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REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT**



**Proposed TSCP Additional Financing Sub-project**

Ref. No. TSCP/A/15 VOL II/4

**FINAL REPORT**

**ABBREVIATED RESETTLEMENT ACTION PLAN REPORT**

**FOR THE BUFFER ZONE OF THE MBEYA LANDFILL**

**MARCH, 2016**

**ARAP TEAM**

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## **List of Abbreviations/Acronyms**

DC	District Commissioner
ESIA	Environmental and Social Impact Assessment
GRC	Grievance Redress Committee
GoT	Government of Tanzania
LGAs	Local Government Authorities
MCC	Mbeya Municipal Council
NGO	Non-Governmental Organisation
PAPs	Project Affected Persons
PO-RALG	President's Office, Regional Administration and Local Government
ARAPs	Abbreviated Resettlement Action Plans
RPF	Resettlement Policy Framework
TSCP	Tanzania Strategic Cities Project
WB	World Bank
WB/OP	World Bank/Operational Policy

## **ACKNOWLEDGEMENT**

This Abbreviated Resettlement Action Plan (ARAP) report has been produced for PO-RALG for the proposed Additional Financing for the Tanzania Strategic Cities Sub-project specifically for the buffer zone area of the Uyole Landfill under construction in Mbeya City.

Acknowledged are the contributions from government officials at PO-RALG especially from Eng D. B, Shemangale, Eng. Jovin Bujulu, Dr. Mukuki Hante and Ms Zainab Ngonyani.

Special thanks go to the Mbeya City Mayor Hon. David Mwashilindi, Deputy Mayor Hon. David Ngogo who is also the Ward Councillor of the sub-project area, Chairman of the City Planning and Environment Committee Hon. Lucas Mwampiki and the Mbeya Acting City Director Dr.Samwel Lazaro as well as Ward and Mtaa officials for facilitating the stakeholders' engagement and participating in the public meetings.

Furthermore, special thanks go to the staff of the Mbeya City Council particularly Mr Samuel Bubegwa, Head of the Solid Waste Management and Environment Department and Mr. January Kazoba the Municipal Environmental Management Officer for working together as a team to accomplish preparation of this ARAP report.

## EXECUTIVE SUMMARY

### a) Description of the Sub-project Setting

The Proposed land-take is to create a buffer zone for the Mbeya Landfill which is located in the Ntungu area, in Mbeya City within the Mbeya Region.

### b) Objective of the ARAP

The main objective of this Resettlement Action Plan (ARAP) is to provide an acceptable plan for the resettlement and compensation of persons affected by land acquisition for the purpose of creating a buffer zone for the Mbeya landfill.

### c) Methodology

Preparation of this ARAP involved consultation with various stakeholders at different levels including National and City authorities, and targeted communities. Participatory methods including stakeholders' consultative meetings, observations, valuation of affected properties and structured interviews were applied. Other relevant information was obtained through discussions with relevant stakeholders to get their experiences and by reviewing available literature, documentation and studies.

### d) Methods of Valuing Affected Assets and Compensation Payments

In order to meet the requirements for this ARAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance that the compensation value is obtained from Full Replacement Cost with added allowances as well as calculation of compensation and other resettlement allowances for displaced property owners based on the current practices in Tanzania of valuation and compensation of properties. That is as per the following legislations: Land Acquisition Act No. 47.1967, 2009, Land Act No. 4. 1999 Sub-Part – 3: Public right of way *Compensation in respect of public right of way Section 156* and Land Regulations of 2001 and; The Urban Planning Act, 2007 Act Supplement No. 16. These legislations provide for compensation equivalent to the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments.

### e) Disclosure of the Resettlement Action Plan

The final ARAP will be approved by the Mbeya City Council (MCC) and PO-RALG as well as all the World Bank. The approved ARAP report will be available to the public at the following places:

- Office of the Mbeya City Council
- Offices of the Mtaa Executive Officer (WEO) at Ntundu
- PMO-RALG Office/website and,
- World Bank infoshop

#### f) Identification of Impacts

The planned land acquisition for the purpose of creating a buffer zone for the Mbeya City Landfill will have resettlement impacts; therefore the only activity that will lead to land-take under this ARAP is development of a buffer zone.

#### g) Categories of Impacts and entitlement

The sub-project will affect 1,846 compensable assets.

Twenty one (21) are building structures, of which 10 are complete with households residing and the remaining 11 are incomplete at various stages of construction, 12 annex structures, 1,801 permanent crops and nine farms /land only with no investment on them. The project will also affect two graves that will have to be relocated. The affected assets are owned by 91 PAPs, and the most affected property is permanent crops. **Error! Reference source not found.** below summarises the affected assets.

**Table 1: Project Impacted Assets and Magnitude of Impact**

Affected Category	No. Of Assets	Summary of Impacts/Loss
Residential structures (Complete)	11	Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate – physical relocation
Residential structures (Incomplete)	10	These are structures still at various stages of construction and not used as residences
Permanent crops and trees (owned by PAPs)	1,801	These include trees used as shelter and food tree mostly bananas of different maturity level. Loss of food sources and shelter
Annexed structures	12	These are structures not attached to main buildings (i.e security fence) and impacts on them alone will not lead to PAPs being relocated
Graves	2	The graves are located within the proposed buffer zone
Land only	9	It should be noted all PAPs will lose land of different size however those under these category are those losing land with no investment therefore will be compensated land only
<b>TOTAL</b>	<b>1,846</b>	Most of the affected properties are permanent crops

*Source: Socio-economic census and valuation report*

All assets affected under this sub-project are entitled to some kind of compensation according to the Tanzania law and the World Bank.

#### **h) Willingness to Relocate**

The households interviewed indicated their preference of relocating to a site close to their current homesteads, though they are not sure of availability of land within the area or if the compensation will allow them such an opportunity. However, it is worth noting that as per the World Bank OP 4.12, PAPs should not only be compensated but also assisted in finding alternative land.

#### **i) Cut-off Date**

The cut-off date was set to be January 7<sup>th</sup>, 2016 and communicated to each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. The project implementer is required to compensate the PAPs 6 months from the date the valuation report is approved.

#### **j) Socio-economic survey of the buffer zone**

The proposed sub-project is located within the outskirts of MCC and therefore, most of the basic social services are either available within the Ward or can be easily accessed at the city centre which is about 20 kilometres from the sub-project area. Social services available include schools, health facilities, water and roads. Moreover, the sub-project area is located adjacent to the Mbeya-Dar es salaam highway, therefore making it accessible and easy for residents around to commute to the city where most basic social services are available.

#### **k) Education level and economic activities of the PAPs**

The level of education of the PAPs in the sub-project area is moderate with (81%) of respondents having minimum primary education and only 6% university/college education. Cases of drop-out either at primary or secondary were also reported with 6% of PAP heads of households. It was also observed that 7% of PAPs did not have formal education. It is therefore important during ARAP implementation to ensure that such PAPs are assisted throughout the process.

It was revealed that most of the PAPs are mostly engaged in agricultural activities (66%) and commercial/business activities (20%). Common perennial crops grown in the area include banana and trees used either for timber, shelter or fruits while maize, beans and potatoes are the common seasonal crops. Other economic activities include salary/wage employment (9%) and other minor economic activities (5%) found in peri-urban areas that include masonry and casual labourers. It should be noted that the affected area would have minimal impact on the economic activities, as most of these activities are undertaken either in Mbeya City or farms away from the project area but within the ward. Very few PAPs (7%) keep livestock as a supplementary economic activity.

#### **l) Land ownership and Category of land affected**

All PAPs affected by the project own the affected land as well as properties affected (crops and structures), there are mainly three categories of land affected and they include plots used for residential purposes (34%), auxiliary farms (38%) and pieces of land that combine both agricultural and residential activities (28%).

#### **m) Types of Impacted House Structures**

The quality of structures in the project area is relatively good with majority of houses being made of corrugated iron sheets (89%) and burnt brick structures (82%) with 60% of them having cemented floors. It should be noted that 80% of the affected structures have annex structures that are used as kitchens, toilets or storage facilities; the valuation and compensation of these structures will take into consideration the type of construction material used as well as these structures.

