

**UNITED REPUBLIC OF TANZANIA**

**MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**



***RESETTLEMENT POLICY FRAMEWORK (RPF)***

**HIGHER EDUCATION FOR ECONOMIC TRANSFORMATION PROJECT (HEET)**

**by**

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## LIST OF ABBREVIATIONS AND ACRONYMS

CBO	Community Based Organization
EIA	Environment Impact Assessment
ESMF	Environment and Social Management Framework
GBV	Gender Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
ICT	Information Communication and Technology
M&E	Monitoring and Evaluation
MoEST	Ministry of Education Science and Technology
NGO	Non-Governmental Organizations
PAP	Project Affected Persons
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
PMT	Project Management Team
HEET	Higher Education for Economic Transformation Project
SEP	Stakeholders Engagement Plan
HGC	HEET Grievance Committee
HSMT	HEET Senior Management Team
URT	United Republic of Tanzania
WB	World Bank

## **EXECUTIVE SUMMARY**

### **The Project**

The Government of the United Republic of Tanzania through the Ministry of Education, Science and Technology (MoEST) is preparing Higher Education for Economic Transformation (HEET) project. HEET is a five-year project through the World Bank support, to promote higher education as a catalytic force in the new Tanzanian economy. The project is designed to revitalize and expand the capacity of universities to contribute to key areas for innovation, economic development, and labor market relevance, by investing in requisite infrastructure for modern and effective teaching and research, and by training to the highest standard the teachers, researchers and administrators needed by universities to achieve to their full potential.

The Higher Education for Economic Transformation (HEET) Project is geared towards meeting the following strategic objectives (i) to increase enrolment in priority disciplines, (ii) to improve the relevance and quality of programs at universities to meet the conditions and standards of the current and future labor market, (iii) to strengthen system-level coordination, management, and regulations to ensure quantity, quality and relevance of higher education in Tanzania, and (iv) to increase the rate and extent of graduate employability through improving the relevance of curricula and create new and demand-driven programs.

The HEET Project has four components that are 1. Transforming universities with a focus on priority disciplines for economic growth; 2. Strengthening management of the higher education system; 3. Support for Project Coordination and Management. HEET project will be implemented within implementing Universities and Agencies compounds, however the implementation of Component 1 especially sub-components that will increase infrastructure/space may require extra land outside their land jurisdiction or restrictions on land use. Therefore, as part of the preparations for HEET, and in compliance with the World Bank's ESF, MoEST prepare a Resettlement Policy Framework (RPF) which will ensure that where land acquisition for project activities is inevitable, resettlement and compensation activities for lost land, livelihoods, and other properties will be conducted in a sustainable manner as stipulated in this RPF.

### **Resettlement Policy Framework Approach**

The Resettlement Policy Framework (RPF) is based on relevant aspects of Tanzanian law and the World Bank's Environmental and Social Framework (ESF). Nine of Environmental and Social Standards are applicable in order to mitigate environmental and social impacts anticipated in HEET project. Environmental and Social Standard 5 (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

requires that Projects avoid forced eviction; avoid or minimize involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives and mitigate unavoidable adverse social and economic impacts as a result of involuntary resettlement. 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], The Land Disputes Courts Act No. 2 of 2002 [Cap. 216], The Land Acquisition Act No. 47 of 1967, 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) 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.

HEET is not expected to displace households, however, in the event more space for new infrastructure will be required, an RPF has been prepared.

### **Objectives of the RPF**

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 RPF (i) Establishes the resettlement and compensation principles and implementation arrangements in HEET Project; (ii) Describes the legal and institutional framework underlying Tanzanian approaches for resettlement, compensation and rehabilitation and The World Bank's ESS5 (iii) Defines the eligibility criteria for identification of project affected persons (PAPs) and entitlements; (iv) Describes the consultation procedures and participatory approaches involving PAPs and other key stakeholders with relevant reference to the Stakeholder Engagement Plan (SEP); (v) Provides procedures for addressing grievances and resolving disputes and. (vi) Provides a framework for supervision, monitoring and evaluation of resettlement implementation.

### **Eligibility and Entitlements**

In line with the requirements of WB ESS5 in a situation where land acquisition /restrictions on land use cannot be avoided, eligible PAPs will be compensated at full replacement cost, and other assistance to help them improve or at least restore their standards of



living or livelihoods. The eligible individual(s) are those who are directly affected economically and socially by sub-projects activities that might cause loss of land rights, loss of crops or livelihoods. Furthermore, 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 laws of Tanzania).
- b. 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 laws of the country or become recognized through a process identified in the Resettlement Action Plan).
- c. Those who have no recognisable legal right or claim to land or assets they occupy or use e.g. Squatters.

Those covered under a) and b) above are to be provided compensation for land they lose, and resettlement assistance and other assistance in accordance with this RPF. 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; as per Valuation and Valuer Registration Act of 2016 this is the first date of commencement of inventory/census of assets. 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 HEET Project. 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 and will be compatible with WB ESS5 to fill the gaps in relation to compensation for loss of crops and livelihoods restoration. Voluntary Land Donation procedures and protocols are provided in this RPF to be applied where individual land owners or community members agree to donate their land for the use of the project.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Loss of agricultural land (farming or pasture)	<p>Loss of land under cultivation or used for pasture.</p> <p>Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</p>	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 will 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>Notice to harvest standing seasonal crops and compensation</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>Provide at least three (3) months advance notice to move from occupied land.</p> <p>Consultations and concurrence of both spouses in the process of land acquisition and provision of compensation.</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.	<p>Compensation for the developments on the land at replacement cost</p> <p>Resettlement assistance (cash or in-kind as selected by the PAP) to allow the affected person to re-establish their livelihoods.</p> <p>Provision of advance notice of at least three (3) months to harvest and/or move from the land.</p> <p>If the farmers without land title are classified as a vulnerable person, then additional assistance will be described in individual RAP, and include additional training on farming techniques, additional legal guidance on how to acquire title to land, and identification of financing options for acquiring land</p>
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)	<p>Compensation (cash or in kind as selected by the PAP) for affected land at replacement cost (without depreciation) plus compensation for any transactional costs to achieve replacement cost with consultations and concurrence of both spouses.</p> <p>In the case of in-kind compensation, the replacement land will be equivalent (locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost.</p> <p>Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant)</p>

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Provision of at least three (3) months' notice to vacate the land prior to land take;</p> <p>PAPs to be allowed to salvage remains of the affected property.</p> <p>Cash compensation for the affected structures and land improvements including trees;</p>
		Those who have no claim to land they are occupying or using.	<p>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.</p> <p>Compensation for the developments on the land (cash or in-kind) at replacement cost.</p>
Loss of Leased Land	Loss of land used by tenants (formal or informal) for housing or livelihood activities	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal.</p> <p>Compensation equivalent to 3 months of lease/ rental fee.</p> <p>Assistance in rental/ lease of alternative land/ property.</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Loss of structures	Structures are partially affected	Owner of structure	Compensation for affected building and other fixed assets, without depreciation (replacement cost).

<b>Entitlement Matrix</b>			
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.

<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 structure in part of full	Squatter/informal dweller	<p>Compensation for affected structure without depreciation (replacement value).</p> <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> <p>Provide at least three (3) months advance notice to move from occupied land.</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>

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop 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.

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Loss of Income (eg due to loss of access to structure or customers)	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 determined on a case by case basis).
Any asset	Losses of any asset and disruption of lives	Vulnerable PAPs (e.g.—elderly, Single women, persons with disabilities, persons with serious illnesses, person living with HIV/AIDS, poorest of the poor)	Additional Support and entitlements based on the consultation with vulnerable PAPs that will be described in individual RAP and may include: additional legal guidance, skills training and linkage to identified programs that specifically provide support to vulnerable people.



## **Stakeholder Consultation, Information Disclosure and GRM**

When involuntary resettlement occurs, there will be adequate disclosure of information, meaningful, inclusive and robust consultations and other involvement of the affected persons. The HEET Project has prepared A Stakeholders Engagement Plan (SEP) that will oversee all stakeholder consultations, engagements, information disclosure as well as Grievance Redress Mechanism in relation to this project. Specifically, the affected persons (PAPs) will be informed about the intentions to use the earmarked sites for the Project activities, facilities and structures. The affected persons through consultations and participation in the RAP preparation will be informed of:

- their options (cash or in kind) 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.
- grievances handlings and resolutions procedures that will be available in the sub-projects in relation to their entitlements and resettlement

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 as indicated in the project SEP through accessible means to all PAPs in respective project sites.

