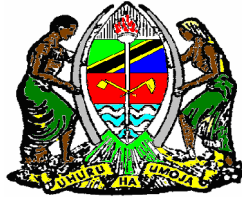


THE UNITED REPUBLIC OF TANZANIA



MINISTRY OF WATER

**WATER SECTOR DEVELOPMENT PROGRAMME
(WSDP)**

PROGRAMME IMPLEMENTATION MANUAL

Volume 6

RESETTLEMENT POLICY FRAMEWORK (RPF)

September 2006

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ACRONYMS & ABBREVIATIONS

ARAP	Abbreviated Resettlement Action Plan
BWOs	Basin Water Offices
COWSOs	Community-owned Water Supply Organisations
DAWASA	Dar es Salaam Water and Sewerage Authority
DC	District Commissioner
DED	District Executive Director
DEnv.O	District Environmental Officer
DWSTs	District Water and Sanitation Teams
EMCs	Environmental Management Committees
EMOs	Environmental Management Officers
ESAs	External Support Agencies
ESMF	Environmental and Social Management Framework
EWURA	Energy and Water Utilities Regulatory Authority
GNI	Gross National Index
GoT	Government of Tanzania
HDI	Human Development Index
LGAs	Local Government Authorities
MDGs	Millennium Development Goals
MKUKUTA	National Strategy for Growth and Reduction of Poverty
MoW	Ministry of Water
NAWAPO	National Water Policy
RWSSP	Rural Water Supply and Sanitation Programme
NWSDS	National Water Sector Development Strategy
PAPs	Programme-affected Persons
PLUM	Participatory Land Use Planning and Management
PMO-RALG	Prime Minister's Office – Regional Administration and Local Government
RAP	Resettlement and Compensation Plan
RPF	Resettlement Policy Framework
RWSTs	Regional Water and Sanitation Teams
SWAP	Sector-wide Approach to Planning
UWSAs	Urban Water and Sanitation Authorities
UWSSP	Urban Water Supply and Sewerage Programme
VEOs	Village Executive Officers
WDC	Ward Development Committee
WRM	Water Resources Management
WRMP	Water Resources Management Programme
WSDP	Water Sector Development Programme
WSS	Water and Sanitation Services
WSSAs	Water Supply and Sanitation Authorities

EXECUTIVE SUMMARY

The Government of the United Republic of Tanzania (GoT), with assistance from Development Partners, is implementing the Water Sector Development Programme (WSDP). This programme will focus on prioritised water resources management and service delivery in the water and sanitation sector.

The Programme Development Objective is to support the GoT's poverty alleviation strategy through improvements in the governance of water resources management and the sustainable delivery of water supply and sanitation services.

In cases where new land has to be acquired for the WSDP, there will be need for the preparation of procedures and principles for land acquisition, resettlement and compensation. This entails providing sufficient investment resources to meet the needs of the Project Affected Persons (PAPs) who may be displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the PAPs to ensure that they maintain or improve their livelihoods and standards of living in the new environment. This RPF is prepared to ensure effective preparation and implementation of the land acquisition, resettlement and compensation process for the WSDP

The legal instruments have been noted to contain relevant legislation that defines the different classifications/categories of land, and specific issues that relate to land acquisition and land transfer including the management of the land acquisition and transfer processes itself. The legal basis, which has been found very useful in the preparation of this RPF, has been highlighted in Chapter 1.

The RPF has been prepared in anticipation that the project activities under the WSDP will require additional land. The RPF therefore, provides safeguards against adverse impacts of development activities of the WSDP, through minimizing the number of (PAPs) in the first place. It provides procedures and means for adequately compensating for the losses the PAPs may incur, in the case that resettlement cannot be avoided.

This RPF includes guidelines for compensation for land contributed voluntarily for the WSDP Projects without seeking compensation; as well as land acquired involuntarily. The guiding principle for land acquisition shall be that where land is required for implementation of the WSDP project activities, the recommended safeguards shall be observed to reduce the suffering of the affected community members.

The RPF is intended to assist all DPG's funded projects of category (A-C) on WSDP.

The overall responsibility for implementation of this Framework shall reside with the WSDP. The WSDP will be implemented together with the Ministry of Regional Administration and Local Government (PMO- RALG), Ministry of Health and Social Welfare and others.

WSDP will ensure that the Framework is publicly disseminated and that the programme implementers have the requisite skills and knowledge and, where necessary, they have received appropriate training to implement the RPF as indicated in the ESMF.

The District Councils/ authorities shall take responsibility for implementation of the RPF at respective local authorities, with assistance from other line local offices of the above mentioned Government ministries. For Municipalities, the Municipal Councils shall be responsible for the implementation, with assistance from local representatives of the relevant Government ministries.

Implementation of the RPF shall require a number of steps including:

- A full understanding of the project components, particularly those requiring land acquisition
- Determination of land ownership
- Screening of the project sites and activities
- Property and asset valuation
- Preparation and approval of resettlement plans
- Implementation and monitoring of the resettlement plans
- Effective redress of complaints and grievances
- Public consultation and participation

These steps will ensure that WSDP projects are satisfactorily and efficiently implemented to effectively address any adverse social, economic and environmental impacts so that PAPs are fairly treated on land acquisition and resettlement.

The Capacity Building required for the RPF is part of the bigger capacity building framework, which will be funded by the project. The Capacity Building mentioned here is part of the bigger capacity building framework whose budget is 38.55 USD million, which will be funded by the project. A budget is set aside for institutional capacity building for ESMF and RPF equivalent to **3.55 million** USD within the WSDP. The funds shall be shared equally

CHAPTER 1:

1.0 INTRODUCTION

1.1 Background

The Government of the United Republic of Tanzania (GoT), with assistance from Development Partners, is implementing the Water Sector Development Programme (WSDP). This programme will focus on prioritised water resources management and service delivery in the water and sanitation sector.

The Water Sector Development Programme (WSDP) comprises three components, the Water Resources Management Programme (WRMP), the Rural Water Supply and Sanitation Programme (RWSSP) and the Urban Water and Sewerage Programme (UWSSP).

The objectives for the Water Resources Management (WRM) component^{1,2} are to:

- develop a sound water resources management and development framework in all Nine Basins, for optimising the utilisation of the water resources in a sustainable manner for the various competing uses;
- promote good governance of water resources through empowering water users, encouraging participatory and transparent decision-making, devolving ownership to the user level, and granting secure water rights with responsibilities to the water users, community groups, local government and Basin Boards; and
- assist lake basin offices with trans-boundary lake and lake basin issues.

The overall objective of the RWSSP is improved quality and quantity of drinking water and sanitation services for rural Tanzanians sustained through improved District level capacity, effective local water committees, private sector participation and good health / hygiene / sanitation practices. The RWSSP includes both rural and small town (under 50,000) populations. By 2015 it will raise coverage of these populations from 55 and 48% to 79 and 82% respectively. In doing so, it will meet the MDGs for the rural areas. Likewise it will raise coverage levels to 90% by 2025 in accordance with Vision 2025 goals. In all, it will provide services to over 33 million people by 2025.

The overall objective of the UWSSP is improved and sustained quality and quantity of drinking water and sewerage services for urban Tanzanians managed by improved, financially autonomous and commercially viable Urban Water and Sanitation Authorities (UWSAs)/Water Supply and Sanitation Authorities (WSSAs) providing efficient and cost-effective services. The specific targets of the UWSSP include raising water supply service coverage from 78% (2005) to 90% in 2010 and 95% by 2015 to meet the MDGs and 100% for Vision 2025. The target for sewerage coverage is to increase from 17% (2003) to 30% by 2010.

The strategy³ for achieving these goals in the urban sector is to develop the existing UWSAs into bodies that are financially autonomous and commercially viable. In essence, the focus of the strategy is the commercialisation of the urban water authorities so that they are capable of efficient and cost-effective provision of services.

¹ MoW (2006) "Water Resources Management Programme", Dar es Salaam, February 2006.

² World Bank (2005) "Tanzania Water Resources Assistance Strategy", October 2005.

³ MoW (2006) "National Urban Water Supply and Sewerage Strategic Programme – Strategy Report, Vol. 1", Dar es Salaam.

1.2. Programme Implementing Agency

The proponent of the Water Sector Development Programme is the Government of the United Republic of Tanzania while the Ministry of Water (MoW) is the implementing Agency on behalf of the Government. The contact details of the Ministry are as follows:

- Name of Implementer: Ministry of Water
- Postal address: MAJI UBUNGO
P.O. Box 9153 or 35066
Dar es Salaam
- Telephone: +255 2450838/40-41
- Facsimile: + 255-2452037

E-mail: wmm@maji.go.tz, ps@maji.go.tz, dpp@maji.go.tz

1.3. Programme Description

The Water Sector Development Programme (WSDP) is designed under SWAP to address shortfalls in urban and rural water supply infrastructure, to improve water resource management, and to strengthen the sector institutions and their capacities.

The program development objective is to support the GoT's poverty alleviation strategy through improvements in the governance of water resources management and the sustainable delivery of water supply and sanitation services. By the end of the program, the GoT would have met its MKUKUTA target of increasing water services coverage and be well on the way to meeting the MDGs for improved water supply and sanitation coverage across all segments of the population as well as in place a sustainable regulatory framework for comprehensive water resources management and development. Within the MKUKUTA framework there are specific indicators to be achieved by 2010:

- Increased proportion of rural population with access to clean and safe water from 54% in to 65% and within 30 minutes of time spent on collection of water;
- Increased urban population with access to clean and safe water from 73% to 90% and access to improved sewage facilities from 17% in 2003 to 30%;
- 95% of people with access to basic sanitation by 2010 and 100% of schools to have adequate sanitary facilities; and
- All nine Water Basin Offices will be fully operational with Basin Plans.

1.3.1 Program components

The Programme is designed to support the GoT's Water Sector Development Programme (2006-2025). The GoT Programme is a consolidated document of (i) the National Rural WSS Program, (ii) the National Urban WSS Strategic Investment Plan, and (iii) the National Water Resources Strategic Investment Plan. A Sector Wide Approach to Planning (SWAP) has been adopted and is aimed at meeting a resource shortfall in the Government's budget which targets an investment envelope of about US\$951.0 million (excluding contingencies) over the MKUKUTA period of 2006-2010. The Programme will also seek to promote synergies with other Programmes including the Local Government Reform Programme (LGRP) and the Agricultural Sector Development Programme (ASDP) as the country transitions towards more decentralized delivery of services. The Programme's four components are briefly described below.

Table 1.1 :Proposed WSDP Financing for 2006 - 2025

PROJECT COMPONENT	2006 - 2010	2010- 2015	2015 - 2020	2020- 2025	TOTAL
COMPONENT 1: WATER SOURCES MANAGEMENT					
1.CAPITAL INVESTMENT (INCLUDING BASIN PLANS)	45.01	51.20	45.19	38.33	179.72
2.MANAGEMENT/OPERATION SUPPORT	30.24	43.32	40.00	40.00	153.55
TOTAL WRM COMPONENT COST	75.24	94.52	85.19	78.33	333.28
TOTAL WRM CUMULATIVECOMPONENT COST	75.24	169.76	254.95	333.28	333.28
COMPONENT 2: RURAL WATER SUPPLY & SANITATION					
1.CAPITAL INVESTMENT	270.00	351.40	510.48	450.54	1,582.42
2.MANAGEMENT/OPERATION SUPPORT	21.35	11.30	13.10	15.14	60.88
TOTAL RWSS COMPONENT COST	291.35	362.70	523.58	465.67	1,643.30
TOTAL RWSS CUMULATIVECOMPONENT COST	291.35	654.05	1,177.62	1,643.30	1,643.30
COMPONENT 3: URBAN WATER SUPPLY & SEWERAGE					
1.CAPITAL INVESTMENT:	479.85	319.23	189.39	39.76	1,028.23
2.MANAGEMENT/OPERATION SUPPORT	31.03	31.92	18.94	3.98	85.86
TOTAL UWSS COMPONENT COST	510.88	351.15	208.33	43.74	1,114.09
TOTAL UWSS CUMULATIVECOMPONENT COST	510.88	862.03	1,070.36	1,114.09	1,114.09
COMPONENT 4: SECTOR INST. STRENGTHENING AND CB MoW					
D1. OPERATIONALIZATION OF NEW ROLE OF MINISTRY	15.10	0.96	2.96	0.96	19.98
D2. TECHNICAL ASSISTANCE FOR SUB-SECTOR PLANNING	14.63	17.55	17.55	17.55	67.28
D3. SECTOR COORDINATION AND PERFORMANCE MONITORING	6.20	6.82	6.82	6.82	26.66
D4. SECTOR CAPACITY BUILDING	21.60	3.25	2.93	2.93	30.70
TOTAL SECTOR INST. STRENGTHENING AND CB MoW	57.53	28.58	30.26	28.26	144.62
TOTAL SECTOR INST. STRENGT.AND CB MoW CUMULATIVE	57.53	86.11	116.36	144.62	144.62
OVERALL WSDP					
1.CAPITAL INVESTMENT:	794.86	721.83	745.06	528.63	2,790.37
2.MANAGEMENT/OPERATION SUPPORT	82.61	86.54	72.04	59.11	300.30
3.CAPACITY BUILDING	57.53	28.58	30.26	28.26	144.62
TOTAL ESTIMATED COST	934.99	836.94	847.35	615.99	3,235.29
CONTIGENCIES	16.08	41.85	42.37	30.80	131.10
TOTAL WSDP COST	951.08	878.79	889.72	646.79	3,366.38
TOTAL WSDP CUMULATIVECOMPONENT COST	951.08	1,829.87	2,719.59	3,366.38	3,366.38

¹ The proposed DP financing includes GoT request to MCC of about US\$ 207m.

