

**THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF WATER**



**LWATSAN-MWANZA Project  
Short Term Investment Plan (STIP)**

**Abbreviated Resettlement Action Plan (ARAP) for Contract  
3: Extension and Rehabilitation of Water Supply and Waste  
Water Systems in Mwanza City**

**PUBLIC FINAL REPORT**

**Prepared for:**

**Mwanza Urban Water Supply and Sanitation Authority (MWAUWASA)**

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**October 2019**

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Water Supply and Wastewater Systems in  
Mwanza City

29 Oct 2019

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# Acronyms

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>AFD</b>	French Development Agency
<b>BP</b>	Bank Procedure (World Bank)
<b>BPS</b>	Booster Pumping Station
<b>DED</b>	Detailed Engineering Design
<b>DN</b>	Distribution Network
<b>DoE</b>	Department of Environment
<b>EIB</b>	European Investment Bank
<b>EIS</b>	Environmental Impact Statement
<b>EMP</b>	Environmental Management Plan
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management/Monitoring Plan
<b>EU</b>	European Union
<b>EUR</b>	Euro
<b>FD</b>	Final Design
<b>GRM</b>	Grievance Redress Mechanism
<b>GoT</b>	Government of Tanzania
<b>HDPE</b>	High Density Polyethylene
<b>ID</b>	(Pipe) Identity
<b>IIP</b>	Immediate Investment Plan (for Mwanza and three satellites)
<b>LS</b>	Lender's Supervisor
<b>LWATSAN</b>	Lake Victoria Water and Sanitation (Project)
<b>MCC</b>	Mwanza City Council
<b>MEO</b>	Mitaa Executive Officer
<b>MoWI</b>	Ministry of Water and Irrigation
<b>MWAUWASA</b>	Mwanza Urban Water Supply and Sanitation Authority
<b>NEMC</b>	National Environment Management Council
<b>NGO</b>	Non-governmental Organization
<b>O&amp;M</b>	Operation and Maintenance
<b>OP</b>	Operational Policy (World Bank)
<b>PMC</b>	Project Management Consultant (for LWATSAN)
<b>PMU</b>	Project Management Unit (for LWATSAN)
<b>PS</b>	Pump Station
<b>RMF</b>	Resettlement Management Framework
<b>RPF</b>	Resettlement Policy/Planning Framework (for LWATSAN)
<b>SEP</b>	Stakeholder Engagement Plan (for LWATSAN)
<b>STIP</b>	Short-term Investment Plan (for Mwanza)
<b>TD</b>	Tender Document(s)
<b>TARURA</b>	Tanzania Rural Roads Agency
<b>WEO</b>	Ward Executive Officer
<b>WSDP</b>	Water Sector Development Project
<b>WST</b>	Water Storage Tank
<b>WTP</b>	Water Treatment Plant
<b>WWTP</b>	Wastewater Treatment Plant

# Glossary

<b>ARAP</b>	<p>Document in which the responsible competent authority or project party describes the impact of involuntary resettlement and specifies the procedures that will be followed to identify, evaluate and displace or compensate Project Affected People, and defines the actions to be undertaken during all phases of displacement or compensation.</p> <p>RAP is required in case more than 200 people are adversely affected; whereas an ARAP is required for 200 people or less – both documents have in principle the same structure. ARAP requires more socio-economic information on the affected people. Details on decision to carry out ARAP or RAP are provided under Impact scenario and Compensation requirements as well as Table 16 on level of impact, Section 6.6.</p>
<b>Census</b>	<p>Field survey carried out to identify and determine the number of Project Affected Persons as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions.</p>
<b>Compensation</b>	<p>Refers primarily to the cost of payment for expropriated land (including trees and crops that cannot be harvested), housing, structures and other fixed assets, including assets acquired for temporary project use. It includes the costs incurred to directly acquire substitute properties as well as the cost of acquiring resettlement sites. Compensation applies to vendors, enterprises, and other commercial operations, as well as residential units (households).</p>
<b>Cut-off Date</b>	<p>Date of completion of the census and assets inventory of persons affected by the development. Persons occupying the area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.</p>
<b>Grievance Redress Mechanism (GRM)</b>	<p>The ARAP contains a GRM based on policies and procedures that are designed to ensure that complaints or disputes about any aspect of land acquisition, compensation, resettlement and rehabilitation are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.</p>
<b>Involuntary resettlement</b>	<p>Refers to (a) physical displacement (i.e. physical relocation of residence or loss of shelter), and/or (b) economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood)</p>

as a result of project-related land acquisition or restriction of access to natural resources.

Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition resulting in displacement. Involuntary resettlement can be caused by environmental degradation, natural disasters, conflicts or development projects. Even if the resettlement is prompted by public safety concerns (such as natural hazard-induced displacement), it is still considered involuntary if the resettled population has no choice to remain at their location.

Involuntary resettlement is associated with loss of housing, shelter, income, land, livelihoods, assets, access to resources and services, among others. These losses occur as a consequence of declaring a public purpose in cases of: (a) land acquisition, (b) expropriation or restrictions on land use based on eminent domain, (c) forfeiting of a livelihood/subsistence strategy dependant on the use of natural resources, and/or (d) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Conversely, resettlement is considered voluntary when affected persons have the right to refuse land acquisition or engage in open market transactions. Voluntary resettlement implies that the people involved:

- (i) are fully and a priori knowledgeable about the project and its implications and consequences;
- (ii) agree freely to participate in the project; and
- (iii) have the option to agree or disagree with the land acquisition, without adverse consequences imposed formally or informally by the state.

**Land acquisition**

Process whereby a person is compelled by a government agency to alienate all or part of the land that person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation. It includes purchases or leasing of land and purchases or leasing of access rights (way-leave).

**Project Affected Person (PAP)**

PAPs are defined in the RPF as all persons who lose as a consequence of the LWATSAN – Mwanza Project ownership of and or part of their physical assets, which include their homes, tenancy, productive land, commercial properties, income earning and subsistence opportunities, cultural sites, communities, as well as social and cultural networks and activities. The impacts may be permanent or temporary. This includes all members of the household (women, men, girls, boys, incl. Several generations in the case of extended households), the owner and employees of a business, tenants, land owners, and share croppers, informal settlers (i.e. lacking formal titles), holders of customary land rights, informal business operators and their employees / assistants.

**Resettlement  
Planning  
Framework (RPF)**

Provides guidelines for development of appropriate mitigation and compensation measures for the impacts caused by the project activities whose exact locations are not known prior to project appraisal.

**Resettlement  
Management  
Framework (RMF)**

The RPF is intended for use as a practical tool to guide the preparation of ARAPs for sub-project activities during implementation of the project.

RPF has been replaced by Resettlement Management Framework (RMF) which takes into account the Tanzanian law and policies as well as the World Bank's OP/BP 4.12 on involuntary resettlement safeguard policies for implementation of WSDP II including LWATSAN Mwanza project.

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The Mwanza Urban Water Supply and Sanitation Authority (MWAUWASA) acknowledges the assistance and guidance received from different stakeholders for preparing and compiling this ARAP report for the proposed Short-term Investment Plan (STIP) for water supply and wastewater systems implemented under the LWATSAN Project in Mwanza City.

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## Executive Summary

The LWATSAN – Mwanza Project (2014, currently planned to end in 2022), implemented and financed by Government of Tanzania through the Ministry of Water and Irrigation, and co-financed by the European Investment Bank (EIB) and the Agence Française de Développement (AFD), aims at protecting the Lake Victoria environment and wellbeing of the population in the Lake Basin. The Project has several components, one being the preparation and implementation of a Short-term Investment Plan (STIP) for Mwanza City. Implementation of the STIP is through three contracts: 3a – Water supply for Mwanza City; 3b – Igoma wastewater scheme; and 3c – Butimba raw water intake and treatment plant. Contract 3 implementation (construction) is currently expected to commence in July 2019 and be completed, including a defect period, in July 2022.

The aim of this Abbreviated Resettlement Action Plan (ARAP) is to (i) provide an assessment of the currently known Project Affected Persons (PAP) resulting from the Contract 3 works, (ii) provide an oversight of the compensation requirements including the total amount to be compensated following completion and approval of valuation reports, and (iii) outline the areas of the works where construction may commence (pending checks and confirmation by the Supervising Consultant).

The package of Contract 3 project interventions in Mwanza City consists of two main components: water supply works and wastewater works, and each component includes a number of rehabilitation and extension sub-components, as follows.

### **Water Supply:**

Project works in the central and southern area of Mwanza City under Contracts 3a and 3c include:

- a) Pipe laying rising main 600 mm from Butimba Water Treatment Plant (WTP) to Igoma tank.
- b) Construction of new Water Treatment Plant with capacity of 40,000 m<sup>3</sup>/day at Butimba.
- c) Construction of Sub-Igoma Booster Pump Station (BPS) at Sahwa.
- d) Construction of a 2,000 m<sup>3</sup> Water Storage Tank (WST) at Sahwa.
- e) Distribution network to the area with water networks.

### **Sanitation / Wastewater:**

This comprises construction of Igoma Wastewater Treatment Plant (WWTP) at Nyamhongolo and new sewer collection networks in Mwanza City under STIP. The following will be executed under Contract 3b:

- a) Construction of Igoma Wastewater Treatment Plant (WWTP) (12,500 m<sup>3</sup>/day).
- b) Installation of new sewer Collection Network (30 km length).
- c) 10,000 customer connections.
- d) Supply of project O&M equipment.

For some of the works, such as water storage tanks and pump houses, some plots of land have been acquired that still await compensation payment to eligible PAPs, while other plots have

been and are merely waiting to be formally handed over or released. Supporting data on these transactions have been collected and analysed by the PMU but some data is still missing, for example, information on distribution networks (properties to be affected, PAPs, final alignment(s) routes, etc.). However, these data omissions are considered minor and will be dealt with by MWAUWASA and the Contractor during the construction phase.

The present ARAP report provides an analysis of applicable policies and the legal framework, and considers the revised Resettlement Management Framework (RMF, 2016) for the Water Sector Development Programme (WSDP-II) as a guiding instrument on resettlement issues for the present project.

Land acquisition is mainly governed by the Land Act No. 4 (1999) and Village Land Act No. 5 (1999), together with Land Regulations (2001), which provides guidance on the issue of compensation and is directly relevant to the proposed development. According to Section 10 (1) of the Land (Compensation Claims) Regulation 2001 and revised in 2016, compensation shall take the form of:

- Monetary compensation;
- Plot of land of comparable quality, extent and productive potential to the land lost;
- A building or buildings of quality, extent and use comparable to the building or buildings lost.

It also defines the basis for calculating compensation for any land, being the market value of such land.

Site conditions in most of the intervention areas are characterized by hilly and rocky terrain that is densely populated. Houses and other structures have been built close together, often encroaching on existing road reservations, which is why there is little space to excavate trenches and lay pipes. The variable rocky terrain may require in some cases heavy duty equipment (e.g. blasting), imposing potential danger and damage to life and property.

Many people in Mwanza live in unplanned settlements. These settlements, apart from lacking basic infrastructure such as roads, schools and water supply, are located on steep rocky hills where providing basic sanitation is difficult. In recent times, housing in Mwanza City has extended further and further up to the hills in an uncontrolled manner. This has created numerous problems such as improper wastewater disposal. In such areas, conventional sewer systems are difficult to establish and maintain due to the rocky nature, steep slopes, problematic pipe alignments due to uncontrolled building layouts, etc. As the works will be implemented in many locations, collecting specific socio-economic data on each locality has been challenging and time-consuming. Therefore, at the time of writing, data has been collected from selected locations only (i.e. from other components of the LWATSAN programme).

Community information meetings have been organized by the PMU in the majority of the planned Contract 3 project sites, where communities were informed on the upcoming project activities and their views and concerns were discussed and recorded. In general, there was an overwhelming appreciation of the sub-projects and an eagerness to start the works. One of the first steps was to establish within each community a mechanism with which any grievances associated with the works will be redressed.

The requirements for PAP identification and preparation of this ARAP report have been described in detail in the Resettlement Planning Framework (RPF) / Resettlement Management Framework (RMF) for the Project. PAP assessment was done based on detailed maps which depict the locations for construction of water tanks / boosters, the pipeline route for the Transmission Main from the Butimba water intake to Igoma water reservoir and for the WWTP

located at the Nyamhongolo site. Detailed information on the route(s) for Contract 3b, i.e. the WWTP, had not been finalised at time of writing of the present report. A preliminary survey was conducted including engagement of communities and other key stakeholders. These have made it possible to identify all PAPs for these systems.

With respect to land plot requirements for the above-ground construction works, Table S-1 summarizes these. Required plot sizes have been extracted from the Tender Documents, Volume IV – Bill of Quantity, of April 2016.

**Table S-1: Land plot to be acquired by MWAUWASA for project works, and status**

SN	Location (site)	Size of land	Length & Width	Status
1	Sahwa Booster Pumping Station	16,500 m <sup>2</sup> (1.65 ha)	165 m x 100 m	Valuation completed and approved by the Chief Government Valuer
2	Butimba raw water intake and treatment plant	366,378 m <sup>2</sup> (74 acres)		Valuation completed and approved for compensation
3	Nyamhongolo for WWTP	395,244 m <sup>2</sup> (39.5 ha)		Valuation completed but not yet approved by the Government Chief valuer
4	Transmission Main route	30,000 m <sup>2</sup> (30 ha)	1.5 m x 19.72 km	No valuation and no compensation needed. MWAUWASA has written letters requesting permission to use pieces of land from current owners (TANROADS/TARURA, TRL & TANESCO) for the major route

Source: MWAUWASA (2018)

The process of valuation of land plots that need to be acquired and compensated was conducted by valuers of the Mwanza City Council and has been completed. The valuation of the WWTP site at Nyamhongolo was commissioned and executed by the Ilmela Municipal council. The process being adopted (for example, negotiation with PAPs on rates) confirms that compensation will be made in compliance with the Land Assessment of the Value of Land for Compensation Regulations of 2001 (revised in 2016) and the MoWI-endorsed RMF, which includes among others the requirements for setting a cut-off date, for land to be valued by a government valuer, and reported upon to, and approved by, the Chief Valuer.

Regarding the transmission main, MWAUWASA has requested to be affected land owners to provide official documents as evidence allowing MWAUWASA to install the Transmission Main pipes from Butimba to Igoma via Sahwa. It is the intention of MWAUWASA to process land title deeds after compensation and acquisition of the land plots while continuing with construction works.

Accidental damage which may occur during construction works, for example to structures such as buildings, infrastructure, trees, fences, etc., will be dealt with by the Contractor in collaboration with the developer, and cannot be considered within the framework of the present document due to the uncertainty around any future damage in terms of what it may impact, when it would occur and where.

The RPF/RMF requires that compensation under the Project is to be provided in accordance with Tanzanian law, particularly the 1967 Land Acquisition Act and 1999 Land Act and the aforementioned regulations (i.e. being cash equivalent to the market value). All valuations for acquisition of land plots for the project must comply with this requirement while considering the World Bank's OP/BP 4.12 on involuntary resettlement safeguard policies as agreed by Development Partners in implementing the WSDP-II.



The RPF/RMF states: *“all estimates of compensation will be based on Replacement Cost Methods. Nationally set values for crops and fruit trees by the Ministry of Lands, Housing and Settlements are used as the basis for crop values. The Comparative method of valuations which is sometimes referred to as the Direct Capital Comparison method (DCCM) is used and in absence of the market evidences the Replacement Cost Method (RCM) is adopted. Under the later method, Depreciated Replacement Cost is equated to the Market value of the subject property.”*

EIB Standard 6 requires that the Promoter is to offer to the affected persons an informed choice of either compensation in kind or monetary compensation at the outset. As long as any outstanding compensation payments are pending, the areas concerned will be off limits to contractors until at least the valuation process has been approved, including by the householders themselves (with compensation agreed).

Further sections of the present report detail institutional responsibilities and operational procedures, requirements for the grievance redress mechanism that is being set up in each town, as well as arrangements for implementation, monitoring and reporting on the ARAP activities.

The next steps for finalization of the ARAP process for Contract 3 are as follows:

**STEP 1 – Decision on final locations of pipes** – The final location of the pipes of the water supply and sewerage networks will have to be decided upon, ideally by a combined party of the Contractor, the Supervising Consultant, PMU, as well as the local community involved.

**STEP 2 – The identification of PAPs for distribution networks** is to be done by PMU.

**STEP 3 – Approving the Valuation Report for Nyamhongolo** – By the Chief Valuer.

**STEP 4 – ARAP Report review and approval** – As per the RPF requirements, the ARAP report will be forwarded to the Mwanza City government for review and approval.

Once satisfied with the ARAP report the Mwanza City government will forward the document on together with their recommendations to the Ministry of Land, Housing and Settlements and the MoWI for their endorsement and final approval.

Compensation and resettlement plans (contracts) will be binding under statute and will recognize that customary law governing land administration and tenure in the rural/village areas.

Further review and approval steps are given MoWI's notification of 15 February 2017, that are presented in Appendix E.

**STEP 5 – Compensation Payments** – Compensation is finally handed to the beneficiary or the body responsible for resettlement i.e. the provincial water authority for payment to the PAP. All payments and transfers in kind will be made in the presence of the affected party and the city authorities. Note that some of the compensations for land take for construction of the water storage tanks have already been made.

All compensation and social assistance that PAPs are eligible for, needs to be offered and completed prior to any land acquisition takes place.

**STEP 6 – Monitoring and Evaluation** – Monitoring will be ongoing from the outset. Early commencement of monitoring is essential in order that any issues raised are addressed early on in the project.

Meanwhile, construction may commence on all sites after confirmation has been received from the Supervising Consultant that there are no PAPs associated with these works as well as after receiving permission letters from authorities allowing construction works to continue in road reserves.

### **Summary of project impacts for Contract 3**

Contract 3 has four major locations that require MWAUWASA to compensate either in cash or in kind for the implementation of project works. Contract 3a consists of the Transmission Main and a Booster Pumping Station at Sahwa where properties will be affected including land, building structures, crops / trees.

The Transmission Main from Butimba to Igoma will not only pass through reserved land belonging to government agencies but also crosses public infrastructure (roads). No compensation is required here but MWAUWASA has been engaged in the process of obtaining formal permission to cross and utilize reserved land. Impacts associated with the construction phase will be mitigated to minimize hindrance to the road users as indicated in this report. Impacts caused by water distribution networks for this contract are not included under this ARAP and therefore will be dealt with by MWAUWASA and Contractor(s) during construction as minor cases.

Contract 3b for the Wastewater Treatment Plant at Nyamhongolo involves a large land-take for the Project implementation. The main sewer lines will be laid within or at the centre of the road and therefore no PAPs will be affected by the project. Minor connections to customers will be dealt with by MWAUWASA and the Contractor during the construction phase. The total land to be acquired for the WWTP is 395,244 m<sup>2</sup> (WWTP Nyamhongolo) with a total of 26 PAPs. No compensation has been made yet and therefore no land-take has been concluded.

Contract 3c constitutes the raw water intake and water treatment plant located at Butimba Prison area, totalling 366,375 m<sup>2</sup> (Valuation Report, May 2018) and equivalent to 36.6 ha of land to be acquired for this project. The modality of compensation for this is explained in this report.

The overall compensation required for implementation of the Short-term Investment Plan for acquisition of land regarding implementation of Contract 3 within Mwanza City is detailed on the confidential ARAP report. This constitutes compensation for Butimba Intake and Water Treatment Plant, Sahwa Booster Pump Station and acquisition of the Nyamhongolo Wastewater Treatment Plant as per submitted valuation reports of May 2017 and 2018, respectively. Apart from the overall total compensation total for compensation of all contracts (3a, 3b and 3c), there are some additional lump sum required for monitoring of activities during implementation.

# 1 Introduction

## 1.1 Background – Lake Victoria Water and Sanitation (LVWATSAN)

The Lake Victoria Water and Sanitation (LVWATSAN) Initiative was launched in 2004 by the ministers responsible for water from Kenya, Tanzania and Uganda with the aim of achieving the Sustainable Development Goals, specifically SDG 6 (Clean Water and Sanitation) in secondary centres within the Lake Victoria Basin. SDG 6 comprises targets relevant to the LVWATSAN project and entails the following:

- SDG 6.1: By 2030, achieve universal and equitable access to safe and affordable drinking water for all;
- SDG 6.2: By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations;
- SDG 6.3: By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally;
- SDG 6.4: By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity;
- SDG 6.5: By 2030, implement integrated water resources management at all levels, including through trans-boundary cooperation as appropriate;
- SDG 6.6: By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes;
- SDG 6.a: By 2030, expand international cooperation and capacity-building support to developing countries in water and sanitation related activities and programs, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies;
- SDG 6.b: Support and strengthen the participation of local communities in improving water and sanitation management.

The Water Sector Development Programme (WSDP-II; 2006-2025) established under the Ministry of Water and Irrigation (MoWI), under which LVWATSAN resorts, is the main financing mechanism for the water sector in Tanzania. Its past five-year programme has foreseen almost USD 1 billion of funding for the WSDP. An Environmental and Social Management Framework (ESMF) and a Resettlement Management Framework (RMF) for the programme were prepared and completed in 2006.

## 1.2 LVWATSAN – Mwanza Project Preparatory Studies

Following a request from the ministers in 2009, the European Investment Bank (EIB) launched a project formulation study in 2010, with the aim to develop plans to scale up the UN-Habitat-promoted LVWATSAN Initiative to the major settlements of Kisumu in Kenya, and Mwanza, Musoma and Bukoba in Tanzania, together with three smaller satellite towns around Mwanza, i.e. Misungwi, Magu and Lamadi. This study, concluded by Atkins in August 2012, resulted in a Project Formulation Report (PFR) covering the six for-mentioned Tanzanian lakeshore towns. Volume 3 of the PFR deals with the proposed project interventions in Mwanza City.

Supplementary studies were conducted by R-Solve, the findings of which are reflected in the Supplementary Engineering Report (SER, August 2012). Both the PFR and SER include

sections on preliminary perceived environmental and social impacts of the interventions, which were regarded as mostly positive.

EIB’s Environmental and Social Datasheet, of 5 February 2013, concluded for the LWATSAN project that “the majority of the investments will need to be subjected to Environmental and Social Impact Assessments (ESIAs) at town level, with development of Resettlement Action Plans at intervention level tailored in accordance with the spatial footprint as ultimately determined”.