#### **n) Vulnerable Groups or Persons requiring Special Provisions**

A number of PAP head of household were classified as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them to maintain/improve their livelihoods or at least restore them to their pre-project levels. Category of vulnerable PAPs generally include widows, the elderly and sick people; For the Mbeya project, 8% of PAPs fall under this category (4% are widows and another 4% are elderly) but they indicated that they would not require special assistance during RAP implementation but the Community development Office from Mbeya City will follow-up when the time comes.

#### **o) Public participation and stakeholders consultation**

Various methods were used to consult and engage stakeholders. These include notification to stakeholders, household interviews, public meetings as well as involvement of stakeholders in demarcating the buffer zone and identifying eligible PAPs. Various stakeholders were involved, including the community in the sub-project area, traditional leaders, officials from MCC and the mayor and Ward Councillor. Key recommendations from stakeholders included:

- Compensation/resettlement should be done promptly and fairly and all affected people should be involved in every stage of the ARAP process, both in a transparent and participatory manner.
- The MCC should ensure that all PAPs receive their compensation prior to land acquisition for the buffer zone and,
- There is a need for the local leaders within the localities to be part of the Grievance Committee for this ARAP.

#### **p) ARAP implementation**

The compensation process and ARAP implementation arrangements envisaged for this sub-project have several steps involving various stakeholders that include PAPs, the grievance committee, MCC and ward and Mtaa leadership. The overall responsibility for resettlement lies with the MCC, and payments will be made by the city authority in accordance with its administrative and financial management rules and manuals.

To ensure timely completion of resettlement activities, MCC will facilitate the resettlement process. The eligible PAPs ought to vacate within the time-frame that will be agreed upon between the two parties. PAPs can be allowed to demolish their structures to salvage useful building materials or harvest their crops from the acquired land.

#### q) ARAP Implementation Budget

The total compensation costs required under this ARAP, as per Compensation Schedules for PAPs with compensable assets is TShs **424,282,498.40**. This includes payments for all affected properties as per the valuation report approved by the Government Chief Valuer on 27<sup>th</sup> January 2016. The MCC has set aside 20million shillings as additional costs facilitating the implementation of resettlement activities. The table below summaries the budget

#### Consolidated Valuation Summary for the Mbeya City Land fill Buffer zone

No	Item	No of Assets	Cost in Tshs
1	Total cost for buildings + annex structures	73	163,200,417.00
2	Total cost for land	132	179,950,318.00
3	Total cost Crops	96	23,223,900.00
4	Accommodation allowance		26,360,000.00
5	Transport allowance		1,100,000
6	Grave relocation allowance		700,000.00
7	Loss of profit		00
8	Disturbance allowance		29,351,863.00
<b>Total compensation costs</b>			<b>424,282,498.00</b>

#### r) Management of grievances and disputes

One of the major challenges in implementing ARAPs is disagreement on amounts of compensation money received by PAPs. Taking into account the complexity of resolving disputes and grievances, PAPs at the sub-project area were informed about various grievance redress procedures and of their right to appeal if not satisfied. During surveys and inventory of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the sub-project will entail.

ARAP implementation will be closely monitored to provide PO-RALG an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and progress reporting.

Monitoring the progress of ARAP execution will be carried out through internal monitoring processes by MCC as may be deemed appropriate by PO-RALG.

## CHAPTER ONE

### INTRODUCTION AND OVERVIEW

#### 1.1 Background of the overall Tanzania Strategic Cities Project (TSCP)

The Government of Tanzania (GoT) through the President's Office, Regional Administration and Local Government (PO-RALG) has been implementing the Tanzania Strategic Cities Sub-project (TSCP) in selected urban Local Government Authorities for 5 years financed by a World Bank (IDA) credit and a grant from the Government of the Kingdom of Denmark. The TSCP is an investment operation that provides finance for critical infrastructure in 4 cities of Mwanza, Tanga, Mbeya and Arusha; 4 Municipalities of Ilemela, Dodoma, Kigoma-Ujiji, Mtwara-Mikindani and the Capital Development Authority (CDA).

Works have involved upgrading /rehabilitation of a number of artery urban roads and drainage and associated structures such as drainage ditches, culverts/bridges, footpaths and street lighting and local infrastructure such as bus and lorry stands aimed to improve movement of people, goods and services in the urban areas. TSCP also fund development of infrastructure to improve solid waste management including solid waste collection centres, equipment for transportation and disposal, and the development or improvement of disposal sites.

In addition a number of infrastructures were not financed under the first phase TSCP due to limitation of available funds under the credit. Also Participating LGAs have identified new sub-sub-projects important for functionality of existing sub-sub-projects. Based on these identified gaps, GoT is preparing a credit – Tanzania Strategic Cities Sub-project - Additional Financing with a view of financing these additional infrastructure investments and coupled improvements of management capability of the mentioned urban LGAs and CDA in Dodoma.

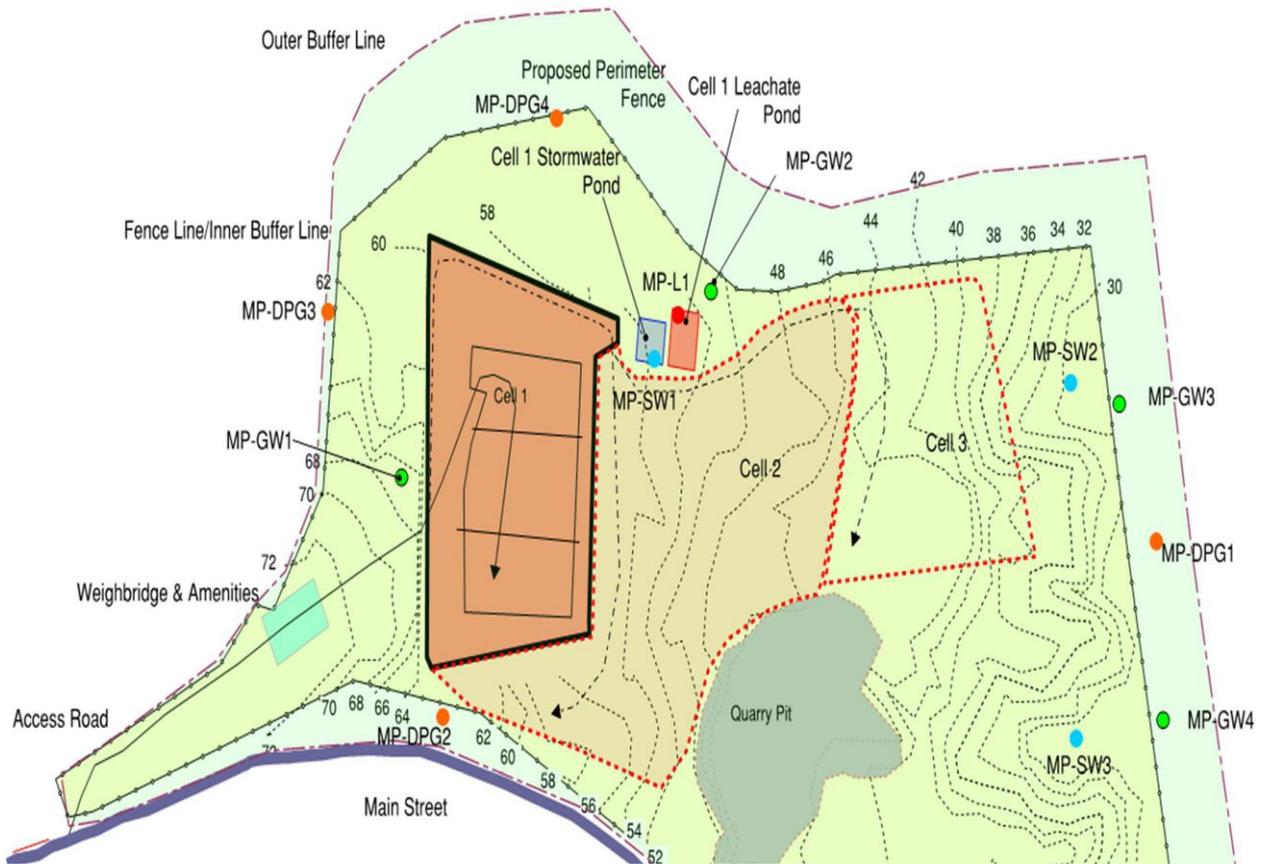
TSCP – AF in the Mbeya City Council includes improvement of additional works comprising of:

1. Two additional cells at the Uyole landfill.
2. Package 1 works of roads and storm water drains including access structures and street lights.
3. Package 2 works of roads and storm water drains including access structures and street lights.