In addition, a transparent, objective and unbiased Grievance Redress Mechanism (GRM) whereby Grievances Handling Committees (GHCs) will be established at the MoEST, PIUs (Universities and Agencies) and local communities levels to handle grievances in relation to land acquisition as well as environmental and other social grievances. This RPF also clearly state the timeline for handling grievances at various level as well as give room for grieved PAPs to take the case to the court of Law if the resolutions were not met at the Project GRM.

The Draft Resettlement Policy Framework was distributed to various stakeholders via emails and disclosed on the MoEST website on January 4<sup>th</sup>, 2021 for solicitation of comments, views and concerns. The stakeholders' consultation workshop was conducted on January 13<sup>th</sup> and 14<sup>th</sup> 2021 at University of Dar Es Salaam in Dar Es Salaam. The approved version of the RPF will be disclosed on MoEST website and World Bank Website.

## **RAP Development and Implementation**

The potential need for a RAP will be determined by the ESIA study during screening of the proposed site or where there is expansion onto new land. When displacement impacts are identified during the screening process the first step will 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 Universities and Agencies implementing HEET Project (PIUs) will be responsible for preparing the RAPs. 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. The HEET PIUs will prepare RAPs which will be reviewed by the MoEST to ensure alignment with this RPF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation. The PIUs will take the lead in the implementation of the RAPs, while MoEST will monitor the activities to determine if implementation is aligned with the requirements of this RPF and 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;
- Legal framework for involuntary resettlement and compensation;
- Eligibility of displaced persons for compensation and other resettlement assistance, including transitional assistance;
- Establishment of entitlements for all categories of affected persons, including host communities (if needed).
- 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 prepared by MoEST and shared to the PIUs for uniformity and consistent. This monitoring plan will show indicators to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities. The indicators include extent of impacts, number of PAPs status of compensation disbursement, nature of complaints, redress actions and follow-up measures.

The MoEST will be responsible for monitoring and evaluation of the implementation of this RPF and RAP at periodic intervals of quarterly or half yearly and the findings recorded in progress reports provided to the World Bank.



# CHAPTER ONE

## DESCRIPTION OF THE PROJECT AND COMPONENTS

### 1.1 INTRODUCTION

Tanzania has made commendable gains in Basic education in recent year. For example, enrolment at the primary level has shown an increase of 24.5% from 8,116,488 pupils in 2015 to 10,111,671 pupils in 2018 (10,601,616 – 2019). Similarly, the enrolment trend in secondary education in the year 13/14 showed a positive increase in the number of students transitioning to post-primary education. While the country has recorded expansion in basic education, there is widespread acknowledgement among policy makers that the overall outcome of the successful performance in basic education is the demand for subsequent levels of education and especially higher education. In this regard, the main challenge is inability of the system to absorb the ever expanding number of graduates in basic education inspiring and capable of joining the higher education subsector. Of immediate need is the expanded investment in infrastructure, facilities and quality assurance system in Engineering (Railway, Hydropower, Aeronautic etc.), Medical Science and Technology, Agriculture and Allied Sciences, Energy and Minerals, Forestry and Natural Resource Management. The Higher Education for Economic Transformation (HEET) project will finance the development of infrastructure, faculties, and quality assurance systems in higher education to facilitate rapid economic transformation in the country. Through HEET project, the Government of the United Republic of Tanzania seeks to build requisite operational capacities of public universities in order to empower them to be dependable drivers for economic transformation by building on their respective institutional visions, missions, objectives and core values.

### 1.2 PROJECT DESCRIPTION

#### 1.2.1 Project Objectives and Outcomes

The development objective of the project is to strengthen the learning environments and labor market alignment of programs in priority areas and the management of the higher education system. The project will be implemented in nine (9) regions; Eight (8) from Tanzania mainland and one (1) region in Zanzibar. Furthermore, 50% of the selected institutions are found in Dar es Salaam region.

**Table 1: Regions, Institutions and Agencies where HEET project will be implemented**

S/N	Region	Institution	
1.	Dodoma	1.1	University of Dodoma (UDOM)

		1.2	Ministry of Education and Vocational Training (MoEST)
2.	Morogoro	2.1	Sokoine University of Agriculture (SUA)
		2.2	Mzumbe University (MU)
3.	Dar es Salaam	3.1	University of Dar es Salaam (UDSM)
		3.2	DSM University College of Education (DUCE)
		3.3	Ardhi University (ARU)
		3.4	Open university of Tanzania (OUT)
		3.5	Muhimbili University of Health and Allied Sciences (MUHAS)
		3.6	Tanzania Commission for Universities (TCU)
		3.7	Higher Education Students' Loan Board (HESLB)
		3.8	Commission for Science and Technology (COSTECH)
4.	Mara	4.1	Mwalimu Julius K. Nyerere University of Agriculture and Technology (MJNUAT)
5.	Iringa	5.1	Mkwawa University College of Education (MUCE)
6.	Mbeya	6.1	Mbeya University of Science and Technology (MUST)
7.	Arusha	7.1	Nelson Mandela Institute of Science and Technology (NMIST)
8.	Kilimanjaro	8.1	Moshi Cooperative University (MoCU)
9.	Urban West -Zanzibar	9.1	State University of Zanzibar (SUZA)

### 1.2.2 Project Components

#### **Component 1: Transforming universities with a focus on priority disciplines for economic growth**

This component strategic focus areas are (i) increase enrolment capacity in degree programs in priority disciplines, (ii) improve the quality and labour market relevance of programs; and (iii) promote research and innovation capacity in select higher education institutions that will contribute into creation of skills that suits the requirement of labor market, generation of entrepreneurs, investors and employers. The investments in this component will be on the following strategic areas: (a) building institutions' capacity, (b) promoting societal and economic relevance of the academia in economic development, (c) enhancing Higher Learning institutions' managerial efficiency and effectiveness, and (d) financing the development of University Strategic Investment Plan (USIP).

This component will increase infrastructure/space and improve the quality of programs in priority disciplines and sub-disciplines and support their aspirations to play ‘*center of excellence*’ role in the agriculture and health areas respectively. The component will finance infrastructure and equipment, as well as faculty training, support scholarships for specialized post-graduate training for medical doctors at Mloganzila Medical University Campus. The component will likewise finance infrastructure, equipment, curricular revisions and development, and academic staff training; support scholarships for specialized training and research at Mwalimu Nyerere University of Agriculture and Technology, to establish this university as an anchor for regional development in Butiama.

### **Component 2: Strengthening management of the higher education system**

Component 2 will focus on enhancing the management of the higher education system and creating an enabling environment for excellence among higher education institutions by strengthening the capacity of MoEST and its departments and agencies. The component will target the two departments that constitute MoEST and are responsible for delivering its core mandate, the Department of Higher Education and the Department of Science, Technology and Innovation, as well as their associated agencies, i.e. the Tanzania Commission for Universities (TCU), Higher Education Student Loans Board (HESLB) and Tanzania Commission for Science and Technology (COSTECH). In addition, the component will help to strengthen public-private partnerships in higher education in order to enhance the entire landscape of the higher education system.

### **Component 3: Support for Project Coordination and Management**

This component will serve to build capacity within the MoEST and its subsidiary agencies to manage the day-to-day implementation of the HEET Project, as well as monitor and evaluate its impact. It will support the establishment of a minimal National Project Implementation Unit (NPIU), including a project manager, relevant component area managers, support staff, environmental and social safeguards staff and monitoring and evaluation (M&E) staff. It would, therefore, finance the salaries, where applicable, and capacity building of NPIU staff, as well as the operational costs of project implementation. This component would also finance the operational and staffing costs of national-level financial management (FM) and procurement support staff. Lastly, this component would provide funds for M&E studies/surveys, and audits of both project financial statements and grants implementation.