### 1.3 LVWATSAN – Mwanza Project Implementation

Implementation of the LWATSAN Project, the Project, started in October 2014, with the engagement of a Detailed Engineering Design (DED) consultant, COWI, followed by UN-Habitat being responsible for community liaison and starting in February 2015, and finally, a Project Management Consultant (PMC), Mott MacDonald, commencing in April 2015. Meanwhile, Halcrow had been contracted by EIB to develop a project-specific Resettlement Policy (Planning) Framework (RPF) in late 2014, whereas UN-Habitat was entrusted with the task to develop a project-specific Stakeholder Engagement Plan (SEP). The resulting RPF and SEP, meant to guide Project implementation, were endorsed by MoWI on 8 January 2016.

Key deliverables of the COWI/DED consultant included the following:

- **Immediate Investment Plan (IIP) / Mwanza City** – study report and tender documents for planned interventions in Mwanza City for (i) sanitation in selected schools and public places; (ii) water supply extension and rehabilitation of pipelines; (iii) simplified sewerage and sewer rehabilitation and extensions.
- **Immediate Investment Plan (IIP) for the three satellites** – study report and tender documents for planned immediate water supply, wastewater and sanitation interventions in Misungwi, Magu and Lamadi.
- **Master Plan for Mwanza City** – a water supply, wastewater and sanitation strategy for Mwanza and satellites covering the period 2015-2040 and including a Short-term Investment Plan (STIP) for proposed funded works and the Long-term Investment Plan (LTIP) for unfunded works.

The various project components / contracts have been developed as outlined in Table 1-1.

**Table 1-1: Construction contracts of the LVWATSAN – Mwanza Project (April 2017)**

Nr*	Contract	Contract implementation period **
1	IIP/Mwanza: extension and rehabilitation of water supply and wastewater systems	May 2017 – December 2019
2	IIP/satellites: extension and rehabilitation of water supply systems and construction of faecal sludge treatment plants	May 2017 – June 2020
3	STIP/Mwanza: extension and rehabilitation of water supply and wastewater systems	November 2017 – November 2021
4a	IIP/Mwanza: simplified sewerage in three pilot areas in Mwanza City, including scaling up	March 2017 – March 2020
4b	IIP/Mwanza: sanitation in schools and public places	November 2016 – March 2020
-	Bukoba – sewerage systems	August 2017 – March 2020
-	Musoma – sewerage systems	June 2017 – January 2020

\* Contract 1 to 4: mainly funded by EIB; Contract Bukoba & Musoma mainly funded by AFD

\*\* As per JIP-planning of April 2017

As one of the requirements of the Tanzanian government and the financing EIB, various environmental and social documents are to be prepared for these contracts. For Contract 3, the focus of the present ARAP report, the PMC prepared an Environmental and Social Impact Assessment (ESIA) in April 2018 which was reviewed by NEMC in May 2018, and finally approved August 2018.

Another requirement of the Tanzanian government and the EIB is to ascertain whether the works require resettlement and/or compensation of Project Affected Persons (PAP) as specified by the Tanzanian government-endorsed Resettlement Management Framework (RMF) that has been developed for the LWATSAN – Mwanza Project. Of particular importance herein is EIB's 2013 Social Standard 6 on Involuntary Resettlement<sup>1</sup> and the World Bank's Involuntary Resettlement Policy (OP/BP 4.12), as the development partners involved agreed to apply the World Bank Safeguard Policies in the Project.

The present document is the ARAP report required for Contract 3 because it is now clear that less than 200 people will or may be affected adversely by the proposed Project works under this contract. The number of affected people is relatively low as most of the land to be acquired either belongs to public institutions or has no settlement as owners/occupants live elsewhere.

#### 1.4 LVWATSAN – Mwanza Project Funding

The Project is financed under the European Union (EU) Africa Infrastructure Trust Fund within the overall context of the EU and Africa Strategic Partnership. The European Investment Bank (EIB) and the Agence Française de Développement (AFD) have signed two loan agreements with the Republic of Tanzania for the investment costs associated with the extension and upgrading of water supply and sanitation in Mwanza City and satellite towns (Misungwi, Magu, Lamadi), as well as sewerage systems in the towns of Bukoba and Musoma..

#### 1.5 Scope of the Present Report and Methodology

**Objective** – The present report deals exclusively with Contract 3: rehabilitation and expansion of water supply and wastewater systems in Mwanza City of the Short-term Investment Plan. The main objective of this ARAP report is to provide a plan for resolving the displacement, resettlement and/or compensation issues of the works and for ensuring that PAPs are not made worse off than they were before the commencement of the Project. The report is intended to be an agreed commitment of the parties involved, which guides the implementation of resettlement and/or compensation action for the affected persons and involved institutions.

**Scope** – The scope of this ARAP report includes the following:

- States the agreed principles that apply to resettlement and/or compensation based on the WSDP II RMF;
- Identifies, as far as possible, people currently using, or living within, the proposed corridor of impact and who will be negatively affected;
- Describes the legal and institutional framework for dealing with project affected persons;
- Provides a general socio-economic profile of the project affected persons living in or using the RoW;
- Estimates the nature and magnitude of displacement;

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<sup>1</sup> EIB, 2013, Environmental and Social Handbook, Volume 1. EIB Environmental Standards, Luxembourg.

- Sets out the criteria used to determine eligibility for resettlement, compensation and/or other assistance and what entitlements are due to different categories of PAPs and for different types of losses;
- Indicates how affected assets of individual PAPs are valued;
- Describes how resettlement and/or compensation entitlements will be delivered, including procedures, responsibilities and timing;
- Describes mechanisms for maximizing stakeholder participation and for airing grievances and redress;
- Provides an indication of the costs involved in resettlement of eligible PAPs.

Prior to and after submission by COWI of the final designs (in January 2017), the proposed sites were visited, concerned stakeholders were consulted, and possible impacts were assessed. Draft reporting took place in May 2017 whereas several and subsequent rounds of revision resulted in the present, final ARAP report.

**Methodology** – The starting point for preparing the present ARAP report was to study the design prepared by the Design Consultant COWI, for which the latest version of January 2017 was used. It was found, however, that although this design provided maps of where the interventions will be located, these maps, particularly for the alignment of the water supply distribution networks, are indicative only, and do not show precisely where these pipes will be located (e.g. on which side of a road) – and because of this it was not possible to determine PAPs based on the design maps only. In this regard the distribution networks are to be worked out after completion of the Transmission Main and construction of water reservoirs. Meanwhile, the Supervising Consultant (Egis) completed the design and alignments for main sewer line networks and it was concluded that no PAPs are affected by these sewer systems.

In conducting this ARAP a participatory approach was adopted whereby key stakeholders including communities where the project is implemented, and involved institutions, were consulted. Various methods were employed by the ARAP team to collect relevant information. Various documents were reviewed such as LWATSAN project documents, subject-related documents like policies and acts, the RMF and profiles of respective district councils.

Interviews using (semi)structured questions (see Appendix B) were applied to gather socio-economic information from identified PAPs, particularly where the Project involves land take or affected properties. A tool for these interviews was a questionnaire which was complemented by a consent valuation form signed by PAPs (provided in Appendix A: Form No.1 & Form No. 69). Community leaders and representatives from relevant organizations were also consulted and their views and opinions about the implementation of the Project were considered.

Public meetings with beneficiary communities were conducted to obtain their views, concerns and suggestions for improvement during implementation. Summaries of these meetings are presented in Sections 5.3 and 5.4, whereas notes taken during some of such meetings are reflected in Appendix C. Full meeting minutes, including signed participants lists, all in handwriting and Swahili, are available with Project Developer - MWAUWASA.

Upon visiting the various institutions concerned with the Project, the ARAP team collected documents that prove landownership or otherwise release of the land and handing over such sites to MWAUWASA for LWATSAN Project development.

## 1.6 Principles for Guiding the Preparation of this ARAP Report

EIB's Environmental and Social Handbook (2013) provides policies, principles and standards which set out the context for the protection of the environment and human wellbeing. It is aligned to international best practice.

Volume I of the Handbook presents ten Environmental and Social Standards, of which Standard 6: Involuntary Resettlement is of relevance to the LWATSAN – Mwanza Project. In undertaking ARAP, Standard 6 states among others, the following objectives:

- Avoid or, at least minimize, project-induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals', groups' and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality. Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income-earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project-affected people throughout the resettlement process; and,
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.
- Compensation, resettlement and rehabilitation entitlements will be provided in accordance with Tanzania law and procedures as a minimum but will include additional measures, where applicable to meet EIB's Environmental and Social Standard / World Bank requirements, where appropriate.

## 1.7 Disclosure of this ARAP Report

For transparency purposes, this ARAP report shall be made available and disclosed to relevant stakeholders, inter alia, MWAUWASA, and local governments. Disclosure provides an opportunity for the public and PAPs to be aware and raise complaints, if any, to the relevant authority and seek responses or clarifications.

## 2 Description of the Contract 3 Works

### 2.1 Data Sources

The extension and rehabilitation of water supply and wastewater system works under Contract 3 have been described in the following documents, all prepared by the Design Consultant, COWI:

- Master Plan (Final) for Water Supply and Sanitation in Mwanza Town and Satellites (December 2016);
- EIA Screening for Design Purposes – Screening Report (January 2017);
- Water Supply Design Report (January 2017);
- Wastewater Design Report (January 2017);
- Tender Documents – Short-term Investment Plan: 3a (Water supply for Mwanza City), 3b (Igoma wastewater scheme) and 3c (Butimba raw water intake and treatment plant) (January 2017).

Each of these three tender documents consists of five volumes as follows:

- Volume I – Bidding Procedures
- Volume II – Technical Specifications
- Volume III – Conditions of Contract and Contract Forms
- Volume IV – Bill of Quantity
- Volume V – Drawings

### 2.2 Main Contract Components

The proposed STIP works for Mwanza City are divided into the following water supply and wastewater components.

#### 2.2.1 Water Supply

In Mwanza City, the STIP water supply works will involve the installation of new facilities and some of the existing infrastructure will be refurbished. The following components will be implemented (Table 2-1, below provides further technical specifications):

1. **Construction of Butimba Intake and Pump Station (PS)** – The new intake facility and pumping station will be located close to the lake in a valley bottom marshland / wetland-like area surrounded by rocky hills. The entire area is under government ownership (Butimba Prison and Navy). Small-scale agriculture is the major economic undertaking at the site, including paddy fields, maize, bananas, mangoes, vegetables, other crops and minor fishing. Most of the activities are carried out by prison staff or their relatives. The site lacks an access road, although a footpath is available.
2. **Construction of Butimba Water Treatment Plant (WTP)** – The new water treatment plant will receive raw water from the new intake. The WTP site is located at the foot of the rocky hills that surround the area. The site is devoid of man-made structures, is covered by scattered bushes, thickets, *Cactus spp.* and is currently used for grazing. The proposed WTP is approximately 700 m away from the lake / intake point within the same area offered by government (Butimba Prison). During operation, backwash water will be discharged back to Lake Victoria after completion of water treatment.



- 3. Construction of Transmission Main from Butimba Intake to Sub-Igoma Reservoir and Booster Pump Station (BPS)** – The new 9.8 km transmission main will be installed to supply water to Sub-Igoma BPS. The proposed pipe crosses the central railway line up to the earth road towards Mahina and runs parallel to the road mostly within its existing Right of Way (RoW). The line traverses a terrain with different characteristics along the Mahina road via the Mitaa of Kambarage, Tambukareli, Kanyerere, Nyangulugulu and Bugayamba, and the National Grid prior to Sahwa BPS. Since the Transmission Main passes along the earth road, its impact is believed limited to some properties in re-aligned sections. The change of alignment from the previous design which had the transmission main running along the railway line and across individual farms is crucially avoiding expected negative impacts as much as possible.

**Photo 2-1: Transmission main pipeline route**



Transmission Main from Butimba WTP to Sub-Igoma Reservoir (red line is the original alignment and the blue line is the new alignment)

- 4. Construction of Sub-Igoma Reservoir and BPS in Sahwa area located in Buhongwa** – An area totalling approximately 1.65 ha has been allocated by MWAUWASA for acquisition from different private owners in the Sahwa area for the construction of the Sub-Igoma Reservoir and BPS. Valuation is still to be carried out. Currently, the site is under cultivation (cassava) and has a few scattered mango trees. An access road is in place but requires rehabilitation.
- 5. Installation of Transmission Main from Sub-Igoma BPS to Igoma Reservoir** – An about 5.5 km new transmission main will be installed to connect the new Sub-Igoma BPS to the existing Igoma Reservoir. The line mostly traverses urbanized areas and runs within the existing roads reserve. In some sections, the pipeline goes through rocky hills, farmlands, properties and several local roads, streams and footpaths. The re-alignment made by the Supervising Consultant resulted in avoidance of a graveyard.
- 6. Connection and disconnection of Igoma Reservoir** – The reservoir has a capacity of approximately 4,800 m<sup>3</sup> and will receive water from the new Sub-Igoma BPS. Currently, the reservoir is fed by the Mabatini BPS. This existing transmission will be disconnected to relieve the already overloaded Mabatini BPS. No works are envisaged for this reservoir apart from disconnection of the current existing transmission main from Mabatini BPS (to be used

as outlet from the reservoir) and connection of the new transmission main from Sub-Igoma BPS (new inlet to the reservoir).

7. **Rehabilitation of Mabatini BPS** – The BPS will be refurbished by the installation of two additional pump sets to feed the new Nyakato mid-level reservoir and existing Bugando reservoir, respectively. That is, two new transmission mains will be installed, one from Mabatini BPS to the new Nyakato mid-level reservoir; and the second one to the existing Bugando reservoir.
8. **Construction of Nyakato Reservoir** – This new mid-level reservoir will be installed in the Nyanshana area to be supplied with water via a new transmission main from the existing Mabatini BPS. The site is located within an army base (Radar Division) on the rocky hill. There are no structures at the site, only patches of bushes and thickets. The new distribution network will be installed from this reservoir to different parts of the city through connection to the existing network.
9. **Reconnection of the Bugando Reservoir to Transmission Main from Mabatini BPS.** No other major works envisaged.
10. **New Distribution Network** – A new network will be installed. Some existing networks will be connected to the new network and some existing will be disconnected from Nyanshana high-level reservoir and connected to the proposed Nyakato mid-level reservoir according to the pressure management requirement. The existing corridors will be used as much as possible to minimise damage to property.
11. **Construction of Buhongwa Mid-Level and High-Level Reservoirs.** The Buhongwa Mid-Level Reservoir Service Area (RSA) is strategically located in the saddle between the two hill tops in the south to allow gravity distribution from the Mid-Level Reservoir Site to the north, east and south. The Buhongwa High-Level RSA is located above the Mid-Level Reservoir at the same command elevation as other High-Level Reservoirs (Kisesa, Nyanshana, Nyamadoke, Mwanza North). It is located above the saddle between the highest hill tops in the south which allows the distribution to both hill tops with minimum pipe lengths. Nonetheless, this is not within the current scope of Contract 3 implementation.

### 2.2.2 Sanitation / Wastewater

In terms of sanitation and wastewater, MWAUWASA continues its efforts to enhance the collection and treatment of wastewater to maximize effectiveness and efficiency. To this end a land plot has been identified for construction of a Wastewater Treatment Plant (WWTP), i.e. a plot of 39.5 ha located along the Mwanza-Musoma highway (Table 2-1). The site is reportedly the most suitable lowest point that allows for drainage of wastewater by gravity through sewers. It is surrounded by settlements to the north and east and is currently used as seasonal farmland, mainly for rice. Few temporary structures are inside the demarcated plot. The land is occasionally used for grazing and there are temporary 'bomas' for keeping livestock (cattle) to fatten them before selling to the markets in other regions of the country.

## 2.3 Project Activities

Major project activities are categorized by pre-construction, construction, operation and decommissioning phases as follows.

### 2.3.1 Pre-construction

Activities to be undertaken during pre-construction include:

- Identification of the site areas required, levelling, excavation;

**Table 2-1: Summary of technical information on the Contract 3 works**

Nr	Location / component	Type of materials to be used	Capacity	Pipe diameter (mm)	Size of trench (m)	Pipe length (km)	Land size (ha)	Remarks
1	Construction of the new Butimba intake and raw water pump station	- Cement - Aggregate - Steel bar - Sand					36.6	
2	Construction of the new Butimba Water Treatment Plant (WTP)		40,000 m <sup>3</sup> /day					The contract for the WTP will be Design and Build
3	Construction of a new transmission main from Butimba intake to Sub-Igoma reservoir and Booster Pump Station (BPS)	Steel pipe		600	W=1.0 D=1.5	9.8		Total length from Butimba WTP , Sub-Igoma BPS to Igoma Tank
4	Construction of a new Sub-Igoma reservoir and BPS in Sahwa area located in Buhongwa	Reinforced concrete tank	2,000 m <sup>3</sup>				1.65	
5	Installation of a new transmission main from Sub-Igoma BPS to Igoma existing reservoir	Steel pipe		600	W=1.0 D=1.5	5.5		
6	Connection and disconnection of the Igoma existing reservoir							
7	Rehabilitation of the Mabatini existing BPS		Design flow (Q) = 550 m <sup>3</sup> /h					Two pumps operating in parallel to pump water to Nyakato reservoir
8	Construction of new Nyakato mid-level reservoir	Reinforced concrete tank	2,000m <sup>3</sup> Reservoir	450				This reservoir serves as a pump sump for Sub-Igoma pumps
9	Reconnection of the Bugando existing mid-level reservoir to the new transmission main from Mabatini BPS	Steel pipe	Design flow (Q) = 550 m <sup>3</sup> /h	250		2.2		Two pumps operating in parallel to pump water to Bugando reservoir
10	New distribution network							Not yet worked out
11	Construction of Buhongwa Mid-Level and High-Level Reservoirs	Reinforced concrete tank	High-level 5,000 m <sup>3</sup> , Mid-level 3,000 m <sup>3</sup>					
12	Nyamhongolo WWTP						39.5	Info on contract 3b still scanty

Source: MWAUWASA documents (2017 & 2018)

- Demarcation of any access/service roads;
- Mobilization of construction materials, equipment and machinery;
- Identification and movement of the construction materials.

### **2.3.2 Construction**

Activities anticipated during construction include but are not limited to:

- Clearing of the site areas required, levelling, excavation;
- Construction of access/service roads;
- Construction of water storage facilities;
- Construction of water supply network.

### **2.3.3 Operation**

The operation phase refers to the use of the facilities to be constructed such as pipes, pump stations, treatment plants, etc. During the operation phase the main activities will include but not be limited to the following:

- Routine maintenance to ensure efficiency and quality of the facilities, which over time will experience wear and tear;
- General environmental and safety management on site;
- Routine use of treatment chemicals;
- Routine collection, transfer and safe disposal of solid and liquid waste.

### **2.3.4 Decommissioning**

The anticipated design period for the structure to be constructed is 20 to 25 years. Regular maintenance and repairs during operation periods is important to ensure good performance of the water supply facilities.

## **2.4 Waste Generation**

### **2.4.1 Waste during Construction**

The major waste streams likely to be generated will be associated with the construction activities. These include:

- Spoil soils resulting from earthworks during construction;
- Wood and metal scraps;
- Packaging such as plastics, oil containers, cans, boxes;
- Liquid wastes (domestic);
- General refuse such as food scraps.

### **2.4.2 Waste during Operation**

The WTP component will be a design and build contract, and as such, the key design and construction features are not yet established. However, it is expected that the process will result in sludge production during backwash from the sand filters, mainly composed of mineral matter (hydroxides).

Sludge drying beds will be used to store and dry the sludge as they require only little maintenance at a minimum cost and the investment cost is low (civil works only). However, they are extensive and require a large surface area which will be incorporated in the design. Ultimately, dried sludge will be disposed of at Buhongwa solid waste dump after sludge beds are full.

## 2.5 Project Alternatives

The project alternatives that have been considered during the design are the following.

### 2.5.1 No-Project Alternative

The No-Project Alternative will mean that the proposed project will not go ahead. No construction and operations will take place. This alternative would not fulfil the purpose of the Project, the objective of the National Environment, Water and Public Health Policies or MWAUWASA's responsibilities to meet the identified needs to provide water and sanitation services. Therefore, this is not a feasible alternative to be considered.

### 2.5.2 Rehabilitation and Expansion of WS and WW Infrastructure

The building, rehabilitation and expansion of water supply and wastewater collection and treatment infrastructure alternatives will mean that the proposed project will continue as planned.

Several alternatives have been considered, such as alternatives to discharge backwash waters from the water treatment plant away from the water intake area, and alternative routings of trunk mains and distribution network piping to avoid resettlement and/or compensation of PAPs.

## 2.6 Implementation

Construction of the works is currently expected to start in July 2019 and is to be completed, including a 12-month defects period, in July 2022 (Table 2-2).

**Table 2-2: Implementation of the proposed works**

Activity	Duration	Start Date	End Date
6.6.7 Monitoring of & reporting on ESMP implementation	28 months	1 July 2019	25 October 2021
6.7 #03 Construction*	27 months	17 July 2019	10 October 2021
6.7.2 Defects period	15 months	08 April 2021	23 July 2022

Source: Joint Implementation Plan (PIC) - April 2019

\*Note: The construction start dates for the different components within Contract 3 are three months apart. Therefore, the total duration for monitoring, construction and defects periods is longer than for a single component within Contract 3.

Table 2-3, below, provides further detail on a possible prioritization of the construction works, i.e. starting with those areas where no PAPs are expected, and then gradually proceeding to the remaining areas as soon as the PAP issues have been resolved.