¹ The proposed GoT financing assumes the current level of sector financing (which include GBS from DPs) as per MTEF is maintained and all recurrent expenses are met by GoT.

Component 1. (Sub-Programme C)-Basin Level: Strengthening of Water Resources Management and Development Framework (estimated US\$ 333.28 million) : This component focuses on the governance of water resources and priority water resources management and development investments. It is designed to provide support for: (i) *Basin level water resources management* – including support for (a) strengthening of basin water offices and basin water boards, and the establishments of water user associations, (b) water resources monitoring, assessment, and

enforcement, (c) water quality management and pollution control, (d) protection of important water sources, and (e) water demand management. This support would be sequenced in the 9 basins with initial attention to the younger basins (drawing on significant lessons and experiences from the more mature basins such as the Pangani BWO and Rufiji BWO, and utilizing economies of scale in training, capacity building and procurement) and move on to the more mature basins; (ii) *Integrated river and lake basin management and development plans* – preparation of five integrated river basin management and development plans for the Rufiji, Pangani, Wami/Ruvu, Ruvuma, and Internal Drainage basins, and four integrated lake basin management and development plans for the Lakes Victoria, Tanganyika, Nyasa, and Rukwa basins. These multi-sectoral plans will provide a roadmap for future investments in water resources management and development from the medium to long term to be financed under future water supply, hydropower, irrigation, flood control or multipurpose investment Programmes. The plans will integrate, build on and extend past sectoral plans (such as the Regional Water Master plans, National Irrigation Development Plan and National Energy Masterplan), current developments under ongoing Programmes (such as Nile Basin Initiative-NBI, Lake Victoria Environmental Management Project-LVEMP2, Lake Tanganyika Basin Commission-LTBC2, and Programmes supported by British, Japanese, Norwegian, and Swedish Cooperation) and current priorities and targets defined under MKUKUTA, Agriculture Sector Development Programme (ASDP), Vision 2025 and other emerging GoT Programmes. The plan preparation will be sequenced initially starting with support for the 3 more mature basins (Pangani, Rufiji, and Wami/Ruvu) in years 1 and 2 (and on the basis of the early experiences gained) and move on to the younger basins (Victoria, Tanganyika, Nyasa, Rukwa, Ruvuma, and Internal Drainage) in years 3-5; and (iii) *Priority water resources infrastructure investment* - financing of selected priority single or multi-purpose water resources infrastructure investments/sub-projects). The GOT identified priority investments include those investments that are already at an advanced stage of planning, design and preparations.

Key inputs will primarily consist of capacity building grants to support a set of technical assistance contracts and logistical support to BWOs to assist them in promoting and establishing water user associations, improving monitoring, enforcement and compliance capacities; mapping out the resource base (supply, use, and future demands and threats); actions to protect sources; promotion of demand management in each basin, preparation of operational plans for the basin as well as funding priority projects for mitigating floods, drought, protecting watershed or groundwater recharge areas, irrigation storage, intake, control and gate structures. The priority projects will be financed by capital development grants to the BWOs. The National Water Board will define criteria to be used to identify and select the priority investments to be funded under this sub-component. The key outputs will include operational and autonomous basin water offices; medium term integrated river and lake basin management and development plans; and selected short term strategic/priority investment projects.

Component 2 (Sub-Programme A)-Local Level: Scaling-up of Rural WSS Services Delivery to Meet MDGs (estimated US\$ 1,643.30 million): This component will provide support to local governments in the provision of water and sanitation services through the implementation of District WSS Plans. This will entail improvements in water supply (mainly shallow wells and boreholes with hand pumps, small gravity, and mechanized borehole piped schemes) and sanitation services (latrines promotion and handwashing Programme) to rural villages, health centres, and schools. Operational Guidelines which set out access and appraisal rules for this component have been prepared to facilitate funds flow and accountability by Local Government Authorities (LGAs). The component will however use the existing Local Government Capital Development Grant (LGCDG) system – the fiscal transfer system adopted by GoT for channeling resources to LGAs for capital development and services delivery. This component will also provide support to a complementary

hygiene and sanitation promotion Programme, including a national hand washing campaign, as well as establish a supply chain for maintenance of rural/small towns WSS systems.

Key inputs will include capacity building grants to support logistical needs of water departments of local government, sustained training and capacity building of district/community leaders and water and sanitation teams/committees in the processing and execution of community water and sanitation plans/sub-projects, technical assistance for district and community facilitation processes, hand washing, and sanitation promotion and design of systems and management arrangements for scheme operations. In addition, local governments will obtain capital development grants to finance contracts for rehabilitation and expansion of community water and sanitation facilities as well as support the expansion of supply chains for post-construction operations and maintenance of schemes. Key outputs will include trained district water and sanitation teams, private sector support mechanisms for design and construction of services, and rehabilitated WSS facilities under improved community management, and hygiene/hand washing promotion activities. The component is anticipated to serve about 8.0 additional people.

Component 3. (Sub-Programme B)-Utility Level: Scaling-up of Urban WSS Services Delivery to Meet MDGs (estimated US\$ 1,114.09 million): This component will provide support to improve utility practice in Dar es Salaam, regional and district capitals, as well as gazetted small towns and national multi-village schemes in the provision of water and sanitation services. The component will largely support the execution of Utility Business Plans and support improvements in water supply (mainly piped schemes) and sanitation services (sewerage systems, latrines promotion, hand washing Programme). In particular, services to the urban poor will be emphasized. Operational Guidelines have been prepared for this component to facilitate funds flow and accountability by utilities.

Key inputs will include capacity building grants for logistical support and training for sustained capacity building of utilities, technical assistance for preparation of business plans, design of schemes and construction supervision as well as a combination of capital development grants and/or sub-loans to finance the rehabilitation and expansion of WSS services. Key outputs will include new, rehabilitated and expanded WSS services and improved technical, financial and commercial operations of all beneficiary utilities. The component is anticipated to serve about 4.6 million additional people.

Component 4. (Sub-Programme D)-National Level: Support to Sector Institutional Strengthening and Capacity Building (estimated US\$ 144.62 million): This component will provide: (i) support for operationalizing the new role of the Ministry of Water, including support for the development of the 10-year corporate strategy, technical assistance for corporate planning & MIS development and operational support for new offices, vehicles, office equipment; (ii) support to sub-sector planning and operational capacities (development of regulations and sub-sector operational procedures and guidelines-including environmental management monitoring), and sectoral policy, legal and institutional harmonization; (iii) support sector coordination and performance monitoring (including support for the Sector Working Group and National Water Board, annual sector reviews and stakeholder consultation, annual project technical and financial audits, development) and implementation of a communication strategy; (iv) support for sector capacity building - support for MoW staff and associated water related institutions, the local private sector and the Drilling and Dam Construction Agency, the Water Resources Institute and other sector related training institutions, support for Community-Based Organisations (CBOs), Non-Governmental Organisations (NGOs) and

Water User Associations (WUA), and support to the Energy and Water Utility Regulatory Authority (EWURA).

1.4 Key Institutions involved in Programme Implementation

MoW will have the overall responsibility for implementing the Programme. Programme oversight will be through the *Sector Working Group* which brings together the key government and non-government stakeholders and a selection of Development Partners. The working group will, among other things, approve annual work plans and budgets as well as undertake quarterly oversight implementation review meetings. Programme management will be coordinated through the Policy and Planning Division of MoW. The division and the MoW in general may be supported with technical assistance for Programme Management, as and when required. The day to day implementation of sub-components of the Programme will however be delegated to the targeted implementing entities and will follow the steps set out in the table below.

- *Ministry of Water (MoW)* - The Ministry of Water will be responsible for overall coordination, monitoring and evaluation of the programme, facilitation of capacity building, and for ensuring policy compliance. MoW will be secretariat of the Sector Working Group and ensure cohesiveness of the sector coordination, monitoring and evaluation framework featured in the table below.
- *Basin Water Offices (BWOs)* - Basin water offices will be primarily responsible for water resources programme planning, management and overall coordination at the Basin level. Basin management will be carried out through catchment committees and Water User Associations (WUAs).
- *PMO-RALG/Local Government Authorities (LGAs)* – LGAs will be responsible for planning and managing their RWSS Plans, including financial and procurement management and monitoring and evaluation and for contracting with consultants and local service providers to assist with planning and implementation of the programme at the district level and in communities. The oversight arrangement for the Local Government Capital Development Grant (LGCDG) system ie. the steering committee and the technical committee will be involved in the administration of the water grants under LGCDG system. Schemes under financing of the LGCDG will be turned over to the management of the Community Owned Water Supply Organizations (COWSOs).
- *Urban Water Supply and Sewerage Authorities (Utilities)* – Urban Water and Sewerage Authorities (including DAWASA) will be responsible for planning and managing their water supply and sewerage systems. The utilities will enter into Memorandum of Understanding and performance agreements or contracts with MoW to handle routine operations and maintenance and secure professional services to assist them improve efficiency and expand their systems over time. The UMSAs include regional capitals, district capital utilities and selected small towns and multivillage schemes.
- *EWURA* - All utilities will be licensed by EWURA for technical and economic regulation purposes. EWURA will also monitor service performance and approve tariffs set by the UWSAs.

1.5 Justification and Rationale for The WSDP

Tanzania's Development Vision 2025⁴ aims at achieving an absence of abject poverty and attaining a high quality of life for all people by 2025 meaning that people will have attained

⁴ United Republic of Tanzania, (1999), "Development Vision 2025 for Tanzania". Dar es Salaam.

respectable levels of income, enhanced ownership of assets, reduced vulnerability, and increased power over their own future. Water supply and sanitation is seen as an essential tool in the effort to reduce the levels of poverty and to mitigate against the effects of poverty, especially in the rural areas where poverty is endemic.

In 2005 some 16.6 out of 30.8 million people in rural areas and small towns, and 7.5 out of 9.7 million people in urban areas had access to safe drinking water. The quality of service remains poor largely due to most water sector investments not being adequately maintained. To achieve the National Strategy for Growth and Reduction of Poverty (MKUKUTA) targets 11.2 million more will need improved water supply by 2010, and to reach MDG targets an additional 11.6 million will need services by 2015. Then to meet the Development Vision's target of 90% coverage by 2025, a further 24.6 million will need improved water supply.

The institutional framework for the management of water resources is being set up to ensure the full participation of stakeholders. It is designed to facilitate involvement of the responsible authorities and promote autonomy at the Basin level. Two of NAWAPO's key policy objectives are (1) to depart from the traditional supply-driven to a demand-driven approach in service provision and (2) to manage water supplies at the lowest appropriate level as opposed to the centralised command and control approach.

Thus the policy specifically aims at ensuring that beneficiaries participate fully in planning, construction, operation, maintenance and management of community based domestic water supply schemes. It lays the foundation for sustainable development and management of water resources in the changing roles of Government from service provider to that of coordination, policy and guidelines formulation and regulation. Thus, decentralised autonomous entities (such as the UWSAs) are being put into place for management of water and sewerage services in urban areas and District Government DWSTs and local water-user groups are being strengthened to support rural water supply project implementation. In this regard the NAWAPO is reinforced by the Public Service and Local Government Reform Programmes. The GoT has been previously supported by ESAs in operationalising the National Water Policy and National Water Sector Development Strategy.

