

# THE UNITED REPUBLIC OF TANZANIA



## MINISTRY OF AGRICULTURE, FOOD SECURITY AND COOPERATIVES

### RESETTLEMENT ACTION FRAMEWORK

for

### BAGAMOYO SUGAR INFRASTRUCTURE AND SUSTAINABLE COMMUNITY (BASIC) PROGRAMME

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## List of Acronyms and Abbreviations

CBOs	-	Community Based Organizations
CoI	-	Corridor of Impact
DED	-	District executive director
DP	-	Domestic point
DP	-	Displaced person
DP's	-	Domestic points
EIA	-	Environmental Impact Assessment
EIS	-	Environmental Impact Statement
EMA	-	Environmental management Act
FAO	-	Food Agricultural Organization
FBOs	-	Faith Based Organizations
FGDs	-	Focus Group Discussions
GDP	-	Gross Domestic Product
GVT	-	Government
HIV/AIDS	-	Human Infected Virus/ <i>Anti Immune Deficiency Syndrome</i>
IAPs	-	Interested and affected people
NACP	-	National AIDS Control Programme
NBC	-	National Bank of Commerce
NEMC	-	National Environment Management Council
NGOs	-	Non Governmental Organizations
NMB	-	National Microfinance Bank
PAP	-	Project Affected People
RAP	-	Resettlement Action Plan
RAF	-	Resettlement Action Framework
RoW	-	Right of way
RPF	-	Resettlement Policy Framework
SAGCOT	-	Southern Agricultural Growth Corridor of Tanzania Initiatives

SIA	-	Socio Impact Assessment
SMP	-	Social Monitoring Management Plan
SPSS	-	Statistical Package for Social scientist
STD	-	Sexually Transmitted Diseases
STI	-	Sexual Transmitted Disease
STI's	-	Sexual Transmitted Infections
TACAIDS	-	Tanzania commission for AIDS
TANESCO	-	Tanzania Electrical Company
TANROADS	-	Tanzania Roads Agency
TOR	-	Terms of Reference
Tshs	-	Tanzanian Shilling (Currency)
VCT	-	Voluntary Counseling and testing
VCTs	-	Voluntary Council and Testing
VGT	-	Village Government
WEO	-	Ward Executive Officer

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## **Executive Summary**

*This Resettlement Action Framework (RAF) relates to the Outgrowers Scheme to be based in Bagamoyo in Coastal (Pwani) region. The Ministry of Agriculture, Food Security and Cooperatives is the agency responsible for implementing the out growers scheme including the provisions of this RAF.*

*This report is to be used by out growers scheme in order to ensure that the AfDB and IFAD guidance statement for physical and economic resettlement and national requirements for land acquisition and resettlement are adequately addressed, and that the relevant capacity and training needs are established in order for the recommended measures to be implemented effectively. It has been prepared in tandem with an Environmental and Social Management Framework (ESMF) which outlines the mechanisms for screening projects to be financed under category 1 Project for environmental and social impacts, and provides tools to mitigate and manage these impacts.*

### **Project description**

*The Government of the Tanzania has agreed with the AfDB and IFAD to prepare out growers' scheme that will finance up to 3,500 ha of sugar cane.*

### **Scope of resettlement and affected parties**

*The information available indicates that there are about 25 people in Kiwangwa , Mwavi and Bago who will lose structures and crops. The majority of the affected households will lose a small portion of land but at the same time these people will benefit from the scheme because all the PAPs will be potential growers of cane. For example, at Kiwangwa and Mwavi and Bago it is estimated that only 50 people will be affected.*

*Since the detailed design for both schemes are not yet available, a Resettlement Action Plan Framework has been prepared which describes the procedures and policies that will apply in preparing the required Resettlement Action Plan (RAP). The RAP will be prepared as soon as the information becomes available*

### **Legislative framework**

*The Land Policy of 1999 and Compensation Act as well as Land Act and Village Act will applied*

*Other pertinent laws relating to land administration, ownership and expropriation in Tanzania, include:*

- *Public domain*
- *Entitlement*
- *Property laws*
- *Land asset classification and valuation*
- *Customary laws*
- *Procedures for expropriation*
- *Procedures for grievance redress*

*There are a number of differences between the national Tanzanian legislation and the AfDB Involuntary Resettlement Policy and IFAD guidance statement for physical and economic resettlement. These relate to the general principles for resettlement, eligibility criteria, and the notification period for expropriation and resettlement.*

*The first main difference is that according to these two organization safeguard policies, resettlement should be avoided whenever possible, while national legislation states that 'expropriation of land will be done when deemed necessary for public purposes'. The second difference relates to eligibility, that the IFAD and AfDB entitles those who have formal rights, claims to land and no recognizable legal right, to compensation, while national legislation entitles only those who are 'landholders' with legal possession of the land and who own property thereon. Another key difference is the notification period required. National legislation requires that property must be handed over 180 days after compensation has been paid, while AfDB and IFAD guidance statement for physical and economic resettlement requires that displacement must not occur before necessary measures for resettlement are in place*

### ***Institutional implementation arrangements***

*The two main agencies involved in implementation of the RAF will be the Ministry of Agriculture, Food Security and Cooperatives, and the District Council of Bagamoyo. The Ministry of Agriculture too will oversee, coordinate and facilitate the implementation of the scheme. The IFAD will play a role of capacity building for out growers in the training and sensitization programs, this will be done in collaboration with the district Council officials. EcoEnergy will provide the technical support.*

*The irrigation department of the Ministry of Agriculture, which will have representation on the Project Management Team (PMT) will be responsible for ensuring that compensation payments are included in the requests for funds and that they are allocated accordingly. The relevant departments at district level will provide a review and monitoring role and provide political and administrative support for the implementation of the RAPs.*

*In keeping with Tanzania's decentralization policy, the responsibility for the development and implementation of the RAPs will be at District level, Ward and Village level. The extension teams will be responsible for undertaking training and follow up to determine whether compensation is done adequately as planned to the PAPs and as required. As part of the institutional framework, committees will be set up at village level to represent out-growers and community members and their views and concerns on the out growers schemes.*

### ***Scope of Land Acquisition and Resettlement***

*For outgrowers' schemes, accurate figures on areas of land, and numbers of affected people, are not available at the moment. The estimates used below have been derived from various sources and field observations. Final figures will become available when the final infrastructure design studies are finalized, and the censuses for completed.*

## ***Valuation and Compensation***

*Valuation of the affected properties will follow the government procedures and will be carried out by the qualified registered Government valuer. The process will be fully participatory. Similarly, compensation will follow the government procedures with full observance of the AfDB's and IFAD's safeguard policies.*

## ***Preparation and implementation of RAP***

*The steps to be undertaken for RAP include a screening process, a socio-economic census and land asset inventory of the area and identification of Project Affected Parties (PAPs). This will be followed by the development of a Resettlement Action Plan (RAP), RAP review and approval, implementation of the RAP and monitoring of RAP implementation and its successes. These steps will be the responsibility of the District irrigation officers through an selected Resettlement and compensation committee, in association with each village's compensation and implementation committee. Consequently, the implementation of RAP will be evaluated and documented. Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed and consent about the intentions of out grower's scheme, and involvement of land owners in the scheme taken into account .*

*Following approval of the RAP, the process of implementation must take place. This will involve:*

- consultation (a continuation of the process entered into during RAP development process);*
- notification to affected parties;*
- documentation of assets;*
- agreement on compensation; and*
- Preparation of contracts, compensation payments and provision of assistance in resettlement.*

## ***Grievance redress mechanisms***

*At the time that the RAP is approved, disclosure is made, affected individuals and households will have been informed of the grievances procedures prior to signing of the compensation contract.. The grievance procedure will be simple and will be administered as far as possible, at the village and ward level by the Compensation Committee to facilitate access by PAPs. All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the village executive officer in writing copied to the ward Executive Officer and District level.*

## ***Monitoring and evaluation***

*The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring programme, which will fall under the overall responsibility of the different executing agencies. Periodic evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the schemes activities; and whether the PAPs enjoy the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have*

*to be developed to respond to specific site conditions. In addition, an independent audit will take place at the completion of the RAP.*

***Estimated budget***

*Because the exact unit prices, the number of people to be affected, and the scope of land acquisition are estimates, the exact figures will not be known until the RAPs are prepared.*

***Payment***

*The Tanzanian Government through the Ministry of Agriculture will be responsible for compensation of the affected persons.*

## Definition of terms used in the report

Unless the context dictates otherwise, the following terms shall have the following meanings: -

1. **“Associated projects”** means any activity which is directly dependent on a World Bank funded project, or any activity which a World Bank project is dependent upon, regardless of financing source.
2. **“Census”** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the African Development Bank Safeguard / IFAD Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
3. **“Compensation”** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
4. **“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. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation
5. **“FPIC”**: Free prior and informed consent
6. **Eligibility**: refers: to the criteria used to categorize the entitlement of each category of PAPs.
7. **Environmental and Social Management Framework (ESMF)** is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the out growers Scheme and other activities associated with this project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.
8. **Grievance mechanisms**: Is the mechanism put in place for the affected persons to be able to communicate their problems and grievances to the project management and other relevant authorities to solve RAP problem during implementation.
9. **“Project affected persons”** (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:



- *standard of living adversely affected, whether or not the Project Affected Person must move to another location ;*
  - *right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;*
  - *access to productive assets adversely affected, temporarily or permanently; or*
  - *business, occupation, work or place of residence or habitat adversely affected.*
10. ***“Involuntary Displacement”*** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
- a) *Loss of benefits from use of such land;*
  - b) *relocation or loss of shelter;*
  - c) *loss of assets or access to assets; or*
  - d) *loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.*
11. ***“Involuntary Land Acquisition”*** is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
12. ***“Land”*** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
13. ***“Land acquisition”*** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
14. ***“Rehabilitation Assistance”*** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
15. ***“Resettlement and Compensation Plan”***, also known as a *“Resettlement Action Plan (RAP)”* or *“Resettlement Plan”* - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
16. ***“Replacement cost”*** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;

17. **“Replacement cost for agricultural land”** means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
- preparing the land to levels similar to those of the affected land;
  - any registration, transfer taxes and other associated fees.
18. **“Replacement cost for houses and other structures”** means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
- a) Building materials
  - b) transporting building materials to the construction site;
  - c) any labour and contractors’ fees; and
  - d) any registration costs.
19. **“Resettlement Assistance”** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,
20. **“The Resettlement Action Framework (RAF)’** has been prepared as an instrument to be used throughout the out grower’s scheme implementation. The RPF will be publicly disclosed in impacted areas 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 program. The Resettlement Action Plans (“RAPs”) for the n out grower scheme will be prepared consistent with the provisions of this RAF.
21. **“Resettlement Action Plan”**: see Resettlement and Compensation Plan above.
22. **Stakeholders**: Stakeholders are interested parties in the programme or the project. They might be interested due to the project benefits or might be negatively affected or beneficiaries of the project.
23. **“Vulnerable Groups”** refers to:
- Widows, the disabled, marginalized groups, low income households and informal sector operators;
  - Incapacitated households – those no one fit to work and;
  - Child-headed households and street children
  - Households headed by the HIV/AIDS person
- This group is among other things, characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

# Chapter One

## 1.0 Introduction

### 1.1 Background to the Project

The agriculture sector is a key driver of social and economic development in Tanzania and possesses a huge potential for fostering broad based growth and poverty reduction in the country. Tanzania Development Vision 2025 (TDV 2025) emphasizes three goals as being national priorities, namely: (i) ensuring basic food security; (ii) improving income levels; and (iii) increasing export earnings. The National Strategy for Growth and Reduction of Poverty (MKUKUTA II), Agricultural Sector Development Strategy (ASDS), the Agricultural Sector Development Plan (ASDP), the Kilimo Kwanza initiative and the Southern Agricultural Growth Corridor of Tanzania Initiative (SAGCOT) all call for public-private partnerships and increased commercialization of agriculture. SAGCOT in particular highlights the need to support smallholders to increase farm productivity and engage in commercial value chain through “participation in out grower and block farming schemes oriented around nucleus large-scale farms, and through greater access to inputs, extension and more favourable post-harvest marketing opportunities”. The Big Results Now initiative identifies maize, rice and sugar as being the three priority crops as they contribute to food security and import substitution.

