or construction and craft materials), woodlots for timber and fuelwood, or fishing grounds.

3.2.2 Classification of involuntary resettlement

Common classification of involuntary resettlement and the issues associated with them include: -

a. Rural resettlement: Displacement of people in rural areas typically results from a project's acquisition of farm land, pasture, or grazing land or the obstruction of access to natural resources on which affected populations rely for livelihoods (for example, forest products, wildlife, and fisheries). Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources (including for women and vulnerable groups); and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled.

b. Urban resettlement: Resettlement in urban or peri-urban settings typically results in both physical and economic displacement affecting housing, employment, and enterprises. A major challenge associated with urban resettlement involves restoration of wage-based or enterprise-based livelihoods that are often tied to location (such as proximity to jobs, customers, and markets). Resettlement sites should be selected to maintain the proximity of affected people to established sources of employment and income and to maintain neighborhood networks. In some cases, the mobility of urban populations and the consequent weakening of social safety networks that are characteristic of rural communities require that resettlement planners be especially

attentive to the needs of vulnerable groups.

c. Linear resettlement: Linear resettlement describes projects having linear patterns of land acquisition (pipelines in the case of water and sewage projects). In sparsely populated rural areas, a linear project may have minimal impact on any single landholder. Compensation is characterized by a large number of small payments for the temporary loss of assets such as standing crops. If well designed, linear projects can easily avoid or minimize the demolition of permanent structures. Conversely, in a densely populated urban area, a linear project such as a main water pipeline may require the demolition of structures along the project right-of-way, thereby significantly affecting large numbers of people. Linear resettlement contrasts with site-specific resettlement because of the problems that frequently arise when resettlement actions have to be coordinated across multiple administrative jurisdictions and/or different cultural and linguistic areas.

d. Site-specific resettlement: Site-specific resettlement is associated with discrete, non-linear projects such as reservoir, well fields, Dam, etc, where land acquisition encompasses a fixed area. Communities threatened with displacement at some future date often prefer to remain in place until resettlement is absolutely necessary. The major challenge in such incremental resettlement is maintaining a consistent approach to compensation and income restoration over the life of the project. In the event that the WSDP were to consider investment in a project with such potentially large and controversial effects, the Ministry and the IA's would require that project to support development initiatives to re-establish the affected people in significantly improved social and economic conditions.

3.3 Project Affected People

Project affected people or households (PAPs), refers to people directly affected, socially and/or economically, by a project construction, as a result of: (i) The appropriation of land and other assets causing relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood, whether or not of the affected person; and persons must move to another location; and (ii) The restriction or denial of access to legally designated areas that result in adverse impacts on the livelihood of the economically or physically displaced persons.

3.3.1 Type of Project Affected People (PAPs)

The estimated number of people who may be affected will not be possible to be identified until the exact project location sites are determined, since the technical details (feasibility study) of the projects have not yet been developed and are unknown. However, the likely displaced (economically or physically) persons can be categorized into five groups: (i) individuals; (ii) households; (iii) vulnerable groups or people; (iv) local community; and (v) institutions.

a. Individual affectation: This type of affectation refers to an individual who suffers loss of assets or investments, land, property, or access to natural and/or economical resources as a result of the activities and to whom compensation is due. For example, an affected individual is a person whose farms or works and lives on a farm, a pastoralist whose routes have been altered, or a person who has built a structure on land that is now required by the developer. This will include affected individuals who have economic activity, rights of way, and other servitudes on road reserves and on customary land.

- b. Household affectation:** A household is affected if one or more of its members is affected by the project activities, either by (i) loss of land or access to land resulting in (a) relocation or loss of shelter; (b) loss of assets or access to assets; or (c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or by (ii) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on that person's livelihood. This may include:
- Any members in the households (men, women, children, dependent relatives);
 - Individuals who may be too old or ill to farm along with the others;
 - Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
 - Members of households who may not eat together, but provide housekeeping or reproductive services critical to family maintenance; and
 - Other vulnerable people who are dependent members of the household but cannot participate for physical or cultural reasons in production, consumption, or co-residence.
- c. Vulnerable groups of people:** In Tanzania, vulnerable households may have different land needs from other households or needs unrelated to the amount of land available to them. They may already be undergoing some form of rehabilitation including training to acquire vocational skills in purpose-built centers and/or other forms of special care.

Vulnerable people include those that may be living below the food poverty line, lack access to basic social services (including those that are geographically isolated), and are not integrated with society at large and its institutions due to physical, social, or cultural factors. Vulnerable people also include:

- **Unmarried women:** These women may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom he or she is linked to in dependency as part of the household, resettlement will never sever this link.
- **Elderly:** Elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce, because by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from relatives, friends, and neighbours. Losing land will affect their economic viability.
- **People living with HIV/AIDS:** Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government, international organizations, and NGOs.
- **Orphans:** Due to the impacts of the HIV/AIDS crisis that plagues Tanzania, there are a considerable number of orphaned children whose parents have died from AIDS. These children today fall into three categories of care: (i) those being looked after by an uncle, aunt, grandparents, or other close relative; (ii) those being looked after by the government, local authorities, or NGOs; and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often "voiceless"; they have no parents to defend or stand up for them and they are considered too young to be heard. Orphaned children engage in

any form of economic activity to provide for themselves and their siblings, including selling paraffin or water, artisanal mining, and exploitative employment, among others.

- **Exploited children:** Despite Tanzanian law and the International Labour Organization (ILO) prohibiting the exploitation of children, it is a reality that street children are either in paid employment or are on the streets in some areas in Tanzania. They tend to live in close proximity to large towns and cities.
- **Street children:** Should they become impacted by the subproject in a way that means they have to be physically relocated; their compensation cannot be in cash. They would have to be put in a United Nations Children’s Fund (UNICEF) program or registered with one of the many children's charities operating in Tanzania. Their compensation would take the form of paying for their rehabilitation and vocational training.
- **Female-headed households:** These households may depend on husbands, sons, brothers, or others for support. However, there are also cases where women are the main breadwinner in their household even when the men have remained with the family. Women need relatively easy access to health service facilities. This includes situations where the land being appropriated is used by a woman with no formal rights to it or where a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from these sources of support because the very survival of their households may depend on them. Their compensation must consider all these factors.
- **Small-scale women farmers:** These women farmers are vulnerable because they may not have men available within the household to carry out male-specific land preparation tasks such as ringing trees or clearing or plugging land. Either male relative in other households help them voluntarily, or they hire men and pay by cash, beer (locally brewed), or food. Land compensation specifically includes the labour costs for preparing new land, so this expense is covered for women farmers.
- **Non-farming women:** These women earn income from other sources and/or depend on relatives for exchanges of staple foods. Because they do not farm they will not be affected by a subproject’s need for agricultural land. However, if a building owned by a woman lies on land needed by a subproject, they will receive replacement cost compensation, and female vendors that are displaced will also have to be compensated for loss of revenue (see the entitlement matrix in table No. 2). If someone on whom they depend is displaced/resettled, the displaced/resettled person can name them as part of the household.

These groups are identified as particularly vulnerable to ensure that they are included in the socio-economic and baseline study so that: (i) they are individually consulted and given the opportunity to participate in the project activities; (ii) their resettlement/compensation are designed to improve their pre-project livelihood; (iii) they receive special attention to ensure that their pre-project livelihood is indeed improved upon; (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project; and (v) decisions concerning them are made in the shortest possible time.

To identify if such groups are present in the project area a social assessment must be undertaken as part of the ESIA for the project. If the ESIA confirms the presence of vulnerable groups, a Vulnerable Group Plan (VGP) should be developed in order to propose measures to ensure that: (i) such groups have been involved in a process of free, prior and informed consultation leading to broad community support for the project; (ii) any adverse impacts on such groups are mitigated; (iii) the groups obtain culturally appropriate as well as specific to their needs from the project; (iv) there is a process for grievance redress; and, (v) the project includes monitoring and evaluation to assess the project's impacts on and benefits for vulnerable groups. Information should be gathered from group meetings, one with a general assembly of affected vulnerable groups in the area and one with vulnerable women, especially those who live along the zone of influence of the project area.

If displacement cannot be avoided, the proposed mitigation measures should ensure that social and economic benefits these vulnerable groups receive are in harmony with their preferences. The focus should be on resource-based, non-cash measures that are developed through an extensive public participation and consultation to mitigate adverse impacts on such communities. The assistance should also include institutional strengthening and capacity building of tribal elders, and community groups working on resettlement activities.

The community participation and consultation framework and grievance redress mechanism should be accessible to the vulnerable people and be developed in appropriate ways familiar to the vulnerable groups. They should be developed with the vulnerable groups in close collaboration with local officials. Wherever possible, staff with vulnerable group background and experience should be hired as part of the social impact assessment team as well as the monitoring team.

The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected VGs' communities.

- d. **Affected local community:** A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example, project activities could lead into loss of welfare or cultural erosion etc. In addition, the investments under WSDP II can cause breakdown of communities and social networks due to physical separation as a result of the investment specific infrastructures if not mitigated.

e. Institution affectation

This is one of the affected categories which comprise both the owner of the institution and the beneficiaries. The institutions such as schools (owner, students, workers), hospitals (owner, patients, workers), masjid (owners, worshipers, workers) and church (owners, worshipers, workers). The affectation refers to loss of assets or investments, land, property, or access to natural resources as a result of the project and to whom compensation is due.

The categories given above may not cover all types of affected persons. In addition, the categories are not mutually exclusive. The investment activities should have well prepared and comprehensive RAPs that would be specific and comprehensive enough, listing all affected groups and people and the impacts.

3.3.2 Legal status of the PAPs: Eligibility

The World Bank safeguard policy on Involuntary Resettlement (ESF-SS5) identifies the following three categories of affected people:

- (i) Those who have formal rights to land (including customary/village land, traditional, and religious rights recognized under Tanzanian law);
- (ii) Those who do not have formal legal rights to land at the time the census begins, but have a claim to such land or assets, provided that such claims are recognized under the national and local laws or become recognized through a process identified in the resettlement plan; and
- (iii) Those who have no recognizable legal right or claim to the land they are occupying, using, or obtaining their livelihood from.

The WSDP, WSSP-II and SRWSP will adhere to this as follows; people described under (i) and (ii) are to be compensated for the land they lose and provided other assistance in accordance with ESF-SS5. People described under (iii) are to be provided with resettlement and other assistance in lieu of compensation for the land they occupy, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date that is acceptable to the Bank and established by the local traditional leaders in close consultation with the potential PAP, local community leaders, and respective village and district administration. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are to be compensated for loss of assets other than land.

Therefore, it is clear that all PAPs, irrespective of their status or whether they have formal titles or legal rights or are squatters or otherwise encroaching on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the date of the socioeconomic study (census) are not eligible for compensation or any form of resettlement assistance.

Table 3.1: Entitlement Matrix for Various Categories of PAP

Land and Assets	Types of Impact	PAP	Compensation
LAND			
Agricultural Land	–Less than 20% of land holding affected	Land Owner	–Cash compensation for affected land equivalent to replacement value
	–Land remains economically viable.	Tenant/ lease holder	–Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.
Agricultural Land	–More than 20% of land holding lost OR –Less than 20% of land holding lost but remaining land not economically viable	Land Owner	–Land for land replacement where feasible, or compensation in cash for the entire landholding (PAP's choice), based on the replacement value, taking into consideration the market price. –Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. –Relocation assistance (costs of shifting and assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature) –Relocation assistance (costs of shifting + assistance in re-establishing economic trees and allowance up to a maximum of 12 months while short-term crops mature).
		Tenant/ Lease holder	–Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater. –Relocation assistance (costs of shifting + assistance in re-establishing economic trees and allowance up to a maximum of 12 months while short-term crops mature).

