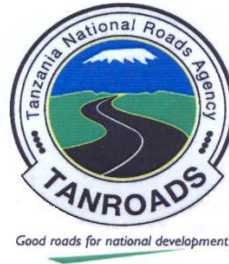


United Republic of Tanzania

Ministry of Works



Tanzania National Roads Agency (TANROADS)

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Resettlement Action Plan (RAP) **for the Proposed Upgrading of Mangaka – Tunduru (139.6** **Km) Road to bitumen standard**

Project number:	
Starting date of implementation:	
Project completion date::	
Date of operation:	
Period covered by the plan:	

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EXECUTIVE SUMMARY

E.1 INTRODUCTION

The Government of the United Republic of Tanzania is intending to upgrade the Mangaka – Tunduru road (139.6km) from existing gravel road to bitumen standard through a loan which has been requested from the African Development Bank (ADB) and the Government of Japan.

The road is part of the 804 Km Mtwara – Masasi – Tunduru – Mbamba Bay road (commonly referred to as Mtwara Corridor). The road upgrading is part of the Government strategy to develop the country road networks.

The detailed design, including the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the upgrading of Mangaka - Tunduru road to bituminous standard was undertaken by Interconsult Ltd recently this year through a contract with TANROADS and financed by the GoT. The design was done in conformity with the requirements of Tanzania's standard

During the AfDB/JICA Preparatory Mission for the Road Sector Support Project (RSSP II), among others, the mission directed the review of Environmental and Social Impact Assessment Report and Resettlement Action Plan taking into account the AfDB/JICA requirements.

TANROADS has therefore again commissioned Interconsult Ltd to review and update the ESIA reports and RAP for aforementioned road project

E.2 Project Description

The road project is a section in the now famous Mtwara corridor linking the southern regions of Tanzania neighbouring countries of Mozambique and Malawi. According to the Terms of Reference (ToR) the Government of the United Republic of Tanzania through the Tanzania National Roads Agency (TANROADS) intends to improve this mainly earth road to bitumen standard. Due to the socio-economic importance of the road corridor of which this road is one of its important sections, the Government of Tanzania using its own funds has taken some initiatives to upgrade the entire Mtwara Corridor.

E. 3 Potential Impacts

While upgrading of the Project Roads will have many positive social, economic and environmental impacts it does negatively affect land expropriation, loss of property and resettlement. Other impacts include economic and social displacement.

E.4 Organizational Responsibility

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times. However, the overall coordination of RAP activities will be under TANROADS and other institutions and organizations that have the legal obligations to carry out functions related to resettlement and /or compensation including various local authorities. These include:

- TANROADS will support sensitization of stakeholders on RAP, preparation of monitoring of RAP;
- Local Government Authorities will sensitize communities on RAP, provide technical support in preparation of RAP, screen, appraise, and monitor implementation of RAP;
- Communities, Villages, Wards, affected groups - as the final owner of land, landed properties and assets to be acquired or affected will be the participants and responsible for the implementation of the RAPs. The local level committees will support practical day-to-day implementation of the resettlement activities, including the disbursement of compensation funds;
- Independent NGOs /CBOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGO will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, TANROADS to facilitate the completion of RAP;
- External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
 - Resettlement conditions where relevant;
 - Consultation on compensation options, process and procedures;
 - Adequacy of compensation; and
 - Adequacy of specific measures targeting vulnerable people.