Currently Tanzania produces 300,000 tons of sugar annually, while demand for sugar is in the region of 500,000 tons. The annual deficit of approximately 200,000 tons is supplemented by importing sugar. With rising consumption by the growing population and the increasing number of food processing industries being established in the country, the demand for sugar – and therefore the sugar deficit – is increasing.

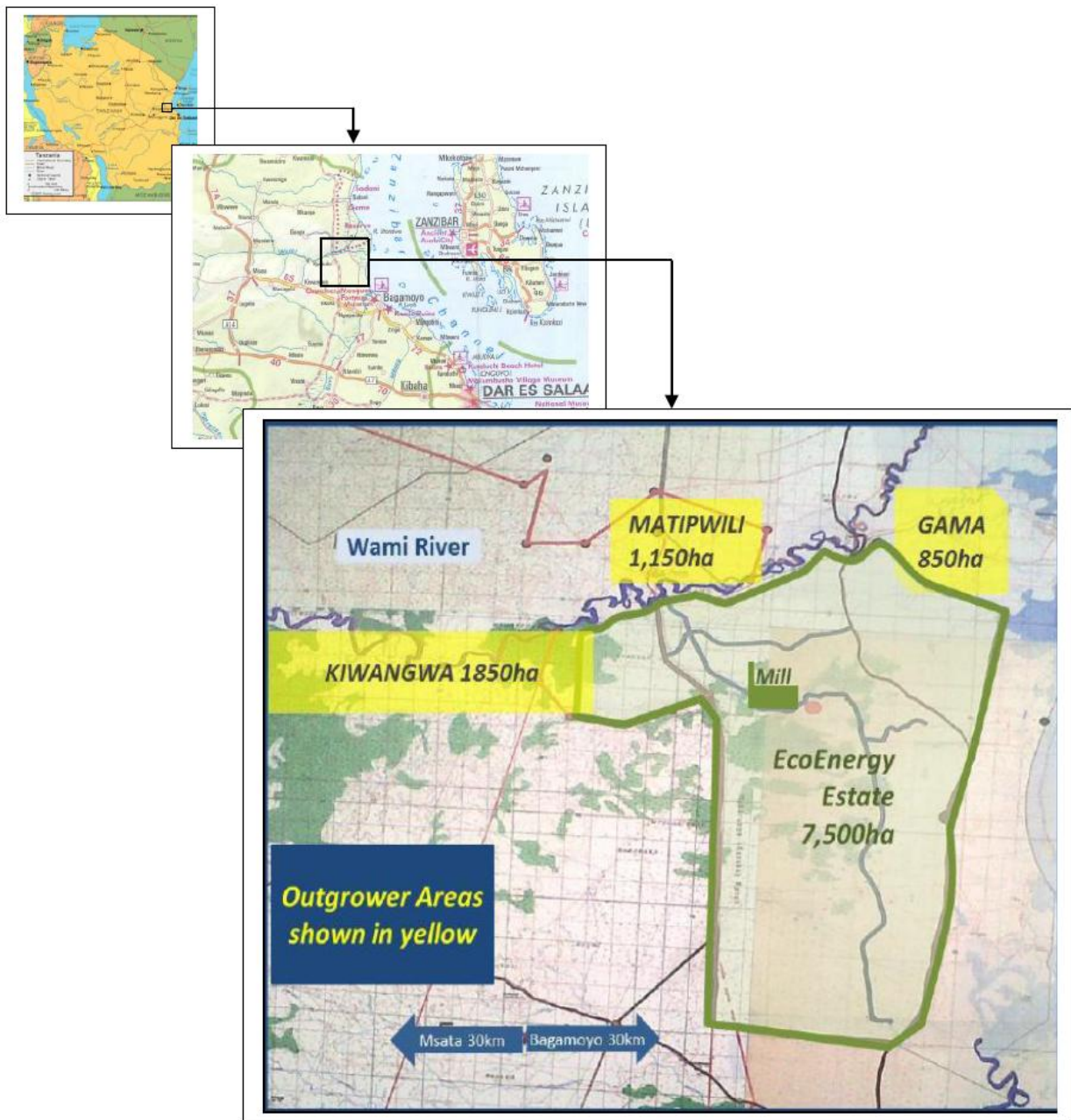
The African Development Bank, through its Private Sector Department (OPSM), is considering providing up to USD 50 million as a non-concessional loan to fund the Bagamoyo Eco-Energy (BEE) Sugar Estate. The EcoEnergy Project will have a sugar mill initially producing about 132,000 tons of sugar; a bio-ethanol plant producing 10 million liters of biofuel; and a bagasse co-generation plant generating 32 MW of power of which 20 MW will be used on the estate and 12MW will be sold to the national grid. Recognising the opportunities presented by the EcoEnergy Project in the context of the SAGCOT vision, the Ministry of Agriculture, Food Security and Cooperatives (MAFSC) and the Prime Minister’s Office (PMO) recommended that local communities proximate to the EcoEnergy plantation become outgrowers who would supply sugarcane to the EcoEnergy mill.

The Bagamoyo Sugar Infrastructure and Sustainable Community (BASIC) Programme intends to commercialise some 2000 smallholder farmers on about 3,000 ha newly developed agricultural land in the villages of Kiwangwa, Matipwili and Gama/Kitame in Bagamoyo District, all of which lie in close proximity to the EcoEnergy mill, in order to sell, when full capacity is reached, 300,000 tons of sugarcane per year to EcoEnergy for sugar and energy production. This

will greatly enhance EcoEnergy's output, and thus contribute to addressing the sugar deficit in the country. Earnings from the sale of sugarcane to EcoEnergy are expected to improve the outgrowers' livelihoods, increase food security and stimulate wealth creation.

It is expected that the BASIC Programme will address the objectives of the national development strategies and the AfDB's and IFAD's objectives in Tanzania by commercializing the agriculture sector through assisting target communities to increase sugarcane production and other food crops through infrastructure development and improved and modern agricultural practices thereby boosting local household incomes and ensuring food security.

Figure1.1. Location of the BASIC Programme Outgrower Schemes



## 1.2 Project Description

The BASIC Programme is located in Bagamoyo District, about 100 km north of Dar es Salaam, approximately 30 km northwest of the historical town of Bagamoyo. All three schemes are located along the Wami River: the Matipwili scheme (1,150 ha in area) is on the north bank, while Kiwangwa (1,850 ha) and Gama/Kitame schemes (850 ha) are on the south bank of the river. The total area of land that will be used for cultivation of sugarcane is between 3,000 and 3,500 ha.

The main components of the project are:

- Cultivation of sugarcane (land preparation, planting of cane, irrigation, caring for cane, harvesting, application of agrochemicals);
- Bulk infrastructure, including main water supply, water conveyance systems, 1.4 Mm<sup>3</sup> storage dam and/or oxbow lakes, flood protection, main and secondary irrigation canals, access roads;
- On farm infrastructure, such as offices, sheds, workshops, sanitation facilities, fencing;
- Agricultural equipment, including sprinkler systems, centre pivot systems, equipment to maintain drainage and roads, equipment for land preparation and harvesting;
- Power transmission line – to be constructed by TANESCO; and
- Outgrower capacity building.

AfDB will fund the bulk infrastructure, agricultural equipment and associated costs, contributing about 23% of the total cost of the programme. IFAD will fund on-farm civil works, climate resilient community development, and capacity building for both sugar cane outgrower companies and companies in the surrounding community, amounting to approximately 49% of the total cost of the programme. The Government of Tanzania will contribute 11%, while the banks and farmers/companies will make up the rest.

The outgrowers will form and register 25 to 30 companies, based on an amalgamation of farms and village land totalling between 100 ha and 150 ha per company. The owners of the farms will have shares in the company and will operate and manage the company. They may opt to work on the schemes themselves or may choose to hire labour from their communities.

EcoEnergy will be closely involved in the development of the outgrowers' schemes and provide technical assistance during the setting up stages and during operation

## 1.3 Justification of the project and its objectives

The overall objective of the Bagamoyo Sugar Infrastructure and Sustainable Community (BASIC) Programme is to develop irrigated sugar cane in line with modern agricultural standards and techniques for small holder farmers in three villages on 3,000-3,800 ha of land surrounding the industrial estate developed by Eco- energy. At full capacity, the outgrowers are expected to produce at least 300,000 tonnes of sugarcane per year that they will sell to the mill to be crushed for sugar and energy production. This will benefit the surrounding community and incentivize commercial out-growers by guaranteeing the off-take of farm production. In addition, the Project is expected to substantially develop the agricultural and economic

landscape of the Bagamoyo District and will present a number of off-farm opportunities for local communities and entrepreneurs. The public sector financing for the out grower scheme will complement the industrial estate being financed by the Bank's private sector to develop the first Public Private Partnership (PPP) project in the agriculture sector in the Bank. The additional production of sugar will address the unmet demand in the country and result in import substitution (both of which will promote food security).

The Project comprises three major components namely: (i) Out grower Infrastructure Development; (ii) out grower and Community Capacity Development; and (iii) Project Coordination

The main project activities which are expected to cause resettlement and compensation are the following:

- (a) Construction of dyke of ...km of length
- (b) Construction of power line
- (c) Construction of bridge on Wami River
- (d) Bulk infrastructure, including main water supply, water conveyance systems,
- (e) Construction of 1.4 Mm<sup>3</sup> storage dam and/or oxbow lakes,
- (f) Access road to outgrowers farms
- (g) The land to be used for outgrower production might not be under the ownership of village government and might be used by smallholder crop farmers or grazed on a seasonal basis, or privately owned land under customary tenure

#### **1.4 RAF and RAP Objectives**

The main objective of the Resettlement Action Framework (RAF) is to provide a framework plan giving the details on how the displacement, resettlement and/or compensation issues of the project will be done and for ensuring that Project Affected people are left no worse off, and preferably better off, than they were before commencement of the project. With the availability of all required data / information, thereafter it will be possible or feasible to develop RAP for its eventual implementation. RAP is intended to be an agreed commitment by the parties involved (e.g. Ministry of Agriculture, the Eco-energy and the PAPs) for guiding the implementation of resettlement and/or compensation action for persons affected by the infrastructure of the project.

Under RAP the consultant will be required to identify affected people and the properties that will be affected. The African Development Bank guideline for Resettlement Action Plan says that if the affected people are more than 200 full RAP should be considered. On the other hand the guideline states that if the affected people are less than 200 people then Abbreviated RAP should be developed. Therefore, for this linear project the number of people affected per village is less than 200 people thus abbreviated RAP will be developed. IFAD does not have this consideration, IFAD consider low and high probability.

Specifically, results obtained from previous SIA study will be the basis of this Resettlement Action Framework preparation and will enable the GoT to design participatory RAP with



specific focus on social issues regarding regulations of Tanzania, African Development Bank policy/ IFAD requirements as well as shared vision of other stakeholders.

## **1.5 General overview**

The consultant had prepared this Resettlement Action Framework document covering the following subjects and among other things, performed the following tasks.

- Lays down agreed principles that are applicable to the resettlement and/or compensation exercise;
- Identifies, as far as possible, those people currently living within the proposed out-growers project areas
- Describes the legal and institutional framework for dealing with displacement;
- Sets out criteria which will be used to determine eligibility for resettlement, compensation and/or other assistances and what entitlements are due to different categories of DPs and for different categories of losses caused by the project implementation;
- Indicates how affected assets of individual DPs will be valued;
- Describes how resettlement and/or compensation entitlements will be delivered, including procedures, responsibilities and timing;
- Describes mechanisms for maximizing stakeholder's participation and for airing grievances;

## **1.6 Disclosure of the Resettlement Action Framework**

The RAF document shall be made available to the district, wards and the affected villages so that people will be able to make any comment or to ask any clarification before the implementation takes place. During this period members of the public shall be given the opportunity to respond on RAF, in writing or verbally, to the relevant authorities like, District Executive Director and Ward Executive Officer. Also the RAF report will be put on the IFAD website for public review. The received comments will be incorporated in the RAP report.