#### **Land take/land acquisition**

The sub-project is mainly for ensuring safety of communities living adjacent to the MCC land fill. The landfill already exists but waits for purchased equipment to be brought to site. As such, the amount of land which is needed to be acquired for the buffer zone of this sub-project is minimal. Nevertheless, a total compensation cost under this ARAP for 91 PAPs with 1846 compensable assets is TShs. **424,282,498.40**.

Map below provides indication of land to be acquired for buffer zone



## **CHAPTER 2**

### **OBJECTIVES AND METHODOLOGY**

#### **2.1 Objectives of the Resettlement Action Plan**

The main objective of this ARAP is to provide an agreeable plan to compensate and resettle eligible PAPs for land - take for the purpose of creating a buffer zone of the landfill of MCC. This plan provides a roadmap for compensation and resettlement of the PAPs and their assets

Specific objectives are as follows:

- Develop mitigation measures to ensure that PAPs are not worse off as a result of the sub-project and at the least their livelihoods are restored to that of before the sub-project,
- Engage PAPs and communities to gain understanding of sub-project objectives and impacts,
- Involve PAPs and other stakeholders in developing a plan for physical relocation and compensation for lost assets,
- Provide information that will be used to implement the resettlement plan,
- Put down the grievance mechanisms which will be used during the ARAP implementation,
- The provision of timely and fair compensation, with the ultimate goal that all sub-project-PAPs would be compensated at least to restore their pre-sub-project living standard levels;
- Necessary assistance for relocation to all PAPs whose property/home will be totally demolished, prior to displacement and,
- outline institutional arrangements for the implementation of the ARAP

#### **2.2 Guiding Principles of the ARAP**

This ARAP has been prepared consistent with the provisions set forth in the Resettlement Policy Framework (RPF) drafted for the project. The proposed sub-project will involve land acquisition and displacement affecting shelter, livelihoods and associated impacts. The ARAP presents an inventory of people likely to be affected by the land acquisition and assets that are likely to be displaced by the sub-project and the proposed compensation and resettlement packages.

Specifically the ARAP is prepared in order to:

- a) Ensure that the land acquisition process is per the RPF,
- b) Raise awareness on the sub-project and its consequences to the general public and particularly the residents who will be directly affected by the sub-project,
- c) Set out strategies to mitigate against adverse social effects to the PAP including provision of channels and platforms for negotiations,
- d) Assess the potential extent of involuntary resettlement relating to the sub-project;

- e) Identify possible impacts of such displacement,
- f) Identify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation,
- g) Quantify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
- h) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the sub-project,
- i) To establish, explain and put in place the mechanism for grievances, and
- j) Provide the costs necessary for compensation and displacement.

## **2.3 Methodology and Approaches**

### **2.3.1 Overview**

The general approach that were used in the preparation and completion of this ARAP took into consideration the nature of the sub-project as only acquisition for the buffer zone and not land for the main sub-project and therefore not a green sub-project, the size of land acquired is minimal though the numbers of PAPs is slightly high due to the area being a squatter settlement and therefore most PAPs own small pieces of land.

### **2.3.2 Specific Methods and approaches.**

A combination of deskwork review, field visits and stakeholders' participation formed the basis of preparation of this ARAP. The approaches used include:

**(a) *Review of available data and Relevant Policies and Legislations such as:***

- Land Acquisition Act 1967
- Land Act No. 4 of 1999
- Village Land Act No. 5 of 1999
- Land Regulations (Assessment of the Value of Land for Compensation; Compensation Claims: and Scheme of Regularization) of 2001 and,
- World Bank Operational Policies OP 4.11 and OP 4.12

**(c) *Site Verification and assessment***

The team conducted a site visit mainly to determine the magnitude and type of impacts associated with the sub-project, determine mechanisms to minimize the magnitude of impact as well as verification of properties and consultation with the PAPs.

## **2.4 Methodology for Undertaking PAP Census and Socio-Economic Profile**

A socio-economic survey was taken using a questionnaire for household in carrying-out the census. Questionnaires were administered to get specific information that define and characterize the affected persons' assets. The questions included personal identification, ownership of assets found in the corridor of impact, household's income, household size, gender and sex, marital

status, age and levels of education, type and number of main and secondary occupations, land details, type of houses and the magnitude of impact of the sub-project at individual level.

## **2.5 Methods of Valuing Affected Assets and Compensation Payments**

In order to meet the requirements of an ARAP consistent with O.P 4.12, the valuation has been done in compliance with the World Bank policy guideline that the compensation value is obtained from the replacement cost added with relevant allowances. Consideration was also taken on the National legislations and guidelines for compensation.

The ARAP provides that, if the impacts include physical relocation, compensator must ensure that the displaced persons entitlement must include:

- Relocation or loss of shelter
- Moving allowances during relocation
- Loss of assets or access to assets
- Loss of income sources or means of livelihood, whether or not the affected persons must move to another location and/or Provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site. For all affected properties market surveys was conducted to determine current replacement costs such as cost of construction materials, price of buying and selling land, transportation costs, and labour costs at the date of valuation as well as rates of compensating permanent crops.

The valuation also considered the following allowances as part of the valuation procedure:

**Disturbance allowance** This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore the total compensation value, then obtain the 8% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

**Transport Allowance** Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: “Transport Allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometres from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)”.Transport allowance is computed on the basis of prevailing market rates within an area and is paid only to PAPs with occupied residential/commercial structure.

**Loss of accommodation** Section 179 sub-sections 8 of the Land Act (1999) stipulates how accommodation allowance is to be arrived at: The market rent for the building shall be assessed and multiplied by 36 months in order to arrive at accommodation allowance payable. (I.e. Accommodation allowance = Rent/p.m. x 36 months). Accommodation allowance shall be paid only to PAPs loosing occupied residential structures.

### **Loss of Profit**

This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (i.e. Loss Profit = Net profit/p.m. x 36 months). Under this ARAP no business has been affected.

## **2.5 Disclosure of the Resettlement Action Plan**

The approved final ARAP report of the sub-project will be available to the public at various implementing tiers levels in country and the World Bank's Info shop.

## CHAPTER 3

### IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

#### 3.1 Activities that will lead to Resettlement Impact

The planned land acquisition for the purpose of creating a buffer zone of the Landfill will have resettlement impacts. Therefore, the only activity that will lead to land-take under this ARAP is the development of buffer zone.

#### 3.2 Categories of Impacts

This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the census of PAPs and the valuation exercise.

The sub-project will affect 1,846 compensable assets. Twenty one (21) are building structures of which 10 are complete and occupied. The remaining 11 buildings are incomplete at various stages of construction. There are 12 annex structures, 1801 permanent crops and nine farms/land only with no investment on it. The sub-project will also affect two graves that will have to be relocated. The affected properties are owned by 91 PAP and the most affected property is permanent crops. Table 1 below summarises the affected assets and the summary is shown in Table 2.

**Table 2: Sub-project Impacted Assets and Magnitude of Impact**

Affected Category	No. Of Assets	Summary of Impacts/Loss
Residential structures (Complete)	11	Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate – physical relocation
Residential structures (Incomplete)	10	These are structures that the owners are still at various stages of construction and therefore not residing in these structures
Permanent crops and trees (owned by PAPs)	1,801	These include shelter and food tree mostly bananas of different maturity level. Loss of food sources and shelter
Annexed structures	12	These are structures that impacts do not affect the main structures i.e security fence and therefore PAP

Affected Category	No. Of Assets	Summary of Impacts/Loss
		will not be relocated these include fence
Graves	2	The graves are located within the proposed buffer zone
Land only	9	It should be noted all PAPs will lose land of different size however those under these category are those losing land with no investment therefore will be compensated land only
<b>TOTAL</b>	<b>1,846</b>	Most of the affected properties are permanent crops

*Source: Socio-economic census and valuation report*

### 3.2.1 Loss of Structures

There are mainly residential structures though some are complete while others are in various stages of construction described as follows:

#### a) Residential structures (Complete)

The sub-project will result in the demolition of 10 residential houses of which the construction materials mainly consist of corrugated iron sheets and burnt bricks. They are relatively in good condition and located on small-sized plots in a squatter area. The residential structures are only used for family residence and no tenants.