Of particular relevance are activities aimed at implementing policy objectives of decentralisation, integrated water resources management, institutional reform, private sector participation, cost recovery and community management, all in the context of the Government's over-arching strategy for national development and poverty reduction.

The rationale for the program is to maintain the momentum in sector development through the extended testing of sector policy elements and strategies. A broad-based integrated sector support program will combine three national programs in rural water supply and sanitation, urban water and sewerage and water resources management. It will both cushion and reinforce the transition towards SWAP and position Tanzania to meet its MUKUKUTA, MDG and Vision 2025 service delivery targets as well as secure water resources for sustained economic growth.

1.6 Project Components Likely To Trigger Land Acquisition and Resettlement

The WSDP will finance productive investments that may require the involuntary taking of land and other assets. The programme components one, two and three are likely to trigger involuntary resettlement in some project areas, hence requires preparation of the framework which will cutter for resettlement.

It is not possible to determine exactly where the construction activities will require land acquisition and resettlement since the exact project locations are not known at this time. However, it is possible that some of the following activities will require land that is currently used for other purposes and that belongs to persons that may require relocation:

- ***Delineation of water sources:*** These works will include displacement of people and any physical structure including any human activities that has been used in the area closer to a water sources (spring, well, river, lake, dam, wetland or a water course) at a distance specified by the water Utilisation Act (1974) and its subsequent amendments which may cause a negative impact on the quality and/or quantity of water at the source. For these works, land acquisition and resettlement may take place where the source demarcations will pass through private land for which compensation may be demanded;
- ***works for installation of water facilities such as Dams storage tanks, conveyance pipe lines , water and wastewater treatment plants, water distribution lines, sanitation facilities and wastewater collection networks.*** These works will require way leaves that might pass through people's property and gardens;
- ***construction of new distribution lines, sub-stations, and transformers in the selected sites for power supply to the water works.*** These new works may be located or may pass through private land and hence has high chances to trigger land acquisition.

Since the locations of these areas were not known at the time of the preparation of the Programme, the Government of Tanzania has prepared this RPF. During implementation of the Programme, the identification of these areas will be made. When that happens, land will be acquired and people will be affected.

It is therefore, impossible to prepare a RAP or an ARAP in the absence of the specific project details of the extent and location of the project activities. Once these specifics are established, preparation of individual Resettlement and Compensation Plans (RAP) will be prepared consistent with this RPF.

1.7 Objectives, Basis and Justification of the RPF

1.7.1 Objectives of the RPF

Involuntary resettlement arising from development projects often gives rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

- (a) disruption of production and income generating systems;
- (b) affected persons' skills being rendered inapplicable in new environments;
- (c) increased competition for resources;
- (d) weakening of community and social fabric and networks;
- (e) dispersion of kin groups;
- (f) Loss of cultural identity and traditional authority; and
- (g) loss of mutual help.

In most cases, resettlement of people to pave way for development projects is done because the project activities demand land acquisition. Little attention, if any, is given to the

welfare of the people who may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities.

The objective of this RPF is to provide a screening process, for WSDP project activities, to ensure that where land acquisition for the project activities is inevitable, resettlement and compensation activities for lost land should be conceived and executed in a sustainable manner. This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the PAPs to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

The RPF provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by the WSDP project activities whose exact locations are not known prior to project appraisal. The RPF is intended for use as a practical tool to guide the preparation of RAPs for sub-project activities during implementation of the WSDP; and has been prepared as an instrument to be used throughout the WSDP implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RAPs for the WSDP will be prepared consistent with the provisions of this RPF.

1.7.2 Justification of RPF to the WSDP

Water resources development projects such as dams development and operations usually affect the rights of different groups and create a wide range of risks for various ranges of interest groups. Projects like Dams can displace people from their habitats and livelihood without giving them any control over alternatives. Others who can be affected are those who depend on natural resources, riverine communities living upstream and downstream of the dam and in other affected areas. Sometimes some groups may not be recognized as affected and hence the number of affected people may be under estimated. The mentioned factors call for recognition and incorporation of Resettlement Policy Framework (RPF) in any water projects.

Non-recognition or partial recognition of the entitlement of those identified as affected may lead into inadequate restitution for losses. As a result projects like dams may often adversely affected impoverished people.

Having RPF in place, the project will be socially acceptable and legitimate and will produce positive and sustainable outcomes. Therefore resettlement policy framework calls for all development projects such as dams to provide for greater involvement of all interested groups in a wider society. All stakeholders should be given opportunities to participate in the decision-making process through a fair, informed and transparent system.

In the WSDP, particularly for new projects, the activities are likely to result in resettlement of people, or in some way or another, to affect people's livelihoods and access to land and socio-economic opportunities. This RPF therefore is necessary to provide guidelines for addressing concerns of affected persons and to guide on the protection of their interest where: -

- (a) land will be contributed voluntarily for the WSDP, in return for compensation;
- (b) land will be contributed voluntarily without seeking compensation, for the WSDP; and
- (c) land will be acquired involuntarily for the WSDP activities.

The guiding principle for land acquisition shall be that where land is required for implementation of the WSDP project activities, appropriate safeguards shall be observed to reduce the suffering of the affected community members.

This framework shall be used on all WSDP sites where land disputes have not been resolved and on all WSDP future demand-driven project activities. The framework is intended for use by all proponents implementing projects under the WSDP and will be applicable to private and NGO institutions that will utilize WSDP funds; and all project activities that fall under the WSDP. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all situations of population disturbance resulting from the implementation of the WSDP activities are catered for.

1.7.3 Format of Resettlement Policy Framework

The Resettlement Policy Framework is presented in the following order:

(a) CHAPTER 1: provides a brief background of the WSDP, narrating the development objectives, which is the improved governance of water resources management and the sustainable delivery of water supply and sanitation with broad objective of contributing more effectively to the growth of the national productivity and social well being. The Chapter also gives the objectives, basis and justification of preparing the RPF. The main objective is given as the protection of the PAPs from the consequences of resettlement through provision of appropriate and adequate compensation to ensure improved livelihoods of the PAPs after resettlement.

(b) CHAPTER 2: Provides the relevant policies and legislations related to land acquisition resettlement and compensation in Tanzania..

(b) CHAPTER 3: summarizes the principles and objectives governing land acquisition and resettlement and Compensation in Tanzania. It further narrates issues and standards of the government's own policy on resettlement and compensation.

(c) CHAPTER 4: Provides the process for preparing and approving resettlement and compensations plans. Screening processes for sites for project activities and for resettlement sites are given to guide the processes of land acquisition and resettlement. Public consultation is recognized as the key factor for successful implementation of Resettlement Action Plans. The Chapter also summarizes the process for approval of RAPs.

(d) CHAPTER 5: The chapter provides land acquisition and likely categories for resettlement and compensation. The Chapter also gives the eligibility criteria for the beneficiaries and finally describes the likely categories of displaced persons, which among

others include orphans, female-headed households and the elderly.

(e) **CHAPTER 6:** The chapter provides methods of valuing affected assets which clearly show that the valuation of affected assets will be carried out by estimation of the market value, when it is known, and/or by estimation of the replacement cost. The chapter further clarifies that valuation methods for affected land and assets would depend on the type of asset. The land asset types identified under Tanzania law in this policy framework are:

- i) State land not within the jurisdiction of a village; and
- ii) Village land, including customary rights of villagers.

(f) **CHAPTER 7:** The Chapter provides the organisational procedure for the delivery of entitlements. The procedure emphasizes consultation and public participation as key in ensuring fair compensation. The need for maintenance of up-to-date database of PAPs and assets is also highlighted. The Chapter also states the importance of preparing and signing agreements for compensation payments to ensure no complaints in future.

(g) **CHAPTER 8:** The Chapter addresses the land acquisition and resettlement implementation process. The chapter narrates that before any project activity is implemented, people who are affected and entitled to compensation will need to be compensated in accordance with the policy and the resettlement policy framework. For projects involving land acquisition, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required.

(h) **CHAPTER 9:** The chapter describes the mechanisms for consultations whereby Public consultation and participation are essential because they afford potential displaced persons the opportunity to contribute to both the design and implementation of project activities.

(i) **CHAPTER 10:** The Chapter provides for the arrangements for monitoring .The arrangements for monitoring will fit into the overall monitoring plan of the entire WSDP Programme, which will be through the Local Governments themselves. The WSDP will institute a reporting system for all the projects and will develop parameters and indicators to be used to measure the performance of the resettlement and compensation plan implementation.

CHAPTER 2: BASIC AND RELEVANT POLICY AND LEGISLATIONS

The RPF draws its strength from legal instruments that exist in Tanzania specifically the Land Policy 1995 and the Land Act 1994. These and other legislative instruments provide the basis and the legal platform for the conduct of land acquisition, compensation and resettlement of persons that have to be moved to pave way for development projects such as the WSDP. The legislation and policies that are directly relevant are as follows:

2.1 National Land Policy, 1995

The National Land Policy, 1995, advocates the protection of land resources from degradation for sustainable development. The policy addresses several environmental and social issues relevant to water resources development projects such as land use planning. (Hazardous lands (5.7 Land Act))

There are three categories of land namely General land, Reserved land and Village land. General land is vested under the President of the United Republic of Tanzania, administered by Land Commissioner. The Reserved Land is mainly under the authorized institution such National parks and Game reserves and Water shades. The village Land is the one demarcated for an established village and administered by the respective Village Government. There are procedures for shift the title from one category to another.

Policy Statement: Individuals should be allowed to obtain titles within an area not designated for communal uses, land conservation, and other specified village or communal projects. These areas need protected against encroachment by outsiders and individual villagers. Villagers through their village assemblies will therefore be allowed to survey such lands and get separate Certificates of Village Land. The Policy is enforced by law.

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

2.2 The National Environmental Policy (1997)

The National Environmental Policy (NEP) seeks to provide the framework for making fundamental changes necessary to bring environmental considerations to mainstream decision making. It seeks to provide policy guidelines, plans and give guidance to the determination of priority actions, and provides for monitoring and regular reviews of policies, plans and programmes. It further provides for sectoral and cross sectoral policy analysis in order to achieve compatibility among sectors.

As stated in the NEP, the environmental objective of the Water, Sewerage and Sanitation sector is to support the overall national objective of providing clean and safe water to within easy reach, satisfy other needs, protect water sources and prevent environmental

pollution. In order to achieve maximum utilisation, the policy has provided to the following which is relevant to the programme:

- a.) planning and implementation of water resources and other development programmes in an integrated manner and in ways that protect water catchment areas and their vegetative cover.
- b.) improved management and conservation of wetlands;
- c.) promotion of technology for efficient and safe water use, particularly for water and wastewater treatment and recycling; and
- d.) institution of appropriate user-charges that reflect the full value of water resources.

2.3 National Forest Policy, 1996

The National Forest Policy, 1996, identifies four main policy areas (forest land management, forest based industries and products, ecosystem conservation and management, institutions and human resources) and present policy statements and instruments/directives to be applied to each of these. The policy requires, Environmental Impact Assessment (EIA) to be considered for all investments, which convert forestland uses or may cause damage to the forest environment. Some of the policy strategy statements that are relevant for water projects include the following:

- To enable sustainable management of forest on public lands, clear ownership for all forests and trees on these lands will be defined and management responsibility promoted.
- Biodiversity conservation and management as well as watershed management and soil conservation will be included in the management plans for all protection forests.

Involvement of forestry management authority, local communities and other stakeholders in conservation will be consulted while establishing water sources and project sites.

2.4 Local Government Acts

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

The Local Government Act No.8 of 1982 and Local Government (Urban Authorities) Act No.9 of 1982 provide for the system of local governments. Administratively, Tanzania is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning

The three levels are as follows

<u>Local Government Unit</u>	<u>Level</u>
District / Municipal / city councils	3
Town Councils and Ward	2

Districts are LGAs that are in rural or semi-rural settings. Each district is subdivided into Wards that in turn are divided into villages and these consist of Hamlets ("Vitongaji"). Municipal Councils are subdivided into Municipal Wards followed by 'Mtaa' (Sub-Ward). There are five city councils; Dar es Salaam city council, which is sub-divided into 3 Municipal Councils and Mwanza City Council, Mbeya, Arusha and Tanga. The District councils, City Councils, Municipal Councils, and Village Councils are body Corporate.