Land and Assets	Types of Impact	PAP	Compensation
		Non-title-holder (e.g. Pastoralists)	–Grazing area replacement to land of sufficient carrying capacity to sustain herd size, with support infrastructure. Secure tenure status at an available location, which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.
Commercial Land	–Land used for business partially affected	Title holder/ business owner	–Cash compensation for affected land. –Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	–Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
Commercial Land	–Assets used for business severely affected –If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	–Land for land replacement or compensation in cash according to PAP’s choice, which should be equal to replacement value, taking into consideration the market value of the commercial land. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. –Transfer of the land to the PAP shall be free of taxes, registration, and other costs. –Relocation assistance (costs of shifting and allowance). –Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
		Business person is lease holder	–Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. –Relocation assistance (costs of shifting).
Residential Land	–Land used for residence partially affected (less than	Title holder	–Cash compensation for affected land based on the replacement cost, taking into consideration the market value.

Land and Assets	Types of Impact	PAP	Compensation
	20% of the total land –Remaining land viable for present use.	Rental/lease holder	–Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal).
	–Land and assets used for residence severely affected –Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Title holder	–Land for land replacement or compensation in cash according to PAP’s choice, which should be equal to replacement value, taking into consideration the market value of the commercial land. –Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. –When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. –Transfer of the land to the PAP shall be free of taxes, registration, and other costs. –Relocation assistance (costs of shifting and allowance).
Residential Land	–Land and assets used for residence severely affected –Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	–Refund of any lease/ rental fees paid for time/ use after date of removal. –Cash compensation equivalent to 3 months of lease/ rental fee. –Assistance in rental/ lease of alternative land/ property. –Relocation assistance (costs of shifting and allowance)
ASSETS AND IMPROVEMENTS			

Land and Assets	Types of Impact	PAP	Compensation
Buildings and structures	<ul style="list-style-type: none"> -Structures are partially affected -Remaining structures viable for continued use 	Owner	<ul style="list-style-type: none"> -Cash compensation for affected building and other fixed assets, which should be equal to replacement value, taking into consideration the market value of the commercial land. -Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	<ul style="list-style-type: none"> -Cash compensation for affected assets (verifiable improvements to the property by the tenant). -Disturbance compensation equivalent to two months rental costs.
	<ul style="list-style-type: none"> -Entire structures are affected or partially affected -Remaining structures not suitable for continued use 	Owner	<ul style="list-style-type: none"> -Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. -Right to salvage materials without deduction from compensation. -Relocation assistance (costs of shifting and allowance). -Rehabilitation assistance if required (assistance with job placement, skills training).
		Rental/lease holder	<ul style="list-style-type: none"> -Cash compensation for affected assets (verifiable improvements to the property by the tenant). -Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). -Assistance to help find alternative rental arrangements. -Rehabilitation assistance if required (assistance with job placement, skills training).
		Squatter/informal dweller (including on road reserves)	<ul style="list-style-type: none"> -Cash compensation for affected structure without depreciation. -Right to salvage materials without deduction from compensation. -Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. -Rehabilitation assistance if required assistance with job placement, skills training).

Land and Assets	Types of Impact	PAP	Compensation
		Street vendor (informal without title or lease to the stall or shop)	<ul style="list-style-type: none"> –Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. –Relocation assistance (costs of shifting). –Assistance to obtain alternative site to re- establish the business.
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	–Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
Trees	Trees lost	Title holder	–Cash compensation based on type, age and productive value of affected trees plus 10% premium
TEMPORARY ACQUISITION			
Temporary Acquisition	Temporary Acquisition	PAP (whether owner, tenant, or squatter) Business person is lease holder	<ul style="list-style-type: none"> –Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed) –Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the period effected and any longer terms effects as a result of limited ability to replant etc. –Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).

3.4 Type of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance as per the entitlement matrix provided in Table No. 2 above. The type of compensation will be an individual choice of the PAP. If the total loss of land that was used for subsistence farming is more than 20% of the holding, land for land replacement must be offered, and is preferable to in-kind compensation (but ultimately PAPs choice).

- **Cash payments:** Compensation will be calculated in Tanzania shillings. Rates will be adjusted for inflation. Compensation may include items such as land, houses, and other developments;
- **In-kind:** Compensation can include buildings, building materials, seedlings, agricultural inputs, and financial credits for equipment; and
- **Assistance:** Assistance may include disturbance allowance, moving allowance, transportation, and/or labour.

Compensation payments raise issues regarding inflation, security, and timing that must be considered. One reason for providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur; thus, market prices will be monitored during the compensation period to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments, needs to be addressed by the local administration. Local banks and microfinance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. Each recipient in consultation with the IA and the district, local, and traditional administrations, will decide upon the time and place for in-kind compensation payments.

3.5 Replacement Cost

The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land, structures, and businesses, the replacement costs are:

- a. Agricultural land:** The market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes.
- b. Land in urban areas:** The market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
- c. Household and public structures:** The cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors' fees and any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not considered, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

3.6 Resettlement Impacts

This refers to impacts of resettlement where inhabitants are moved away from their original locality because their dwelling places or income earning land will become part of the reserve area or project affected area (i.e. pipelines, construction of dams with reservoir, etc.). The environmental and social impacts of resettlement include:-

a. Local Uncertainty

The local population generally hears rumors or stories about water and sewerage projects well before construction or even land acquisition occurs. During this phase the community generally lacks accurate detailed knowledge of the proposed activities and feels serious concern about the effects that the project will have on them. Since land acquisition affects people's livelihood, this is a common matter for concern. People will frequently postpone making important changes to their property, income production, or lifestyles while there is any uncertainty about the effects that they will suffer from the water or sewerage projects.

b. Severance and social disruption

Water projects, especially with large reservoirs, can disrupt existing, long-established social relationships through making it physically difficult for people to move between houses or between communities. There is also the risk of affecting farmers' access to their farmland, or between one part of their land and another, making it difficult to move livestock and machinery from one part of the farm to another.

c. Disturbance to existing properties frontage, or public utilities

Where new roads are created or existing roads are widened as part of the construction of a water supply or sewerage project, there are likely to be impacts on existing property frontages or on public utilities such as electricity supplies. This type of impacts involves costs, whether to individuals or to the community.

d. Unrest and dissatisfaction over distribution of labor opportunities and other benefits

Water and Sewerage projects generally involve significant employment of unskilled and semi-skilled labor and also provide opportunities for gaining training or experience, which provides access to future employment. If local communities see these advantages going to outsiders, there are likely to be reactions against the water and sewerage project.

Similarly, the establishment of a large labor force in a concentrated locality generates opportunities for commercial transactions such as the provision of food and drink. There is a risk that local small business people will lose out on these benefits to outsiders who have experience in such interactions with projects. This can also cause or exacerbate dissatisfaction among local communities.

e. Disease risk associated with workers in labor camps

Workers in labor camps may be at risk of a number of diseases. These diseases may have an adverse impact on the project construction schedule, cost of the project, long-term health and income of the workers and on the local population.

Typically, diseases and illnesses may be water borne, either through a vector associated with water, as in the case of malaria, dengue fever, and schistosomiasis, or directly through disease organisms in the water supply to the camp as in the case of

amoebic dysentery. Some of the workers may also be carriers of mosquito-borne diseases.

Attention should also be paid to sexually transmitted diseases, particularly HIV/AIDS. This may be brought into the area by infected workers who then pass on the disease to the local population, possibly through the services of prostitutes. In other situations, particularly where a large labor force is involved, the labor camp may attract prostitutes from outside the local area, and this may introduce HIV/AIDS to the workforce and to the local community.

f. Impacts on health and social well-being of local communities

The considerations involved here are much the same as for the previous heading (*Disease Risks to Workers in Labor Camps*). However, in addition, where construction crews are from different ethnic backgrounds to the local community there is the potential for misunderstandings and clashes. These difficulties can exacerbate other minor irritations caused by the presence of the construction workers and might lead to a lack of cooperation or even outright hostility. Where project workers remain in the area and become permanent settlers any small social frictions may develop into more open hostilities.

g. Labor camp may become a permanent settlement

Labor camps that are located in one place for long periods of time, particularly where workers have their families with them, tend to become permanent settlements. This applies more to the temporary unskilled and semi-skilled construction workers than to skilled employees. Since such camps are typically constructed as temporary facilities, their amenities e.g. for sewage disposal, are also of a temporary nature and not generally suited to long-term settlement. There is tendency for such settlements to take on slum-like characteristics.

Where labor camps become long-term settlements, they run the risk of adding significant demands to what may be already over-extended local infrastructure such as schools and health care programs.

h. Population increase as a result of immigration

The construction or improve of water supply or sewerage systems, and construction of access road for these projects, may lead to a local population increase as a result of immigration. Where this occurs gradually over a long period environmental impacts are less likely to be severe than where the increase occurs over a short time. Rapid increase in population can have significant impacts on the natural and socio-economic environment of the area, due to demands on local resources, the need for infrastructure, lack of waste disposal facilities, and conflicts with original communities.

These impacts of infrastructure construction can be difficult for existing government services to control because of the unexpected significant extra workload and possibly the imposition of new responsibilities for which staff are not trained or budgets are not available.

i. Illegal settlement resulting from improved access

This set of impacts is much the same as those for the above heading (*Population Increase as a Result of In-migration*) and has the same causes. However, because it involves illegal settlement the long-term socio-economic and environmental impacts are likely to be greater, as are the impacts on local communities.

j. Impacts on Vulnerable People

Vulnerable people, including ethnic minorities, are sometimes in a socially and economically vulnerable position compared with outsiders who may enter their area as a result of the facilities of access and services. This disadvantage can result from differences in language, values, and experience in the cash economy, and levels of influence with government.

Outsiders may include water and sewerage construction crews and particularly groups who enter their area as a result of improved access. This latter group includes buyers (middlemen) of natural products and cultural artifacts, logging operators and new settlers seeking land. Unless there are specific measures taken to protect the rights and resources of the minority group they are likely to suffer significant long-term impacts.

k. Hazard when quarry or pits is abandoned

When quarries or borrow pits are abandoned after construction is completed they can become a hazard to local communities, either through the danger that they pose to people and livestock who might fall into them (whether full of water or not), or through disease risk resulting from the breeding of disease vectors (e.g. mosquitoes or snails) in water collected in them.

l. Aesthetic visual impacts of quarries and borrow pits

Abandoned quarries and borrow pits can represent significant visual impacts on the landscape. Apart from the magnitude of the impact that these features cause directly, their presence can lead to an ongoing lack of consideration for visual landscape values in the area that encourages other similar impacts.

m. Aesthetics visual impacts of right of way on landscape

Where water and sewerage projects and also access roads to these projects pass through areas of high scenic value the intrusion of the projects and associated earthworks and structures into the landscape may detract from those values.

n. Destruction of archeological, historic and cultural values

Items of archaeological, historical, and cultural value are important not only to local people but also as a source of tourism revenue, either now or in the future. It is therefore important that these values receive appropriate protection. Water and Sewerage, and its access road works can destroy archaeological, historical, and cultural values through direct physical damage.

The existence of archaeological sites is often unsuspected until artifacts are uncovered during construction work. Where there is some likelihood that archaeological sites exist, an appropriately qualified person can be tasked with accompanying the equipment making the first earthworks, in order to identify sites of importance, as they are uncovered. There should be provision for work to be halted in a location for a defined period while the significance of uncovered sites is assessed. Similarly, there should be provision for further delays if it is determined that sites are of high significance.

Where projects provide new access by passing close to archaeological or historical sites there is the potential for loss or reduction of these values through the resulting improved access for illegal removal and vandalism.

Quarries pose a particular risk to pre-historic archaeological values through the destruction of caves and rock shelters. These sites frequently contain layers of debris in the floors, which constitute a record of the lifestyles of the pre-historic population at the site, as well as a record of the ecology of the area at the time.

Quarrying in areas with caves or rock shelters not only risks totally destroying these sites but also carries a risk that quarry staff will damage them.

CHAPTER FOUR

4. Resettlement Management Framework (RMF)

Resettlement Management Framework (RMF) is an instrument that provides safeguards against adverse impacts of development activities of water and sanitation projects, through minimizing the number of (PAPs) at the beginning of the project. It provides procedures and means for adequately compensating for the losses the PAPs may incur, in the case that resettlement cannot be avoided. This instrument contains tools that are designed to facilitate implementation of resettlement issues.

