

**THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**



**RESETTLEMENT FRAMEWORK FOR IMPLEMENTATION OF SECONDARY  
EDUCATION QUALITY IMPROVEMENT PROJECT (SEQUIP)**

**Financed by the WORLD BANK**

*DRAFT IN PREPARATION*

**October 2019**

## Table of Contents

LIST OF TABLES.....	6
LIST OF ABBREVIATIONS AND ACRONYMS.....	7
EXECUTIVE SUMMARY.....	8
DESCRIPTION OF THE PROJECT AND COMPONENTS .....	3
1. INTRODUCTION .....	3
1.1 Project Background.....	3
1.2 Project Description.....	4
1.3 Project Components .....	5
1.4 Scope and Applicability of Resettlement Framework (RF) .....	1
1.5 Scope and Nature of Resettlement Impacts .....	7
1.6 Justification for the RF .....	7
1.7 Objective and Purpose of RF.....	8
1.7.1 Objective of the RF.....	8
1.7.2 Purpose of the RF.....	8
1.8 Land Use.....	9
CHAPTER TWO.....	10
2 POLICY AND LEGAL FRAMEWORK.....	10
2.1 Overview of Policies and Laws Governing Land and Related Matters.....	10
2.1.1 Constitution of the United Republic of Tanzania (1977 - as amended).....	10
2.1.2 National Land Policy (1997) .....	10
2.1.3 The Land Act, 1999 (Act No 4/1999).....	11
2.1.4 The Village Land Act, 1999 (Act No.5/1999) .....	12
2.1.5 The Land Acquisition Act, 1967 (Act No 47/1967) .....	13
2.1.6 Land (Assessment of the Value of Land for Compensation) Regulations, 2001 .....	13
2.1.7 Valuation and Valuers Registration Act (2016).....	14
2.1.8 The Land (Compensation Claims) Regulations, 2001.....	15
2.1.9 The Land (Schemes of Regularization) Regulation, 2001.....	15
2.1.10 The Land Disputes Court Act. 2002 (Act No. 2/2002) .....	15
2.1.11 The Land Use Planning Act, 2007 (Act No. 6/2007) .....	15
2.1.12 The Urban Planning Act, 2007 (Act No. 8/2007).....	16

2.1.13	Sector Policies and Laws on Access, Use, and Management of Natural Resources .....	16
2.1.14	The Graveyard Act, 1969 (Act No. 9/1969);.....	16
2.1.15	The National Human Settlements Development Policy (2000) .....	16
2.1.16	National Cultural Policy (1997) .....	17
2.1.17	Antiquities Policy of 2008 .....	17
2.1.18	Agriculture and Livestock Policy (1997) .....	17
2.2	World Bank Environmental and Social Framework .....	18
2.3	Tanzania Legal and Regulatory Requirement in Comparison with World Bank ESS5.....	19
CHAPTER THREE .....		36
3	CONSULTATIONS AND DISCLOSURE .....	36
3.1	Stakeholders Consultation during Project Preparation .....	36
3.2	Disclosure of the RF .....	36
3.3	Stakeholders Consultations during Implementation .....	36
3.4	Individual RAP Disclosure and Consultation Plans.....	37
CHAPTER FOUR .....		39
4	METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION PAYMENTS... 39	
4.1	Basis for Valuation .....	39
4.2	Methods of Valuing Assets.....	39
4.2.1	<b>Direct Comparison Method</b> .....	39
4.2.2	<b>Replacement Cost Approach</b> .....	39
4.2.3	<b>Income/Investment Method</b> .....	40
4.2.4	<b>The Profit Method</b> .....	40
4.3	<b>Compensation</b> .....	40
4.3.1	<b>Compensation for Loss of Interest in Land</b> .....	41
4.3.2	<b>Valuation and Compensation of Crops</b> .....	41
4.3.3	<b>Compensation of Buildings</b> .....	42
4.3.4	<b>Compensation for Loss of Profit</b> .....	42
4.4	<b>Allowances</b> .....	43
4.5	<b>Compensation Payment</b> .....	43
4.6	<b>Alternative to Land Acquisition - Voluntary Land Donation</b> .....	43
4.6.1	<b>Procedure on Voluntary Land Donation</b> .....	45

4.7	Market Transactions .....	46
5	ELIGIBILITY FOR COMPENSATION AND ENTITLEMENTS.....	47
5.1	Types of Impacts .....	47
5.2	Eligibility Criteria .....	48
5.3	Entitlement Matrix.....	49
CHAPTER SIX .....		57
6	CONSULTATION AND STAKEHOLDERS PARTICIPATION .....	57
7	GRIEVANCE REDRESS MECHANISM.....	59
7.1	Purpose .....	59
7.2	Principles.....	<b>Error! Bookmark not defined.</b>
7.3	Roles and Responsibilities.....	<b>Error! Bookmark not defined.</b>
7.4	Grievance Procedure.....	<b>Error! Bookmark not defined.</b>
7.5	Legal Redress .....	<b>Error! Bookmark not defined.</b>
7.6	Record Keeping .....	<b>Error! Bookmark not defined.</b>
7.7	Monitoring .....	<b>Error! Bookmark not defined.</b>
7.8	Gender Based Violence (GBV).....	<b>Error! Bookmark not defined.</b>
7.9	Adaptation for Vulnerable Groups.....	<b>Error! Bookmark not defined.</b>
7.10	General Grievances.....	<b>Error! Bookmark not defined.</b>
CHAPTER EIGHT.....		67
8	PROCEDURES FOR PREPARATION AND IMPLEMENTATION OF RAP .....	67
8.1	Preparation .....	67
8.2	Contents of RAP .....	67
8.3	RAP Development and Implementation .....	68
9	MONITORING, EVALUATION AND REPORTING.....	73
9.1	RF Monitoring Indicators: .....	73
9.2	RAP Monitoring.....	74
9.3	RAP Monitoring Indicators.....	74
9.4	Post- Resettlement Monitoring of Resettled PAPs.....	75
9.5	Public Consultation and Participation.....	75
9.6	Quarterly Reporting and Performance Review.....	77
10	CHAPTER TEN .....	78

BUDGET FOR IMPLEMENTATION OF RF .....	78
10.1 Introduction .....	78
10.2 Indicative RAP budget format .....	78
11 CHAPTER ELEVEN .....	81
COMPENSATION AND PROJECT SCHEDULE.....	81
Annex 01: The Land Donation Agreement Form .....	84
Annex 02: PROJECT LAND DONATION AGREEMENT .....	87
Annex 03: Grievance Reporting Form.....	91
Annex 04: Grievance Resolution Form .....	92
Annex 5: Guidelines for Preparation of a RAP .....	94

DRAFT

## LIST OF TABLES

Table 1: Overview of Project Components .....	2
Table 2: Comparison of Tanzanian Laws and Land Acquisition, Restrictions on Land Use and Resettlement (ESS5) .....	20
Table 3: Entitlement Matrix .....	50
Table 4: Implementation Schedule .....	68
Table 5: Monitoring and Evaluation Indicators.....	75
Table 6: Indicative format of a RAP Budget.....	78
Table 7: Example of a RF Implementation Schedule.....	81

DRAFT

## LIST OF ABBREVIATIONS AND ACRONYMS

AEP	Alternative Education Pathways
CBO	Community Based Organization
CLO	Community Liaison Officer
CPD	Continuous Professional Development
DLI	Disbursement Link Indicators
EIA	Environment Impact Assessment
ESDP	Education Sector Development Plan
ESMF	Environment and Social Management Framework
ESF	(World Bank) Environmental and Social Framework
ESS	(World Bank) Environmental and Social Standard
FYDP	Five Year Development Plan
GBV	Gender Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno-Deficiency
ICT	Information Communication and Technology
LGAs	Local Government Authorities
M&E	Monitoring and Evaluation
MoEST	Ministry of Education Science and Technology
NGO	Non-Governmental Organizations
NHSDP	National Human Settlements Development Policy
PAP	Project Affected Persons
PCR	Physical Cultural Resources
PDO	Project Development Objective
PO-RALG	President' Office Regional Administration and Local Government
RAP	Resettlement Action Plan
RF	Resettlement Framework
SEA	Sexual Exploitation and Abuse
SCT	SEQUIP Coordination Team
SEQUIP	Secondary Education Quality Improvement Project
SEP	Stakeholders Engagement Plan
SGC	SEQUIP Grievance Committee
SSMT	SEQUIP Senior Management Team
TITCS	Teacher In-service Training Service
URT	United Republic of Tanzania
VC	Village Council
VG	Vulnerable Group
VGP	Vulnerable Groups Plan
VGPF	Vulnerable Group Planning Framework
WASH	Water Sanitation and Hygiene
WB	World Bank

## EXECUTIVE SUMMARY

### The Project

The Government of United Republic of Tanzania (URT) in collaboration with the World Bank has prepared the Secondary Education Quality Improvement Project (SEQUIP). The objectives of SEQUIP are 'To increase access to secondary education, provide responsive learning environments for girls and improve completion of quality secondary education for girls and boys'.

In summary activities under SEQUIP will be structured into four main components:

#### Component 1: Empowering Girls Through Secondary Education and Life Skills

1.1 Creating Safe Schools: Implementation of the Safe Schools Program including: (i) trained school guidance and counselling teachers; (ii) students' life skills training; (iii) in-service training on the teacher code of conduct and gender sensitive pedagogical approaches; (iv) training of school heads and School Boards on Gender Based Violence, safe school issues etc.; (v) school and classroom monitoring system for early identification of and intervention on girls at risk of drop out; and (vi) community-based mechanism for safe passage to school.

1.2 Promoting Girls' Completion of Secondary Education through Quality Alternative Education Pathways including:

- Setting up an ICT-enabled system for tracking girls dropping out at national and district level to provide key information for AEP planning and implementation.
- Alternative Education Centers and LGAs undertaking local outreach activities to out-of-school girls in the community. which will include activities such as AEP center-organized community meetings, information via local radio, flyers and brochures.
- Enhancing access to Alternative Education Pathways through (i) expansion of the network of AEP centers; and (ii) tuition fee subsidies for vulnerable girls.
- A quality package for strengthening student learning in Alternative Education Pathways will also be implemented

#### Component 2: Digitally-Enabled Effective Teaching and Learning



## 2.1 Effective Teaching and Learning

- Minimum package of critical teaching and learning resources for all schools: This package consists of an adequate number of textbooks and teacher guides in core subjects (English, Math and Sciences).
- Equitable, gender-balanced teacher deployment to schools
- In-service teacher training/continuous professional development (CPD) to improve classroom teaching practice for secondary English, Mathematics and Science teachers
- Evaluate student learning in lower secondary to provide opportunities for remedial use: to allow for targeted early intervention to prevent girl dropout due to learning difficulties

## 2.2 Digitally-enabled Teaching of Math Sciences and English:

- Development of an ICT in Education Strategy and plan for secondary education.
- Digital content and connectivity package to facilitate the teaching of English, Mathematics and Science in phases.

## Component 3: Reducing Barriers to Girls' Education through Facilitating Access to Secondary Schools

Expansion of the secondary school network to reduce the distance to secondary schools, especially in rural areas. SEQUIP will disburse project funding on the basis of the number of schools in each LGA meeting minimum infrastructure standards

- Support upgrading existing secondary schools with the minimum infrastructure package (number of classrooms/students, adequate WASH facilities, multi-purpose science labs, electricity, etc) with the objective is that at least 50 percent of all existing schools in all LGAs will meet the minimum standards set.

## Component 4: Technical Assistance, Impact Evaluation and Project Coordination

### **Resettlement Framework Approach**

The Resettlement Framework (RF) is based on relevant aspects of Tanzanian law and the World Bank's Environmental and Social Framework (ESF). Nine of the

Environmental and Social Standards (ESSs) within the ESF apply to the Project. Environmental and Social Standard (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement requires that Projects avoid forced eviction, avoid or minimize involuntary resettlement and to mitigate unavoidable adverse social and economic impacts as a result of land acquisition or restrictions on land use. In addition, the Project will apply relevant national laws on land acquisition. The main legislation includes the Land Act No. 4 (1999)[Cap. 113 R. E 2002], Village Land Act No. 5 (1999), [Cap. 114 R. E 2002], The Land Disputes Courts Act No. 2 of 2002 [Cap. 216], The Urban Planning Act No. 8 of 2007, The Land Use Planning Act No. 6 of 2007, The Land Surveys Act No. 32 of 1957 as Amended, The Land Acquisition Act No. 47 of 1967, The Land Registration Act and No.36 of 1953 as Amended as well as The Valuation and Valuers Registration Act No. 7 of 2016.

The Project has also prepared an Environmental and Social Management Framework (ESMF), Vulnerable Groups Planning Framework (VGPF) and a Stakeholder Engagement Plan (SEP) to ensure that the project is developed and implemented in an environmentally and socially sustainable manners in line with the World Bank's ESF and national regulations.

SEQUIP is likely to result in the land acquisition and/ or involuntary resettlement (physical and/ or economic) of people where new schools are going to be located. The exact locations of the schools, nature of the restrictions on land use and therefore affected people are not currently known. It is for this reason that a RF has been prepared.

### **Objectives of the RF**

The objectives of RF are -

1. to avoid or minimize involuntary resettlement by exploring project design alternatives including through site selection;
2. to avoid forced evictions;
3. to mitigate unavoidable adverse impacts from land acquisition in accordance with the applicable law and ESS5;
4. to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure; and

5. to ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and informed participation

The RF establishes the acquisition and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected, when the actual sites are identified. Once the necessary information becomes available, this framework will be expanded into specific Resettlement Action Plans (RAPs).

### **Eligibility and Entitlements**

Considering the requirements of WB ESS5 and practical matters related to implementation of resettlement processes, the following groups will be eligible for compensation:

- Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).
- Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim to such land or assets that is recognised or recognisable under national law.
- Those who have no recognisable legal right or claim to land or assets they occupy or use.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other resettlement assistance.

The first criterion for eligibility will be the cut-off date. If the household was identified through the census survey, the owner will be entitled for compensation for their losses and assistance with livelihood restoration if needed. If a person encroached into the project area after the cut-off date, they are not entitled to compensation.

The affected households will be eligible for the following entitlements associated with the potential impacts of resettlement due to SEQIP. As part of individual RAP preparation the eligibility and entitlements will be updated to address specific project resettlement impacts. Valuation of assets will be undertaken using a range of methods

outlined in Tanzanian law but will be compatible with the principle of replacement cost (without depreciation).

DRAFT

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Loss of agricultural land (farming or pasture)	Loss of land under cultivation or used for pasture. Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Land Owner (formal or no formal claim)	<p>Compensation (cash or in kind as selected by the PAP) for affected land equivalent at replacement cost (without depreciation) and including any transactional costs. In the case of in-kind compensation, the replacement land should be equivalent (productive potential, locational advantages etc) to the land which is with security of tenure to achieve the principle of replacement cost.</p> <p>Where PAPs are losing more than 20% of their total land holding, in kind compensation must be offered.</p> <p>Disturbance allowance: Shall be calculated by multiplying the value of the land by average percentage rate of interest paid by commercial banks on fixed deposits for twelve months at the time of loss of interest in the land.</p> <p>Livelihood restoration: Appropriate livelihood restoration measures will be developed and implemented in consultation with PAPs and will include support to re-establish agricultural land or other activities as appropriate. The needs of Vulnerable Groups will be considered as needed.</p>
		Those who have no claim to land they are occupying or using.	<p>Compensation for the developments on the land</p> <p>Resettlement assistance (cash or in-kind as selected by the PAP) to allow the affected person to re-establish their livelihoods.</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Loss of residential land	Loss of land used for residences. Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Land Owner (formal or no formal claim)	Compensation (cash or in kind as selected by the PAP) for affected land at market rate plus compensation for any transactional costs to achieve replacement cost. In the case of in-kind compensation, the replacement land should be equivalent (locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost. Disturbance allowance Transport allowance
		Those who have no claim to land they are occupying or using.	Resettlement assistance (cash or in-kind -- replacement site and house especially for vulnerable individuals) as selected by the PAP) to allow the affected person to re-establish their housing at an alternative site.  Compensation for the developments on the land (cash or in-kind) at replacement cost.
Loss of Leased Land	Loss of land used by tenants (formal or informal) for housing or livelihood activities	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal. Compensation equivalent to 3 months of lease/ rental fee. Assistance in rental/ lease of alternative land/ property. Relocation assistance (costs of shifting + allowance).
Loss of structures	Structures are partially affected	Owner of structure	Compensation for affected building and other fixed assets, without depreciation (replacement cost).