**Table 2-3: Implementation of the proposed works for Contract 3**

Bill	Descriptions and priority	Status	Remarks
<b>3a</b>	1. Obtain official letter(s) that allow MWAUWASA to use road reserves	Request letters submitted by MWAUWASA to owners of the roads, railways and other infrastructure	Approvals to be provided upon finalization of pipe routing
	2. Excavation and installation of transmission main pipes	Procurement of Contractor completed	Awaiting site handing over and finalization of the pipe routing
	3. Construction of Sahwa Booster Pumping Station	Valuation process completed (PAPs consulted)	Valuation completed, compensation not yet done to individual owners
	4. Construction of distribution networks, connection to customers	Alignments not established	To start after completion of transmission main and water storage facilities
<b>3b</b>	1. Construction of main sewer lines	Awaiting final decision by MWAUWASA	Delayed due to high compensation cost. MWAUWASA to decide the way forward
	2. Valuation, compensation and acquisition of land for WWTP	Valuation completed and submitted to MWAUWASA for financial review	Construction cannot start due to presence of PAPs
	3. Construction of collection / distribution sewer networks	Unclear alignment	Awaiting MWAUWASA's decision on WWTP
<b>3c</b>	1. Valuation, compensation and acquisition of land for water intake and treatment plant	Valuation of land plots completed by Mwanza City Council valuers	Valuation report approved by the Government Chief Valuer but compensation not yet done. The land is owned by government agency (Tanzania Prisons)
	2. Construction of water intake at Butimba	Construction to start after compensation and acquisition of land	Awaiting finalization of compensation
	3. Construction of water treatment plant	As 2 above	

## 2.7 STIP Costs

The STIP works are estimated to be roughly equally divided between the water supply and the wastewater components.

## 3 Policy, Administrative and Legal Framework

### 3.1 Tanzanian Government

The development and implementation of the LWATSAN – Mwanza Project is the response to several socio-economic and environmental challenges that relate to national and international policies adopted by the Government of Tanzania such as:

- Agenda 21 of the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992;
- National Environmental Policy of 1997;
- National Water Policy of 2002;
- National Land Policy of 1997;
- National Human Settlement Development Policy of 2000.

These have resulted in or have triggered laws, relevant for LWATSAN, including:

- Land Ordinance of 1923;
- Land Acquisition Act of 1967;
- Graves Removal Act No. 9 of 1969;
- Wildlife Conservation Act of 1974;
- Local Government (District Authorities) Act Cap 287 of 1982;
- Land Act No. 4 of 1999;
- Village Land Act No. 5 of 1999;
- Land Regulations (including assessment of the value of land for compensation) of 2001, revised in 2016;
- Land Disputes Courts Act No. 2 of 2002;
- Occupation Health and Safety Act No. 5 of 2003;
- Environmental Management Act Cap 191 of 2004;
- Urban Planning Act No. 8 of 2007;
- Land Use Planning Act No. 6 of 2007;
- Water Resources Management Act No. 11 of 2009;
- Water Supply and Sanitation Act of 2009;
- Public Health Act of 2009.

Those most relevant to the present ARAP report are elaborated upon in the following sections.

### 3.2 Constitution and Key Policies and Acts

**Constitution of Tanzania of 1977** – Provides for basic rights of the country's people, including the rights of citizens to own property and disallows the deprivation of one's property held in accordance with the law, unless the owner is fairly and adequately compensated. Article 24 (1) says: *“Every person is entitled to own property and has a right to the protection of his/her property held in accordance to the law”*. The sub-article (2) further provides that:

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

**National Land Policy of 1997** – Provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land-based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for all its citizens. It addresses the various and ever-changing land use needs in Tanzania and in this context, the policy is relevant to the LWATSAN – Mwanza project.

**National Water Policy of 2002** – Its objective is to develop a comprehensive framework for sustainable management of the national water resources. In this case the policy recognizes the need to protect water sources from pollution and environmental degradation as well as equitable uses among sectors. The policy recognizes the role of agriculture as one of the key sectors in the country’s socio-economic development.

**Land Act Nr. 4 of 1999** – Provides basic legal requirements in relation to land other than village land, the management of land, settlement of disputes and related matters. The Land Act seeks to achieve the following objectives:

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

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

- Except where the Commissioner is proposing of his own motion to create a Way-Leave, an application from any ministry or department of Government, or local authority or public authority or corporate body shall be made to the Commissioner;
- The applicant shall serve a notice on:
  - All persons occupying land under a right of occupancy over which the proposed Way-Leave is to be created, including persons occupying land in accordance with customary pastoral rights,
  - All Local Government Authorities (LGA) in whose area of jurisdiction the proposed Way-Leave to be created is located,
  - All persons in actual occupation of land in an urban and peri-urban area over which the proposed Way-Leave is to be created and,
  - Any other interested person.



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

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

As far as the proposed LWATSAN project will require land for construction of water intakes, sludge treatment plants and way-leave for water pipes distribution, all anticipated damages have been accommodated in this ARAP.

**Land Regulations of 2001** – Provide guidance on the issue of compensation and according to Section 10 (1) of the Land (Compensation Claims) Regulation 2001, compensation shall take the form of:

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

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

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

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

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

**Land Disputes Courts Act No. 2 of 2002** – Every dispute or complaint concerning land shall be instituted in the Court having jurisdiction to determine land disputes in the given area (Section 3). The Courts of jurisdiction include:

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

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

**Land Assessment of the Value Compensation – Regulations of 2001 revised in 2016 –**

These regulations made under S.179, (the Land Assessment of the value of land for Compensation) Regulations, 2001 which became operational in May 2001 provide assessment of compensation on land to be based on the following:

- Market value of the real property;
- Disturbance allowance which is a percentage of market value of the acquired over 12 months;
- Transport allowance calculated as the cost of 12 tons hauled over a distance not exceeding 20 km;
- Loss of profit or accommodation based on business audited accounts;
- Accommodation allowance which is equivalent to the rent of the acquired property per month over a 36-month period;
- Methodology of valuation of the lost assets, mode of payment, dispute resolution mechanisms;
- Agencies responsible for expropriation and implementing resettlement (including an assessment of their institutional capacity to conduct those activities);
- Gaps, if any, between national laws and other donor agencies and the mechanisms to bridge those gaps.

The other criteria include loss of profit on accommodation based on business audited accounts and accommodation allowance equivalent to the rent of the acquired property per month over a 36-month period.

The SEP and RMF provide guidance on grievance redress mechanisms and procedures that should be used for third-party settlement of disputes that may arise from resettlement. The proposed procedures are based on existing judicial recourses and traditional mechanisms for dispute settlement.

**Land Acquisition Act of 1967** – Gives powers to the President to take land for public purposes when it is necessary to do so in the public interest. According to the RMF, land in Tanzania is state-owned and ownership is vested with the President of the URT as a trustee.

The Land Acquisition Act (Act. No. 47 of 1967) is relevant to the LWATSAN – Mwanza project and it has already been applied to different proposed sites for development of LWATSAN projects. The Act gives the President the power to change the existing land use to other development usage provided that the land-take is for public interests. For instance, Tanzania Prisons has been the owner and user of land which MWAUWASA is in the process of acquiring. It is transferring land ownership to MWAUWASA for different uses, that is, construction of water intake and water treatment plant for public interests other than the previous use as prisons. Similarly, at Sahwa proposed site, individual owners of land have been using the land for livelihood activities such as cultivation of crops, livestock keeping and for residential purposes. Their ownership will be repealed and the uses will change to accommodate the water development project, that is, the construction of water storage / booster station which is in the public interest. The same applies to the Nyamhongolo land where private owners have agreed

to release their land for where the WWTP will be constructed to serve public interest in Mwanza City.

However, the Land Acquisition Act (No. 47 of 1967) is not applicable in isolation and therefore land revoked by the state (President) must be compensated for. People that have formal right of occupancy are entitled to full, fair and prompt compensation in Tanzanian Law. The 1999 Land Act states that *“full, fair and prompt compensation [should be paid] to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State.”* This is also in line with the Constitution of the United Republic of Tanzania (1977 as amended from time to time) Article 24(1) & (2). The President’s role is to advocate the importance and relevance of the project as well as the benefits to be accrued from it for the public as a whole. Therefore, the President is entitled to change the land-use in the public interest but not to change valuation procedures or amounts of valued assets, including land. The valuation report stands unchanged, i.e. on due date of valuation.

The compensation requirements in the Land Act include:

- Market value of the real property;
- Disturbance allowance;
- Transport allowance;
- Loss of profits or accommodation;
- Cost of acquiring or getting the subject land;
- Any other loss or capital expenditure incurred to the development of the subject land; and
- Charging of interest at market rate.

Following the progress made by MWAUWASA with regard to land acquisition (consultation or negotiation with land owners, valuation of land values and other properties), the power of the President has already been exercised because PAPs have not resisted releasing land for public interests or uses. What is awaited by PAPs is their compensation from the project developer (MWAUWASA / Government) in order to vacate.

The **Local Government (District Authorities) Act No. 7 of 1982** and **Local Government (Urban Authorities) Act No. 8 of 1982** stipulate the functions of District / Urban councils. Issues of land are included as objectives of functions and therefore part of the mandates of local government in their respective areas.

The prices for cash crops will be determined as the average value over the previous year, corrected for inflation. The prices for subsistence crops will be determined as the highest value over the previous year, corrected for inflation. Crop values will be determined based on a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income. Another way of valuing agricultural production is through the value of staple crops to be taken as the highest market price reached during the year. This is based on three factors:

1. Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market;
2. Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk;

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

**Graves Removal Act No. 9 of 1969** – Provides for the removal of graves from land required for public purposes. Subject to section 3 of this Act, where any land on which a grave is situated is required for a public purpose, the Minister may cause such grave and any dead buried therein to be removed from the land and shall take all steps as may be required or convenient for the reinstatement of the grave and the re-interment of the dead in a place approved by him for the purpose.

### 3.3 EIB's Environmental and Social Standards / World Bank Involuntary Settlement

The LWATSAN – Mwanza project activities are mainly subject to EIB's Environmental and Social Standards (6) / World Bank's OP 4.12 on Involuntary Resettlement since the Project works are financed by the European Investment Bank (EIB) and the Agence Francaise du Développement (AFD). The policy aims at ensuring that PAPs are compensated, assisted in resettlement and in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. According to the World Bank OP 4.12, involuntary taking of land may result in:

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

The overall objectives of the policy on involuntary resettlement are as follows:

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

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

This ARAP has been prepared as per the World Bank Operation Policy 4.12 on Involuntary Resettlement which includes effecting compensation at full replacement cost to eligible PAPs, unlike the Rules of the GoT which only consider market value and / or depreciation of assets.

### 3.4 Alignment of Tanzanian Laws and EIB Standards

As outlined in Section 1.3, above, the Project's Resettlement Management Framework (RMF), formally endorsed by the Ministry of Water and Irrigation (MoWI) on 8 January 2016, is elaborating on national laws, mainly the Land Act, EIB's Standard 6, and the 2015 Resettlement Management Framework (RMF) of the MoWI which considers the World Bank's OP/BP 4.12 on involuntary resettlement. The RMF for LWATSAN will apply throughout the preparation and implementation of the Project. The RMF provides among others:

- Key social impacts related land acquisition that were identified during project preparation;
- Guiding principles reflecting the policies of the Government of Tanzania, EIB and World Bank;
- Overview of national policy and laws on land rights and acquisition;
- The institutional framework and organizational responsibilities over social safeguards and operationalization of the various provisions outlined in the RMF;
- Guidance on implementation of the RMF;
- A synopsis of the main stakeholders involved in the project;
- Overview of socio-economic requirements for any land acquisition
- Methods for valuing assets and eligibility criteria for compensation, including an entitlement matrix;
- Overview of budgets and sources of funding;
- Monitoring and evaluation framework.

Table 3-1 provides a comparison between Tanzanian law and the World Bank's OP/BP 4.12 on involuntary resettlement safeguard policies:

**Table 3-1: Comparison of relevant Tanzanian laws and World Bank OP 4.12 regarding compensation**

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Implementation under this ARAP
1. Land owners	<p>The Land Acquisition Act, the Land Act 1999 and the Village Land Act 1999 have it clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property. Lost assets are limited to "unexhausted improvements", that is the land and developments on the land. The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process</p>	<p>Displaced persons are classified into three groups: those who have formal legal rights including customary and traditional rights; 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 those who have no legal rights to the land they are occupying Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. Socio-economic impacts to PAPs are taken into consideration in preparing the RAP</p>	<p>There is no gap between Tanzania and OP 4.12 as far as those with formal legal rights and those without formal legal rights are concerned WB OP 4.12 recognizes a wider spectrum of PAPs compared to Tanzanian law including tenants and squatters who do not have legal rights to the land they are occupying. WB OP 4.12 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance. However, the lost assets in Tanzania are restricted to land and developments on land, and where relevant, loss of profits. The lost assets under OP 4.12 are much wider than land and include loss of access to livelihoods and standard of living and seeks to</p>

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Implementation under this ARAP
2. Land tenants / squatters	<p>Tanzanian law does not recognize tenants as being entitled to compensation</p> <p>Squatters may be paid compensation on the whims of the government.</p> <p>In some cases however they are not paid. This include those who invade and construct on road reserves</p>	<p>Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance</p> <p>Squatters may fit category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.</p>	<p>improve them or at least to restore them to pre-displacement levels</p> <p>WB OP 4.12 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants</p> <p>WB OP 4.12 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance.</p>
3. Land users	<p>Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership. Users are not covered</p>	<p>WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</p>	<p>This is different from the Tanzanian situation where people who do not have legal right of the affected land are not entitled to any assistance</p>
4. Land users (vendors or petty traders) along the land reserves owned by government agencies	<p>Entitled to another suitable location where to proceed with their trading / informal business activities.</p> <p>Entitled to resume with their activities in the same land or to the original land shortly after excavation and refilling back of the trenches</p>	<p>Such PAPs are entitled to land replacement for continuity of business activities and restoration of income</p>	<p>Tanzanian law will be applicable for this ARAP because of the following:</p> <ul style="list-style-type: none"> <li>- The portion of land to be utilized for the trench is just 1.5m wide within the reserved land and the ownership will not be transferred to MWAUWASA.</li> <li>- The activity of excavating, laying and backfilling will last just for a short time (maximum a day)</li> <li>- No interruption of income generation that will occur as a result of project implementation</li> </ul>
5. Owner of “non-permanent” buildings/incomplete structures	<p>Tanzanian law makes no differentiation between owners of permanent and non-permanent buildings. As long as ownership can be proved, compensation is payable. This includes disturbance allowance</p> <p>Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.</p>	<p>Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated.</p> <p>Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance.</p> <p>Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</p>	<p>OP 4.12 is about eligibility, which is hinged upon formal or informal ownership.</p> <p>While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, WB OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost based on market value.</p> <p>Under this ARAP, market value/ full replacement cost method will be applied as per WB. No depreciation will be applied.</p> <p>Under this ARAP, where incomplete building structures are occupied by owners (residential), compensation will also include accommodation and transport allowance</p>
6. Owners of permanent buildings	<p>Valuation and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation,</p>	<p>Entitled to in-kind compensation or cash compensation at full replacement cost including labour</p>	<p>Under this ARAP, Tanzanian laws will be applicable. Take into account WB OP 4.12 on full replacement cost.</p>

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Implementation under this ARAP
	based on price of the open market	and relocation expenses, prior to displacement	Other entitlements include transport, accommodation and disturbance allowances
7. Owners of seasonal crops	PAPs are allowed to harvest their crops and disallowed to plant again after a cut-off date		Under this ARAP, the Tanzanian laws will be applied
8. Permanent planted trees owned by PAPs	PAPs are entitled to compensation where the rate is based on type and age of a given tree	Entitled to compensation	Tanzanian law will be applicable for compensation as per valuation report

Source: Resettlement Management Framework (MoWI – October 2016)

### 3.5 Bridging the Gaps

In conclusion, the Resettlement Management Framework (RMF) considers both Tanzania's laws and the World Bank's guidelines on involuntary resettlement (OP/BP 4.12). On top of this, compensation will be made following the National Acts and the Constitutional provisions and where these provisions are not adequate or not in line with the requirements of OP/BP 4.12, the World Bank's Operational Policies will prevail and will be applied. The framework will use the best of both national legislation and Bank OP/BP 4.12 to ensure that compensation is fair and equitable and the PAPs are not, in any way, placed in a worse position socially and economically, than their position before their land was acquired for the project.

As shown above, the analysis shows the difference between national laws and the World Bank's policy. The land tenure systems are wide and varied in Tanzania and entitlements for payment of compensation are essentially based on the rights of ownership as allowed and defined by statutes or customary law of the country.

The World Bank's OP/BP 4.12 is fundamentally different from Tanzania's systems 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 (WSDP, 2016). As a result, all land to be acquired or used by the Developer under this Project would be so acquired or used subject to the laws of Tanzania as well as OP/BP 4.12. Wherever, there is a conflict between Tanzanian laws /policies and OP/BP 4.12, the later will take precedence in the WSDP-II, therefore where gaps have been identified, OP/BP 4.12 standards will apply.

### 3.6 Project Administration and Institutions

The institutions responsible for the implementation of these instruments are the Mwanza Urban Water Supply and Sanitation Authority (MWAUWASA), the Bukoba Urban Water and Sanitation Authority (BUWASA) and the Musoma Urban Water and Sanitation Authority (MUWASA). The MoWI has oversight and quality control roles during implementation of the project. Other key organizations involved in the preparation and implementation of the project are:

- Regional and District Commissioners
- Municipal / District Councils
- Wards and Village/Mitaa Authorities
- Tanzania National Roads Agency.
- Tanzania Electrical Supply Company Ltd (TANESCO)
- Tanzania Rural Roads Authority (TARURA)
- Tanzania Telecommunication Company Ltd (TTCL)

## 4 Baseline

### 4.1 Mwanza

Mwanza is in size the second largest town in Tanzania and is the Regional Headquarters for Mwanza Region. Mwanza is the key industrial and commercial centre in north-western Tanzania. In addition to many light and service industries, Mwanza accommodates large water-intensive industries including textile mills, leather tanning factories, bottling industries, vegetable oil factories, fish processing plants, soft drink manufacturers and cosmetic/soap factories. There are numerous institutions including hospitals, dispensaries and health centres as well as many primary and secondary schools and a university.

The Mwanza urban area comprises two districts i.e. Nyamagana and Ilemela. According to the countrywide 2002 census, the area of the two districts including rural and semi-rural areas had a population of 476,000. The census in 2012 stated that the population had reached 706,000. Located on the southern shores of Lake Victoria, some 72% are supplied with water and 23% are using sewerage services from MWAUWASA.

The city is characterised by gently undulating terrain with isolated hill masses and rock inselbergs. It is also characterised by well-drained sandy loamy soil generated from coarse grained cretaceous rock. The vegetation cover is typical savannah with scattered tall trees and tall grass. Administratively, the city is run by councillors under leadership of the Lord Mayor. However, the day-to-day administration of the city is by the City Director, assisted by heads of departments and sections.

Many people in Mwanza live in unplanned settlements. These settlements, apart from lacking basic facilities like roads, schools and water, are located on steep rocky hills where providing basic sanitation is difficult. In recent times housing in Mwanza City has extended further up the hills in an uncontrolled manner. This has created numerous problems such as improper wastewater disposal. In such areas conventional sewer systems are difficult to establish and maintain due to the rocky nature, steep slopes, problematic pipe alignments due to uncontrolled house layouts.

The presented current conditions in the sections below are reflective of the Mitaa traversed by the Transmission Main pipeline route from Butimba via Sahwa to Igoma Water Storage Reservoir and the proposed sewer line to the Nyamhongolo WWTP.

### 4.2 Current Conditions in STIP Water Supply Areas

#### 4.2.1 Butimba Raw Water Intake and Treatment Plant

The site is devoid of man-made structures, and is covered by scattered bushes, thickets, cactus spp.; currently the area is used as a farmland. The proposed WTP is approximately 700 m from the lake/intake point within the same area offered by government (Butimba Prison). The current use of the land is small scale agricultural activities especially vegetables and rice, farmed by the Tanzania Prisons Authority and individuals permitted to do so. The other activity is minor fishing using local traps within the wetland area.

#### 4.2.2 Population and Households along the Transmission Main Pipeline Route

The Transmission Main passes through 6 Wards and 12 Mitaa. The wards are Butimba, Mkolani, Mkuyuni, Lwahnima, Kishiri and Igoma while Mitaa include Ziwa, Amani, Mahina Relini,



Kanyerere, Majengo, Tambukareli, Nyangulugulu, Bugayamba, Sahwa, Kanindo, Sahwa and Shamariwa-A to Igoma reservoir. Table 4-1 shows the number of households and population per ward per Mitaa as recorded in 2018.

**Table 4-1: Number of households and population in Mitaa along Transmission Main**

No.	Ward Name	Mitaa Name	Number of households	Population		
				Male	Female	Total
1	Butimba	Amani	1044	4229	2308	6937
		Hospitali	400	1200	3400	5500
		Kanyerere	926	1330	1961	3291
		Tambukareli	1260	2223	2674	4897
		Kambarage	479	3526	4085	7611
2	Mkuyuni	Mahina Relini	2485	2125	2200	4325
3	Mkolani	Majengo	551	2330	2916	5242
4	Lwanhima	Bugayamba	168	389	491	840
		Sahwa	180	375	525	900
		Igwambiti c	130	238	298	536
5	Kishrii	Kanindo	670	1360	1710	2070
		Mtakuja	768	1628	2212	3840
<i>Total</i>			<i>9,061</i>	<i>20,953</i>	<i>24,780</i>	<i>45,989</i>

Source: Mitaa Offices' records (2018)

#### 4.2.3 Main Economic Activities

The Transmission Main passes through Mitaa with two different settings, that is, urban and semi-urban which characterize the type of economic activities taking place. The population in semi-urban areas is low compared to urbanized ones. Lwanhima Ward is in a peripheral area with low population. The main economic activities are agri-businesses, fishing, businesses (wholesale and retail ones) and animal husbandry such as cattle, goats, pigs, sheep and chicken for both commercial and consumption as shown in Table 4-2.

**Table 4-2: Livestock keeping in Mitaa traversed by the Transmission Main pipeline**

Name of Mitaa	Number of cattle	Number of goats	Number of sheep	Number of pigs
Amani	35	20	0	4
Hospitali	15	10	0	0
Kanyerere	100	30	0	30
Tambukareli	48	13	0	6
Kambarage	3	0	0	20
Mahina Relini	33	177	59	1284
Majengo	-	-	21	33
Bugayamba	112	35	4	20
Sahwa	228	780	25	14
Igwambiti c	58	675	30	18
Kanindo	84	17	0	13
Mtakuja	18	20	3	10
<i>Total</i>	<i>734</i>	<i>1777</i>	<i>142</i>	<i>1452</i>

Source: Socio-economic baseline study (2018)

Mitaa face different challenges in their areas like transport problems due to poor road conditions and (near) absence of public transport, electricity and piped water facilities. Some of the Mitaa located in urban areas suffer from lack of space for conducting businesses explaining why encroachment on road reserves to generate income is common. These challenges have a direct impact on the implementation of the Project such as water shortage and lack of space especially for petty traders where the Transmission Main will be installed.