4.1 RMF Tools

The RMF tools are:-

- (i) Resettlement/Compensation Preliminary Assessment (RPA);
- (ii) Resettlement/Compensation Action Plan (RAP);
- (iii) Resettlement/Compensation Monitoring Report (RMR); and
- (iv) Resettlement/Compensation Final Report (RFR).

4.1.1 Resettlement and Compensation Preliminary Assessment (RPA)

This tool is used during the feasibility study of the project with a support from Social Specialist. The RPA will be part of feasibility study report. The main objectives of the RPA tool are:-

- i) to confirm if the ESF-SS5 is triggered; and
- ii) to confirm if a Resettlement/compensation Action Plan (RAP) is required for the specific sub-projects.

This tool is part of the Environmental and Social Preliminary Assessment (ESPA) described as ESSF in the Environmental and Social Management Framework (ESMF).

Annex 2.1 include those tools.

4.1.2 Resettlement and Compensation Action Plan (RAP)

The resettlement and compensation tool to comply with the National Laws and the Bank's ESF-SS5 Policy is the **Resettlement and Compensation Action Plan (RAP)**. A specialized Social Consultant should be hired by the IAs to develop this tool. **Annex 2.2** gives an overview of the minimum content of this tool.

The RAP must be based on up-to-date and reliable information about the proposed resettlement and its impacts on the displaced persons and other adversely affected groups and the legal issues involved in resettlement. To address the impacts under this resettlement and compensation safeguards, the RAP must include measures to ensure that the PAPs are:

Informed about their options and rights pertaining to resettlement;
Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project; and
Enabled to restore and preferably improve their living standards compared to pre-project ones.

Some considerations should be taken into account during RAP preparation, which include socio-economic study, cut-off date and budget for RAP implementation.

Socio-economic Study

The socio-economic study should focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including landowners and users) and impact on their property and their production systems, the institutional analysis, and the system for monitoring and evaluation. When the project requires a RAP, detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socioeconomic study and be the determinant in the potential compensation process. Standard characteristics of the affected households include a description of production systems, labour, and household organization; baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities); and standards of living and health status of the PAPs. Under this study, a comprehensive baseline census would be conducted to identify potentially affected people on the individual and household levels as well as vulnerable groups (women, children, the elderly, female-headed households, affected internally displaced people, affected internally displaced households, and so forth) and to discourage the inflow of people ineligible for assistance.

Qualified Social Science Consultants will have to be hired to carry the socio-economic study and baseline census, which will be the basis for the preparation of the RAP.

Cut-off Date

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas is carried out, that is, the time when the IA has identified the land needed and the socio-economic study is conducted. After the assessment and study, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut-off survey can estimate investments that should be compensated, including labour incurred until the cut-off date.

The cut-off date is the end date of the census. The cut-off date must be communicated effectively to potential PAPs and the surrounding local villages/communities. Because most land users obtain their customary use rights from their local traditional leaders, these leaders will play a crucial role in identification of land users' potentially due compensation.

The establishment of a cut-off date is required to prevent people from migrating into the selected sites in hopes of receiving compensation. Therefore, establishment of a cut-off date is of critical importance. Because the time period between the cut-off date and the project construction is likely to be anytime from six months on, bearing in mind that work can only begin after PAPs have been compensated and any replacement structures built according to the requirements of this RMF. Special attention needs to be taken to secure the sites from opportunistic invasion. These measures should include close consultation with the recognized PAPs, signs that inform the general public of the intended use of the site, security patrols to identify opportunistic invaders, or other necessary measures.

The cut-off date is subject to the approval of the District Executive Directors and must be in full compliance with the conflict resolution mechanisms in this RMF.

Budget for RAP implementation

The socio-economic study and the estimation of the overall cost of resettlement and compensation will be determined once the technical design/detail of the specific project is known. Some of the information required to estimate the budget are the specific impacts,

estimation of PAPs, individual and household incomes, and other demographic data. The IA is the responsible to pay to the Technical Valuers of the Local Government Authority (LGA) for the Valuation Report once the PAPs are identified. The amount obtained in the Valuation Report for the compensation is paid by the Treasury of Government of Tanzania at the central level. Some of the resettlement/compensation items and assumptions that should be considered are shown in table 4.1 below.

Table 4.1: Potential items of the Resettlement/Compensation Budget

Item	Costs Unit (in TSh/)^a	Assumptions
Compensation for loss of land	Per m ²	For land appropriation purposes, based on cost realized in projects involving similar issues in Tanzania.
Compensation for loss of crops and business	Per hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops as per methods described in the next section.
Compensation for pastoralists loss of access	*	Those affected would be provided with shared access or alternate routes (decision made through consultation and participation of all).
Compensation for loss of access to fishing resources	Per fishmonger	Data provided from revised socioeconomic study will determine market values of catch, fish products, and the like that are produced.
Compensation for buildings and structures	Per m or m2	This would be in-kind compensation. New buildings would be constructed and given to those affected.
Compensation for trees	Per year, per tree	Based on methods described in this RMF.
Cost of relocation assistance/expenses	Per household	This cost is to facilitate transportation and related expenses (including disturbance allowance).
Cost of restoration of individual income (business)	TSh	Assumed to be higher than GDP per capita.
Cost of restoration of household income	TSh	Through employment in program activities. Generate other income activities
Cost of compensation for places of worships	TSh	Fee to move PAPs and provide rituals, compensation for graves, for community properties that the communities built themselves (e.p. boreholes, community centers, others).
Cost of training farmers, pastoralists, and other PAPs	TSh/person	This is a mitigation measure that seeks to involve people affected by project activities.
Cost of assistance to vulnerable PAPs (women, children elderly etc.)	TSh	This is a mitigation cost include additional funds to assist vulnerable people.
Cost of consultation throughout the	TSh	This is cost is included in the cost services to prepare the Valuation Report from the

Item	Costs Unit (in TSh/) ^a	Assumptions
implementation of the RAP		Local Government Authority. Additional cost should be paid by the IAs
Cost of overhead (including operation of a grievance redress mechanism)	TSh	This cost should be paid by the IAs as a responsible for any complains
Contingency	TSh	This cost should be paid the IAs as a responsible for the resettlement/compensation issues.

* These costs will be confirmed during the socio-economic study and revised at the time payments are made.

4.1.3 Resettlement and Compensation Monitoring Report (RMR)

The Resettlement and Compensation Monitoring Report (RMR) is a tool to be used during RAP implementation, in order to follow-up the compliance of the RAP. The Social specialist of the IAs should apply this tool each time that he/she visits the project area in order to follow-up the RAP implementation. The RMR template is presented in the [Annex 2.3](#).

4.1.4 Resettlement and Compensation Final Report (RFR)

After implementation of RAP, final report should be prepared using **Resettlement and Compensation Monitoring Report (RMR)** tool. This tool will facilitates review and confirmation of proper RAP implementation. The RFR template is presented in the [Annex 2.4](#).

4.2 Methodology of valuing affected land and assets

Potentially, water projects will require the use of individual or village lands. Valuation methods for affected land and assets would depend on the type of asset and subject to customary laws. The IAs will compensate for assets and investments, including labour, crops, buildings, and other improvements according to the provisions of the RAP. Compensation rates would be market rates as of the date and time that the replacement is to be provided. Persons encroaching on the area after the cut-off date will not be entitled to compensation. For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will be in kind only. However, because ESF-SS5 makes no distinction between statutory and customary rights, not only assets and investments will be compensated for, but also land.

4.2.1 Compensation for land

Compensation for farmland is aimed at providing a farmer whose land is appropriated for project purposes with compensation for land, labour, and crop loss. For this reason, and for transparency, "farm land" is defined as an area or homestead: in cultivation; being prepared for cultivation; or cultivated during the last agricultural season.

This definition recognizes that the biggest investment a farmer makes in producing a crop is in his/ her labour. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

For purposes of measuring farm land, the unit of measurement should be that used and understood by the affected farmers. Therefore, in rural areas, if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area, then it is recommended that farm land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using locations of trees, stumps, and so forth as immovable pegs.

4.2.2 Compensation for crops

The current prices for cash crops have to be determined. All crops are to be compensated using zonal market price and percentage of crop grown stages. This rate incorporates the value of crops and the value of the labour invested in preparing a land for cultivation. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to a previous year's land (land in which a farmer has already invested labour) and land that has been planted but has not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that farmers typically have in food crops and cash crops is used to determine the chances they would lose food crop rather than a cash crop income.
- The value of staple crops to be taken as the highest market price (over three years) reached during the year, in recognition of these factors:
 - Most farmers grow staple crops mainly for home consumption; however, they always have the option of selling these crops to take advantage of the market.
 - Farmers most often purchase cereals when they run out during the "hungry season," when prices are high. Compensating at a lower value might put the individual or household at risk.
 - Averaging the highest price of staple foods yields a high per hectare value that reimburses for the vegetables and other foods that are commonly intercropped with staples, but are almost impossible to measure for compensation.
- The labour cost for preparing replacement land is calculated on what it would cost a farmer to prepare the new land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Tanzania shillings at the prevailing market rates.

All agricultural labour activities are included for two reasons, firstly, because of the need for transparency, all land labour will be compensated for at the same rate and secondly, it is difficult to forecast when during the growing season a farmer might need to give up his or her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if farmers are notified that their land is needed

after the agriculturally critical date of March (generic date, may be different in Tanzania and across climate zones) when they will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labour-intensive village hires, or perhaps mechanized clearing, so that replacement land will be ready by the time of sowing dates. Farmers will still continue to receive cash compensation so that they can pay for sowing, weeding, and harvesting.

For the case of Tanzania, the value of crops and plants has been derived by using crop compensation schedules commencing 7th February 2013 for Dar es Salaam and Coast Regions issued by office of Chief Government Valuer. The percentage of adjustments made with regard to variations of crop growth stages from seedlings to maturity stage to reflect their Market values. For example, Seedling crops 30% of the market value; mature crops 60% of the market value; Optimum producing crop 100% of the market value; and Aged crops 15% of the market value.

4.2.3 Compensation for building and structures

Replacing structures such as huts, houses, farm outbuildings, latrines, and fences will require compensation. Any homes' lost will be rebuilt on acquired replacement land; however, cash compensation will be available as a preferred option for structures (that is, extra buildings) lost that are not the main house or house in which someone is living. The market price for construction materials and labour will be determined without depreciation of the structure. Alternatively, compensation will be made in kind. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household; or
- Directly damaged by project activities.

Replacement values will base on:

- Drawings of the affected individual's house and all its related structures and supporting services;
- Average replacement costs of different types of household buildings and structures based on collection of information on the number and types of materials used to construct different types of structures (for example, bricks, rafters, bundles of straw, doors, etc.);
- Prices of these items in different local markets;
- Costs for transportation and delivery of these items to acquired/replacement land or building site;
- Estimates for construction of new buildings, including required labour; and
- Cost of replacement or compensation of the businesses.

4.2.4 Compensation for sacred sites

Sacred sites include, but are not restricted to: altars, initiation centers, ritual sites, tombs, and cemeteries. They include other such sites or features that are accepted by local laws (including customary), practices, traditions, and cultures as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads/chiefdoms, the use of sacred sites for any project activity is not permitted.

4.2.5 Compensation for vegetables, gardens and beehives

These include gardens planted with vegetables and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically or physically) as a result of project land appropriation will have to purchase these items in the market. The

replacement costs therefore will be calculated based on the average amount of money that a town dweller spends on buying these items for one year from the local market.

Beekeepers place beehives in various locations in the bush. If such hives would be disturbed by the project activities or access to hives is denied, beekeepers can move them and the bees will have to adapt to the new locations. Beekeepers would be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

4.2.6 Compensation for horticultural, floricultural and trees

With Tanzania's highly variable weather patterns, and the fact that much of the land is not suitable for growing fruits, village areas are sparsely populated with certain types of fruit trees.