The Committees and Responsibilities for RAP Implementation are as indicated below:

Unit	Responsibilities	Members
Resettlement Committee	<ul style="list-style-type: none"> ○ Oversight management and coordination of RAP implementation activities and teams ○ Liaison with town councils, districts, government agencies and other stakeholders ○ Review of periodic progress report in accordance with RAP guidelines 	<ul style="list-style-type: none"> ○ Regional Commissioner (Chair) ○ District Commissioner ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Consultant ○ Representative of a local NGO ○ Representative of PAPs

Compensation Committee	<ul style="list-style-type: none"> ○ Coordinate management of compensation process ○ Ensure compensation is consistent with RAP guidelines ○ 	<ul style="list-style-type: none"> ○ District Commissioner (Chair) ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Consultant ○ Valuer ○ Representative of PAPs
Dispute Resolution Committee	<ul style="list-style-type: none"> ○ Address entitlement issues and other disputes and concerns among PAPs and other stakeholders ○ Advise PAPs and other stakeholders on redress mechanisms which cannot be resolved ○ Refer unresolved disputes to CSC ○ Liaise with other authorities and Resettlement Committee 	<ul style="list-style-type: none"> ○ District Commissioner (Chair) ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Valuer ○ Representative of PAPs ○ Representative of a local NGO

E.5 Community participation

Comprehensive consultation meetings with communities were carried out during the identification of Project Affected Persons (PAPs) in first round of Resettlement Action Plan (RAP) preparation. These consultations were aimed at involving the stakeholders and seek their views on various aspects in particular the resettlement issues arising from the upgrading of the Mangaka-Tunduru road. The public consultation meetings were also carried out before conducting census and socio-economic survey of the PAPs.

Consultations with PAPs focused to inform them of the project and its activities and discuss possibilities for land acquisition and other physical assets at replacement or compensation costs. Along with information dissemination the consultations also aimed at taking peoples' opinions and suggestions on project and its benefits and impacts. For clarity and understanding of the meeting proceedings by the local community, the minutes were prepared in Kiswahili. The list of attendees and their signatures were also taken. The feedback derived from the consultations of PAPs and local communities is summarized below:

- Affected people shall be allowed to take whatever materials that can be salvaged from affected buildings;
- Compensation process, eligibility, and criteria shall be explained;
- Detailed procedures for asset identification shall be made transparent;

- Employment of local people, including women, during the construction period is to be encouraged;
- Mechanisms to redress grievances shall be evolved;
- Minimum period required for road construction shall be recommended so as to least disturb the public;
- Positive and negative impacts of the road improvement project shall be analyzed and enhancement and mitigation measures, are proposed
- Sufficient Road width shall be recommended and alignment designed to minimize impact on properties including community assets; and
- Majority of PAPS preferred cash compensation instead of in-kind compensation.

The above suggestions are being addressed through planning and designs of roads; Construction planning and scheduling; Valuation process; and Resettlement action plan preparation and implementation.

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

E.6 Socio-economic Studies

The census surveys and consultations were conducted between February and April 2011. From the households surveyed it was noted that there is a total of 800 PAPs within the 45 m road corridor

A sample of households which were affected were identified and heads of households or representatives were interviewed through a structured questionnaire. These surveys yielded useful information on the following aspects:

- *Socio-demographic profile of PAPs* including sex composition, educational status, age categorization, marital status;
- *Socio-economic profile of affected households* including type of household, family structure, distance from social service facilities, type of other assets owned;
- *Gender issues* including women household activity profile, women decision making powers in household matters;
- *Occupational status* in terms of cultivator, daily wage earner, government employee, self-employed, house-wife, unemployed;
- *Economic profile of PAPs* including source of household income, average monthly income,

- *Impact on socially vulnerable groups* including those headed by females, children, less earning individuals; and
- *Nature of assets affected* in terms of buildings, land, trees and plantation, and those owned by communities.