## **1.7 Principles governing the Resettlement Action Framework**

A list of basic principles which will govern the preparation and implementation of the resettlement and/or compensation exercise are:

- ✓ Displacement of people, property and livelihoods will be minimized as much as possible by employing technologies and locating projects infrastructure in such a manner so as to minimize the need to acquire land and property and therefore to cause as little disturbance and disruption as possible;
- ✓ All possible measures will be used to ensure that no people are harmed in any way by construction activities and projects outcomes;
- ✓ Resettlement and compensation planning and implementation activities will be undertaken and compensation of DPs and other relevant stakeholders will be continuously consulted throughout the process;

- DPs will be informed and their options and rights pertaining to displacement, compensation and resettlement and about grievances mechanisms available to them;
- ✓ Only DPs who meet eligibility criteria will be entitled to compensation and relocation measures;
- ✓ Lack of legal rights to land and assets occupied or used will not preclude a DP from entitlement to resettlement and compensation measures;
- ✓ Compensation, resettlement and rehabilitation measures will be as fair as possible to all parties concerned and should be minimize long-term liability of Ministry of Agriculture;
- ✓ Compensation, resettlement and rehabilitation entitlements will be provided in accordance with Tanzania law and procedures as a minimum but will include additional measures to meet AfDB and IFAD requirements, where appropriate;
- ✓ Where compensation, in cash is provided for loss of assets (including housing and other structures), for loss of access to assist or for damage caused to assist it will be provided on the basis of market value or replacement cost (whichever is the highest) and will include necessary additional costs incurred to achieve full restoration;
- ✓ Specific and additional assistance will be provided for particularly vulnerable people, i.e. widows, orphans, HIV/AIDS victims, elderly people and hand capped people; and pre-construction and construction work on each particular affected site will not commence until DPs have been satisfactorily compensated and/or relocated.
- ✓ All people willing to join the irrigation scheme will be treated equally to be able to benefit the benefits of the project.

## 1.8 Project Affected Person (PAP)

For this project the PAPs will lose

- a) Land,
- b) Permanent and temporary structures but are very few
- c) Immovable asset and/or
- d) Livelihood/ incomes.

PAPs will be identified through census survey that forms the bases for RAP. PAPs under this project can broadly be divided into the following categories. Those suffering loss of:

- Land /or assets used or planed for agriculture purposes
- Structures and/or assets used for residential purposes
- Income dependent on land

In addition the same or additional groups of people will lose land or structures being used as common property, infrastructure. This will be all people who own or use the affected land, including smallholder crop farmers and pastoralists. At a later phase, another category would include people who, during the construction of the infrastructure, suffer damage to their property. This could include damage cultivated fields and fruit trees. For this category of affected people the same compensation principles outlined in this RAF will apply.



## **1.9 Cut-off Dates**

Cut-off dates determine eligibility of persons and their assets. Usually it defines the actual date that the affected assets and infrastructure at a particular site were assessed and recorded. Assets like land, structures and others which will be created after the cut off dates, will be ineligible for compensation.

## Chapter Two

### 2.0 Legal Framework and policies

The relevant law, regulations, Policies Acts of Parliament, national and international standards are summarized below.

#### 2.1 Applicable Guidelines of the Government of Tanzania

Relevant national policies were briefly reviewed to provide guidance to the planning for the project. The Constitution of Tanzania defines the legal context in which all aspects of human development for Tanzanians, including land matters can operate. The Constitution is the dominant law of the land and defines land ownership in Tanzania by placing it under the custodianship of the President. Other matters follow from this main law. The project must be implemented in compliance with the law as well as policy requirements.

#### 2.2 The Land Act (1999) and the Land Regulations (2001)

##### (a) *The Village Land Act (1999)*

Compensation under Section 156 of the Land Act No. 4 of 1999 applies for non-governmental corporate body, institutions or group of persons. Section 156 of the Land Act 1999 requires compensation to be paid to any person for the use of land of which he / she is in lawful or actual occupation as a communal right of way and with respect to a way leave. These include:

- ◆ Any damage suffered in respect of trees, crops, and buildings as result of creation of way leave;
- ◆ Damage due to surveying or determining the route of that way leave, or corridor of impact.

It is the responsibility of the government department of Ministry, Local Government authority or corporate body that applied for right of way to pay compensation.

##### (b) *The Land Regulations (2001)*

The Land Regulation of 2001, made under the Land Act No.4 of 1999, is comprised of The Land (Compensation Claims) Regulation of 2001 and The Land (Assessment of Value for Compensation) Regulation of 2001

According to The Land (Compensation Claims) Regulation of 2001, the following are eligible for compensation / resettlement:

- ◆ Holder of right of occupancy (Section 22 of the Land Act of 1999);
- ◆ Holder of customary right of occupancy whose land has been declared a hazard land (Section 49 of the Land Act, 1999)

- ◆ Holder of customary land, whose land becomes granted to other person and is moved or relocated under Section 34 of the Land Act, 1999;
- ◆ Land obtained as a consequence of disposition by a holder of right of granted or customary right of occupancy but is refused a right of occupancy under section 54 of the Land Act, 1999;
- ◆ Urban or peri-urban land acquired by the President under Section 60 of the Land Act, 1999.

Sub-section 2 of Section 9 applies to all applications or claims for compensation against government or Local Government authority, public body or institution.

According to Section 10(1) compensation shall take the form of:

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

### *Relevance to the project*

The project proponent will be required to carry out compensation according to the prescribed procedures in the regulation.

(c) *The Land (Assessment of Value for Compensation) Regulation, 2001* applies to any application or claims for compensation by any person occupying land and shall include:

- ◆ The value of un-exhausted improvements on the occupied land;
- ◆ Grazing land

The regulation states ...” basis for assessment of the value of any land and un-exhausted improvement ---shall be the market value of such land”. The market value is arrived at by the use of comparative method proved by actual recent, sales of similar properties or by use of income approach or replacement cost method, in case the property is of special nature and not saleable.

According to the regulation an assessment of the value of land and un-exhausted improvements is done by Qualified Valuer and verified by the Chief Valuer of the Government or his / her representative.

The compensation issues include:

- ◆ Value of un-exhausted improvement;
- ◆ Disturbance allowance;
- ◆ Transport allowance;
- ◆ Accommodation allowance and
- ◆ Loss of profits.

### *Relevance to the project*

The Act will require:

- ◆ Selections of location of borrow pits, quarry sites and other irrigation infrastructure to avoid hazard lands.
- ◆ Prompt compensation to be paid for acquired land or damaged properties.
- ◆ Project to involve Qualified Valuation Officer and follow all procedures as outlined in The Land (Compensation Claims) Regulations (2001) and The Land (Assessment of Value for Compensation) Regulations (2001).

### **2.3 The Land Acquisition Act 1967**

Under the Land Acquisition Act, 1967, the President may, subject to the provisions of this Act, acquire any land for any estate or term where such land is required for any public purpose.

Land shall be deemed to be acquired for a public purpose where it is required, for example, for exclusive Government use, for general public use, for any Government scheme, for the development of agricultural land or for the provision of sites for industrial, agricultural or commercial development, social services, or housing or; where the President is satisfied that a corporation requires any land for the purposes of construction of any work which in his opinion would be of public utility or in the public interest or in the interest of the national economy, he/she may, with the approval, to be signified by resolution of the National Assembly and by order published in the Gazette, declare the purpose for which such land is required to be a public purpose and upon such order being made such purpose shall be deemed to be a public purpose; or in connection with the laying out of any new city, municipality, township or minor settlement or the extension or improvement of any existing city, municipality, township or minor settlement; etc.

Upon such acquisition of any Land, the President is compelled on behalf of the Government to pay in respect thereof, out of moneys provided for the purpose by Parliament, such compensation, as may be agreed upon or determined in accordance with the provisions of the Land Acquisition Act, 1967. The President may also revoke a right of occupancy if in his opinion it is in public interest to do so. Accordingly, the land for which a right of occupancy has been revoked reverts to the Government for re-allocation pursuant to the existing need (s). It should also be noted here that, though the land belong to the government some amendments on the land act have taken place. Land has value to the owner; therefore, any land taken from the user has to be compensated. Based on this act the villagers affected by the project are claiming that they should be compensated for the lost farms and land used for residential purposes

## **2.4 The Land (Assessment of the Value of Land for Compensation) Regulations, 2001**

These regulations provide criteria for the assessment of compensation on land as per market value for real property. Disturbance allowance is calculated as a percentage of market value of the acquired assets over twelve months; and transport allowance calculated at the cost of 12 tons hauled over a distance not exceeding 20 km. The other criteria includes loss of profit on accommodation based on business audited accounts and accommodation allowance equivalent to the rent of the acquired property per month over a 36 month period.

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

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

Consultant proposes grievances mechanisms and procedures that should be used for third-party settlement of disputes that may arise from resettlement. The proposed procedures are affordable and accessible for the affected people, and are based on existing judicial recourses and traditional mechanisms for dispute settlement.

## **2.5 Land Acquisition and Compensation in Tanzania**

Land acquisition in Tanzania is governed by Act No. 47, the Land Acquisition Act of 1967. A provision related to land acquisition in the Town and Country Planning Ordinance Cap 378 is subservient to the provision in Act No. 47. The new Land Act of 1999 has not amended any of the land acquisition provisions in Act No. 47.

Act No. 47 is the main law used in Tanzania and is the 'mother Act' when it comes to land acquisition. However, the new Land Act, part II, elaborates the provision on assessment. Section 3 (1) paragraph "g" of the Land Act No. 4 of 1999 which provides: "To pay full, fair prompt compensation to any person whose right of occupancy or recognized long standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the state

under this Act or is acquired under the Land Acquisition Act.” Also, the Land Act 1999 deals with mainly land tenure and land rights. It also addresses issues of compulsory acquisition, mortgages and regularization of unplanned areas.

Article 24 (1): states that, subject to provisions of the relevant laws of the land, every person is entitled to own property, and has a right to the protection of his property held in accordance with law. Moreover, Article 24 (2): provides that, It shall be unlawful for any person to be deprived of property for the purposes of nationalization or any other purposes without the authority of law which makes provision for fair and adequate compensation.

## **2.6 The AfDB on Involuntary resettlement Safeguard Policy**

The AfDB on Involuntary resettlement acknowledges that development projects that displace people generally give rise to economic, social and environmental problems. The Bank guidelines prescribe measures to minimize the negative impacts and ensure that the displaced community benefits from the project. Therefore the policy requires that displaced people should be:

- ◆ Compensated for their losses at full replacement costs prior to the actual move;
- ◆ Assisted with the move and supported during the transition period in the resettlement site;
- ◆ Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least restore them;
- ◆ Integrated socially and economically in the host communities so that adverse impacts in the host communities are minimized. The best way of achieving this integration is for resettlement to be planned through consultation involving affected people.

In addition, land, housing, infrastructure and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities, and pastoral people who may have usufruct or customary rights to the land and other resources taken for the project. The absence of legal title to land by such groups should not be a bar to compensation.

The existing policies, land laws and regulations regarding land acquisition and compensation in Tanzania are not always consistent with the AfDB Involuntary Resettlement Policy Guidelines. Therefore, compensation issues could still be handled within the existing regulations but measures should be taken on board to oversee that contradictions with the AfDB Policy requirements are minimized.

### ***Relevance to the project:***

Compensation for damaged properties may be an issue in some areas `during actual implementation of this project. In that case the project management will be required to adhere to the policy guidelines, especially considering that this project is being financed by the AfDB.

## **2.7 IFAD Safeguard Policies**

- IFAD stands for an International Fund for Agricultural Development, and it has established its Social, Environmental and Climate Assessment Procedures with an exciting statement that “managing risks to create opportunities.

- IFAD as a development institution is committed to advancing sustainable development through its Environmental and Social Assessment Procedures, which were reviewed in 2009 in order to meet IFAD’s current operations by incorporating lessons learned, addressing policies and other initiatives, observing similarities with other multilateral financial institutions, etc.
- The procedures established guiding principles and defined a course of action to assess environmental and social risks in projects. The said procedures and standards apply to the implementation of programmes and projects by borrowers / recipients and project parties in accordance with Section 7.01(a) (v) of the general Conditions for Agricultural Development Financing.
- Observance of the IFAD safeguard policies is directly applicable and relevant to the Bagamoyo Sugar Infrastructure and Sustainable Community (BASIC) Programme, which falls under Category A given its implications in terms of environmental, social and other construction components, like water dams, risks to other living creatures / species downstream, etc. Category A projects are those with potentially significant diverse, irreversible or unprecedented adverse environmental or social risks and/or impacts. In addition, such projects (i) are sensitive, irreversible or unprecedented; (ii) affect an area broader than the sites or facilities subject to physical interventions; and (iii) are not readily remedied by preventive actions or mitigation measures.
- In a table below, is a summary of key measures and changes introduced in the procedures of the IFAD.