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	and are viable for continued use		Assistance to cover costs of restoration of the remaining structure. Right to salvage materials without deduction from compensation.
		Rental/lease holder	Compensation for affected assets (verifiable improvements to the property by the tenant) without depreciation. Disturbance allowance
	Entire structures are affected and not viable for continued use.	Owner	Compensation for entire structure and other fixed assets without depreciation (replacement value), or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP, as per the preference of the PAP. Right to salvage materials without deduction from compensation Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant).
		Rental/lease holder	Compensation for affected assets (verifiable improvements to the property by the tenant) without depreciation. Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant). Assistance to find alternative rental arrangements.
Loss of structure in part of full	Squatter/informal dweller	Compensation for affected structure without depreciation (replacement value).  Right to salvage materials without deduction from compensation.	

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant) and assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project). Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, (if available).
	Loss of structure in part of full	Street vendor / business owner (informal without title or lease to the stall or shop or with lease)	Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities 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.
	Loss of structure in part of full	Business owner (formal owner)	Compensation for affected structure without depreciation (replacement value) in cash or in kind (as selected by the PAP) Right to salvage materials without deduction from compensation. Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities 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)



Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			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 or current replacement value and where possible, PAP will be allowed to harvest standing crops (annual and perennial) prior to displacement. Livelihood restoration assistance as required either in the form of alternative livelihood such as assistance with job placement, skills training or reestablishment of farming activities at an alternative site.
Trees	Trees lost	PAP (whether owner, tenant, or squatter)	Cash compensation based on type, age and productive value of affected trees plus disturbance allowance. Rehabilitation assistance if required (assistance with job placement, skills training, reestablishment of farming activities etc).
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any loss of income. Cash compensation for any temporary land acquisition (rental charges). Compensation for any damages to assets or structure.
Mobile business	Business, parking for taxi, bikes	Business owner, workers	Alternative site within the area to continue business will be identified, transport cost where applicable, affected property where applicable, loss of business (3 months) where applicable. Transport Allowance + Disturbance Allowance
Loss of Income (eg	Loss of profits/incomes from a	Business Owner	Net monthly profit of the business carried out on the affected property as evidenced by audited accounts, where available,

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
due to loss of access to structure or customers)	business affected by land acquisition		multiplied by 36 months. For informal businesses without audited accounts proxy indicators or loss of accommodation allowance may be used (to be determined on a case by case basis).

DRAFT

## **Stakeholder Engagement**

When land acquisition occurs there shall be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the Project activities, facilities and structures. The affected persons must be made aware of:

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

The methodology and procedures to be adopted will be determined according to the situation and specific issues to be addressed and the location where the sub-project will be implemented. RAP reports will be disclosed at the village level through public gatherings and in village general assemblies and at respective LGAs. The Project will not undertake any sub-projects that will require any form of forced eviction or forceful acquisition of land.

In addition, a Grievance Redress Mechanism (GRM) will be established that is transparent, objective and unbiased and will take both environmental and social grievances into consideration. The GRM will operate through the School Construction Committees that will be established for each school and the Village Council. Grievances that cannot be addressed at this level will be elevated to the Local Government Authority (LGA) and Region as needed.

## **RAP Development and Implementation**

The potential need for a RAP will be determined during screening of the proposed school site or where there is expansion onto new land. When displacement impacts are identified during the screening process the first step should be to determine if alternative sites exist which would avoid or minimize resettlement. Where this is not possible, the need to develop a RAP will be determined.

The LGA will be responsible for preparing the RAP. A participatory approach will be used in accomplishing this task. It is the best way of ensuring a successful completion and acceptance of the RAPs and addressing issues related to the RAPs. Once the RAP has been prepared, it will be shared with the MoEST/PO-RALG to ensure alignment

with this RF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation. The LGA will take the lead in the implementation of the RAP, while MoEST/PO-RALG will monitor the activities to determine if implementation is aligned with the requirements of the RAP.

The basic elements of a RAP, as outlined in ESS5 includes but not limited to the following:

- Description of the Project;
- Objectives for the resettlement program;
- Identification of project impacts and affected populations;
- Baseline socio-economic data and census of PAPs households, including information on vulnerable groups;
- Legal framework for land acquisition and compensation;
- Eligibility of displaced persons for compensation and other resettlement assistance;
- Valuation and compensation framework;
- Description of resettlement assistance and restoration of livelihood activities;
- Detailed budget;
- Implementation schedule;
- Description of organizational responsibilities (institutional framework);
- Framework for public consultation, participation, and development planning;
- Description of provisions for redress of grievances; and
- Framework for monitoring, evaluation, and reporting.

### **Monitoring and Evaluation**

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities.

The MoEST shall be responsible for monitoring and evaluation of the implementation of RAP at periodic intervals of quarterly or half yearly (as circumstances dictate) during the sub-project life.

# CHAPTER ONE

## DESCRIPTION OF THE PROJECT AND COMPONENTS

### 1. INTRODUCTION

#### 1.1 Project Background

The Government of the United Republic of Tanzania through the Ministry of Education, Science and Technology (MoEST) and President Office Regional Administration and Local (PO RALG) intends to implement SEQUIP which aims to increase access to secondary education, provide responsive learning environments for girls and improve completion of quality secondary education for girls and boys.

The Program will support both Second Five-Year Development Plan (FYDP II) and the Education Sector Development Plan (ESDP). The FYDP II emphasizes education and capability development and includes key interventions and indicators for secondary education, notably:

- i. improving the teaching and learning environment, including pupil-qualified teacher ratios; and
- ii. expanding use of ICT in teaching and learning. In addition, the project's focus on digital skills, math and science in secondary education will help provide a greater pool of highly skilled technical college and university level entrants, which is currently small.

The Project will use the new Environmental and Social Framework (ESF) applying the 9 relevant standards out of the 10 Environmental and Social Standards (ESSs). The Environmental and Social Standards (ESS's) that apply to Project include:

- Assessment and Management of Environmental and Social Risks and Impacts (ESS1);
- Labor and Working Conditions (ESS2);
- Resource Efficiency and Pollution Prevention and Management (ESS3);
- Community Health and Safety (ESS4);
- Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5);

- Biodiversity Conservation and Sustainable Management of Living Natural Resources (ESS6);
- Indigenous Peoples/Sub Saharan African Historically Underserved Traditional Local Communities (ESS7);
- Cultural Heritage (ESS8), and
- Stakeholder Engagement and Information Disclosure (ESS10).

The Standard on Financial Intermediaries (ESS9) is not relevant to this Project.

## 1.2 Project Description

The Project Development Objectives (PDOs) are to increase access to secondary education, provide responsive learning environments for girls and improve completion of quality secondary education for girls and boys.

The project will adopt a three-pronged approach to promoting girls' secondary education:

- i. Ensuring a safe, supportive learning environment to keep girls in school longer and delay early marriage and pregnancy; and strengthening their support by families and communities;
- ii. Expanding effective and clear Alternative Education Pathways (AEP) to enable girls who drop out of lower secondary school, especially young mothers, to finish the lower education cycle and enter upper secondary school; and
- iii. Improving access to and completion of quality secondary education for girls and boys.

The project will contribute to increasing the total number of students in secondary education including AEP by 250,000. It will directly benefit about 2 million secondary school students, including 920,000 girls, 95% of whom are enrolled in lower secondary. SEQUIP will help more girls transition from lower to upper secondary education, as girls are underrepresented at this level. It will also support girls who had to leave lower secondary public schools due to pregnancy or other reasons to continue with their secondary education through Alternative Education Pathways (AEP) and allow them to re-enter upper secondary public school.

### **1.3 Project Components**

Activities under SEQUIP will be structured into four main components:

1. Component 1: Empowering Girls Through Secondary Education and Life Skills
2. Component 2: Digitally-Enabled Effective Teaching and Learning
3. Component 3: Reducing Barriers to Girls' Education through Facilitating Access to Secondary Schools; and
4. Component 4: Technical Assistance, Impact Evaluation and Project Coordination

DRAFT

#### **1.4 Scope and Applicability of Resettlement Framework (RF)**

The proposed Project will support activities that are likely to generate site-specific impacts that might include land acquisition or resettlement of Project Affected Persons (PAPs). However, since the exact location of the sub-projects (and therefore land acquisition requirements and associated extent of physical and or economic displacement etc) are not yet known whereby a Resettlement Action Plan (RAP) can be developed for approval under the national regulations and WB requirements, a Resettlement Framework (RF) has been prepared. Where potential involuntary land take or restrictions on land use may occur associated with the construction of all schools regardless of the source of financing during project implementation, relevant provisions in the national legislative requirements and the World Bank ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement will apply.

The detailed description of each component is presented in Table 1 below.

DRAFT



**Table 1: Overview of Project Components**

Component	Key Activities
<b>Component 1: Empowering Girls through Secondary Education and Life Skills</b>	
Sub-component 1.1: Creating Safe Schools	<p><b>Commitment to Safe School Program implemented in 2,000 schools, with the objective to induce behaviour change at the school level. The Safe School Program includes:</b></p> <ul style="list-style-type: none"> <li>• Trained school guidance and counselling teachers;<sup>1</sup></li> <li>• Students’ life skills training through girls’ and boys’ clubs by the guidance and counselling teachers;</li> <li>• In-service training of secondary school teachers on the teacher code of conduct and gender sensitive pedagogical approaches;</li> <li>• Training of school heads and School Boards on GBV, safe school issues etc.;</li> <li>• School and classroom monitoring system for early identification of and intervention on girls at risk of drop out; and</li> <li>• Community-based mechanism for safe passage to school.</li> </ul> <p>The Safe School program will be implemented in two phases: A first phase would take place in 700 schools by year 3 to ensure smooth implementation and allow for adjustments before scale up to an additional 1,300 schools by year 5 and to a total of 2,000 secondary schools in the second phase,</p>

<sup>1</sup> Each school will have two guidance and counselling teachers, one for girls and one for boys, with the exception of All girls or all boys schools will only have one guidance and counseling teacher.

<p>Sub-component 1.2: Promoting Girls' Completion of Secondary Education through Quality Alternative Education Pathways</p>	<p><b>Strengthening the system for monitoring and outreach to secondary school girl drop-outs:</b> Set up an ICT-enabled system for tracking girls dropping out at national and district level to provide key information for AEP planning and implementation (e.g. on where new AEP centers might need to be opened), but more importantly, enable outreach activities to these girls and their families to encourage them to continue their education and inform them of available education options.</p> <p><b>Developing and implementing an innovative, local grassroots outreach program:</b> Alternative Education Centers will undertake local outreach activities to out-of-school girls in the community. AEP centers will be financially incentivized to undertake awareness raising and outreach activities. The outreach program will be led by secondary school, existing community outreach mechanisms, and AEP graduate girls from the local community. Activities such as AEP center-organized community meetings, information via local radio, flyers and brochures will be undertaken. Capacity building for AEP center coordinators for effective outreach activities will be included in their in-service training.</p> <p><b>Enhancing access to Alternative Education Pathways</b> through (i) expansion of the network of AEP centers; and (ii) tuition fee subsidies for vulnerable girls: The program will be based on flexible, self-paced learning arrangements and follow a blended approach, which will include a combination of center-based learning and self-learning at times of day convenient to young mothers/out of school girls.</p> <p><b>A quality package for strengthening student learning in Alternative Education Pathways</b> will also be implemented to strengthen AEP center quality. monitoring and ensure it is similar to schools. In addition to strong academic content, AEP centers will provide the necessary ancillary life skills and reproductive health education to empower girls to successfully complete their secondary education.</p>
---	---

<b>Component 2: Digitally Enabled Effective Teaching and Learning</b>	
<p>Sub-component 2.1</p> <p>Effective Teaching and Learning Resources</p>	<p><b>Minimum package of critical teaching and learning resources for all schools:</b> This package consists of an adequate number of textbooks and teacher guides in core subjects (English, Math and Sciences).</p> <p><b>Equitable, gender-balanced teacher deployment to schools will include the development of the following:</b> (i) Teacher Deployment Strategy for secondary schools focused on alleviating the math and science teacher needs and a gender-balanced deployment across schools. (ii) Multi-year Financial Simulation Teacher Model to forecast and plan teacher needs. (iii) Software for secondary teacher deployment.</p> <p><b>In-service teacher training/continuous professional development (CPD) to improve classroom teaching practice for secondary English, Mathematics and Science teachers</b> on subject content knowledge, pedagogical and gender-sensitive approaches, including identification of at-risk students and remedial measures. In phase 1 about 700 select secondary schools will be established as Teacher In-service Training Centres (TITCs). The rollout of the CPD program will be evaluated to assess its effectiveness and impact on student learning outcomes.</p> <p><b>Evaluate student learning in lower secondary to provide opportunities for remedial use:</b> to allow for targeted early intervention to prevent girl dropout due to learning difficulties.</p>
<p>Sub-component 2.2</p> <p>Digitally-enabled Teaching of Math, Sciences and English</p>	<p><b>Development of an ICT in Education Strategy and plan for secondary education.</b> This includes a mapping/baseline assessment of active and past ICT initiatives in secondary education, as well as an accompanying analysis of international best practices. During implementation special needs teachers and students may also benefit from the ICT based teaching program.</p> <p><b>Digital content and connectivity package:</b> The innovative digital education package will facilitate the</p>

teaching of English, Mathematics and Science in a first phase of 700 schools.

**Component 3: Reducing Barriers to Girls' Education through Facilitating Access to Secondary Schools**

**Expansion of the secondary school network to substantially reduce the distance to secondary schools** by an expansion of the secondary school network, especially in rural areas. SEQUIP will disburse project funding on the basis of the number of schools in each LGA meeting minimum infrastructure standards. The new school construction program will consist of a minimum infrastructure package based on the school construction and maintenance strategy (e.g. number of classrooms/students, adequate WASH facilities, especially important for girls; multi-purpose science labs, electricity, etc.).

**Minimum infrastructure package for existing schools:** SEQUIP will support upgrading existing secondary schools with the minimum infrastructure package, with the objective is that at least 50 percent of all existing schools in all LGAs will meet the minimum standards set. A School Infrastructure Needs Assessment will be carried out in all LGAs to assess the current situation and establish the infrastructure gap at the LGA level. The approach used for construction is the current community-based construction approach. One criterium of site selection for new schools will be water/water connection availability.

**All school construction activities will be coordinated closely with other ongoing and pipeline WB Projects and government initiatives as much as possible** to ensure *electricity connections* for schools in coordination with the Rural Electrification Expansion Program; *internet connectivity* by potentially linking up with the Digital Tanzania Project during implementation and *Water, Sanitation and Hygiene facilities* and their maintenance and use at schools (**water connection** for schools are part of the utility service provision, this will include construction of a borehole and provision of a hand or electric pump) by coordinating with the Sustainable Rural Water Supply and Sanitation Program.