Given their significance to the local subsistence economy, which the project intends to positively impact, compensation for fruit trees will be based on a combined replacement market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they previously lived and, in some cases, continue to harvest fruit from those trees for subsistence purposes and/or to sell to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labour costs. The compensation rate will be based on information obtained from the socioeconomic study and be described in the RAP. A compensation schedule can be developed incorporating the following goals:

- Replace subsistence fruit production yields as quickly as possible;
- Provide subsistence farmers with trees to extend the number of months of the year during which the fruit are produced and can be harvested as a supplemental source of food for their families during their "hungry season";
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods; and
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square meters of surface area removed. The total surface area (in cm^2 or m^2) of the tree will be calculated using the following formula: $(1/2 \times \text{diameter of canopy})^2 \times \pi$.

CHAPTER FIVE

5. Resettlement and Compensation main issues

Before the project construction, if the resettlement and compensation safeguard is triggered, the PAPs need to be compensated in accordance with this RMF and the RAP developed for the project. For activities involving land appropriation or loss or denial or restriction to access, it is further required that these measures include compensation and other assistance required for relocation, prior to displacement, preparation and provision of resettlement sites with adequate facilities, where required. Specifically, appropriation of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

When the IAs presents the RAP to the District Executive Director for approval, part of the screening process used to approve recommended land includes confirming that the RAP contains acceptable measures compliant with ESF-SS5 that link resettlement activity to civil works. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is made and resettlement sites with adequate facilities are prepared and provided for the individuals or homesteads affected. Before the local and national authorities approve the RAP, the IA should send the RAP to the MoW for review and comments, and the MoW should sends the RAP to the World Bank (with respect to WSSP-II and SRWSP Activities only) for review, comments, and respective "no objection".

5.1 Public Participation

Public consultation and participation are essential because they offer potential PAPs the opportunity to contribute to the design and implementation of the activities and reduce the likelihood of conflicts between PAPs and the IAs. Tanzania's current land administration methods, based on long standing traditional and cultural practices, make public consultation with rural communities essential. Furthermore, because rural communities are the intended ultimate beneficiaries of the project, an effective consultation with them is a prerequisite for project success. Therefore, to ensure success, public consultation with potentially affected individuals, households, or homesteads should be of high priority when there are resettlement and compensation concerns.

Public consultation should begin at the start of the planning stage, when potential land sites are being considered. Participation should provide multiple opportunities for involvement of PAPs, other stakeholders such as host communities, NGOs, and civil society at large. As a matter of strategy, public consultation should be an ongoing activity taking place throughout the entire project cycle. For example, public consultation should occur during the preparation of the (i) the socioeconomic study; (ii) the RAPs; (iii) the environmental impact assessment; and (iv) during the drafting and reading of the compensation contract.

Public participation and consultation should occur through multiple formats, including meetings; radio programs; requests for written proposals/comments; completion of questionnaires/application forms; public readings and explanations of project ideas and requirements; and dissemination of public documents at the national, local, and homestead levels at suitable locations such as official residences or offices of local chiefs and elders. These formats should account for the low literacy levels prevalent in rural communities and allow sufficient time for responses and feedback.

Notwithstanding the value of broad public participation, the best guarantors for public interest are the influential people and other local leaders who are responsible members of their local communities and can also be part of the potentially displaced (economically or physically) individuals and households. The village influential people would have a key role in the monitoring the public participation process, and in the overall monitoring and evaluation mechanism of the project.

5.2 Notification

The respective district and local administration leaders, who were involved in identifying the land required by the developer, will notify the local and community leaders and representatives who will support to the IA to identify and locate the land users. These community leaders and representatives will also support the IA of notifying their members about the established cut-off date and its significance. The land users will be informed through both a formal notification from the IA in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the village leaders or their representative. In addition, the village leaders, religious leaders, other elders, and individuals who control pastoral routes, fishing areas, wild trees, beehives, or hunting areas will accompany the survey teams to identify sensitive areas.

5.3 Documentation of holdings and assets

Local community leaders and officials representing the IAs will arrange meetings with PAPs to discuss the compensation process. For each individual or household affected, representatives of the IA complete a compensation dossier containing necessary personal information on the affected party and those that he or she claims as household members, total land holdings, inventory of affected assets, and information for monitoring their future situation. This information is confirmed and witnessed by the regional land board, traditional leaders, or their representatives.

Dossiers will be updated and include documentation on lands surrendered. This is necessary to ensure that the PAPs can be monitored over time. All claims and assets will be documented.

5.4 Agreement on compensation and preparation of contracts

All types of compensation are to be clearly explained to the individual and households involved. The IAs draws up a contract listing all property and land to be surrendered and the types of compensation (cash and/or in kind) selected. A person selecting in-kind compensation has an order form that must be signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party, the regional land board representative, and local community leaders prior to signing.

All property surrenders (such as land and buildings) and compensation payments will be made in the presence of the affected party, traditional and local community leaders, officials of the developer, and representatives of the local district administration.

5.5 Grievance Redress Mechanism

Proposed grievance redress mechanisms must be discussed with and acceptable to the affected people; they must be described in the RAP, and publicly consulted upon as part of the RAP preparation process.

Before the individual/household/community compensation contract has been signed, PAPs should be informed of the process for expressing dissatisfaction and seeking redress. The

grievance procedure should be simple and administered at the local levels if possible to facilitate access and flexible recognizing that most people are illiterate to ensure that people receive a prompt and fair resolution of their grievances. Grievance Mechanism is presented in **Annex 3**.

5.6 Monitoring and Evaluation

The Implementing Agencies (IAs) will be responsible for the follow-up and monitoring of RAP implementation. To facilitate this task the IAs should use the **Resettlement and Compensation Monitoring Report (RMR)** tool described under sect. 4.1.3 and attached as Annex 2.3. In each IAs, the Safeguard Coordinators (SC-IA) are responsible to oversee the implementation of the RMF and are equipped with skills required to manage the environmental and social issues including emerging gaps.

The purposes of this RMR are:

- Alerts authorities to the RAP implementation;
- Assure the compliance of the RAP during its implementation;
- Reports any grievances that require resolution; and
- Documents timely completion of project resettlement obligations (that is, payment of the agreed sums, construction of new structures, etc) for all permanent and temporary loses, as well as unanticipated, additional construction damage.

The IAs will be responsible for periodically reporting to the Ministry on the RMR results, so that MoW with the support of the ESS is promptly aware of any difficulties arising at the local level.

Once the required RAPs have been completed and implemented, a final review is required in order to assure that the plans have been properly implemented. To facilitate this task the IAs should use the **Resettlement and Compensation Final Report (RFR)** tool which is described in sect 4.1.4 and attached as Annex 2.4.

The purposes of this RFR are to verify if:

- (i) PAPs have been compensated in full before start the project construction; and
- (ii) PAPs are now living at the same or better standard than before the project proposed.

This RFR should be approved by MoW and World Bank (with respect to WSSP-II and SRWSP Activities only). The approval of this RFR is the "green light" to start with the project's execution.

In order to follow-up and monitor the RAP implementation, a number of indicators will be used to determine the status of affected people (compared to pre-project, land being used, standard of house, level of participation in project activities, how many kids in school, health standards, and etc). Therefore, the RAP will set three major socioeconomic goals by which to evaluate success:

- (i) Affected individuals, households, and communities are able to maintain their standard of living, and even improve;
- (ii) Local communities remain supportive of the project; and
- (iii) Absence or prevalence of conflicts.

The indicators in **Table 5.1** will be used to monitor and evaluate the implementation of resettlement and compensation plans.

Table 5.1: Verifiable Indicators for M&E of resettlement and compensation

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Communities unable to set village-level compensation after two years	Outstanding village compensation contracts
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre-project production and income (year before land used) versus present production and income of resettles, off-farm-income trainees, and users of improved agricultural techniques	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation
Pre-project production versus present production (crop for crop, land for land)	Equal or improved production per affected household/homestead
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups.	Higher post-project income of vulnerable individuals

CHAPTER SIX

6. RESETTLEMENT AND COMPENSATION MANAGEMENT

The overall purpose of this section is to present the local procedures and activities of the resettlement and compensation management that each IAs should develop along the project cycle, in order to assure the application of the Resettlement Management Framework (RMF).

In case of Component 1, where the projects are not yet identified, the Feasibility Study Consultant with the support of a social specialist will be responsible of the RMF implementation.

6.1 Environmental and social stakeholders

The main stakeholders involved in the RMF implementation are:

- a. Ministry of Water (MoW);
- b. Implementing Agencies (IAs);
- c. Local Governments Authorities (LGA);
- d. Consultants;
- e. Contractors;
- f. Community or Villagers;
- g. Development Partners (DPs); and
- h. World Bank (WB)
- i. Ministry of Land and Human Settlement Development

This instrument ensures the compliance of subprojects with the national law and the Bank's Resettlement Policy. The **MoW** and the **IAs** are responsible for the environmental and social management of the WSDP II. Specifically, the responsible for RMF implementation is the **Environmental and Social safeguard section** of MoW and the Safeguard Coordinators of the Implementing Agencies (SC-IA).

The **World Bank and Development Partners** are responsible for follow up the compliance of the RAP before project implementation.

6.2 Resettlement and Compensation Management

The resettlement and compensation management includes all the activities that the IAs through its Social Specialist develops during the project cycle, to ensure that:-

- The process is fair and transparent
The PAPs are meaningfully consulted, have participated in the planning process, and are adequately compensated to ensure that their livelihood is restored or improved.
- The resettlement and compensation management should be developed in the following stages before the project construction: Preliminary Assessment, detailed Assessment, Legal Agreement and Implementation stages. In these stages the IAs as a responsible for the resettlement/compensation management must develop some activities in order to assure the compliance of the National Laws and the ESF-SS5.

6.2.1 Stage 1: Preliminary assessment

IAs identifies the projects that will be financed by the WSDP II; the SC-IA prepares the Environmental and Social Preliminary Assessment (ESPA), which include the **Resettlement and Compensation Preliminary Assessment (RPA)**. The main purpose of the RPA is to confirm if the ESF-SS5 is triggered in the specific project; and if triggered, how is the magnitude and complexity of the resettlement and compensation issue;

- When the ESF-SS5 is triggered, the IAs should send the ESPA including the **RPA** to MoW for review and comments. When the project is classified as A or B but with HIGH risk of social issues (more than 200 PAPs), MoW should send RPA to World Bank for review and No Objection;
- Once the RPA is approved by the World Bank and MoW, the IAs shall prepares Terms of Reference (TORs) to hire the consultant to develop the RAP; and
- The RAP TORs, should be reviewed by MoW and require WB No Objection.

Stage 2: Detailed Assessment

- a. Based on the TORs approved in the previous stage, the IAs hires the specialized consultant to prepare the RAP;
- b. The IAs has to make the arrangement with the Local Government Authority to prepare the Valuation Report that should be included in the RAP. The payment for this service (Valuation Report of the Affected People) is from the IAs;
- c. The Social Specialist of the IA should be part of the study preparation and make follow up to assures that the consultant prepare the document with all the appropriate considerations;
- d. The IAs shall send draft RAP documents to MoW for review and comments. Then MoW sends the RAP to the WB for No Objection; and
- e. Once the WB has provided a No Objection and the IA shall send to the District/Town/Villages Council Authority in order to obtain its approval according to the national land Use Planning Commission and the Participatory Land Use Planning and Management (PLUM).

6.2.2 Stage 3: Procurement Process and Legal Agreement

- a. Once the District/Town/Villages Council Authority has approved the RAP, the IAs has to follow-up with the LGA to assure the payment of the compensation; and
- b. The SC-IA reviews and supports the preparation of the legal contract for the RAP implementation.

6.2.3 Stage 4: RAP implementation

- a. Before RAP implementation, the document should be approved by MoW, World Bank, and District/Town/Villages Council Authority; and should be disclose before the compensation;
- b. During the RAP implementation the SC-IA follows-up and monitors the planned activities in order to assure the compliance of this RMF. To conduct this follow-up and document this activity the SC-IA will use **Resettlement and Compensation Monitoring Report (RMR)**. The purpose of the RMR is to record observations from the field visit and any resulting recommendations. The RMR will be used each time that the SC-IA or MoW makes a field visit; the number of visits depends on the magnitude and complexity of the resettlement and compensation issue. ;
- c. Once the RAP implementation has been completed, the IAs should use **Resettlement and Compensation Final Report (RFR)** in order to review and confirm the proper implementation of the Plan.