**Table :2.1. : Key measures and changes in IFAD’s Social, Environmental and Climate Assessment Procedures**

<b>Key measures</b>	<b>Key changes in Social, Environmental, and Climate Assessment Procedures (SECAP)</b>
Enhanced systematic integration of social, environmental and climate change considerations.	<ul style="list-style-type: none"> <li>• Detailed and clear description of the steps, entry points and responsibilities in the project cycle to improve quality and impact of IFAD-funded projects and programmes.</li> <li>• Focus on adaptation opportunities for climate-resilient</li> <li>• Use of preparatory studies for country strategic opportunities programmes, when necessary.</li> <li>• Screening for climate risks in projects at early stage of design.</li> </ul>

	<ul style="list-style-type: none"> <li>• Reference to key adaptation knowledge products</li> </ul>
<p>Re-emphasis on commitment to principles of transparency and accountability, and support for resolution of complaints for alleged non-compliance with IFAD social and environmental policies and standards</p>	<ul style="list-style-type: none"> <li>• Disclosure of draft environmental and social impact assessments and other relevant documents (draft resettlement plans, draft mitigation plans and frameworks, documentation of the indigenous peoples' consultation process) at quality assurance stage.</li> <li>• IFAD Complaints Procedure to respond to alleged non-compliance with its social and environmental policies and mandatory aspects of SECAP.</li> <li>• Clear guidance for consultation with communities and stakeholders who are likely to be affected by IFAD-funded operations and compliance with the principle of free prior and informed consent whenever relevant.</li> </ul>
<p>Emphasis on a precautionary approach to resettlement, physical and cultural resources, chance finds/ safety of small dams and subprojects</p>	<ul style="list-style-type: none"> <li>• Clarified definition of physical and economic resettlement and new screening guidance</li> <li>• New screening guidance for physical and cultural resources</li> <li>• New screening guidance to ensure the safety of small dams</li> <li>• New screening guidance for risks associated with subprojects by financial service providers</li> </ul>
<p>Strengthening of social, environmental and climate risk classification of projects and the steps needed.</p>	<ul style="list-style-type: none"> <li>• Indicative list under each category revised –criteria for classifying projects with potential for physical and economic resettlement and physical and cultural resources issues added.</li> <li>• Eight steps in the SECAP assessment clarified.</li> <li>• A new climate risk classification of “high”, “moderate” and “low” in projects’ environmental and social screening exercise.</li> </ul>

#### Guiding Values and Principles for SECAP

- **Values and principles in many of IFAD's policies and strategies are relevant to these procedures, for example:**



**A. Address the vulnerability and adaptation priorities of rural people.** Examine the cause-effect relationship between rural poverty, environmental degradation, and climate change. Ensure the efficient use of natural resources, subject to their regenerative capacity. Promote approaches to (re)build social cohesion and good governance of natural resources. Respect and make use of endogenous knowledge & gender-sensitive technologies drawing especially on the unique knowledge of women and Indigenous Peoples. [ENRM Policy and Climate Change Strategy]

**B. Promote the sustainable use of natural resources and protection of key ecosystems in an integrated manner.** Ensure that IFAD operations do not lead to natural or cultural resource degradation, including clearing of tropical forests, unsustainable use of natural resources, the threat/loss of biodiversity or threats to resources of historical, religious or cultural significance. This applies especially to agricultural intensification activities and value chain development. [ENRM Policy]

**C. Incorporate externalities and minimize social costs.** Avoid or mitigate any potential diseconomies imposed by an IFAD-financed operation on the environment external to the project boundaries. Where possible, address the affected areas through joint projects (which may constitute an entire command area or watershed) and partnerships to minimize social, economic and environmental costs in the affected area and, where possible, to incorporate the externalities. [ENRM Policy]

**D. Implement participatory approaches, with special emphasis on the participation of and benefits to women and youth.** Strengthen local institutions including user groups, essential for promoting environmental sustainability and social cohesion. Promote appropriate incentive systems at all levels and maximize the opportunities for local grassroots organizations and clients, with special emphasis on equal participation of women and youth in project/programme design and implementation, as well as in cost recovery and delivery systems. [Gender and Targeting Policy]

**E. Promote the development of Indigenous Peoples and other marginalized groups.** Enhance their livelihoods: secure ownership/access to ancestral land and territories; strengthen their institutions; promote free, prior and informed consent; and value indigenous knowledge systems. Apply the principles and procedures in the IFAD Engagement with Indigenous Peoples Policy. [Indigenous People's Policy]

**F. Avoid involuntary resettlement wherever possible.** While working on 'doing good', IFAD will adhere to a 'do no harm' principle at all times, so as to minimize physical and potential economic impacts. Explore viable alternative project designs to address risks, restore livelihoods to improve the standards of living of affected persons. The approach and level of measures taken will be proportional to the range of IFAD's operations. [Land Policy]

**G. Promote sound agricultural and manufacturing processes.** These include traditional, indigenous, and climate-smart technologies, integrated pest management, and use of biological control. When the use of agrochemicals is necessary, ensure (through enhanced environmental awareness, farmer training, improved field extension services, etc.) that their application, storage, and disposal

is in line with international standards. Encourage clients to promote safe and healthy working conditions, [ENRM Policy].

**H. Promote SECAP compliance monitoring.** Focus on projects identified as ‘at risk’ or in ‘sensitive areas’ to ensure continued diligence in pursuing the project’s development objectives. [ENRM Policy]

**I. Ensure stakeholder consultation, transparency and accountability in programme/project operations.** Engage the full range of stakeholders in formulation, implementation and monitoring of programmes/projects. Maintain transparency and accountability by disclosing draft environmental and social assessments and other relevant documents (at Quality Assurance stage) to stakeholders and by responding to their concerns/complaints in a timely manner. [Disclosure Policy]

## **2.8 Measures to harmonize AfDB /IFAD Policies with GoT policies and laws**

Based on review of current Tanzanian legislation (Sections 3.1 through 3.5) and criteria adopted in the Resettlement Action Framework, some gaps with regard to AfDB Involuntary Resettlement Policy requirements have been identified. The main ones are described below

### **(a) Land indemnification**

Under Tanzanian law, all land belongs to the government and will be compensated only in cases where its occupation has been officially granted in some way. Thus, properties that are irregularly occupied will only be compensated for affected structures (immovable assets) at replacement cost. In cases where the affected family or business needs to be relocated, lack of indemnification for land at market value may mean that an equivalent alternative may not be purchased with the amount of compensation to be received. Whereas AfDB and IFAD does not require compensation for illegal land, it does require that affected people be left in a condition which is at least equivalent if not better than the original situation

### **(b) Compensation for loss of profit on businesses**

Under Tanzanian law only an owner occupying business premises will be compensated for loss of profit. This compensation is in fact quite generous, and allows for 36 months of net profit compensation, based on verification of audited accounting records. Where these records do not exist, a fixed assumption on the value of profit can be adopted.

However, where the business premises were rented, the laws of Tanzania do not provide for compensation for loss of profit in the case of displacement thereof, it only provides compensation to the land owners. Under the principles of AfDB Involuntary Resettlement Policy and IFAD’, loss of means of livelihood should be compensated separately from loss of property.

**(c) Loss of rental income**

There is no provision in Tanzanian law for compensation of owners for lost rental income. As stated previously, rental income constitutes the means of livelihood of the affected parties, and should be compensated additionally to property compensation.

**(d) Meaningful Consultations with PAPs**

The AfDB requires the affected people to be consulted and informed about their entitlement and eligibility, while IFAD requires FPIC and the Tanzanian regulation requires limited consultation.

**(e) Non-formal property rights**

The AfDB and IFAD include affected parties with Non-formal property rights, while Tanzanian policy PAPs without formal property rights are not considered for compensation.

**(f) Timing of payments**

The AfDB involuntary resettlement and IFAD requires payment before loss of Assets, while the Tanzanian legislation does not have this requirement.

**(g) Relocation and resettlement**

The AfDB involuntary resettlement and IFAD requires additional assistance with resettlement (such as establishment of new sites etc) while this is not a requirement in Tanzanian legislation

**(h) Livelihood restoration**

The AfDB Involuntary Resettlement Policy and IFAD requires that livelihoods are improved or at least restored, while the Tanzanian legislation contains no requirements for livelihood restoration.

**(i)Grievance mechanisms**

The AfDB Involuntary Resettlement Policy and IFAD requires that a grievance mechanism is established as early as possible in the project development phase, while the Tanzanian Government does not require the same

Table 2.2: comparison between AfDB /IFAD and Tanzanian regulation

AfDB Involuntary Resettlement Policy	IFAD resettlement requirements	Tanzanian law
Meaningful Consultations with PAPs (inform them on entitlements and eligibility)	IFAD requires that the principles of FPIC to be applied.	This is not a requirement
Requires livelihood restoration	Avoid involuntary resettlement wherever possible.	No requirements for livelihood restoration

Requires additional assistance with resettlement	Similar to AfDB	This is not a requirement
Requires payment before loss of Assets	It requires compensation to take place before removal of affected properties	This is not a requirement
Affected parties with Non-formal property rights,	All affected people should be compensated regardless of their status to properties ( Similar to AfDB	Non formal parties without legal rights are not entitled
The policy consider those who lose income	Whoever affected physically and economically need to be compensated	There is no provision in Tanzanian law for compensation of owners for lost rental income.
Those who are not owners but have been using the structure or premises for livelihood need to be compensated	Similar to AfDB	Under Tanzanian law only an owner occupying business premises will be compensated for loss of profit.

## Chapter Three

### 3.0 Study Approach and Methodology

#### 3.1 Study Approach

The need for preparation of Resettlement Action Framework (RAF) for proposed Irrigation scheme for sugar cane project and requirement of principles layout for reallocation, is expected that it shall enhance and maintain the standard of life of the people living in the project area. The information from the study area will be taken from various sources at national, regional, districts, Eco-Energy, community/villages and at household levels.

Triangulation of various data collection techniques will be necessary in order to elicit the information from the above sources. These methods will include review of secondary data, in-depth interviews with key informers, household structured questionnaires and focus group discussions with affected people. The groups involved in the study will be women, youths, business operators, Non-Governmental Organizations representatives, village social services committees, livestock keepers and farmers.

#### 3.2 Information Sources

Study survey will start with exploration of project background and implementation procedures, socio-economic characteristics of **Mwavi**, Kiwangwa and Bago, Gama/Kitame and Matipwili communities. Key informants will be consulted involving former local leaders, policy makers, traditional leaders and elderly persons who are familiar with historical background of the area before the existing settlement. The socio economic survey to be carried out will built up to the socio economic survey already carried out by Dr Namangaya. Generally, the surveys will be undertaken in various levels.

*At household level* the survey will explore the expected loss caused by project implementation by assessing the affected properties, extent of impact at household level and possible way through. During RAP preparation stage with the help of a structured questionnaire, the information on number and categories of properties owned, size of properties, materials of construction, uses/purposes of the structures and permanent crops affected will be recorded.

*At community/village levels* the study will explore information on existence of affected public properties, perceived impact to the community and possible options to be adopted in attempt to mitigate the problems. Specifically the team will view all public properties in the area occupied by infrastructure and discussion with Village and sub-village leaders and village social services committees to suggest measures to be adopted in order to retain the properties in their village and costs of mitigations will be discussed in details at this level.

*At regional and district levels* the study will explore information that associates with local government reforms, relevant legislations, sector policies related to the project implementation and the level of price (value) of affected properties in the project implementation area.

*At National level* the documentary review will be applied for the purpose of understanding legal issues and rights of the affected people in the country in relation to the circumstances of land, properties and determination of infrastructure alignment for project implementations.

The AfDB and IFAD safeguard and involuntary resettlement policies will be also reviewed in order to make sure that the Resettlement Action Framework prepared for this project does not conflict with the good international practice.