	<p><b>Component 3 will be implemented by school construction committees and school boards</b>, with the construction largely overseen, monitored and tracked by PO-RALG. MoEST will be key in ensuring the request for a new school is registered and temporarily accredited to enable construction.</p>
--	--

**Component 4: Project Coordination and Impact Evaluation** will focus on:

- Project coordination, M&E (including impact evaluation to inform further implementation), supporting achievements of sub-components Strengthening environmental and social safeguards implementation and Grievance Redress Mechanism
- Annual Verification of DLIs

DRAFT

## **1.5 Scope and Nature of Resettlement Impacts**

The proposed Project activities are likely to result in the land acquisition and or involuntary resettlement (physical and/ or economic) of people where the new schools or upgrading of existing schools (sub-projects) are going to be located. Most of the sub-projects are unknown, in terms of exact locations, nature of the restrictions on land use and the likely numbers of PAPs.

Displacement will result from the acquisition of land for new schools and to a lesser extent for the upgrading of existing schools. While exact numbers are unknown it is estimated that approximately 1000 new schools will be constructed mainly in rural areas and that at least 50 percent of all existing schools in all LGAs will be upgraded to meet the minimum standards.

In rural areas the average size for a land plot is 7 Acres while in urban areas this is reduced to 3.5Acres. The additional land requirements for upgrading of existing schools will be site specific depending on the available land within the existing school boundaries and the extent of any upgrades required. In rural areas, the Project plans to construct schools on Village Land which has been identified for public purposes in Village Land Use Plans and which is vacant to minimise the extent of any resettlement. In particular, physical resettlement will be avoided where possible when selecting sites for schools.

The process of site selection for new schools is outlined in the ESMF. The identification of sites for schools will be based on requests and identification by communities which are then reviewed at various levels. The ESMF includes screening protocols for the existing land use and ownership of any site to determine its suitability and the approach to land acquisition.

## **1.6 Justification for the RF**

As the scope and nature of resettlement impacts are not clearly defined as outlined above an RF has been prepared.

The RF establishes the acquisition and compensation principles, organizational arrangements and design criteria where necessary to be applied to meet the needs of the people including vulnerable groups as defined in ESS7 who may be affected by the sub-projects, when the actual sites are identified.

The RF also provides guidance, to all actors involved in sub-project implementation, for the identification of resettlement impacts and measures to adopt to minimize or address resettlement issues created by the sub-project. Once land acquisition and

resettlement impacts are identified, a site-specific Resettlement Action Plan (RAP) will need to be prepared for each sub-project.

## **1.7 Objective and Purpose of RF**

### **1.7.1 Objective of the RF**

The objectives of RF are -

- i) to avoid or minimize involuntary resettlement by exploring project design alternatives including through site selection;
- ii) to avoid forced evictions;
- iii) to mitigate unavoidable adverse impacts from land acquisition in accordance with the applicable law;
- iv) to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure; and
- v) to ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and informed participation.

### **1.7.2 Purpose of the RF**

The RF clarifies the resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects or project components to be prepared during project implementation (see ESS5, para. 25). Once the sub-project or individual project components are defined and the necessary information becomes available, such a framework will be expanded into specific RAPs proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until the RAPs have been developed, cleared by the World Bank and implemented accordingly.

This RF covers the following elements:

- a) introduction and project description;
- b) principles and objectives governing resettlement and provision of compensation;

- c) the legal framework including a review of the differences between national laws and regulations and the requirements of the ESF and measures proposed to bridge any gaps;
- d) methods of valuing affected assets;
- e) land acquisition and likely categories of impact;
- f) eligibility criteria for defining various categories of PAPs;
- g) description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;
- h) description of the grievance redress mechanism;
- i) description of the process for preparing and approving sub-project specific RAPs;
- j) description of the implementation process, linking resettlement and compensation implementation to civil works;
- k) organizational procedures for delivery of entitlements and other resettlement assistance;
- l) arrangements for monitoring by the implementing agency; and
- m) a description of the arrangements for funding resettlement and compensation, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.

## **1.8 Land Use**

Land use means the purpose for which any parcel of or structure erected on land, or part of it is or is intended to be used or occupied. Common land uses are for agriculture, pastoralism, forestry, settlements, social services and commercial purposes depending nature of the area concerned.

The common land uses of Vulnerable Groups (VG) including land that is historically owned by the VGs or utilised for their livelihoods are for hunting activities, livestock grazing, forest and forest reserves, herbs and roots for medicine, bee keeping and honey collection and for food purposes. This project will not affect such land that is under communal use. More about this process has been clearly outlined in the Vulnerable Groups Planning Framework (VGPF) that has been prepared separately for this project.



## CHAPTER TWO

### POLICY AND LEGAL FRAMEWORK

Tanzania has an extensive policy, legal and institutional framework for managing social issues related to land and property acquisition and compensation enshrined in the National Constitution, the Land Policy and Land Acts as well as supporting local laws and by-laws. The Ministry of Lands, Housing and Human Settlement Development is responsible for formulation of land policy, regulation and coordinate matters pertaining to land in Tanzania Mainland.

This chapter presents overview of Tanzanian policy, legal and institutional framework of relevance to this RF. Currently there is no specific-resettlement policy in Tanzania. However, Tanzania has policies and a legal and institutional framework for the management of social issues related to land and property acquisition and requirements for full, fair and prompt compensation enshrined in the National Constitution, the Land Policy and Land Acts of 1999 as well as supporting laws and regulations - operating at various levels including local laws and by-laws.

#### **2.1 Overview of Policies and Laws Governing Land and Related Matters**

##### **2.1.1 Constitution of the United Republic of Tanzania (1977 - as amended)**

Given the supremacy of the State Constitution as the norm from which other laws derive their legitimacy, the United Republic of Tanzania Constitution is one of the laws that must be considered in dealing with land matters in the country. The Constitution provides for the fundamental right of private property and compensation to all those whose property has been acquired under article 24 (1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub- article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.

##### **2.1.2 National Land Policy (1997)**

The overall aim of the National Land Policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights to land for all its citizens. The policy provides that a dual system of tenure, which recognizes both customary and statutory rights of occupancy as being equal in law be established. The fundamental principles of the National Land Policy are to have regard to are-

- i) to recognize that all land in Tanzania is public land vested in the President as trustee on behalf of all citizens;
- ii) land has value;
- iii) the rights and interest of citizens in land shall not be taken without due process of law;
- iv) full, fair and prompt compensation shall be paid when land is acquired.

In principle the Minister for land is responsible for policy formulation and for ensuring the execution in the ministry of the functions connected with the implementation of the National Land Policy and the Act. The Commissioner for Lands is the delegated sole principal land administrator in the country. He is an administrative and professional officer and adviser to the Government on all matters connected with the administration of land. However, the policy stipulates involvement of the public and private institutions whose functions are associated with land i.e. local authorities, communities, non-governmental organizations and community-based development organizations to participate and cooperate with the Minister at different levels during the implementation of the policy and utilization of land.

Mainland Tanzania has a dual system of land tenure concerning public lands:

- i. customary rights; and
- ii. statutory rights of occupancy.

Granted rights to land can be held by individuals or by Communities. Holdings of individuals can be covered by the following: (i) Right of occupancy for varying periods e.g. 33, 66, or 99 years; and (ii) Customary rights of occupancy for indefinite term.

### **2.1.3 The Land Act, 1999 (Act No 4/1999)**

The Land Act is the principle land legislation on all land matters. The Land Act signifies that land in Tanzania is public land and remains vested in the President as trustee for and on behalf of all citizens of Tanzania. For the purposes of the management of land under the Land Act and all other laws applicable to land, public land is in the following categories:

- (a) general land;
- (b) village land; and
- (c) reserved land.

In addition, land may be declared to be hazardous land where the development of which is likely to pose a danger to life or lead to the degradation of or environmental destruction on that contiguous land and includes locations such as wetlands,

mangrove swamps and coral reefs, steep lands and other areas of environmental significance or fragility.

The Act recognizes customary tenure as of equal status to granted rights of occupancy and allows livestock keepers to own pasture lands either individually or in groups. Importantly, the Land Act promotes gender equality by recognizing equal access to land ownership and use by all citizens and giving them equal representation on the land committees. The application of this Act will enable soliciting land for project implementation in both rural and urban areas.

The Act specify that an interest in land has a value and that value is taken into consideration in any transaction affecting that interest. The recognized land ownership is the granted right of occupancy and customary ownership. The act states that where persons with a right of occupancy (including land which is occupied by persons under customary law) are to be moved or relocated, they must be compensated for loss of interest in the land and for other losses. They also have the right to reap crops that are sown before any notice for vacating that land is given.

#### **2.1.4 The Village Land Act, 1999 (Act No.5/1999)**

The Act provides that the Village Council, the organ upon which the President has delegated powers to manage village land is obliged to ensure that the villages prepare an appropriate village land use plan for sustainable development, to enter into agreement with neighbouring villages, to ensure that joint village land use plans are prepared for areas which are used jointly. Preparation of such plans among other things includes setting aside areas for community uses including areas for schools, dispensaries, water catchments, water supply utilities, market places, burial areas, offices etc.

Under the provisions of this act, the Village Council is responsible for management of village land and is empowered to do so in accordance with the principles of a trustee managing property on behalf of a beneficiary. In addition, the Village Council is required to manage land by upholding the principles of sustainable development, relationship between land uses, other natural resources and the environment. Sub-projects shall be established and operated within the village lands.

Therefore, the Act provides a basis for ensuring that resettlement is avoided completely or as few people as possible are resettled in the implementation of sub-projects. Adherence to the Village Land Act No. 5 will facilitate minimization or avoidance of resettlement problems, costs and grievances.

In assessing compensation, land acquired in the manner provided for in the Acts, shall be based on market value of the property in addition to a transport allowance; disturbance allowance for loss of profits and accommodation; cost of acquiring or getting the subject land; and interest at market rate will be charged or paid for any delayed compensation.

#### **2.1.5 The Land Acquisition Act, 1967 (Act No 47/1967)**

The Land Acquisition Act of 1967 stipulates the power and procedures for acquiring land and the required degree of compensation. Section 3 and 4 of the Act gives the President of Tanzania powers to acquire any land for any estate or term where such land is required for public purpose such as exclusive government use, general public use, any government scheme, development of social services or commercial development of any kind including declamation. The act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use.

The Minister responsible for land may authorize any person to enter upon the land and survey the land to determine its suitability for a public purpose. The Government of Tanzania is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act does not go beyond compensation. It is not required under the Act to provide alternative land for the affected people by the project. Each affected person entitled to be compensated, on receipt of his/her compensation is expected to move and has no further claim. Once they are promptly and adequately compensated, then the obligations stop there. This act also sets out the legal process for payment of compensation.

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

Land (Assessment of the Value of Compensation) Regulations, 2001 were made under section 179 of Land Act no. 4 of 1999. Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation. The full and fair compensation is assessed by including all components of land quality and the market value should be used as basis for valuation of land and properties. Presently in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price that which the said improvements can fetch if sold in the open market. According to the regulation, the

valuation of the affected properties must be done by a qualified and authorized Valuer. The regulations also make provision for the allowances (excluding unoccupied land) including:

- Disturbance Allowance: Disturbance allowance shall be calculated by multiplying the value of the land by average percentage rate of interest paid by commercial banks on fixed deposits for twelve months at the time of loss of interest in the land.
- Transport Allowance: Shall be the actual Cost of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty km from the point of displacement.
- Accommodation Allowance: The market rent for the building shall be assessed and multiplied by thirty-six months in order to arrive at the accommodation allowance payable.

In relation to loss of profits for businesses the regulations state the net monthly profit of the business carried out on the land shall be assessed, evidenced by audited accounts where necessary and applicable, and multiplied by thirty-six months to arrive at the loss of profits payable.

### **2.1.7 Valuation and Valuers Registration Act (2016)**

The Valuation and Valuers Registration Act (2016) sets out the process to become a Registered Valuer and requirements on them. The process of appointment of the Chief Valuer and powers of them are outlined in the Act along with the establishment of a Valuers Registration Board.

Part V of the Act provides 'Guidance on the valuation practice', including on:

- Types, purpose and basis of valuation.
- Methods of valuation to be applied - which includes the replacement cost method.
- Validity of valuations -setting a 2 year validity period for the valuation reports relating to compensation and the definition of 'prompt payment of compensation' meaning the payment of compensation within six months after approval of valuation by the Chief Valuer.
- Cut-off date and limitation period - the cut-off date shall be the "date of commencement of valuation" and that "Upon commencement of valuation, a person shall not add or improve anything to the land or such premises".
- Access to land, buildings etc.- affords rights to entry to land and buildings for the purpose laid out in the Act (i.e. valuation) by the Registered Valuer subject to prior notice.

### **2.1.8 The Land (Compensation Claims) Regulations, 2001**

The regulations apply to all applications or claims for compensation against the government or Local Authority or any public body or institution and they also cover compensation which may be claimed by an occupier.

### **2.1.9 The Land (Schemes of Regularization) Regulation, 2001**

Under the Land Act, 1999 Section 60(1) an area can be declared to be a regularization area. Regularization of an area involves the following:

- (1) Arrangements for the survey, adjudication and recording of interests in land claimed by those persons occupying land in the regularization area.
- (2) Arrangements for the readjustment of boundaries of plots of land.
- (3) Better planning and layout of the land including pooling, sharing and redistribution of rights to land.
- (4) Arrangements for the involvement of the local authorities having jurisdiction in the regularization area in the implementation of the scheme.
- (5) Arrangements for involvement of the people whose land is the subject of the scheme of regularization in the implementation of the scheme.
- (6) Arrangements for the assessment and payment of any compensation that may be payable in connection with the implementation of the scheme.

Section 60(3) emphasizes that for the avoidance of doubt, no scheme or regularization shall be implemented until occupation and use of land by those persons living and working in the area have been recorded, adjudicated, classified and registered.

### **2.1.10 The Land Disputes Court Act, 2002 (Act No. 2/2002)**

This act provides the respective courts and their functions. Before implementation of sub-projects, any land conflicts existing in the areas shall be resolved through the appropriate land courts to ensure that harmony prevails in the intended undertaking. Project beneficiaries will therefore be bounded by these Acts.

### **2.1.11 The Land Use Planning Act, 2007 (Act No. 6/2007)**

The Act provides for the procedures for preparation, administration and enforcement of land use plans; to repeal the National Land Use Planning Commission and to provide for related matters. Clearly the Act has distinctive authorities of land use planning in Tanzania laid down with their functions and powers. The power vested to

authorities is to enforce approved land use plans including taking defaulters to court of law.

#### **2.1.12 The Urban Planning Act, 2007 (Act No. 8/2007)**

The Urban Planning Act No 8 of 2007 provides power for creating plans in advance of development and a comprehensive system of development control. It provides for the declaration of planning urban areas by the Minister responsible for Urban Planning in consultation with Local Authorities and constituting area Urban Planning Committees and procedures for preparation of schemes and the approval by the Minister. The general planning schemes which came to be known popularly as master plans continue to be the primary planning and management tool for guiding urban development in Tanzania for more than forty years. These provided for preparation of detailed schemes and project plans.

#### **2.1.13 Sector Policies and Laws on Access, Use, and Management of Natural Resources**

Land-based natural resources that could be affected by land acquisition include agriculture resources (arable land), forests and contained biodiversity and beekeeping, non-renewable mineral resources (including construction materials such as gravel); surface and underground water resources. Each category is governed by one or a set of laws and regulations but all invariably has taken measures to ensure access to use and enjoyment of all Tanzania citizens.

#### **2.1.14 The Graveyard Act, 1969 (Act No. 9/1969);**

Graveyard Removal Act of 1968 refers directly to grave removal and requirement for compensation. Section 3 of this Act, informs that where any land on which a grave is situated is required for a public purpose the Minister may cause such grave and any dead body buried therein to be removed from the land and, in such case, shall take all such steps as may be requisite or convenient for the reinstatement of the grave and the reinstatement of the dead body in a place approved by him for the purpose. The act says the owners of graves should be compensated and paves way for development interventions.