PAPs losing residential structures are entitled to the following compensations:

- Compensation of the residential structure according to the type of structure, without depreciation and replacement cost
- Compensation of land according to the replacement cost if the PAP owns the land, have customary right or established residency,
- Loss of accommodation allowance,
- Transport allowance and,
- Disturbance allowance.

#### b) Loss of unfinished structures

Within the sub-project affected area, there are PAPs who will lose structures that still under various stages of construction and therefore currently not accommodated, these unfinished structures are also entitled to the following compensation:

- Compensation of the unfinished structure according to the type of structure, without fracturing in depreciation cost
- Compensation of land according to the replacement cost if the PAP owns the land, have customary right or established residency.
- Disturbance allowance

### **3.2.3 Loss of Productive Land and Resources**

The land take for buffer zone for the Mbeya City dumping site will result in loss of plot of land used by PAPs as residential areas, farms as well as areas of burial. It should be noted that all 91 PAPs under this sub-project will lose land of different size and category. The total size of land affected by the sub-project is 25.29 acres. The valuation exercise involved measuring the actual size of land loss for each PAP and compensation will be determined by size of land loss.

All PAPs that will lose land will receive the following compensation:

- Compensation of the land according to the replacement cost if the PAP owns the land and,
  - Disturbance allowance
- It should be noted that though the area is categorised as a squatter all PAPs have customary ownership of the affected land that was obtained either by buying or inheritance.

### **3.2.4 Impact on Permanent Crops/Trees**

Permanent crops include those that take more than a year to reach full maturity and can be harvested over a long period of time. These include sisal, fruit trees, and timber and shades related trees. Trees have been grown by various PAPs as a mechanism to reduce dust impact, shelter or boundary of their plots. A total of 1,801 permanent crops and trees will be affected. PAPs with standing crops and trees on their plots within the defined sub-project area are entitled to compensation. Each tree is counted and compensated according to its market value and age of maturity. For instance, a tree that is fully matured and producing is compensated 100% of the compensation rate of the tree.

PAPs losing permanent crops are entitled to the following compensation:

- Compensation of value of each crop/ tree according to the market value and level of maturity,
- Compensation of land where the crops are grown according to the replacement cost if under the ownership of the PAP and,
- Disturbance allowance

**Table 2: Summary of number of PAPs affected under each impact**

No	Affect Property(s)/Impact	Number of PAPs
1	Land	91
2	Graves	1
3	Residential structures (complete)	11
4	Structures ( Unfinished)	8
5	Permanent crops	54
6	Annex structures	10

*NB: It should be noted that some PAPs will lose more than one asset*

Table 3 below provides a summary of the entitlement standards for PAPs affected by the land acquisition for the Mbeya City Land Fill.

**Table 3: Entitlement Standards for the PAPs with Fixed Assets**

TYPE OF LOSS	Unit of Entitlement	ENTITLEMENTS		
		Compensation for Lost Assets	Transport Allowance	Other Assistance
<b>Loss of residential structure</b>	Household	Compensation at full replacement value of structure and affected land	Moving 12 tons of goods for a 20 km. distance	<b>Disturbance Allowance (calculated at 8% of total compensation cost) Accommodation allowance (36months rates)</b>
<b>Loss of commercial structure</b>	Enterprise owner	Compensation at replacement value of structure and affected land	Moving 12 tons of goods for a 20 km. distance	<b>Disturbance Allowance (calculated at 8% of total compensation cost) Loss of profit allowance (36months rates) Disturbance Allowance)</b>

TYPE OF LOSS	Unit of Entitlement	ENTITLEMENTS		
		Compensation for Lost Assets	Transport Allowance	Other Assistance
Loss of permanent crops and trees	Household	Compensation of crops at market value and value of affected land	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)
Loss of Land	Household/Public	Compensation at Market value	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)

### 3.3 Willingness to Relocate

The households affected by the sub-project declared willingness to relocate after receiving prompt and fairly compensation. The households interviewed indicated their preference of relocating to a site close to their current homesteads, though they are not sure of availability of land within the area or if the compensation will allow them such an opportunity. However, the PAPs should not only be compensated but also assisted to find alternative land. This should be done by the City authority unless the PAPs indicate that they are able to relocate without any assistance.

### 3.4 Eligibility for Compensation and Resettlement Assistance

Tanzanian legislation provides valuation of properties at market values for land, houses and structures affected by a sub-project however, for sub-project funded by World Bank, and other international financial institutions World Bank policies and guidelines on compensation and resettlement issues are followed, this also implies land acquisition for creating a buffer zone for the land fill. The World Bank policies and guideline among other differences, favour providing compensation through in-kind methods, e.g., house-for-house, or alternative land. World Bank OP 4.12 requires the use of "replacement cost methods" for calculating compensation amounts that don't account for depreciation when determining the value of a structure.

Eligibility for compensation is defined in the provisions of the Land Acts and the Land Acquisition Act; according to these laws, all owners of properties located within the proposed corridor of impact at the time of inspection and valuation will be eligible for compensation. Notices to claim compensation were served to all owners of affected properties using Land Form No.14. The "cut-off" date for eligibility for compensation and resettlement measures was determined by the date on which these notifications were served. In this case the cut-off date for this sub-project Jan 7<sup>th</sup> 2016, when valuations activities were completed.

### **3.6 Cut-off Date**

The cut-off date was set to be January 7<sup>th</sup>, 2016 and communicated to each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should, however, be noted that the implementation of the cut-off date should also be observed by MCC who is required to compensate the PAPs within six months from the date the valuation report is approved the Chief Government Valuer.

According to this ARAP the sub-project MCC will have make frequent communications with PAPs through the resettlement committee to updating the PAPs on when they should expect to receive their compensation or any other changes associated with implementation of the sub-project.

### **3.7 Forms of Compensation**

To compensate the PAPs for their lost assets, the sub-project has two options for different payment modalities based on individual's choice. These are:

- (i) Cash payments - calculated and paid to compensate for land, assets, or to cover allowances such as disturbance, accommodation, transportation, loss of profit,
- (ii) In-kind compensation mainly for community/public properties

For this particular sub-project all individual PAPs have opted for cash compensation.

## CHAPTER 4

### SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES

#### 4.1 Overview Socio Economic profile of the Project Affected Persons

The socio-economic characteristics of the PAPs that will be affected by the proposed land-take for the buffer zone of the landfill in terms of a baseline socio-economic condition include demographic data, vulnerability, economic activities and social services. These parameters will enable planning resettlement and generate data categories of PAPs and their properties. As such, it will inform on enablement of resettlement support for future monitoring of the achievement of the ARAP. The general characteristic of the sub-project area is of a peri-urban set up that has a combination of squatter agglomerations and farms. The area also comprises of various economic activities that include petty business as well as farming of seasonal and permanent crops.

##### 4.1.1 PAP Head of House Hold Demographic Characteristics

The sub-project has affected a total of 91 PAPs of which 57 are males and 34 females. This is common in urban settings where women also own land as well as other assets as they are also engaged in various economic activities. Most of the PAPs are married (76%), 7 % widows and the rest (15%) are either single or have separated from their spouse. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions on the well-being of individual members, ownership, use and management of resources at household level are made by men with little or no involvement of women. This ARAP ensured that women particularly those with impact requiring their houses to be relocated participate in the meetings and are aware of the compensation process. Being in the urban area, most PAPs head of households have an average age of between 20-40 years (77%) and only 5% are elderly with age above 65, and the remaining (18%) are between 40 and 60.

The average size of families in the sub-project area is the 4 members, that is 42% of affected households falling under this category which is a common size in urban areas of various parts of the country. Only 13% of affected households have less than four members, while 24% are above six members and 21% have an average of five people.

##### 4.1.2 Economic level of the PAPs

Most of the PAPs are engaged in agriculture (66%) and commercial/business activities (20%). Common perennial crops grown in the area include banana and trees used either for timber, shelter or fruits; while maize, beans and potatoes are the common seasonal crops. Other economic activities include salary/wage employment (9%) and other minor economic activities (5%) found in peri-urban areas that include masonry and casual labourers. Moreover, the affected area will have minimum impact on the economic activities as most of these activities are

practised either in the city centre or farms a distant from the sub-sub-project area. Very few PAPs (7%) keep livestock as a supplementary economic activity.