### **3.3 Methodology, Nature of Data to be collected and Techniques involved**

Both qualitative and quantitative methods will be adopted during preparation of these documents so as to present clearly and in a specific manner the required information. Considering the significance of assessing views from people as well as computing the number and qualities of the properties in the affected area, the following techniques will be used:

- **Focus Group Discussions (FGDs):** The groups selected for the study will be women, youths, business, farmers, livestock keepers and village social service committees.
- **Review of Secondary Data:** Specifically the technique will be useful in obtaining information from published documents, from the project designed documents, legal issues as well as from social economic aspects of the people.
- **Direct Observation:** Some facts will be observed direct from the study area e.g. profile of the area, public properties and assets, materials of construction, standard of living, quality and type of permanent crops affected, quality of built structures etc. The information obtained from this technique will assist the team to set up a starting point during one-to-one interviews with key informers and FGDs for further verifications.
- **In-depth Interviews:** This will be useful in verification of the already collected data obtained through other techniques like secondary data, observations and even from key reporters.
- **Public consultations:** These will be held at all levels of authorities for the purpose of exploration of public concerns, perceptions and opinions. At village levels the consultations will aim at introducing the project and resettlement and/or compensation principles that will be applied and observe and study feedback from the communities.
- **Census survey: This will be done during RAP preparation.** The consultant will carry out a census of the affected people. To comply with the Tanzanian laws and regulations and good international practice requirements regarding resettlement plans, the consultant will consult the potentially affected communities during the census. The census will provide details of current occupiers of properties, types of affected properties and characteristics of affected people.

### **3.4 Data analysis and Reporting**

Raw data will be compiled and interpreted through the assistance of the study team. Primary data collected during household surveys will be analyzed using the SPSS programme to get descriptive statistics. The results will be conveyed in a form of numbers for quantitative presentations. On the other hand the qualitative data mainly obtained through review of

secondary data and interviews will be compiled together and tabulated to make a simple presentation suitable for reporting.

## **Chapter Four**

### **4.0 Impacts On the Affected People**

#### **4.1 Identification of the project potential impacts**

Consultant has identified project components that may cause displacement of population. The term “displaced population” refers to persons who will be affected in any of the following ways:

- Loss of their house or shelter;
- Loss of their productive assets;
- Loss of their income sources or means of livelihood
- Loss of access to resources and social services

It is expected that for irrigation scheme to take place in the out growers area, several infrastructures are needed to be in place. The infrastructures required to be constructed include dykes to protect the farms from flooding, access road for the farmers to access their farms, electricity,) Bridge at Wami river and storage tanks. All these infrastructures will cause displacement. At the moment the specific area where these infrastructure will be allocated is at the stage of conceptual design, the exactly location will be identified later. Therefore, it is not easy to tell who will be affected or who will not. However, measures will be taken in the design to avoid structure as much as possible as well as permanent crops and social services in order to minimize impacts on the affected people and reduce displacement of population.

RAF report has been prepared in accordance with the standards and procedures of the GoT policy and legislation relevant to involuntary resettlement, compensation as well as in accordance with the policies and guidelines of the AfDB and IFAD resettlement guidelines. The consultant has realized that the AfDB and IFAD guidelines are similar. AfDB require meaningful consultation while IFAD require free, prior and informed consent FPIC. The RAF, although presented as a separate document, should be considered as an integral component of the ESIA and environmental management plan prepared for Ministry of Agriculture by the consultant.

Since RAF preparation cannot ignore the relevance of the AfDB’s and IFAD’s safeguard policies, the consultant hopes that the project will avoid as much as possible the properties to be affected by avoiding structure and permanent crops at particular phase of project implementation.

## **4.2 Loss of shelter**

Most of the structures in the project area are made of low quality materials and the structures are few. Therefore the cost will be small.

## **4.3 Loss of productive assets**

It is recommended that the design Engineer should try as much as possible to avoid the most productive assets from being negatively affected. This is so as to minimize its impacts on population in the impacted villages. Resources that can be avoided include various trees such as fruits trees and timber and house structures.

## **4.4 Loss of access to social services**

Similar to accessibility to productive sources, all avoidable social services should be avoided during planning of the infrastructure to minimizing the impact on the social services. This will allow utilization of the existing resources by the community and the affected PAPs. It is obvious that if unnecessary compensation is avoided it will reduce the costs of the project and reduce disturbance to potential PAPs. It is suggested that any impacted social services should be replaced; this is aimed at reducing the impacts on the service users.

## **4.5 Impacted Graveyards**

The design will try as much as possible to avoid graves, where is not possible to avoid the graves, Tanzanian graveyard Act will apply.

## **4.6 Loss of farm land and grazing land**

This is an agricultural project, aiming at improving people's standard of living through agriculture. It should also be remembered that most people affected by the project depend on farming to support their livelihood. Therefore loss of land is like losing their means of livelihood. Therefore, it is recommended that alternative land for agriculture for affected people should be provided or compensated to facilitate them to purchase alternative land for agriculture i.e. land-to-land compensation.

Alternative grazing land will be provided by village governments on the back of VLUPs. This might even be done in non-out grower villages as part of inter-village land use planning.



## Chapter Five

### 5.0 Public Consultations

#### 5.1 Consultations/Community Participation and communities Concerns

During ESIA preparation, the consultant held consultations with Kiwangwa, Mwavi Bago and Matipwili communities. The consultation examined among other things:

- Acceptable alternatives for relocation and compensation
- Conditions under which the resettlement will be socially adequate
- Measures required to guarantee that the affected people will enhance or at least restore their livelihoods and living standards
- Preferences regarding forms of compensation and resettlement assistance whether in kind or cash
- Measures to mitigate impacts of resettlement and arrangements for addressing conflicts that might occur.
- Institutional and organizational arrangements with purpose of preparing liaison with project management. This will assist the displaced people to present their concerns to project authorities and obtain information on how they can participate in planning, implementation and monitoring of the RAP program.
- Payment arrangements

At the commencement of the project, consultation with the affected communities aiming at exploring their views and incorporating them into the report while formulating and finalizing of the resettlement plan will be made. Overall the main purposes of the participation and consultation process will be:

- Provide complete and timely information to PAPs about resettlement stages and related activities
- Obtain the cooperation and participation of PAPs and other stakeholders in resettlement planning and implementation
- Understanding needs and priorities of PAPs regarding compensation, relocation and other activities to be undertaken.
- Obtaining reactions of PAPs and other stakeholders on regular basis especially on the effectiveness of policies and implementation process.
- Reduce potential for conflicts, as well as risks of project delays through grievance mechanism
- Enable the project to design resettlement and rehabilitation program in a manner to fit needs and priorities of PAPs.

During ESIA consultations with affected communities the following views were expressed:

- Compensation was a major issue raised. Communities wanted affected persons by the infrastructure get their immediate rights, be compensated or get alternative land for agriculture.

Consultant described the strategies for consultation and participation of affected people during preparation and implementation of the resettlement activities. Similar to the results obtained during SIA survey, the consultation results show that people are worried about the spread of HIV/AIDS during the project period and thereafter. Other major effects mentioned are loss of land. Majority of the community members appreciate that the affected people will also benefit from the project as farmers in the irrigated scheme. The community had a feeling that the village government should look for an alternative land to accommodate the PAPs. Another raised issue that relates to land is for livestock keepers' land for grazing and easy access to the river with their animals. The design needs to keep eyes on this in order to avoid conflicts between livestock keepers vis a vis sugarcane growers. However, from the discussion with the villagers it was observed that Kiwangwa, Mwavi and Bago villages do not have adequate land to provide to the needy as most of the land has been sold out. The views expressed by the people have been considered and mitigations will be proposed for the purpose of considerations in the design of the RAP.

More information on PAPs views will be collected during RAP preparation, this will include PAPs acceptance on alternative relocation and payment mode. For this kind of project we are not expecting to have host community or resettlement sites. We expect that all the 'PAPs' will be accommodated in their original villages and will be also beneficiaries of the project as out-growers.

During the RAP implementation the proponent will adopt a more systematic public consultation process. This implies participation of not only PAPs, but also community leaders, NGOs/FBOs, other community/religious organizations. Also, special efforts must be made to include all vulnerable groups in the consultation process. During census survey initial consultations will be held with the PAPs and other stakeholders. Further consultations will be undertaken to ensure that information on the overall resettlement plan, implementation schedule, eligibility and entitlements are properly understood and accepted by the affected communities.

A third consultation will be done with affected people to clear out some outstanding doubts and confirm on their preference on the type of compensation. Two options of compensation type will be available to the affected people i.e. cash or in-kind. All PAPs who will lose land, the compensation will be paid in kind by providing them with a similar size of land with equivalent quality of the previous lost land. Regarding the compensation of the impacted structures and permanent crops the compensation will be done by paying cash at the replacement cost.

## **5.2 Integration with Host Population**

For this project we do not expect to have host population rather it is expected that all the PAPs will be beneficiaries of irrigation scheme / project and will be accommodates in their original villages.

Matipwili village reported not to have shortage of land, while Kiwangwa's case on availability of land is uncertain as the village government has not confirmed on the availability of land to allocate to needy people. However, the discussion with the villagers show that in the out growers scheme, land is owned by individuals and not the village government. This information was confirmed by the expert who is dealing with Village Land Use Plan in those four villages of Mwavi, Kiwangwa and Matipwili. Since the majority decided to relocate within the vicinities, the PAPs will not require host communities to accommodate them. PAP will simply be observed within their original villages.

## Chapter Six

### 6.0 Entitlement Framework

Resettlement Action Framework has proposed entitlement matrix that shows a clear view of each different categories of:

- Impacts of the project
- Affected populations/entities
- Compensation measures
- Complementary measures

Complementary measures include those aimed to the vulnerable groups. Where a project is likely to have adverse impacts on households or individual belonging to vulnerable groups, the abbreviated resettlement plan have specified measures additional to the compensation measures.

### 6.1 Non-resident property Owners

Compensation for loss of land/ structure/ assets will be made to owner/ owners of the land/ structure/ assets. Non-resident owners of structures / land, who do not live in the village and have not been covered under the census survey, will have to come forward to claim their compensations. Their claim will be individually verified before disbursement of entitlements.

### 6.2 Family Unit

Family unit, in the project context, would be household members living in one house and sharing a kitchen. All cash payments to each family unit shall be made in a joint account (of the husband and the wife). Every family member above the age of 18 years (i.e., adult sons, unmarried / widowed / separated / abandoned daughters) will be considered for specific rehabilitation assistance as per eligibility set out in the entitlement matrix.

### 6.3 Vulnerable Families

Impacts of resettlement process on PAPs, who are already vulnerable, are likely to be more severe. The following criteria were applied to define the vulnerable groups:

- Families with income below the poverty line (define), families with mentally or physically challenged members,
- elderly (above the age of 60),
- Widows with limited resources to support children
- Women headed households and
- People suffering from HIV/AIDS have been identified as vulnerable and are eligible for special assistance.

## **6.4 Transition / Disturbance allowances**

It is defined as assistance to tide over transition phase during change from pre-project situation to new circumstances caused by resettlement. It will be in form of a lump-sum amount and will differ for specific categories of PAPs, such as land owners, etc to closely match specific costs of disturbances suffered by individual categories. The government specifies that all the affected people are entitled to receive disturbance allowances. The amount to be paid is also specified by the government evaluation department.

## **6.5 Land Purchase**

PAPs having formal or customary right over land willing to purchase land will be compensated to purchase alternative land. Land for purchase is available in the villages but prices are very high and it range from village to village and locations.

## **6.6 Skill upgrading and income restoration assistance**

Therefore rehabilitation assistance will be included in the programme, only if during the census, it will be found out that there are PAPs who require rehabilitation and restoration of income as these PAPs income need to be restored.

## **6.7 Land Currently Being Used or Occupied: Agricultural/Residential**

From the survey and consultations with the PAPs it was learnt that it should be possible to find alternative land close to the affected land that has to be relinquished and, in most cases, this can be added on to the PAPs remaining land holding. Because the distances involved will be very small, impacts normally associated with relocation (such as breaking of community ties and impact on access to infrastructure and amenities) can be prevented.

Whenever possible, affected families should be given sufficient time to harvest their present crops and should not be forced to abandon them. Efforts will be to ensure that no standing crops are abandoned or destroyed. However, wherever any damage to standing crops is inevitable it will be eligible to compensation. The loss of existing fruit trees or trees of any economic value will be compensated calculated under GoT procedures and international good practice.

## **6.8 Privately Owned Infrastructure**

All affected structures will be valued and compensated in monetary form equal to cost of building a new structure. PAPs will have the option of reconstructing their new structures on alternative land either in the vicinity or away from the site as per individual preferences. PAPs may also use this as an opportunity to modernize or expand their new structures.