To offset the anticipated social and environmental impacts HEET Project will use the new Environmental and Social Framework (ESF) by applying 9 relevant standards out of 10 Environmental and Social Standards (ESSs). The Environmental and Social Standards (ESS's) that apply to Project include:

- ESS1- Assessment and Management of Environmental and Social Risks and Impacts;
- ESS2 - Labor and Working Conditions;
- ESS3 - Resource Efficiency and Pollution Prevention and Management;
- ESS4 - Community Health and Safety;
- ESS5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement;
- Biodiversity Conservation and Sustainable Management of Living Natural
- Resources;
- ESS7 - Indigenous Peoples/Sub Saharan African Historically Underserved Traditional Local Communities;
- ESS8 - Cultural Heritage, and
- ESS10 - Stakeholder Engagement and Information Disclosure (ESS10).
- ESS9 The Standard on Financial Intermediaries (ESS9) is not relevant for this Project.

### **1.3 Scope and Applicability of Resettlement Policy Framework (RPF)**

The proposed Project will support activities in component 1 that are likely to generate site-specific impacts that might include 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 Policy Framework (RPF) has been prepared. Where potential involuntary land take or restrictions on land use may occur associated with the expansion and improvement of all universities regardless of the source of financing during project implementation, relevant provisions in the national legislative requirements and the World Bank ESF on Involuntary Resettlement will apply.

The detailed description of each component is presented in Table 2 below.

**Table 2: Overview of Project Components**

<b>Proposed Components &amp; Objectives</b>
<p><b>Component 1: Transforming universities with a focus on priority disciplines for economic growth</b></p> <p><b>Preamble:</b> Transformation of universities to align their products with the need of Tanzania’s economic growth would require investments in variety of strategic areas: Investment needs to be geared to living and learning infrastructure, quality of curriculum with respect to current and future economic growth needs, strengthening of core competencies and improved management and governance for efficient and effective delivery of the project and the overall management of the institutions. This component has one objective with four strategic investment areas</p> <p><b>Objectives:</b> to (i) increase enrolment capacity in degree programs in priority disciplines, (ii) improve the quality and labour market relevance of programs; and (iii) promote research and innovation capacity in select higher education institutions that will contribute into creation of skills that suits the requirement of labour market, generation of entrepreneurs, investors and employers. Further it is envisaged to contribute evidence/knowledge relevant for informing economic development and or human capital investments policies, strategies, products or services. The investments in this component will focus on the following strategic areas:</p> <p>a) Building institutions’ capacity: Capacity elements to be addressed in this project will include: Establishing or updating curriculum of the priority disciplines in alignment with needs of the national development vision and the labour market. This will go in tandem with construction, rehabilitation and expansion of building, teaching equipment, and aid and ICT infrastructure in order to increase enrolment in priority disciplines and training delivery quality. Development of teaching staff in their primary disciplines including critical and relevant soft skills that will improve their teaching abilities. Fostering collaboration between universities is considered vital, the online connectivity between universities is prioritized as well. Such connections will enable universities share teaching resources.</p> <p>b) Promoting societal and economic relevance of the academia in economic development: The project will focus on elevating and promoting commercialization of applied research in order lift up the contribution of the academia in addressing Tanzania’s development challenges;</p> <p>c) Enhancing Higher Learning institutions’ managerial efficiency and effectiveness</p>



The Government of Tanzania recognizes the importance of good leadership and governance in the attainment of results in a sustainable and accountable way. In this project investments will also be directed in building managerial and leadership capacity to execute the project and overall management of systems, processes and people in the higher learning institutions. Investment in preparing faculty members and the management team of universities in various ways is prioritized. This will include aligning the efforts in this project with the Tanzania's contribution to the Regional Scholarship and Innovation Fund (RSIF) in order to finance PhD scholarships that will train the next generation of faculty for higher education institutions

d) Financing the development of University Strategic Investment Plan (USIP)

Universities are expected to prepare University Strategic Investment Plan (USIP). In order to align universities strategic investment plan with PDO goal and objectives including deliberate focus on priority discipline, the development of USIP is expected to be a highly consultative and guided process. Funds will be allocated to support universities to prepare USIP. This will also include any technical assistance needed outside the university. Key activities and interventions to be detailed in the USIPs will include (among others): construction and/or rehabilitation of critical university infrastructure (lecture halls, science labs, dormitories, administrative buildings as needed etc.), and teaching and research equipment; introduction of new, internationally benchmarked, effective curriculum and teaching methodologies; and promotion of university-employer partnerships. New benchmarked curriculum and faculty pedagogical training will be initiated. Including investments on increasing teaching staff qualifications for teaching and for filling the gaps in management positions within faculties

Universities receiving funds will sign performance-based funding agreements, and funding will be linked to implementation performance and results. Special priority will be given to institutions developing partnerships, driving innovations, and addressing gender gaps.

It is envisaged that, the Independent Evaluation Committee will continue to be involved in the review of the USIPs, and the World Bank will remain involved as technical advisor to the institutions to strengthen their USIPs prior to the appraisal mission. The World Bank will also approve the final package of proposals submitted by the MoEST prior to the appraisal mission to ensure their alignment with environmental and social safeguards and fiduciary guidelines.

**Component 2: Strengthening management of the higher education system**

**Preamble:** This component will focus on strengthening and supporting MoEST capacity to implement the project, improve the policies and guidelines that will provide appropriate enabling environment for higher learning institutions and its agencies to be able to contribute towards economic growth. Further the investment in this component will strategically focus in addressing current challenges of TCU, HELSB and COSTECH in order to position them better in supporting Higher learning institutions in terms of expanding access, increasing enrolment, fostering quality and improving their research and innovation orientation to focus on market and the overall economy

**Objective:** strengthen management at the ministry-, university-, and regulatory institutions-level for improved coordination, interdisciplinary collaboration and partnerships, strategic planning, management, financing, quality assurance, monitoring & evaluation and fiduciary performance.

This component will finance new infrastructure, rehabilitation of existing structures; most relevant equipment, servers, software/ICT systems; and the needed training to boost the ability of these institutions and their staff to improve their performance in delivering on their mandates to support higher education institutions and to be able to attract students, faculty, and resources from outside Tanzania. At least 10% of the project expenditures will be allocated to this component. At the national level, this will include assistance to the Ministry of Education, Science and Technology (MoEST), Tanzania Commission for Universities (TCU), Higher Education Students' Loans Board (HESLB), and the Commission for Science and Technology (COSTECH) to help address the system-level challenges noted above.

During preparation mission meetings each of the key regulatory/financing government agencies (TCU, HESLB, NACTE and COSTECH) shared their proposals for supporting further development of the sector according to their mandate and their own forward-looking strategies. These plans included requests for required infrastructure, equipment, training and capacity building, research and technical assistance.

### **Component 3: Support for Project Coordination and Management**

**Preamble:** This component will serve to build capacity within the MoEST and its subsidiary agencies to manage the day-to-day implementation of the HEET Project, as well as monitor and evaluate its impact.

**Objectives:** It will support the establishment of a minimal National Project Implementation Unit (NPIU), including a project manager, relevant component area managers, support staff, environmental and social safeguards staff and monitoring and evaluation (M&E) staff. It would, therefore, finance the salaries, where applicable, and capacity building of NPIU staff, as well as the operational costs of project implementation. This component would also finance the operational and staffing costs of national-level financial management (FM) and procurement support staff. Lastly, this component would provide funds for M&E studies/surveys, and audits of both project financial statements and grants implementation.

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

The proposed project activities in component 1 are likely to result in the involuntary resettlement (physical and/ or economic) of people where new space for expansion is going to be required. 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 involuntary taking of land for expansions and to a lesser extent for the upgrading of existing infrastructures. While exact numbers are unknown it is estimated that approximately 13 Universities will be expanded.

The additional land requirements for expansion of existing infrastructure/space will be site specific depending on the available land within the existing university boundaries and the extent of any upgrades required. In particular, physical resettlement will be avoided where possible when selecting sites for expansions.

## **1.5 Justification for the RPF**

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

The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria where necessary to be applied to meet the needs of the people who may be affected by the sub-projects, when the actual sites are identified.