2.5. Land Tenure and Ownership

The Land Act (Cap 113) and Village Land Act (Cap114) have set clear procedures for full, fair and prompt compensation while acquiring land. These procedures should be adhered to, especially the Land (Assessment of the Value of Compensation) Regulations made under section 179 of Land Act Cap 112.and advertisement in GN 78 published on 4/5/2001⁵

Land tenure and ownership in Tanzania is governed by statutes such as Land Act Cap113 of 1999, and Village Land Act Cap114 of 1999, Land Acquisition Act 1967, and Land Ordinance, 1923 Cap. 113. Land in Tanzania is owned by the public and vested to the President as a custodian. For the purpose of management of land under the land Act Cap 114 of 1999 and all other laws applicable to land. There are three categories of Lands ie:

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

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

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

2.6. The Land Act No. 4 (Cap113)

The basic principles of the Land Act are adopted from Land Policy 1995. The fundamental principles of the land policy are stipulated as follows:

- All land in Tanzania is public land vested in the president as trustee on behalves of all citizens.
- Land has value.
- The rights and interest of citizen in land shall not be taken without due process of law.
- Full, fair and prompt compensation shall be paid when land is acquired to any person whose right of occupancy or recognised long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by any body or acquired

⁵ GN no 78 of 4/5/2001

under the Land Acquisition Act. The main objective is to protect the majority of citizens of Tanzania who have acquired land from either inheritance or village council allocation, compensated, purchased from others. As such they should not easily lose their land without full and fair compensation. The full and fair compensation is only assessed by including all components of land quality.

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

Regarding resettlement, this should be in accordance with provisions of the Land Act (and Acquisition Act of 1967). A process for preparing and approving resettlement plans should be based on PLUM (Participatory Land Use Planning and Management) which is explicitly recognised in the Land Policy 1995. The village government should therefore be able to:

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

2.7 The Village Land Act Cap114 of 1999

The Village Land Act defines village land as consisting of:

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

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

- from inheritance;
- allocation from the village council; or
- by clearing land
- Purchase or
- Special program.

The Village Land Act Cap114 empowers the village Assembly to manage village land as trustee managing property on behalf of the villagers and other persons resident in the village and the village assembly is empowered to divide the village land, occupied, used,

available for occupation, community used and/or public used land, then to be known as communal village land. It can also identify land being occupied or used by an individual, family, or group of persons under customary law. Finally, the village council can identify land, which may be made available for communal or individual occupation and use, through allocation by the village council. The same Act provides mandate to the village assembly to further plan the land uses to be designated to the communal village land.

2.8 The Land Acquisition Act, 1967

The Land Acquisition Act gives powers to the President to take “Land” for public purposes when in the public interest it is necessary to do so.

2.9 Water Utilization and Regulation Act, (No. 42) 1974

The Water Utilization (Control and Regulation) Act, (No. 42), 1974, is the principal legislation dealing with the protection of water resources and control of water extraction for different uses. This act has gone through three amendments, amendment through Act No. 10 of 1981, Written Laws (miscellaneous amendment) Act No. 17 of 1989 and the Water Utilization (miscellaneous amendment) Act No 8 of 1997. The extraction of water for different users is controlled through a “water right permit”. Under this law, applications for water rights required to be submitted to the River Basin Water Office for water sources falling under the River Basin. The applicant is required to undertake EIA as classified in the EMA (2004) and **(the OP 4.37 safety of Dams)** and submit the environmental clearance certificate from NEMC to the Basin Water Office. The provisions for the water rights under this act contain the following:

The Water projects needs to understand the procedures for acquiring and managing water rights, discharges to open environment and maintenance of water quality, which are provided by this act.

The proposed Water Legislation in Part XII provides for dam safety and flood management.

2.10 Energy and Water Utilities Regulatory Authority, 2001.

The general functions of EWURA are covered under the provisions of Section 7 of the Energy and Water Utilities Regulatory Authority Act, 2001. Under the provisions of Section 7 (1) of that Act the functions conferred on EWURA by this Act shall be to perform the following in relation to the regulation of the provision of water supply and sanitation services by a water authority or other person, other than a community organisation established in accordance with Section 37 of this Act:

(a) exercise licensing and regulatory functions in respect of water supply and sanitation services including the establishment of standards relating to equipment attached to the water and sanitation system; also among others provide guidelines on tariffs chargeable for the provisions of water supply and sanitation services.

2.11 The Forest Act, (No. 14), 2002

The Forest Act, (No. 14), 2002, provides for the management of forests and its main objectives are to promote and enhance the contribution of the forest sector to the

sustainable development of Tanzania and the conservation and management of natural resources for the benefit of the present and future generations. In addition, the legislation aims to ensure ecosystem stability through conservation of forest biodiversity, water catchments and soil fertility.

According to section 18 of this Act, an EIA is required for certain developments in accordance with the modalities and substance as set out in the guidelines by authorities responsible for the protection of the environment. Among others are (a) road construction or the laying of pipelines; (b) construction of dams, power stations, electrical or telecommunication installations; (c) construction of buildings.

2.12 The Wildlife Conservation Act (No. 12), 1974

The Wildlife Conservation Act, (No. 12), 1974, deals with the sector that is entrusted with the custodianship of wildlife resources in the country. The Act empowers the Minister to establish game control areas, prohibit, restrict/regulate the hunting, killing and capture of animals during such periods as may be specified. In addition, it also gives the Director of Wildlife powers *inter alia*: to restrict the carriage of weapons in game reserve; protect vegetations against burning or cutting; restrict use of devices for killing or capturing animals within game reserve and game controlled areas and to declare any area to be a partial game reserve for protected animals and restrict the hunting, capturing or killing protected animals or national game.

On public interest, the Director is empowered to refuse to issue license, certificate and permission to any person and may cancel permission/permit and try various offences. Although the Act does not prohibit consumptive use of wildlife, it seeks to control and regulate that use in order to ensure sustainability.

Among the many objectives and strategies that the Act sets, the following are major ones:

- To promote conservation wildlife and its habitat (Protection);
- To regulate development, projects/activities in protected areas (Development);
- To conserve viable populations of species making up Tanzania's fauna and flora with emphasis on endangered, threatened, endemic species and their habitats;
- Enforcing EIA process for proposed developments in protected areas and requesting for environmental planning for developments to be carried out in the wildlife areas outside protected areas in order to minimize negative impacts.

Water development projects will observe laws governing the conservation of wildlife.

2.13 The National Land Use Planning Commission Act, (No. 3), 1984

The national land Use Planning Commission Act, (No. 3), 1984, established the national land Use Planning Commission. The Commission is the principal advisory organ of the Government on all matters, related to land use.

The villages surrounding the project area may find themselves in land conflicts that may be a result of lack of land use planning. Water Development projects should take in consideration and understand the strategic planning of the other land surrounding the project.

2.14 Occupation Health and Safety Act, (No. 5), 2003

The Occupation Health and Safety Act, (No. 5), 2003, is an Act for health and safety. The Act is administered through the Ministry of Labour. Under the Act, the Minister responsible for labour shall appoint the Chief Inspector (CI) to perform the functions stipulated in the Act. The CI may in turn also designate any person as an Inspector to perform all functions assigned to an Inspector. In respect of water projects, this act shall be enforced in all work places.

2.15 Contractors Registration Board Act no 17 of 1997

According to this act, all construction contracts are required to be executed by registered companies and entitled class in respect to the costs of the project.

2.16 Comparison Between Land Law In Tanzania And Bank Op4.12

Whereas the laws relating to land administration in Tanzania are broad and varied, entitlements for payment of compensation are essentially based on the right of ownership. The national legislation is silent on the rights of squatters and is not specific and precise on the rights of usufruct on public land. On this subject matter, the Bank OP2.12 is specific and precise. It 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 specified cut-off date. Hence it complements the national legislation and, if the project encounters such a situation, the Bank's approach will be used in this policy framework. Also during implementation where and if needed, reference to other viable International approaches may also be referred to. Further, in conformity with OP/BP 4.12, for all compensations, the value of the assets will be determined based on the prevailing market prices/values

Table 1.2: Comparison of Key Tanzania Law and World Bank OP 4.12 Regarding Compensation

Category of PAPS/Type of Cost Assets	Tanzania Law	World Bank OP4.12
Land Owners	Cash compensation is based upon 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 immediate costs or capital expenditure incurred to the development of the subject land and compensation should be paid promptly, and if not paid in time, interest at market rate will be charged.	Recommends land-for-land compensation. Other compensation is at replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold	Entitled to some form of compensation whatever the legal

	upon land	recognition of their occupancy.
Land Users	Not entitled to compensation for land, entitled to compensation for crops and sometime provided with other land of equal size and quality	Entitled to compensation for crops and labour, may be entitled to replacement land and income must be restored to pre-project levels at least.
Owners of “non permanent” buildings	Valuation and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation, based on price of the open market	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement
Owners of “permanent” buildings	Valuation and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation, based on price of the open market	Entitled to in kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement
Perennial crops	Cash compensation at market value based on historical production records. Compensation rates for each crop are established at the Valuation Division in the Ministry of Lands and Human Settlements Development.	As per Section 7 of this RPF once approved by the Bank and disclosed in Tanzania and at the Bank Info Shop.

2.17 Bridging the Gaps

In conclusion, in this Framework, compensation will be made following 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 WSDP activities.

To bridge the gaps between the Tanzania Legislation and the World Bank’s Operational Policies, it is therefore recommended, for this framework, that:

- (a) compensation for customary land, at the time of acquisition by Government, should be based on the open market value of the land and all permanent improvements on the land as it is provided for in the new Land Policy;
- (b) Compensation payments should be paid to all categories of PAPs, including illegal occupants provided they satisfy the conditions set out in this RPF
- (c) Compensation in form of land for land, for those that have been displaced, should be a preferred option. Compensation for all other loss and property should be paid as well in line with the provisions of this Framework.

CHAPTER 3: RESETTLEMENT PRINCIPLES AND COMPENSATION.

The RPF is prepared to the standards of the government's own policy on resettlement and compensation and where these are not applicable the WB policies and those of relevant Development Partners will be applied.

Effective implementation of resettlement and compensation strategy falls under four major principles as follows:

- Recognition of rights and assessment of risks shall be the basis for identification and inclusion of adversely affected stakeholders in joint negotiations on mitigation, resettlement and development related decision-making.
- Impact assessment should include all people in project area i.e reservoirs, upstream, down stream and in catchments areas and sources protected areas, treatment plants and distribution lines whose properties, livelihoods and non-material resources are affected. It should also include dam related infrastructure, such as canals, transmission lines, and resettlement development.
- All recognized adversely affected people negotiates mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlement.
- Adversely affected people are recognized first among the beneficiaries of the project. Mutually agreed and legally protected benefit sharing mechanisms are negotiated to ensure implementation.

3.1 Resettlement Policy Statement

The policy addresses several environmental and social issues relevant to water resources development projects such as land use planning and acquisition. Land use planning takes into consideration the land capability, ensures proper management of coastal/urban/rural land resources, promote resource sharing and multiple land use techniques in area of conflicting land use, and lastly advocates the involvement of community in resource management, land use, acquisition and conflict resolution. The Tanzania Land Policy of 1995 currently on operation has been working for almost 10 years without any resistance from any resettled community.

The resettlement policy may be triggered when the project activity causes land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have building on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the Programme is implemented therefore, people will appropriately be resettled /compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred in consistence with RPF. The policy addresses the following specific issues.

- 1.) Involuntary resettlement and land acquisition will be avoided where feasible, or minimised, by exploring all viable alternatives.
- 2.) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the Programme the opportunity to share Programme benefits. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.

- 3.) Displaced and compensated persons will be assisted in their efforts to improve their livelihood and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the Programme implementation, whichever is higher.

Here, affected people, refers to people who are directly affected socially and economically by investment projects caused by the reasons given above:

The resettlement policy applies to all components under the Programme and it applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous groups and the ethnic minorities other displaced persons who may not be protected through Tanzania land compensation legislation

In particular for WSDP, sub project the policy requires the preparation of Resettlement Action Plan (RAP) for the implementation of individual resettlement and compensation plans. The document is prerequisite for the implementation of Programme activities that causes resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place.

In any sub project measures that includes provision of compensation and other assistance required for relocation, prior to displacement, preparation and provision of resettlement sites with adequate facilities, shall be provided. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid, resettlement sites, new homes, related infrastructures, public services and moving allowance have been provided to displaced persons.

Furthermore, where relocation or loss of shelter occurs, the project shall take measures to assist the displaced persons so that they are treated in accordance with the resettlement and compensation plan of action.