## **6.9 Annual Crops**

These crops include maize, beans, millet and peas. These crops are not permanent; the Tanzanian laws do not provide for compensation of such crops. However, the owners of the crops should be allowed to harvest their produce before the implementation of the project.

## **6.10 Vegetable garden**

Existing vegetable gardens will also be treated as annual crops meaning that garden owners will be allowed to harvest their vegetables before the infrastructure are constructed. Since these vegetables are temporary, the owner is not eligible for compensation and will be allowed to garden and benefit from the project.

## **6.11 Income/Business Opportunities**

During the actual relocation process there might be some few business structures required to relocate over very short distances. Such disruption may be minimized if not eliminated if owners are allowed to build replacement structure before abandoning the current ones. In case of businesses and commercial structures that may suffer temporary loss of income in the relocation process, they will be compensated through payment of disturbance allowance for the period required for re-establishment of such businesses.

Study findings did not identify any person who will suffer permanent loss of income as to be eligible for monetary compensation, skills enhancement or income restoration program. However, the consultant feels that all PAPs should be supported by the Bagamoyo district (Community development department) to enhance their capacity in developing their skills in entrepreneurship.

## **6.12 Other Measures**

Distances over which people will be expected to move are likely to be very small, often takes few meters. It should not therefore, be necessary to provide displaced family and business units with transport to move people and livestock. However, the affected people will be compensated in monetary form as no transport will be provided by project management to move people from their original locations. Many of the Displaced People including family members may still be living in the project area and be in a position to obtain temporary jobs with Construction Company or even a permanent job. This will provide them with additional income and assist in improvement of livelihoods.

## **6.13 Damage Caused during infrastructure construction Work**

Construction activities may also cause some additional temporary or permanent damage to land and assets that cannot be identified or quantified during RAP preparation. An example might be construction workers destroy crops or vegetables while accessing particular construction sites. Thus, wherever possible, the construction team/contractor will repair the damage to the satisfaction of the affected person. Affected persons with a claim should be required to complete a compensation claim form and submit it to the construction team/contractor. The construction team/contractor will then negotiate the required compensation measures, which may include repairing the damage or payment of compensation in cash or kind. Payment of compensation should be effected within one month of submission of the claim form.

## **6.14 Compensation for exotic and fruit trees**

Large fruit trees, such as avocados and mangoes are important as a source of:

- Subsistence food for families
- Petty market income in some areas, and
- Shade

Critical subsistence trees (predominantly mango) will be compensated on a combined replacement market/subsistence value (value of such trees are already defined by the Government) given their significance to the local subsistence economy. If households are resettled, they will be compensated for the commercial/food value of the trees they leave behind. It important to note that valuation division in the Ministry of Lands and Human Settlements Development sets crop compensation rates. These rates are reviewed annually.

### **6.15 Cemeteries**

Removal of graves is a highly emotive issue. In many instances people will point to graves as shrines used in the worship of ancestors. Disturbance and angering of the ancestors will be seen to result in bad luck and misfortune, for example drought will frequently be blamed upon the anger of the ancestor. As such the issue or disturbance of graves has to be approached with the utmost sensitivity and all due regard to custom.

Graveyard Removal Act of 1968 refers directly to grave removal. As a general principle, however, the exhumation and re-burial of individual graves is subjected to compensation and valuations are conducted as per GoT principles. During the field it was observe that at Kiwangwa there is graveyard which requires to be protection not to be removed.

### **6.16 Social Impacts of Resettlement**

PAPs are part of the individual local communities in which they currently live or operate. Since majority of them opt to relocate them within their places they will continue to remain within their respective communities and therefore it is anticipated that social impacts associated with the relocation exercise like breaking social bonds and social relations will be kept at minimal level. It is not foreseen that there will be any major issues related to integration into host population.

### **6.17 Participation and Consultation**

Finalization of the entitlement packages and the rehabilitation measures shall be done in a participatory manner, with active involvement of the affected communities and local institutions. The principle of free, prior and informed consent will be followed. Regular consultations shall be held with the local community at the time of implementation of the resettlement plan. The implementation process shall be monitored and evaluated by independent agencies and a grievance mechanism be established to identify problems and take appropriate corrective actions.

Table: 6.1 Entitlement Matrix

Land and Assets	Types of Impact	PAP	Compensation
Agricultural Land	Less than 20% of land holding affected	Land Owner	Cash compensation for affected land equivalent to replacement value
	Land remains economically viable.	Land Owner Tenant/ lease holder	Cash compensation for affected land equivalent to replacement value Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater
Agricultural Land	More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable	Land Owner	Land for land replacement where feasible, or compensation in cash for the entire Land holding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature ) Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature).
		Tenant / lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature.
		Non-title-holder (e.g, Pastoralists)	Grazing area replacement to land of sufficient carrying capacity to sustain herd size, with support infrastructure. Secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.
Residential Land	Land used for residence partially affected, limited loss	Title holder and customary land owners	Cash compensation or in kind for <b>affected land</b>



Land and Assets	Types of Impact	PAP	Compensation
Remaining land viable for present use		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal). Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance).
Residential Land	Land and assets used for residence severely affected. Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental /leaseholder	Refund of any lease/ rental fees paid for time/ use after date of removal. Cash compensation equivalent to 3 months of lease/ rental fee. Assistance in rental/ lease of alternative land/ property. Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets. Cash assistance to cover costs of restoration of the remaining structure
Buildings and Structures	Remaining structures viable for continued use	Rental /Lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs.
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance).
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). Assistance to help find alternative rental arrangements. Rehabilitation assistance if required (assistance with job placement, skills training).
		Squatter/informal dweller	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job

Land and Assets	Types of Impact	PAP	Compensation
			placement, skills training).
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting). Assistance to obtain alternative site to re- establish the business.
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
Trees	Trees lost	The trees owners	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition Temporary Acquisition	Business person is lease holder	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed) Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the period effected and any longer terms effects as a result of limited ability to replant etc. Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).

## Chapter Seven

### 7.0 Compensation Matrix and Valuation

Resettlement Action Framework for RAP will adopt the Earnings Approach in assessing market value for compensation purposes. Such approach is in compliance with the Regulations made under S179, the Land (assessment of value of land for compensation) Regulations, 2001. In applying Earnings Approach, an estimated production capacity of an averaged tended crop that is normally found in the area is taken. Adjustments will be made to arrive at values that we considered to be fair market value.

Regarding the affected buildings, a direct comparison method will be applied to arrive at the market values of the different houses. The resultant income will be compared with results of a replacement cost and found to be fairly comparable.

Basic principle governing compensation is that of none of the affected people should be left better off. The element of compulsory acquisition of land is well treated in most legislation worldwide including Tanzania, emphasizing the right to receive a fair compensation to those who occupy land that is subject to acquisition by the state for declared objectives.

During RAP preparation the Consultant will plan out the methodology for evaluation of all the losses and determine their replacement cost. The description of the compensations and other resettlement measures to assist each category of eligible persons is also given. The measures are compatible with the cultural preferences of the affected persons. These measures will be identified through consulting PAPs. The consultant will describe the types and levels of compensation for each type of losses. Matrixes will be used by the team in charge of the implementation of the resettlement plan, and all of them must be user friendly in order to give clear and full answers to the following questions:

- Which type of compensation for a given loss?
- What rate for that specific compensation?

Based on the results of the census, the evaluation of all the expected losses total or partial, permanent or temporary- and of their replacement cost will be calculated.

### 7.3 Assessment of Compensation

#### 7.3.1. Field Surveys and procedure

- In carrying out field surveys the Valuer will at all times be accompanied by a local leader who identifies the landowner, confirms the boundaries shown by the owner and certifies on the field sheets of the cost of property. In brief, the following will be done:
- Identification of assets affected by the project and their respective owners
- Assigning reference number to each of the identified case and a pink card
- Taking notes of the identified properties (buildings) and other assets on a pre-prepared inspection sheet
- Taking measurements of the land and inspection of the buildings with help of the land surveying team.

- Ensuring that all entries on the inspection sheets are counter checked, signed and officially stamped by the local leaders and the property owners in the respective location.

## **7.4 Computation of Various Allowances**

### **7.4.1 Disturbance Allowance**

Disturbance allowance is payable as a percentage of real property value in compliance to the provisions of Act No. 4 of 1999. The percentage is the average commercial bank rates offered on fixed deposits. Data obtained from the various financial institutions in Tanzania shows that the average rate on fixed deposits is 4% per annum

### **7.4.2 Transport cost**

In accordance with section 11 of the Regulations of Land Act No. 4 of 1999, Transport Allowance is computed on the basis of obtaining average transport rates within the area. That is average cost of transporting 12 tons over a distance of 20km. Data available from Regional Works office (Ministry of Works); indicate an average of TZS 120,000. However, in this project, potential PAPs are not expected to travel far distances as will be beneficiaries of the scheme.

### **7.4.3 Loss of profit**

In accordance with section 9 of the 2001 Regulations of land act no. 4 of 1999 the net monthly profit obtained from the business associated with the affected properties is assessed (for high incomes), evidenced by audited accounts where necessary and applicable, and multiplied by 36 months in order to arrive at the loss of profit payable. This calculation applies also for such businesses that are only temporarily affected during the project's construction phase. However for the purpose of this project since nobody will manage to provide audited accounts we will be unable to establish monthly profit for affected business, hence no loss of profit payable in this project

### **7.4.4 Loss of accommodation**

Laws of Tanzania requires an accommodation allowance equal to the amount payable for a similar property of the same value (as the value of the damaged property) to be paid to the claimants to support them in paying rent for an alternative accommodation during the period of construction of an alternative accommodation. In accordance with section 8 of the 2001 Regulations of Land Act 4 of 1999, accommodation allowance is calculated on the basis of Monthly Rent of the acquired property per month over a 36 month period.

### **Loss of land**

The land will be compensated based on the government rate given for the land value to Bagamoyo district by the Ministry of land. The value will use the land value schedule per meters developed by the Ministry of Land to carry out calculation on the affected land for each PAPs

## **7.5 Partial Loss**

In the case of partial loss, the consultant considered that the entire asset is affected and requires compensation. This is because the building structure once is disturbed the strength of the structure is weakened and the design of the building is destructed, therefore the building lose its value. The house might lose a sitting room and one bed room and remain with two rooms with no kitchen or a sitting room. By loosing part of the rooms affects the beauty of the house as well as some of its uses. The owner might find it difficult to use. This means that where PAPs are partially affected, the inventory and valuations will be made on PAP's entire asset holdings.

## **7.6 Valuation Limitations**

Evaluation of buildings will be done by carrying out general surveys as opposed to structural surveys as the latter is out with the scope of general valuation survey. Therefore, there will be no testing done on such services as water pipes, electrical wiring or drainage pipes. Further no testing will be made to establish the extent of dampness, timber rot, metal fatigue etc.

Issue of construction will be dealt with reference to the general state of repairs, maintenance and condition of the properties.

## Chapter Eight

### 8.0 Rehabilitation and restoration measures

#### 8.1 Various Assistance to Various Groups of the Affected Persons

##### ❖ **Reduced grazing area and forest area;**

Livestock is the second economic component after agriculture to support people's livelihood. The grazing land for livestock will be definitely reduced due to irrigation infrastructure. The project in collaboration with ward and village leaders will identify alternative grazing land; these could be the government land or communal land within or outside the project area.

In summary the following should be done

- Strengthen the capacity of the Ward Offices of Agriculture, Health to support the activities in the project area;
- Strengthen the capacity of village agricultural units;
- Introduce pasture management and additional livestock feed crops;
- Establish water users association and prepare by-laws and organization manual for water users association.

##### 8.1.2 Land owners

Although the land holders potentially are better off than the landless group as far as the project impacts are concerned, they could be negatively affected in the following ways: Loss of farm land, loss of residential houses, loss of annual and permanent crop, loss of homestead areas, loss of livestock shades, loss of storage facilities, reduced size of fertile land holding and resettlement/relocation.

The following measures will be taken to reduce impacts to land holders:

- Compensation for the loss/damage of property;
- Replacement of lost land, through allocation of alternative irrigation land where possible
- Increasing production and improved family income through comprehensive farmers improvement extension packages;
- Establish marketing institutions and promotion of work to invite private traders of agricultural inputs; and
- Establishment of resettlement/relocation system.