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

## **1.6 Objective and Purpose of RPF**

### **1.6.1 Objective of the RPF**

The objectives of RPF are:

- (i) Establish the resettlement and compensation principles and implementation arrangements in HEET Project;
- (ii) Describe the legal and institutional framework underlying Tanzanian approaches for resettlement, compensation and rehabilitation and The World Bank's ESS5
- (iii) Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;

- (iv) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders with relevant reference to the Stakeholder Engagement Plan (SEP);
- (v) Provide procedures for addressing grievances and resolving disputes and.
- (vi) Provide a framework for supervision, monitoring and evaluation of resettlement implementation

### **1.6.2 Purpose of the RPF**

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 RPF 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 standards and measures proposed to bridge any gaps;
- d) methods of valuing affected assets;
- e) involuntary resettlement 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.

## **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.

This chapter presents overview of Tanzanian policy, legal and institutional framework of relevance to this RPF. 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.

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 principal 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.

The Act specifies 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 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 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.

### **2.1.5 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 will 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 will 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.

### **2.1.6 Valuation and Valuer Registration Act (2016)**

The Valuation and Valuer Registration Act (2016) sets out 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 years 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.

### **2.1.7 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.

### **2.1.8 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.

### **2.1.9 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.

### **2.1.10 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 shall be compensated and paves way for development interventions.

### **2.1.11 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.

### **2.1.12 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.

## **2.2 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.

## **2.2 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 WB 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 RPF 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 DPs will prevail).

**Table 1: Comparison of Tanzanian Laws on Resettlement and Compensation and WB ESS5**

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</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 (in including customary and traditional rights recognized under the laws of the country);</p> <p>who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-- provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan</p> <p>Who have no recognisable legal rights or claim to the land or assets they occupy and use.</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>

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
		All these groups are eligible for compensation.	
Project Design	Tanzanian Law does not explicitly require consideration of resettlement impacts in Project Design.	The Borrower will inform potentially displaced persons at an early stage about the resettlement aspects of the project and take their views into account  The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use.	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	The Tanzanian law requires the provision of full, fair and prompt compensation. In practice this usually means cash compensation based on market value.  The government with the consent of the affected victim may grant another piece of land of equal value with	When involuntary land taking cannot be avoided, the Borrower will offer affected persons prompt and effective compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their	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.

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
	<p>similar term unless there was breach of legal obligations.</p> <p>In addition, various allowances are provided for to assist affected people.</p>	<p>standards of living or livelihoods.</p> <p>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.</p>	<p>The Project will provide compensation at replacement value and will offer in kind (replacement land) preferentially. Assistance in the form of allowances will also be provided.</p>
<p>Planning and Implementation</p>	<p>Under Tanzania law there are no specific requirements for the development of a plan.</p> <p>The only requirement is the production of an asset inventory (valuation report) to be approved by the Chief Valuer.</p> <p>Evaluation starts once the President resolves that any land is required for a public purpose. This is done by the</p>	<p>ESS5 requires the borrower to offer the displaced persons opportunities to participate in planning, implementing and monitoring resettlement.</p>	<p>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>1</sup>.</p>

<sup>1</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

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
	<p>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>		
<b>Cut-Off Date</b>	For purposes of any valuation, the cut-off date is the date of commencement of inventory of assets as per Valuation and Valuer Registration Act of 2016 Upon commencement of valuation, a person shall not add or improve anything to the land or such premises. The cut-off dates will be	The Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated.	There is no gap and the HEET project will apply the Valier Registration Act of 2016 where cut-off date will be the commencement of the census determined through consultation and agreement with PAPs, and publicly communicated through the

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 resettlement action plan 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.

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
	determined through consultation with PAPs, agreed with them and publicly communicated through the village administration, notice provision in public places in a language understandable to PAPs and through PAP representatives. The area will be demarcated and signs posted to ensure continued awareness of the cut-off date.		village administration, notice provision in public places in a language understandable to PAPs and through PAP representatives. The area will be demarcated and signs posted to ensure continued awareness of the cut-off date.  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 and the 1999 Land Act, state clearly that	Under ESS5 land owners are entitled to compensation for	All eligible owners of land and unexhausted improvements



<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
	<p>land owners, with or without formal legal rights, are entitled to full fair and prompt compensation.</p> <p>They also get a disturbance allowance, transport, allowance accommodation allowance, and loss of profit if they 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>	<p>their land and assets on the land.</p>	<p>are subject for compensation at replacement cost (as well as compensation for any livelihood activities displaced as a result of the land take).</p>
Land Users/ Tenants	<p>Seasonal land users/Tenants are not covered under Tanzanian laws on compulsory land acquisition therefore they are not eligible for any form of compensation.</p>	<p>ESS5 includes displaced persons who have no recognisable legal right or claim to the land they are occupying. This includes users</p>	<p>There is consideration to compensation in respect of land users.</p>

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
		or displaced persons who have no recognizable legal rights or claim to the land or assets they occupy or use, these includes seasonal resource users such as herders, grazers fishers or hunters.	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. Land users and tenants will also be provided with resettlement assistance to help restore their livelihoods in line with ESS5
Owners of Structures (non-permanent buildings or permanent buildings) including squatters and encroachers	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.	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.	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.

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
		<p>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 compensation. Compensation in kind will be considered in lieu of cash.</p> <p>Squatters/encroachers are provided with resettlement assistance as well as other relocation assistance and compensation for lost assets.</p>	<p>Squatters /Encroachers will be compensated for the improvement made on land and provided with resettlement and livelihood assistance.</p>
Timing of compensation payment	Tanzanian law requires that compensation be full, fair, and prompt. Prompt means it will be paid within six months, failure to do so incurs an interest rate equivalent to	ESS5 displaced persons are provided compensation at replacement cost for loss of assets directly attributable to the project. Taking of land and	In terms of timing, both Tanzanian laws and ESS5 require that compensation be paid promptly. However, ESS5 explicitly states that

Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement			
Affected Person/ Asset	Tanzanian Law	ESS5	Comparison/Gaps + Their Closure
	<p>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 before existing occupiers are displaced.</p>	<p>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>displacement can only occur after the payment of compensation.</p> <p>In HEET Project, compensation will be paid in advance of any displacement.</p>
Calculation of compensation and valuation	<p>Tanzanian laws indicate that the current market values will 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.</p>	<p>ESS5 requires that the displaced persons be provided with compensation at full replacement cost for losses of assets attributable to the project.</p> <p>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</p>	<p>For HEET 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,</p>

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		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 acquisition on livelihood is minor; and (e) provision of civic infrastructure and community services as required.	access to markets etc) as that which is lost.
Vulnerability/Vulnerable PAPs	The Tanzanian law (related to land acquisition) does not make provisions requiring the government to pay special attention to vulnerable persons in the administration of compensation.	ESS includes provisions requiring the identification of vulnerable households and that as part of resettlement planning special provisions identified to mitigate impacts associated	The Tanzanian law (related to land acquisition) does not make provisions requiring the government to pay special attention to vulnerable persons in the administration of compensation.

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
		with displacement and restore their livelihoods.	Specific special provisions will be provided for vulnerable people, identified during the RAP including women-headed households, widows, orphans, the elderly and persons with disabilities etc.
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 restrictions in accordance with the timetable in the plan of actions.	Tanzanian law requires that compensation be prompt. will be paid within six months of the valuation report being approved, failure to do so incurs an interest rate equivalent to the average rate offered by commercial banks on fixed deposits.  In line with ESS5 compensation must be paid before existing occupiers are displaced.
Economic displacement (Livelihood restoration	To manage the economic impacts, Tanzanian legal system provides for several allowances such as loss of	Where projects are affecting livelihoods or income generation, the Borrower's plan	There is no clear provision for livelihood restoration/rehabilitation when

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
and assistance)	<p>profit, disturbances, transport and accommodation. However, it gives a room to provide other assistance such as trainings and awareness related to livelihood support.</p> <p>Moreover, there are no provisions in land acquisition laws that require the government to pay special attention to vulnerable persons affected by the projects.</p>	<p>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.</p> <p>Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living. This can include replacement land, , access to alternative resources, or alternative livelihood strategies as relevant.</p>	<p>dealing with economic impacts of project affected persons under the Tanzanian law</p> <p>.</p> <p>The RAPs under the HEET project will provide for preparation of livelihood rehabilitation and restoration plans in the event that the subprojects have significant impacts on livelihood/income generation.</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</p>	<p>The borrower will engage with affected communities.</p> <p>Decision making processes related to resettlement and livelihood restoration will</p>	<p>While the consultation requirement is inherent in the Tanzania EIA guidelines, it has a number of differences with the requirements of ESS5.</p>