#### **2.1.15 The National Human Settlements Development Policy (2000)**

The overall objective of the National Human Settlements Development Policy (NHSDP) is to promote the development of sustainable human settlements and to facilitate the provision of adequate and affordable shelter to all people, including the poor. The policy outlines a number of objectives including environmental protection

within human settlements and protection of natural ecosystems against pollution, degradation and destruction. The NHSDP recognizes planning and management of human settlement areas as one of the broad human settlement issues. Within this regard, the NHSDP identifies environmental protection as one of the strategic issues in human settlement planning and development.

#### **2.1.16 National Cultural Policy (1997)**

The policy framework for culture in Tanzania includes the rather broad general Cultural Policy dating back to 1997, which covers heritage, arts and craft and other cultural sectors of activity. The National Strategy for Growth and Reduction of Poverty for Tanzania, MKUKUTA II, recognize the importance of culture in the national development strategy. Its Goal 5 indicates that “National culture and identity are at the heart of development policy”. The results targeted within this goal are:

- (1) Social cohesion, belonging, and national identity promoted and enhanced;
- (2) Attitude toward hardworking, self-confidence, and self-esteem, creativity, innovation and Moral integrity promoted and enhanced;
- (3) Culture and heritage of the country preserved and promoted; and
- (4) Principles of cultural diversity and inter-cultural dialogue upheld.

#### **2.1.17 Antiquities Policy of 2008**

Antiquities Policy of 2008 defines Physical Cultural Resources (PCRs) as any tangible material that represent contemporary, historic, and pre-historic human life ways. Antiquities Policy (2008) section 2.1 points out that already discovered PCRs shall be preserved and conserved in the National Museum of Tanzania as stipulated in Museum Act of 1980. In addition, the Antiquities Policy of 2008, sections 4.2.1 to 6, elaborates on how other stakeholders including government institutions, private sectors and public as a whole should be involved in all activities of conservation and management of PCRs.

#### **2.1.18 Agriculture and Livestock Policy (1997)**

The Agriculture and Livestock Policy of 1997 addresses changes that affect the agricultural sector in Tanzania, specifically restrictions to agricultural practices stemming from the national Land Use Policy of 1997. The Agriculture and Livestock Policy also addresses the needs of women in agriculture and the needs for agricultural practices to evolve to ensure protection of the environment. The policy promotes good husbandry and increased agriculture production.



The overall aim of the policy is to promote and ensure a secure land tenure system to encourage optimal use of land resources and facilitate broad-based social and economic development without upsetting or endangering the ecological balance of the environment. The land use plan in the Project will be observed to protect the rights of hunters-gatherers, livestock keepers, and specific uses on Vulnerable Communities.

## **2.2 World Bank Environmental and Social Framework**

Environmental and Social Standard (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognises that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Such impacts can include loss of shelter or residential land (physical displacement) or loss of land, assets or access to assets affecting livelihoods (economic displacement). As such, ESS5 seeks to avoid involuntary resettlement. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

The objectives of ESS5 are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.

- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

The ESS applies to permanent or temporary displacement resulting from involuntary resettlement. The ESS does not apply to voluntary legally recorded market transactions when the seller is given a genuine right to refuse and is fully informed about their choices. The ESS does include consideration of voluntary land donation. When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, affected persons will be offered compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

### **2.3 Tanzania Legal and Regulatory Requirement in Comparison with World Bank ESS5**

Laws on land administration in Tanzania are comprehensive but differ in several ways with the ESS5. For example, entitlements for payment of compensation are essentially based on the right of ownership, which limits the rights of non-formal occupants like slum dwellers and tenants that the ESS5 recognizes. The provision that the affected persons are entitled to some form of compensation, whether or not they have legal title, if they occupy the land by a specified cut-off date is not explicit in Tanzanian laws. There are other gaps between the Tanzanian laws and the ESS5 which are summarized in the table below. The principle of this RF will adhere to the Tanzanian laws as noted above and the ESS5. In case of gaps/contradictions between the two policies, the stricter (i.e. that which provides greatest benefit to the PAPs will prevail).

**Table 2: Comparison of Tanzanian Laws and Land Acquisition, Restrictions on Land Use and Resettlement (ESS5)**

<b>Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
Eligibility Criteria	<p>It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. 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 the <i>Land Act</i> or acquired under the <i>Land Acquisition Act</i>, is entitled to full, fair and prompt compensation.</p> <p>According to the law, those with no legal rights or claims to land are not eligible for any form of compensation.</p>	<p>Affected persons may be classified as those as persons:</p> <p>Who have formal legal rights to land or assets;</p> <p>Who do not have formal legal rights to land or assets but have a claim to land or assets that is recognised or recognizable under national law (such claims could be derived from adverse possession or from customary or traditional tenure arrangements)</p> <p>Who have no recognisable legal rights or claim to the land or assets they occupy and use.</p> <p>All these groups are eligible for compensation.</p>	<p>The ESS5 includes additional groups who are eligible for compensation for loss of land and assets on the land notably those without legal claim to the land.</p> <p>As such tenants, squatters and land users will need to be provided with compensation in line with ESS5.</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
Project Design	Tanzanian Law does not explicitly require consideration of resettlement impacts in Project Design.	<p>The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements.</p> <p>The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use.</p>	ESS5 requires consideration of the resettlement when designing Projects to minimise resettlement. When locating sub-projects consideration will be given to avoiding displacement (physical and economic) to minimise negative impacts.
Compensation	<p>The Tanzanian law requires the provision of full, fair and prompt compensation. In practice this usually means cash compensation based on market value.</p> <p>The government with the consent of the affected victim may grant another piece of land of equal value with similar term unless there was breach of legal obligations.</p>	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.	<p>Compensation in Tanzania is based on market value with the provision of various allowances while ESS5 requires compensation at replacement value and requires restoration of livelihoods to be considered.</p> <p>The Project will provide compensation at replacement value and will offer in kind</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	In addition, various allowances are provided for to assist affected people.	Where livelihoods of displaced persons are land-based or where land is collectively owned, the Borrower will offer the displaced persons an option for replacement land.	(replacement land) preferentially. Assistance in the form of allowances will also be provided.
Planning and Implementation	Under Tanzania law there are no specific requirements for the development of a plan.  The only requirement is the production of an asset inventory (valuation report) to be approved by the Chief Valuer.  Evaluation starts once the President resolves that any land is required for a	ESS5 requires for an assessment to be undertaken to identify a census of affected people, inventory of land and assets, identification of seasonal resource users.  The Borrower will prepare a plan proportionate to the risks and impacts of the project.	There is no provision for the development of a Resettlement Action Plan under Tanzanian law. In line with ESS5 where resettlement occurs a RAP will be developed proportionate to the level of impacts. This will include a valuation report in line with Tanzanian law which covers the principle of replacement cost <sup>2</sup> .

<sup>2</sup> "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	<p>public purpose. This is done by the Chief Valuer whose one of his functions is to carry out valuation of properties or other assets upon request from the Government, institutions, individuals and members of the public.</p> <p>For purposes of effective carrying out of this function the Chief Valuer may delegate his functions to Assistant Chief Valuer or Authorized valuer</p>		

resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
Cut Off Date	For purposes of any valuation, the cut off date is the date of commencement of valuation. Upon commencement of valuation, a person shall not add or improve anything to the land or such premises.	The Borrower will establish a cut off date for eligibility. Information regarding the cut off date will be well documented and disseminated.	Upon commencement of valuation, a person shall not add or improve anything to the land or such premises, except where it can be demonstrated that such post-cut-off date improvements were needed to maintain the livelihoods of the affected person during the period between the cut-off date and displacement e.g. as a result in delays in project implementation.
Land Owners	The 1967 Land Acquisition Act, the 1999 Land Act, and the 1999 Village Land Act state clearly that land owners, with or without formal legal rights, are entitled to full fair and prompt compensation.  They also get a disturbance allowance, transport, allowance accommodation allowance, and loss of profit if they	Under ESS5 land owners are entitled to compensation for their land and assets on the land.	All eligible owners of land and unexhausted improvements are subject for compensation at replacement cost (as well as compensation for any livelihood activities displaced as a result of the land take).

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	<p>were in actual occupation of the appropriated property at the time of valuation.</p> <p>Lost assets are limited to “unexhausted improvements,” that is, the land and developments on the land.</p> <p>The law does not cover economic and social impacts of relocation, and as such, socioeconomic surveys are not part of the land appropriation process.</p>		
'Squatters'	<p>Those occupying land for recognised long-standing occupation are entitled to compensation. In some cases, however, they are not paid upon proof that they are 'trespassers' (as defined by law).</p>	<p>The Borrower should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihood, as well as compensation for assets other than land.</p>	<p>The Tanzania spectrum is limited to those who can prove proprietary right and does not include the tenants and encroachers, while ESS5 requires consideration of all displaced people.</p> <p>It is unlikely that SEQUIP activities will displace squatters. In the event this happens, affected people will be</p>



Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
			<p>compensated for assets on the land (crop, trees structures). Resettlement assistance will be provided, including access to land where appropriate (e.g. subsistence farmers).</p>
Land Users/ Tenants	Tenants in general are not eligible for any form of compensation.	ESS5 includes displaced persons who have no recognisable legal right or claim to the land they are occupying. This would include land users.	<p>There is consideration to compensation in respect of land users.</p> <p>Under this project land users will either be given ample time to harvest their crops or be compensated for them and any other immovable assets on the land belonging to the user. Such compensation will be paid to the user.</p> <p>Land users and tenants will also be provided with resettlement assistance to help restore their livelihoods in line with ESS5</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
Owners of Structures (non-permanent buildings or permanent buildings)	<p>Tanzanian law makes no difference between owners of land and structures. As long as difference can be established compensation is payable. However, this is not applicable to non-permanent buildings or structures. Determination of compensation is based on the market value of the property.</p>	<p>If people living in the project area are required to move to another location, the Borrower will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and (b) provide relocation assistance suited to the needs of each group of displaced persons. Resettlement locations will be providing equivalent conditions to those previously enjoyed. For those with no legal right to the land arrangements will be put in place to allow them to obtain adequate housing. Those with recognizable claims will be offered replacement property at equal or higher value, security of tenure, equivalent locational advantages or cash</p>	<p>Tanzania does not recognise non-permanent structure, but ESS5 recognises all types of structures as eligible for compensation. Despite this under Tanzanian law compensation is paid at market value to owners of permanent structures. The Project will apply ESS5 such that all structures are compensated at replacement cost without depreciation.</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
		compensation. Compensation in kind should be considered in lieu of cash.	
Timing of compensation payment	<p>Tanzanian law requires that compensation be full, fair, and prompt. Prompt means it should be paid within six months, failure to do so incurs an interest rate equivalent to the average rate offered by commercial banks on fixed deposits.</p> <p>Legally, compensation for the appropriated land does not have to be paid before taking possession, but in current practice, it is usually paid</p>	<p>ESS5 displaced persons are provided compensation at replacement cost for loss of assets directly attributable to the project. Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced person(s).</p>	<p>In terms of timing, both Tanzanian laws and ESS5 require that compensation be paid promptly. However, ESS5 explicitly states that displacement can only occur after the payment of compensation.</p> <p>Compensation will be paid in advance of any displacement.</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	before existing occupiers are displaced.		
Calculation of compensation and valuation	Tanzanian laws indicate that the current market values should be used as basis for valuation of land and properties. Regulation 3 of the <i>Land Policy (Assessment of the Value of Land for Compensation) Regulations, 2001</i> and Part I-III of the <i>Village Land Regulations, 2002</i> provide for practical guidelines on assessment of compensation. The full and fair compensation is only assessed by including all components of land quality.	Bank policy requires that there is a clear basis for calculation of compensation which is documented and disclosed. In addition it requires: (a) prompt compensation at replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land	For SEQUIP calculation of compensation and valuation will be based on Tanzanian laws providing for full, fair and prompt compensation. In addition, requirement of ESS5 will be applied to ensure that all the required support and assistance and that compensation is paid at replacement cost or where in-kind compensation is provided it has the equivalent conditions (e.g. productive potential, access to markets etc) as that which is lost.

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
		acquisition on livelihood is minor; and (e) provision of civic infrastructure and community services as required.	
Relocation and resettlement	Relocation and resettlement is not recognised in Tanzanian law.	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihood and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Tanzanian laws do not make provisions for avoidance or minimizing of involuntary resettlement.  Under SEQUIP displacement will be avoided and minimized as much as possible by finding alternative locations for schools and where this is not possible, compensation at replacement values will be applied.
Completion of resettlement and compensation	Compensation is paid within six months and is usually paid before existing occupiers are displaced.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the	Tanzanian law requires that compensation be prompt. Prompt means it should be paid within six months of the valuation report being approved, failure to do so incurs an interest rate equivalent to the

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
		restrictions in accordance with the timetable in the plan of actions.	average rate offered by commercial banks on fixed deposits. In line with ESS5 compensation must be paid before existing occupiers are displaced.
Livelihood restoration and assistance	Livelihood restoration and assistance is not recognised in Tanzanian law.	In the case of projects affecting livelihoods or income generation, the Borrower's plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The plan will	Tanzanian policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of economic displacement to receive livelihood restoration.  SEQUIP is not expected to displace households or individuals and therefore livelihood restoration may not be necessary. However, in the event this happens an LRP will be put in place for the displaced households in line with the eligibility criteria outlined

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
		<p>incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed. The mitigation of economic displacement will be considered complete when the completion audit concludes that affected persons or communities have received all of the assistance for which they are eligible, and have been provided with adequate opportunity to re-establish their livelihoods.</p>	<p>above. In line with ESS5 preference shall be given to in-kind compensation (e.g. replacement land) over cash compensation. The livelihood restoration and assistance will be proportional to the level of impact.</p>
Consultation and disclosure	<p>There are few provisions related to consultation/disclosure in Tanzanian law. The notice, under the 1967 Land Acquisition Act, informs the persons interested or claiming to be interested in such land, or to the persons entitled to sell or convey the</p>	<p>The borrower will engage with affected communities.</p> <p>Decision making processes related to resettlement and livelihood restoration will include options for people to</p>	<p>While the consultation requirement is inherent in the Tanzania EIA guidelines, it has a number of differences with the requirements of ESS5. In LI 1652 (Regulation 17), similar considerations apply and</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	<p>same, about the President's need to appropriate their land and their right to object.</p> <p>The 1999 Land Act allows displaced persons to fill in forms requiring that their land be valued and state their opinion as to what their assets are worth (Land Form 70).</p> <p>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</p>	<p>choose from.</p> <p>Consultation will take place during consideration of project design, planning, implementation and monitoring and evaluation process, livelihood restoration activities and relocation process.</p> <p>Women's perspectives should be considered in the consultation process.</p> <p>Additional consultations are needed with Vulnerable Groups (ESS7)</p>	<p>the same differences are identifiable: There is no requirement to disclose the preliminary report under Regulation 9.</p> <p>Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the composition of those most likely to be excluded from the remit of Tanzanian legislative and constitutional protection for involuntary resettlement (i.e., squatters).</p> <p>Under SEQUIP the above will be supplemented with the both formal consultations with the project affected people during</p>



Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
			resettlement planning and implementation as well as public disclosure of the process and RAP without names of the PAPs. In addition, the SEP prepared separately will also assist in engaging the wider stakeholders groups and ensuring the inclusion of women.
Grievance mechanism and dispute resolution	<p>Under section 13 of the 1967 Land Acquisition Act, if dispute or disagreement regarding any of the matters listed below is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose, the minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.</p> <ul style="list-style-type: none"> <li>• The amount of compensation;</li> </ul>	<p>Grievance mechanisms for the Project will be include as early as possible to address concerns in a timely fashion.</p> <p>Where possible such mechanisms will use existing mechanisms.</p>	<p>Resolution of grievances under Tanzanian law relies on legal resolution although in practice meetings are used to resolve grievances where possible. ESS5 requires a mechanism to be in place.</p> <p>Under SEQUIP both the Tanzania GRM and provisions of ESS5 will be applied to ensure smooth resolution of grievances.</p>

Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	<ul style="list-style-type: none"> <li>• The right to appropriate the land;</li> <li>• The identity of persons entitled to compensation;</li> <li>• The application of section 12 to the land; or,</li> <li>• Any right privilege or liability conferred or imposed by this act.</li> </ul> <p>In practice, the government tries to resolve Grievances through public meetings of the affected persons.</p>		

DRAFT

## CHAPTER THREE

### CONSULTATIONS AND DISCLOSURE

#### 3.1 Stakeholders Consultation during Project Preparation

During Project preparation there must be adequate consultation and involvement of stakeholders. Considering that the location of the sub-projects are not yet known, it will not be possible to undertake engagement directly with affected people or communities. However, stakeholders should be made aware of;

- a) the nature of the proposed project activities, potential for land acquisition, restrictions on land use and involuntary resettlement;
- b) options and rights pertaining to resettlement and compensation;
- c) process for resettlement and compensation including the development of a RAP;
- d) approach to stakeholder engagement that will be undertaken during RAP development and implementation;
- e) how compensation rates at replacement cost for loss of assets and services will be determined; and
- f) approach to addressing livelihood restoration.