Offering impacted people the opportunity for employment during the construction or of providing services such as supplying water or construction materials (e.g., gravel) etc will provide an additional income-generating opportunity to a significant number of persons who may be affected in these targeted areas. Therefore, in this resettlement policy framework (RPF opportunity for local employment is being taken as advantage), by including it for discussion in the consultative process with the affected communities. This RPF encourages potential contractors and Programme Planning Teams through the provision of incentives in their contracts to show preference for employing Programme-affected persons (PAP's) and not through legal provision to acquire the skills needed by these contractors/Programme management committees.

Furthermore, it is worthy to note that rush migration to newly designated project sites may occur by those wishing to take advantage of the rules of eligibility stated in Section B of this RPF. Programme Planning Teams shall make significant consideration eg taking aerial photographs of the area to minimise additional pressures on the whole planning process

and compensation budgets. This has major impact on how and when establishing a cut-off date.

Finally, the project shall ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is a fair and transparent.

CHAPTER 4: THE PROCESS FOR PREPARING AND APPROVING RESETTLEMENT AND COMPENSATIONS PLANS

As stated earlier, the World Bank policy on Involuntary Resettlement OP 4.12 is triggered in some WSDP subprojects, hence the WSDP will finance productive investments that may require the involuntary resettlement. Since the locations of the WSDP were not known at the time of the preparation of the Programme, the Government of Tanzania has prepared this RPF. During implementation of the Programme, in a process defined here below, the identification of these areas will be made. When that happens, land will be acquired and people will be affected. At that stage, OP 4.12 calls for the preparation of individual Resettlement and Compensation Plans that must be consistent with this RPF.

To address the impacts under this policy, resettlement and compensation plans must include the following measures

- a) Conduct census of affected assets/affected individuals or groups
- b) informed about their options and rights pertaining to resettlement and compensation;
- c) consult on, offered choice among, and provided with technically and economically feasible resettlement and compensation alternatives; and
- d) provide prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the Programme.

Before implementation of the sub project, three documents will have to be prepared:

- i. A social –economic study to determine the impact for displacement
- ii. Comprehensive Resettlement plan
- iii. A valuation report of Land Assets and Landed properties of the site

4.1 The Screening Process For Sites Proposed For Project Activities

STAGE 1

The first stage in the process of preparing the individual resettlement and compensation plans is the screening process to identify the land/areas that may result to resettlement. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process.

STAGE 2

The screening process will be done in collaboration with all relevant local government planning bodies at the closest level to the affected communities. These planning bodies exist and are functional in Tanzania.

This process would lead to the creation of a list identifying a number of WSDP sub projects, which may potentially involve resettlement issues. The relevant Environmental Management Officers (EMOs) and DWSTs/WSSAs/UWSAs and the relevant BWO will be responsible for the screening of project using and based on the environmental and social checklist to identify projects with resettlement issues (refer to ESMF⁶) and Flow Chart no 4.

⁶ Ministry of Water (2006) Environmental and Social Management Framework (ESMF), Dar es Salaam.

STAGE 3

The checklist would be used to screen each project that comes to these technical planning teams based on the overall guidelines set out in this RPF and the ESMF.

STAGE 4

The list of projects that have potential resettlement issues will then be subjected to a comprehensive sensitisation and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site.

STAGE 5

The list and the outcome of the consultative process for each site/project on the list would then be sent to the respective local government council in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/ project. Carrying out the screening process in this way is designed to give it the integrity and transparency it needs to allow all stakeholders to have confidence in the process.

STAGE 6

On completion of the socio-economic survey and the baseline census, the Ministry will prepare a RAP and ARAP as the case may be for each parcel of a land that is affected by compensation and resettlement. The format and main contents of the RAPs and ARAPs are presented in Appendix 4.3 and 4.1

STAGE 7

Where the impacts on the entire displaced population are minor, (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost); or fewer than 200 people are displaced, the WSDP can approve the preparation of an ARAP.

STAGE 8

The authorised officers should forward the RAP's or the ARAP's, together with the modified designs, to the respective Village and District Assemblies for scrutiny and approval, in compliance with the applicable laws, sectoral requirements as well as the WB policy requirements.

4.2 Screening Process For Resettlement Sites

Having identified the project sites; and having established the cut off date for the activities for which compensation and resettlement cannot be avoided, the Lands Acquisition Act and other relevant Tanzanian or WB regulations shall apply.

Step 1

The DWSTs in consultation with the WDC will notify of the PAPs about the project activities; and the impending compensation and resettlement.

Step 2

The DWSTs will request for suitable land, for resettlement from Village Authority.

Step 3

DWSTs, PAPs and the local community will assess the identified land for suitability using criteria given in Appendix 4.2.

Step 4

Where it is determined that the site is suitable, based on the screening criteria, the screening process shall continue at Step 6 below.

Step 5

Where it is determined that the site is suitable for resettlement DWSTs will prepare RAP's and ARAP's as the case may be for each parcel of land that is affected by compensation and resettlement. The format and main contents of the RAPs and ARAPs are presented in Appendix 4.3 and 4.1

Where the impacts on the entire displaced population are minor, (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost); or fewer than 200 people are displaced, the DWSTs may approve the preparation of an ARAP.

Step 6

The DWSTs should forward the RAP's or the ARAP's, together with the modified designs, to the respective District Assemblies for scrutiny and approval, in compliance with the applicable laws, WB policy requirements and sectoral requirements as well as the MoW in consultation with DPG must provide final clearance and approval of the RAP's or ARAP's, which should be in compliance with the applicable laws, sectoral requirements as well as the, WB policy requirements.

4.3 Public Consultation and Participation

Projects involving the community owe their success to community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for the WSDP project activities.

During screening there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the WSDP project activities, facilities and structures. The affected persons must be made aware of:

- (a) their options and rights pertaining to resettlement and compensation;
- (b) specific technically and economically feasible options and alternatives for resettlement sites;
- (c) process of and proposed dates for resettlement and compensation;
- (d) effective compensation rates at full replacement cost for loss of assets and services;
and
- (e) proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage would be to:

- disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;

- promote sense of ownership for the project and resettlement activities;
- invite contributions and participation on the selection of project sites;
- determine communities' willingness to contribute in kind towards the implementation of the project; and
- determine community willingness to contribute towards long term maintenance of the project facilities.

4.4 Approval of The Resettlement Action Plans

Once the RAPs or the ARAPs have been prepared, they must be forwarded together with the socio-economic surveys, to the District Councils for scrutiny and approval. Once satisfied with the RAPs and the ARAPs, the District Councils will forward them, together with their recommendations, to the Ministry of Lands and Settlements for their endorsement and get final clearance and approval of the RAP's or ARAP's, which should be in compliance with the applicable laws, sectoral requirements as well as the, WB and other relevant Development Partner policy requirements.

4.5 Preparation of Baseline Information on Resettlement and Compensation Plan (RAP)

A RAP is a detailed and specific plan that contains information prepared for well defined specific project activities. A RAP contains detailed census information with the numbers and names of persons that are to be displaced or that are affected. A RAP will contain information on property values and the basis for compensation. A RAP also contains specific work plans including dates when the displaced persons are going to be relocated. ARAP is a brief Resettlement Action Plan that is prepared and used for small projects that may not require a comprehensive RAP. Both RAPS and ARAPS contain specific and legally binding requirements to be abided by the project developer to resettle and compensate the affected part before implementation of the project activities causing adverse impacts.

For the WSDP details of the project activities are not yet well defined. The number of displaced persons is not yet known and the compensation values and the persons to be compensated cannot be precisely determined.

It is therefore, impossible to prepare a RAP or an ARAP in the absence of the specific project details of the extent and location of the project activities. Hence, the project appraisal for the WSDP cannot prepare these instruments which require very specific project details. Consequently, only a resettlement policy framework can be prepared at this time.

In absence of the above ,once projects preparation have been through the screening and consultative process in each chosen location will be the subject of a study and the preparation of a document as follows:

- a socio-economic study (this study will include determination of impacts; and
- preparation of individual resettlement and compensation plans.

The purpose of the socio-economic study is to collect baseline data within the site thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification of stakeholders (demographic data), the

participation process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income, in addition to landholdings.

On completion of the socio-economic survey, a resettlement and compensation plan (RAP) will be prepared for each project.

The requirements of the RAP are:

- baseline census and socio-economic survey information;
- specific compensation rates and standards; (refer tables in sec.8)
- policy entitlement related to any additional impacts identified through the census of survey;
- a description of the resettlement sites and program for improvement or restoration of livelihoods and standards of living;
- detailed costs estimates; and
- consultation with affected people.

The RAP is to be prepared by the EMO and DEM Committees at the respective levels in consultation with respective BWOs.

This process of identifying sites, consulting people and carrying out socio-economic studies will be an interactive one. If the EMOs and EMCs, in close consultation with their respective local government council determine that the mitigation measures (i. e compensation levels) are too costly in terms of compensation amounts and the overall number of people impacted, together with project proponents they can propose and investigate alternative sites. However, irrespective of whether the process of identifying potential sites is pursued iteratively or whether a number of sites are examined simultaneously, the selection process must be as described above.

The final list of sites approved by the DEMCs and local government councils, the process of selection of the sites, and the RAP are all subject to final review.

4.6 Capacity Building

It is recognised that institution capacity in resettlement process are below standard at national, and district level. It is beyond the scope of this project to engage itself in building the national capacity for RPF. The programme however recognises the importance of building capacity in all professional careers responsible for resettlement process as indicated in this document. There is a planned budget for capacity building in some specialised areas at National and district level in collaboration with other development partners. The Capacity Building mentioned here is part of the bigger capacity building framework whose total cost is USD 38.38 million for the Programme up to 2025 and will be funded by the WSDP. A budget is set aside equivalent to USD **3.55 million** USD within the WSDP for ESMF and RPF were as this fund shall be shared equally

Table 4.1: Cost estimate for Capacity Building

S/N	TRAINING	FACILITATORS	MEANS OF VERIFICATION	TIME AND LOCATION	COST ESTIMATES (USD Million)
1	· Resettlement Policy and Compensation	Ministry of Water HQ Staff	Resettlement Management Officer and 2 relevant staff trained in each Division of MoW	Venue: MoW HQ	15% 0.53
				Length: 2 days	
	· Relevant Resettlement Policies and laws in Tanzania	TRAINER: Min. of Lands or Consultant			
	· The Resettlement Process				
2	· Resettlement Policy and Compensation	· Resettlement Management Officers	Minimum number of relevant staff trained:	Venue: The District, Region and LGA offices	30% or 1.07
	· Communication with Affected communities	· Members of RWST, DWST, BWO, UWSA, TSP, FSP and Executive Agencies (EA)	· 20 Regional Water Experts and Trainer Coaches	Length: 1 weeks	
	· Formation of District Resettlement Teams	· District Councils	· 2 staff of each BWO		
	· The Screening Process		· 2 members of each DWST,		
	· Use of checklists and Resettlement Management Plans		· 2 staff of each EA		
	· EIAs	TRAINER: Min. of Lands or Consultant	· 2 staff each of the TSP and FSP for all districts,		
	· Monitoring		· 2 members of each District Council PLUM,		
	· Public consultation		· District Resettlement Management Officer trained in each District		
	· Report preparation		· 2 staff of each UWSAs trained		
3	Overview of :	· Members of EMCs,	· 2 members of each Village Council trained	Venue: The District and Village Government Offices	15% or 0.53
	· RPF	· Members of WUEs and WATSANS, and	· 2 staff of all contractors trained	Length: 2 days	
	· The screening process.	community members			
	· Use of checklists and plans	· Staff of contractors			
	· Identification of affected people	· District Councils, District Participatory Land Use Management Team (PLUM) and Village LUM.			