E. 7 Legal Framework including mechanisms for Conflict Resolutions and Appeal

In developing the RAP document, Tanzania laws, policies and regulations and international conventions which are relevant were consulted. These include the World Bank Policies on Involuntary Resettlement. The key legal document relating to resettlement in Tanzania is the Constitution of the United Republic of Tanzania Article 24 (1). This article stipulates that every person is entitled to own property, and has the right to the protection held in accordance with the law. The Land Act, No 4 of 1999 regulates the urban land while Village Land Act, No 5 of 1999 regulates land in rural areas. For the Tanzania Mainland, the Land Act (1999), Village Land Act (1999) , Land Regulations of 2001 and government standing Order on expropriation for public utilities prescribes that holders of occupancy rights on land pre-empted for the public works must be compensated and assisted in relocating their assets to the nearest suitable place. Most expropriation disputes, on similar public works, are due to disagreement on the value at which an estate and its improvements are to be compensated. The compulsory resettlement of buildings, farms and businesses premises must ensure at least equal compensation values. Accordingly the expropriated owner must be compensated with a price equal to the value that the “un exhausted improvement” (buildings, infrastructure, plantations etc) would fetch if sold on the open market. That value is defined as the cost of acquiring a similar estate and putting up such improvement as those existing when evaluated .Allowance is made for the age, state of repair and economic obsolescence. According to Tanzania law, the compensation should cover:

Potential grievances and disputes that may arise during the course of implementation of the resettlement and compensation programme are often related to the following issues:

- Inventory mistakes made during census survey as well as inadequate valuation of properties;
- Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- Disagreements on plot /asset valuation (e.g inadequate compensation);
- Seizure of assets without compensation;
- Divorces, successor and the family issues resulting into ownership dispute or dispute share between in heirs or family;
- Disputed ownership of given Assets (two or more affected individual(s) claim on the same);
- Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (unsuitable location of the resettlement site); and

- Problems related to the time and manner of compensation payment.

Land Acquisition Act details procedures for dispute resolution with respect to compensation. The mechanisms are to be “affordable and accessible,” and third parties independent of the implementers should be available at the appropriate point in the process. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexibility and open to various proofs taking into account the need for speedy, just and fair resolution of their grievances. The process suggested for resolving individual grievances.

In summary, those seeking redress will have to notify local government and Ward offices. If this fails, disputes can be referred to district level. Resolution of disputes should be speedy, just and fair and local NGOs that are conversant with these issues could be engaged by the project. Unresolved disputes can be referred to appropriate level of land courts established by law. If local courts are unable to resolve the disputes application can be made to the High Court of Appeal of Tanzania, this is the highest appellate judge in the system and its decision will be final.

The Process of Addressing Grievances is as indicated in the Table below

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
1	PAP shall submit grievance in writing to the Village or Street Government and receives an acknowledgement from Village or Street Government as proof. If the PAP is unable to write, the RAP Implementing Agency (RIA) or the Village or Street Government shall record the same on behalf of PAP.	1. Village or Street Government 2. Representative of RAP Implementing Agency	Upon receipt of grievance, the Village or Street Government with the help of RAP implementing agency shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with Village or Street Government's decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, go to Step 2.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
2	If PAP is not satisfied with Step 1 decision, the case shall be forwarded to Ward Council with a preliminary report prepared by RIA. The report should have the details of grievance, preliminary assessment of RIA & local government, hearing date and decision of local government.	The members of this committee shall be: 1. Members of Village or Street and Ward Council 2. Representative of RIA 3. PAP Representative 4. Representative of TANROADS	Upon receipt of grievance, the Village or Street and Ward Council if desired may direct RIA to collect further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 10 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 5 days in advance by RIA.	If the grievance is resolved and the PAP is satisfied with Village or Street and Ward Council decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, go to Step 3.
3	If PAP is not satisfied with Step 2 decision, the case shall be forwarded to Social Services Committee (SSC) at the District level. This committee shall function as	1. District Commissioner – Chairman 2. Member, Land office 3. Member , Valuer	Upon receipt of grievance, the GRC if desired may direct RIA to collect further information related to grievance and submit the same to committee for its use while hearing the	If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared by	If the grievance is not resolved, go to Step 4.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
	Grievance Redress Committee (GRC) at the district level. The grievance shall be forwarded with all the paper details of case till date to SSC.	4. Member, RAP Implementing Agency 5. Member, PAP representative/ local NGO 6. Member, Representative of TANROADS	grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by RIA.	RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	
4	It is assumed that all the cases shall be solved at GRC level. It may be possible that there are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have option to refer his /her case to Regional Secretariat for final amicable solution or to refer the case to Judiciary.	1. Regional Secretariat 2. District Commissioner 3. Member, Representative of TANROADS	If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45 days from the date of case referred. The PAP shall be intimated 10 days in advance about the date, time and venue of the hearing.	If the grievance is resolved and the PAP is satisfied with RS's decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, the PAP may take the case to appropriate court.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
5	PAP takes the case to appropriate court.	-	-	-	-