#### **4.1.3 Land ownership and Category of land affected**

All PAPs in the sub-project own the affected land and properties (crops and structures). There are mainly three categories of land affected that include plots used as residential (34%), farms (38%) and pieces of land that combine both agricultural activities and residential (28%).

#### **4.1.4 Types of Impacted House Structures**

The quality of structures in the sub-project area is relatively good with majority of houses being roofed with corrugated iron sheets (89%), built with burnt bricks (82%) and 60% have cemented floors. Notably, 80% of the affected structures have annex structures that are used as kitchens, toilets or storage facilities. The valuation and compensation of these structures will take into consideration of the type of construction materials used as well as annex structures.

#### **4.1.5 Vulnerable Groups or Persons requiring Special Provisions**

Among PAP heads of household some can be classified as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them maintain/improve their livelihoods or at least restore their livelihoods to their pre-sub-project levels. Category of vulnerable PAPs includes widows, the elderly and sick people. However, for the landfill sub-project only 8% of all PAPs fall under this category of which 4% of total PAP heads of household are widows and 4% the elderly. When they were asked if they will require special assistance they indicated that they can handle themselves. Importantly, the Community development Office of City authority will follow-up on them during ARAP implementation.

## CHAPTER 5

### POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

#### 5.1 Introduction

The ARAP for the land acquisition to accommodate a buffer zone for the landfill will apply principles set forth in the Resettlement Policy Framework (RPF) drafted for this project. These principles were based on a gap analysis between the legislations, regulations, and by-laws governing the use of land and other assets in Tanzania and those of the World Bank's OP 4.12

#### 5.2 Property and Land Rights in Tanzania

The Constitution of the United Republic of Tanzania provides for the rights of citizens to own property and rights for compensation. Article 24 (1) says: *Every person is entitled to own property and has a right to the protection of his property held in accordance to the law.*

#### 5.3 National Land Policy, 1997

The National Land Policy of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land-based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen. This ARAP has ensured that all affected land has been evaluated and owners are entitled to compensation.

The main objective of the policy is to address the various and ever-changing land use needs in Tanzania. The Policy aims at promoting and ensuring a secure land tenure system, encourage the optimal use of land and to facilitate broad-based social and economic development, without endangering the environment (ibid: 5). Specific objectives outlined in the Land Policy that are directly related to the proposed landfill development include:

- Ensure that existing rights in land, especially customary rights of small holders (i.e. peasants and herdsman who are the majority of the population in the country), are recognized, clarified, and secured in law,
- Set ceilings on land ownership that will later be translated into statutory ceilings to prevent or avoid the phenomenon of land concentration (i.e land being held by a few individuals),
- Ensure that land is put to its most productive use to promote ARAP is social and economic development of the country and,

- protect land resources from degradation for sustainable development

#### **5.4 The World Bank Operational Policy 4.12**

Among other policies, the proposed sub-project is subject to World Bank's OP 4.12 on Involuntary Resettlement as World Bank is financing the sub-project. The policy aims at ensuring that PAPs are compensated, assisted in resettlement and in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of sub-project implementation, whichever is higher. According to the World Bank OP 4.12, involuntary taking of land may result in:

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

The overall objectives of the policy on involuntary resettlement are the following:

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

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

In essence, this ARAP has been implemented as per the World Bank Operation Policy 4.12 on Involuntary Resettlement that includes effecting compensation at full replacement cost to eligible PAPs unlike the Rules of the GoT which consider depreciation of assets.

## 5.5 The Land Act, 1999

The Land Act (Act No. 4 of 1999) provides basic legal requirements in relation to land other than village land, the management of land, settlement of disputes and related matters. The Land Act seeks to achieve the following objectives:

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

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

- Except where the Commissioner is proposing of his own motion to create a Way-Leave, an application from any ministry or department of Government, or local authority or public authority or corporate body shall be made to the Commissioner;

The applicant shall serve a notice on:

- All persons occupying land under a right of occupancy over which the proposed Way-Leave is to be created, including persons occupying land in accordance with customary pastoral rights
- All Local Government Authorities (LGA) in whose area of jurisdiction the proposed Way-Leave to be created is located
- All persons in actual occupation of land in an urban and peri-urban area over which the proposed Way-Leave is to be created
- Any other interested person

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

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

## **5.6 The Land Regulations, 2001**

The Land Regulations provide guidance on the issue of compensation, which is directly relevant to the proposed development. According to Section 10 (1) of the Land (Compensation Claims) Regulation 2001, compensation shall take the form of:

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

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

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

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

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

## **5.7 The Land Disputes Courts Act No. 2 of 2002**

Every dispute or complaint concerning land shall be instituted in the Court having jurisdiction to determine land disputes in the given area (Section 3). The Courts of jurisdiction include:

- i. The Village Land Council
- ii. The Ward Tribunal
- iii. District Land and Housing Tribunal
- iv. The High Court (Land Division)
- v. The Court of Appeal of Tanzania.

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

## **5.8 ARAP Implementation Institutions**

The implementation of this ARAP will comprise of several steps involving individual PAPs, affected communities, the MCC and Ministries and independent Departments at National level as discussed below:

### **Ministry of Lands, Housing and Human Settlements Development (MLHHS D)**

The MLHHS D is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner. With regard to this ARAP, MLHHS D will be responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties and signing of valuation reports.

### **President's Office - Regional Administration and Local Government (PO - RALG)**

The overall responsibility for the resettlement lies on the hands of the government of Tanzania through PO-RALG under its administrative and financial management rules and manuals. Thus PO-RALG will approve all payments upon finalization of the ARAP and compensation requirements. PO-RALG will also work with the MCC in ensuring that all PAPs receive compensation as described in the compensation schedule.

### **Mbeya City Council**

Mbeya City Council is responsible for managing resettlement progress and disbursement of compensation funds. The role of the City authority is to support the compensation process by providing the necessary funds related to the sub-project development. The office will also coordinate disclosure of the ARAP to key stakeholders including PAPs and work closely with the Grievance Committee to ensure that all PAP complaints are handled on time without further negative impacts to PAPs.

### **Ward and Mtaa level**

The local Government system in Tanzania is based on the decentralization policy and is enshrined in the Local Government (District Authorities) Act No.7, 1982, the Local Government (Urban Authorities) Act No. 8, 1982, and the Regional Administration Act (1997).

In the case of this ARAP, Mtaa and the Ward will be the main focal points of the whole ARAP implementation activities. This include identification of PAPs as they are the once who are familiar with them as well as familiar with the actual loss of the PAP. The leaders of these authorities are the representative of the local government at their respective levels. Any complaints from the sub-project PAPs will be presented to the Mtaa/ward offices by the Grievance Committee who will then discuss it prior to forwarding to the City Director and or the District Commissioner's office for further assistance.

## **CHAPTER 6**

### **PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS**

#### **6.1 Overview**

Comprehensive planning is required to assure that sub-project implementer, relevant local government and the affected population interact during all stages of the sub-project implementation. In connection with the requirement that displaced persons be meaningfully consulted, consultations were made through meetings and interviews involving PAPs to be directly affected by the sub-projects and those living adjacent to the sub-project area. The main objective of the public participation was to enable stakeholders learn about the sub-project, its impacts and how they will be mitigated.

Another objective is to inform them about the compensations and resettlement procedures and to secure their cooperation. Other objectives include assisting stakeholders to understand applicable laws and regulations governing compensation and to involve stakeholders in census, socio-economic surveys, and inventory of households and affected assets for Resettlement Action Plan preparation.

#### **6.2 Methods of Stakeholder Participation**

The following methodologies were used in undertaking this exercise:

##### **6.2.1 Notification to stakeholders**

Introduction letters were written by the Mbeya City Council Director to inform the Ward Officials and those at the Mtaa level about the ARAP process. At the Mtaa Office, further letters and notifications were provided to facilitate appointments to consult the local people that include likely PAPs.