	Monitoring and consultation	TRAINER: District Resettlement Management Officer			
4	HIV/AIDS and Programme Implementation:		Minimum number of relevant staff trained:	Venue: District Council Offices	20% or 0.71
	Impacts of HIV/AIDS on social well being, livelihood and projects	Environment Management Officers	20 Regional Water Experts	Length: 2 days	
	Mitigation measures	Members of RWST, DWST, BWO, UWSA, TSP, FSP and Executive Agencies (EA)	2 staff of each BWO		
	Care of the affected	District Council and their EMC members	2 members of each DWST,		
		Members of EMCs,	2 staff of each EA		
		Members of WUEs and WATSANs, and	2 staff each of the TSP		
		community members	2 relevant staff trained in each Division of MoW		
			2 members of each Village Council trained		
		TRAINER: TACAIDS, MoW, RWST, DWST, MoHSW	2 staff of all contractors trained		
			3 Ward Development Committee Members from each Ward are trained.		
5	Conducting valuation exercise	Registered land valuers	20 Regional Water Experts	Venue: The District offices	20% or 0.71
	Conducting a socio-economic study	District Councils, District Participatory Land Use Management Team (PLUM); Village LUM.			
	Costing of resettlement activities	District Council	2 members of each DWST,	Length: 3 days	
	Compensating the affected persons and feedback	District Commissioner, Ward Executive Officer	2 relevant staff trained in each Division of MoW		
	Compensation payment procedures	District Councils			
	Arrangement for funding	District Councils	3 members of each Village Council trained		
		TRAINER: TSP & FSP			

TOTAL COST				100% or 3.55
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CHAPTER 5: LAND ACQUISITION AND LIKELY CATEGORIES OF IMPACT

Generally, the WSDP projects, which are likely to be proposed by the communities, are individually not expected to result in major impacts to people, land, property, including people's access to natural and other economic resources. Notwithstanding, land acquisition, compensation and resettlement of people may be necessary for some of the projects areas. The severity of impact, determines what the resettlement measures will be. For example, for a treatment plant, the impact would be that a whole piece of land is required whereas for a water supply project requiring a pipe network only a small portion of the land may be impacted. The entitlement matrix presented below is designed to assist in the process of determining severity of impacts. At the moment no data /information is available, once they are available they shall be spelt out in the relevant documents and eventually Resettlement Action Plan.

Table 5.1: Eligibility Matrix Based on Severity of Impact

Activity	Nature of Impact	Resettlement Measure
Claiming land for Dam/(reservoir) installation and flood area	Large area to be reclaimed	Pay compensation and or replace land
Water supply: Water tank Well Water mains Public standpipe	Small plot (20m x 20m) Small plot Linear Small plot on public footpath/right of way	Replace land and/or pay compensation Replace land and/or pay compensation Replace land and/or pay compensation Pay compensation if not in public right of way
Sanitation facilities: Community/ School latrine	Small plot (10m x 10m)	Replace land and/or pay compensation
Storm drains (e.g. ,culverts, earth drains)	Limited linear impact, along existing roads	Pay compensation if not in public right of way

5.1 Eligibility Criteria For Defining Various Categories Of Programme Affected Persons

At this stage it is not possible to quantify the estimated likely number of people who may be affected since the projects are not yet created.

However, the likely displaced persons can be categorised into four groups, namely:

- 1.) **Affected Individual** – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a project for purposes other than farming or residence by the initial individuals.

- 2.) **Affected Household** – A household is affected if one of its members is affected by programme activities, either by loss of property, land, loss of access, or otherwise affected in any way by Programme activities. This provides for:
 - (a) any members in the households, men, women, children, dependant relatives and friends, tenants;
 - (b) vulnerable individuals who depend on but may be too old or ill to farm along with the others;
 - (c) relatives who depend on one another for their daily existence;
 - (d) relatives who may not eat together but provide housekeeping and other domestic chores to the affected household; and
 - (e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence but depend on the affected household.

- 3.) **Affected local community** – A community is affected if Programme activities affect their socio-economic and/or social-cultural relationships or cohesion. For example Programme activities could lead to improvement of social-economic welfare so that class-consciousness arises coupled with cultural erosion etc.

- 4.) **Vulnerable Households** – Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them:
 - unmarried women;
 - non-farming;
 - elderly;
 - Disabled persons
 - the infirm or ill;
 - orphans; and
 - these household types are not mutually exclusive, so that the elderly may be internally displaced persons, and women as affected individuals.

The three criteria for eligibility will be followed:

- 1.) Those who have formal rights to land (including customary and statutory rights of occupancy recognised under the Laws of Tanzania).
- 2.) Those who do not have formal legal rights to land at the time the project's socio-economic study census begins but have a claim to such land or assets provided that such claims are recognised under the Laws of Tanzania or become recognised through a process identified in the resettlement and compensation plan.
- 3.) Those who have no claim to land they are occupying or using.
 - Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy.
 - Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the local EMC.
 - Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.
 - All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all effected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. A data base of records of affected persons shall be maintained

5.2 Eligibility for Community Compensation

Local communities (villages, ward, districts, towns, etc) permanently losing land and/or access to assets under customary rights will be eligible for compensation.

5.2.1 Method to Determine the Cut – Off Dates

Upon approval of the project, the EMC will meet to discuss and agree on a programme of implementation. and tentative cut – off dates which will be communicated to the community. The entitlement cut-off date refers to the time when the assessment of persons and their property in the project area is carried out, i.e. the time when the project area has been identified and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered.

5.2 1 Compensation

It is a constitutional right in Tanzania that if one’s property is either acquired or nationalised, the individual so affected must be compensated. The word compensation connotes, paying off the loss suffered or to be suffered by an individual or his property (land) being acquired, such that the affected is put in a position as though he/she had not suffered or lost his property. Thus he/she will be compensated for the market value of land) thereon and unexhausted improvements.

- The Government of the United Republic of Tanzania guarantees free enjoyment of any landholder of right of occupancy. Also, the landholder is entitled to compensation if Government acquires his land for Public Use (land in Tanzania whether granted, customary or unoccupied). :

In most cases, persons dispossessed of their land for public use have been willing to leave them and allow the government to fulfil the intended development projects.

Presently, in assessing the value of the un exhausted improvements for compensation purposes, the law emphasises that the value should be the price at which the said improvements would fetch if sold in the open market. Replacement value is defined as the cost of putting up an equivalent structure as the one existing at the time of valuation and making allowance for age, state repair and economic obsolescence in the place. Un exhausted improvements should mean any quality permanently attached to the land directly resulting from the expenditure of capital or labour by a person holding a right of occupancy.

The compensation should include the following:

- Value of the said land;

- disturbance allowance;
- transport allowance;
- loss of profits or accommodation;
- cost of acquiring or getting the subject land; and
- any other immediate costs or capital expenditure incurred to the development of the subject land.

CHAPTER 6: METHODS OF VALUING AFFECTED ASSETS

The valuation of affected assets will be carried out by estimation of the market value, when it is known, and/or by estimation of the replacement cost. Graves are valued separately – under the Graveyard Removal Act of 1968.

Valuation methods for affected land and assets would depend on the type of asset. The land asset types identified under Tanzania law in this policy framework are:

- i) Public land not within the jurisdiction of a village; and
- ii) Village land, including customary rights of villagers.

Public owned land would be allocated according to laid down procedures which include the paying of surveying and registration fees. The project would be expected to pay to acquire land in this category in cases. This is because, although public owned, individuals and/or community may use the land. The guiding principle is that whoever was using the land to be acquired by the project would be provided other land of equal size and quality.

Assets held under customary rights on public owned land would have to be valued according to the following method and compensation: the respective local government council will value and duly compensate for assets and investments, including land, labour, crops, buildings, and other improvements, according to the provisions of the date and time that the replacement is to be provided. The current prices for cash crops would have to be determined. Compensation would be based on valuation at or before the entitlement cut off date in compliance under this policy.

Under this RPF, not only assets and investments will be compensated for, but also land. Thus, a customary landowner or land user on state-owned land, will be compensated for land, assets, investments, loss of access etc, at market rates at the time of the loss. If payment is delayed by more than six months, an inflation premium of 1% plus interest at the official rate of inflation (using consumer price index, CPI), will be added to the agreed upon sum.

6.1 Compensation Payments

In implementation of the WSDP, compensation of the affected shall be done according to the governing Laws and Regulations of Tanzania and WB/Relevant Development Partner Regulations. Individual and household compensation will be made in cash, in-kind, and/or through assistance. The types of compensation will be an individual choice although every effort will be made to instil the preference of accepting in-kind compensation if the loss amounts to more than 20 percent of the total loss of subsistence assets.

Table 6.1: Forms of Compensation

Cash Payments	Compensation will be calculated and paid in Tanzanian shillings. Rates will be adjusted for inflation.
In-kind Compensation	Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labour.

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur. Market prices will be monitored within the time period that compensation is being made to allow for adjustment in compensation values.

The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by local government. Local banks and micro-finance institutions will work closely with government at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. Each recipient in consultation with the local government will decide upon the time and place for in-kind compensation payments.

6.2 Assets Compensation

6.2. 1 Compensation for Land

Compensation is intended to provide a farmer whose land is acquired and used for project purposes with compensation for the land, labour and crop loss. For this reason, and for transparency, “land” is defined as an area:

- in cultivation;
- being prepared for cultivation; or
- cultivated during the last agricultural season.

This definition recognises that the biggest investment a farmer makes in producing a crop is his or her labour. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertiliser, but the labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested times the amount of time spent preparing a plot equivalent to that taken. The market price of the crop lost is considered separately, below.

The labour cost for preparing replacement land is calculated on what it would cost a farmer to clear and create replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Tanzania shillings, at the prevailing market rates.

The following table presents an example of a compensation schedule for a one-hectare plot of land. The Tanzanian shilling values are based on arbitrary labour rates, which will need to be validated at the time payments, are made.

Table 6.2: Example of Land Compensation Schedule of Payments

Activity	Month Paid	Labour in Tanzania Shilling/ha Rate Cost/day x No. of days
Clear	Oct	To be determined
Plough	Nov	To be determined
Sow	Dec	To be determined
Weed	Feb	To be determined
Harvest	May	To be determined
Total		To be determined

All agricultural labour activities are included for two reasons. First, because of the need for transparency, all land labour will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date, when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labour-intensive village hire, or perhaps mechanised clearing, so that replacement land will be ready by the sowing season. The farmer will still continue to receive his /her cash compensation so that s/he can pay for sowing, weeding and harvesting.

For the purposes of measuring land, the unit of measurement would be that which is used by and understood by the affected farmers. Therefore, if a traditional unit of measurement exists, that unit will be used. If a traditional unit of measurement does not exist, then it is recommended that land will be measured in meters. However, in such an event, the unit that is used must be explained to the affected farmers and must somehow be related to easily recognisable land features that the farmers are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected farmer is able to verify, using his/her own standards/units of measurement, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas.

6.2.2 Compensation for Crops

The prices for cash crops will be determined as the average value of the cash crop during 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 based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food versus cash crops is used.
- The value of staple crops to be taken as the highest market price reached during the year, in recognition of these factors:

- 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;
- farmers most often purchase cereals when they have run out, during the “hungry season” when prices are high. Compensating at a low value might the individual or household at risk; and
- averaging the highest 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.

6.2.3 Compensation for Buildings and Structures

Replacing structures such as huts, houses, farm outbuildings, latrines and fences will pay compensation. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost that are not the main house or house in which someone is living. The current market prices for construction materials will be used. Alternatively, in-kind compensation will be paid for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purpose on an ongoing basis.

Compensation will be made for structures that are:

- abandoned because of relocation or resentment of an individual or household; or
- directly damaged by construction activities.

Replacement values will be used on:

- drawings of individual’s household and all its related structure and support services;
- average replacement costs of different types of household buildings and structure based on collection of information on the numbers and types of materials used to construct different types of structures(e.g. bricks, rafters, bundles of straw, doors etc.) For vulnerable groups, replacement values will be based on actual replacement costs;
- prices of these items collected in different local markets;
- costs for transportation and delivery of these items to acquire/ replacement land or building site; and
- estimates of construction of new buildings including labour required.

Table 6.3: Compensation for Buildings and Structures

Item	Example	
House	Raw or Baked brick Straw or tin roof Varying sizes (small, medium large)	To be determined
Kitchen	Open, closed	To be determined
Stables/sheds/ pens	Cattle, goat, pig, sheep, other	To be determined
Coops	Chicken, duck, other	To be determined
Fence	Straw/poles(per unit poles & mat), raw and/or baked brick/cement blocks (per 1-m length)	To be determined
Private Bathing Enclosure		To be determined
Latrine	Replacement latrines will be similar to those being promoted by the project.	To be determined
Open well	Internally lined with concrete rings and provided with a hand pump	To be determined
Storage building	Cement/sand block walls with thatched roof on z-profiled metal sheets	To be determined
Sun screen open huts/shades	Similar to those replaced, on thatched roof on wood poles	To be determined

Note: Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or credits will be paid based on replacement costs.