E. 8 Eligibility

The eligible individual(s) are those who are directly affected socially and economically through the road project caused by:

- (a) The compulsory taking of land and other assets resulting in the following:
 - (i) Relocation or loss of shelter;
 - (ii) Loss of assets or access to assets; and
 - (iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location.
- (b) The forceful denial to access legally designated social economic services, with adverse impacts on livelihood of the displaced individuals

The PAPs were considered irrespective of their tenure status, with respect to land that they own, occupy or use provided they own, occupy or use the affected land prior to the cut-off-date. Cut-off date for eligibility to resettlement entitlements for the entire project road is the 8TH APRIL 2011 which is the last day of valuation of properties.

Properties that are eligible for compensation are buildings, land, assets on the land such as crops, trees etc. Affected public social services were enumerated for costing, replacement and construction at suitable sites. Local communities losing land and or access to assets under customary rights are eligible for compensation. These criteria have been used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Laws. For purposes of compensation, cut-off dates take into account only properties which existed before the enumeration of properties and assets along the project road was completed.

E. 9 Asset Valuation

The valuation covers properties or interests located in the area where the existing road and new road is expected to pass. The location of properties vary since some are found in area where the land market is high, some average and some low or unpredictable due to lack of appropriate market information. In view of these circumstances and in order to make a professional valuation that would provide an acceptable or a more realistic valuation, the following methods were adopted:

Land Act Number 4 of 1999; requires that value of any real property be arrived at by using of comparative method depending on the availability real property sales data or replacement cost method for the properties which are rarely sold in the real property market. It is in this context the values of properties were determined as described here in below:

a) Land Value

The land Acquisition Act of 1967 whose objective was only to enable the President to acquire land for public purposes and thereby pay compensation was quiet on

land conveyance and consideration to be passed between the two parties. The enactment and the use of new Land Acts, Act 4 and 5 of 1999, individuals could now sale or mortgage bare lands (land without any improvement). Individuals are now realizing full value of their bare sites apparently with punity. The new Acts opened avenues for assessing bare land values such that a bare land in Tanzania has got a recognizable value. Besides, the new Acts provides compensation on land based on the following:

- (i) Market value of the real property;
- (ii) Disturbance allowance which is a percentage of market value of the acquired over 12 months;
- (iii) Transport allowance calculated as the cost of 12 tons hauled over a distance not exceeding 20 km;
- (iv) Loss of profit or accommodation based on business audited accounts; and
- (v) Accommodation allowance which is equivalent to the rent of the acquired property per month for a period of over 36 months.

E.10 Implementation Schedule

Implementation of RAP consists of several resettlement activities. Efficient implementation of RAP activities requires several measures to be taken prior to start up of implementation. These include setting up of relevant committees at district level, hiring of NGO or consultant etc. In principle project civil works may not start until all PAPs determined to be entitled to compensation are compensated. Therefore land acquisition and assets may take place after compensation has been paid and other assistance required for relocation prior to displacement. The time frame of **12 months** on the implementation schedule ensures that no PAP or affected household will be displaced due to civil works activity before compensation is paid and is undertaken when all necessary approvals have been obtained.