#### 3.2 Disclosure of the RF

The RF has been made available to the public in an appropriate form and manner. The Bank will make the RF available to the public in accordance with Bank Policy on Disclosure of Information, and the MoEST and PO-RALG will also make the documents available to the affected communities. The summary of the RF has been translated into Kiswahili for use at the community level and is available at <http://www.moe.go.tz/sw/component/k2/item/2311-introduction-of-secondary-education-quality-improvement-program-sequip.html>

Once consultation of the draft RF has been undertaken the outcomes will be presented and the RF will be updated accordingly.

#### 3.3 Stakeholders Consultations during Implementation

A thorough stakeholder consultation exercise with interested and affected stakeholders will be conducted in order to solicit their concerns, key issues and understand their

experiences and lessons to be learnt while implementing the sub-projects. The process of stakeholder engagement is based on the following key principles: to provide information to all stakeholders over different media platforms, including community meetings, interviews, workshops, print and digital media, promoting dialogue between all stakeholders and civil society players as needed; and promoting access to project information by availing it to all stakeholders at all levels. Simple brochures, leaflets, or booklets will be developed and distributed to community during the implementation of the project.

Open and transparent engagement between project stakeholders can ensure effectiveness of land acquisition procedures. During implementation of the Project, stakeholders (individuals or groups) will be consulted throughout the project life cycle so as to foster strong, constructive and responsive relationships that are important for mitigating land conflicts. Stakeholders will be involved as per the nature and scale of the sub-project and its potential risks and impacts.

The aim of public consultations at the implementation stage will be to-

- a) disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- b) promote sense of ownership for the project activities;
- c) invite contributions and participation on the selection of project sites; and
- d) identify potential risks and impacts of constructing the school at the proposed site and measures to address these impacts.

### **3.4 Individual RAP Disclosure and Consultation Plans**

The sub-projects specific RAPs will be carried out where the need for land acquisition for individual schools will be necessary. During sub-project preparation, there shall be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the Project activities, facilities and structures. The affected persons must be made aware of:

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

The methodology and procedures to be adopted will be determined according to the situation and specific issues to be addressed and the location where the sub-project will be implemented. Including where relevant the needs of Vulnerable Groups (as defined in ESS7) as per the VGPF and sub-project specific Vulnerable Groups Plans (VGPs). RAP reports will be disclosed at the village level through public gatherings and in village general assemblies and at respective LGAs. The Project will not undertake any sub-projects that will require any form of forced eviction or forceful acquisition of land.

DRAFT

## CHAPTER FOUR

### METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION PAYMENTS

#### 4.1 Basis for Valuation

The law and practice advocate for market, cost and income as bases for valuation depending on the nature of the asset and geographical location. The appropriate method of valuation for any given displacement will be determined based on these factors and presented in the RAP. The Market Value of affected property/asset may be arrived at using different methods and any additional assumptions and forms the basis for determining replacement cost. The Valuation and Valuers Registration Act 2016 and its Regulations, Valuation and Valuers (General) Regulations, 2018 and Part I - III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation in Mainland Tanzania.

#### 4.2 Methods of Valuing Assets

The basis for assessment of value of any land and any unexhausted improvements for the purpose of compensation at replacement cost shall be arrived at by the use of the following methods of valuation in the implementation of Project and where resettlement is an issue:

##### 4.2.1 Direct Comparison Method

The method will be used to value assets by comparing like for like. It is a very reliable method if current market information is available on sale prices and rentals such as in peri urban areas. It is usual to reduce sales or rented information to unit price for compensation purposes. The common units used are:

- i. Agriculture land: ha, sqm, number of trees;
- ii. Vacant buildable land: ha, sqm, standard plot;
- iii. Beach plots: m, of beach frontage;
- iv. Houses and apartments: floor area measured in sqm, rooms;
- v. Shops and houses: floor area measured in sqm, rooms;
- vi. Industrial property: floor areas measured in sqm; and
- vii. Schools, hospitals, school place, bed space, seat etc.

##### 4.2.2 Replacement Cost Approach

Where market sale and rental information is not available value can be arrived at by using the replacement cost approach. The assumption is that the price is equivalent to

the cost of replacing the asset with an equivalent one plus a reasonable and fair profit margin. The method is commonly used in valuing public properties like schools' playground, playgrounds, community halls and health centres. Costs may be obtained based upon the actual construction cost if the works have been recently completed, tender price, and bills of quantities prepared by a quantity surveyor, estimates prepared by contractor, rough estimates based on unit costs e.g. cost per m<sup>2</sup>, m<sup>3</sup> bed space etc and estimates of materials and labour costs prepared by the value after consulting local experts and suppliers.

Additionally, the method also considers professional fees for architectural, engineering and other technical services, interest during construction, other charges like land rent, plan approval fees and developers profit when appropriate. The method can also be used when valuing partly completed buildings. This approach will be favoured for structures in rural areas where there is no current market information.

#### **4.2.3 Income/Investment Method**

The Investment Method treats property like any other investment in the market, where the main factors influencing investment decisions are security of principal, adequate yield, security of income, administrative costs and capital growth. The procedure is to capitalize the rental income (net of expenses or outgoing) using a coefficient based on the prevailing market yield. Yield adjustments have to be made where income is terminable. Where ownership will accrue in future or the expected income stream is likely to change, the benefit is deferred at an appropriate rate, where adequate market data are available. Where sale and rental transactions are rare, and there is scarcity of comparative data on rental and capitalization rates, the method will not be used. Crop Compensation Rates are determined by the average yielding capacity of the individual crop over a number of years as determined by the Office of the Chief Valuer taking into account the cost of producing the crop and marketing as outlined in more detail below.

#### **4.2.4 The Profit Method**

The Profit Method is used when neither the investment nor the cost approaches are suitable. The method is based on the theory that the value of an asset is determined by the benefit or future income streams it could yield. The method is useful in valuing running businesses or going concerns. The basic data required for the application of the model is audited accounts.

For the purpose of compensation, all methods described above will be applied subject to the purpose of valuation, the location of the sub-project and the assets to be valued.

### **4.3 Compensation**

It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. Any person whose right of occupancy or recognized long-standing occupation or customary use of

land is revoked or otherwise interfered to their detriment by the State under the Land Act or acquired under the Land Acquisition Act is entitled to a full, fair and prompt compensation. However, ESS5 requires that displaced persons are provided prompt and effective compensation at replacement cost for losses of assets directly attributable to the project. Further, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced person(s). The Project will identify the sources of funding in advance of acquiring the required land to avoid delays in compensation and ensure compensation prior to displacement. If resettlement occurs, the budgeting allocation will come from LGA resources, there is currently a budget line for such purposes under the LGA budget. In the preparation of a site-specific Resettlement Action Plan (RAP) it will be important that the budget at the LGA is confirmed, and sufficient, for the process to continue in line with project timelines and prior to any displacement, noting that Project funds cannot be used to pay compensation. Every site-specific RAP will have to include the information (above) i.e. the cost for mitigation measures (which may go beyond the payment of compensation e.g. livelihoods restoration measures) and the source of funding.

#### **4.3.1 Compensation for Loss of Interest in Land**

The compensation for loss of interests in land shall include value of land, unexhausted improvements<sup>3</sup> permanently affixed to land, transaction costs, disturbance allowance, accommodation allowance and loss of profit to achieve replacement cost. Project affected land users, households and individuals regarded as the apparent land owners shall be compensated through either of the following:

- allocation of land with equivalent value and same use purposes; or
- cash compensation for acquired land at replacement cost.

The method of compensation used shall depend on the nature and extent of any losses, the availability of replacement land and the preferences of the PAP.

#### **4.3.2 Valuation and Compensation of Crops**

In practice, the Ministry of Lands, Housing and Human Settlement Development with effect from 2002, through the Chief Government Valuer maintains on annual basis, a Crop Compensation Schedule that list all possible crops and their respective density per Ha and, the compensation rate per Ha or crop. The Chief Valuer is responsible to determine and prepare crop value schedules to be used countrywide and in designated valuation zones, such crop value schedules are prepared upon consultation with the

---

<sup>3</sup> Means anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour of an occupier or any person acting on his behalf and increasing the productive capacity, the utility, or the sustainability of its environmental quality and includes trees, standing crops and growing produce whether of and agricultural or horticultural nature.



Ministry responsible for agriculture, the Ministry responsible for forestry and any other Ministry deemed appropriate.

The validity period for crop value schedule does not exceed five years. Nevertheless, The Chief Valuer have the mandate to review the crop value schedules of any location at any time before expiry of five years. Value rates for crops and plants including trees are listed in a per item, cluster or acre schedule.

Determination of the value for a plant shall include but not limited to the following:

- (a) number of plants in an acre/hectare;
- (b) age of the plant to optimum production;
- (c) harvest seasons;
- (d) production and operating costs;
- (e) average yield per season;
- (f) costs or prices of crop from production/collection point; and
- (g) average interest rates for fixed deposit in central bank.

To achieve the requirements of ESS5, any additional measures, depending on the crop type, will be included to achieve the principle of replacement cost.

#### **4.3.3 Compensation of Buildings**

For buildings and structures, compensation will be paid by cash or an alternative building can be provided (in-kind compensation). Compensation will be provided for structures that are abandoned because of relocation or resettlement of an individual or household or directly damaged by construction activities. The replacement values will be based on related structure and support services. Average replacement costs of different types of homestead buildings and structures should be based on collected market information on the numbers and types of material used, price of each item, transportation cost, labour cost and delivery of these items to the acquired land or building to construct different types of structures without depreciation.

#### **4.3.4 Compensation for Loss of Profit**

Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for implementation of a certain project. Value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such losses that individual will suffer, in addition to total compensation payable in loss of land and improvement thereon. Compensation allows for 36 months of net profit, based on verification of audited accounting records or returns evidenced by Revenue Collection Authority. Where these records do not exist, a fixed assumption on value of profit can be adopted. These assumptions will need to be reasonable based

on factors such as the type and location of the business and clearly stated as part of the RAP.

#### **4.4 Allowances**

Allowances shall be paid in addition to compensation, where relevant, to cover costs such as transportation or accommodation as well as general disturbance:

**Transport Allowance:** Shall be the actual cost of transporting twelve tons of luggage by rail or road, as prescribed by the responsible Transportation Regulatory Authority, within twenty km from the point of displacement. In the event that transportation costs are greater these shall be met.

**Accommodation Allowance:** The market rent for the building shall be assessed and multiplied by thirty-six months in order to arrive at the accommodation allowance payable in addition to compensation when land is inhabited.

**Disturbance Allowance:** Paid in the following situations:

- i. In the case of an individual property/land owner whose property/land is being acquired for the proposed project; or
- ii. Where an earmarked project site has been subsequently abandoned in favour of another site and the land owner of the abandoned site was required to relinquish his interest over the land.

Disturbance allowances are calculated by multiplying the value of the land by the average percentage rate interest offered by the Central Bank on fixed deposit of twelve months at the time of loss of interest in land. Disturbance allowances shall be paid in addition to the compensation of value of land and unexhausted improvements.

#### **4.5 Compensation Payment**

All handing over of property such as land and buildings compensation payments, allowances etc will be made in the presence of the affected party and the Village Council.

#### **4.6 Alternative to Land Acquisition - Voluntary Land Donation**

In some cases, individuals may choose to voluntarily contribute land or assets without compensation. This can often be justified because the school may provide a direct benefit to the affected people. The following requirements will need to be met for voluntary land donation to be considered as per ESS5:

- a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;

- b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- c) the amount of land being donated is not more than 20% of the owners total landholdings;
- d) no household relocation is involved;
- e) donor is expected to benefit directly from the project; and
- f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.

The village/ mtaa/ hamlet will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation at replacement value and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost. They will be fully informed of their rights and access to grievance mechanisms described in this RF. In addition, land donation will not be accepted from vulnerable households who may be negatively impacted as a result of such donation.

Vulnerable households refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Examples of such vulnerable groups include:

- very poor households (this would include households that receive Social Protection Payments from the Government);
- the elderly;
- people living with disabilities;
- female or child headed households;
- those with small land plots or land plots with low productivity potential;
- members of Vulnerable Groups; and
- the youth.

Requirements for voluntary land donations are as follows:

- The voluntary contributor has been informed of compensation options;
- The voluntary contributor has written a letter of confirmation to the village government; and
- Due diligence will be conducted (explained in Section 4.6.1).

The Voluntary Land Donation Framework has been prepared to ensure that due diligence will be conducted on each sub-project to assess the social safeguards status of a proposed sub-project and confirm that requirements for voluntary land donation, outlined above, have been met. If the voluntary land donation-related criteria are not met, then alternative project locations and/or the provision of compensation should be considered. The Land Donation Agreement Form is attached as Annex 01 & 02.

#### **4.6.1 Procedure on Voluntary Land Donation**

The following procedure will be followed by Project to demonstrate that land is being donated voluntarily in line with the requirements of ESS5.

##### **(i) Due Diligence.**

The voluntary land donation due diligence will be documented as part of the sub-project preparation documents and will incorporate at a minimum the following:

- a) Verification and documentation that land required for the project is given voluntarily and the land to be donated is free from any dispute on ownership or any other incumbrances (including land users);
- b) Verification that the owner has been consulted with, understands their rights (including refusal and right to compensation) and is entering into the donation willingly;
- c) Verification that no individual household (including land users) will be impoverished by the land donation as the amount of land to be donated will not be more than 20% of their total landholdings and that if needed livelihood restitution measures such as sharing/provision of cultivable land would be provided;
- d) Verification that there will be no physical displacement undertaken;
- e) Verification that land donation will not displace tenants or bonded labor, if any, from the land;
- f) Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors are in agreement with the sub-project and its benefits. Separate discussions to be held with women as required to facilitate meaningful participation; and

Assurance that a community mechanism for project activity implementation is operational and has a fair system of grievance redress, as well as a system for project monitoring and reporting.

**(ii) Documentation**

Village Council will document the voluntary land donation due diligence report. They will ensure completion of the written consent form for land donation (see sample in Annex 1 &2). The voluntary land donation due diligence information will be verified during sub-project detailed design and updated as necessary.

**(iii) Voluntary Land Donation Monitoring.**

The voluntary land donation issues will be monitored by MoEST and PO-RALG. The World Bank will review all the land donation agreement forms to approve the use of the land in the Project prior to implementation of the sub-project.