##### 8.1.3 Livestock keepers

This group could be affected by losing grazing land and access to water for watering their livestock due to the presence of irrigation infrastructure. Conflict between farmers and livestock keepers could occur due to competition over water resource and land. In order to avoid these conflicts, the livestock keepers will be provided with a combination of water

sources, grazing land, feedlots, and improved vet services. Grazing lands and stock routes will be included in village land use plans.

## 8.2 Vulnerable Groups

Affected households that are particularly vulnerable to Project implementation will be identified through socio-economic surveys of the affected population, and in consultation with the implementing agency during preparation of RAP. The socio economic study could be either done by the Ministry of agriculture using in house resources or outsource. Different groups will be assisted differently based on the group requirements and nature of vulnerability. However, in addition to other compensation and rehabilitation measures, these households will be supported through the following measures:

- ❖ payment of a Vulnerable Household Allowance equivalent to three months for a household of six; transitional allowance;
- ❖ For employment in the nucleus estate and participation in out growers scheme
- ❖ advice regarding Project impacts, compensation alternatives and risks, and resettlement options, including advice on alternative subsistence and livelihood strategies as offered by the Project;
- ❖ skills/training enhancement;
- ❖ land preparation where required; and
- ❖ credit facilities where required;

Apart from the above assistance the project will look into some ways of supporting group based on the nature of the vulnerability. The following are the identified groups and the assistance planned to be provided for each group

### 8.2.1 Female household head

The other vulnerable group is the female headed households, heavy farm work and high labour demanding situation that will be created by the project might reduce the chances for them to get labourer to employ for agricultural activities that are unable to do themselves.

The following are measures to be taken to support female headed households.

- ◆ Give preference to vulnerable group land for cultivation in case there is a shortage
- ◆ Some are expected to be supported by their children.
- ◆ Strengthen the women's association to support female household head;
- ◆ Establish/strengthen micro finance institution to support the female household head.
  - ◆ Establish committee that coordinate the rehabilitation of the elderly;
- ◆ Establish/strengthen micro finance institution to support the elderly; and

### 8.2.2 Children

Children are one of the vulnerable groups. Child labour is one of the causes to this problem. Children are used by parents to collect firewood, assist mother to fetch water, grazing livestock and assist in selling fruits to supplement family income. Because of the above reasons children do not attend school regularly consequently poor performance at school and drop out.

The following measures will be taken by the project to reduce child labour:

- Employ affected household for the project activities so that additional family income may allow employing laborers to release children to go to school; and
- Establish committee at each village level that looks after child labour abuse.

### 8.2.3 HIV/AIDS infected People/ Disabled and Aged Group

The sick people normally do not have enough energy to earn living without support from their families or from other good will community members and other organizations such as NGO's, CBO's FBO,s and the government. Heavy farm work might not be easy for them to work. Therefore, they need external support from various people and organizations.

During the survey the profile of this group will be collected.

- ◆ Work closer with established institutions at Ward and village level to coordinate the rehabilitation of the sick people, disabled and old people;
- ❖ Strengthen micro finance institution to support the sick and other vulnerable groups;

### 8.2.4 Landless and the youth

The following might be some of the impacts to this group.

Due to lack of agricultural land, the landless people depend on livestock keeping for livelihood. The construction of the irrigation infrastructure could reduce grazing area. Consequently, this affects the livelihood of landless and youth.

The landless people depend more on waged labour working in other people's farms, etc. Job speculators during the project could increase competition and reduce the wage rate. This will affect mostly the landless and youth who depend on wage labour in the command area. Some of the landless are cultivating land through share cropping or by renting land from land owners. The irrigation project development could increase land rent that reduces the access to land for landless and youth. Conflict arising on land leasing could also increase in the project area.

To support this group, the following measures will be implemented:

- ◆ Increase livestock feed source and improved family income;
- ◆ Provide them with assistance to gain access to any government poverty alleviation/social welfare programs that may be made available to the population.
- ◆ Establish/strengthen micro finance institution to support the landless and youth;
- ◆ Increased employment and income generating opportunities; and
- ◆ Increase the opportunity of getting financial support;



## Chapter Nine

### 9.0 The Institutional Framework For Implementation Of Rap And Grievance

The legal and institutional framework for resettlement and compensation of persons to be displaced has been described above. The administrative framework and grievances mechanism for Projected Affected Persons (PAPs) to air their problems related to the project is provided for in this Chapter.

#### 9.1 Administrative Framework and Organizational Responsibilities

RAP Policy will be implemented in the context of the following administrative framework:

(a) Ministry of Agriculture has the overall responsibility for planning and implementing all activities under this Resettlement Action Framework. It will guide, supervise and report on progress and will handle resettlement issues requiring actions and coordination at various levels.

(b) The Ministry of Agriculture in collaboration with the district of Bagamoyo will monitor and supervise the implementation of resettlement activities through its representative from who will be in the project area. Responsibilities of Ministry of Agriculture will include planning, coordination of field implementation, information exchange and inter-agency liaison, internal inspection and day-to-day monitoring. Also, there should be an evaluation carried out by an independent external consultant.

(c) The local Government will carry out resettlement activities such as the dissemination of information to PAPs-, establishment of transparent mechanisms for land grievance redress, and administration support to affected people on compensation related matters.

(d) LGA/ NMB bank in collaboration with the consultant will facilitate and part knowledge /skills to PAP on how to open and operate the bank account

(e) On behalf of the Ministry of Agriculture the RAP Consultant who will be commissioned by the MAFSC will also facilitate the agreement between PAPs and Ministry of Agriculture regarding evacuation of the project area in order to pave way for infrastructure construction.

### 9.2 Resettlement Measures

#### 9.2.1 Compensation

Compensation options will be prepared for presentation to PAPs during public consultations. This means that any PAP will have the opportunity to know compensation options that are available. These public consultations will be documented. The following are available option for compensation of the affected people.

#### 9.2.2 In-kind Compensation

Affected people will also be given an opportunity to choose payment options that is money or kind.

The most preferred compensation method may be land for land, international best practice typically gives affected people a combination of a range of cash or in kind compensation options that include:

- (i) the replacement of housing and other immovable assets;
- (ii) replacement of land according to actual replacement value;
- (iii) employment or investment opportunities (which in this case could include the opportunity to participate in an out grower scheme or employment at the nucleus estate);
- (iv) training and access to credit for a range of income generating activities; and
- (v) disturbance, transport and accommodation allowances

Structure and crops will all be paid by cash compensation.

The PAPs will also be beneficiaries of the out grower's irrigation scheme.

Consultant shall also make individual consultation with PAP to confirm the preferred payment.

### **9.3 Minimization of Impacts**

Several measures can be changed in the design of RAP to minimize unnecessary impacts to people. These include the following:

- The project will avoid all the structures and permanent crops. This is possible through diversifying the infrastructure where these structures are impacted.
- Design engineers, environmental and social specialists should work collaboratively to carry out further consultation and assessment to determine appropriate infrastructure alignment.

### **9.4 Grievances Mechanism**

Resettlement Action Framework is proposing that RAP includes a mechanism to ensure that entitlements are effectively transferred to the PAPs and there is proper disclosure of information and consultations with the affected community. However there is an additional need for an effective and efficient grievance redress mechanism, which will respond to people's queries and problems and address key issues, concerns and complaints. Grievances and disputes related to resettlement and/or compensation exercise arises from a number of different issues. These include:

- Mistakes related to the identification of affected property and people within the infrastructure location;
- Disagreements related to the ownership of property (including inheritance and divorce related disputes);
- Disagreement of land and asset valuation;
- Disagreement of other compensation allowances; and

- Problem related to the time and manner of payment of compensation (the delivery of entitlements)

Disputes related to land ownership will first be referred to the VEO and Village government structures, as described below. Courts will be avenue of last resort. . However, it should be noted that land boundaries and ownership issues has to be settled out before compensation is done. PAP's will be asked to resolve such issues through established village government mechanism and written minutes including resolutions should be presented to the evaluation team during property inspection. It is expected that the village governments will receive such complaints and settle them using the existing channels in the villages.

Usefulness of the grievance mechanism is dependent on how smooth the issues can be resolved. Therefore at the first tier it should be at the level of villager leaders through Village Executive Office. Claims and complaints shall be brought to the attention of the Village Executive Officer (VEO) who will forward all grievances concerning non-fulfillment of contracts, level of compensation or seizure of assets without compensation to the attention of the ward executive Officer (WEO). If no agreement made, the dispute cannot be resolved within a stated period (say fourteen days the cases will be taken to the representative of District Executive Director.

In case of disputes and disagreements that cannot be settled by the parties using the administrative structures set up under this project, it is recommended that the parties take the matters to a Court of law using the provisions of the Land Acquisition Act 1967 (Act No. 47). The Act stipulates inter alia, that if such disputes or disagreement is not settled by the parties concerned within 6 weeks from the date of the publication of the notice that the land is required for public purpose, the Minister or any person holding or claiming any interest in the land may institute a suit in the Court of law for the determination of the dispute [Section 13 (1)]. The procedure therefore will not replace existing legal processes but will be based on consensus, seek to resolve the issues quickly in order to expedite the receipt of compensation, without resorting to expensive and time-consuming legal actions.

Programme Management has an obligation to ensure that resettled homesteads regain, and preferably improve upon their living standards. The measure detailed in the RAF is designed to meet this obligation. In turn the implementation of these measures and the extent to which objectives are being met, require proper checking and assessment. A monitoring and evaluation program will accordingly be implemented (a) to record and assess project inputs as well as the number of persons affected and compensated (b) to confirm that former subsistence levels and living standards are being re-established.

## **9.5 Method of monitoring and responsibilities**

External and internal monitoring and evaluation activities will be taking place concurrently.

#### **9.5.1 Monitoring**

Internal monitoring against project milestones is a management function by which physical progress against milestones established in the RAP will be measured. Output indicators associated with performance milestones will be monitored. Progress would be measured against the schedule of required actions. Internal monitoring reports will be prepared at regular intervals e.g. monthly, quarterly, annually, beginning with the commencement of any and all RAP implementation activities. Independent team will be formed to ensure people's rights and complaints are managed. Procedures will be established and priority will be given to vulnerable people, closure follow up will be done with the help of data collected from socio economic of the affected people.

#### **9.5.2 Internal Monitoring**

Internal and external monitoring is proposed in the project. Internal monitoring of the RAP implementation will be the responsibility of the M & E of Ministry of Agriculture. The Government of Tanzania will supervise the monitoring activities through representative's representative who will be working on RAP activities in the project area e.g. District Irrigation Engineer. They will regularly report to the Ministry of Agriculture through LGA in Bagamoyo District. The M & E unit will prepare simple formats for monitoring social plans. These formats will be duly filled every month by the field officers and implementing agency. Internal monitoring will look at:

- Progress in relation to targets and delivery of entitlements
- Delivery and usage of compensation and relocation entitlements
- Reconstruction of new houses and commercial structures
- Compensation awarded for fruit trees
- Construction/ relocation of community infrastructure
- Reported grievances and action taken
- Meetings between officials and PAPs
- General issues related to the adequacy of the compensation and resettlement exercise
- Asset acquisition and compensation
- Construction of replacement housing
- Reestablishment of displaced households and business enterprises
- Reaction of severely affected households, in particular to resettlement and compensation packages and
- Reestablishment of income levels.

#### **9.5.3 External Monitoring and Evaluation**

External monitoring of the process will be conducted by an independent agency. The agency, besides reviewing some of the issues being covered under the internal monitoring will also assess/evaluate:

- Adequacy of compensation
- Effectiveness of the grievance mechanisms.