6.2.4 Stage 5: Construction

Construction works cannot start until the RAP has been implemented and RFR approved by MoW and World Bank.

ANNEXES

Annex 1: Summary of the main Policy and legal instruments

a. National Land Policy (1995)

The National Land Policy (1995) advocates the protection of land resources from degradation for sustainable development. The policy addresses several environmental and social issues relevant to water resources development projects such as land use planning. There are three categories of land namely Public land, protected land and Village land. Public land is vested under the President of the United Republic of Tanzania, administered by Land Commissioner. The Protected Land is mainly under the authorized institution such National parks and Game reserves and Water shades. The village Land is the one demarcated for an established village and administer by the respective Village Committee. There are procedures for shift the title from one category to another.

Land use planning takes into consideration the land capability, ensures proper management of coastal/urban/rural land resources, promote resource sharing and multiple land use techniques in area of conflicting land use, and lastly advocates the involvement of community in resource management, land use and conflict resolution. It is therefore imperative that the projects operations should be aware of the National Land Policy requirements for protection of land resources and displaced indigenous people.

b. The Land Acquisition Act (1967)

The Land Acquisition Act gives powers to the President to take "Land" from private occupants for public purposes when in the public interest to do so. The Land ordinance declares all land in Tanzanian "Public Land" to be held by the state for public purposes.

c. The Land Use Planning Act No. 6 (2007)

An act provides for procedures for the preparation, administration and enforcement of land use plan. All land use plans prepared by relevant authorities under the Act shall be relevant at each level.

d. The Land Act No. 4 (1999)

The basic principles of the Land Act are adopted from Land Policy 1995. One among other basic principles of the Land Act is to pay full, fair and prompt compensation to any person whose right of occupancy or recognised long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the Land Act or acquired under the Land Acquisition Act. The main objective is to protect the majority of citizens of Tanzania who have acquired land from either inheritance or village council allocation or clearing bush. As such they should not easily lose their land without full and fair compensation. The full and fair compensation is only assessed by including all components of land quality.

Other important principle of the Land Act related to compensation is to facilitate the operation of a market in land and regulate the operation of a market in land to ensure that rural and urban smallholders and pastoralists are not disadvantaged. To protect the small holders and pastoralists the approach should not be to avoid land allocations to this group. Any disadvantage group should get compensation of true land values of the land being held by any other group.

Regarding resettlement, this should be in accordance with provisions of the Land Act and Acquisition Act of 1967. A process for preparing and approving resettlement plans should

be based on PLUM (Participatory Land Use Planning and Management) that is explicitly recognised in the Land Policy 1995. The village government should therefore be able to:

- Review the proposal to prepare a resettlement plan;
- Discuss the proposal in its village;
- Prepare and agree on the resettlement plan; and
- Approve the resettlement plan subject to national legislation esp. Land Act No 4 of 1999 and Land Acquisition Act of 1967.

e. The Village Land Act No. 5 (1999)

The Village Land Act defines village land as consisting of:

- Land falling in boundaries of a registered village under Section 22 of the District Authorities Act no. 7 of 1982;
- Land designated as village land under the Land Tenure (Village Settlement) Act no. 27 of 1965;
- Land having boundaries demarcated as village land under any law or administrative procedure in force at any time before the Land Act No. 4;
- Land with its boundaries have been agreed upon between the village councils having jurisdiction over that land; or
- Land other than reserved land that the villagers have, during the 12 years preceding the enactment of the Land Act of 1999 been regularly occupying and using as village land in whatever manner.

The majority of people in Tanzania get land freely within their village land:

- From inheritance;
- Allocation from the village council; or
- By clearing land.

The Village Land Act 1999 empowers the village council to manage village land as trustee managing property on behalf of the villagers and other persons resident in the village. The Land Act 1999 empowers the village assembly to divide the village land, occupied, used, available for occupation, community used and/or public used land, then to be known as communal village land. It can also identify land being occupied or used by an individual, family, or group of persons under customary law. Finally, the village council can identify land, which may be made available for communal or individual occupation and use, through allocation by the village council. The same Act provides mandate to the village assembly to further plan the land uses to be designated to the communal village land.

In regards of the **Land Tenure and Ownership**, the Land Act No. 4 and Village Land Act No. 5 of 1999 have set clear procedures for full, fair and prompt compensation while acquiring land from citizens. These procedures should be adhered to, especially the Land (assessment of the value of compensation) Regulations made under section 179 of Land Act No. 4 of 1999. GN 78 published on 4/5/2001.

Land tenure and ownership in Tanzania is governed by statutes such as the 1977 Constitution, National land Act No. 4 of 1999, Village Land Act No. 5 of 1999, Land Acquisition Act 1967, and Land Ordinance, 1923 Cap. 113. Land in Tanzania is owned by the state. For the purpose of management of land under the land Act No. 4 of 1999 and all other laws applicable to land, public land in Tanzania is either:

- General land;
- Village land; or
- Reserved land.

Socio-economic activities are permitted on land in the first two categories of general/public land and not permitted or restricted in land reserved for national parks, protected areas and wildlife/forest reserves.

In respect of public land, Tanzania has a dual system of land tenure. The system recognises both customary and statutory rights of occupancy. Tenure rights to land can be held by individuals and communities. Holdings of individuals can be (i) by leasehold right of occupancy for varying periods e.g. 33, 66 or 99 years; (ii) by customary rights of occupancy that have no term limit.

Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land.

f. Local Government Acts

The Local Government system in Tanzania is based in the decentralisation policy and is enshrined in the 1977 Constitution, which was amended through Act No. 15 of 1984 with the effect of making the existence of local government authorities constitutionally sanctioned. The decentralisation policy is enacted through the Regional Administration Act (1997), which effectively initiated the decentralisation process by scaling down the roles, functions and staffing at the regional level.

The Local Government Act No. 7 of 1982 and Local Government (Urban Authorities) Act No. 8 of 1982 provide for the system of local governments. Administratively, Tanzania is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning.

The three levels are as follows: -

<u>Local Government Unit</u>	<u>Level</u>
District /Municipal /City councils	3
Town Councils and Ward	2
Village/"Mtaa" Councils	1

G. Water Supply and Sanitation Act No. 5 of 2019

(1) Width of Wayleave² of waterworks Section 22.-(1a-c) of the Act define that where the Water Authority or service provider has in relation to any land, taken steps towards fulfilment of conditions stipulated under section 21, it shall assume control over-

(a) thirty metres of such land being fifteen metres from centre of a pipe sized 1200 mm and above;

(b) ten metres being five metres from centre of a pipe ranging from 400 mm to less

² A right of way granted by a landowner, generally in exchange for payment and typically for purposes such as the erection of telegraph wires or laying of pipes for water supply

than 1200 mm; and

(c) four metres of such land being two metres from centre of the pipe ranging from 150 mm to less than 400 mm;

No person shall be permitted to enter and stay or do anything upon that land without the permission of Water Authority or service provider.

(2) Water Authority shall, in consultation with relevant authorities, demarcate wayleave by installing visible signs or beacons.

Annex 2: WB -ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

Introduction

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use² may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. Detailed information on ESS5 can be found in (www.worldbank.org/esf).

Objectives

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement;

Scope of ESS5 application

The applicability of ESS5 is established during the environmental and social assessment described in ESS1. This ESS applies to permanent or temporary physical and economic displacement resulting from different types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation.

Eligibility of classification

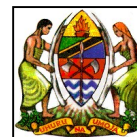
Affected persons may be classified as persons:

- a) Who have formal legal rights to land or assets;
- b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Annex 3: Tools for Resettlement/Compensation Management

ESPA

ENVIRONMENTAL AND SOCIAL
PRELIMINARY ASSESSMENT



1. General Information			
Name of the project:			
Implementing Agency:			
Component of Program/Project:	<input type="checkbox"/> Water Resources Management <input type="checkbox"/> Water Supply and Sanitation Services		
Location:	a. Region:		
	b. District:		
	c. Village:		
Evaluator name:		Date of field visit:	

2. Project	
Description and general purpose of the project: _____ _____ _____	Specific works and activities to be undertaken - _____ _____ - _____ _____

3. Stakeholders	
- _____ _____ - _____ _____	- _____ _____ - _____ _____

4. Potential impacts and measures		
	Impacts	Measures
Positive:	Direct: _____ _____ - _____ _____	_____ _____ - _____ _____
	Indirect: - _____ _____ - _____ _____	_____ _____ - _____ _____

	_____	_____
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Negative:	Direct:	
	- _____ _____	- _____ _____
	Indirect:	
	- _____ _____	- _____ _____

5. First Preliminary Classification: Type of project		
Water Supply System		
Components: (Apply Figure 4 ESMF) <input type="checkbox"/> Intake (spring or river) <input type="checkbox"/> Intake (dam + reservoir) <input type="checkbox"/> Intake (borehole) <input type="checkbox"/> Main Transmission Pipeline <input type="checkbox"/> Treatment Plant <input type="checkbox"/> Treated Water Pipeline <input type="checkbox"/> Storage Tank <input type="checkbox"/> Distribution network	Magnitude: (Apply Table 4 ESMF) <input type="checkbox"/> Big <input type="checkbox"/> Medium <input type="checkbox"/> Small Scope: (Apply Table 7 ESMF) <input type="checkbox"/> New Construction <input type="checkbox"/> Improvement <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Maintenance	Applying Table 9 the classification in function of the type of project is: <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d
Sewerage System		
Components:(Apply Figure 5 ESMF) <input type="checkbox"/> Sewerage Network <input type="checkbox"/> Pump Station <input type="checkbox"/> Wastewater Pipeline <input type="checkbox"/> Sewerage Treatment Plant <input type="checkbox"/> Effluent pipeline	Magnitude:(Apply Table 5 ESMF) <input type="checkbox"/> Big <input type="checkbox"/> Medium <input type="checkbox"/> Small Scope:(Apply Table 7 ESMF) <input type="checkbox"/> New Construction <input type="checkbox"/> Improvement <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Maintenance	Applying Table 9 the classification in function of the type of project is: <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d
Buildings		
Components: <input type="checkbox"/> Civil construction <input type="checkbox"/> Equipment	Magnitude: (Apply Table 6 ESMF) <input type="checkbox"/> Big <input type="checkbox"/> Medium	Applying Table 10 (ESMF) the classification in function of the type of project is:

<input type="checkbox"/> Others	<input type="checkbox"/> Small Scope: (Apply Table 7) <input type="checkbox"/> New Construction <input type="checkbox"/> Improvement <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Maintenance	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d
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6. Second Preliminary Classification: Environmental Site Sensitivity		
HIGH	MODERATE	LOW
<input type="checkbox"/> Protected Areas in the DIA (National Parks, Forest Reserve, etc.)	<input type="checkbox"/> Protected Areas in the IIA or in Buffer Zones (National Parks, etc.)	<input type="checkbox"/> Intervened areas out of Protected Areas (national parks, etc.)
<input type="checkbox"/> High danger of environmental degradation (deforestation, hunt, etc.)	<input type="checkbox"/> Moderate danger of environmental degradation (deforestation, others)	<input type="checkbox"/> Low danger of environmental degradation (deforestation, etc.)
<input type="checkbox"/> Sensitive or critical ecosystem in the DIA (wetlands, mangrove swamps, forests, and others)	<input type="checkbox"/> Sensitive or critical ecosystems in the IIA (wetlands, mangrove swamps, forests, and others)	<input type="checkbox"/> Sensitive or critical ecosystems in the influence area (wetlands, mangrove swamps, forests, others)
<input type="checkbox"/> Mountainous topography (>35% of slope) when the project expects construction of road, pipelines, etc.	<input type="checkbox"/> Wavy topography (15–35% of slope) when the project expects the construction of road, pipelines,	<input type="checkbox"/> Flat topography (<15% of slope), when expects the construction of access road, pipelines, etc.
<input type="checkbox"/> High risk to natural disasters (floods, earthquake, others)	<input type="checkbox"/> Moderate risk to natural disasters (floods, earthquake, others)	<input type="checkbox"/> Low risk to natural disasters (floods, earthquake, others)
<input type="checkbox"/> Presence of places of significant cultural/historical interest in the DIA	<input type="checkbox"/> Presence of places of cultural and historical significance in the IIA	<input type="checkbox"/> Absence of places with cultural and historical significance
Environmental Site Sensitivity: _____		