#### **4.2.4 Income Status in the Project Area**

Economic activities discussed above are the main sources of income for communities where the Transmission Main route passes. Generally, the income in almost all Mitaa is low, indicating that households are generally poor. Income disparity among Mitaa is generally low. Income per household per Mitaa ranges between TZS 45,000 and TZS 150,000, with an average of TZS 120,000 per month per household, however findings show that there are households which earn only TZS 5,000 per month (Majengo). As pointed out by communities during public consultations this is a challenge and is an issue of affordability when considering modalities / approaches of supplying water to individual households.

#### **4.2.5 Water Supply in the Project Affected Mitaa**

Three main sources of water have been reported: piped water, traditional wells and occasionally rain water. Households which are unconnected often rely on purchasing water for various uses. In most cases, a bucket of 20 litres of water is sold at TZS 100 while there are Mitaa which water of the same quantity is sold at TZS 50. The highest recorded price for buying 20 l is TZS 500. Costs variability depends on accessibility and availability, distance from the source, etc. The main challenges related to water supply include failure of water to reach hilly areas due to low pumping pressure, unreliability of water and cutting of pipes along/across roads. It is expected that the current Project will relieve these challenges.

Some sources of water are unsafe and contaminated and can be sources of water-related communicable diseases. All Mitaa mentioned malaria as a common disease in their areas followed by typhoid and UTI.

#### **4.2.6 Land Tenure Systems along the Project Area**

In all consulted Mitaa, the majority of households acquire land for multiple uses through two different methods, namely purchasing and inheriting. This indicates that some of these Mitaa are unplanned, drawing an attention to the Project during installation of distribution networks in squatter areas. MWAUWASA is already implementing simplified sewerage systems in some unplanned areas.

### **4.3 Current Conditions in STIP Sewerage/WWTP Areas**

Sewerage lines will collect wastewater from different areas to be discharged at the WWTP, currently proposed to be constructed at Mtakuja Street, Nyamhongolo Ward. The proposed sewer network is intended to commence at an industrial area where various industries are located like MWATEX, Pepsi, Coca Cola, etc. According to the design, there are three (3) routes of sewer lines and all three have properties such as trees, gardens, pavements, small pieces of land, fences, within the RoW and potential PAPs necessitating the Promoter to sort out by identifying PAPs and establishing whether valuation and compensation is to be undertaken prior to commencement of construction or if the impacts are minor and can be dealt with during construction. However, the alignment shows that the sewer pipelines will mostly pass along the road (centre of the road or within reserved land) thus minimizing potential PAPs to be affected by sewerage system.

One of the routes passes through Kashishi area/Street where land surveying and re-planning of parts of Kashishi is going on leading to re-alignment of some of the existing road networks due to interferences (buildings and other properties). This will or may affect the sewer line route as well in these areas, for example near Tom & Jerry Nursery School and the route along the river towards the Pepsi Factory road. This is subject to MWAUWASA's decision and final alignments of sewer lines towards emptying point at Nyamhongolo WWTP. The descriptions below give a picture on the unclear situation of the sewer lines direction to the wastewater ponds.

(i) There are existing agri-fields which are currently cultivated or have small plantations (wood trees, sisal) within the route along the stream behind Tianyu geological Centre that will need consultations with owners/farmers.

(ii) There are certain parts of the route in the new residential areas where the alignment is not clear or decided yet. This uncertainty is because local government leaders failed to confirm the lines as the previous consultant did not involve them at street levels while establishing the initial surveys for the route. Table 4-3 shows some of the Mitaa where the sewerage lines will pass through and some of the households are potential beneficiaries of the sewer networks.

**Table 4-3: Number of households and population per Mitaa in proposed sewer areas**

Name of Mitaa	Number of people			Number of households		Total	Average persons per household
	Male	Female	Total	Female headed	Male headed		
Bulola	585	700	1285	80	225	305	7
Mkapa	-	-	4500	-	-	900	5
Igoma Magharibi B	628	1572	3337	30	485	515	6
Busenga	1229	2108	-	-	-	1100	3
Majengo Mapya	1550	3450	5000	30	970	1000	5
<i>Total</i>	<i>3992</i>	<i>7830</i>	<i>14122</i>	<i>140</i>	<i>1680</i>	<i>3820</i>	<i>5.2 (average number of people)</i>

Source: Mitaa leaders (2017)

#### 4.3.1 Sewer Project Areas

The sewerage system will pass through the wards of Kishiri, Igoma, Mhandu, Buswelu, Nyamhongolo and Nyakato. The population of Mitaa with collection sewer lines differs from one Mitaa to another in terms of density. The average number of people per household is 5 persons but population density varies and depends for example on how residential areas have been planned (or not: squatters). Most of the Mitaa experience both emigration and immigration of people due to various factors, such as availability of services like public transport, water supply, electricity which differ from Mitaa to Mitaa. The pushing factors constitute of people who own more than one house and opt to move to another house located elsewhere, whereas some families which do not own a house leave because the owners return or stop renting and move to their owned newly constructed houses elsewhere. Others are attracted to settle to the area / Mitaa because of presence of social services/good infrastructure like water supply, public transport, electricity, education facilities etc. Other pulling factors may include land availability (purchase) for new settlement and renters, presence of industries with employment opportunities that attract people to settle / rent nearby. The transfer of employees forms part of either people moving in the area or out migration to another settlement.

Economic activities in the sewerage Project areas are dominated by entrepreneurship (small scale business activities) of different commodities such as industrial goods, fishing, agricultural goods including vegetable and fruit gardens, small scale livestock keeping (cattle, goats, sheep, pigs, chicken), various services like whole and retail shops, medical shops, food vending, etc. Those engaged in agriculture are either renting land or own agricultural land out of Mwanza City, for example, Sengerema, Magu, Kwimba and cultivate rice, maize and cassava. Some residents earn their living through casual labour.

Piped water, supplied by MWAUWASA is the main source of water in almost all Mitaa, with some unconnected households relying on buying water and few obtaining water from traditional water wells. The cost for buying water is generally TZS 100 per 20 litres which was said to be expensive compared to water supply by MWAUWASA considering the water requirement per day per family. Rain as a water source was mentioned but only during the rainy season. The main challenge related to water availability whereby the demand is higher than supply due to increase of population and unreliable supply of power.

#### 4.3.2 Sanitation Situation

Removal of solid and liquid wastes poses challenges to communities due to different reasons expressed by Mitaa leaders who responded to our semi-structured questionnaires. The table below shows examples of households with and without toilets while some Mitaa were unable to provide or estimate such information.

**Table 4-4: Number of households with and without toilet facilities in their compounds**

SN	Name of Mitaa	Nr of households with toilets	Nr of households without toilet
1	Bulola A	500	70
2	Mkapa	450	450
3	Igoma Magharibi	50	138
4	Busenga	840	20
5	Majengo Mapya	995	5
	Total	2835	683

Source: Socio-economic baseline data survey (2017 - 2018)

The high number of households without toilets signifies a high health risk in these urban settings especially from the spread of faecal-related communicable disease. Lack of toilets in those households is attributed to a range of factors such as inadequate education, low income, lack of money and low priority to building toilets and weak enforcement on adherence to health issues. Three major methods are used to dispose of solid wastes in the Project areas, namely collecting and dumping to the collection points or private vehicles are collecting from households, excavating pits and burying and burning wastes.

Different methods are employed by households to dispose wastewater away from their surroundings. Most households use a septic tank because there is no sewerage system. These tanks are emptied by vehicles when they are full. The rest of the households discharge wastewater into the street or outside the compound to neighbours, causing discomfort to other people. There are several challenges for communities in managing wastewater: lack of sewerage systems in their residential areas, high costs for emptying septic tanks, haphazard disposal of wastewater, poverty and inadequate education.

#### 4.4 Land Ownership and Tenure Systems in Tanzania

All land in Tanzania is nationalized and it is public land vested under the President as a trustee on behalf of all citizens. There are three types of land in Tanzania, namely;

1. General land – vested under the President of United Republic of Tanzania and administered by the Land Commissioner;
2. Reserved land – this is mainly under the authority of institutions like National Parks, Game Reserves, etc.;
3. Village land – This is mainly demarcated for the established village and administered by the respective village governments.

Within these types of land, there are several forms of land tenure such as right of occupancy, recognized long standing occupancy, customary tenure and illegal land occupancy.

##### 4.4.1 Formal Tenure – Right of Occupancy

The government permits the leasehold on land and individuals can apply for a formal right of occupancy and pay annual rent fee. The right of occupancy is granted by the President for three (3) different periods of 33 years, 66 years, and 99 years.

##### 4.4.2 Informal Tenure – Recognized Long Standing Occupancy

This form applies to individuals in the urban or peri-urban areas that occupy land for a period of not less than three (3) years. In this regard, these persons deem rights of occupancy as residential licensees.

##### 4.4.3 Informal Tenure – Customary Tenure

This form primarily exists in the demarcated villages and is administered by a village government.

##### 4.4.4 Informal Tenure – Illegal Occupancy

Individuals that occupy land in rural areas for a period of not less than three (3) years deem the right of occupancy.

In urban and peri-urban areas that are affected by the project, land is basically scarce and difficult or expensive to acquire for construction or other uses. Findings from Mitaa indicate that people in the project areas acquire land through purchasing surveyed plots from City / Municipal Councils, purchase from local people with enough land and inheritance from parents or relatives. All Mitaa reported existence of land conflicts involving different parties (Municipal/City, families, neighbours, sellers and buyers) related to boundaries, grabbing and improper inheritance when parents die.

Regarding gender issues, there are positive changes whereby both men and women have access, control and use of resources / assets indicating narrowing of the gap of gender imbalance in communities. However, it was pointed out (Mkapa, Bulola A and Majengo Mapya) that it is not yet 100% but at least women can now apply and get loans, purchase own land, can inherit land from their parents and can stand alone and own their resources after death of their husbands unlike in the past whereby women were disregarded and deprived of their rights. It is suggested that more impetus is required on gender issues. Meanwhile, consulted leaders of Mitaa stated that women are no longer selective about works and therefore will be able to do the following income generating activities in their localities during implementation phase: food vending, assisting by putting building materials and water close to technicians (fundis), cleaning,

excavation of trenches, flagging to control traffic across roads, ferrying concrete materials during construction.

#### **4.5 Topography and Land Use**

The locations for the proposed works (water supply extension and rehabilitation of pipelines) are generally on sloping rocky terrain and have sandy loamy soils that are well-drained. Most of the proposed works (water supply extension and rehabilitation) are typically located in densely populated and informal settlements. Existing water supply pipes that will be rehabilitated or extended are mostly located underground, usually on the reserves of the existing roads with few laid in the middle of the existing roads.

Unlike the locations for water supply extension and rehabilitation of pipelines, the location for the Transmission Main pipeline is generally low land as it passes along different roads in reserved land, for example, Mkuyuni-Butimba road, along Nyerere Road, beneath industries before crossing the railway line, along Mahina Road and along Buhongwa-Igoma Road. The hilly and rocky area is to be encountered near to the water reservoir at Igoma. Besides, the distribution networks works will fall under similar topography and land use like works for water supply extension and rehabilitation of pipelines.

## 5 Stakeholder Consultation

### 5.1 Stakeholder Engagement during Preparation of this ARAP Report

Consultation activities were conducted by PMC in collaboration with PMU in the period October 2017 through March 2018. All targeted interventions sites were visited and local residents, local authorities (city and municipality councils, ward leaders and Mitaa leaders) were consulted by providing them with relevant information on the Project and the proposed interventions, obtaining their views on possible issues and their involvement in planning and operation of the planned facilities.

Issues discussed with the consultees included the perceived positive impacts such as water supply, construction and operation of sewerage system, improved sanitation conditions, the possibility of improved roads for operation and maintenance of the systems, increased property value, employment and skills, as well as their concerns. The latter included expected hindrance or negative impacts of the interventions from the construction works, such as noise, dust, soil pollution and soil erosion; improper interference of workers with residents particularly the youth; and influx of infected workers (HIV/AIDS risks) and bad smells from the wastewater treatment plant. To the extent possible these concerns have been addressed in the design and management plans of the works (see ESIA for Contract 3 (March 2018)).

The consultations also resulted in that privately (Sahwa) and public (prisons) owned land plots on which three of the water tanks will be built have been released and made available for the constructions only awaiting valuation and compensation. Table 5-1 presents consulted Mitaa and attendees of each consultative meeting per project.

**Table 5-1: Conducted public meetings and attended community members per Mitaa**

Nr	Contract	Ward	Mitaa	Date	No. of attendees	
1(i)	3a – Water supply for Mwanza City	Butimba	Amani	10/03/2018		
			Hospitali	10/03/2018	52	
			Kambarage	28/02/2018	93	
			Kanyerere&Nyangulugulu	21/03/2018	63	
			Tambukareli	02/03/2018	91	
		Mkuyuni	MahinaRelini	17/02/2018	116	
1(ii)	3a – Water supply for Mwanza City	Mkolani	Majengo	18/02/2018	92	
			Lwanhima	Bugayamba	17/02/2018	80
			Sahwa	14/02/2018	95	
			Igwambiti C	10/02/2018	65	
1(iii)	3a – Water supply for Mwanza City	Kishiri	Kanindo	19/03/2018	156	
			Mtakuja	11/03/2018	126	
2(i)	3b – Igoma wastewater scheme (Nyamwongolo)	Igoma	Shamariwa ‘A’	02/12/2017	106	
			IgomaMagharibi “A”	24/11/2017	173	

Nr	Contract	Ward	Mitaa	Date	No. of attendees
			IgamaMagharibi "B"	As above	Combined with 'A'
			Mwembeni	21/11/2017	35
			Ndofe	14/12/2018	100
			Mkapa	25/12/2017	
			Dr.Shein	27/12/2017	
			Mbugani	03/12/2017	150
2(ii)	3b – Igoma wastewater scheme (Nyamhongolo)	Nyamhongolo	Mtakuja	19/11/2017	50
			Kashishi	19/11/2017	Combined with Mtakuja
		Buswelu	Bulola A & B	09/12/2017	
			Busenga	09/12/2017	
3	3c – Butimba raw water intake and treatment plant	Butimba	-	-	Regular consultations were conducted with Prison's Authority

Source: ARAP preparation activity for Contract 3 (2017-2018)

People and organizations consulted, as well as minutes of consultation meetings have been included and attached to this ARAP report for reference (Appendix C).

## 5.2 Community Participation and Stakeholder Consultation

Earlier stakeholder consultation in the targeted Contract 3 implementation areas was conducted in the period November 2016 to December 2017. The following activities were carried out.

The preparation of this final ARAP document was participatory involving various stakeholders i.e. persons and institutions that have interest in the planning and execution of the Project, including those positively and negatively affected. The stakeholders consulted were officials from Mwanza City Council, Ilmela Municipal Council, Ward Councillors, WEOs, Chairmen of Mitaa, MEOs and the project communities. The stakeholder consultations helped in the determination and identification of impacts and their significance as well as mitigation measures as represented in the Table 5-2, below.

Various approaches were employed by the ARAP team during the stakeholders' consultation process. These include consultative and participatory meetings, interviews, discussions and administering of questionnaires. For proper project information dissemination, the team in conjunction with MWAUWASA organized an advocacy meeting with project community leaders at MWAUWASA Water Treatment Plant, Capri Point Grounds aiming at introducing the Project to these leaders so they then easily convey the information to their respective communities. Subsequently, consultative meetings were held at community level for receiving their views and concerns regarding the Project.

Among others, the public meetings conducted entailed the following:

- Identifying potential PAPs and their consent on voluntary land take by the project;



- Inform potential PAPs about the project activities and coverage, financing of project activities, impacts and project period;
- Establish or review (update) Grievance Redress Mechanism (GRM) Committee which is gender sensitized amongst the community members.

During the meetings, the ARAP team explained what was entailed in the Project proposal and envisioned social and environmental impacts. After presentations, questions and opinions were invited from the participants. In general, there was no dissenting opinion about the proposed project. At the end of meetings, it was confirmed that all participants in principle agreed with the proposed project and assured their readiness to collaborate / cooperate with the project in various stages of project implementation.

The minutes of the meetings were prepared and signed by the Mitaa government chairmen/persons and the ARAP team collected for records. A list of participants (names, signatures and contacts) are attached to the minutes per each Mitaa. For clarity and understanding of the meeting proceedings by the local community, the minutes were prepared in Kiswahili. Summaries of the meetings conducted are presented under Sections 5.3 & 5.4 below.

### **5.3 Summary of Key Issues Raised by Stakeholders**

Several issues were raised by stakeholders during consultations. These issues need to be considered and incorporated by the Project during design (review), compensation and construction works. Some of the issues are socially- or financially-oriented while others relate to technical matters.

- Prompt and fair compensation to PAPs – no delay of compensation and majority of PAPs preferred cash to in-kind.
- Timing of construction should be realistic. Communities were eager to witness projects are implemented as soon as possible.
- Priority given to local people in case of employment opportunities.
- Strengthen efforts to prevent new HIV infections and to ensure newcomers and project staff respect local people.
- Contractors to avoid disruption of existing infrastructure especially water pipes.
- Quick reinstallation of disconnected infrastructure / utilities during construction to allow people's access to such services.
- Provision of crossing points to connect users from one side of the road to the other or to their residential areas during excavation of water or sewer trenches.
- Restoration of borrow pits (retain top soil, tree planting and growing grasses).

The table below provides issues and concerns expressed by stakeholders and PAPs during consultations with respective communities regarding implementation of the works.

### **5.4 Summary of Amalgamated Issues for Contract 3**

#### **5.4.1 Sewerage System**

Public consultations and community participation not only enhance project awareness to the affected communities but also create and instil a sense of ownership to people. PMC/ARAP team and PMU/MWAUWASA conducted consultations in all Mitaa assumed to be affected by interventions under Contract 3b. These include Mtakuja, Kishiri, Igoma Magharibi A, Shamariwa

A, Mkapa, Dr. Shein, Igoma Magharibi B and Ndofo. General and specific questions were raised by communities and responded by experts from PMC/PMU. Various positive and negative issues, views and suggestions for improvement were raised and discussed during such meetings.

**Table 5-2: Summary of issues/concerns and questions raised, and responses**

Nr	Questions/Issues raised	Responses given by PMU/PMC
1.	In case some people or community reject the project or are not ready to release their land, what will happen?	It is not expected that people will reject the project because sensitization has been done in all Mitaa and people have accepted the project. Extensive negotiations have been conducted with all land owners until we reached consensus on compensation rate. Right now participatory valuation of land is continuing.
2.	Who is to effect compensation to project affected persons?	The Government of Tanzania / MWAUWASA is responsible for compensation according to Tanzanian laws but also by observing the donor's involuntary resettlement policies (EIB Standard / WB)
3.	We have conducted several meetings (4) about rate cost per square meter for compensation and wrote a letter to express our concerns. What are the responses?	The provided and that is why valuation is being conducted. A consensus was reached between owners of the land plots and the Promoter (MWAUWASA) to apply TZS 75,000/= per square metre for surveyed areas and TZS 50,000/= for land plots not surveyed
4	The project should consider providing benefits to the community instead of implementing a waste water project alone in area. We expect job opportunities to increase income	This is important and the promoter is aware about this matter. High priority will be given to locals in providing employment opportunities especially during construction phase. This will depend on type of available jobs (skilled, semi-unskilled labour etc and some beneficial opportunities will be indirect, for example supply of goods or service provision by local communities to project workers. We need good collaboration with Mitaa leaders and community at large in order to succeed
5	The project will cause irritating smell to the communities surrounding the WWTP and this will be harmful to our health. What are measures to address the impact?	Technically, there are different methods of treating wastewater and water will undergo several stages and unpleasant smell will be minimized to a tolerable level.
6	How will households living far from the main road be connected to the sewer line given the distance where the pipes will be laid? An example of residential area close to Igoma primary school was cited	There will be pipes for distribution networks that will be connected to the main sewer pipe line from which houses will be connecting their infrastructure. The distance will be reduced.
7	The proposed area for wastewater is not suitable because it is close to residential areas. Is it possible for us to propose an alternative site (Magu district) instead of Nyamhongolo?	This area has been chosen after conducting studies by consultants and decisions were reached basing on technical grounds, for example, its location is a lowland, there is a stream/river downstream, size of land, engineering, cost and wastewater will flow by gravity. What is important is to minimize negative impacts to the nearby community. However, we accept and take your suggestion of another alternative site and will present to the higher authority
8	Suggestions: (i) As residents in this area, we have no problem of disposing wastewater because we have our own ways of disposing wastes. Levels are different and some residents are residing in high levels (ii) The plant should be covered on top in order to control bad smells	This project is for different communities and not just those around the plant at Nyamhongolo. It is true people have systems of removing wastes but the water table in the area is high, septic tanks have a limit (saturation), require frequent emptying and the costs become high. So sewerage system is overcoming these problems. This Plant will receive 12,500m <sup>3</sup> per day which is a lot and therefore we cannot afford to cover the plant but will ensure minimization of the bad smell.
9	Ndofo The project will help to modernize and liberate our life because it will protect our surrounding environments from haphazard wastewater flowing in streets, reduced costs of constructing and emptying septic tanks, ensure assurance of water supply, the space that could be used for constructing a septic tank will be used for other purposes	It is good and encouraging to note that you realize the importance of the project and its impact to your life in different aspects. So we need to cooperate from the beginning up to the operation phase

Nr	Questions/Issues raised	Responses given by PMU/PMC
	and reduce health risks. So we should applaud the government for these initiatives.	
10	What will be the connection costs per household? After connection, how much will be charged per month and will it be the same for those with high rate of generating wastes like guest houses or hotels?	MWAUWASA has not yet established connection fees but it might differ from one to another depending on location and distance. The project will work on costs after completion of construction of the main sewer system. The charges will depend on your consumption of potable water i.e. charges for waste water will be half of the water bill consumed by your household
11	We request that the contractors should be careful not to destruct other infrastructure laid along or across the road, e.g. water pipes, blockage of drainage systems, disruption of road and footpaths usage	We take note of that and this is being communicated to the contractors and insisting them on reconnecting immediately or ensuring that contractors ensure that services resume soon
12	Mkapa In these area and others we experience shortage water supply (rationing) and some households are not even connected with water supply, unreliable electricity in Mwanza, etc. How will wastewater be removed under such circumstances, otherwise this will be a chaos and disastrous.	The Government / MWAUWASA is concurrently implementing improvement of water supply in Mwanza City by constructing a new water intake at Butimba. This will tremendously increase water supply and reduce the problem of water shortage. The government / MWAUWASA will also work on improved power supply in pumping stations but also in collaboration with TANESCO. Frankly speaking, no water supply no wastewater collection and disposal. The customer must have an account for water supply in order to have wastewater services
13	There are poor households which have failed or unable to connect safe water to their houses. Will the project assist them or give them loans for connection?	Charges for connections and user fees will be friendly to the extent that even people of low income will be able to afford. The Consultant has strived to bring pipes close to households/all people in order to reduce costs. We have taken note of the issue of loans and will present to the higher authority for consideration and decision.
14	Why MWAUWASA does not introduce LUKU (buy, pay as you use) to water customers like TANESCO for billing electricity? This will help customers to pay the correct bills as per consumed water instead of the current practices where we get bills even if there was no water supply	LUKU for TANESCO is a good system because customers pre-pay for the services, customers pay first and get services without which the customer gets no electricity. MWAUWASA once introduced pre-paid paying system by piloting in certain areas but the system was temporarily stopped due to experienced challenges. There are customers who are requesting the system and so we are now investigating the possibility of re-introducing pre-paid system and collecting views from our customers in order to re-start the system. We take this suggestion for further action and we request those who prefer to use pre-paid system to list down their names in the Mitaa office where MWAUWASA will collect it.
15	How will the project ensure control of spread of HIV / AIDS in the project areas?	HIV & AIDS is a cross-cutting issue and all development projects are obliged to address it during implementation for both project workers and communities. Every individual has a stake and responsible for preventing spread of new HIV infections. The project will join and collaborate with local government authorities (Mitaa, Ward and Municipals) to educate people on prevention measures.
16	Why should wastewater be directed back to the Lake from WWTP? This is like taking faeces back to the lake which is dangerous to people's health and creatures in the Lake?	Waste water will be treated and will be discharged to the stream downstream and finally flow to the Lake with no negative impact to people and other creatures. Developed countries are recycling water for home use and there are no health problems.
17	When will the project start and end? The pace of construction should be speeded up because there are already households which have constructed their modern toilets and are waiting for the project to connect to sewerage system	The project has already started because there are various stages like sensitization, survey and preparation of drawings (design), tendering processes, etc. We anticipate that construction will begin in August 2018 and will continue for three (3) years up to 2020 We also invite households to apply for connection and can list their names and send through the Mitaa leaders

The public meetings were conducted according to the time that was convenient to the Mitaa and some meetings combined more than one Mitaa at a single venue depending on the leaders' agreement. Attendance varied from one meeting to another as shown in the table below.