6.2.4 Compensations for Sacred Sites

Sacred sites include but are not restricted to altars, initiation centres, ritual sites, tombs, and cemeteries. They include other such sites, places or features that are accepted by practice, tradition and culture as sacred. To avoid any possible conflicts between individual and/or communities, the use of sacred sites for any project activity is not permitted under this project

6.2.5 Compensation for Vegetable Gardens and Beehives

Until a replacement garden starts to produce, the displaced family will need to purchase vegetables in the market. Compensation for loss of vegetable gardens will be calculated based on the average amount that an average town dweller spends on buying vegetables over one year per adult in the local market.

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

6.2.6 Compensation for Horticultural, Floricultural and Fruit Trees

Large fruit trees (e.g. mangoes and coconut) are important as sources of:

- subsistence food for families;
- petty market income in some areas; and
- shade.

Given their significance to the local subsistence economy, which this project intends to enhance, such trees as mangoes and coconuts will be compensated using a combined replacement/market value. Mango and coconut trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind. The compensation rate will be based on information obtained from the socio-economic study. From this, a compensation schedule for trees can be developed incorporating the following objectives:

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

It should be pointed out the Valuation Division in the Ministry of Lands and Human Settlements Development has developed crop compensation rates. These rates are to be reviewed every year. Chief Government Valuer must approve compensation assessment. Displaced people have to be issued with Landform 59 and 70, which allow them to indicate what they expect to be compensated.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

Table 6.4: Proposed Schedule for Mango and Coconut Trees Cut Down

Type/Age of Tree	Est. Years	In kind replacement for Local Mangoes
Sapling trees planted after project cut-off date in area will not be eligible for compensation.	0-1	Deliver to farmer <ul style="list-style-type: none"> Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect Tree, a bucket for watering, and a spade.
Sapling/young tree in first minor production of 12 – 50 fruits occurs about age 4 – 5 years	1-6	Deliver to farmer <ul style="list-style-type: none"> Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect tree, a bucket for watering and a spade.
Mango Trees – Fruit Producing	6-30+	Deliver to farmer <ul style="list-style-type: none"> Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect tree, a bucket for watering, and a spade.
Mature Trees – Low or Non-Fruit Producing	30+	Same as for mature trees above.

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula” $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$.

6.2.7 Compensation for other Domestic Cash Crops and Fruit Trees

These trees have recognised local market values, depending on their species and age. Individual compensation for wild tree “owned” by individuals, who are located in lands as defined in this policy, will be paid. Note that wild, productive trees belong to the community when they occur in the true bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation. Examples include: avocado, bananas, lemon, guava, lime oranges, grapefruits, papaya, tamarind, etc.

Table 6.5: Examples of Individual Compensation for Wild Trees Owned by Individuals

Sub-Category	Unit	Compensation Value Tshs
Domestic fruit trees		
Avocado	Non-productive Productive	To be determined
Banana	Non-productive Productive	To be determined
Lemon	Non-productive Productive	To be determined
Guava	Non-productive Productive	To be determined
Lime	Non-productive Productive	To be determined
Orange	Non-productive Productive	To be determined
Grapefruit	Non-productive Productive	To be determined
Papaya	Non-productive Productive	To be determined
Shade trees		
	Young	To be determined
	Adult	To be determined
Individual owned wild productive trees		
Tamarind	Non-productive Productive	To be determined
Crops		
Maize	Yield/ha 1,200	To be determined
Rice	Yield/ha 1,000	To be determined
Beans	Yield/ha 500	To be determined
Vegetable		
Tomatoes	Yield/ha 8,300	To be determined
Water melon	Yield/ha 8,300	To be determined
Lettuce	Yield/ha 3,500	To be determined
Cauliflower	Yield/ha 5,000	To be determined
Carrot	Yield/ha 10,000	To be determined

CHAPTER 7 :ORGANISATIONAL PROCEDURE FOR THE DELIVERY OF ENTITLEMENTS.

LGAs are to cover necessary land purchase and resettlement costs from own source revenue. Funding will be processed by the PMO-RALG through the local governments. Procedures will comply with the financial arrangements agreed upon at project appraisal.

The compensation process will involve steps and will be in accordance with the individual project resettlement and compensation plans:

Public Participation with the local communities will initiate the compensation process as part of an ongoing process that will have started at the land selection/screening stage and at the time the socio-economic assessment is carried out. This will ensure that no affected individual/household is simply “notified” one day that they are affected in this way. Instead, this process seeks their involvement and will inform communities in a participatory approach from the beginning as outlined in Section 12 of this report.

Notification of land resource holders – the respective local/district heads involved in identifying the land will notify the WDC, Village Council and village inhabitants who will help to identify and locate the property users. The users will be informed through both a formal notification in writing and, as many people are illiterate, by verbal notification delivered in the presence of the Village Executive Officer or his representative. In addition, the VEOs, Village Committees and individuals who control land will accompany the survey teams to identify sensitive areas.

Documentation of Holdings and Assets – Village, Ward and District Officials will arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the District Official completes a compensation dossier containing necessary personal information on the affected party and those that she/he claims as household members, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by Village Officials and Technical Planning Teams. Dossiers will be kept current and will include documentation of lands surrendered. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

Agreement on Compensation and Preparation of Contracts – All types of compensation are clearly explained to the individual or household. The WSDP project team (DWST) draws up a contract, listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective Project Team, Village Officials and other village leaders prior to signing.

Compensation Payments – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the village officials.

Community Compensation Payments

Compensation for a community as a whole will be in-kind only and take the form of reconstruction of the facility to at least the same or better standard to that being built by the WSDP on the area to serve the same function. Examples of community compensation include:

- school building (public or religious);
- public toilets;
- well or pump;
- market place;
- road; and
- storage warehouse.

No community project will be approved that requires the displacement of additional persons for compensation or relocation.

CHAPTER 8 :LAND ACQUISITION AND RESETTLEMENT IMPLEMENTATION PROCESS

Before any project activity is implemented, people who are affected and have been determined to be entitled to compensation will need to be compensated in accordance with the policy and the resettlement policy framework. For projects involving land acquisition, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activity requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons be implemented in accordance with the project's resettlement plan of action.

The measures to ensure compliance with this policy directive will be included in the resettlement and compensation plans that will be prepared for each land involving resettlement or compensation. When the Project Team (e.g. DWST) presents its resettlement and compensation plans to the Village Government and Village Council for approval, part of the screening process that the local government council will use to approve recommended sites will be used to confirm that the resettlement and compensation plans contain acceptable measures that link resettlement and compensation activity to civil works in compliance with this policy. The timing mechanism of these measures will ensure that no individual or affected household will be displaced due to civil works before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected.

8.1 Description Of Grievance Redress Mechanisms

At the time that the individual resettlement and compensation plans are approved and individual compensation contracts are signed, affected individuals will have been informed of the process for expressing dissatisfaction and seeking redress.

The grievance process will be simple, administered as far as possible at the local level to facilitate access, flexible and recognising that most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The Village Government being a party to the contract is not the best office to receive, handle and rule on disputes. Therefore, all grievances concerning non-fulfilment of contract, levels of compensation, or seizure of assets will be addressed to the existing local courts system of administration of justice in the Districts. All attempts will be made to settle grievances. Those seeking redress and wishing to state grievances will do so by notifying their Village Council and the District Commissioner (DC)/District Executive Director (DED). The DC/DED will consult with the respective local governments, Ward/Village/Mtaa and other records to determine claims validity. If valid, the Village Council and Technical Planning Teams will notify the Complainant and the matter settled.

If the complainant's claim is rejected, then the matter will be brought before the Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local

court and/or the District Land Tribunals, the matter will go the High Court for resolution. The High Court of Tanzania will be the highest appellate “judge” in this system. The decision of the High Court is final. All effort will be made to ensure decisions are reached within a full growing season after the complaint is lodged.

If a complaint pattern emerges, which relates to process or procedures, the DC, DED and Technical Planning Teams will discuss possible changes and/or remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once the local governments, Ward and Village leaders agree on necessary and appropriate changes, then a written description of the changed process will be made. The District Commissioner, DED, Ward and Village/Mtaa leaders will be responsible for communicating any changes to the population.

In the local cultures, it takes time for people to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

8.2 Arrangements for Resettlement and Compensation Funding

The Arrangements Include the preparation and review of costs estimates, the flow of funds, and contingency arrangements. Financial institutions shall be consulted to facilitate transactions of reimbursement to the relevant PAP.

The estimate of the overall cost of resettlement and compensation will be determined during the socio-economic study. The Local Government will have to finance the resettlement and compensation plan depending on who is impacting livelihoods.

At this stage, it is not possible to estimate the likely number of people who may be affected since the projects have not yet been identified. When these locations are known, and after the conclusions of the site-specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available. A detailed and accurate budget for resettlement and compensation will be prepared.

Where a local government is the party causing resettlement, funds will be released from LGA’s own resources for payment to the affected people once the resettlement and compensation contracts have been signed. Payment will then be made in a manner that complies with the administrative and financial procedures of the LGA.

Otherwise the WSDP will be required to compensate the affected party or to finance any other requirements in the resettlement and compensation plan.

At this stage however, all that can be reasonably and meaningfully prepared are an indicative costs, highlighting key features as follows:

Table 8.1 Compensation Rate per Unit Asset

#	Item	Costs (in US\$)*	Assumptions
1	Compensation for loss of Lands	\$1,235/hectare	For land acquisition purposes, based on cost realised in projects involving similar issues in Tanzania.
2	Compensation for loss of Crops	\$3125/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops as per methods described in Section 7 of this RPF.
3	Compensation for loss of access to local quarries to mine stones for concreting and road construction	N/A	Those affected would be provide with a license to re-start mining activities in new approved quarries.
4.	Compensation for loss of access to fishing resources.	Estimated \$200/fishmonger, fishermen and others	Data provided from revised socio-economic study will determine market values of catch, fish products, etc. that is produced.
5.	Compensation for Buildings and Structures	Est. \$50,000 for all structures	This compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of 10, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.
6.	Compensation for Trees	\$250/year/tree	Based on methods described for compensation for trees.
7.	Cost of Relocation Assistance/Expenses	\$150/household	This cost is to facilitate transportation, etc.
8.	Cost of Restoration of Individual Income	Est. \$2,500/per person	Assumed to be higher than the GDP/capita.
9.	Cost of Restoration of Household Income	Est. \$7,500/per household	For household of 10.

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

CHAPTER 9: DESCRIPTION OF MECHANISMS FOR CONSULTATIONS

Public consultation and participation are essential because they afford potential displaced persons the opportunity to contribute to both the design and implementation of project activities. The socio-economic situation prevailing in Tanzania as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, it is the local communities who are to claim ownership of this project for it to be successful and their wealth of knowledge of local conditions are invaluable assets to the project. In recognition of this, particular attention will be paid to public consultation with potentially affected individuals/households when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the development plans are being prepared. The participation strategy will evolve around the provision of full opportunity for involvement. This process would not be an isolated one because of the very nature of the project, which through its implementation and design ensures continuous public participation and involvement at the local level. Therefore, as a matter of strategy, public consultation will be an on-going activity taking place through out the entire project cycle. For example, public consultation will also occur during the preparation of the; (i) the socio- economic study, (ii) the resettlement and compensation plan and (iii) the screening and environmental impact assessment and (iv) during the drafting and reading of the compensation contract.

Public participation and consultation will take place through meetings, radio programs, requests for written proposals/ comments, filling in of questionnaires/forms, public readings and explanations of project ideas and requirements, making public documents available at the, District, Town, Divisions, Ward and Mtaa/Village levels at suitable locations like the official residences/offices of local leaders. These measures will take into account the low literacy levels prevalent in these communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantee for public interest are Local Councillors (Diwani) who are responsible members of their local communities and can inadvertently be part of the potentially displaced individuals/households either in part or in whole.

Monitoring of this process will be through the District Environmental Management Officer⁷ (DEnv.O) as part of the individual resettlement and compensation plans and overall monitoring and evaluation mechanism of the entire project.

⁷ The Position of District Environmental Management Officer will need be filled in by all LGA as directed by the National Environmental Act.

CHAPTER 10: ARRANGEMENTS FOR MONITORING

The arrangements for monitoring will fit into the overall monitoring plan of the entire WSDP Programme, which will be through the Local Governments themselves. The WSDP will institute a reporting system that:

- a.) alerts project authorities to the necessity for land acquisition in a project;
- b.) provides timely information about the valuation and negotiation process;
- c.) reports any grievances that require resolution; and
- d.) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

Consistent with the Environmental and Social Management Framework, the District Environmental/Planning officers will be responsible for periodically transferring the information compiled by local governments to the Environmental Management Coordinator at the MoW so that the Ministry is alerted in a timely manner to any difficulties arising at the local levels.