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
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	<p>the persons entitled to sell or convey the 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>include options for people to 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>In LI 1652 (Regulation 17), similar considerations apply and 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.</p> <p>Under HEET the above will be supplemented with the both formal consultations with the project affected people during resettlement planning and implementation as well as public disclosure of the process and RAP without names of the PAPs. In addition, the SEP prepared</p>



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			separately will also assist in engaging the wider stakeholder 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> <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> </ul>	<p>For impacts resulting from involuntary taking of land, the Bank requires establishment of appropriate grievance mechanisms</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 HEET both the Tanzania GRM and provisions of ESS5 will be applied to ensure smooth resolution of grievances.</p>

<b>Comparison of Tanzanian Laws and ESS5 Land Acquisition, Restriction on Land use and Resettlement</b>			
<b>Affected Person/ Asset</b>	<b>Tanzanian Law</b>	<b>ESS5</b>	<b>Comparison/Gaps + Their Closure</b>
	<ul style="list-style-type: none"> <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>		

## CHAPTER THREE

### CONSULTATIONS AND DISCLOSURE

#### 3.1 Stakeholders Consultation during Project Preparation

During project preparation if the involuntary resettlement or loss of crops in Project existing land occurs, there will be adequate disclosure of information, meaningful, inclusive and robust consultations and other involvement of the affected persons. The HEET Project has prepared A Stakeholders Engagement Plan (SEP) to oversee all stakeholders consultations, engagements, information disclosure as well as Grievance Redress Mechanism in relation to this project. Specifically, the affected persons (PAPs) will be informed about the intentions to use the earmarked sites for the Project activities, facilities and structures. The affected persons through consultations and participation in the RAP preparation will be informed of the following\_:

- their options (cash or in kind) 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.
- grievances handlings and resolutions procedures that will be available in the projects in relation to their entitlements and resettlement

#### 3.2 Disclosure of the RPF

The Draft RPF was distributed to various stakeholders via emails and disclosed on the MoEST website on January 4<sup>th</sup>, 2021 for solicitation of comments, views and concerns. The stakeholders' consultation workshop was conducted on January 13<sup>th</sup> and 14<sup>th</sup> 2021 at University of Dar Es Salaam in Dar Es Salaam. The draft RPF was and its summary translated into Kiswahili was posted at MoEST website accessible at [www.moe.go.tz](http://www.moe.go.tz). The approved version of the RPF will be disclosed on MoEST website and World Bank Website.

#### 3.3 Stakeholders Consultations

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 based on the Stakeholder Engagement Plan. The process of stakeholder engagement is based on the following key principles: to provide information to all stakeholders over different media platforms, including meetings, interviews, focus groups discussions, 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 affected project people during the implementation of the project.

To ensure community health and safety, the project will observe safe consultations as stipulated in project SEP when it is difficult to have a normal routine of stakeholders' consultations. The required consultations will be conducted in through online platforms, including emails, phone calls, text messages, WhatsApp calls and texts, zoom, webex, skype such a way to limit disease transmission. If the project requires face-to-face consultations, the project will follow national and international guidelines on health and hygiene procedures.

Open and transparent engagement between project stakeholders can ensure effectiveness of involuntary resettlement 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) Project description and objectives;
- b) Brief information on project donor (World Bank);
- c) Process and method of consultations;
- d) invite contributions and participation on the selection of project sites;
- e) identify potential risks and impacts of construction works at the proposed site and measures to address these impacts; and
- f) Mitigation measures.

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

The sub-projects specific RAPs will be carried out where the need for involuntary resettlement for individual institutions will be necessary. During sub-project preparation, there will be adequate consultation and involvement of the project 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;
- b) specific technically and economically feasible options and alternatives for resettlement;
- c) process of and proposed dates for resettlement;

- 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.
- f) Options and alternatives from which they may choose from.
- g) The GRM for the Project.

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 respective project site. The Project will not undertake any sub-projects that will require any form of forced eviction or forceful acquisition of land.

## 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 which does not include depreciation. 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. Whichever valuation method is used it will need to be validated to ensure that it meets Replacement Cost for all assets.

##### 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 or, 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 considering 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 cash compensation levels to be sufficient to replace the lost land, including loss of crops, loss of harvests and other assets at full replacement cost in local markets.

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 Institution resources. In the preparation of a site-specific Resettlement Action Plan (RAP) sufficient budget at the Institution will be confirmed, , for the process to continue in line with project timelines and prior to any displacement. It should also be noted 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>2</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 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

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<sup>2</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.



in a per item, cluster or acre schedule. The Project will use the most recent valuation when determining compensation.

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 will 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 Relocation Allowances (Transport, Disturbance and Accommodation)**

This is a transitional assistance that will be provided to eligible property owners in addition to the compensation of the affected assets. The relocation allowances will be paid in

addition to compensation of assets, where relevant, to cover costs such as transportation, 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 Mtaa Executive Officer.

#### **4.6 Market Transactions**

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

## 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.

Resettlement may give rise to the following economic impacts to affected households, whereby vulnerable households may suffer impacts to a greater extent:

- relocation or loss of shelter;
- Loss of assets or access to assets;
- Loss of income sources or means of livelihood; and
- Adverse impact on the livelihood.

The 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).

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 laws of Tanzania).
- b. 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 laws of the country or become recognized through a process identified in the resettlement plan. (Such claims could be derived from adverse possession or from customary or traditional tenure arrangements.)
- c. Those who have no recognisable legal right or claim to land or assets they occupy or use eg Squatters.

Those covered under a) and b) above are to be provided compensation for land they lose, and resettlement assistance and other assistance in accordance with the RPF. Persons covered under c) above are to be provided with compensation for the assets they have established on the land they occupy or use.

The first criterion for eligibility will be the cut-off date; as per Valuation and Valuer Registration Act of 2016 this is the first date of commencement of inventory/census of assets. 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 application of these criteria will follow laws of the country and regulations as well as the requirements of ESS5 outlined above. Alternative for land acquisition - Voluntary Land Donation procedures and protocols are provided in this RPF to be applied where individual land owners or community members may agree to donate their land for the use of the project.

**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.

**Table 2: 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 will 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>Notice to harvest standing seasonal crops and compensation</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>Provide at least three (3) months advance notice to move from occupied land.</p> <p>Consultations and concurrence of both spouses in the process of land acquisition and provision of compensation.</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.	<p>Compensation for the developments on the land at replacement cost</p> <p>Resettlement assistance (cash or in-kind as selected by the PAP) to allow the affected person to re-establish their livelihoods.</p> <p>Provision of advance notice of at least three (3) months to harvest and/or move from the land.</p> <p>If the farmers without land title are classified as a vulnerable person, then additional assistance will be described in individual RAP, and include additional training on farming techniques, additional legal guidance on how to acquire title to land, and identification of financing options for acquiring land</p>
Loss of residential land	<p>Loss of land used for residences.</p> <p>Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</p>	Land Owner (formal or no formal claim)	<p>Compensation (cash or in kind as selected by the PAP) for affected land at replacement cost (without depreciation) plus compensation for any transactional costs to achieve replacement cost with consultations and concurrence of both spouses.</p> <p>In the case of in-kind compensation, the replacement land will be equivalent (locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost.</p> <p>Relocation assistance (Disturbance Allowance + Transport Allowance+ Accommodation Allowance as relevant)</p>

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Provision of at least three (3) months' notice to vacate the land prior to land take;</p> <p>PAPs to be allowed to salvage remains of the affected property.</p> <p>Cash compensation for the affected structures and land improvements including trees;</p>
		Those who have no claim to land they are occupying or using.	<p>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.</p> <p>Compensation for the developments on the land (cash or in-kind) at replacement cost.</p>
Loss of Leased Land	Loss of land used by tenants (formal or informal) for housing or livelihood activities	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal.</p> <p>Compensation equivalent to 3 months of lease/ rental fee.</p> <p>Assistance in rental/ lease of alternative land/ property.</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Loss of structures	Structures are partially affected and	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
	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).