**Table 5-3: Number of people participated during public meetings for Contract 3b**

Location	Date of the meeting	Name of Mitaa	Number of people attended
Contract 3b – Igoma waste water scheme (Nyamhongolo)	02/12/2017	Shamaliwa 'A'	106
	24/11/2017	Igoma Magharibi "A"	173
	As above	Igoma Magharibi "B"	
	21/11/2017	Mwembeni	35
	14/12/2018	Ndofe	100
	03/12/2017	Mbugani	150
	19/11/2017	Mtakuja	50
	19/11/2017	Kashishi	
	09/12/2017	Bulola A & B	40
	09/12/2017	Busenga	
<i>Total</i>			654

Source: Public meetings records (2017)

#### 5.4.2 Water Treatment Plant / Transmission Main

Like for the sewerage works, public consultations were held with communities through which the Transmission Main pipeline will pass or cross their Mitaa. Table 5-4 summaries issues, concerns and questions which were raised by community members. Responses were provided by PMU/PMC experts.

**Table 5-4: Summary of issues/concerns and questions raised, and responses**

SN	Questions / Issues raised	Responses given by PMU / PMC
1.	How long will the project implementation take from now up to its completion?	The estimated duration for implementation is 3 years commencing in August 2018. There are several activities / processes which have to take place prior to actual construction including procurement of the contractor. The first activity will be to construct the water intake and treatment plant and this will be followed by laying down the transmission main. Completion of transmission main will be followed by construction of water tanks which will supply water to beneficiaries.
2.	When will compensation be effected to those who will be directly affected by the project? Will it be before or after passage of Transmission Main water pipes?	First, project affected persons (PAPs) will be identified as well as their affected properties / assets which will later be valued by qualified valuers to establish values of properties per each PAP. Second, the valuer will compute and submit to the Chief Valuer of the Government for approval. Thereafter, approved valuation report will be signed by the District Commissioner and the Regional Commissioner respectively. Then compensation will be effected to PAPs. No construction activity will take place before compensation to affected people
	If the Transmission Main traverses from Butimba to Igoma, how our Mitaa will get water?	As mentioned earlier, tapping water from the transmission main is technically disallowed. People from all Mitaa will get water from water tanks which will be constructed by MWAUWASA together with water distribution pipes to customers
3.	We welcome the project because our Mitaa is experiencing water supply problems. However, we request the project to be fair during valuation and compensation of people's properties in order to avoid causing poverty to affected people	The advice is well noted and the project will ensure fair compensation according to Government laws and in observance of the EIB's Environmental and Social Standards (6) / World Bank's OP 4.12 on Involuntary Resettlement Safeguards because the project is not meant to harm people.
4.	Is it possible or allowable to continue using the land on top of the pipeline after completion of the project (backfilling)?	It is not allowed to use the land over the main pipe after completion for various reasons. Note that the land will be compensated and acquired by MWAUWASA, it is dangerous to use it because it can be misused and cause accident and MWAUWASA will be doing operation and maintenance activities along the water pipeline

SN	Questions / Issues raised	Responses given by PMU / PMC
5.	What will be the width of the pipeline area?	The Supervising Consultant has finalized the design for pipeline and the land required is 1.5 metres wide and excavation will also be 1.5 metres deep. We expect to put beacons to indicate demarcations but in almost all areas the pipeline will be laid within the road reserve or at the centre of the road.

Community participation and public consultations as well as meetings with PAPs in project affected Mitaa were successfully conducted. Attendances for all Mitaa (Street) were high and participation of people was active and constructive to the Project.

#### 5.4.3 Grievance Redress Committees

As a requirement but equally important, each Mitaa will select Grievance Redress Committee members to handle grievances and or complaints during Project implementation. The committees will be charged with responsibilities of registering complaints/grievances, following up on resolving the same, reporting on resolved and unresolved issues with reasons and providing feedback to different parties during implementing Project activities. Special forms will be / have been prepared for usage.

The number of committee members for a Grievance Redress Committee will range between 3 and 5 per Mitaa depending on the size of the area affected, and number of PAPs. These members will be selected by community members among the affected PAPs. The GRM committee must be gender sensitive with its leadership (chairman, secretary and members). Its tenure is the lifespan of the Project implementation and it can be modified, for example, replacement of a member(s) in case of gaps or if the member does not fulfil his/her duties, additional committee member(s) depending on or as need arises. At the time of report writing, MWAUWASA was monitoring the formulation of the GRM committees and the list of committees members with their addresses / contacts per Mitaa will provided to MWAUWASA (Project Liaison Officer) for reference and follow-up.

The committee is a nexus among stakeholders (Project Liaison Officer, Contractors, PAPs and Mitaa leaders) and works closely with different stakeholders depending on the magnitude of the matter within its Mitaa. The GRM committee is positioned in the office of the respective Mitaa (meeting point) and it reports to the Mitaa leaders as well as the Multi-Stakeholders Forum (MSF) which then reports to the Project Liaison Officer of MWAUWASA especially on issues that require attention for resolution, or that failed to be resolved at lower levels. Committee leaders will equally participate during monthly field technical meetings which involves key stakeholders to monitor and evaluate the progress of Project implementation.

Communities in all Mitaa strongly accepted the works to be implemented under Contract 3 because of the benefits associated with it. This is evidenced through people's participation and their views in the meetings, raised concerns, questions and their positive suggestions for improvement. In each consultative meeting, minutes were prepared by each Mitaa leader. The minutes contain names of attendees, their signatures and contact numbers, stamped and signed by each Mitaa leaders. Minutes are attached to this document as Appendix C.

Below are selected photos showing different features including consultation meetings that were conducted during preparation of the present ARAP report Contract 3.

**Photo 5-1. Site visit at Butimba raw water intake site**



**Photo 5-2. Some of the participants at a consultative meeting at Lwanhima ward**



**Photo 5-3. A public meeting at Nyambiti C for Transmission Main-Lwanhima ward**



Public

## 6 PAP Assessment

### 6.1 PAP Definition

The MoWI-endorsed Resettlement Management Framework (RMF) of January 2016 defines a Project Affected Person (PAP) as:

*“All persons who lose as a consequence of the LVWATSAN-Mwanza Project ownership of and/or access to all or part of their physical assets, which include their homes, tenancy, productive lands, commercial properties, income earning and subsistence opportunities, cultural sites, communities, as well as social and cultural networks and activities. The impacts may be permanent or temporary. This includes all members of a household (women, men, girls, boys, incl. several generations in the cases of extended households); the owner and employees of a business; tenants; land owners and share croppers; informal settlers (i.e. lacking formal titles); holders of customary land rights; informal business operators and their employees/assistants.”*

This means that in principle all people living in the targeted Contract 3 implementation areas might potentially be affected by the project interventions: positive – by improved water supply and health and sanitation conditions, and negative – as people may lose permanently or temporarily access to part of their land or be affected in their businesses or access to livelihood even if they do not possess a formal title for the land that they are using or occupying.

### 6.2 PAP Identification and Valuation

Valuations of project impacts in respective sites were conducted in May 2017 and May 2018 respectively to identify the Project impacts for Contracts 3a, 3b and 3c. The completion and submission of valuation reports resulted to preparation and submission of this final ARAP report. A detailed PAP census as well as establishment of baseline information was carried out and efforts were made to identify vulnerable groups within the Project affected areas for understanding types of existing groups, number, the ways each group is affected and the kind of mitigation measures (if any) required to mitigate or eliminate the Project impacts.

With reference to the final pipe alignments for Contracts 3a and 3c, it was evident and confirmed that less than 200 people were affected by the Project because most of the impacted areas are not only residential but also almost all of the transmission mains from water intake to the booster station and later on to the main water tank at Igoma pass within the reserved land owned by public agencies. The same applies for Contract 3b whereby the major sewer lines are designed to pass through the centre of the road or within the reserved road area. Based on these scenarios, the number of affected households was small and no vulnerable groups or individuals were identified. For instance, the prison area has no residential houses, while most plot owners at Sahwa Booster Station reside elsewhere in Mwanza City, excepting 17 households. The land proposed for WWTP is not a residential area and therefore no people living in the area.

The World Bank's OP/BP 4.12 and WSDP-II's RMF put a strong emphasis on paying special attention to ensuring that no one is made worse of the Project interventions, including vulnerable groups such as widows and widowers, elderly poor, people living with HIV&AIDS, orphans, street children who are within the Project intervention areas and who need special attention and assistance either in kind, material or cash during relocation and/or prior to commencement of Project works. A data sheet was used to gather information on affected



households to capture such groups. The RMF's Entitlement Matrix provides specifics for each identified eligible group.

During preliminary surveys there was an issue in that MWAUWASA engineers accompanying PMC staff during field verification activities, together with consulted Mwanza town planners, tend to consider people occupying land without a title not entitled to compensation – which contradicts the RPF/RMF. However, Volume I of the Handbook presents ten (10) Environmental and Social Standards, of which Standard 6 states: *Compensation, resettlement and rehabilitation entitlements will be provided in accordance with Tanzania law and procedures as a minimum but will include additional measures to meet EIB's Environmental and Social Standard / World Bank's Involuntary Safeguards policies requirements, where appropriate.* In this context illegal occupants refer to petty traders / business vendors conducting mobile businesses within the road reserve as their livelihood. These are regarded as intruders. Under this ARAP, these people deserve in-kind assistance by informing them in advance about the Project works and finding temporary alternative locations for continuation of their business activities through a participatory approach, meaning without use of any kind of force.

### 6.3 Project Activities That May Generate PAPs

As outlined in Section 2.2 above, the proposed water supply and wastewater interventions may potentially result in people being negatively affected by the works, particularly those that take space, either above, on or below the ground surface, and either temporarily or permanently. These interventions comprise the following:

1. Installation of all distribution pipe systems, including manholes and inspection chambers, whether for water supply or sewerage, as these may cut through physical assets or affect access. Most of these systems will be buried underground and therefore the impacts will in most cases be temporary.
2. Construction of water storage tanks and pump stations as these structures require a plot of land. Most of these plots are located on inhabited rocky hill tops (the water tanks) that usually cannot be considered as 'productive lands' but occasionally these plots are being used to some extent for some form of subsistence.
3. Temporary storage or permanent deposits of excavated materials (sandy soil, rock, discarded pipes and equipment) in case these sites affect physical assets or access.
4. Construction sites and workers' camps and parking lots of vehicles and machinery in case these affect physical assets or access.

It is not expected that customer pipe connections will result in any PAPs as these pipes are of a small diameter (25 mm) and most of these pipes will be buried in customer plots themselves, and therefore in the framework of the present report these are not further considered.

It is assumed that the Contractor will temporarily store or permanently dispose of excavated materials on sites that have been designated or decided upon by MWAUWASA and/or other local authorities and that such sites are chosen in a way that physical assets of and access for people, whether temporarily or permanently used, will not be affected significantly.

Construction sites are expected to result in substantial impacts, mostly traffic disruption, which needs to be managed by the Contractor, and supervised by the Supervising Consultant, in a way as to minimize or avoid such impact as much as possible. Likewise, workers' camps and vehicle parking lots are to be selected in a way that physical assets and access will not be affected.

This means that the key interventions that may potentially result in PAPs are the installation of pipe systems and the construction of water storage tanks and pump stations. All other activities and items of the Contract 3 bills are reasonably speaking not expected to result in people being negatively affected.

#### 6.4 RPF and Design Limitations

With respect to the pipe systems and water storage tanks and pump stations that will be constructed under Contract 3, the RMF of 2016 and COWI's designs and tender documents of 2017 show in terms of PAP assessment significant limitations.

The agreed and endorsed RMF states among others the following:

- *“Once the final engineering designs are complete a census will be undertaken in the project affected area. The final designs should identify broadly where there will be land acquisition and affected persons. The cut-off date for eligibility of compensation assistance will be set once the census begins”.*
- *“Once the final designs and cut-off date have been agreed, the process of gathering data on affected persons will take place”.*
- *“Where a sub-project triggers the need for a RAP this will be prepared by the relevant Water Utility Company”.*
- *“All compensation and social assistance that project affected persons are eligible for, needs to be offered and completed prior to any land acquisition takes place”.*
- *“The constructions cannot start if the RAP has not been fully implemented”.*

#### 6.5 Identified PAPs

Considering the final pipe alignments set by the Supervising Consultant, the transmission main route (pipeline) has been clearly defined and generally there are no PAPs except minor ones which can be dealt with during construction. The reason for the absence of PAPs follows the decision to realign the Transmission Main route to run along/within the road reserve instead of parallel to the railway line which would have affected many people's properties.

Locations of water storage tanks and pump stations are in areas where there are PAPs. Valuations were conducted and completed and are now awaiting compensation. These include the sites for the Butimba Intake and WTP, Sahwa BPS and Nyamhongolo WWTP, although the latter site remains undecided because MWAUWASA is contemplating about the financial implication as per valuation report and suitable methodology to be applicable for WWTP site.

In observance of the RMF, the cut-off date for valuation was agreed followed by careful identification as well as conducting full consultations with PAPs in different locations and relevant data referring to PAPs were collected.

Based on the final design by the Supervising Consultant the following numbers of PAPs were identified for the various Contract 3 works, as is presented in Table 6-1.

**Table 6-1: Number of PAPs affected by Contract 3 works**

Nr	Project Name	Activity for land take	Number of PAPs	Location (Mitaa)	Location (Ward)
1	Contract 3a	Transmission Main route	8	Mbatini + several Mitaa	Mbatini
		Booster and Pumping stations	17	Sahwa	Lwanhima
2	Contract 3b	Construction of WWTP	26	Mtakuja / Nyamhongolo	Nyamhongolo
		Construction of major sewer lines and networks			
3	Contract 3c	Raw water intake and pumping station	Tanzania Prisons	Butimba	Butimba
Total number of PAPs			51		

Source: Valuation reports (May 2017-2018)

**Notes:**

- The final designs and tender documents (FD/TD) do not indicate precisely where the constructions will be located, particularly the water supply and sewerage networks. Although the main routing of these systems is indicated in these documents these do for example not indicate whether the pipes will be laid on the right or left side of the road, or anything in between.
- Moreover, the FD/TDs do not describe the methodology with which these distribution networks will be constructed, for example whether blasting techniques will be used to create trenches with required depth in the rocky terrain, and of relevance especially in Mwanza City as blasting implies high risks for PAPs.

Therefore, the exact routing of the distribution network pipes and the methodologies to be used will be finalized by the Contractors, Supervision Consultant and MWAUWASA with the objective of minimizing impacts and PAPs. Preliminary assessment showed that there will be minor changes which can be dealt with during construction. However, this means that some additional PAPs may be identified and managed according to the RMF during the construction phase. With four (4) valuation reports in place, there is no obstacle on land acquisition by MWAUWASA after compensation. In case the magnitude of impact will go beyond expected minor impact then an appended ARAP report will be prepared.

**6.6 Information Required to Identify the Final List of PAPs**

To be able to identify the final list of PAPs for the Contract 3 works, particularly the distribution networks, detailed maps are needed showing the location of houses, land ownership (plot boundaries), public paths, planned location of pipes, chambers, steps, path crossings, in a large scale (e.g. 1:100), as well as construction methodology, excavation spoil disposal sites. The Supervising Consultant is charged with providing such information.

Generally, most of the activities under Contract 3 are not expected to result in many people being affected or to be relocated due to the interventions. It is anticipated that minor impacts will be identified which will be dealt with by the Contractor in collaboration with MWAUWASA during construction.

**6.7 Final Decision on Location of Pipelines**

Regarding the location of distribution networks for Contract 3a and 3b, MWAUWASA will need to decide on these in close consultation with the local communities concerned. This will happen

once the Contractor has been mobilized, whereby a joint party consisting of the Contractor, Supervising Consultant and MWAUWASA will decide where exactly the pipes will be installed, and in such a way that PAPs are as much as possible avoided, or negative impacts minimized.

## 6.8 Impact Scenarios and Compensation Requirements

The MoWI-endorsed RMF presents four (4) impact scenarios that may be triggered by the Project interventions in the Contract 3 project sites (Table 6-2).

**Table 6-2: Impact scenarios and RAP requirements**

Impact Scenario	Level of impact	Conclusion
Scenario 1 Pipelines run through land underground, temporary affect of small portion of plot, no existing structures affected	Minor (less than 10% of land affected)	RAP not required
Scenario 2 Pipelines run through land over ground, permanently affecting a small portion of plot, no existing structures affected, income not significantly affected	Minor (less than 10% of land affected)	RAP not required
Scenario 3 Water treatment works or other water + sanitation structure significantly affecting plot and income, no existing structures affected	Significant (more than 10% of the land affected and where it is no longer viable)	RAP required
Scenario 4 Water treatment works or other water + sanitation structure significantly affecting plot and income, existing structures affected	Significant (more than 10% of land affected and / or physical assets affected)	RAP required

Source: MoWI-endorsed RPF, January 2016

Note is taken of the fact that the RMF is inconsistent as it erroneously states that for Scenario 2 a RAP is required, while the RMF states elsewhere that no RAP is needed.

Whether the 'less-than-10%' rule applies is not easy to assess as documented information on plot boundaries may not be readily available, and/or people may not have a land title (yet) so that individual plot boundaries cannot be determined. However, as most plots that may be affected are of substantial dimensions whereas pipe diameter is relatively small, it is expected that most cases are within (i.e. less than) the 10% rule.

The RPF provides in its Section 8.1.3 compensation requirements for lost land (minor, less than 10% affected), and distinguishes two options:

- **Option 1: Right of occupancy, recognized long standing occupancy, or customary land tenure** – “Where less than 10% of the land is acquired, project affected persons and households with right of occupancy, recognized long standing occupation, customary land tenure, or claims to land that are recognized by the national laws would receive cash for the land and crops using replacement cost methodology.”
- **Option 2: Illegal occupancy** – “Affected people that are occupying the land illegally (i.e. squatters, but not all informal settlements are living illegally) are eligible for the replacement cost of the affected crops and compensation for lost income but not the land itself.”

The question is here thus whether residents have right of occupancy or whether they are occupying the land illegally. To be able to answer this question, and to identify compensation needs, it is needed to determine:

- Where exactly the construction works will be established (outcome of Contractor’s survey)

- Whether the land occupant has land rights or is illegally occupying the lands (to be done by Land Department)
- How much land is lost per land occupant (by an independent valuer), and
- The compensation needs (by an independent valuer).

In response to the above questions, the Supervising Consultant has surveyed and finalized the alignment for the Transmission Main route and identified sites for construction of water intake, treatment plant and storage facilities (BPSs) all along from Butimba to Igoma. What is still uncompleted is the survey of the water supply networks to reach customers. This will be handled after completion of the Transmission Main pipeline.

It has been cleared that there are no illegal occupants of land and identification of PAPs has been done accompanied with initial consultations between PAPs and Valuer paving a way to value affected properties. At this stage it is justifiable to finalize the ARAP report because valuations were undertaken in May 2017-2018, submitted and approved by the Chief Valuer. The exception is for the Nyamhongolo Valuation Report which is in place (MWAUWASA) but has not been submitted to the Chief Valuer for approval.

**Photo 6-1. One of the team of valuer experts from Ilemela MC and some PAPs at Nyamhongolo Site**



Land take for the Project is crucial and sensitive particularly in relation to agreeing on rates to be used to compute compensation for land losers. Tanzania Prisons will lose a total of 74 acres (30 ha) of land for water intake and treatment plant. Land take for Transmission Main route will be approximately 15.3 km long though most of the pipeline will be laid within the road reserve or centre of the road which belongs to TARURA. The width of trench area for the pipeline is 1.5 m and the size of the pipe to be laid is 600 mm. The Booster Pumping Station will be constructed at Sahwa and there are 17 individual occupants of affected land plots. The total land for this site is 1.65 ha and the valuation report concerned provides details of size of land per each occupant. Finally, land will be acquired for construction of WWTP at Nyamhongolo and valuation has been conducted with a total of 26 land occupants owning a total of 39.5 ha. However, due to high cost required for compensation, MWAUWASA are exploring other possibilities to resolve the land issue for the WWTP.