**4.7 Market Transactions**

The project will not undertake any voluntary market transactions to acquire land for schools throughout the project duration.

DRAFT

## CHAPTER FIVE

### ELIGIBILITY FOR COMPENSATION AND ENTITLEMENTS

#### 5.1 Types of Impacts

Since the exact nature and locations of projects are unknown, the likely displaced (economically or physically) persons herein referred to as PAPs have not been identified. However, impacts could occur due to physical and / or economic resettlement affecting the eligible groups defined below.

Economic resettlement may give rise to the following types of impacts to affected households:

- Loss of land-based livelihoods, in particular loss of land used for farming or grazing which is either leased or owned by the user.
- Loss of access to communal resources and associated loss of livelihood this may include land used for grazing by the community, areas where natural resources are collected etc.
- Loss of economic immovable assets/ businesses including business structures such as shops and stalls which may be leased or owned by the user or which may be informal.
- Loss of rental incomes associated with displacement of tenants from land /structures.
- Loss of incomes from businesses

Potential impacts associated with physical resettlement to affected households include:

- Loss of houses and other structures (such as stores, kitchens and stores) owned or used by the household.
- Separation from homes and livelihood activities such as farm plots or communal resources.

Within these groups, vulnerable households may exist which includes households that are made up of or include the following types of groups:

- 1) Orphans
- 2) Elderly
- 3) HIV/ AIDS affected persons
- 4) Widows/Female-headed households
- 5) Those in extreme poverty (the poorest of the poor).

These households will need to be identified during the development of sub-project specific RAPs and specific measures put in place as required to address the potential impacts in line with the requirements of ESS5.

## 5.2 Eligibility Criteria

Although Tanzanian regulations do not mention entitlement to compensation for those who do not have legal rights, such persons have been compensated in the course of operational practice; if they were previously regarded as the 'apparent' owners of the affected properties (e.g. had previously utilised the land and the land was recognised as theirs by the village).

Considering ESS5 and practical matters, the following groups will be eligible for compensation:

- a) Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).
- b) Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim over development to such land or assets that is recognised or recognisable under national law.
- c) Those who have no recognisable legal right or claim to land or assets they occupy or use.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other resettlement assistance provided they occupy the area before the cut-off date.

The first criterion for eligibility will be the cut-off date. If the household was identified through the census survey, the owner, user or occupant will be entitled for compensation for their losses and assistance with livelihood restoration if needed. On the other hand, if a person encroached into the project area after the cut-off date, they are not entitled to compensation.

The application of these criteria will follow national laws and regulations as well as the requirements of ESS5 outlined above and ESS7 where vulnerable groups are present

### 5.3 Entitlement Matrix

Table 3 below provides guidance on the entitlements for each eligible group. The table will be amended as needed to reflect the situation for an individual RAP; such amendments will be in line with the matrix presented below and the requirements of ESS5. Under this RF, compensation will be provided to affected household for loss of land as well as interests on the land including various kinds of allowances: disturbance, transport, accommodation and loss of profit. Compensation items include value of the land; value of unexhausted improvements (dwelling house, other house structures, trees, crops, hedges/fences and other properties) without depreciation and assistance will be provided to restore the means of livelihood for the affected persons. The options for compensation must provide for replacement cost (in accordance with ESS5) and may include in-kind (e.g. replacement piece of land) and cash compensation. All compensation should occur in the presence of the affected persons and the Village Council/Mtaa Committee Members.

DRAFT



**Table 3: Entitlement Matrix**

<b>Entitlement Matrix</b>			
<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
Loss of agricultural land (farming or pasture)	Loss of land under cultivation or used for pasture. Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Land Owner (formal or no formal claim)	<p>Compensation (cash or in kind as selected by the PAP) for affected land equivalent at replacement cost (without depreciation) and including any transactional costs. In the case of in-kind compensation, the replacement land should be equivalent (productive potential, locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost.</p> <p>Where PAPs are losing more than 20% of their total land holding, in kind compensation must be offered.</p> <p>Disturbance allowance: Shall be calculated by multiplying the value of the land by average percentage rate of interest paid by commercial banks on fixed deposits for twelve months at the time of loss of interest in the land.</p> <p>Livelihood restoration: Appropriate livelihood restoration measures will be developed and implemented in consultation with PAPs and will include support to re-establish agricultural land or other activities as appropriate. The needs of Vulnerable Groups will be considered as needed.</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		Those who have no claim to land they are occupying or using.	Compensation for the developments on the land Resettlement assistance (cash or in-kind as selected by the PAP) to allow the affected person to re-establish their livelihoods.
Loss of residential land	Loss of land used for residences. Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Land Owner (formal or no formal claim)	Compensation (cash or in kind as selected by the PAP) for affected land at market rate plus compensation for any transactional costs to achieve replacement cost. In the case of in-kind compensation, the replacement land should be equivalent (locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost. Disturbance allowance Transport allowance
		Those who have no claim to land they are occupying or using.	Resettlement assistance (cash or in-kind -- replacement site and house especially for vulnerable individuals) as selected by the PAP) to allow the affected person to re-establish their housing at an alternative site.  Compensation for the developments on the land (cash or in-kind) at replacement cost.
Loss of Leased Land	Loss of land used by tenants (formal or informal) for housing	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal. Compensation equivalent to 3 months of lease/ rental fee.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	or livelihood activities		Assistance in rental/ lease of alternative land/ property. Relocation assistance (costs of shifting + allowance).
Loss of structures	Structures are partially affected and are viable for continued use	Owner of structure	Compensation for affected building and other fixed assets, without depreciation (replacement cost). Assistance to cover costs of restoration of the remaining structure. Right to salvage materials without deduction from compensation.
		Rental/lease holder	Compensation for affected assets (verifiable improvements to the property by the tenant) without depreciation. Disturbance allowance
	Entire structures are affected and not viable for continued use.	Owner	Compensation for entire structure and other fixed assets without depreciation (replacement value), or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP, as per the preference of the PAP. Right to salvage materials without deduction from compensation Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant).
		Rental/lease holder	Compensation for affected assets (verifiable improvements to the property by the tenant) without depreciation. Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant). Assistance to find alternative rental arrangements.
Loss of structure in part of full	Squatter/informal dweller	Compensation for affected structure without depreciation (replacement value).	

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Right to salvage materials without deduction from compensation.</p> <p>Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant) and assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project).</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, (if available).</p>
	Loss of structure in part of full	Street vendor / business owner (informal without title or lease to the stall or shop or with lease)	<p>Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re-establish the business.</p>
	Loss of structure in part of full	Business owner (formal owner)	<p>Compensation for affected structure without depreciation (replacement value) in cash or in kind (as selected by the PAP)</p> <p>Right to salvage materials without deduction from compensation.</p> <p>Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re-establish the business</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
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 or current replacement value and where possible, PAP will be allowed to harvest standing crops (annual and perennial) prior to displacement. Livelihood restoration assistance as required either in the form of alternative livelihood such as assistance with job placement, skills training or reestablishment of farming activities at an alternative site.
Trees	Trees lost	PAP (whether owner, tenant, or squatter)	Cash compensation based on type, age and productive value of affected trees plus disturbance allowance. Rehabilitation assistance if required (assistance with job placement, skills training, reestablishment of farming activities etc).
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any loss of income. Cash compensation for any temporary land acquisition (rental charges). Compensation for any damages to assets or structure.
Mobile business	Business, parking for taxi, bikes	Business owner, workers	Alternative site within the area to continue business will be identified, transport cost where applicable, affected property where applicable, loss of business (3 months) where applicable. Transport Allowance + Disturbance Allowance
Loss of Income (eg due to loss of access to	Loss of profits/incomes from a business affected by land acquisition	Business Owner	Net monthly profit of the business carried out on the affected property as evidenced by audited accounts, where available, multiplied by 36 months. For informal businesses without audited accounts proxy indicators or loss of accommodation allowance may be used (to be

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
structure or customers)			determined on a case by case basis).

DRAFT

#### **5.4 Land Acquisition Approach**

Under the project (SEQUIP) involuntary land acquisition and restrictions on land use and physical and/or economic displacement will be avoided as much as possible by, for example, using community land or voluntary land donation. Where involuntary land acquisition and resettlement are unavoidable, efforts will be made to minimize the size of land to be acquired. The project will avoid or minimize involuntary resettlement by exploring project design alternatives and, as necessary, exploring alternative sites. All cases of land acquisition, restrictions on land use, and involuntary resettlement will be undertaken in line with this Resettlement Framework.

DRAFT

## CHAPTER SIX

### CONSULTATION AND STAKEHOLDERS PARTICIPATION

Consultation and participation are essential because they provide an opportunity for informing the stakeholders about the school project, create a sense of ownership, providing an opportunity for people to present their views and values, allowing consideration and discussion of sensitive social mitigation measures and trade-offs. In so doing, the likelihood for conflicts between and among the affected people and with the management committees will be reduced.

In recognition of this, particular attention shall be paid to public consultation with stakeholders during implementation when resettlement and compensation concerns are involved. As a matter of strategy, public consultation shall be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the:

- i. project inception and planning;
- ii. screening process;
- iii. feasibility study;
- iv. preparation of project designs;
- v. resettlement, acquisition and compensation planning;
- vi. drafting and reading/signing of the compensation contracts;
- vii. payment of compensations; and
- viii. resettlement, compensation implementation and monitoring activities.

Consultation and participation shall take place through local meetings, request for written proposals/comments, completion of questionnaires/application forms, public readings and explanations of the resettlement requirements.

As part of any resettlement planning process it is essential that the views of women are taken into consideration. To this end, separate focus group discussions should be undertaken with women during the resettlement process. In addition, when households are resettled wives should also be involved in the negotiations and sign any agreements so that their views are considered and they have full knowledge of the compensation being provided.

Documents related to resettlement shall be made available in appropriate languages at the local and homestead levels and at suitable locations including the official residences/offices of Village Councils/Mtaa Committee. Consultation measures



shall take into account the low literacy levels prevalent in the communities, by allowing enough time for discussions, consultations, questions, and feedback.

DRAFT

## **CHAPTER SEVEN**

### **GRIEVANCE REDRESS MECHANISM**

#### **7.1 Purpose**

A Grievance Redress Mechanism (GRM) is necessary for addressing the legitimate concerns of the project affected persons. Grievance handling mechanisms provide a formal avenue for affected groups or stakeholders to engage with the project on issues of concern or unaddressed impacts. Grievances are any complaints or suggestions about the way a project is being implemented, and they may take the form of specific complaints for damages/injury, concerns around resettlement and compensation, concerns about routine project activities, or perceived incidents or impacts.

The Environmental and Social Standards requires project financed by the World Bank to define one or more mechanisms to resolve complaints, issues, recommendations, presented by the project stakeholders, citizens or anyone expressing concerns on the environmental, safety and social project development. This Section responds to the ESS10 of the ESF of the World Bank but also complies with national regulations.

The mechanism for grievance redress shall include:

- i. Provision for the establishment of a grievance redress committee that includes women, youth and vulnerable groups
- ii. A reporting and recording system
- iii. Procedure for assessment of the grievance
- iv. A time frame for responding to the grievances filed
- v. The mechanisms for adjudicate grievances and appealing judgments
- vi. A mechanism for monitoring grievances

The stakeholder engagement process will ensure that the PAPs are adequately informed of the procedure. The GRM is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to a tribunal/court for resolution.

#### **7.2 Principles**

The project SEQUIP will adopt grievance redresses mechanisms (GRMs) that will be transparent, objective and unbiased and will take both environmental and social

grievances into consideration. Steps to file grievances and seek action shall be simple enough for communities to understand.

In the interest of all parties concerned, the grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time. A good GRM emphasize that all stakeholders should be heard and as such, they must be fairly and fully represented. Identifying and responding to grievances supports the development of positive relationships between projects and affected groups/communities, and other stakeholders.

Due to the nature of the Project and the various components under implementation three GRMs will be implemented to allow stakeholders grievances to be responded to by the appropriate entity at the appropriate level.

- School Construction GRM: This will be administered by the Schools Construction Committee and the Village Council who will form a School Grievance Committee and will address grievances associated with the construction of new schools and rehabilitation of existing schools including grievances related to land and contractor's (workers) grievances.
- Operational Schools GRM: This will be administered by the school guidance counsellors in schools and will be established as part of the safe schools program.
- General GRM: MoEST and PO-RALG each operate a GRM for any issues that people may have. This GRM can be utilised to raise issues directly to the ministry on the various components of the Project.

### **7.3 School Construction GRM**

The GRM will operate at three levels:

**Level One:** The procedure at the first level will seek to resolve an issue quickly, politely, and transparently out of courts in order to facilitate project activities to move forward. The School Grievance Committees (SGCs) will act as the first tier for responding to grievances that may arise due to school level development activities. The SGCs will have representatives from the school, the school construction committee and from the village council. The SGC will appoint a Community Liaison

Officer (CLO) who will facilitate grievance management between the various levels and the recording of grievances. The CLO shall raise awareness of the GRM, maintain records in the Grievances/claims notebook where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded/written. The CLO will be responsible for making sure the recommendations of the GRC are implemented and directing contractors to make any appropriate change to their work. The local community representatives will be impartial third parties in the grievance procedure.

**Level Two:** Grievances that can't be resolved by the SGC will be referred to the Village Council (VC) who will be responsible for receiving and resolving grievances in a fair, objective, and constructive manner, all claims or complaints raised by project affected persons within the communities affected by the Project. Existing mechanisms such as the Village Land Tribunal will be utilised as needed to address complaints on specific issues. As needed the VC will seek technical support from the LGA to investigate and respond to grievances.

**Level Three:** Should a complainant remain unsatisfied with the resolution they have the right to take their grievance to the appropriate department, tribunal at the LGA or Regional Level to seek resolution. Complainants will be advised as to the available Level Three redress mechanisms as needed.

**Legal Redress:** Where grievances can't be resolved the complainant has the right to seek legal redress through the courts. All efforts will be made to avoid the need for legal proceedings through negotiations and agreements with complainants.

The CLO in the SGC will be responsible for supporting the various committees in developing responses to grievances and monitoring the grievance mechanisms for the various sub-projects to ensure that the mechanism is being implemented appropriately.

## **7.4 Grievance Procedure**

### **a) Step 1: Submission of Grievances**

The affected person shall file his grievance to the SGC, which will be recorded in writing by the CLO. The grievance note should be signed and dated by the aggrieved person.

A grievance can be submitted to in a number of ways as follows:

- through suggestion box which is accessible at the school environment or at the construction site.
- during regular meetings held between communities, the SGC, VC or LGA;
- through the Local Consultative Forums established in the affected villages;
- during informal meetings with the SGC, VC or LGA;
- through communication directly with management – for example a letter addressed to site management; and
- Email, what's app messages and telephone (where appropriate).

All complaints about abuse in service, potential corruption must be channelled to proper authorities no more than 5 days after the complaint is received.

#### **b) Step Two: Logging the Grievance**

The SGC keeps records of all complaints received, whether and how the SGC resolved them, and which complaints were forwarded to the VC. Once a grievance has been received it must first be logged in the grievance database register by the SGC. A sample grievance logging form is provided in Annex 2.

Anonymous grievances will be accepted recognizing that this may limit the possibility of investigation and resolution. Those who collect grievances will be trained on how to collect grievances related to GBV in the appropriate manner (see below).

#### **c) Step Three: Providing the Initial Response**

The person or community or stakeholder that lodged the initial grievance will then be contacted within 2-3 days to acknowledge that SGC has received the complaint. This response will either accept or refute responsibility for the grievance. This notification will include details of the next steps for investigation of the grievance, including the person/department responsible for the case and the proposed timeline for investigation and resolution which will depend on the severity of the incident. In some cases it may be necessary to provide an immediate response to avoid further harm while more detailed investigations are undertaken eg in the case of fatalities, workplace accidents, community safety pollution of natural resources, conflict with communities etc.