DIA: Direct Influence Area; **IIA:** Indirect Influence Area

7. Environmental Risk Level: Category			
Category A: Projects with high environmental risk level Category B: Projects with moderate environmental	Matrix 1. Environmental and Social Category		
	Preliminary	Site sensitivity	
	High	Moderate	Low

risk level Category C: Projects with low environmental risk level	classification		te	
	a	A	A	B
	b	A	B	B
	c	B	B	C
	d	B	C	C

8. Social Risk Level		Social Risk Level
<input type="checkbox"/> Potential Resettlement/Compensation issues is expecting in the project: To define the risk level, apply the next section about Resettlement Screening Form (RSF)	<input type="checkbox"/> More than 200 PAPs	HIGH
	<input type="checkbox"/> Less than 200 PAPs	MODERATE
	<input type="checkbox"/> No PAPs	LOW
<input type="checkbox"/> Potential Ethnic Group (affect/benefit) is expecting in the project: OP/BP 4.10 To define the risk level, apply the next section about Ethnic Groups Screening Form (EGSF)	<input type="checkbox"/> In the Direct Influence Area	HIGH
	<input type="checkbox"/> In the Indirect Influence Area	MODERATE
	<input type="checkbox"/> No presence of Ethnic Groups	LOW

9. Environmental and Social studies required by National Law and Safeguard Policies		
<input type="checkbox"/> OP/BP 4.01	<input type="checkbox"/> Cat. A <input type="checkbox"/> Cat. B (new proj.) <input type="checkbox"/> Cat. B (existing proj.) <input type="checkbox"/> Cat. C	<input type="checkbox"/> Environmental and Social Impact Assessment (ESIA) <input type="checkbox"/> Preliminary Environmental and Social Impact Assessment (PESIA) <input type="checkbox"/> Environmental and Social Audit Report (ESAR) <input type="checkbox"/> Guidelines of Good Environmental and Social Practices
<input type="checkbox"/> ESF-SS5	<input type="checkbox"/> HIGH <input type="checkbox"/> MODERATE	<input type="checkbox"/> Resettlement Action Plan (RAP)
<input type="checkbox"/> OP/BP 4.10	<input type="checkbox"/> HIGH	<input type="checkbox"/> Ethnic Group Plan (EGP)
<input type="checkbox"/> OP/BP 4.11	<input type="checkbox"/> HIGH	<input type="checkbox"/> Chance Find Procedures Plan (CFPP) to be include as part of the ESIA or PESIA
<input type="checkbox"/> OP/BP 4.37	<input type="checkbox"/> HIGH	<input type="checkbox"/> Dam Safety Measures Report (DSMR) – High risk Dams according with the OP/BP 4.37
		<input type="checkbox"/> Others: _____

10. Environmental Budget for the ESMP implementation

<p>- Estimated budget of the US\$ project: _____</p> <p>- Estimated budget for the ESMP implementation: _____</p> <p>TOTAL estimated budget of the project: _____</p> <p>Nota: This budget doesn't include the resettlement and ethnic group plans implementations) US\$ _____</p> <p style="text-align: right;">US\$ _____</p>	<p style="text-align: center;">Matrix 2. Environmental Budget for the ESMP implementation</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="text-align: center;">Preliminary classification</th> <th colspan="3" style="text-align: center;">Site sensitivity</th> </tr> <tr> <th style="text-align: center;">High</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Low</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a</td> <td style="text-align: center;">6%</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">4%</td> </tr> <tr> <td style="text-align: center;">b</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">4%</td> <td style="text-align: center;">3%</td> </tr> <tr> <td style="text-align: center;">c</td> <td style="text-align: center;">4%</td> <td style="text-align: center;">3%</td> <td style="text-align: center;">2%</td> </tr> <tr> <td style="text-align: center;">d</td> <td style="text-align: center;">3%</td> <td style="text-align: center;">2%</td> <td style="text-align: center;">1%</td> </tr> </tbody> </table>	Preliminary classification	Site sensitivity			High	Moderate	Low	a	6%	5%	4%	b	5%	4%	3%	c	4%	3%	2%	d	3%	2%	1%
Preliminary classification	Site sensitivity																							
	High	Moderate	Low																					
a	6%	5%	4%																					
b	5%	4%	3%																					
c	4%	3%	2%																					
d	3%	2%	1%																					

11. Map, Design, and/or Other Supporting Drawing and Layout

12. Observations		
<p>Comments:</p> <p>_____</p> <p>_____</p> <p>_____</p>		
Officer:	Signature:	Date:

If in Section 8 of the ESPA, the information about the Involuntary Resettlement is “checked”, the next form should be applied.

RESETTLEMENT AND COMPENSATION PRELIMINARY ASSESSMENT (RPA)

Probable Involuntary Resettlement Effects	Yes	No	Not known	Possible	Remarks
– Will the project include any physical construction work?					
– Does the project include upgrading or rehabilitation of existing physical facilities?					
– Is any project effect likely lead to loss of housing, other assets, resource use, or incomes/livelihoods? Estimated number?					
– Is land appropriation likely to be necessary? Estimated area?					
– Is the site for land appropriation known?					
– Is the ownership status and current usage of the land known?					
– Will easements be utilized within an existing right of way?					
– Are there any people without land titles who live or earn their livelihood at the site or within the right of way? Estimated Number?					
– Will there be loss of housing? Estimated number?					
– Will there be loss of agricultural plots?					
– Will there be losses of crops, trees, or fixed assets?					
– Will there be loss of businesses or enterprises?					
– Will there be loss of incomes and livelihoods?					
– Will people lose access to facilities, services, or natural resources?					
– Will any social or economic activities be affected by land use-related changes?					
If involuntary resettlement impacts are expected:					
– Are local laws and regulations compatible with the World Bank’s Involuntary Resettlement Policy?					
– Will coordination with the MoW be required to deal with land appropriation?					
– Does the IA retain sufficient skilled staff for resettlement planning and implementation?					

– Are training and capacity-building interventions required prior to resettlement planning and implementation?					
Information on affected persons:					
– Any estimate of the likely number of households that will be affected by the project?					Number: __
– Are any of the household's poor, headed by a woman, or vulnerable to poverty risks?					Number: __
– Are any of the PAP from ethnic groups? If yes, explain:					Number: __

Involuntary Resettlement and Compensation Classification:

After reviewing the answers above, the project team leader and social development/resettlement specialist agree, subject to confirmation, that the project is categorized as noted below.

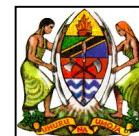
HIGH risk Significant resettlement impact (more than 200 people affected), Full Resettlement/Compensation Action Plan (RAP) is required.

MODERATE risk Limited resettlement impact (less than 200 people affected), Resettlement Action Plan (RAP) is required.

LOW risk No resettlement impact. No resettlement plan is required.

Consultant support is required to prepare the RAP.

**RESETTLEMENT/COMPENSATION
MONITORING REPORT**



Name of the project			
Implementing Agency:			
Component of Program/Project:	<input type="checkbox"/> Water Resources Management <input type="checkbox"/> Water Supply and Sanitation Services	Project Category:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Location:	a. Region: b. District: c. Village:		
Evaluator name:		Sign:	Date:

a. People participating in the site visit:

Name	Institution	Charge	Sign
1.			
2.			
3.			

b. Status of the legal and safeguards compliance:

- What type of studies the project required during the preparation phase? ESIA, PESIA, ESA, RAP, Others.
- Has the RAP got approval of MoW and World Bank?
- The RAP has the District/Town/Village Council Authority approval?
- Was the RAP disclosed? Date of disclose.

c. Status of the RAP implementation

- Which date was the starting day of the RAP implementation?
- Which date is expecting to finalize the RAP implementation?
- What is the percent (%) of the RAP implementation?
- The construction works starts before the RAP was completed or implemented? (Y/N)

d. Social effects observed in the field visit

Summary of the social effects observed in the field visit for the resettlement:

- Predicted effects and nature of observation; and
- Unpredicted effects and nature of observation.

e. Compliance of the RAP specification

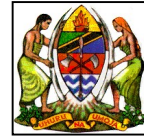
Analysis of how the responsible of RAP implementation is complying with the plan.

f. Conclusions and recommendations

Recommendations for corrective measures of the plan implementation, in order to take into account the problems observed during the site visit.

Resettlement/Compensation Final Report

RFR



Name of the project			
Implementing Agency:			
Component of Program/Project:	<input type="checkbox"/> Water Resources Management <input type="checkbox"/> Water Supply and Sanitation Services	Project Category:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Location:	<ul style="list-style-type: none"> • Region: • District: • Village: 		
Evaluator name:		Sign:	Date:

On (date) _____, the final review of the RAP corresponding to the project _____ was conducted to verify fulfillment of the resettlement/compensation activities proposed for the project in the RAP, as well as to ascertain if other negative impacts have appeared during the period in which the RAP implementation took place. There was content the commission integrated by the following persons:

Name	Institution	Charge	Sign
1.			
2.			
3.			

a. Background

Capture case record including dates, brief narration of the problem, and recommendations from previous site visits.

b. Results of the review

Describe in detail the conditions in which the resettlement/compensation activities were developed, the grade of fulfillment, and current state, explaining when necessary reasons why measures have not been completed. Completing the table below will help visualize this information.

No.	Resettlement/Compensation activity	Accomplishment			Time still needed to accomplish measures	Observations
		Yes	No	%		

c. Conclusions and recommendations

Based on the examination, prepare conclusions regarding fulfillment of the mitigation measures and recommendations.

Annex 4: Guidelines to prepare Resettlement and Compensation Action Plan (RAP)

The scope and level of detail of the Resettlement and Compensation Action Plan (RAP) will vary based on the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about the proposed resettlement and its impacts on displaced persons and other adversely affected groups and the legal issues involved in resettlement. The RAP should cover elements listed here, when any element is not relevant to project circumstances, it should be noted in the plan.

1. Project Description

Provide general description of the project and identification of the project area.

2. Potential Impacts

Identify (i) the project component or activities that give rise to resettlement assets affectation, (ii) the zone of impact of such component or activities, (iii) the alternatives considered to avoid or minimize resettlement, and (iv) the mechanisms established to minimize resettlement, to the extent possible, during subproject implementation. Potential impacts should include social, economic and environmental impacts.

3. Objectives

Provide the main objectives of the resettlement plan.

4. Socio-economic Studies

Provide findings of the socio-economic studies conducted in the early stages of project preparation with the involvement of potentially displaced people, including:

The results of a census survey covering:

- (i) Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labour and household organization, and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) The magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons for whom special provisions may have to be made; and
- (v) Provisions to update information on PAP's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

Other studies describing:

- (i) Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based

- usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the subproject area;
- (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the subproject;
 - (iii) Public infrastructure and social services that will be affected; and
 - (iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions such as community organizations, ritual groups, and NGOs that may be relevant to the consultation strategy and to designing and implementing resettlement activities.

5. Legal Framework

The findings of a legal framework analysis covering:

- (i) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (ii) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the subproject;
- (iii) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource–usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (v) Gaps, if any, between local laws covering eminent domain and resettlement and the World Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (vi) Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

6. Institutional Framework

The findings of any analysis of the institutional framework covering:

- (i) The identification of agencies responsible for resettlement activities and NGOs that may have a role in subproject implementation;
- (ii) An assessment of the institutional capacity of such agencies and NGOs; and
- (iii) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

7. Eligibility

Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. Valuation and Compensation for Losses

The methodology for valuing losses to determine their replacement cost, a description of the proposed types and levels of compensation under local law, and necessary supplementary measures to achieve replacement cost for lost assets.