## 7 Project Impacts and PAP Results

### 7.1 General

This Chapter presents further detail on the identified PAPs associated with the implementation of the Contract 3 interventions, i.e. those resulting from the extension and rehabilitation of water supply and wastewater systems in Mwanza City. Results are presented in the same order as components given in COWI's Tender Documents of January 2017.

The following sections summarize, to the extent possible at this stage, the identified PAPs and land requirements for each project work, status of land ownership, and compensation arrangements made or required. Supporting documents have, to the extent possible and available, been collected and are in the possession of the Project Developer – MWAUWASA.

PAPs identified within the present report are individuals, usually the family head. As the RPF considers family members also as PAPs this will -in most cases- increase the number of PAPs accordingly. However, based on an average family size of 5-6 persons in Tanzania, it has been proved that the total number of PAPs associated with the Contract 3 project works in Mwanza City does not exceed 200, i.e. the limit below of which an ARAP suffices.<sup>2</sup>

**Damage caused during construction works** – Accidental damage which may occur during construction works, for example to structures such as buildings, infrastructure, trees, fences, etc. will be dealt with by the Contractor in collaboration with the developer and cannot be considered within the framework of the present report due to the uncertainty about whether this will happen and if so, where and when.

### 7.2 PAPs and Categories of Affected Properties / Assets

#### 7.2.1 Water Supply Extension and Rehabilitation Works

In view of the Supervising Consultant's detailed design maps that depict the exact location earmarked for construction of the Butimba raw water intake and water treatment plant (pumping station), the Transmission Main route, site for construction of Sub-Igoma reservoir and booster pump station at Sahwa in Mwanza City, all eligible PAPs have been identified together with their affected properties and assets. Table 7-1 shows various categories of affected properties in each STIP Contract.

According to MWAUWASA/PMU, distribution networks for water supply to customers will be dealt with by MWAUWASA after completion of the infrastructure / facilities and therefore not part of this ARAP report.

According to the valuation report, each affected property / asset has several affected persons and corresponding amount for compensation per location as shown in Table 7-2, below.

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<sup>2</sup> The difference between an ARAP and RAP report is explained on page 90 of the RPF: both have the same structure (but "appropriate and proportionate to the magnitude of resettlement impact provoked") but in the case of an ARAP only a summary of socio-economic data is required.

**Table 7-1. Project impacts, categories of affected properties and number of PAPs per STIP Contract**

Project Name / Location	Description and Location (Ward)	Categories of affected properties	Quantity	Number of PAPs	Remarks
3a: Water supply for Mwanza City	Transmission Main route (Mabatini)	Land	622m <sup>2</sup>	8	
		Crops /plants	25	8	Crops / plants (trees) are put under the same title but the valuation report has separated them to obtain values per each
		Building structure (houses)	11	8	Some are incomplete structures
		Block fences	1	1	
		Toilets/pit latrine	1	1	
		Septic tanks	2	2	
		Animal shed	1	1	
		Water trough for animals	1	1	
	Sahwa booster station at Lwanhima ward	Land	4,695 acres	17	The quantity is according to the valuation report
		Trees	620	17	As remarked above
		Building structure (houses)	11	9	Some PAPs have no building structures in their plots, while an individual can have more than 1 building structure at the compound
		Fences			
		Toilets	3	3	
		Septic tanks			
3b: Igoma wastewater scheme (Nyamhongolo)	Wastewater Treatment Plant (WWTP): Igoma - Mwanza	Land	395,244m <sup>2</sup>	26	Awaiting submission of the report to the Chief Valuer
3c: Butimba raw water intake and treatment plant	Construction of Butimba Raw Water intake and pumping station	Land for intake	366,378m <sup>2</sup>	Institution (Tanzania Prisons Authority)	It is owned by Government (Butimba Prison Authority)
		Building structure	1	Tanzania Prisons Authority	
		Crops / plants	473	Institution (Tanzania Prisons Authority)	It is owned by Government (Butimba Prison Authority)

Source: Valuation reports 2017/2018

## 7.2.2

### 7.2.2 Wastewater Works

The wastewater works will constitute of sewer line networks and Wastewater Treatment Plant (WWTP) to be constructed in different locations and at Nyamhongolo. The major Sewer line network will be installed mostly within the existing road reservations (usually the middle of a road). Apart from unavoidable but temporary full or partial road closure, and disruption of traffic flow, these works are not expected to affect people's properties or businesses and therefore it is not expected that compensation payments will need to be paid during execution except at the WWTP site which has to be acquired before the commencement of construction.

## 7.3 Water Supply Works

It is proposed that Contractors start with those areas that have been proved to be of no-risk in the sense that no people or their assets will be adversely affected by the works (to be checked and confirmed by the Supervising Consultant). This will provide ample time to settle compensation matters in project sites with eligible PAPs while proceeding with construction in indisputable project sites. However, it is apparent that no works will be implemented in any specific area as long as PAP issues (including payment of compensation and the reporting on these) have not adequately been settled by the Project's proponent.

## 7.4 Measures to Minimize/Avoid Project Impacts

Efforts have been made by the Project Management Unit (MWAUWASA) in collaboration with Supervising Consultant and Project Management Consultant (PMC/ARAP team) to avoid and or minimize project impacts as much as possible. In cases where avoidance proved impossible, mitigation measures have been adopted as explained in Table 7-4, below: Entitlement Matrix.

### Contract 3a – Water Supply

The SC took measures to realign the proposed Transmission Main alignment by COWI which was originally to cross the railway line, run parallel to it and then traverse through farmland of people with different types of crops and trees. In this way, the Transmission Main route would affect a high number of potential PAPs and their properties resulting in high compensation. Realignment of the Transmission Main route for the pipeline has avoided negative impacts whereby potential PAPs will remain undisturbed and continue with their agricultural and other development activities, like construction of residential houses. The final alignment is to cross the railway line, continue to the rough road and run parallel to it within the road reserve and along the land reserve of electrical Grid line to Sahwa Booster Pumping Station. The design was also changed to avoid PAPs from Sahwa to Igoma main reservoir by aligning the Transmission Main within the road reserve unlike the previous alignment which was affecting people and their properties/ assets in Kishiri ward.

### Contract 3b – Igoma (Nyamhongolo) Wastewater Scheme

The final design of the WWTP has technically left out or excluded one building (industry) located at the western part of the site to avoid relocation apart from standard buffer zone which keeps away the residential areas from the plant, which will also help to minimize the odour from reaching residential areas. The owner whose building is closely located to the Mwanza-Musoma main road will continue with production undisturbed and safely.

The WWTP site has 26 PAPs who will lose their land and one grave which is located close to the Mwanza-Musoma main road. The owner(s) or relatives of the deceased have not been identified and up to time of preparation and finalization of this ARAP report no one has shown up despite efforts made by local leaders and neighbours in the area. The PAPs will be



compensated to their satisfaction using rates agreed between the developer and the PAPs after consecutive consultations. The grave will respectfully be relocated to the existing Municipal or nearby graveyard by Ilemela Municipal Health Department in collaboration with MWAUWASA at the cost of the latter. This will be preceded by an advertisement in the newspaper to alert the public about the presence of the unidentified grave (Photo 7-1).

**Photo 7-1. A single cemented grave located within Nyamhongolo to be affected by construction of WWTP**



### **Contract 3c – Butimba Raw Water Intake and Treatment Plant**

The proposed and approved sites for both intake and treatment plant are located appropriately far from the Prisons' productive farming land as well as far from residential areas for prisoners and staff houses. The land to be acquired is bare and the Project will neither cause relocation nor affect any property. The land value has been determined by qualified valuers and compensation will be made by MWAUWASA based on mode of agreement with Tanzania Prisons.

### **7.5 Status Summary of Land Plots Required for the WS Extension Works**

Table 7-6 summarizes relevant particulars of the land plots that will be required for the above-ground facilities; these are all water supply extension works, i.e. Butimba raw water intake, Butimba water treatment plant (WTP), Transmission Main pipeline route, Sub-Igoma reservoir and a booster pump station (BPS) and sub-Igoma reservoir and BPS at Sahwa in Lwanhima ward. Besides, land is required for the collection of waste water (Main sewer lines) and sewer networks for transfer to WWTP at Nyamhongolo.

**Table 7-2: Status of land plots required for the above ground water supply extension facilities**

Bill	Location	Work <sup>(1)</sup>	Plot size (m <sup>2</sup> ) <sup>(2)</sup>	Land owner Pre-project	Compensation given	Supporting documents	RPF <sup>(3)</sup> compliance (valuation etc)	Land title deed
3c	Butimba Prisons	Construction of raw water intake and treatment plant		Tanzania Prisons	Not yet affected	Letter of land transfer of ownership	Yes	Not yet processed
3a	Butimba, Mkolani and Lwanhima Wards	Excavation and laying of Transmission Main pipes		TARURA, TANROADS, TRL and TANESCO	No compensation	Letter of permission to utilize land	Yes	No need of title deed. The land belongs to other government agencies
3a	Mkuyuni	Excavation and laying of Transmission Main pipes		Individual (fence foundation)	Not yet affected	Valuation report	Yes	
3a	Sahwa area – Lwanhima Ward	Construction of Booster Pumping Station		Local individuals	Not yet	Valuation report	Yes	Not yet processed by MWAUWASA
3a		Construction of water storage tank		Local individuals	Not yet given	Valuation report	Yes	Not yet processed by MWAUWASA
3a	Kishili Ward	Excavation and installation of down Transmission Main pipes		TARURA	No compensation required	Letter of permission to utilize land	Yes	No need of title deed. The land belongs to other government agencies
3a	Igoma Ward	Construction of extension water storage facility		MWAUWASA	No compensation required	The land belongs to MWAUWASA	Yes	Yes – an existing site

<sup>(1)</sup>WST =Water Storage Tank; PS = Pump Station

<sup>(2)</sup> Source: COWI Tender Document (January 2017)

<sup>(3)</sup> RPF = Resettlement Planning Framework

\* Land plot survey payment made by MWAUWASA

**Table 7-3: Project Entitlement Matrix for projects under Contract 3 (STIP) – LVWATSAN Mwanza Project**

Contract Name	Type of PAPs	Type of Loss	ENTITLEMENT				
			Compensation for Loss of Structure	Compensation for Loss of Assets	Compensation for Loss of Income	Moving allowance	Other assistance
3a & 3c – Water supply for Mwanza City	Property owner (Prisons - public institution)	Loss of public land	Nil	In-kind / cash compensation	Nil	Nil	Nil
	TANROADS	Tarmac roads	Nil	In-kind compensation (repair of the road to its original state)	Nil	Nil	Nil
	Petty traders	Temporary space for small scale businesses	Nil	Nil	Nil	Nil	Alternative space / location for business activities
	Tanzania Railway Limited	Land at a crossing area	Nil	In-kind compensation (restoration of land to its original state)	Nil	Nil	Nil
	Individual Owner	Fence foundation constructed with blocks	Yes as per valuation report	Cash compensation	Nil	Nil	Disturbance allowance (8% of the total compensation cost)
	TARURA	Gravel road / road reserve	Nil	In-kind compensation (restoration of part of affected road or land reserve to its original state)	Nil	Nil	Nil
	TANESCO	Land reserve corridor	Nil	In-kind compensation (restoration of land reserve to its original state)	Nil	Nil	Nil
	Individuals	Land, Structures, Trees and crops	Yes, as per valuation report	Cash compensation	Nil	Yes, pending valuation report	Disturbance allowance (8% of the total compensation cost) for all affected PAPs Accommodation allowance for residential houses Transport allowance for residential houses
	MWAUWASA	Land – it belongs to MWAUWASA at Igoma	Nil	Nil	Nil	Nil	Nil

Contract Name	Type of PAPs	Type of Loss	ENTITLEMENT				
			Compensation for Loss of Structure	Compensation for Loss of Assets	Compensation for Loss of Income	Moving allowance	Other assistance
3b Waste water Treatment Plant at Nyamhongolo	Individual owners (26)	Land	Nil	Cash compensation	Nil	Nil	Disturbance allowance (8%)
	Individual / relatives	Grave <sup>3</sup>	Yes	Nil	Nil	Yes (Removal allowance)	Disturbance allowance

<sup>3</sup> The owner or relatives are not known. If all efforts to find the owner fail, Ilemela Municipal Council (Health Department) will handle the removal of this grave.

## 8 Inventory and Valuation of Assets

### 8.1 Introduction

The assignment of undertaking inspection and thereafter valuation of properties/assets were commissioned by MWAUWASA to Mwanza City Council in 2018. The valuation covered properties which include affected buildings, land, different crops/plants (trees) and other unexhausted improvements for compensation purposes. The locations covered for land acquisition are Mabatini ward, Sahwa and Butimba Prisons Tanzania.

The inspection of properties was conducted in a participatory manner. The PAPs were fully involved from the beginning to the end of the activity as well as their local leaders in respective locations.

### 8.2 Consultations with PAPs

Initially, all PAPs were consulted by the team of valuers and MWAUWASA officers to introduce the Project of water supply and sewerage improvements composing of multiple components such as laying of transmission main pipes, construction of raw water intake and treatment plant, construction of booster pumping station and construction of water storage tanks. The implementation of these components requires land take from owners. Consultative meetings were organized by the Mitaa leaders of respective locations whereby minutes of the meetings were recorded together with names of participants and their signatures which are attached to this document for reference.

During consultations with PAPs, key issues relating to inspection of properties and valuation were presented and discussed with PAPs. These include:

- A general brief about the project components and detailed explanations about the resettlement action plan, that include their entitlement, cut-off date, grievance redress mechanism, etc.
- Provided information on procedures concerning inspection/valuation of affected assets or properties, compensation, payable allowances, approval procedures, etc.
- PAPs were informed about the forthcoming census and social surveys to be conducted at their affected Mitaa by involving every individual PAP whereby basic data / information could be collected regarding affected properties and other household particulars located within the proposed subproject area
- PAPs consultations provided avenues for clarification of issues related to project impacts according to the demarcated areas per location, properties to be inspected, the role of the property owner and Mitaa leaders, entitlements to eligible PAPs, etc
- Consultations allowed the team to collect and document stakeholders' concerns, views and suggestions or recommendations for implementation of ARAP in an effective and efficient way, particularly, inspection/valuation and later on compensation before commencement of actual works at each respective affected area (Butimba, Main pipe lines and Sahwa).

### 8.3 Concerns, Views and Suggestions Raised by PAPs, and Responses

During consultations, PAPs from respective locations raised several concerns and views in relation to their affected properties. The main concerns were on the value (rate) of their land per square metre, timing of compensation after valuation whereby they were worried about delaying

compensation based on their past experience with other government projects, It was their general view that compensation should be fair because they were losing their land and other properties, and that the exercise should be transparent.

Questions were also put forward which included: Who is the developer of the project and responsible for compensation? What are included in the compensation package? How long will it take to be compensated? What can one do if not satisfied with the amount compensated? If compensation is delayed can I continue to carry on development, for example construction of the house? These questions and others were well answered to the satisfaction of the PAPs who then participated fully to accomplish the assignment.

#### 8.4 Cut-off Date

The cut-off date determines the eligibility of persons and their properties / assets. It represents the actual date that the affected assets at a site were inspected and recorded during the census survey. Assets like land, trees, buildings and other structures which are created or acquired by individuals or groups after the cut-off date will not be eligible for compensation. This was well communicated to PAPs from the outset during initial stages of community / PAPs engagement.

The cut-off date with reference to the valuation report was May 2018 for Mabatini ward, Sahwa Street (sub-ward) and Butimba Prisons area, all located in Nyamagana district. The cut-off date for Nyamhongolo WWTP was 20 September 2017 and the exercise ended officially in early January 2018. A meeting between the Mwanza City valuers and PAPs at Sahwa location was conducted on 26 May 2018 to discuss the process of valuation, procedures, properties / assets to be valued, payable allowances to eligible PAPs.

#### 8.5 Inspection and Method of Valuation

The valuation was carried out in accordance with the Land Assessment of the Value of Land for Compensation Regulations (2001), under Section 179 of the Land Act No. 4 (1999) and the Village Land Act No. 5 (1999), i.e. by using the Comparative Method which is sometimes referred to as the Direct Capital Comparison Method (DCCM). This implies that the compensation for loss of any interest in land includes among others the value of un-exhausted improvements, disturbance allowance, transport allowance, accommodation allowance and loss of profit.

In undertaking this valuation, the value of crops and plants (trees) has been arrived at by using current crop compensation schedules commencing 2014 for Dar es Salaam and Coast regions issues by office of Chief Government Valuer Dar es Salaam. The percentage of adjustments made regarding variations of crops growth stages from seedlings to maturity stage in order to reflect their market values.

**Land:** The land value has been arrived at basing on the market rate of land within the locality.

**Allowances:** Besides, there are allowances computed for compensation. These comprise of disturbance, accommodation and transport allowances. It should be noted that transport, accommodation and loss of profit shall not be paid for unoccupied properties. In addition, accommodation and loss of profit allowance are paid to the property owners but not to tenants (third party).

**Disturbance allowance:** This is obtained by multiplying the value of property (building/other structure, crops/plants and land) with average interest rate offered by commercial banks at fixed deposits for 12 months. Eight percent (8%) was adopted for this case.

## 8.6

### 8.6 Validity of the Valuation Report

The Valuation Report is valid for six (6) months from the date of endorsement by the Government Chief Valuer. Thereafter, compensation values are subject to the interest as specified by the Valuation and Valuers Registration Act (No. 7 of 2016).

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## 9 Institutional Responsibilities for Implementation

### 9.1 Overall Project Organization and Implementation Arrangements

Whilst the Ministry of Finance (MoF) is the ‘borrower’ of the loan, the Ministry of Water and Irrigation (MoWI) is the ‘Promoter’ and has the ultimate ownership of the project. Execution at local level rests with the three water utility and sanitation companies, namely the Mwanza Urban Water Supply & Sanitation Authority (MWAUWASA); the Bukoba Urban Water and Sanitation Authority (BUWASA); and, the Musoma Urban Water and Sanitation Authority (MUWASA).

MWAUWASA, BUWASA and MUWASA effectively act as the implementing agencies on the ground, charged with the responsibility of delivering upon this project’s and this Framework’s stated commitments within their respective territorial jurisdictions. MWAUWASA bears the additional responsibility for execution at the three satellite towns of Magu, Lamadi and Misungwi. The Ministry of Water and Irrigation is charged with the oversight of execution and the provision of enhanced technical assistance, as required, in Bukoba and Musoma, as well as carrying the responsibility to supervise execution across the entire project.

Daily oversight of this project at the operational level is provided by the Project Implementation Unit (PIU). The PIU will be responsible for day to day monitoring of the project implementation. This will involve providing technical advices, solving emerging challenges / problems, coordinating day to day activities, addressing grievances in collaboration with the committee and Mitaa leaders, ensuring compliance with safeguards issues (environment, safety, health social, etc). The composition will include representatives from MWAUWASA, Consultant and Contractors. The Project management Unit (PMU) will be at the higher level of managerial roles as explained under Section 9.6 below. Lenders’ Supervisors is an additional part of the institutional structure, their role being to act as “a third party contracted by and acting on behalf of the Lenders [EIB] to monitor the Project, including monitoring physical progress and compliance, procurement supervision and quality assurance of technical solutions and physical deliverables.” The lender supervisor sits alongside the PMU to review all implementation tasks. Independent monitors appointed by the EIB are not full-time but go on short missions to check compliance of the program.

The responsibility of the “Valuation Report”, which is part of the ARAP, lies with the District or Regional Government Authority.

Different institutions are involved at different levels: all Implementing Agencies; the Regional Commissioner; the District Council; the Ministry of Land and Human Settlement Development; and the Ministry of Water and Irrigation. Also as part of the Stakeholders are the project contractor, the ARAP consultant, NGOs/CBOs and any additional project management support unit appointed by Lenders.

The role of the Regional Commissioner and the District Council lies in ensuring that the exercise is completed through the supervision of the executive officers by accompanying the municipal valuer to every land in his/her area and confirming the owners of the lands concerned.

The consultant and contractor identified the route and areas before giving it for valuation process; the District Council and the Regional Commissioner sign the valuation report document before sending it to the chief valuer for approval.



Once the Valuation Report is done, the consultant prepares the ARAP using the RPF-LWWATSAN guidelines and once the draft document is completed, the Implementing Agency(ies) (IAs) submit the draft document to the MoWI for review and comments.

According with the WSDP DP agreements, all projects under the Program who requires an ARAP should comply with the Environmental and Social Management Framework (ESMF) and Resettlement Management Framework (RMF) in order to comply with the national law and the World Bank Safeguard Policies.

MWAUWASA in collaboration with the District commissioner's office the Valuer and the leaders engaged in exercise of verification of the documents and payment of the affected people.

The village land committee which is led by village / Mitaa chairperson and Mitaa / village executive officer was responsible for attending all grievances during the property assessment and land assessment.

## **9.2 Responsibilities of Key Organisations**

Without duplicating roles and creating additional bureaucracy for the program, there is a need to coordinate the resettlement and land acquisition components to ensure transparency and efficiency throughout the process.

Environmental and Social safeguard measures will be implemented by the water utility companies, in collaboration with the respective local authorities, as relevant. In this spirit, the daily implementation and management of resettlement measures will fall upon each water utility company, each in its own spatial jurisdiction (where, additionally, MWAUWASA will also cater for the three satellite towns). A specialist, acting as a focal person in this respect, has been nominated and shall be trained by MOWI from each water utility company. This officer will work on the ARAP implementation collaborating as relevant with other local authority bodies, UN-Habitat, and other ancillary actors on the project (PMU, Lenders' Supervisors, Sanitation Task Force). Moreover, the same (or different) assigned officer in each local authority will be tasked with the monitoring and evaluation role over the ARAP, and where necessary (based on whether EIB Standard 6 or WB OP.4.12 is triggered) any subsequent (abbreviated) RAPs. They will ensure all gaps are addressed by the project team, liaising with their counterparts at the Lenders' Supervisors or the Sanitation Task Force (STF), as necessary. Other specialists can be brought in over the course of implementing resettlement action plans, as and when required. All RAPs and monitoring progress reports will need to be approved and signed off by the MoWI.