The objective will be to make a final evaluation in order to determine:

- (i) if affected people have been paid in full and before implementation of the project; and
- (ii) if the people who are affected by the project have been affected in such a way that they are now living at a higher standard than before, living at the same standard as before, or they are poorer than before.

For example, the following parameters and indicators will be used to measure the performance of the resettlement and compensation plan implementation:

To assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, milestones to be met and provide the resources necessary to carry out the monitoring activities. Local Governments will maintain information on all individuals impacted by the projects' land use requirements including relocation/ resettlement and compensation, land impacts or damages. Each individual will have a compensation dossier recording his or her initial situation, all subsequent project uses of assets/ improvements, and compensation agreed upon and received.

A watch will be kept over process indicators and regularly reported through local government to the Permanent Secretary of the MoW. The se will include:

- 1.) Number of grievances and time and quality of resolution.
- 2.) Relations between the project and the local communities.
- 3.) Percentages of individuals selecting cash or a combination of cash and in-kind compensation.
- 4.) Outstanding village compensation contracts.
- 5.) Outstanding individual compensation or resettlement contracts.
- 6.) Seasonal or inter- annual fluctuation of key foodstuffs.

- 7.) Number of impacted locals employed by the civil works contractors.
- 8.) Training of affected.
- 9.) Use of payments.
- 10.) Number of contentious cases out of the total.

The following indicators will be used in assessing the overall effectiveness of implementation of resettlement and compensation plans:

- 1.) Pre- project production versus present production (crop for crop, land for land).
- 2.) Ability of individual and families to – re establish their pre- displacement activities, standard of living, and land and crops or other alternative incomes.
- 3.) Outstanding compensation or resettlement contracts not completed before next agricultural season.
- 4.) Grievances recognised as legitimate out of all complaints lodged.
- 5.) Communities unable to settle village-level grievances/compensation after two years.
- 6.) All legitimate grievances rectified and time frame.

The Local Governments and the MoW will maintain financial records to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving will have a dossier containing:

- individual bio- data information;
- number of people s/ he claims as household dependents; and
- amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement /compensation:

- level of income and of production;
- inventory of material assets and improvement in land; and debts.

Each time land is used by the project, the dossier will be updated to determine if the individual or household is being affected to the point of financial non- viability and eligibility for compensation/ resettlement or its alternative. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedure and rates may require revision at some time during the project cycle. The Local Government will implement changes, which will require feed back from:

- indicators monitored by the local governments to determine whether goals are being met; and
- a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the National Environmental Management Council (NEMC), in Tanzania is structured into the whole M & E component of the Programme. This would give NEMC the mandate to carry out independent monitoring of the implementation of the

resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the Local Government and the Environmental Monitoring Coordinator of the MoW and become part of the official documents of the project.

APPENDIX 4.1 Contents for Abbreviated Resettlement Action Plan

- 1) Census of project affected persons and valuation of assets.
- 2) Description of compensation and other resettlement assistance to be provided.
- 3) Consultations with displaced people about acceptable alternatives
- 4) Institutional responsibility for implementation and procedures for grievance redress.
- 5) Arrangements for monitoring and implementation and,
- 6) A timetable and budget

APPENDIX 4.2 Screening Criteria for Sites for Resettlement of WSDP Project Affected Persons

1. The site should not be within an environmentally sensitive area
2. The resettlement area should be within reach of social services such as water supply, electricity, roads, hospitals, schools, etc.
3. As far as possible ensure that the PAPs are resettled within or close to their original settlement areas.
4. There should be a sustainable source of water within 1 km. of the site.
5. The site should be large enough to accommodate the Project Affected Persons including public and social services.
6. The site owners, users and PAPs should be consulted and invited to participate in the meetings and activities of the resettlement.
7. The Project Management Team should secure legal title to the land for resettlement.
8. The site boundaries including individual PAPs as well as public service land allocations should be clearly marked, measured and recorded.
9. There should not be any natural or man made features on the site (e.g. swamps, water pipes, gullies, bedrock, flood plains, graveyards, rock falls, steep cliffs, electricity pylons, etc) to obstruct construction or cause danger to people, animals or building structures.
10. The site must conform to the local development plan for the area or district.
11. The site for resettlement should not result in either physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or the loss, denial or restriction of people's access to economic resources.

APPENDIX 4.3 Main Contents of the Resettlement Action Plan

- 1) Description of the project
- 2) Potential impacts
- 3) Objectives
- 4) Socio-economic studies
- 5) Legal framework
- 6) Institutional framework
- 7) Eligibility
- 8) Valuation and compensation for losses
- 9) Resettlement measures
- 10) Site selection, site preparation and relocation
- 11) Housing infrastructure and social services
- 12) Environmental protection and management
- 13) Community participation
- 14) Integration with host population
- 15) Grievance procedures
- 16) Organizational responsibilities
- 17) Implementation schedule
- 18) Cost and budget
- 19) Monitoring and evaluation

APPENDIX 4.4 : Terms Of Reference For The Resettlement Action Plan

1. Background

Water resources management, development and operation projects usually affect the rights of different groups and create a wide range of risks for various ranges of interest groups. Sometimes some groups were not recognized as being affected hence the number of affected people has been under estimated. Non-recognition or partial recognition of the entitlement of those identified as affected has resulted in inadequate restitution for losses. As a result Water development and management projects have often impoverished adversely affected people.

To be socially legitimate and to produce positive and sustainable outcomes, Water development and management projects should provide for greater involvement of all interested groups in a wider society. Adversely affected people need to show acceptance of the project by concerting to the process and the mitigation and development measures, which include a share in the project benefits and redress and recourse mechanism.

2. Introduction

The Government of the United Republic of Tanzania (GoT), with assistance from Development Partners, is implementing the Water Sector Development Programme (WSDP). This programme will focus on prioritised water resources management and service delivery in the water and sanitation.

The overall objective of WSDP is to alleviate poverty through improvements in the governance of water resources management and sustainable delivery of water supply and sewerage. and sanitation services The three programme components include 1. Water Resources Management Programme (WRMP) 2. The Rural Water Supply and Sanitation Programme (RWSSP) and 3. Urban Water Supply and Sewerage Programme (UWSSP).

3. The need for Resettlement Action Plan

In cases where new land has to be acquired for the WSDP, there will be a need for the preparation of procedures and principles for land acquisition, resettlement and compensation. The Resettlement Action Plan (RAP) is a prerequisite to ensure effective preparation and implementation of the land acquisition, resettlement and compensation process for the WSDP.

During the scoping process for WSDP projects, several key social issues of concern shall be identified after holding consultations with stakeholder of the projects and after reviewing various literature related to the project and project area. Similarly, expert opinions shall be considered in various issue identified as requiring specialized knowledge. In some cases the magnitude of the problems identified shall be evaluated to address them in detailed social studies.

The purpose of the Terms of Reference (TOR) therefore, is to ensure that the Consultant undertaking the resettlement and Social assessments performs the necessary tasks to

comply with standard procedures for resettlement and that all salient issues are covered. They form the basis for subsequent review process.

In these Terms of Reference, strategies for addressing the land and social issues identified during scoping shall be provided to make the detailed study and hence the Resettlement Action Plan (RAP) review more focused.

4. Scope of Work for a Detailed Land acquisition and Resettlement Study.

Task 1: Description of the Proposed programme

Provide objective and justification of the programme and detailed description of the relevant parts of the programme likely to trigger land acquisition and resettlement. Review information about the programme projects and provide any missing information and data about the following: location, general layout, size and capacity, production methods, pre-construction and construction, scheduling of construction development activities, life span of operations those which are likely to trigger land acquisition and resettlement.

Task 2: Present basic and relevant Policy and Legislations pertaining to land acquisition and resettlement

Describes pertinent policy, Legislations and regulations governing land use, environmental quality and management, health, safety, protection of sensitive areas, endangered species, land use control at relevant local, regional, national, and international levels.

Task 3: Present baseline data relevant for approving resettlement and compensation plan

With reference to the baseline data and information existing at the project site and that contained in the scoping report,.

Review baseline data and information on the socio-economic environment as provided in the scoping report and present any additional data related to the affected people, land use and need for resettlement. Assemble, evaluate and present baseline data on relevant land characteristics of the study areas such as socio economic and cultural aspects.

Prepare a document with the following components:

- (i) A social –economic study to determine the impacts of displacement.
- (ii) Comprehensive Resettlement plan
- (iii) A valuation report of Land Assets and Land properties of the site:

The documents should contain the following details:

- resettlement and compensation plans containing the analysis of alternative sites undertaken during the screening process.
- a list identifying a number of WSDP sub projects, which may potentially involve resettlement issues (to be developed in collaboration with all relevant local government and relevant technical planning bodies at the closest level to the affected communities).

- qualifying projects for resettlement and compensation.(Use the Environmental and social checklist and the NEMC screening Flow Chart)
- Identified projects for all sites that have potential resettlement issues for comprehensive sensitization and consultation process with the potentially impacted communities.
- Participatory Rural Appraisal (PRA) findings as mandatory for all projects requiring land acquisition, compensation and resettlement for the WSDP project activities.

In consultation with the client the consultant shall do the following:

- Forward the document to the respective local government council in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/ project.
- Shall prepare a RAP and ARAP as the case may be for each parcel of a land that is affected by compensation and resettlement according to the format.
- Forward RAP's or the ARAP's, together with the modified designs to the respective Village and District Assemblies through an authorized officer for scrutiny and approval, in compliance with the applicable laws, sectoral requirements as well as the WB policy requirements.

Task 4: Determination of Potential Impacts of the land acquisition for the proposed Project

Identify and predict all possible impacts qualitatively and where possible quantitatively, of the project on socio economic and cultural environment. Specify the methodology used on predictions. In particular, the following issues need to be addressed.

Socio-economic issues:

- Conduct further consultations with those stakeholders who were not covered in the earlier study and incorporate their views accordingly;
- Examine possibilities and devise mechanisms for compensation of loss of income by people whose activities will be affected by a water project operations, e.g., irrigation, beekeeping and harvesting of medicinal plants within the project area;
- Review Government procedures and compensation rates for people living in areas earmarked for quarrying, involuntary displacement;
- Review the current and planned project outreach programmes in relation with addressing issues associated with the influx of job seekers in the area versus pressure on resources and social services in the District;
- Conduct further consultations to ascertain the extent of both negative and positive social and economic contributions of the project;
- Identify people and groups (with gender considerations) that are most likely to benefit/be affected;
- Identify and evaluate the impacts resulting from influx of new people to the area, who may influence and affect the attitudes and behaviour of people in the area;
 - Use as given in (RFP) eligibility criteria to determine various categories of PAP

- Use the eligibility criteria to determine PAP for community compensation.
- Establish and determine cut off dates for compensation
- Establish compensation schedule

Task 5: Land and assets Valuation and Compensation

Guided by acceptable standards and regulations recommended , provide a valuation and compensation procedures for the affected people in accordance with the individual project resettlement and compensation plans.. Provide a compensation schedule and in all processes involve the stakeholders and affected people.

Task 6: Provide Organisational Procedure for the Delivery Of Entitlements.

In consultation with LGAs provide agreed mechanisms to carry out the delivery of the entitlements to the affected people.

Task7: Provide Land Acquisition and Resettlement Implementation Process

Provide a checklist of prerequisite requirements before people are displaced or relocated. Outline procedures for the affected people to express their grievances through a court of law. In consultation with LGAs prepare a detailed and accurate budget for resettlement and compensation.

Task 8: Develop Mechanisms For Consultations

Prepare relevant documentations for public consultations and announcement through various media.

Task 9: Monitoring

Develop a monitoring plan and set out relevant indicators

5. Reporting

Provide concise 10 copies of final draft report of the Resettlement process document and Resettlement Action Plan and Compensation Plan associated with the project area by following the proposed guidelines in the Environmental management and Protection Act no. 20,(2004) Regulations 2004, Land acquisition Act no 47 of 1967, Land act no 4 of 1999 and the Village Land Act of 1999, and the Land Dispute act No 2 of 2002 for simplifying the review process. The executive summary should be both in Swahili and English as per EMA, 20 regulations.

6. References

The objective of this section is to identify and record the written materials used in the study. This is extremely important because some of the material used as background information may be in unpublished form, and yet it may be necessary that these are available during the review process. A list of references will be included in the final report together with the list of people contacted and summary of interviews.

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