9. Resettlement Measures

Describe the packages and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of ESF-SS5. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons and prepared with their input and participation.

10. Site Selection, Site Preparation, and Relocation

Describe alternative relocation sites considered and explain reason for selection, including:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) A legal arrangement for regularizing tenure and transferring titles to resettles.

11. Housing, Infrastructure, and Social Services

Plans to provide (or to finance resettles provision of) housing, infrastructure (for example, water supply, feeder roads), and social services to host populations and any necessary site development, engineering, and architectural designs for these facilities.

12. Environmental Protection and Management

Describe the boundaries of the relocation area, the assessment of the environmental impacts of the proposed resettlement, and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. Community Participation

Describe the involvement of resettles and host communities, including:

- (i) Describe the strategy for consultation with and participation of resettles and hosts in the design and implementation of resettlement activities;
- (ii) A summary of the views expressed and how these views were considered in preparation of the resettlement plan;
- (iii) A review of the resettlement alternatives presented and the choices made by PAP regarding their available options, including choices regarding: types of compensation and resettlement assistance; relocating as individual families or as parts of pre-

- existing communities or kinship groups; sustaining existing patterns of group organization; or retaining access to cultural property (for example, places of worship, pilgrimage centres, or cemeteries); and
- (iv) Institutionalized arrangements by which PAP can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups such as indigenous people, ethnic minorities, the landless, and women are adequately represented.

14. Integration with Host Population

Describe measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due to hosts for land or other assets provided to resettles;
- (iii) Arrangements for addressing any conflict that may arise between resettles and host communities; and
- (iv) Any measures necessary to augment services (for example, education, water, health, and production services) in host communities to make them at least comparable to services available to resettles.

15. Grievance Procedures

Describe the affordable and accessible procedures for third-party dispute resolution for resettlement issues. Grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.

16. Organizational Responsibilities

Provide the organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; any measures (including technical assistance) needed to strengthen implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettles the responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. Implementation Schedule

Provide an implementation schedule covering all resettlement activities from preparation through implementation, including target dates for realization of expected benefits to resettles and hosts and termination of various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

18. Cost and Budget

Provide itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; a timetable for expenditures; sources of funds; arrangements for the timely flow of funds; and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. Monitoring and Evaluation

Provide arrangements for: monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of PAP in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; use of resettlement monitoring results to guide subsequent implementation.

Annex 5: Grievance Mechanism

5.1 Guidelines to prepare a Grievance Mechanism

The purpose of this Annex is to provide a practical guide to help IAs design and implement a mechanism for dealing with Complaints or grievances which will also be more detailed in the RAP for each site or area. Grievance redress mechanisms are necessary avenues for allowing affected persons to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieving transparency in the land acquisition and resettlement processes.

The design and implementation of a grievance mechanism can be divided into four phases:-

Phase 1 Define the scope and identify targets: Design and RAP team develops the overarching purpose and goals of the grievance mechanism, and verifies that the design decisions flow from its purpose.

Phase 2 Design: The RAP team puts together a draft plan that outlines the purpose, goals, scope, resolution approaches, structure, and specifications on how the mechanism will work. This preliminary plan is tested and adjusted through consultation with employees and community members and presented to management for approval, and then included in the RAP.

Phase 3 Implementation: The IA ie the community work together to present adjust and institutionalize the mechanism of claim.

Phase 4 Monitor, report and learn: Information is gathered about the effectiveness of the mechanism in particular and more generally on the ability of the company/developer to prevent and address grievances. This information is used to adjust the system.

5.2 GRIEVANCES REDRESS MECHANISMS

Effective environmental and social management of the program is determined by effective grievances handling mechanism within the implementation cycle of the program and its sub-projects. A grievance mechanism for the program will be scaled to fit the level of risks and impacts of the program and its sub-projects. It will flow from a broader process of stakeholder engagement and business integrity principles, and integrate the various elements of engagement discussed in the preceding sections. In fact, having a good overall community engagement process in place and providing access to information on a regular basis can substantially help to prevent grievances from arising in the first place, or from escalating to a level that can potentially undermine business performance. Thus, from a basic risk-management perspective, spending the time and effort up front to develop a well-functioning process is a good investment.

5.2.1 GRIEVANCES REDRESS PROCESS FOR LAND ACQUISITION

For effective implementation of SRWSP the Grievance Redress Committee (GRM) will be used as a clear way to resolve land disputes and compensation issues for the project. Special arbitration crisis committees will be based on compensation repayment for the affected property and the project will be created immediately after the education of the motivation is released. The committees will be established in accordance to resettlement guidelines of the Water Sector Development Program and through Resettlement Policy Framework (RPF 2016).

The following committees will be formed:

i) Ward Committee (Local and Village)

Ward Grievance Redress Committee (Ward Grievance Redress Committee) will be composed of the following members:

- i. The relevant Ward Executive Officer (chairman)
- ii. A citizen who is not a victim or Project Affected Person (PAP) (Neutral Person)
- iii. PAP representative from street / village level)
- iv. Representative from Ward Level
- v. Mtaa/ Village Executive
- vi. Mtaa / Village Chairperson
- vii. Ward Community Development Officer

ii) District Committee

The District Grievance Redress Committee will be formed by the following members:

- i. District Commissioner (Committee Chairperson),
- ii. Municipal/District Executive Director
- iii. Regional Water Secretariat
- iv. Representative from the Ministry of Land
- v. An Independent Registered Land Valuer
- vi. District Lawyer
- vii. District Community Development Officer
- viii. Mtaa/Village Executive Officer (MEO / VEO) from one which is affected by the project
- ix. Project Affected People Representative (PAPs representative).

5.2.2 General roles and responsibility of GRM Committees

The responsibility of this Committee is to ensure that all victims are accounted for according to the value of their assets and timeframe. The Committee will provide a solution to complaints of people who are not satisfied with the compensation provided, their property damaged without compensation, compensation for the unsuitable person, timely payment, dissatisfaction with allowance payments and complaints about property ownership.

5.2.3 Procedures of submitting complains

The complainant should submit his complaint through the following steps:

- i) First, the complaint should be submitted to the Village / Local Executive Office in writing/orally within 30 days after payment of the compensation and then sent to the Ward Executive Office (Ward Counseling GRM Committee)
- ii) Second, if the complainant is dissatisfied with the mediation of the Ward Mediation Committee's mediation within 14 days, then his counsel should be submitted to the District Arbitration Committee.
- iii) Third, if the dispute has not been resolved within 6 weeks since this notice is announced at the District level, the complainant will submit his / her case to the Court of Law as required by the Land Act of 1999, number 4 and 5 with its Regulation of 2001. If the complainant is dissatisfied with the decisions of the Court he may submit his or her appeal to the Appeal Tribunal.

Annex 6A: VOLUNTARY LAND DONATION AGREEMENT_ENGLISH VERSION



CONTRACT/AGREEMENT

BETWEEN

Sir/Madam.....

AND

LOCAL GOVERNMENT AUTHORITY

FOR THE PURPOSE

VOLUNTARY LAND DONATION

MONTH/YEAR

**...../.....
VOLUNRATY LAND DONATION AGREEMENT
WATER SECTOR DEVELOPMENT PROGRAMME**

This Agreement/Contract has been signed the day of.....this
Month of..... Year.....

BETWEEN

I of the Postal Box Village ofDistrict..... Region..... (Who will be known as the "Landowner" Speech that will include his heirs on the one hand);

AND

DISTRICT EXECUTIVE DIRECTOR of the Postal Box..... (who will be known as the "Land Receiver") will include a list that will include his heirs on the other hand).

THE LAND DONATOR is the legal owner of the plot/field(m²) existing in Village ofCounty ofRegion of.....District ofIn his own voluntary and rational decision he has decided to provide a portion of the area/land mentioned in this Agreement to the District of for implementing Project.

PREAMBLE

The Government of the United Republic of Tanzania (GoT), in collaboration with Development Partners (DPs), has been implementing the **Water Sector Development Programme (WSDP)** since 2006. This Programme focuses on prioritized water resources management and service delivery in the water and sanitation sector. The proponent of the Programme is the Government of the United Republic of Tanzania, while the Ministry of Water (MoW) is the implementing institution on behalf of the Government.

Citizens of all areas that will be hosted by the water project jointly and voluntarily and aimed at facilitating the implementation of the project for public benefit, have agreed to provide their Land for the relevant Councils for implementation of Water Supply and Sanitation project, where the community will voluntary offer the land as in kind contribution to the project.

THERE ARE both parties witnessing and agreeing as follows: -

1. **WHEREAS** The Land Owner is pleased to provide the area / field / plot mentioned in this agreement for facilitating the implementationproject to the region of
2. **WHEREAS** For the Land Receiver will use the area provided for the use for water infrastructures and not for other purposes.
3. **WHEREAS** the landowner is not allowed to perform any permanent transactions that will endanger the presence of the pipeline and the project as a whole in the entire area covered by the project such as building a house and growing trees.
4. **WHEREAS** a Landowner whose area has a permanent infrastructure which will be damaged in one way or another and the construction of the project will be paid in a manner that will be directed to the value of the undertaking.

5. **WHEREAS** the Landowner makes sure that the land he has provided for the project is his own property and no one else owns the property and if anybody else claims that ownership of the area and has been proven to be the legal owner of the area, then the landlord will have the responsibility to pay compensation to that person.
6. **WHEREAS** this agreement will be governed by Law of United Republic of Tanzania.

This is the WITNESS that the land donator and land recipient have agreed with the terms of this Agreement voluntarily have signed this agreement this day of..... this Month.....Year..... as shown below:

ON BEHALF OF LAND DONATOR:

WITNESSED BY:

NAME NAME:

SIGNATURE: SIGNATURE:

DESIGNATION:.....DESIGNATION:

DATE DATE:

WITNESSED BY :

NAME.....

SIGNATURE.....

DESINATION.....

DATE:.....

ON BEHALF OF THE LGA:

WITNESSED BY:

NAME NAME:

SIGNATURE: SIGNATURE:

DESIGNATION:.....DESIGNATION:

DATE DATE:

WITNESSED BY MINISRTY OF WATER REPRESENTATIVE:

NAME.....

SIGNATURE.....

DESINATION.....

DATE:.....

Annex 6B: MKATABA WA KURIDHIA KUTOA ARDHI KWA HIARI



MAKUBALIANO

KATI YA

Bwa/Bibi.....

NA

MAMLAKA YA SERIKALI ZA MTA

KWA LENGU LA

KUTOA ARDHI KWA HIARI

MWEZI/MWAKA

...../.....

MKATABA WA KURIDHIA KUTOA ARDHI KWA HIARI

PROGRAMU YA MAENDELEO YA SEKTA YA MAJI (WSDP)

MKATABA HUU umesainiwa leo tarehe.....ya mwezi.....Mwaka

BAINA YA

NDUGU.....wa Sanduku la
Posta....., Kijiji cha....., Wilaya ya
Mkoa wa..... (ambaye atajulikana kama "**Mtoa Ardhi**" msemu ambao
utajumuisha warithi wake kwa upande mmoja);

NA

MKURUGENZI WA HALMASHAURI YA WILAYA..... wa Sanduku la Posta (atakaejulikana kwa jina "**Mpokeaji Ardhi**") msembo ambao utajumuisha warithi wake kwa upande mwingine).

KWA KUWA MTOA ARDHI ni mmiliki halali wa eneo/ardhi/kiwanja/shamba lenye ukubwa wa mita....., upana wa mita kumi (mita 5 kila upande), urefu....., lililopo katika Kijiji cha, Kata ya, Tarafa....., Wilaya ya, Mkoa Kwa hiari yake mwenyewe bila kulamizimishwa akiwa na akili timamu ameamua kutoa sehemu ya eneo tajwa katika Mkataba huu kwa **HALMASHAURI YA WILAYA YA** kwa ajili ya Mradi wa.....