The constructions works cannot start if the ARAP has not been fully implemented.

## **9.3 Ministry of Water and Irrigation (MoWI)**

The MoWI, as the primary promoter, and specifically the Environmental and Social Management Unit (ESMU) is responsible for endorsing the present document, as well as acting as the guarantor in terms of policy and procedural compliance, the overall coordination, monitoring and evaluation of the LWWATSAN-Mwanza Project, including the facilitation of capacity building. The MoWI will furthermore ensure cohesiveness and policy alignment in terms of sector coordination across the three Urban Water Utility Authorities (UWUA), as well as the monitoring the feedback and results from the progress reports, ex-post surveys and any due diligence required from the implementation process. General program management for the full project scope will be coordinated through the Policy and Planning Division of MoWI, whilst relevant inputs regarding environmental and social compliance – as required – will be provided by the Environmental and Social Management Unit (ESMU) of the Ministry. The financial flows required under the budget of the specific ARAPs will be based on GoT monies, to be transmitted in a timely and adequate

manner via the MoWI to the three UWUAs responsible for on-the-ground and day-to-day implementation of the ARAPs.

#### **9.4 MWAUWASA- Mwanza Urban Water and Sanitation Authority**

MWAUWASA is one of the three urban water and sewerage utility service providers in the LVWATSAN-Mwanza Project and is fully autonomous. As the single one urban utility company with a significant territorial oversight that comprises the three satellite towns and the largest recipient of EIB financing for infrastructural improvements, it is regarded as the project's secondary 'promoter'. The activities of the authority are regulated by statutory bodies established by the GoT to ensure transparency, accountability and equity in governance.

As a recipient for both water and sanitation upgrading, MWAUWASA will be responsible for managing the new infrastructure work both in Mwanza and in the three surrounding satellite settlements – as the absence of administrative authorities in certain districts within Mwanza, require MWAUWASA to provide technical and administrative oversight. MWAUWASA will manage routine operations, maintenance as well as procurement of professional services and equipment to assist in the efficient expansion of the network.

Application of social safeguards in compliance with Lenders' standards in its jurisdiction (incl. the three satellite towns) and in the context of this project and the RPF-LVWATSAN will be under the responsibility of MWAUWASA. The latter will lead the operational application and implementation of the provisions under this Framework. The support of the PMU will be drawn in this endeavour, as necessary and as stipulated in the latter's terms of reference.

#### **9.5 Mwanza City Council**

Mwanza City Council's 2013 change in their governance structure sees the formation of two councils operating within the city. Any LVWATSAN-Mwanza subproject which requires 'clearance' for upgrading will have to be approved by the relevant city authority in Mwanza. As such, the Environmental Officer within the City Council will have a pivotal role helping inform the PMU and MWAUWASA which informal areas should be selected for upgrading. Suggested criteria to this end are:

- Level of public utility services currently in the environs of the informal settlement
- Willingness of people within the community to work with public authorities
- Areas creating and susceptible to pollution
- Ability to pay for utility services
- Environmental impact of informal settlement – by doing nothing.

Collaboration with the selected NGO/CBO under the project's Stakeholder Engagement Plan (SEP) and its corresponding modalities will be critical at identifying point (2) above. Evidence from the screening exercise evinced that selected informal settlements were already mobilized and working on self-financed water and sanitation projects in their communities.

#### **9.6 Project Management Unit (PMU)**

The implementation of the LVWATSAN-Mwanza Project is managed by a Project Management Unit (PMU), the latter located in MWAUWASA. The role of the PMU will embrace both program management as well as providing critical inputs under thematic areas such as resettlement, specifically in assisting the resettlement impact screening and the elaboration of any resettlement action plans, abbreviated or full. Currently, the PMU's scope of work is geared only at the level of MWAUWASA, yet it is foreseen that technical assistance in matters of screening

and ARAP elaboration will be extended to BUWASA and MUWASA as well. However, the PMU will not have a role in resolving the complexities of land acquisition at local level, which require a participatory rather than programmatic approach to implementation.

### **9.7 Non-Governmental and Community Based Organizations (NGOs /CBOs)**

NGOs/CBOs are valuable facilitators thanks to their outreach capacity towards communities, whether they are brought on board through the SEP or in the context of the resettlement screening exercises. It will be imperative for such engagement activities to seek to identify the communities' willingness to cooperate in the program and to facilitate their mobilization, engagement and consultation therein.

If the projects impacts are considered major, an NGO/CBO could serve well in conducting baseline surveys (a census) and a necessary inventory of assets to understand 'impact' by classifying PAPs based on their tenure amongst other elements (see chapter 8 Methods of Valuing Assets) to determine what compensation measures would be adequate. The baseline data would feedback to the municipality and water utility provider. Outsourcing an NGO/CBO for such services would respectively befall the agencies in charge of implementing this RPF's provisions, namely the three urban water and sanitation utility companies, as per jurisdictional resettlement profiles.

### **9.8 Ministry of Land, Housing and Human Settlement Development**

The valuation of project affected properties for land to be acquired in different locations has to be conducted by the competent valuers from respective municipalities (Mwanza City, Illemela, etc). These reports must be approved by the Government Chief Valuer under the Ministry of Lands and then by District Commissioner of the respective districts prior to effecting compensation. It is important for the Ministry to review and approve the reports in a timely manner to prevent delays.

## 10 Implementation Timetable

The timing of implementation of the ARAP depends on several necessary actions that to a large extent are beyond the control of the PMC, including:

- Decision on final pipe routing by the Contractor/Supervising Consultant and PAP identification;
- Determination of a cut-off date and valuation of the assets of PAPs by the Valuer, his reporting hereon, and review and approval of the report by the concerned government organisations;
- Compensation payment to PAPs.

Implementation of the remainder of the ARAP process is depicted in Table 10-1.

**Table 10-1: ARAP implementation Timetable**

Nr	Activity / Month	Year												Implementing agency
		2019												
		J	F	M	A	M	J	J	A	S	O	N	D	
1	Review and approval of the ARAP Report						X							MoWI, MWAUWASA DCs
2	Compensation payments to PAPs							X	X					MoWI/MWAUWASA
3	Training of grievance committee members					X	X							MWAUWASA/UNH
4	Operation of grievance committees							X	X	X	X	X	X	MWAUWASA/UNH

## 11 Budget

Four Valuation Reports for PAPs were prepared for the Contract 3 works, i.e. two reports for Contract 3a (Transmission Main route and Construction of the Booster Station and Pumping Station at Sahwa area), one for Contract 3c (raw water intake and pumping station at Butimba area), and one for Contract 3b (Wastewater Treatment Plant at Nyamhongolo area).

As it is an RPF requirement that the present ARAP report is to be disclosed to the wider public (Section 1.8), this chapter needs to be removed before wider distribution to the public of the report.

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# 12 Arrangements for Implementation, Monitoring and Reporting

## 12.1 Next Steps

This is the final ARAP report for Contract 3. There are few minor activities related to distribution networks for both water supply and sewer lines which will be identified by MWAUWASA in collaboration with the Supervising Consultant during construction. These minor activities do not affect and deter finalization and submission of this ARAP document. The remaining steps that are needed to complete the ARAP for Contract 3 are as follows.

**STEP 1 – Decision on final locations of pipes** – The final location of the pipes of the water supply and sewerage networks will have to be decided upon, ideally by a combined party of the Contractor, the Supervising Consultant, PMU, as well as the local community involved.

**STEP 2 – The identification of PAPs for distribution networks** is to be done by PMU.

**STEP 3 – Approving the Valuation Report for Nyamhongolo** – By the Chief Valuer.

**STEP 4 – ARAP Report review and approval** – As per the RPF requirements, the ARAP report will be forwarded to the Mwanza City government for review and approval.

Once satisfied with the ARAP report the Mwanza City government will forward the document on together with their recommendations to the Ministry of Land, Housing and Settlements and the MoWI for their endorsement and final approval.

Compensation and resettlement plans (contracts) will be binding under statute and will recognize that customary law governing land administration and tenure in the rural/village areas.

Further review and approval steps are given MoWI's notification of 15 February 2017, that are presented in Appendix E.

**STEP 5 – Compensation Payments** – Compensation is finally handed to the beneficiary or the body responsible for resettlement i.e. the provincial water authority for payment to the PAP. All payments and transfers in kind will be made in the presence of the affected party and the city authorities. Note that some of the compensations for land take for construction of the water storage tanks have already been made.

All compensation and social assistance that PAPs are eligible for, needs to be offered and completed prior to any land acquisition takes place.

**STEP 6 – Monitoring and Evaluation** – Monitoring will be ongoing from the outset. Early commencement of monitoring is essential in order that any issues raised are addressed early on in the project.

## 12.2 Grievance Redress Mechanism

Grievance procedures will need to allow PAPs to go through a full agricultural season to realize their impact. Tanzania already has a linear process to manage complaints which are channelled through the local and national legislature system. This will need to be respected in light of the LWATSAN- Mwanza Project, as articulated across relevant provisions for tiered grievance management at project/local/national levels in the project's SEP.

**Local Level Grievance Resolution** – In light of the WSDP Implementation Manual Volume 6 (description of Grievance Redress Mechanism pp.90), one needs to follow the current procedures and strengthen them where possible. The grievance process should be initiated at the project outset with communities affected by the project made aware early on. Although, traditionally, “all grievances concerning non-fulfilment of contract, levels of compensation, or seizure of assets, will be addressed to the local court systems of administration, of justice in the districts” (WSDP pp.90), to simplify the grievance procedure, complaints will be administered, as much as possible, at the local level. The intention of retaining the complaints procedure locally, is to resolve all matters in an amicable fashion without having to go through a national legal procedure.

To facilitate communication between the applicant and authorities at a comprehensible level (i.e. given the high prevalent levels of illiteracy and poverty), a complaints procedure should begin with a verbal testimony rather than something in writing), whilst also minimizing costs. Local Leaders will record all grievances and complaints, including minutes of discussions, and the recommendations and resolutions decided. These will be issued to the water utility company and relevant local authority to resolve as a first point of call.

Such grievances between the complainant and the authorities are likely to derive from inadequate levels of compensation, non-compliance of contracts, or relocation and seizure of assets prior to -or without- compensation. If any of these occurs the complainant shall address the Local Leader. In turn the local leader can consult with the District / Municipal Authority, such as a District Commissioner (DC), or District / Municipal Executive Director (DED/MED) over the validity of the claim. If the complainant’s case is considered legitimate, the Local Leader will notify the complainant and they will be assisted. If, on the other hand the complainant’s grievance claim is rejected by the authority, the matter shall be brought before the local courts or District Land Tribunals for settlement.

### 12.3 Monitoring

The overall objective of the monitoring and evaluation process is to ensure that PAPs receive full compensation and improve, or at least to restore, their living standards and former livelihoods. The RPF informs the monitoring requirements for ARAP documents which are a mandatory requirement of EIB-funded projects that involve land acquisition, as well as for MoWI.

Example process indicators include:

- Level of engagement with affected people;
- Number of grievances made; number of grievances rectified, and time and quality of resolution;
- Outstanding individual compensation or resettlement contracts;
- Form of compensation provided;
- Preparation and adequacy of resettlement sites;
- Level of satisfaction of affected people with the various processes and stages.
- Targets are to be based on the relevant guidance in this Framework, EIB Standard 6, MoWI’s 2015 RMF, and national law.

**Impact Monitoring** –Impact monitoring involves assessing the impact of the land acquisition and the effectiveness of the ARAP measures against baseline indicators and targets. The impacts include the effects on living conditions and livelihoods of affected people, and also

include qualitative impacts such as emotional distress. Both quantitative and qualitative indicators should be included in the monitoring of impacts. Potential impact indicators include:

For temporary acquisitions:

- Number of people affected by temporary land use changes;
- Impact of temporary land use change on income;
- Number of affected people employed by the civil works contractors.

Permanent acquisitions:

- Living standards: housing condition; access to water and sanitation; size and quality of land.
- Livelihoods: income levels; employment opportunities generated; pre-project production versus present production (crop for crop, land for land); seasonal or inter annual fluctuation of key foodstuffs; ability of individual and families to re-establish pre-displacement activities.
- Access to services: distance to water supply; distance to employment opportunities, education and health facilities, community facilities etc.
- Social and qualitative impacts: number of people affected by community changes, number of people reporting emotional distress, qualitative attitudes towards project, community feedback.
- Targets should be guided by EIB Standard 6, MoWI's 2015 RMF, national law, and recommendations in this Framework.

**Mechanisms for Monitoring** – Organizations to be involved:

A template outlining the organizations responsible for M&E is provided in the MoWI's ESMF and RMF and is replicated, with context-specific adjustments, in this instance, too.

The ESMF and RMF states that the MoWI will perform a monitoring oversight function for the LWATSAN-Mwanza Project. This will include land acquisition and compensation. The MoWI will have responsibility for signing off monitoring reports.

Appointed focal officers within each UWUA will be responsible for the day to day monitoring and reporting of feedback throughout the life of the project, specifically the monitoring of the implementation of the (Abbreviated) Resettlement Action Plans. They will oversee compliance and check whether prescribed actions and monitoring have been carried out. They will work closely with the Water Utility Companies to ensure the monitoring plan is contained in the individual project proposals and is implemented.

A local nominated NGO/CBO can prove valuable as an independent, third-party agent assisting in gathering information and reporting on monitoring, as well as working with project affected people. Project affected persons should be involved in all phases of the monitoring, including the identification and measurement of baseline indicators. Effective linkages with the provisions of the SEP are critical in this regard and highly desirable.

Staff involved in carrying out the monitoring will need to have relevant training and experience in monitoring of projects and in the likely issues that will be encountered. They should be familiar with the methods and practices of effective community consultation, and with typical methods and processes for preparing, appraising, approving and implementing small-scale community development projects.

Monitoring functions will be additionally provided by the PMU and the Lenders' Supervisors.



**Reporting – Inception monitoring report.** It is important to review progress of the project in the early phases of implementation and make early corrections, if necessary. Performance and impact monitoring should be carried out within 4 to 6 weeks after the census and inventory forms are completed to identify any issue early, and to identify the number of affected persons, the extent to which they are affected and whether a sub project ARAP is required.

*Monthly Progress Report.* When an (A)RAP is triggered, the EIB requires a Monthly Progress Report to be completed and submitted to them. The report should be prepared by each UWUA's designated RPF-focal officer on a monthly basis until the conclusion of the A/RAP implementation. Thereafter, these are to be rendered on a 6-month basis. The EIB will provide closer to the time a standard template on (A)RAP monthly monitoring. The MoWI is expected to sign off on this project's reporting requirements.

*Annual report.* The ESMF and 2015 RMF for the Water Sector Development Program (WSDP) requires an Annual Report and Annual Review Report to be prepared at the close of each year of the program. The LWATSAN-Mwanza Project will include a monitoring update on any land acquisition and compensation that takes place as a result of the project. This will include both performance and impact monitoring.

*Annual review report:* An outline of what is required in the annual review report is presented in the ESMF. It will include:

- A review of project documentation including number of affected persons, and grievances.
- An annual survey of all affected persons, to identify the socioeconomic situation and living conditions of the affected persons. The results will need to be compared to the baseline data that was collected at the time of the cut-off date.
- Field visits of areas where affected persons are located to assess the completeness of planning and implementation work, the adequacy of social design, and compliance with this Framework and RAPs.
- Interview project and district officials responsible for sub project appraisal and approval (this will be done for the review of the ESMF as a whole) but will require consulting with the official regarding the strengths and weaknesses of the resettlement process, and areas for improvement.
- Develop recommendations for improving the performance of compensation and resettlement.

The annual survey should assess the socioeconomic situation of affected persons, the progress on compensation, and impacts of any compensation and land acquisition. The sample indicators in Annex 8 of the RPF provide a guide as to what should be covered in the survey. Data from the annual monitoring survey should be inputted into an excel data base along with the baseline data requirements that are outlined in Chapter 7 of the RPF.

Due to the likely small number of affected persons, it should be possible to monitor the progress and impacts for every PAP, with the priority being affected persons that triggered an ARAP. In some cases, resettlement has already taken place before the creation of this Framework. The progress and impacts of this resettlement will need to be included in the monitoring system. Retrospective data collection for these affected persons may be difficult if detailed records were not collected at the time. However, a census and inventory of assets, and interviews with the affected persons can be carried out in this situation in order to identify whether compensation has been in line with this RPF.

Documentation related to the project including records of numbers of affected persons, compensation, consultations, and grievances will need to be collected throughout the project.

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## A. Consent valuation form for valuation of assets (Forms Nos 1 & 69)

### VAL FORM No. 1

#### IDHINI YA KUINGIA KATIKA MILIKI/MALI

Mimi/Sisi .....  
(Mmiliki/mwakilishi wa mmiliki) natoa idhini ya kuingia katika ardhi, jengo na maendelezo yote katika miliki ijulikanayo kama ..... au Kiwanja Na. .... Kitalu.....kilichopo.....Wilaya .....Mkoa..... Kwa lengo la kukagua na kunakili taarifa zote za thamani za fidia katika miliki/ ardhi inayoathiriwa kama sehemu ya zoezi la uthamini wa fidia.

Mthamini/Wathamini ame/wame ambatana na.....(Idadi) kiongozi/viongozi wa mitaa na kusaidiwa na .....(idadi) maafisa wasaidizi: kwa majina;

1. Jina na saina ya Mthamini Kiongozi:

.....

2. Jina na saina ya Kiongozi wa mitaa:

.....

3. Majina ya wathamini wasaidizi:

.....  
.....  
.....  
.....  
.....

Tarehe ya kuruhusiwa ..... na muda wa kuingia.....

Tarehe ya toleo..... Sehemu ilipotolewa.....

.....

Jina na sahihi ya mtoa idhini (Mmiliki/mwakilishi wa mmiliki)

**VAL FORM No. 3**

**UKAGUZI KWA AJILI YA UTHAMINI WA FIDIA**

Kumb. Na. \_\_\_\_\_ Tarehe: \_\_\_\_\_

MAHALI: \_\_\_\_\_

1. Miliki: \_\_\_\_\_  
  
\*Mmiliki \_\_\_\_\_  
\*Anuani \_\_\_\_\_

2. Maelezo ya jumla ya mali:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Maelezo kuhusu jengo:  
\*Paa \_\_\_\_\_  
\*Kuta \_\_\_\_\_  
\*Dari \_\_\_\_\_  
\*Madirisha \_\_\_\_\_  
\* Milango \_\_\_\_\_  
\* Sakafu \_\_\_\_\_  
\*Vyumba \_\_\_\_\_  
\_\_\_\_\_  
Nyumba ndogo: \_\_\_\_\_  
\_\_\_\_\_

4. Mazao

(a) Mazao:

Aina ya zao	Idadi/Ukubwa	% ya ukuaji
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____

(b) Ukubwa wa shamba (kadirio) ekari \_\_\_\_\_

Ushahidi:

Nimesoma/Nimelewesha:

\_\_\_\_\_

Maelezo mengine (pamoja na hali ya jengo, huduma na maendelezo mengine)

\_\_\_\_\_

\_\_\_\_\_

Matumizi: Makazi/Biashara \_\_\_\_\_ Kadirio la pango \_\_\_\_\_

Jinan la Mpima ardhi na saini: \_\_\_\_\_

Jina la mmiliki na saini: \_\_\_\_\_

Jina la Kiongozi wa eneo na saini: \_\_\_\_\_

Jina la Mthamini na saini: \_\_\_\_\_

Public

## B. Sample questionnaire for collecting socio-economic baseline data

### LVWATSAN PROJECT - MWANZA

#### MITAA / STREET: SOCIO-ECONOMIC DATA COLLECTION TOOL

General Information / Taarifa za jumla	
Manispaa	
Wilaya	
Kata	
Mitaa	

#### 2.0 Idadi ya watu na kaya (Mitaa ulioguswa na mradi)

2.1. Jumla ya idadi ya watu katika Mitaa.....

Wanaume

.....Wanawake.....  
 .....

Nguvu kazi wangapi?..... Wenye ulemavu (tegemezi): ..... Wajane .....

Idadi ya watoto yatima: ..... Idadi ya kaya zinazoongozwa na watoto yatima .....

2.2. Jumla ya kaya.....

2.3. Wastani wa watu katika kaya.....

2.4. Kaya zinazoongozwa na wanawake.....

2.5. Makabila makuu matatu yanayoishi katika Mitaa huu  
 .....

2.6 Uhamaji na uhamiaji wa watu katika mitaa: Hali ikoje na sababu zake  
 .....  
 .....

Sababu za watu kuhama hapa:  
 .....  
 .....  
 .....

Sababu za kuhamia katika mitaa:  
 .....  
 .....  
 .....  
 .....

#### 3.0 Shughuli kuu za kiuchumi / kibiashara zinzofanyika katika Mitaa kwa ajili ya kujikimu

.....  
 .....

.....  
.....  
.....

#### 4.0 Elimu

Idadi ya shule katika Mitaa: shule msingi ..... Shule ya sekondari:  
.....

Watu wasiojua kusoma, kuhesabu na kuandika: Wanaume ..... Wanawake  
..... Changamoto za elimu:  
.....  
.....

#### 5.0 Huduma Ya Maji safi / Water Services

Vyanzo vikuu vya maji katika eneo hili la mradi / Mitaa (taja vitatu vikuu)

(i) ..... (ii) ..... (iii)  
.....

Kuna kaya zinazonunua maji kwa matumizi ya nyumbani? a) Ndiyo [ ] b) Hapana [ ]

Kama jibu ni ndiyo, lita 20 (ndoo) huuzwa kwa TZS ngapi?  
.....

Kuna changamoto gani mnazokabiliana nazo juu ya upatikanaji wa maji?  
.....  
.....  
.....  
.....

#### 6.0 Huduma za afya

6.1 Ni aina gani ya huduma ya afya (zahanati, kituo cha afya) inapatikana kwenye Mitaa?  
.....  
.....

6.2 Kama hakuna huduma kwenye Mitaa, wananchi wanapataje huduma za afya?  
.....  
.....  
.....  
.....

6.3 Magonjwa makuu matatu yanayowasumbua au kuwapata wananchi mara kwa mara

(i) ..... (ii) ..... (iii)  
.....