##### **6.2.2 Household Interviews**

Household questionnaires were used to obtain the views of PAPs regarding the sub-project and basic compensation and resettlement factors. Other issues that were derived from the questionnaires include, demographic information, economic activities, incomes of PAPs, type and magnitude of impact, mode of payment, land related issues, living conditions and availability and status of social services.

### **6.2.3 Public Meetings**

The ARAP involved a series of Public meetings in the sub-project area, the first meeting conducted on the November 20<sup>th</sup>, 2015 that introduced the sub-project to the local communities as well as inform them that the sub-project will involve land acquisition that is currently owned by some individuals. On the 29<sup>th</sup> of December 2015, another public meeting was conducted that aimed at the following:

- introducing TSCP and specifically the landfill sub-project to all local communities (PAPs and none PAPs)
- To explain the benefits of the sub-project to the MCC that includes the sub-project area
- To explain to the locals the need for a buffer zone
- To provide awareness of the valuation exercise
- To generalize the entitlement of those who will be affected as per the Tanzania requirements and those of the World Bank
- To respond to questions, comments and recommendations provided by the local communities

This meeting was attended by representatives from PO-RALG, the MCC Mayor and vice mayor, Chairperson of the Mbeya City Land Committee, members of the TSCP in Mbeya, Local Leaders, Traditional leaders and community members.

Another public meeting was conducted that involved only PAPs and their local leaders after the demarcation was undertaken, the meeting aimed at

- Providing detailed elaboration of the land acquisition process and their entitlement
- To elect a grievance committee
- Establish and agree on the cut - off date

### **6.2.4 Demarcation of the core sub-project impact area**

It was agreed during the public meeting that PAPs would want to participate in the demarcation of the 100metres buffer zone as well as identification of PAPs, this involved surveyors from the MCC, local leaders and all local communities.

### **6.3 Summary of issues and concerns raised by stakeholders**

Overall, the people living near the sub-project area were initially reluctant to accept the sub-project as they were concerned about lack of compensation, however after understanding the benefits of the sub-project and its importance as far as safety issues are concerned, as well as understanding their entitlement, they accepted the sub-project with a condition that they should be compensated prior to MCC acquiring the land.

Within the sub-project area there are traditional leaders that the community give respect and their decisions are highly respected, during the public meeting these leaders attended and their opinion regarding the sub-project was that they accept the sub-project but insisted that it has been very important that MCC has provided the people with sufficient explanation regarding the sub-project and land acquisition process. People in Mbeya have had bad experience with

compensation but they anticipate that with the implementation of this ARAP, there will be no complaints. The area traditional leaders insisted that the PAPs are ready to give away their land but under the condition that they should be fairly paid and on-time. Likewise, the City authority should not acquire land prior to compensating those affected.

During the stakeholders' meeting the community concern was that if the MCC will further acquire more land after the proposed 100meters has been acquired, then it is better to relocate the sub-project elsewhere. They also insisted that they would want to know how much they will receive as compensation prior to the City endorsing their payments. To ensure that the land acquisition process is participatory, they also emphasized that they should be involved in demarcating the 100meters buffer line and in identifying the PAPs as well as the in valuation exercise.

Moreover, they shared their experience from other sub-projects that affected people lack a designated office to file their grievances if are dissatisfied with the process or the compensation package. MCC informed them about the establishment of a grievance committee the idea which they strongly supported and advised that their Ward councillor be a committee member.

## **6.5 Key Recommendations from Stakeholders**

- Compensation/resettlement should be done promptly and fairly and all affected people should be involved in every stage of the ARAP i.e. the process should be transparent and participatory,
- The MCC should ensure that all PAPs receive their compensation prior to acquiring the land for the buffer zone,
- There is a need for community leaders within the locality to be part of the Grievance Committee for this ARAP.

The table below summarises issues, questions and concerns raised during various meetings with sub-project stakeholders.

**Table 4 : Stakeholders response table**

No	Name/Position of Stakeholder	Question/Recommendation/Concern	Response
1	Eng. Samwel Bubegwa - Head Solid Waste Management and Eng. Kasambala TSCP Coordinator	<ul style="list-style-type: none"> <li>• The sub-project is about acquiring land for buffer zone of the land fill, and the objective of the buffer zone is to ensure safety of people living close to the area</li> <li>• The city will basically plant trees in the buffer zone, this will ensure cleaner environment adjacent to the land fill</li> <li>• The sub-project once operational is likely to be an income generating opportunity and priority will be to people living close to the land fill</li> </ul>	<p><b>Response from local community</b></p> <p>-The City authority should confirm if there will be further land take other than the 100meters buffer zone</p> <p>-MCC should ensure that it compensates PAPs prior to acquiring land</p>
2	Dr Samwel Lazaro Acting Director Mbeya City Council	<ul style="list-style-type: none"> <li>• We urge locals to accept the sub-project as the purpose to ensure the area is safe</li> <li>• We ensure those affected will be compensated fairly and this will be fast tracked as this is a requirement of the World Bank</li> <li>• For those PAPs who will opt for alternative land as compensation, the City will assist to obtain the land</li> </ul>	<p><b>Response from local community</b></p> <p>-- MCC should ensure that it compensates PAPs prior to acquiring land</p> <p>-We prefer cash compensation and we can find alternative land</p> <p>-We have bad experience from other sub-projects as far as compensation is concerned, we expect this sub-project under World Bank compensation will be</p>

			fair and transparent
3	Mr. Patrick Mwakilili Municipal Land Officer	<ul style="list-style-type: none"> <li>• The valuation exercise will be transparent and participatory</li> <li>• All affected persons will be compensated as per the Tanzania Law requirements as well as those of the World Bank and therefore we anticipate compensation will be fair and prompt</li> <li>• We shall also facilitate to establish a Grievances committee</li> </ul>	<p><b>Response from local community</b></p> <p>-We want to know how much we are being compensated prior to accepting the package</p> <p>- We want our Ward Councillor to be a member of the grievance committee</p>
4	Hon. David Mwashilindi-Mayor Mbeya City Council	<ul style="list-style-type: none"> <li>• We urge locals to accept the sub-project as the objective of the sub-project is for safety reasons but the land fill will benefit the Mbeya City at large</li> <li>• We as your leaders will ensure that the land acquisition process is participatory and locals and paid fairly and on time</li> </ul>	
5	Nsunye Namba –Traditional Leader (Chief)	<ul style="list-style-type: none"> <li>• It is very important that you have provided local people with sufficient explanation regarding the sub-project and land acquisition process</li> <li>• People in Mbeya have had bad experience with compensation but we anticipate this time there will be no complains</li> <li>• We accept the sub-project but on condition that PAPs should be fairly paid and on time, likewise, the City Authority should not acquire land prior to compensating those affected.</li> </ul>	<p><b>Response from MCC</b></p> <p>-The land acquisition will be participatory and MCC will continue creating awareness about the process and entitlement of PAPs</p> <p>-We shall not acquire land prior to compensation</p> <p>-We shall ensure all PAPs receive compensation according to the legal</p>

			requirement and those of the World Bank
6	Sub-project Affected Persons	<ul style="list-style-type: none"> <li>• Once you have acquired the 100meters buffer area, are there plans to expand the buffer zone?</li> <li>• Is there an alternative site to relocate the sub-project</li> <li>• We want to know how much we are receiving as compensating prior to the City endorsing our payments</li> <li>• We want to be involve in demarcating the 100meters</li> <li>• We don't know where to file our complaints if we are not satisfied with the process or the compensation package</li> <li>• We want to have a lawyer to assist us to ensure that the process is transparent</li> <li>• All permanent crops should be paid the same rate regardless the level of maturity</li> <li>• We should be involved in the valuation exercise</li> <li>• We would want our Councillor to be part of the grievance committee</li> </ul>	<p><b>Response from MCC</b></p> <p>-There will be no additional land acquisition once the buffer zone is acquired under this sub-project</p> <p>-PAPs will have the opportunity to know how much they will be compensated prior to receiving compensation</p> <p>-With regard to filing complaints, a grievance committee will be established</p> <p>-The mode of paying permanent crops as per maturity level as determined in the law</p> <p>-The valuation exercise will be transparent and participatory</p>
7	Local Area Residents (Women and Men)	<ul style="list-style-type: none"> <li>• The Municipal council should ensure the area that tress will be planted is safe as sometimes thieves might use it as a hiding place</li> </ul>	

## CHAPTER 7

### ARAP IMPLEMENTATION

#### **7.1 Organizational Procedures and Responsibilities for Delivery of Entitlements**

The ARAP implementation arrangements envisaged for this sub-project have several steps involving various stakeholders that include PAPs, the grievance committee, MCC leaderships at Ward and Mtaa level.