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> <p>Provide at least three (3) months advance notice to move from occupied land.</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>

<b>Entitlement Matrix</b>			
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)	<p>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.</p> <p>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.</p>
Trees	Trees lost	PAP (whether owner, tenant, or squatter)	<p>Cash compensation based on type, age and productive value of affected trees plus disturbance allowance.</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training, reestablishment of farming activities etc).</p>
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	<p>Cash compensation for any loss of income.</p> <p>Cash compensation for any temporary land acquisition (rental charges).</p> <p>Compensation for any damages to assets or structure.</p>
Loss of Income (eg due to loss of access to structure or customers)	Loss of profits/incomes from a business affected by land acquisition	Business Owner	<p>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 determined on a case by case basis).</p>

<b>Entitlement Matrix</b>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Any asset	Losses of any asset and disruption of lives	Vulnerable PAPs (e.g.—elderly, Single women, persons with disabilities, persons with serious illnesses, person living with HIV/AIDS, poorest of the poor)	Additional Support and entitlements based on the consultation with vulnerable PAPs that will be described in individual RAP and may include: additional legal guidance, skills training and linkage to identified programs that specifically provide support to vulnerable people.

## **5.4 Land Acquisition Approach**

Under the project (HEET) 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 Policy Framework.

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

In some cases, individual land owners or community members may agree to donate their land for the use of the project. Any decisions for Voluntary Land Donation must meet certain requirements including:

- (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 minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
- (d) No household relocation is involved;
- (e) The 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.

In all cases of land donation, a transparent record of all consultations will be maintained by the donor and the project. In addition, transfer of ownership will be completed with all costs paid by the project.

- i. Once land owner agrees to offer land for subprojects, the decision is presented to the General Village Assembly Meeting that approved the subprojects
- ii. For Privately owned land, land donation form will be completed while for a public owned land, change on land use will be documented.

- iii. A formal statement of donation, establishing informed consent, confirming that there is no disputed ownership and that there are no claims by renters, users, squatters, or encroachers, and signed by each owner or user involved
- iv. A dully signed land donation form will be filled, signed and stamped by the responsible authorities. The form should be witnessed by representatives of the land owner (family member), representative of the Village Council, and attested by the Legal Officer
- v. The Village Council oversees the process and keep all records in the sub project file; including minutes of Villages Assembly Meeting and records of the completed land donation forms
- vi. The Village Council to disclose the summary of land acquisition agreement to the public through village assembly and other communication channels.

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.

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

## CHAPTER SIX

### CONSULTATION AND STAKEHOLDERS PARTICIPATION

Consultation and participation are essential because they provide an opportunity for informing the stakeholders about the 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 institutions will be reduced.

In recognition of this, particular attention shall be paid to meaningful consultation with affected persons and stakeholders during implementation when resettlement and compensation concerns are involved. As a matter of strategy, consultation shall be an on-going activity taking place throughout the entire project cycle. Hence, 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 in a way that is proportionate to the risks to and impacts of the project on the affected people including needs, interests of the vulnerable groups. Documents related to resettlement shall be made available in appropriate languages at the local levels and at suitable locations. Consultation measures shall consider the low literacy levels prevalent in the communities, by allowing enough time for discussions, consultations, questions, and feedback and ensuring all information is clearly presented verbally and if relevant through the use of diagrams/pictures in relevant local languages.

## CHAPTER SEVEN

### GRIEVANCES REDRESS PROCEDURES

#### 7.1 Grievance Redress Mechanism (GRM)

The Environmental and Social Standards (ESS 10) 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 also complies with national regulations.

A functional GRM has to be established and/or strengthened in eligible universities, colleges, beneficiary government agencies (COSTECH, HESLB, TCU, NACTE, MUHAS and MJNUAT) as well as the Ministry of Education, Science and Technology (MoEST) in order to ensure grievances emanating from the HEET project implementation are reported and raised accordingly. GRM is necessary for addressing the legitimate concerns of the project affected persons (PAPs). In addition, GRM provide a formal avenue for affected groups or stakeholders to engage with the project on issues of concern or unaddressed impacts. In the interest of all parties concerned, the GRMs are designed with the objective of solving disputes at the earliest possible time. Such mechanisms are fundamental to achieving transparency and voicing PAPs' concerns about overall project activities.

Due to the nature of the Project Components the following mechanisms exist for grievance resolution:

- **Construction GRM:** This will be administered by the respective project implementing institutions and will address grievances associated with the construction of new buildings and rehabilitation of existing buildings including grievances related to land and contractor's grievances.
- **Operational GRM:** Grievances emanating from the institution's operations, will be addressed at the institutional level (university, college and agency)) through the appointed *Grievance Handling Officers (GHOs)*. The GRM will be expanded to handle all types of grievances arising from implementation of all projects and sub-projects under the HEET project including work related grievances.
- **General GRM:** Complaints and concerns will be collected by the MoEST grievance officers and administered by the HEET Coordination Team. This GRM can be utilised to raise issues directly to the ministry on the various components of the Project.

Due to the nature of the project components three mechanisms exist for grievance resolution as indicated in detail in the HEET project SEP:

## **7.2 Grievance Procedure for Construction and Operational GRMs**

### **7.2.1 Steps of the Grievance Redress Mechanism:**

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

The affected person shall file their grievance to the GHO, which will be recorded in writing. 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 will be in accessible locations including at construction site).
- during regular meetings held with stakeholders;
- through the Local Consultative Forums established in the affected locations;
- during informal meetings;
- through communication directly with management – for example a letter addressed to site management/ institution; 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 CGC keeps records of all complaints received, whether and how the CGC 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 CGC. 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 CGC 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 CGC 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 CGC will involve the aggrieved person/people in this investigation, where possible, to ensure participation. The CGC 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 CGC 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 CGC 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 CGC will initiate further investigation and determine the steps for future action. Once all

possible redress has been proposed and if the complainant is still not satisfied then they should be advised of their right to appeal to the next level as outlined above.

If the grievances cannot be resolved at the PIU or MoEST, 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.

### **7.3 Resettlement Grievance Redress Mechanism**

Resolution of involuntary resettlement and construction related grievances will be handled by the existing land dispute resolution structures established at the village/mtaa level to the Ward and District level. The project affected persons (PAPs) shall file the grievances to the local government (village/mtaa) office for mediation and resolution of disputes emanating from resettlement issues.

In situations where PAPs are not satisfied with the village/mtaa government decision on resettlement disputes, the PAPs can approach the relevant Land Council for mediation. Mediation may be obtained through series of conciliations and negotiations exercises between the two parties (*the PAPs, the subproject proponents and head of the institution concerned*). If disagreement on the resolutions persists, the PAPs will submit their appeal to the Ward Tribunal, District Land and Housing Tribunal, Ministry of Land, Housing and Human Settlement Development before being transferred to the court of law and court of appeal, where necessary, with a view to determine claims validity and compensation required. The response time for cases handled will depend on the issues addressed but it will be as short as it is possible.

### **7.4 The GRM Guidelines**

In order to ensure uniformity of Grievance Redress Mechanism across all eligible Institutions, the guide for grievance redress mechanism will have to be prepared by the Ministry of Education, Science and Technology (MoEST) in collaboration with the President's Office, Public Service Management and Good Governance (PO-PSMGG)

which is the overseer of complaints redress mechanisms in the public service. The guide will have to be distributed to all Institutions under the HEET project.

### **7.5 Capacity building for GRM focal persons and members of the Grievance Redress Integrity Committee (GRIC)**

MoEST under the HEET project is obliged to provide training to the GRM focal persons (GHOs) and members of the Grievance Redress Integrity Committee (GRIC) of the eligible Institutions on the use of GRM guidance which include grievances handling, reporting and escalation to the respective authorities. The guide has to be prepared in a manner that GRM could capture and report Sexual Exploitation, Abuse and Harassment (SEAH) and Gender Based Violence cases.

## CHAPTER EIGHT

### PROCEDURES FOR PREPARATION AND IMPLEMENTATION OF RAP

#### 8.1 Preparation

As stated earlier, ESS5 is applied because the Project will finance 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 RPF is a requirement for appraisal of the Project. However, during implementation of HEET, 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 RPF.

To address the impacts under this RPF, 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.

The Project will develop a standard format for all RAPs documentation to ensure that the required information is captured that will draw on this RPF as indicated in Annex 1. This will simplify the production and review process for all RAPs. TOR for preparing a RAP will be done in accordance of this RPF and contents of RAP as stipulated in the Annex 1.