- Transparency of entire process
- Consultation and participation with stakeholders, specially vulnerable PAPs
- Employment opportunities created and availed of
- Changes in livelihoods and incomes among PAPs
- Specific opportunities for vulnerable groups

## **9.6 Monitoring indicators**

Performance monitoring indicators to measure outputs and outcomes of activities will be developed and summarized. For each indicator, data to be collected, instrument, time required for follow-up and responsible unit is indicated in the table below

**Table9.1: Monitoring Indicators for Socio-Economic Changes During/Rap and Post Project Implementation**

S/ N	Component	Socio-economic impact	Indicators		Means of monitoring	Frequency/ timing	Responsible
			Quantitative Indicator	Qualitative Indicator			
1	Compensation	Timely and adequate compensation of affected properties	All the affected people eligible for reimbursement are compensated adequately	Less grievances/complaints	Check the list of affected people and verify that village are compensated	The first 6 weeks after compensation	Compensation Committees/ Team and Ministry of Agriculture
2	Training	Adequate knowledge to the affected people and better utilization of compensation	Number of training carried out Number of project employees recruited and employed	Effective Project performance	Satisfaction of affected people on the project performance of the staff	Every three month	Project Management
3	Grievances	Effectiveness of grievance mechanisms.	Less grievances reported to the project office Reported grievances solved Less court cases reported	Satisfaction of the project affected people	Project reports on reported and solved grievances	First three month after payment of affected property	Project management and Project working group at the ward level
4	Employment	Change in nature of employment	-Change in number of people employed in formal sector and informal sector  -Number of businesses established in the project area  -Sources of income of the affected people  -Assets owned by households	- Quality of live/ life style in the project area  - Type of businesses established in the area  - Type of assets owned by households	-Employment survey in the project area/ income  -Household survey on property and assets owned	Quarterly	-MoA (consultant and local Govt  -District office

5	Services to community/ livelihood	Water points and water pipe	-Number of water point replaced at Kiwangwa, Mwavi Bago and Matipwili villages  -Walking distance to the water source relatively small	-Improved water services  -Level of satisfaction on availability of water in the affected village	Village government reports  Water committee and DWE reports	Quarterly	District Office  -Consultant  -Village government
6	Source of Energy	Loss of exotic tree and shade trees	-Decreased walking distance to collect firewood. - Increased number of households using alternative sources of energy apart from firewood -Cash expenditure on household energy minimized	-Improved living standards due to energy availability at low costs	-Village development report -Number of household using other alternative source of energy	Quarterly	-District Office Consultant -Village government authority External evaluation report from the consultant
7	Electricity	Electricity poles along Bagmoyo – Msata road at Kiwangwa, Mwavi and Bago villages	Number of electricity poles relocated in the project area Number of households using electricity service	Maintained or improved provision of electricity service during and after project implementation	Village development reports TANESCO inventory report on Kiwangwa Mwavi and Bago villages.	During and after road construction	Ward and Village government TANESCO
8	HIV/ AIDS cases	HIV/AIDS awareness	-Number of HIV/AIDS meetings conducted Sell of condoms from shops and number of condoms distributed by health facilities in villages Demand of condoms from the VEO office and health facilities by users	-Reduced number of deaths due to HIV/AIDS  -Increased awareness on HIV/AIDS  - Reduced number of new HIV infections	Village development report  Health facilities report on HIV/AIDS	Half yearly	-District Office Min of Agriculture -Consultant -TACAIDS -Local government authority
9	People impoverishm	Loss of income sources or	-Decreased/Increased levels of poverty in the	Ownership of asset in the households wealth	Village development report	Half yearly	-District Office - Min of

	ent	productive assets (or not affected person move to another location).	area -Number of income sources/productive assets moved or affected -Number of people who lost productive assets and managed to establish new ones New economic ventures establish in the villages	indicator survey			Agriculture  -Consultant -Village development report
10	Community cohesion and relations	Community fabrics	Number of community fabrics disrupted/disintegrated	Destruction of community relations and ties	Village development report	Half yearly	-Consultant -Village development report
11	Loss of farms and grazing fields	Walking distance from homestead to farms	-Number of Km from homes to farm/grazing -Number of affected families able to get farms/grazing fields in villages of their choice	-Distances to farm/graze -Perception of the affected people on quality of farms and grazing land.	Village development report	Half yearly	-Village leaders -Households - Min of Agriculture
12	Land resource	Change in land use within the project area	-Number of old structures/buildings improved -Number of new buildings/structures put in place	-Escalating prices of land -Escalating rents of houses, shop and other business premises	-Annual survey reports on assets owned -Village government development report	Once a year	-District Office - Min of Agriculture  -Consultant -Local government
13	Property and livelihood	Loss of properties: -Loss of shelter -Loss of assets or access to assets	-Number of alternative employment opportunities created and number of affected people employed in formal/ formal sector. -Number of assets lost; and replaced	-Improved people's livelihood -Living standards of people's whose properties have been demolished and the coping mechanisms	-Annual survey reports on assets owned -Village government development report	Half yearly	-District Office - Min of Agriculture  -Consultant -Local government



14	Food	Food security	-Food shortage in the community  -Reported number of months with shortage of food. - Reported number of households with shortage of food	Food intake (number of meals taken per day per household)	-Half yearly survey	Half yearly	Surveillance on RoW by Min of Agriculture  Consultant -District Office
15	Housing	Types of housing and quality of the structures as compared to the affected one	-Material used for roofing, walls and floor.  -Increased number of modern houses and improved accommodation	Housing condition in the communities and quality of the structures	-Survey report on housing situation in the area -Village government development report	Half yearly	-District Office Min of Agriculture  -Consultant -Hamlet/village governments
16	Productive assets/properties	Loss of properties	-Number of alternative employment opportunities created and the number of affected people employed in formal/ formal sector.	Improved/stagnated people's living standards	-Annual hamlet/village development report -Survey on properties lost	Half yearly	-District Office Min of Agriculture  -Consultant -village government
17	Institutions	Weakening of community social networks	-Number of institutions affected and the new ones established - Number of people enjoying services from the institutions	Availability of services from the affected institution	Socio-economic survey of the affected people	Half yearly	-District office -Consultant Village government
18	Agricultural products	Pre-Project production versus present production for crop land	Amount of agricultural production prior the project and the present one Quality of livestock	Increased/decreased agriculture production per household Improved or deterioration of livestock quality	-Annual agriculture report. Village government development reports	Half yearly	-District DALDO's unit -Consultant -Village government

## 9.7 Evaluation

There will be a mid-term and an ex-post evaluation of the implementation of the RAP. On both occasions, a comprehensive socio-economic survey of the PAPs will be conducted. The results of these surveys will be compared to the baseline information obtained from the census survey for evaluation of effectiveness of the resettlement process over time. Socio-economic surveys will verify, among others:

- Effectiveness of the Rehabilitation assistance
- Income and living standards of PAPs (before and after rehabilitation)
- Effectiveness of various institutional arrangements made for the project
- Quality of interaction between proponent and affected communities
- Opinions and perception of local communities regarding the project and resettlement
- Issues such as change in quality of life among affected PAPs, disruption in lifestyles, etc

## Chapter Ten

### 10.0 Rap Budget

#### 10.1 Implementation Schedule and budget

The GoT will provide compensation according to its legal obligations, BASIC will support compensation measures that allow for PAPs to have preference in participating in outgrower schemes and other programme activities, including for livestock production and alternative income generating opportunities. Also that the District will provide support in social services and facilities to mitigate negative impacts and PAPs could have preferential employment opportunities on the nucleus estate (assuming this is agreed).

##### 10.1.1 Schedule

Implementation schedule will be proposed a schedule covering all defined activities from stage of RAF, RAP preparation to implementation and after project execution. The schedule will indicate how resettlement activities are linked to the implementation of the project. Delivery of the entitlement package and rehabilitation measures which will involve certain steps which are identified and presented in that section along with the timeframes needed for various stages leading to completion of the resettlement process. It is estimated that the entire process of implementing the resettlement measures will roughly take approximately 6 months. There will be a number of crucial steps/activities involved in the delivery of RAP, beginning with;

- Establishment of replacement infrastructures such as (water and electricity) will be carried out before interruption of existing ones so as to minimize inconvenience to the respective community.
- Once the “Entitlement Agreement forms” are ready, disbursement of cash compensation will take place per disbursement plan. PAPs will be made to sign receipt of his/her entitlements in full or part as is the case. The amount due will be given either in cash through NMB bank in individual account or joint held jointly by husband and wife.
- PAPs will also be given information and guidance on productive utilization of compensation amount. They will be encouraged to create income generating or permanent assets out of the compensation amount instead of spending on day to day expenses.

**Table 10.1: Implementation schedule and its related cost of RAP**

SN	Task	July 2015	August 2015	September	October 2015	November 2015	December	January 2016	February= 2016	March 1 2016	April 2016	May 2016	June 2016	July 2016	Responsible Agency	Cost per activity ( TSHS)
1	Completion of draft RAP														Consultant	Cost covered in the consultant agreement
2	Approval of Draft RAP														Ministry of Agriculture /IFAD and AfDB	Cost under routine activity covered by Min of Agriculture, donors and consultant
3	Negotiation of compensation														Min of Agriculture Consultant, PAP	No budget required
4	Identify and Training of Project staff and Min. of Agriculture staff and the district officials ( If found necessary) on how to deal with RAP issues														Resettlement specialist/ Min of Agriculture Project Department	Payment trainers and trainees allowances 25,000,000.00/=Tshs
5	PAP/ Community consultation (ongoing)														Community liaison officer and Consultant	(field allowances for Staff, transport, Stationeries) 3,000,000/=
6	Notification of entitlements														Community liaison team/ Project Coordinating team	Transport ,field staff allowances 1,500,000/=
7	Payment of Compensation														Compensation and payment team	Allowances for field team and transport 6,000,000
8	Amendment of title documents and re- surveying if any.														District council and Min of Agriculture, Donor	35,000,000.00

9	Compensation schedules endorsed																No cost	
10	Signing of agreement between involved parties																PAP, Consultant, Min of Agriculture	Affected People, / Min of Agriculture
11	Self relocation of DPs to new sites and salvage of material/ clearing of site																Compensation fund to PAP	Included in the compensation Paid
12	Notification to RAP,s on demolition of structures and land																Community liaison team/ Project Coordinating team	3,000,000.00
13	Demolition of old structures																The property owners	No cost
14	Grievance mechanisms																Grievances redressing Group	Transport and allowances 5,000,000.00
15	Contract for construction																	Covered under by AfDB and IFAD
16	Contracting firm for implementing social issues and compensation (if felt necessary)																	Budget Specified in the contract of contracting firm
17	Performance monitoring																Project coordinating team	9,000,000.00
18	External evaluation (bi-annual for three years)																Independent Evaluator	50, 000,000.00
																	Total	

### **101.2 Budget**

A detailed cost estimates for preparation and implementation of the abbreviated resettlement Action plan including monitoring activities and administrative overheads will be prepared. The budget will include a detailed estimation of aggregate costs for each type of asset losses and compensation.

## Chapter Eleven

### 11.0 Conclusion and Recommendations

#### 11.1 Conclusion

At this level is not yet clear where the compensation money where will it come from, it should be remembered that the government policy compensate the PAPs based on the market value, the gap between the market value and the replacement cost is not known who will cover that cost. It is therefore proposed that the discussion on how to finance the RAP activities should be carried out between the Ministry of Agriculture, IFAD and the AfDB.

Though it anticipated that structure requiring compensated are few and are not of good quality. Most of these structures are made of local materials not durable. The cost is relatively small.

#### 11.2 Recommendations

It is anticipated that the PAPs demand for compensation will not be so many as the same PAPs will be the beneficiaries of the irrigation scheme; it is recommended that the PAPs should be mobilized to participate effectively in this project.

The district I collaboration with the Ministry of agriculture and Eco-energy will work together to mobilize and elaborate issues related to out growers scheme in such a way that the PAPs understand fully the benefits of the scheme and be willing to give away part of their land for the project without demanding compensation for the land taken.

## Reference Materials

- (1) Resettlement Policy Framework for SAGGOT September 2013
- (2) ESIA for BASIC 2014
- (3) IFAD's Social, Environmental and Climate Assessment Procedures 16 December 2014
- (4) AfDB Involuntary Resettlement Policy
- (5) Tanzanian policies related to land acquisition, resettlement, Compensation, Land ownership
- (6) The Constitution of Tanzania;
- (7) The Water Resources Management Act, 2009;
- (8) The Land Act, 1999, and the Land Regulations, 2001;
- (9) Road Act, 2007;
- (10) The Occupational Health and Safety Act, 2003;
- (11) Graves (Removal) Act, 1969.
- (12) Women and Gender Development Policy (2000)
- (13) Construction Industry Policy (2002)
- (13) Land Act No. 2/04 (2004) amendment of the Land Act (1999);
- (14) The Land Act, 1999, and the Land Regulations, 2001
- (15) HIV and AIDS (prevention and Control) Act No. 28/08 (2008)
- (16) World Bank) OP 4. 12 Involuntary Resettlement Policy.
- (17) The Land (Assessment of Value for Compensation) Regulation, 2001
- (18) *The Land Regulations (2001)*