The overall responsibility for resettlement lies with the PO-RALG through MCC, which will raise funds and pay the PAPs.

#### **7.2 Delivery of entitlement**

Mbeya City Director's Office in collaboration with the Ntundu Ward Officials will post notices in the affected areas advising PAPs to collect their compensation payments from a designated City Council Office for those being paid by cash and from a specified bank for those will be paid by cheques. The office should prepare a written record, to be signed by a PAP, indicating that the PAP has received the payment. PAPs without bank accounts will be assisted by the Ward officials to open bank accounts. MCC will be responsible to process bank account openings including assistance to vulnerable PAPs. Once the account is opened and compensation is credited to the appropriate account, each PAP shall be informed of the transaction.

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of salvaging any materials from demolished structures such as metal/wooden frames, roofing iron sheets and bricks and farmers will be given notice to harvest their crops. In addition to these activities, the ARAP team shall work with communities to ensure effective restoration of pre-sub-project levels.

#### **7.3 PAP Vacating Timing**

To ensure timely completion of resettlement activities, MCC will facilitate the resettlement process by requesting all PAPs to vacate within a set time - frame that will be agreed between the two parties. The PAPs can be allowed to demolish their structures to salvage useful building materials, harvest their crops and cut down their trees from the RoW.

#### 7.4 ARAP Implementation Budget

The total compensation costs that will be provided under this ARAP, as per Compensation Schedules for PAPs with compensable assets is TShs. **424,282,498.00**; this includes payments for all affected properties as per the valuation report approved by the Chief Government Valuer on January 27<sup>th</sup> 2016. The MCC has set aside 20million shillings as additional costs facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate PAP relocation or supervision of payment of PAPs;

Based on the approval of the valuation report; the City authority will proceed with the necessary stages of paying compensation to PAPs that will be effected before acquisition of land for the buffer zone.

**Table 5: Consolidated Valuation Summary for the Mbeya City Land fill Buffer zone**

No	Item	No of Assets	Cost in Tshs
1	Total cost for buildings + annex structures	73	163,200,417.00
2	Total cost for land	132	179,950,318.00
3	Total cost Crops	96	23,223,900.00
	<b>Total Assets</b>	<b>301</b>	
4	Accommodation allowance		26,360,000.00
5	Transport allowance		1,100,000
	Grave relocation allowance		700,000.00
6	Loss of profit		00
7	Disturbance allowance		29,351,863.00
<b>Total compensation costs</b>			<b>424,282,498.00</b>

## CHAPTER 8

### MANAGEMENT OF GRIEVANCES AND DISPUTES

One of the major challenges eyed-on in implementing this ARAP is dissatisfaction of the PAPs with the valuated amounts for compensation. However, taking into account the complexity of resolving disputes and grievances, the PAPs at the sub-project area were informed about various grievance redress procedures if not satisfied. Also, during social surveys and inventory of the PAPs and their properties and further during consultation processes, concerned individuals or entities were well made aware of the extent of damages to utilities, properties, crops and commercial activities that the sub-project would entail. Key concerns included:

- Amount, levels and time in which compensation is paid to PAPs,
- Seizure of assets without compensation and,
- Handling and treatment of vulnerable PAPs and those without recognized ownership rights (e.g., tenants and squatters)

#### 8.1 Disputes Procedures under Existing Laws

Section 13 (1) of the Tanzania Land Acquisition Act 1967 includes provision regarding any land that is acquired where there is a dispute or disagreement. The Act elaborates disputes and stipulates the timeframe (six weeks) for resolving them before the aggrieved party can institute a suit in a court of law for resolution. The Land Act 1999 and supporting regulations improves Section 13(1) of the Land Acquisition Act by establishing Land Tribunals at the Ward and District levels. If not satisfied with decisions of the Land Tribunal, the aggrieved party is obliged to take the matter to the court. If the local courts and/or the Land Tribunals cannot settle the matter, the matter will go the High Court for resolution. The High Court of Tanzania and Court of Appeal is the highest appellate “judge” in this system and its decision would be final.

The procedures for compensation dispute resolution prescribed by the Land Acts are cumbersome and costly, taking into account the fact that most of the PAPs have limited knowledge about legal issues and their rights with respect to the laws. Thus, the Grievance Committee should be established in order to listen to complaints brought to them by PAPs and solve them before a decision to go to court is undertaken by the PAP.

#### 8.2 Grievances and Complaints Procedures under this ARAP

The Resettlement Action Plan for the proposed land acquisition for buffer zone provides a simplified grievance redress mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered the existing ARAP Committee at the local level to facilitate access, flexibility and openness to all PAPs. The grievance redress procedure ensures consultations with MCC and other key stakeholders and provides for record keeping to determine the validity of claims, and to ensure that solutions are

taken in the most transparent and cost effective ways for all PAPs. During consultation, affected individuals were informed of the process for expressing dissatisfaction and how to seek redress.

### 8.3 Steps to be followed for Grievance Redress

The proposed sub-project is within one Mtaa of Ntundu and therefore only one committee has been established. The ARAP grievance redress committee was established during a public meeting involving all affected PAPs and their local leaders and those from the MCC office. A committee was established that will include local leaders (Mtaa Chairperson, Ward Executive Officer as well as the Ward Councillor and the following PAPs:

No	Name	Position	Contacts
1	Neema Kajange	Member/PAP	0768396755
2	Ibrahim Bishopu	Member/PAP	0764691658
3	Roina Ezekiel	Member/PAP	0769476649
4	Theophil Raphael	Member	0764853245

The following procedures will be followed in this ARAP for the purpose of addressing grievances from the PAPs.

- Procedures for lodging complaints to the Grievance committee who will review the complaints prior to submitting the complaint to the ward office and receive an acknowledgement from the ward office,
- It was agreed by PAPs that the Councillor of the ward and chairman of the Mtaa also form part of the committee. Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the grievance is resolved and the PAP is satisfied, a report of proceedings shall be prepared and copies given to the PAP and local authority leader for records and the case is closed,
- In the event that the PAP is not satisfied, with the assistance of the Mtaa leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by MCC and,
- The committee under the Mbeya District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAP may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.

Table 6 below provides details of the procedure that is to be followed for grievance redress in this ARAP.

**Table 6: Grievance Redress Process**

<i>Step</i>	<i>Reporting officer/committee</i>	<i>Officer/committee members</i>	<i>Time frame to redress</i>	<i>Grievance redressed</i>	<i>Grievance not redressed</i>
<b>1</b>	PAPs for will submit Grievance to the Grievance committee who will review the complaints and later forward to the ward office and receive an acknowledgement	1. Grievance Committee of ward level	Upon receipt of grievance, the local Mtaa officials with the help of the committee shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with the committees or local government’s decision, a report of the same shall be prepared and copy handover to PAP and case closed.	<b>If the grievance is not resolved, go to step 2.</b>
<b>2</b>	If PAP is not satisfied with step 1 decision, the case shall be forwarded to the land Dispute committee at District level. This committee shall function as GRC at the district level for the sub-project. The grievance shall be forwarded with all the paper details of case.	1- DC – Chairman, 2. District land office, Municipal valuer, CDO, Health Officer  3. PAP representative	Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by the Mbeya City Council Official	If the grievance is resolved and the PAP is satisfied with GRC decision, a report shall be prepared by Mbeya City Council. A copy of report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.	<b>If the grievance is not resolved, go to step 3.</b>
<b>3</b>	It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there are cases which might still remain	1- Regional Secretariat 2- District Commissioner 3- Mbeya City	If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45	If the grievance is resolved and the PAP is satisfied with RS’s decision, a report of the same	<b>If the grievance is not resolved, the PAP may take the case to appropriate court.</b>

<i>Step</i>	<i>Reporting officer/committee</i>	<i>Officer/committee members</i>	<i>Time frame to redress</i>	<i>Grievance redressed</i>	<i>Grievance not redressed</i>
	unresolved at GRC level. For such cases, the PAP shall have the option to refer his/her case to Regional Secretariat for final amicable solution or to refer the case to the Judiciary.	Council 4. PAP and PAP representative	days from the date of case referred. The PAP shall be informed 10 days in advance about the date, time and venue of the hearing.	shall be prepared by MCC. A copy of report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.	
<b>4</b>	<b>PAP takes the case to appropriate court.</b>				

A form to be used for filling the grievances is also indicated below.