6.4 Changamoto zilizopo za huduma za afya.....  
.....  
.....  
.....

#### 7.0 Maambukizi ya Virusi Vya UKIMWI katika Mitaa

(i) Idadi ya watu wanaoishi na VVU / UKIMWI ..... Wanaume [ ] Wanawake [ ]  
]

(ii) Sababu kuu zinazochangia kuongezeka kwa maambukizi mapya ya VVU / UKIMWI katika eneo hili:

.....  
 .....  
 .....

(iii) Taja mikakati ya kuzuia maambukizi mapya ya VVU / UKIMWI katika eneo lako

.....  
 .....  
 .....

(iv) Vikwazo vilivyopo katika kupambana na VVU na UKIMWI

.....  
 .....

**8.0 Usafi wa mazingira / sanitation**

Idadi ya kaya zenye vyoo vya kudumu / vinavyokubalika kiafya

.....

Idadi ya nyumba zisizo na vyoo ..... Sababu ya kukosa choo:

.....  
 .....

**9.0 Katika eneo lako , kaya zilizo nyingi zinatumia njia gani kutupa / kuondoa takataka ngumu?**

.....  
 .....

**10.0 Kaya zinatirishaje / kuondoa maji taka katika makazi yao?**

.....  
 .....

(ii) Gharama za uondoaji maji taka na changamoto zilizopo:

.....  
 .....  
 .....

**11.0 Migogoro mikuu inayojitokeza mara kwa mara katika Mitaa wako**

.....  
 .....  
 .....

**12.0 Taja wastani ya idadi ya mifugo katika Mitaa huu kwa mwaka 2016/17**

Aina ya Mifugo	Idadi ya mifugo	Idadi ya wafugaji
Ng'ombe		
Mbuzi		
Kondoo		



Nguruwe		
Kuku		
Bata		
Mingine (Taja)		

**13.0 Upatikanaji wa nishati kwa matumizi mbalimbali**

Orodhesha vyanzo vikuu vya nishati vinavyopatikana na kutumiwa na wana-Mitaa (ukianzia na kinachotumiwa na wengi zaidi)

	Matumizi	Chanzo / aina ya nishati
1	Kupikia	1
		2
		3
2	Kupata mwanga	1
		2
		3

**14.0 Mfumo wa upatikanaji / umiliki & matumizi ya ardhi**

(i) Njia kuu za upatikanaji wa ardhi katika Mitaa

.....  
 .....  
 .....

(ii) Je wanawake wana haki ya kupata, kurithi na kumiliki ardhi katika eneo hili / rasimali zingine ?

.....  
 .....

(iii) Je kuna migogoro ya ardhi kati ya wanafamilia au kaya na kaya nyingine?

.....  
 .....

**15.0 Ni shughuli gani zinazoweza kufanywa na wanawake wakati wa ujenzi wa mradi (maji taka)?**

.....  
 .....

**16.0 Wakazi walio wengi wanapata kipato kiasi gani kwa mwezi? (a) Kipato cha juu**

TZS:.....

(b) Kipato cha chini TZS

.....

**17.0 Maoni / mapendekezo:**

(i) Taja changamoto (hasara) zinazoambatana na ujenzi wa mradi wa maji taka wakati wa ujenzi na wakati wa uendeshaji baada ya ujenzi kukamilika

.....  
 .....  
 .....

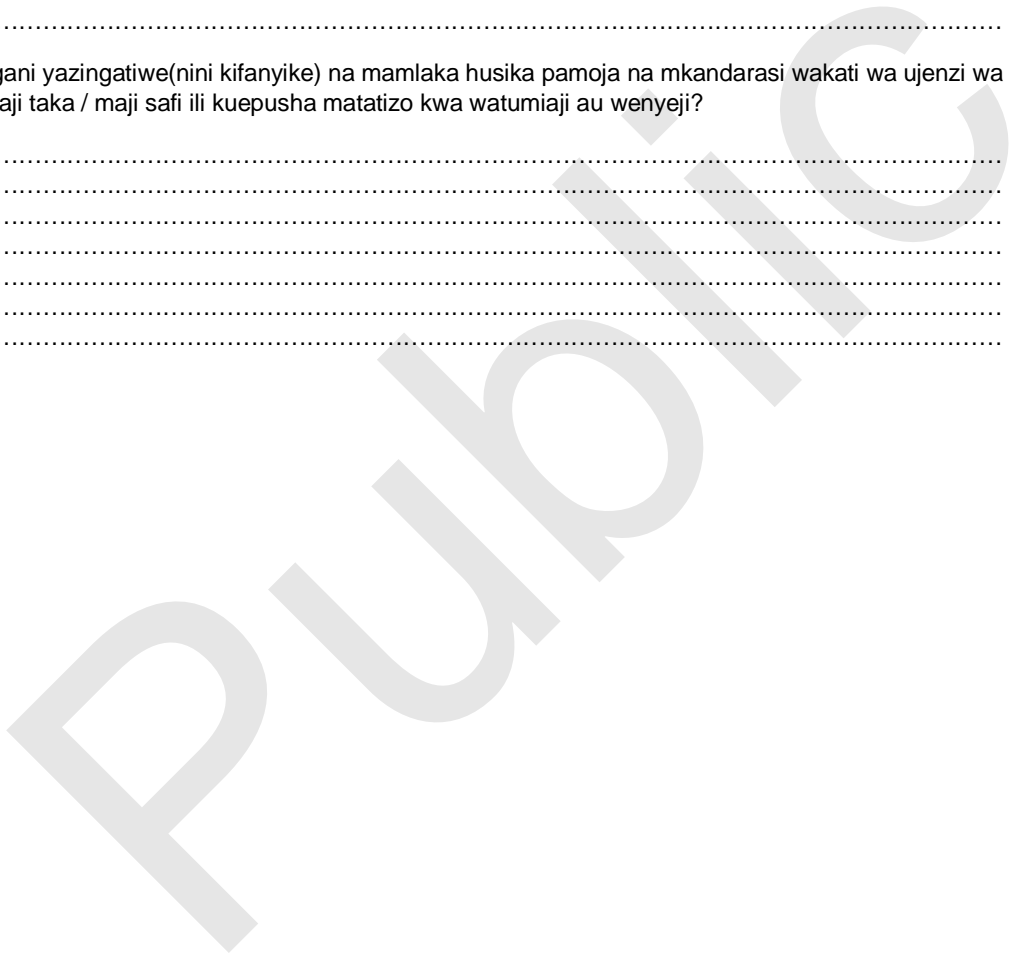
.....  
.....

(ii) Athari chanya au faida za ulazaji wa mabomba ya maji taka / maji safi ni zipi katika mitaa au kwa ujumla?

.....  
.....  
.....  
.....  
.....  
.....

Ni mambo gani yazingatiwe(nini kifanyike) na mamlaka husika pamoja na mkandarasi wakati wa ujenzi wa mradi wa maji taka / maji safi ili kuepusha matatizo kwa watumiaji au wenyeji?

.....  
.....  
.....  
.....  
.....  
.....



## C. Meeting Minutes

HAJI MASHAURI YA JIJI LA MWANZA 26/5/2018  
MUHTASARI WA KIKAO CHA WATAALAMU WA  
MWAJUMBA NA WANANCHI AMBAO MAENEO YAO  
UJENZI WA MRADI MKUBWA WA BOMBA NA TENKI LA  
MASI UTATEKELEZWA. TAREHE 26/05/2018.

AGENDA:

1. KUFUNGUUA KIKAO
2. MAELEZO KUHUSU MAENEO YA WANANCHI AMBAO  
MRADI UTAPITA.
2. KUFUNGA KIKAO.

AGENDA No.1/2018. KUFUNGUUA KIKAO.

Mwenyekiti ahifungua kikao saa 5:05 asubuhi na  
kuwambua wajumbe kuchangia kina ufasaha agenda  
iliyopo mbele ya maza.

AGENDA No.2/2018 MAELEZO YA WATAALAMU JUM  
YA MAENEO YA WANANCHI XATAKAYOCHUKULWA KWA  
LENDO LA KUTEKELEZA MRADI.

Mtaalamu ahifafua kina ufasaha kumbwa  
suala la utekelezaji wa mradi wa maji unaenda sambamba  
na ujenzi wa matenki pamoja na utandazaji wa bomba  
ardhi. Maeneo yote bomba sitakopita sitazima  
yafidwe.

Kutokana na thamani ya ardhi na vilivyopo, Maeneo  
yote yaliyochukuliwa kwa ajili ya ujenzi wa matenki  
lazima mwananchi afidwe/wafidwe, na baadhi ya eneo la  
maji wa shawa limechukuliwa na kita mwananchi  
ambaye eno lake limechukuliwa lazima atharimwe kina  
kufuta kumini na taratibu zilizokuna kina majibu  
wa sheria.

Mthamini toka Halmashauri ya Jiji la Mwanza  
ahifafanua waranchi Maana ya Uthamini kama  
ifuatayo:-

Kuamba ni utaratibu wa kukadiriwa Thamani  
ya kitu fulani kama vile Ardhi, Nyumba na Miti.

Hivyo basi wajiomba walifafanua taratibu za  
uthamini katika maeneo yetu ya Sahne ya tazingatia viti  
Ufuatayo:-

1. Ardhi
2. Nyumba
3. Miti
4. Makabani na
5. Mazao.

Upande wa nyumba kuna nyumba za Topo, block na  
Chuma katika kukadiriwa Vigezo yote vitazingatane, pia  
Suala la mazao lilihifafanua kwa Ufasaha kuamba  
kuna mazao ya muda mfupi na mazao ya muda mrefu

Mthamini ahifafanua kuamba suala la Uthamini  
lina posho kwa walengwa kama ifuatayo:-

1. Posho ya Usimbafu.

Mhusika anatipua 5% ya Usimbafu ya thamani  
ya mali zake.

2. Posho ya Usafiri

Uratipua gharama za kusafirisha mizigo yake  
kwa kusizingatia Umbali wa sehemu Urayokwenda furukotania

3. Posho ya Makazi

Posho hizi zinatipua kwenye nyumba inayotunika kwenye  
nyumba ambazo wata hamaishi au hawajakamilika kwenye

Posho haaita lipwa.

Mahipo ya posho za Makazi yatazingatia ukubwa wa nyumba. Kama nyumba ni ya wapangaji makadirio yatafanjika kwa kuzingatia kila chombo pungo lake ni Ish. ngapi?

Mthamini ahifafanua kwa ufasaha kuamba makadirio ya gharama za Uthamini kwa halmashauri ya Jiji la Mwanza yanazingatia thamani na gharama za kata husika. Thamini ya eneo lilihifanua si sana na eneo ambalo halijipimwa.

Wajumbe wakifafanua na mthamini kuamba gharama za Uthamini kwa kata ya Luwama kwa kila  $5m^2$  ni Ish. 3000/- → Ish. 6000/-

Baada ya ufikiri wa Kitasamu ulianachi ambao ni wakulima walipewa fursa ya kutoa maoni yao, wko wakijadili na wakubaliana kuamba kila  $5m^2$  ni Ish. 20,000/-. Baada ya makubaliano hayo ya ulianachi walianza ombi lao lipelekwa idara husika kwa lengo la kutijadili na kuadaye watakae na wahusika mtaa wa siku kupata majibu ya ombi lao.

AGENDA N°3 KUFUATA KIKAO

Mwenyekiti ahatulisha kikao saa 7:08mchana na kuamsha kum wajumbe wote wakihimchurua.



AFISANTENDAJIWA MTAJI SAHIBU  
KATA YA LWANZIMA  
JILHA LA HWANZA  
26/05/2018  
Katibu

HALIMASHAURI YA JIJI LA MWANZA  
 MAHUDHURI YA KUKAO CHA WATAALAM  
 IDARA YA MAJI (MWANWASA) NA WALIDPTIWA NA  
 MRADI WA MAJI MTA A WA SAHWA 26/05/2018

NA	JINA KAMILI	WADHIRA	SAINI
1	PETER MKALANGO	M/KATI WA MTA	
2	BAHATI LUBATULA	M/KATI - BUTAPWA	
3	NOVATUS BKRONGIRIZA	MEO	
4	CHARLES G CHARLES	K.MY- WEO Rwanza	
5	LUBEN K. NZALI	MH-DIWAN	
6	JONAS W. CHRISTOPHER	MWANWASA-CLO	
7	LENARIUS M. MUTTA	MTHAMANI-MCC	
8	Dhalali S. KOMANYA	MJUMBE	D. S. KOMANYA
9	Saphuel M. Mangonyo	Mjumbe	
10	Said Wibe	Mjumbe	
11	DALHAILE MCHOMBA	MJUMBE	D-MCHOMBA
12	FADHIL MUSSA	MJUMBE	
13	Luhumbika Fafa	MJUMBE-	
14	Saida Misana	MJUMBE	
15	Mudlastar Karimu brosh	Mjumbe	S. D
16	COSTANCIA VALENTINE	Mjumbe	Mus.
17	VISANTI MCLERN	MJUMBE	C.U.
18	ELABUS CLEPTAE	MJUMBE	VSENF
19	Salama Malungu	Mjumbe	
20	Noveta Malugu	Mjumbe	
21	Reminister Miso	Mjumbe	

AFISANTENDAJIWA MTA A SAHWA  
 IKATA YA LWANIMA  
 JIJI LA MWANZA  
 26/05/2018

## D. PAP Lists and Contacts

SNo	Name of PAP	Location	Contact	Valuation number
1	YASSINI MAYUNGA MWETA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/001
2	SHABAN J. KULULA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/002
3	MAGRETH MSHANA RWEGOSHONA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/003
4	CKEOPHACE PETER MAIJO	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/004
5	HONOL PAUL RITE	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/005
6	JOHN LUKA MBOYA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/006
7	JOHN MASWETA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/007
8	EMMANUEL CHRISTIAN KAHABUKA	Proposed water pipeline area – Mabatini ward: Contract 3a		MCC/VAL/MBT/MWS/008

SNo	Name of PAP	Location	Contact	Valuation number
1	JAPHET MANYONYI MALWETA	Sahwa Booster and Pumping Station: Contract 3a	0752111708	MCC/VAL/COMP/SHW/001
2	SAIDA MISANA BIGINGO	Sahwa Booster and Pumping Station: Contract 3a	0746 471 267	MCC/VAL/COMP/SHW/002
3	DALALI SIMONI KAMANYA	Sahwa Booster and Pumping Station: Contract 3a	0769 619 931	MCC/VAL/COMP/SHW/003
4	ERASIMUS CLEOPHACE SALON	Sahwa Booster and Pumping Station: Contract 3a	0754 380 396	MCC/VAL/COMP/SHW/004
5	KARIMU EFRAIM MUSHI (Rep. by Rosemary Minja)	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/005
6	LUHUMBIKA FEFU JIMOTORI	Sahwa Booster and Pumping Station: Contract 3a	0785 811 227	MCC/VAL/COMP/SHW/006
7	FADHILI MUSA SALEHE	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/007
8	VICENT MALEKA KAZUNGU	Sahwa Booster and Pumping Station: Contract 3a	0753 247 344	MCC/VAL/COMP/SHW/008
9	MASIGO NDAULI NDAKI	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/009
10	ELIZABERTH ELIAS BULIMA	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/010
11	NESTO MANG'ELA KINYONGO	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/011

SNo	Name of PAP	Location	Contact	Valuation number
12	SAID WIBE SAMSON	Sahwa Booster and Pumping Station: Contract 3a	0767 838 319	MCC/VAL/COMP/SHW/012
13	VALENTINE PETER MPOY	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/013
14	DALAILE YOHANA MAGEGE	Sahwa Booster and Pumping Station: Contract 3a	0756 036 966	MCC/VAL/COMP/SHW/014
15	HARUNA SHABAN KINGU (Rep. by SHAMSA PETER MASANYA)	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/015
16	DEUS KATUNZI KAYANDA	Sahwa Booster and Pumping Station: Contract 3a		MCC/VAL/COMP/SHW/016
17	JENITHER PROSPER (Rep. by STREET CHAIRMAN)	Sahwa Booster and Pumping Station: Contract 3a	0754 26 72 78	MCC/VAL/COMP/SHW/001

SNo	Name of PAP	Location	Contact	Valuation number
1	Tanzania Prisons	Butimba Prisons Area: Contract 3c		MCC/VAL/BTMB/MWS/001

SNo	Name of PAP	Location	Contact	Valuation number
1	NGASSA LUKAGO	Nyamhongolo WWTP: Contract 3b		
2	DISMAS DAMAS KAMANI			
3	GODSON SIMANGA			
4	RAMLA BAKA JUMA			
5	OMARY MRUTHU			
6	DAVID KATUNGE			
7	SALOME N KAHABI			
8	MARIAM NKUNGU			
9	REBECCA BUYAMBA			
10	DAVID MALIFEDHA			
11	SALVATORY			
12	EMMANUEL NEGELWA			
13	MARK JOHN BUYAMBA			
14	MRS CHANJI			
15	ANTONY MALONGO			
16	CHARLES JOSEPH			
17	DHARMA HETAL			
17	ABEID MANJI			
18	GEORGE MINJA			
19	C;EMENT KAFULA			
20	SIMON BULONGO			
21	MAGRETH MLEKWA			
22	YONA LUTUBIJA			



<b>SNo</b>	<b>Name of PAP</b>	<b>Location</b>	<b>Contact</b>	<b>Valuation number</b>
23	MUSSA CHING'WA			
24	BAHATI JEPHTA			
25	CHRISTINA WASHA			

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Public

## E. MoWI's Guidance on ARAP Preparation and Review

**From:** joseph kubena [<mailto:josephkubena143@gmail.com>]

**Sent:** 15 February 2017 18:12

**To:** Deo Celestine <[deocelestine7@gmail.com](mailto:deocelestine7@gmail.com)>

**Subject:** Re: LWATSAN-Review of Draft ARAP and Acceptance of Non-PAP affected Area

Deo

Thanks for clear understanding of the process. Please send the documents ASAP as I will be present in the office effective from Wednesday next week..

However where ever I am still is possible to review and advise accordingly.

On Feb 15, 2017 5:23 PM, "Deo Celestine" <[deocelestine7@gmail.com](mailto:deocelestine7@gmail.com)> wrote:

Dear Mr Kubena,

Following our conversation, I would like to confirm with you the process to be followed.

### Step 1 –

- PMC is to prepare and issue the Draft ARAPs to the MoWI (Mr Kubena) for review. This process will entail sharing the draft document with other stakeholders including EIB/AFD for their comments
- This will also help the MoWIs to confirm areas that do not require an ARAP i.e. as there are no effected PAPs. On the other hand, the process will also give the MoWI an understanding on the level of an expected value of compensation to be paid.

### Step 2 –

- PMC to revise draft ARAPs following comments, and pass onto the SC and Contractor.
- This will inform the contractor which areas they can commence construction on, and which they cannot.

### Step 3 –

- The SC will then work with the contractor to confirm any details within the draft to enable the FINAL ARAP to be finalised.
- Any further details will be passed to the PMC to update the ARAPs, which will then be issued to the MoWI (Mr Kubena) and the EIB for final review and issue ARAP approval letter. This will also allow the compensation process to commence, and following this the construction of remaining PAP affected elements.

We will appreciate you feedback on this and we will call you in advance of sending you any draft or final ARAPs to ensure that you are aware that they will be arriving, and with the hope that comments/certification/approval (as required) is able to be provided as quickly as possible to ensure works can proceed as soon as possible.

Kind regards

## F. MoWI’s Comments on Interim ARAP Report for Contract 3

<b>Nr</b>	<b>Comment from MoWI</b>	<b>Responses</b>
1	<i>The ARAP report has not considered the role of the revised RMF (2016) for WSDP II as a guiding instrument on resettlement issues for all projects implemented under WSDP including LVWATSAN.</i>	The RMF (2016) has been considered fully as the guiding instrument for LVWATSAN. See e.g. ‘glossary’ and in the Executive Summary, and e.g. Section 1.3.
2	<i>The relevance of Land Acquisition Act No. 47 of 1967 to this ARAP should be clearly defined beyond it giving powers to the President to take land for public purposes when in the public interest it is necessary to do so as it considers the right of use and ownership.</i>	Relevant documents were consulted, and clarifications have been provided. Current applicability of Act No. 47 of 1967 on land acquisition. Detailed explanations are provided in Chapter 3.
3	<i>The regulation of land assessment, valuation and compensation of 2001 has been revised in 2016. Please check it with respective district valuer</i>	Consulted valuers gave updates on the regulation of land assessment procedures which is reflected in for example Chapter 3.
4	<i>In the page of “Glossary” the ARAP is prepared since the number of affected People is less than 200, and the risk of the project is low or moderate, when the PAPs is more than 200 definitely the RAP should be prepared unless the risk of the project to the people is minimal.</i>	Less than 200 PAPs were identified for Contract 3 and therefore an ARAP report suffices.
5	<i>The report should also include the list names (PAPs) and number to be affected by the project.</i>	Names of PAPs are included in Appendix D to the present report.
6	<i>The section for summary of project impacts-Contract -3b, the compensation is estimated to be 9,113,911,000.00. What about contract 3c &amp; a?</i>	At time of preparation of the Interim ARAP report not all PAP information was available yet. The present report includes all necessary information on Contract 3a, 3b and 3c that is available to date.
7	<i>Grievance Redness Mechanism-; Advised for the coming days to specify the number of committee members and who is supposed to be a member of committee, also its better to specify where the committee is supposed to report after receiving the complaints from the community.</i>	Lists of GRM committee members are incomplete and are currently being updated.
8	<i>The issue of vulnerable groups such as unmarried women, elderly, poor living with HIV AIDS, orphans’, street children etc. their provision did not show in this document.</i>	To the extent possible and necessary this aspect is reflected in Chapter 7 and 8, and Appendix D.
9	<i>The comparison and contrary of Tanzania social standards on involuntary Resettlement policy and the World Banks’ Involuntary Resettlement Policy (OP/BP 4.12) were not discusses in the document.</i>	Comparison between Tanzanian law and World Bank’s OP/PB 4.12 on involuntary resettlement safeguards has been incorporated in the Chapter 3.
10	<i>Section 1.1 should make reference to SDG 6 (by 2030) for improved water and sanitation, MDG is no longer referred. Also WSDP timeframe refers to 2006-2025 not 2005 – 2023.</i>	Section 1.1 has been amended.

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