MAELEZO YA AWALI:

Serikali kwa kushirikiana na Wadau wa Maendeleo inatakeleza Programu ya Maendeleo ya Sekta ya Maji nchini (WSDP 2006-2025). This Programme focuses on prioritized water resources management and service delivery in the water and sanitation sector. Mtekelezaji wa Programu ni Serikali ya Jamhuri ya Muungano wa Tanzania ambayo imetoa jukumu hilo kwa Wizara ya Maji.

Wananchi wa maeneo yote yatakayopitiwa na Mradi huo wa maji kwa pamoja na kwa hiari yao na kwa lengo la kuwezesha utekelezaji wa mradi huo kwa manufaa ya umma, wamekubali kutoa Ardhi zao kwa Halmashauri husika itakayotumika kwa ajili ya utekelezaji wa mradi huo.

HIVYO BASI pande zote mbili zinashuhudia na kukubaliana kama ifuatavyo:-

1. **KWAMBA** Mtoa Ardhi kwa hiari yake mwenyewe anaridhia kutoa eneo/shamba/kiwanja tajwa katika mkataba huu kwa ajili ya kuwezesha mradi wa
2. **KWAMBA** Mpokea Ardhi atatumia eneo analopewa kwa matumizi ya kupitisha bomba la maji chini ya ardhi na si kwa matumizi mengine.
3. **KWAMBA** Mtoaji Ardhi hatoruhusiwa kufanya shughuli yoyote ya kudumu ambayo itahatarisha uwepo wa bomba na mradi kwa ujumla katika eneo lote litakalopitiwa na bomba kama vile kujenga Nyumba na kupanda miti mikubwa.
4. **KWAMBA** Mtoa Ardhi ambaye eneo lake lina miundombinu ya kudumu ambayo itaharibiwa kwa namna moja ama nyingine na ujenzi wa mradi atalipwa kwa utaratibu utakaoelekezwa kutokana na uthamini uliofanyika.
5. **KWAMBA** Mtoaji Ardhi anahakikisha kuwa ardhi aliyotoa kwa ajili ya mradi ni mali yake mwenyewe na hakuna mtu mwingine mwenye umiliki na eneo hilo na endapo atatokea mwingine kudai umiliki wa eneo hilo na ikathibitika kuwa ndiye mmiliki halali wa eneo hilo, basi mtoa ardhi atakuwa na jukumu la kulipa fidia kwa mtu huyo.

6. KWAMBA mkataba huu utasimamiwa na Sheria ya Mkataba ya Jamuhuri ya Muungano wa Tanzania.

KAMA USHUHUDA kuwa **MTOA ARDHI** na **MPOKEA ARDHI** wamekubaliana na masharti ya Mkataba huu kwa hiari yao wenyewe wamesaini mkataba huu Tarehe.....Mwezi Mwaka.....kama inavyoonekana hapa chini:

KWA NIABA YA MTOA ARDHI:

JINA:

SAHIHI:

CHEO:

TAREHE:

MBELE YA:

JINA:

SAHIHI:

CHEO:

TAREHE:

MBELE YA:

JINA.....

SAHIHI.....

CHEO.....

TAREHE:.....

KWA NIABA YA HALMASHAURI:

JINA:

SAHIHI:

CHEO:

TAREHE:

MBELE YA:

JINA:

SAHIHI:

CHEO:

TAREHE:

MBELE YA MWAKILISHI WA WIZARA YA MAJI NA UMWAGILIAJI:

JINA.....

SAHIHI.....

CHEO.....

TAREHE:.....

Annex 7: MWONGOZO NA TARATIBU ZA MALIPO YA FIDIA

1. AINA ZA MALIPO YA FIDIA

Kwa mujibu wa Kifungu na. 10 cha Kanuni ya sheria ya Ardhi Na. 4 ya mwaka 1999, "*The Land (Compensation Claims) Regulations, 2001*"; aina za malipo ya fidia ni kama ifuatavyo:-

- 1) **Fedha tasilimu** - ambayo kiutendaji yaweza kuwa tasilimu au kwa mfumo wa Hundi.
- 2) **Ardhi** - yenye ukubwa na ubora/hadhi sawa na ile iliyotwaliwa.
- 3) **Jengo** - lenye ukubwa na ubora/hadhi sawa na lile lililotwaliwa.
- 4) **Mimea/miti ya mazao** (*Plants & seedlings*).
- 5) Haki au ruhusa ya **kutumia mali ya jamii** kwa muda maalum (*Access to communal Assets*) mf. Maji, malisho, n.k
- 6) Utoaji wa **nafaka na vyakula vingine** kwa muda maalum (*Regular supplies of grain & other basic food staffs for specified time*).
- 7) **Aina nyingine yeyote** kwa mujibu wa makubaliano.

2. MAANDALIZI YA AWALI KABLA YA KUANZA MALIPO

Kabla ya kuanza malipo ya fidia, taratibu zifuatazo zinatakiwa kufuatwa ili kutekeleza kazi ya malipo ya fidia kwa ufanisi:

- 1) Fedha za malipo ya fidia zinaweza kuhamishwa kutoka akaunti ya Wizara kwenda Taasisi itakayosimamia uandaaji wa hundi za malipo kwa kutathmini uwezo wa taasisi husika na jinsi taasisi hiyo ilivyoshiriki katika zoezi la uthamini na uhakiki na inavyonufaika na mradi tarajiwa;
- 2) Mlipaji wa fidia atatakiwa kujiridhisha na orodha ya walipwaji wote waliopo kwenye majedwali ya uthamini kwa kuhakikisha kuwa majina hayo ndiyo yaliyopo pia kwenye majedwali ya malipo (*payment schedules*);
- 3) Timu inayosimamia ulipaji ipitie majina yote, kuwajulisha viongozi wa vijiji ikiwa ni pamoja na nakala ya majina ya wananchi wanaostahili kulipwa fidia kubandikwa kwenye mbao za matangazo kwa kila kijiji (majina tu bila kuonyesha kiwango cha malipo ya fidia);
- 4) Taasisi iliyopewa dhamana ya kusimamia kazi hii itaandaa hundi za wananchi wote wanaostahili kulipwa fidia;
- 5) Taasisi za Kibenki zijulishwe ili kuweza kujiandaa kutoa huduma wakati wote wa malipo ikiwa ni pamoja na kuwafungulia akaunti walipwaji kwa kuwa mwananchi hatalipwa fedha taslimu;
- 6) Notisi ya malipo ya fidia iandaliwe ambayo itawekwa nakala mbili za picha (Passport sizes).
- 7) Wizara kwa kushirikiana na Taasisi itakayosimamia malipo ya fidia kwa ushirikiano wa Ofisi ya Mkuu wa Mkoa na Wilaya husika kuunda kikosi kazi cha kusimamia malipo ya fidia kitakachojumuisha wawakilishi wafuatao;-
 1. Wawakilishi kutoka Wizarani
 2. Mwakilishi (1) kutoka Ofisi ya Mkuu wa Mkoa (anaweza kuwa mthamini wa mkoa au mwakilishi yoyote mwenye uzoefu na masuala ya fidia)
 3. Mwanasheria wa Halimshauri husika kwa ajili ya kutoa Notisi
 4. Mwakilishi kutoka Ofisi ya Mkuu wa Wilaya (1)
 5. Afisa Usalama wa Wilaya husika (1) na Polisi 2
 6. Taasisi inayosimamia mradi/malipo ya fidia (1)
 7. Mthamini aliyefanya kazi ya uthamini kwa kila Halmashauri husika, kama hayupo atashiriki Mthamini aliyepo.

- 8) Kuandaa gharama na mpango kazi wa utekelezaji wa kazi ya malipo ya fidia;

3. ULIPAJI WA MALIPO YA FIDIA

- 1) Mlipwaji wa fidia atasaini nakala tatu (3) za majedwali ya fidia pamoja na payment schedules; baada ya malipo nakala moja itawasilishwa Wizarani, moja Wilayani na nyingine Mkoani kwa rejea na kumbukumbu sahihi;
- 2) Atakayehusika na gharama za fidia hiyo ni kijiji, mamlaka, kampuni, shirika, chama au Wizara inayohusika na uchukuaji wa ardhi hiyo kwa ajili ya shughuli zake. Kwa upande wa Farkwa jukumu hili linaweza kuchukuliwa na Wizara;
- 3) Malipo yafanywe na wahasibu wa mlipa fidia au kupitia Mamlaka ya Serikali iliyoruhusu kuchukuliwa kwa eneo husika kama vile Ofisi ya Mkuu wa Wilaya, Halmshauri au pia Wizara ya Ardhi kwa miradi mikubwa ya Kitaifa.
- 4) Fidia italipwa tu kwa nyumba iliyojengwa na mazao yaliyopandwa **kabla** sehemu ya ardhi inayohusika haijachukuliwa kwa matumizi ya shughuli nyingine.
- 5) Aidha, sehemu inayohusika isifanyiwe shughuli mpya kabla fidia haijalipwa.
- 6) Malipo yashuhudiwe na viongozi wa mitaa ya wananchi husika na mthamini aliyeshiriki zoezi.
- 7) Mfidiwa aje na picha (*passport size*), vitambulisho na vithibitisho vinavyokubalika kijamii/kitaifa ikiwa ni pamoja na fomu za uthamini.
- 8) Michanganuo ya mali kwa kila mfidiwa iambatanishwe wakati wa malipo.
- 9) Mfidiwa asainishwe kwenye jedwali la malipo; saini yake ya maandishi na dole gumba au mojawapo inapobidi.
- 10) Kabla ya kupatiwa malipo, Mfidiwa asaini fomu ya kukiri malipo (disclaimant form) ikiambatana na angalizo la kupisha eneo ndani ya siku 90 (Notisi) baada ya kulipwa fidia yake.
- 11) Mlipwaji wa fidia atapigwa picha wakati wa uchukuaji wa hundi ya malipo.

4. KUFUNGA ZOEZI LA MALIPO YA FIDIA

Baada ya malipo kukamilika wananchi wana haki ya kutoa malalamiko ndani ya miezi 12 tu tangu kukamilika kwa zoezi la malipo, utaratibu wa kushughulikia malalamiko utafuata muongozo uliopo kisheria kwa mujibu wa sheria ya Ardhi Na. 4 ya mwaka 1999 na Kanuni yake "*The Land (Compensation Claims) Regulations of 2001.* "

5. UANDAAJI WA TAARIFA

Kikosi kazi kitawajibika kuandaa taarifa ya utekelezaji wa malipo ya fidia na namna kazi ilivyotekelezwa. Aidha, taasisi itakayosimamia ulipaji wa malipo ya fidia (DUWASA au IDB) katika kuandaa hundi za malipo itawajibika kuandaa taarifa ya malipo ikiwa ni sehemu ya taarifa ya masurufu na kuiwasilisha Wizarani ikaambatishwa na nakala za majedwali yaliyosainiwa na wananchi baada ya malipo kukamilika.

Annex 8: NOTISI BAADA MWANANCHI KULIPWA FIDIA

JAMHURI YA MUUNGAO WA TANZANIA

WIZARA YA MAJI



Yah: NOTISI YA KUHAMA KATIKA ENEO LA MRADI

Kwa kuwa Serikali imekulipa fidia ya Mazao/Nyumba/Posho leo tarehe.....
..... ya kiasi cha Tsh..... kwa kumbukumbu namba
VAL/..... ili kupisha ujenzi Bwawa la Farkwa kutoka ziwa.

Hivyo kwa notisi hii unatakiwa uhame eneo husika la mradi ndani ya miezi mitatu (siku 90)

Jina la Mfidiwa:

Saini:

Tarehe:

Mbele ya:
Mwenyekiti wa Kitongoji
Cha.....

Jina:.....

Saini:.....

Tarehe:.....

Mbele ya:
Afisa Mtendaji wa Kata
.....

Jina:.....

Saini:.....

Tarehe:.....

..... (**Sahihi ya Mwanasheria na muhuri**)
MWANASHERIA WA HALMASHAURI
Kny: MKURUGENZI MTENDAJI
HALMASHAURI YA WILAYA YA

Nakubali kwamba nimepokea notisi ya malipo fidia kiasi cha Sh.....

Jina la mhusika.....

Saini:.....

Tarehe ya kupokea.....