#### 8.2 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 will 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 by the APIUs and UPIUs who are responsible for outlining the organizational framework for implementing resettlement, including:

- Identification of agencies responsible for delivery of resettlement

measures and provision of services;

- Arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation. This includes identification of roles and responsibilities for all stakeholders involved in the implementation of the compensation and resettlement process;
- External (non-project) institutions involved in the process of income restoration (land development/land allocation/training/credit, etc)
- Responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
- Mechanisms for ensuring independent monitoring, evaluation and financial audit of the RAP and reviewing and revising the RAP if necessary.

The APIUs and UPIUs will hire consultants who will be responsible for preparing the RAP document that will include the necessary actions to address potential social impacts for each activity that requires land acquisition and resettlement in line with the RPF. The APIUS and UPIs will participate in all consultations in relation to the preparation and implementation of the RAPs. 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 to ensure alignment with this RPF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation after disclosure. The Institutions will take the lead in the implementation of the RAP, while MOEST will monitor the activities to determine if implementation is aligned with the requirements of the RAP.

The key steps that will be followed in the resettlement process are outlined in Table 4. Furthermore, these steps will not necessarily be undertaken sequentially and that some activities will be undertaken in parallel. More detail on RAP content and preparation is provided in Annex 1.

**Table 3: Implementation Schedule**

Stage	Activities to be Undertaken
Planning	

Stage	Activities to be Undertaken
Mark out Affected Areas	Affected areas will be identified and marked out based on formal land ownership records and informal use as needed
Establish Institutional Framework	Establish a framework that clearly identifies responsibilities of the Institutions and Valuers as well as the community.
Stakeholder Engagement	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 will 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 will be a continuous activity throughout the planning and implementation process.
Grievance Redress Mechanism	Implement the grievance mechanism which will stay in place throughout the planning and implementation phases. The Grievance Redress Mechanism will 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 will be documented and signed by the owner (including spouses). The data will 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 RPF 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> </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 will 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 will 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 will 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 will 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.
RAP Implementation	<p>During implementation, PAP will 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 will be continuous engagement with PAP, including opportunities for participation. Access to a grievance mechanism for PAP to raise complaints and concerns will also be provided.</p>



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

## 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 prepared by MoEST and shared to the UPIUs and APIUs for uniformity and consistent. This monitoring plan will show indicators to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities. The indicators include extent of impacts, number of PAPs status of compensation disbursement, nature of complaints, redress actions and follow-up measures.

The MoEST will be responsible for monitoring and evaluation of the implementation of this RPF and RAP at periodic intervals of quarterly or half yearly and the findings recorded in progress reports provided to the World Bank. .

#### 9.1 RPF Monitoring Indicators:

Several key indicators and subjects for monitoring and evaluation of RPF 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.

The subject for this RPF monitoring include:

- i. Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- ii. 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.
- iii. Administrative monitoring to ensure that relocation of graves has been adequately performed and all PAPs have been well involved in the relocation process
- iv. Data from baseline socio-economic surveys undertaken during consultation will provide the benchmark for monitoring to assess the progress and success of RAP implementation. Monitoring will also include communication with PAPs and documentation of reactions from PAPs and physical monitoring of progress of the RAP's implementation, including the relocation of PAPs and the affected community assets

Required data/information will be collected and analyzed regularly to indicate progress on implementation of RPF, 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 will 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 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 4: Monitoring and Evaluation Indicators**

Issues	Indicator	Responsible	Data Sources
Capacity Building for staff on RAP	<ul style="list-style-type: none"> <li>- Number of individuals and institutions trained</li> <li>• List of participants</li> <li>• Training reports</li> </ul>	Environmental and Social Safeguard Expert	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>	Environmental and Social Safeguard Expert	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>	Environmental and Social Safeguard Expert	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>	Environmental and Social Safeguard Expert	Baseline survey reports  Community transect reports
Development of strategies for participation of community in addressing land related grievances	<ul style="list-style-type: none"> <li>-Number of projects passed by social screening</li> <li>-Number of sub projects implemented</li> </ul>	Environmental and Social Safeguard Expert	SCT progress reports  LGAs reports

Issues	Indicator	Responsible	Data Sources
and mitigation measures	-Participation by gender - Number/proportion of participant  Number and type of complaints registered  Number of complaints resolved		
Capacity Building for the community	-Number of Trainings  -Attendance by Community member  - Training report	Environmental and Social Safeguard Expert	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 females in Village Land Committees	Environmental and Social Safeguard Expert	LGA Reports
Participatory M&E	- Number of consultation meeting held  -Minutes  - Attendance by gender.  - M&E report	Environmental and Social Safeguard Expert	M&E reports

## 9.6 Quarterly Reporting and Performance Review

Quarterly progress reports will be prepared by the Project Management Team (PMT) and the preparation of the progress reports will be supported by the environmental and social safeguards experts in the project at Universities and Agencies implementing the project. These will include summary information on the RAP M& E indicators (for the quarter and cumulatively). These reports will be submitted to the PD MoEST and will form part of progress reports that will be submitted to the Bank.

## CHAPTER TEN

### BUDGET FOR IMPLEMENTATION OF RPF

#### 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 Universities and Agencies that will be implementing the Project. There will be an adequate budget to meet all of the requirements of ESS5 for implementing the involuntary resettlement measures detailed in this RPF and individual RAPs. This RPF also indicates budget items required to prepare and monitor RAPs. The preparation of this RPF was funded by the NPIUs (MoEST) through financing of the hired consultants and costs related to the consultations undertaken during the preparation and stakeholders' consultations as well as costs in relation to the public notification in the local media.

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 Mtaa Executive Officer. 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 ESS5.

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 5: 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



#	Item	Costs	Assumptions
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
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs will include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labour 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 ESS5 and the RPF. In particular the involuntary 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 APIUS and UPIUs will confirm that the RAPs contain acceptable measures that link compensation activity in compliance with this framework.

The Institutions 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 will indicate how the resettlement activities are linked to the implementation of the overall project. The schedule will also include target dates for the achievement of expected benefits to PAPs and hosts and terminating the various forms of assistance. The implementation schedule that will be prepared will be incorporated in the contractor's and project implementation schedules. An example of a RAP implementation schedule is presented in Table 7.

**Table 6: Example of an RAP Implementation Schedule**

Action	Time frame											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Site Selection												
Stakeholder Engagement												
Preparation of for Resettlement												
Announce Cut-Off Date												
Confirmation of PAPs and affected properties												

Action	Time frame											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
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 (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 1 Resettlement Action Plan (RAP)

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under RPF includes, but not limited to the following:

**Description of the sub-project:** General description of the sub-project and identification of sub-project area or areas.

**Potential Impacts:** Identification of the:

(i) The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;

(ii) zone of impact of components or activities;

(iii) The scope and scale of land acquisition and impacts on structures and other fixed assets;

(iv) Any project-imposed restrictions on use of, or access to, land or natural resources;

(v) Alternatives considered to avoid or minimize displacement and why those were rejected; and

(vi) The mechanisms established to minimize displacement, to the extent possible, during project implementation.

**Objectives:** The main objectives of the resettlement program as these apply to the sub-projects.

**Census survey and baseline socioeconomic studies:** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions.

(a) identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

- (b) Information on vulnerable groups or persons for whom special provisions may have to be made;
- (c) Identifying public or community infrastructure, property or services that may be affected;
- (d) Providing a basis for the design of, and budgeting for, the resettlement program;
- (e) In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
- (f) Establishing baseline conditions for monitoring and evaluation purposes.

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- (g) Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (h) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and (i) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**Legal framework:** The findings of an analysis of the legal framework, covering:

- (a) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- (c) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- (d) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps .

**Institutional framework:** The findings of an analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- (b) An assessment of the institutional capacity of such agencies and NGOs/CSOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

**Eligibility:** Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**Valuation of and compensation for losses:** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them .

**Public Consultation and participation:** Involvement of displaced persons (including host communities, where relevant):

- (a) A description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and
- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

**Implementation schedule:** An implementation schedule providing anticipated dates for displacement, an estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

**Costs and budget:** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

**Grievance redress mechanism:** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

**Monitoring and evaluation:** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

**Arrangements for adaptive management:** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

***Additional planning requirements where resettlement involves physical displacement***

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

**Transitional assistance:** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.

**Site selection, site preparation, and relocation:** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering:

- (a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) Identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;



- (c) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (d) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (e) Legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.