**d) Step Four: Investigating the Grievance**

The SGC will aim to complete investigation within two weeks of the grievance first being logged. Depending on the nature of the grievance, the approach and personnel involved in the investigation will vary. A complex problem may involve external experts for example. A more simple case may be easier, and quicker to investigate. The SGC will involve the aggrieved person/people in this investigation, where possible, to ensure participation. The SGC will continually update the aggrieved on the progress of the investigation and the timeline for conclusion. Unless highly complex, the investigation should be completed within 14 days, although efforts should be made to complete this process faster.

**e) Step Five: Communication of the Response**

The SGC will outline the steps taken to ensure that the grievance does not re-occur and any measures needed to resolve the complaint. The response will be communicated within 1 day of the resolution being determined.

**f) Step Six: Complainant Response**

If complainant is satisfied then SGC should seek their sign off from the complainant and determine what if any follow up is needed to monitor the implementation of the resolution. The resolution should be implemented promptly. This may happen at the time the resolution is proposed or within a timeframe agreed between the SGC and complainant but ideally within 5 days.

**g) Step Seven: Grievance Closure or Taking Further Steps if the Grievance Remains Open**

Once the measures have been implemented to the complainant's satisfaction the grievance should be closed. If, however the grievance still stands then the SGC will initiate further investigation and determine the steps for future action. Once all possible redress has been proposed and if the compliant is still not satisfied then they should be advised of their right to appeal to the next level as outlined above.

If the grievances can not be resolved at the LGA or Regional level, the complainant should be advised of their right to legal recourse.

Land related grievances shall be resolved using the land courts established under the Land Disputes Courts Act. No. 2 of 2002 with its regulations. The courts are: The Village Land Council; The Ward Tribunal; The District Land and Housing Tribunal; The High Court (Land Division) and The Court of Appeal of Tanzania. However,

where village(s) or wards have not established Village Land Council(s) or Ward Tribunals respectively, prior to the commencement of a project, the District Council shall be required to make sure that the village(s) or Ward establishes Village Land Council(s) or Ward Tribunal. Likewise, where district land and housing tribunal are not in place prior the commencements of a project, grievances shall be referred to tribunals having jurisdiction. Heirs related grievances shall be resolved using the Probate and Administration of Estates Act Cap 352.

### **Gender Based Violence (GBV)**

The Project may result in incidences of Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) affecting workers and the community. GBV cases are different from other complaints that are typically handled through the grievance redress mechanisms.

As outlined in the ESMF, a GBV action plan will be developed for the Project and will be modified for each LGA once service providers have been identified. A GBV referral pathway will be identified in each district mapping services with the appropriate capacity and quality of service delivery.

The SGC will be trained on how to manage GBV related grievances including matters of confidentiality, treating survivors with empathy and what non-identifiable data should be collected and how to close the case. In addition, members of the village council will also be trained on how to receive and manage this information. However, the Village Council will not be involved in resolving GBV related cases as this will be determined by the survivor with support from the appropriate service providers based on their needs and wishes.

In cases involving a Project Worker, the contractor and LGA will be advised about the case who will in turn inform the GBV Specialist at the national level who will instigate any investigation required involving the contractor, LGA, services providers etc. They will then recommend action to be taken by the contractor/SCC in ensuring that administrative sanctions are taken against an alleged perpetrator of sexual assault.

### **Adaptation for Vulnerable Groups**

This GRM will be presented to Vulnerable Groups and adapted as needed to meet their requirements and decision-making processes while maintaining the principles underlying the mechanism and the roles and responsibilities. Such adaptations will

be discussed and agreed during the preparation of the Vulnerable Groups Plans but may include roles for traditional leaders and decision-making processes for example in addressing land issues. The aim for this adaptation is to ensure that vulnerable groups are able to raise their concerns in a manner they feel will be listened to and which they feel is accountable to them.

### *Operational Schools GRM*

As part of the safe schools program each school will have one or two trained guidance and counselling teachers (depending on school size and gender composition) as grievance redress focal point for students and teachers. The GRM will be accessible to teachers and students who will be able to submit grievances into sealed suggestion boxes or in person. In case resolution cannot be reached the school head will be involved in the resolution. Should the issue be greater than can be resolved at the school level MoEST and/or PO-RALG representatives at the LGA will be brought in. The trained teachers will then help the complainant to resolve the issue in a manner which reduces conflict.

In relation to GBV, to increase mechanisms for reporting both the guidance and counselling teachers, a member of the Parent-Teacher Association or School Board and members of the village council shall be trained in how to receive GBV complaints to allow for multiple entry points. They will be trained on how to keep the matter confidential, treat the survivor with empathy and on the referral pathways. The GRM will refer the survivor to the GBV Service Provider(s) who will support the survivor to report the case to the police (recognising that there is mandatory reporting in relation to children in some instances) and access other services. The service provider will maintain confidentiality in the process, understand the criteria for mandatory reporting and inform the child of the same so they are aware, report only the minimum information required and consider the impact of reporting and how to address these impacts.

### *General Grievances*

Currently MoEST and PO-RALG operate independent Grievance Mechanisms through which complaints and concerns can be submitted regarding wider issues. At both Ministries there are Complaints Desks at the national level. Complaints can be submitted by emailing [compliers@moe.go.tz](mailto:compliers@moe.go.tz) or [ps@tamisemi.go.tz](mailto:ps@tamisemi.go.tz) phoning <<insert contact details>>. For PO-RALG, there is a suggestion/ complaint box at each LGA and complaints boxes are placed in schools. Grievances related to SEQUIP should be forwarded to the SEQUIP Coordination Team to be addressed.



## **7.5 Record Keeping**

All comment responses and, grievances are to be logged using grievance logging forms and registers. This includes details of the claim/grievance/complaint, the claimant/aggrieved, and ultimately the steps taken to resolve the grievance. A master database will be maintained by the SGC to record and track management of all grievances.

## **7.6 Monitoring**

It is vitally important to monitor the effectiveness of the grievance mechanism. Appropriate measures for this include monthly reporting on the number of grievances received, resolved and outstanding and associated timeframes. This will be undertaken by the SGC and reported to LGA. As part of stakeholder engagement and consultation, involving the views of the stakeholders for whom the Grievance Mechanism is designed will be part of SCT Monitoring.

DRAFT

## CHAPTER EIGHT

### PROCEDURES FOR PREPARATION AND IMPLEMENTATION OF RAP

#### 8.1 Preparation

As stated earlier, ESS5 is triggered because the Project will finance school infrastructure that may require the involuntary taking of land, other assets or economic impact. Since the location of these areas are not known at the time of the preparation of the Project, the preparation and disclosure of this RF is a requirement for appraisal of the Project. However, during implementation of SEQUIP, in a process defined here below, the identification of these areas will be made. At that stage the preparation of each sub-project RAP will be initiated consistent with this RF.

To address the impacts under this RF, resettlement, acquisition and compensation plans must include measures to ensure that PAPs are:

- a) informed about their options and rights pertaining to resettlement and compensation;
- b) consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives; and
- c) provided prompt and effective compensation at replacement cost for losses of assets and access, attributable to the project.

#### 8.2 Contents of RAP

The basic elements of a RAP, as outlined in ESS5 includes but not limited to the following:

- Description of the Sub-Project;
- Identification of project impacts and affected populations;
- Baseline socio-economic data and census of PAPs households, including information on vulnerable groups;
- Eligibility of displaced persons for compensation and other resettlement assistance and / or entitlements;
- Description of resettlement assistance and restoration of livelihood activities;
- Detailed budget;
- Implementation schedule;

- Consultation activities; and
- monitoring, evaluation, and reporting.

The Project will develop a standard format for all RAPs documentation to ensure that the required information is captured that will draw on this RF. This will simplify the production and review process for all RAPs.

### 8.3 RAP Development and Implementation

The potential need for a RAP will be determined during screening of the proposed sub-project site as outlined in the Environmental and Social Management Framework. When displacement impacts are identified during the screening process the first step should be to determine if alternative sites exist which would avoid resettlement. Where this is not possible, the need to develop a RAP will be determined and the terms of reference for the RAP will be agreed between the SSMT and the LGA who are responsible for preparing the RAP.

The LGA will be responsible for preparing the RAP including the necessary actions to address potential social impacts for each activity that requires land acquisition and resettlement. In most cases RAPs will be developed at a school-by-school basis. A participatory approach will be used in accomplishing this task. It is the best way of ensuring a successful completion and acceptance of the RAPs and addressing issues related to the RAPs. Once the RAP has been prepared, it will be shared with the MoEST/PO-RALG to ensure alignment with this RF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation. The LGA will take the lead in the implementation of the RAP, while MOEST/PO-RALG will monitor the activities to determine if implementation is aligned with the requirements of the RAP.

The key steps that should be followed in the resettlement process are outlined in Table 4. It should be noted that these steps will not necessarily be undertaken sequentially and that some activities will be undertaken in parallel.

**Table 4: Implementation Schedule**

Stage	Activities to be Undertaken
Planning	
Mark out Affected Areas	Affected areas will be identified and marked out based on formal land ownership records and informal use as needed

Stage	Activities to be Undertaken
Establish Institutional Framework	Establish a framework that clearly identifies responsibilities of the LGAs, Village Council and Valuers as well as the community.
Stakeholder Engagement	<p>Outline the engagement that has and will be undertaken as part of the resettlement planning to provide a framework for informed consultation and participation with communities. The engagement should include informing people about the project, resettlement issues, approach to compensation etc so that affected people have a role in decision making and disclosure of the RAP when developed. Stakeholder engagement should be a continuous activity throughout the planning and implementation process.</p> <p>A Free, Prior and Informed Consent process should be used with vulnerable groups as per the VGPF.</p>
Grievance Redress Mechanism	Implement the grievance mechanism which should stay in place throughout the planning and implementation phases. The Grievance Redress Mechanism should be shared with PAPs throughout the stakeholder engagement process.
Announce Cut Off Date	Announce a Cut-off Date, after which individuals will not be eligible for compensation (to coincide with the below activity).
Socio-Economic Baseline Data Gathering, Census and Asset Inventory	<p>Socio-economic surveys of households affected by physical and/ or economic resettlement are carried out. The survey includes a census to collect socio-economic data on affected households and a survey of assets (houses, land, crops, farm buildings, etc). Asset inventories should be documented and signed by the owner (including spouses). The data should be analysed to form a baseline for the affected households.</p> <p>The aim of the survey is to identify who will be affected by the Project, provide a basis for establishing the eligibility and entitlements matrix, identify vulnerable groups and provide a basis for monitoring the resettlement process.</p>

Stage	Activities to be Undertaken
Valuation	Determine the market rates of land and assets and therefore replacement value without consideration of depreciation to feed into the entitlements matrix to be agreed with affected people, in line with the procedures outlined in the preceding chapter.
Impact Assessment	Undertake an assessment of resettlement impacts associated with the project, based on the socio-economic baseline data collection and asset inventory as well as the outcomes of additional stakeholder engagement undertaken to inform the eligibility and entitlements.
Eligibility Criteria and Entitlements Matrix	<p>Develop an eligibility criteria and entitlements matrix in line with the requirements of this RF considering:</p> <ul style="list-style-type: none"> <li>• Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).</li> <li>• Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim over development to such land or assets that is recognised or recognisable under national law.</li> <li>• Those who have no recognisable legal right or claim to land or assets they occupy or use.</li> <li>• All options for the types of compensation to which each category is entitled.</li> <li>• The presence of vulnerable groups.</li> </ul>
Identify Resettlement Sites and / or Replacement Land (if required)	Undertake a process to identify resettlement sites and/ or replacement land as required and where possible. This should include the process of identifying alternative sites, consultation with communities in host areas and with PAPs, environmental assessments of host sites (as required), plans for new structures etc. As part of this consideration should be given to how this land will be acquired and security of tenure for affected people.

Stage	Activities to be Undertaken
Livelihood Restoration Planning	Develop livelihood restoration measures to restore livelihoods of displaced people including consideration of vulnerable groups. Livelihood restoration should include provision of appropriate training, inputs, mentoring and advice to the affected PAPs, in order to help them re-establish and enhance their livelihoods. If needed alternative livelihood strategies should be developed and implemented.
Budget and Schedule	Detail the budget and associated implementation schedule. The valuation report will need to be approved by the chief valuer.
RAP Document and Disclosure	All of the activities shall be captured in the RAP Document which will be disclosed to the community, project affected stakeholders etc in line with the WB requirements for Disclosure.
<b>Resettlement Implementation</b>	
Development of Individual Entitlements Matrix	Individual household compensation packages will be developed which will be agreed with the PAP and signed off by the PAP/ the households (men and women).
RAP Implementation	<p>During implementation, PAP should be provided with the measures outlined in their compensation packages including</p> <ul style="list-style-type: none"> <li>• compensation payments/ in kind compensation;</li> <li>• physical relocation including transitional support (as needed); and</li> <li>• implementation of livelihood restoration measures (as needed).</li> </ul> <p>In addition, there should be continuous engagement with PAP, including opportunities for participation. Access to a grievance mechanism for PAP to raise complaints and concerns should also be provided.</p>

Stage	Activities to be Undertaken
Monitoring and Evaluation	The RAP should outline a process for monitoring and evaluation. Following implementation of the RAP, internal and external monitoring should be undertaken to determine the effectiveness of the process. A completion audit should also be undertaken at the appropriate time as determined in the RAP to close out the activities.

DRAFT

## CHAPTER NINE

### MONITORING, EVALUATION AND REPORTING

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities.

The MoEST shall be responsible for monitoring and evaluation of the implementation of RAP at periodic intervals of quarterly or half yearly (as circumstances dictate) during the sub-project life.

#### 9.1 RF Monitoring Indicators:

Several key indicators and subjects for monitoring and evaluation of RF across the Project will be applied including;

- (i) number of sub- projects implemented in public land;
- (ii) number of sub-projects implemented on private land;
- (iii) number of RAPs prepared and implemented involving
  - a) physical and economic displacement
  - b) physical displacement only
  - c) economic displacement only
- (iv) Number of displaced persons as per the following categories:
  - a) Number of displaced persons -physically displaced only
  - b) Number of displaced persons -economically displaced only
  - c) Number of displaced persons - both physically and economically displaced
- (v) Compensation and benefits for affected persons provided in Tshs (including estimate of the value of in-kind compensation)
- (vi) process of consultation activities;
- (vii) number of grievance and issues on land disputes raised and number closed out;



- (viii) number of parcels of land subject to voluntary land donation;
- (ix) size of the land donated by public, as compared to size of the land donated by private land owners;
- (x) number and percent of voluntary land donations that are properly evidenced;
- (xi) number of RAPs developed and implemented.

Required data/information will be collected and analyzed regularly to indicate progress on implementation of RF, project outputs, outcomes and impacts on land issues. Results of analysis will be submitted to the Bank semi-annually.

## **9.2 RAP Monitoring**

A number of indicators would be used in order to determine the status of implementation and outcomes of RAPs. Therefore, the RAPs will set two major socioeconomic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

In order to assess whether these goals are met, the RAPs will indicate parameters to be monitored, institute monitoring milestones including a completion audit and provide resources necessary to carry out the monitoring activities.

## **9.3 RAP Monitoring Indicators**

A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs. The monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions but will cover performance / implementation progress as well as impacts.

Potential performance indicators could include:

Progress against the detailed RAP schedule (inputs and outcomes) such as:

- Number of owners provided with compensation in cash and / or in kind;
- Replacement land plots acquired;
- Livelihood restoration measures initiated (where needed).