**Sample Grievance and Resolution Form**

**Name (Filer of Complaint):** \_\_\_\_\_

**ID Number:** \_\_\_\_\_ (PAPs ID number)

**Contact Information:** \_\_\_\_\_ (Ward/Mtaa; mobile phone)

**Nature of Grievance or Complaint:**

---

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

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

Signed (Filer of Complaint): \_\_\_\_\_

Name of Person Filing Complaint : \_\_\_\_\_ ( if different from Filer)

Position or Relationship to Filer: \_\_\_\_\_

**Review/Resolution**

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

Was Filer 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:

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Signed (Conciliator): \_\_\_\_\_ Signed (Filer): \_\_\_\_\_

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

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

## CHAPTER 9

### MONITORING AND EVALUATION

ARAP implementation will be closely monitored to provide PO-RALG an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and progress reporting.

Monitoring the progress of ARAP execution will be carried out through internal monitoring processes by MCC and through external monitoring involving other agencies as may be deemed appropriate by MCC/PO-RALG.

#### 9.1 Monitoring and Reporting

Internal monitoring for ARAP implementation will be carried out by the ARAP Committee till all the PAPs have vacated their existing properties and received compensation. Mbeya City Council should agree on the maximum time of vacating and this should be done once all PAPs have received their compensation. It is recommended that maximum time of vacating could be two months. The Council will keep a record of all progress and prepare regular monitoring resettlement implementation reports that outline the successes and challenges encountered and submit to PO-RALG. To maximize efficiency, the community development office which forms part of the TSCP team will facilitate monitoring and reporting activities and a ARAP Specialist (preferably from PO-RALG Office) to provide regular reviews and quality control in addressing provisions of OP 4.12. Data from field surveys will be used as the benchmark for monitoring the progress of ARAP implementation.

This ARAP recommends monitoring to be based on maintaining a full-time presence in the field during resettlement implementation; in coordination with City Authority and those at the ward level and monitoring to involve the following:

- Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis,
- Socio-economic monitoring during and after the relocation process to ensure that persons have been able to recover successfully and as anticipated from the relocation program and,

- Data from baseline socio-economic surveys undertaken during consultation will provide the benchmark for monitoring to assess the progress and success of ARAP implementation. Monitoring will also include communication with PAPs and documentation of reactions from PAPs and physical monitoring of progress of the ARAP's implementation, including the relocation of PAPs and the affected community assets.

It is also important for PO-RALG to monitor and review all compensation tallies and ascertain whether compensation was provided correctly for all sub-projects under TSCP. In so doing, also it will help in assessing whether the PAPs have regained their prior living standards in terms of income, housing, access to basic amenities, and ownership of land and material assets.

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## **LIST OF ANNEXES**

**Annex 2: List of Stakeholders Names, their positions and signatures consulted during preparation of ARAP for the Mbeya City Land Fill Buffer Zone.**

KIKAO CHA PAMOJA NA VIONGOZI  
 WA JIJI LA MBEYA NA WAKAZI WA  
 Mtaa wa NTULUNDU ENEO LA DAMPO 29/12/2015

	JINA	CHED	SAINI
1.	MCH. DAVID P. MWASHILINDI	MAYOR JIJI	
2.	MCH. DAVID N. NGOGO	NAIBU MAYOR JIJI	
3.	LUCAS EMLY MWAMPILI	MIKITI M/ANZI	
4.	PHILLIP M. MWAKUSOLE	MKULIMA	
5.	JACOBO A. KABUKA	MKULIMA	
6.	EDITHA MAHENGÉ	MKULIMA	
7.	LUSIYA SUGO SITONIKE	MKULIMA	LUSIYA
8.	MUSSA FRANCIS	MWAKALINGA	ME
9.	NSCAGE NEMBA	MKULIMA	Chife
10.	WILSON WALINSELLA	M. MLLA NISALAGA	W. KALINJER
11.	LIZA	M. LALIA	LIZA
12.	M. BWIGA KILLO	MJUMBE	
13.	DANIEL M. MITONGOLE		Daniel Mitongole
14.	AMJER A. MBIHINYI	MKULIMA	A. MBIHINYI
15.	Fodili Rugaimukam	Meneji dampo	
16.	River M. Mgawe	Mjumba skuta	River M. Mgawe
17.	Bupe Mwasimora	MKULIMA	
18.	RHODA MKENGA	MJUMBE	Roda
19.	Baraka Saidi	MKULIMA	
20.	EDWESI NALUKU	MJUMBE	
21.	GEORGET MAHEWA	MJUMBE	
22.	EDRICK NGIMBUSU	MKULIMA	
23.	BATHI GODWIN SIBONIKE	MKULIMA	B. SIBONIKE
24.	EDWARD JOEL	MWAZIMU	
25.	LWAZO, A. MWAKUKA	MKULIMA	

	DIHA	CHEO	SACMI
27	LISEASI NSOLO	Mkulima	Dagob
28	AJUSISYE MWAJIMOLA	mchungaji	Dagob
29	ROSE STEVIN MUKHANGE	Mkulima	Mukhange
30	DANIEL KIBITI	MLIZI	Daniel
31	WAZIRI MURAMBESHA	Mkulima	Murambesha
32	Mkandama Y.O.	Afya Afya	X
33	Laynas Lawren	Mhandisi Wa Jyo	Jyo
34	ERNEST MARONGO	BALOTI	Baloti
35	ERICK SANGA	Mkulima	Erick
36	NOEL V MATHA	Mkulima	Matha
37	Philipo N. Sanga	Mkazi	M. Sanga
38	ADENI K.M. MUKAKAZI	MENYAKAZI	M. Sanga
39	BARAKA S. Kamaghe	Mkulima	Kamaghe
40	LUSIA Mgauci	Mjumba	
41	DANILY MLOWE	Mjumba	Mlowe
42	MWITA MAGESA	Mthamini	Mthamini
43	CRISPIN KALJAGE	MWAKASHERIA	Kaljage
44	Kasumbala Oswald	Mhandizi	Mhandizi
45	MAGDALENA NGENZI	CDO	Ngenzi
46	PATRICK MWAKILILI	Cupo	Mwakilili
47	BUBEGWA SAMUEL	CUSAO	Mwakilili
48	JANUARY ICAZOBA	MWAZINZIRA	Icazoba
49	SARA BAMIANI	MATHENGE	Seta
50	ERNEST M. KAMETA	MFAHYA BASHARA	Kameta
51	ALFRED L. RUTAGUZA	MTUMISHI (LWSA)	Alfred
52	EMMANUEL SANGA	Mkulima	Sanga
53	Elia R. Mwasapili	Mkazi	E. Mwasapili
54	HEZRON	MTUMISHI	
55	ZAINAB NBOYANI	PO RALGA_CDO / ISCP	Nboyani



	JINA		CIKED		SABITI
55	CHARLES	JAPHET		Ajumba	C. Japhet
56	BENEDICTO	A. NDWIGURU			<u>Inch</u>
57	HERIEM	BOAZI	SANGA		<del>HB Sanga</del>
58	BENNY	B.	MWASHUKU		<u>Mwili!</u>
59	AMENIKO	A.	SANGA		<del>At</del>
60	OKOKA	S	SANGA		Sanga
61	CBBI	P	JULIUS		O. Paul
62	ANA	H	SANGA		A SANGA
63	NEEMA	A	KAJANGE		At Kajange
64	SANUME	M	MAHANGE		<del>At</del>
65	MARIA	K	KALIMBO		<del>At</del>
66	HEKELA	D.	NYUDUUA		
67	UPENDO	E.	KAMETA		
68	TUMPEGE	F.	MWAKALIKU		
69	Rehema	M.	MIBWILU		
70	EMAMUELI		JACISSONI		
71	BEATRICE		KAHABI		
72	DORFEN		GEORGE		<del>George</del>