**Housing, infrastructure, and social services:** Plans to provide (or to finance local community provision of) housing, infrastructure (e .g water supply, feeder roads), and social services (e .g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

**Environmental protection and management:** A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

**Consultation on relocation arrangements:** The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e .g ., places of worship, pilgrimage centers, cemeteries).

**Integration with host populations:** Measures to mitigate the impact of planned relocation sites on any host communities, including:

- (a) Consultations with host communities and local governments;
- (b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
- (c) Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
- (d) Any measures necessary to augment services (e .g. education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

## **Additional planning requirements where resettlement involves economic displacement**

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan . These include:

**Direct land replacement:** For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.

**Loss of access to land or resources:** For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

**Support for alternative livelihoods:** For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

**Consideration of economic development opportunities:** The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

**Transitional support:** The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

## **Annex 2: Voluntary Land Donation Protocol:**

Voluntary Land Donation will entail:

- Stakeholders meeting about the project (All Authorities in the area of implementation of the project will be the stakeholder) the aim of the meeting to have a same understanding about the project and the land acquisition local protocols
  - Village meetings, in each village the meeting should be conducted to create awareness about the project and voluntary land donation and compensation for the damage of any properties such as house, crops.
  - After general understanding and the valuation preparation the local protocol will follow by filling the memorandum of understand between the concerning authority, recipients and Project Affected People
1. The village chairperson, in coordination with sub-project staff, verifies the informed consent or power of choice by the people who would donate land or an asset. In particular, the following will be verified and documented in the voluntary donation report (valuation report voluntary land donation agreement)
    - The land will be used for v infrastructures that will constructed in the HEET project, the land will be owned by the APIUs or UPIs.
    - Any competing claims of ownership or use will be handled through the developed Grievances Redness Mechanism.
    - Confirmation that affected people agree to donate land or asset, based on a face to face meeting and through valuation report and voluntary land donation agreement.
    - The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land); the properties will be valued according to land acquisition laws.
    - The area where the land will be required for road infrastructure development, the owner of the land will be requested to accept in kind compensation or physical relocation.
  2. The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land;
  3. Proper documentation. During the voluntary land donation process for sub-project investments, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the

land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the Program] and can have a negative effect on community relations. (Refer the Voluntary Land Donation Agreement)

4. Village Chairperson, Village Executive Officer and sub-project staff should:
  - Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
  - Ensure that the agreement: (i) Refers to the consultation has taken place; (ii) Sets out the terms of the transfer; (iii) Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure; (iii) Attaches an accurate map of the land being transferred (boundaries, coordinates); (iv) Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
  - Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
  - Ensure that the transfer and title is registered or recorded; and
  - Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded. Taking into consideration the project will mostly be implemented in rural areas, where most of the land is customary owned, therefore land ownership is not properly recorded and registered.
5. It is also important to maintain a record of the process that has been followed. Such documents could include the following: (i) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public; (ii) Records of the consultations that were held and what was discussed; (iii) A copy of the due diligence that was conducted; (iv) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved; (v) Copies of all documents, registrations or records evidencing the legal transfer of the land; and (vi) A map, showing each parcel of land.

**Annex 3 Grievance Receipt and Resolution Form For Heet Project Affected Persons (Paps)**

**Grievance/Complaint Registration**

**Number.....Date.....**

**A. COMPLAINANT**

**1. Important information of the Complainant**

First Name ..... Middle Name .....  
Last Name:.....

Occupation:.....Tittle.....  
.....

Address:.....  
.....

Mob. Phone..... E-  
mail:.....

**2. Who is complaining**

i. Project Affected Persons (PAPs)...

**Specific PAPs are:**

Institution staff.....

Student .....

Representative of complainant.

Others .....

ii. Technicians/Local Fundis .....

**B. EXPLANATION OF THE GRIEVANCES**

1. Source of Grievance/

Complaint.....

.....

2. Brief explanation of the Grievance/Complaint emanating from the project implementation.....

.....

.....

.....

3. Event/person being complained about

.....

.....

4. Place where the event occurred ..... 5. Date of the event .....

6. Have you ever filed the same grievance before? .....  .....

..... **No**.....

**LOGGING THE GRIEVANCE/COMPLAINT**

Method used to lodge the grievance/complaint

Letter  Phone  Face to face  E-mail

Others (Mention).....

Name of Person registered and Filed the complaint

Name.....Position.....Date.....

Agreed time frame for feedback on the processed grievance/complaint:

(a) Immediately  (b) Three days  (c) One week  (d) Two weeks

**GRIEVANCE/COMPLAINTS RESOLUTION**

Date of conciliation session.....

Was the complainant present? **Yes**  **No**

Was field verification of complaint conducted? **Yes**

Findings of field investigation: .....

Summary of Conciliation Session.....

Was agreement reached on the issues? **Yes**  **No**

If agreement was reached, give the details of the agreement

If agreement was not reached, specify the points of disagreement and promise given to the client

---

.....

igned (Arbitrator/ Complaints handling Officer-GHO): .....Date.....

igned (Complainant).....Date.....

igned (Independent Observer) .....Date.....

---



## Annex 4. Template on Monitoring Indicators

S/ N	Component	Socio-Economic Impact	Indicators		Means of Monitoring	Frequency / Timing
			Quantitative Indicator	Qualitative Indicator		
1.	Compensation	Timely and adequate compensation of the affected properties	All the affected people are compensated adequately	Less grievances/complaints	Check the list of affected people and verify that all PAPs are compensated	The first 6 months of compensation
2.	Grievances	Effectiveness of the grievance mechanisms	Less grievances reported to the project office Reported grievances resolved Less court cases reported	Satisfaction of the PAPs	Project reports on reported and solved grievances	Every three months during the entire project
3.	Stakeholders participation	Consultation and participation with stakeholders, especially vulnerable PAPs	Number of meetings carried out in the project area Participants according to gender		Check the project records on the meeting minutes	Every month
4.	Assistance to vulnerable groups	Specific opportunities for vulnerable groups	Of the identified vulnerable groups in the project area, percentage of those who received any form of assistance Number of complaints from the affected		Survey on complaints	Every month during RAP implementation

S/ N	Component	Socio-Economic Impact	Indicators		Means of Monitoring	Frequency / Timing
			Quantitative Indicator	Qualitative Indicator		
			vulnerable groups			
5.	Impoverishment of the PAPs	Loss of income sources or productive assets (whether or not the affected person move to another location).	<p>Decreased/ Increased levels of poverty in the area</p> <p>Number of income sources/productive assets moved or affected</p> <p>Number of people who lost productive assets and managed to establish and/or replace new ones</p> <p>New economic ventures establish in the villages</p>		Village development report which is compiled annually as part of their mandate	Yearly
6.	Available community groups and networks	Loss of support networks	Number of community groups available	Loss of social networks	Village development report which is compiled annually as part of their mandate	Yearly
7.	Land resource	Change of land use and/or loss of access to land within	<p>Amount of land use</p> <p>Amount of land available</p>	<p>Escalating prices of land</p> <p>Change of land use</p>	Village development report which is compiled annually as	Yearly

S/ N	Component	Socio-Economic Impact	Indicators		Means of Monitoring	Frequency / Timing
			Quantitative Indicator	Qualitative Indicator		
		the project area	Escalating land rent and price		part of their mandate	
8.	Property and livelihood	Loss of properties: Loss of shelter Loss of assets or access to assets Loss of income	Number of alternative employment opportunities created and the number of affected people employed in formal/ formal sector. Percentage of lost assets replaced Percentage of lost structures/buildings replaced Escalating rents of houses, shop and other business premises	Improved people's livelihood Living standards of PAPs	Village development report which is compiled annually as part of their mandate	Yearly
9.	Food	Food security	Agricultural productivity Food shortage in the community Reported number of months with shortage of food.	Food intake (number of meals taken per day per household )	Household survey	Half yearly

S/ N	Component	Socio-Economic Impact	Indicators		Means of Monitoring	Frequency / Timing
			Quantitative Indicator	Qualitative Indicator		
10.	Housing	Types of housing	Percentage of houses replaced  Quality of houses replaced based on Tanzania National Standards	Housing situation improved or the same	Household survey  Village government development report	Half yearly & Yearly