- alignment with budget;
- verification that compensation and entitlements are being delivered in full;
- verification that vulnerable households are being given agreed additional assistance (where needed);
- review of grievances received including analysis of trends which may require a more holistic management approach;
- number and content of stakeholder engagement meetings; and
- identification of emerging issues and potential problems which need to be managed.

Indicators to measure the impact of the resettlement could include the following types of measures:

- changes in quality and quantity of agricultural production;
- changes in household income levels;
- satisfaction of PAP with the resettlement initiatives;
- issues or concerns about the resettlement process; and
- the effectiveness of the GRM in resolving these issues or concerns.

#### **9.4 Post- Resettlement Monitoring of Resettled PAPs**

Monitoring will be done of resettled PAPs to evaluate the success of the resettlement activities including livelihood restoration by determining if PAPs at least remain in the economic and social position they had before resettlement. Where needed mitigation measures will be proposed to address any issues associated with the implementation of the RAP.

#### **9.5 Public Consultation and Participation**

Consultation and Participation of stakeholders will be monitored throughout the Project implementation. The monitoring will be conducted using a number of selected indicators to monitor public participation and involvement into the Program as indicated in terms of table below.

**Table 5: Monitoring and Evaluation Indicators**

Issues	Indicator	Responsibility	Data Sources
Capacity Building for staff on RF	<ul style="list-style-type: none"> <li>- Number of individuals and institutions trained</li> <li>• List of participants</li> <li>• Training reports</li> </ul>	SCT	Training sessions reports
Community Orientation and Mobilization meetings	<ul style="list-style-type: none"> <li>• Number of meetings conducted</li> <li>• Number of community members sensitized</li> <li>• Number of groups involved</li> </ul>	SCT, LGAs, community members, NGOs, CBOs, Elderly	Reconnaissance survey reports Community meeting reports
Consultations with Community members	<ul style="list-style-type: none"> <li>-Attendance of VC</li> <li>-Meeting Minutes acceptable to the Community</li> <li>-Participation by gender of community member</li> </ul>	SCT, LGAs, Community member	Meeting Minutes
Mapping of community resources critical to the community	<ul style="list-style-type: none"> <li>-List of Community member participated</li> <li>-land ownership reports verified and accepted by community members</li> <li>-Participation by gender</li> </ul>	SCT, LGAs, VCs, Community members	Baseline survey reports Community transect reports
Development of strategies for participation of community in addressing land related grievances and mitigation measures	<ul style="list-style-type: none"> <li>-Number of projects passed by social screening</li> <li>-Number of sub projects implemented</li> <li>-Participation by gender -</li> <li>Number/proportion of participant</li> <li>Number and type of</li> </ul>	SCT, LGAs, Community members	SCT progress reports LGAs reports

Issues	Indicator	Responsibility	Data Sources
	complaints registered  Number of complaints resolved		
Capacity Building for the community	-Number of Trainings  -Attendance by Community member  - Training report	SCT,  LGA, Community members	Training reports
Equitable representation by gender of Community members in decision making organs	-Number of representation gender wise in meetings by Community members  - Number of representative female in Village Land Committees	SCT, VCs,  LGAs, Community members	LGA Reports
Participatory M&E	- Number of consultation meeting held  -Minutes  - Attendance by gender.  - M&E report	SCT, LGAs, Disadvantaged Community	M&E reports

## 9.6 Quarterly Reporting and Performance Review

Quarterly progress reports will be prepared by the SEQUIP Coordination Team (SCT) and the preparation of the progress reports will be supported by the environmental and social safeguards experts in the project at LGA and community levels. These will include summary information on the RF indicators (for the quarter and cumulatively). These reports will be submitted to the SSMT and will form part of overall safeguards report to the Bank.

## CHAPTER TEN

### BUDGET FOR IMPLEMENTATION OF RF

#### 10.1 Introduction

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the Government of Tanzania. In general, the cost of compensation will be borne by the executing agency i.e. PO RALG through LGA. The budget to prepare and monitor RAPs is presented in the ESMF.

After valuation exercise, the Chief Government Valuer, who is under the Ministry of Lands, Housing and Human Settlements Development will approve the compensation rates and compensation schedules. The Government Valuers report is prepared by registered Valuers who conducted the valuation exercise, with the assistance of VC/Mtaa committees. This report indicates the name of the PAP, photo of the PAP and all affected properties with name, size and rates to be paid. The valuation report is one which will be used during preparation of RAP to obtain valuation data (census) for each PAP. For this project the valuation exercise and RAP must comply with Tanzania laws and the requirements of the WB ESF.

The estimate of the overall cost of resettlement acquisition and compensation would then be determined. Village council with assistance of a valuation expert will determine the extent of the land required for the sub-projects, and appropriate cost of resettlement if any. Disbursements based on budgetary requirements will then be done, as established by the RAPs in consultation with PAPs/DPs and local chiefs, and other relevant authorities.

#### 10.2 Indicative RAP budget format

An indicative RAP budget format can be found in Table 6 below.

**Table 6: Indicative format of a RAP Budget**

Asset acquisition	Quantity	Total estimated cost	Responsible
Land			
Structure			
Crops and economic tress			

Community infrastructure			
<b>Land Acquisition and Preparation</b>			
Land			
Structures			
Crops areas and others			
Community infrastructure			
<b>Relocations</b>			
Transfer of possessions			
Installation costs			
<b>Economic Rehabilitation</b>			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Tanzanian average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops and Tanzanian

			market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Tanzanian market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance

The table above represents evidences of budget in a format of RAP report. It must be noted that, this table is basically one of the valuation report attachments signed by all relevant authorities and approved by the Chief Government Valuer. Therefore, this table will be accessible to the PAPs in a language which is understood as part of a public consultation procedure in compensation payments.

## CHAPTER ELEVEN

### COMPENSATION AND PROJECT SCHEDULE

Before any project activity commence, people who are affected and have been determined to be entitled to compensation will need to be compensated in accordance to the policy and the RF. In particular the taking of land and related assets may take place only after all entitlements and compensation has been provided

The measures to ensure compliance with this framework directive will be included in the RAPs that will be prepared for each sub-project involving resettlement. Upon approving the RAP reports prepared, the respective LGA will confirm that the RAPs contain acceptable measures that link compensation activity in compliance with this framework.

The LGA shall prepare a schedule of chronological steps covering all acquisition and compensation activities from preparation through implementation and agencies responsible for each activity (Table 6). The schedule should indicate how the resettlement activities are linked to the implementation of the overall project. The schedule should also include target dates for the achievement of expected benefits to PAPs and hosts and terminating the various forms of assistance. An example of a RAP implementation schedule is presented in Table 7 below.

**Table 7: Example of a RF Implementation Schedule**

Action	Time frame											
	Ja n	Fe b	Ma r	Ap r	Ma y	Ju n	Ju l	Au g	Sep t	Oc t	No v	De c
School Site Selection												
Stakeholder Engagement												
Preparation of for Resettlement												
Announce Cut												



Action	Time frame											
	Ja n	Fe b	Ma r	Ap r	Ma y	Ju n	Ju l	Au g	Sep t	Oc t	No v	De c
Off Date												
Confirmation of PAPs and affected properties												
Household Survey and Asset Inventory												
Development of Eligibility and Entitlements Matrix & Drafting of RAP												
Approval and Disclosure of the RAP												
Development of Individual Entitlement Matrix and Household Negotiations												
Compensation payments/ RAP Implementation												
Livelihood Restoration												

Action	Time frame											
	Ja n	Fe b	Ma r	Ap r	Ma y	Ju n	Ju l	Au g	Sep t	Oc t	No v	De c
(commence)												
Grievance Resolution												
Monitoring of RAP implementation												
Evaluation of RAP implementation												

The timing mechanism of these measures will ensure that no individual or affected household will be displaced due to civil works before entitlements are provided. Once the RAP is approved by the project implementing institutions, it will be sent to the World Bank for clearance.

**ANNEXES**

**Annex 01: The Land Donation Agreement Form**

**A: PRIVATELY OWNED LAND:**

This agreement is made this ..... Day of ..... 20..... between ..... (herein after referred as “Donor”) of P.O Box.....

and

The Village Council of ..... (herein after referred as “Donee”) of P.O Box .....

**WHEREAS**

The Donor is a lawful owner of a piece of land situated at ..... Village/street ..... Ward..... Project Area Authority ..... Region ..... (herein after referred as the Property)

That the property occupies an area of ..... (m<sup>2</sup>/ km<sup>2</sup> hkt<sup>2</sup>/) and it is held with a right of occupancy for a period of .....

**NOW THEREFORE THE AGREEMENT WITNESSES AS FOLLOWS:-**

1. That the donor hereby is desirous of donating the Land to the Donee permanently/ lease for the period of ..... commencing from ..... to ..... for implementation of project(s) namely ..... financed by the SEQUIP
2. That the Property is identified and determined by boundaries of pieces of land adjacent to it and under the ownership of:

East .....  
West .....  
North .....  
South .....

3. That the donor has been appropriately informed and consulted about the project and the choices available to him/ them;
4. That the donor is aware that refusal and compensation is an option
5. That the amount of land being donated is minor (no more than 20% of the owners total land holding) and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
6. That no household relocation is involved;
7. That no users are impacted by the donation.
8. That the donor is expected to benefit directly from the project;
9. That the donor is aware of the existence and the ability to contact the project Grievance Mechanism in case of complaint.
10. That the parties have agreed to renew this Agreement if need arises after its expiry.

## VERIFICATION

I ..... with sound mind and without any undue influence whatsoever has voluntarily decided to donate by lease/disposition of the above mentioned piece of land to the Village Council of ..... for implementations of ..... projects.

### Owners/ Donor's

Name <sup>4</sup> ..... Signature ..... Date .....

---

<sup>4</sup> If the piece of land is co-owned, each owner should fill in the form.

Phone Number.....

**Donor’s Witness**

1. Name.....Signature .....date  
.....

Phone Number.....

2. Name.....Signature.....date  
.....

Phone Number.....

**Village Representative**

1. Name.....Signature .....date .....

Phone Number.....

2. Name.....Signature .....date .....

Phone Number .....

**Before Me:**

1. Village Chairman..... Signature .....date .....

Phone Number.....

2. Village Executive Officer/Street.....

Signature..... Stamp

Phone Number.....

**{Note: Attach the Village Meeting Minutes}**

**Annex 02: PROJECT LAND DONATION AGREEMENT**

**B: CO-OWNED LAND:**

This agreement is made this ..... Day of ..... 20..... between  
.....And.....  
.....  
.....being the lawful owners  
of.....(  
herein after referred as "Donor" ) of P.O Box.....

and

The Village Council of ..... (herein after referred as  
"Donee" ) of P.O Box .....

**WHEREAS**

The Donor is a lawful owner of a piece of land situated at .....  
Village/street ..... Ward..... Project Area  
Authority ..... Region ..... (herein after  
referred as the Property)

That the property occupies an area of ..... (m<sup>2</sup>/ km<sup>2</sup> hkt<sup>2</sup>/)  
and it is held with a right of occupancy for a period of .....

**NOW THEREFORE THE AGREEMENT WITNESSES AS FOLLOWS: -**

1. That the donor hereby is desirous of donating the Land to the Donee permanently/lease for the period of ..... commencing from ..... to ..... for implementation of ..... project(s) namely

..... financed by the  
SEQUIP

2. That the Land boundaries are identified and determined by boundaries of pieces of land adjacent to it and under the ownership of :

East .....

West.....

North .....

South .....

3. That the donors have been appropriately informed and consulted about the project and the choices available to them;

4. That the donors are aware that refusal and compensation is an option

5. That the amount of land being donated is minor (no more than 20% of the owners total land holding and will not reduce the donors' remaining land area below that required to maintain the donors' livelihood at current levels;

6. That no household relocation is involved;

7. That no users are impacted by the donation.

8. That the donors are expected to benefit directly from the project;

9. That the donors are aware of the existence and the ability to contact the project Grievance Mechanism in case of complaint.

10. That the parties have agreed to extend tenure or renew this Agreement if need arises after its expiry.

## VERIFICATION

I ..... with sound mind and without any undue influence whatsoever has voluntarily decided to donate by lease/disposition of the above mentioned piece of land to the Village Council of ..... for implementations of ..... projects.

That we 1.....2  
.....3.....  
..., and 4..... (being the neighbours of the Donor )were  
present when the Donor showed the boundaries to the Donee and all of us appeared  
fully understand and agree to the boundaries that were shown to us .

**Owner's/ Donor's**

Name <sup>5</sup> ..... Signature ..... Date .....

Phone Number.....

**Donor's Witness**

1. Name.....Signature .....date .....

Phone Number.....

2. Name.....Signature.....date .....

Phone Number.....

**Village Representative**

1. Name.....Signature ..... date .....

Phone Number.....

2. Name.....Signature .....date .....

Phone Number .....

**Before Me:**

---

<sup>5</sup> If the piece of land is co-owned, each owner should fill in the form.



3. Village Chairman..... Signature .....date .....  
Phone Number.....

4. Village Executive Officer/Street/ .....  
Signature..... Stamp  
Phone Number.....

**(Note: Attach the Village Meeting minutes)**

DRAFT

**Annex 03: Grievance Reporting Form**

<b>Grievance Reference Number (to be filled in by [name ]):</b>			
<b>Contact Details</b>	<b>Name:</b>		
	<b>Address:</b>		
	<b>Tel:</b>		
	<b>e-mail:</b>		
<b>How would you prefer to be contacted?</b>	<b>By post</b>	<b>By phone</b>	<b>By email</b>
<b>Details of your grievance. Please describe the problems, how it happened, when, where and how many times, as relevant</b>  <div style="text-align: center; font-size: 4em; opacity: 0.2; font-family: serif;">DRAFT</div>			
<b>What is your suggested resolution for the grievance?</b>			
<b>How to submit this form to</b>	<b>By Post to: .....</b>		
	<b>By hand: please drop this form at .....</b>		
	<b>By e-mail: Please email your grievance, suggested resolution and preferred contact details to:</b>		
<b>signature</b>		<b>Date</b>	

**Annex 04: Grievance Resolution Form**

**Name (of Complaint):** \_\_\_\_\_  
**ID Number:** \_\_\_\_\_ (PAPs ID number)  
**Contact Address:** \_\_\_\_\_ (Village; mobile phone)

**Nature of Grievance or Complaint:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signed (of Complainant): \_\_\_\_\_  
Name of Person Filing Complaint: \_\_\_\_\_ (if  
different from complainant)  
Position or Relationship to Filer: \_\_\_\_\_

**Review/Resolution**

Date of Conciliation Session: \_\_\_\_\_

Was complainant Present? :                      Yes                      No  
Was field verification of complaint conducted? Yes                      No  
Findings of field investigation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Summary of Conciliation Session Discussion:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Issues \_\_\_\_\_

Was agreement reached on the issues?                      Yes                      No

If agreement was reached, detail the agreement below:

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

---

---

Signed (Arbitrator): \_\_\_\_\_ Signed (Complainant):

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

Date: \_\_\_\_\_

DRAFT

## Annex 5: Guidelines for Preparation of a RAP

The following generic guidelines will be used when preparing RAP.

- (i) Consultation and participatory approaches. A participatory approach is adopted to initiate the compensation or voluntary land donation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.
- (ii) Disclosure and notification. All eligible PAPs are informed about the project and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders. Notification must take into account seasonal usage.
- (iii) Documentation and verification of land and other assets. The government authorities at both national and local levels; community elders and leaders will arrange meetings with PAPs to discuss the compensation (at replacement cost) and valuation process. For each individual or household affected by the project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.
- (iv) Compensation and valuation. All types of compensation will be clearly

explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets at replacement cost. Once such valuation is established, the respective LGA will produce a Contract or Agreement that lists all property and assets being acquired by the project and the types of compensation selected. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.

DRAFT