E. 11 COSTS AND BUDGET

The cost for compensation of affected properties along the Mangaka -Tunduru (139.6km) Road is tuned to **Tshs 4,014,148,750.00**

E.12 Monitoring and Evaluation

RAP implementation is one of the central components of this project and its monitoring is critical to solve challenges or obstacles in the areas of mobilization, compensation, relocation etc. The monitoring and evaluation procedures will include external and internal evaluation of the compliance of the actual implementation with objectives and methods as agreed, and monitoring of specific situations. Monitoring will be done by TANROADS and NGO to be appointed while Evaluation will be done by external Agency to be appointed.

1.0 INTRODUCTION

The Government of the United Republic of Tanzania is intending to upgrade the Mangaka – Tunduru road (139.6km) from existing gravel road to bitumen standard through a loan which has been requested from the African Development Bank (ADB) and the Government of Japan.

The proposed road is part of the 804 Km Mtwara - Masasi - Tunduru - Mbamba Bay road (commonly referred to as Mtwara Corridor). The road upgrading is part of the Government strategy to develop the country road networks to support national economic growth.

The detailed design, including the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the upgrading of Mangaka - Tunduru road to bituminous standard was undertaken by Interconsult Ltd recently this year through a contract with TANROADS and financed by the GoT. The design was done in conformity with the requirements of Tanzanian standard.

During the AfDB/JICA Preparatory Mission for the Road Sector Support Project (RSSP II), among others, the mission directed the review of Environmental and Social Impact Assessment Report and Resettlement Action Plan taking into account the AfDB/JICA requirements.

TANROADS commissioned Interconsult Ltd to review and update the ESIA reports and RAP for proposed road project

1.2 Objective of Assignment

The main objective of the assignment is to update the Resettlement Action Plan (RAP) of March 2011 to be compliant with the ADB and JICA's requirements and the National Land Acts No.4 and No.5 of 1999.

The updating exercise has covered but not limited to the following activities:

- Update of the baseline information along the project road;
- Update of the properties to be affected within the 45 m road reserve;
- Review of the ADB, JICA and national policies, legislation and guidelines related to Resettlement Action Plan ;
- Update of the mitigation measures for resettlement and related costs for implementation of the mitigation measures
- Update the costs of the implementation of Resettlement Action Plan..

In order to attain the above objectives, the followings have been conducted:

- Describe the legal and instructional framework dealing with resettlement;
- Describe socio-economic profile of the project affected persons (PAPs);
- Estimates the nature and magnitude of displacement;

- Sets out the criteria used to determine eligibility for resettlement, compensation and other assistances and what entitlements are due to different categories of PAPs and for different types of losses;
- Describe valuation procedures used;
- Describe how resettlement and or compensation entitlement have been delivered;
- Describe public consultation process and mechanisms to address grievances and
- Provide an indication of the costs involved.

1.3 Project Rationale

The Government of United Republic of Tanzania through its Vision 2025 has set the aims which amongst others include:

- (i) Eradication of abject poverty;
- (ii) Development of strong, diversified, resilient and competitive agriculture, industry, tourism and other productive socio-economic sectors; and
- (iii) Modernized production and delivery systems of goods and services.

To realize the above, following are some of the targets set by the Government:

- (iv) Double output of most crops, in particular rice production through irrigation;
- (v) Develop new industrial sites, including for agro-industries, in designated export processing zones;
- (vi) Improve tourist infrastructure; and
- (vii) Achieve economic growth rate of 8% per annum by 2025.

In order for the above aims and targets to be achieved, development of efficient trunk road network is of paramount importance. In this regard the upgrading of the Mangaka-Tunduru road project is among the big steps in that direction.

1.4 Scope of Resettlement

While the upgrading of the project road has many positive social, economic and environmental impacts it has also accompanied by negatively affects like land expropriation, loss of property and resettlement. Other negative impacts include economic and social displacement.

In the course of the road construction, the Project Affected Persons will suffer loss of value of affected land and fixed assets such as structures, crops, trees etc; partial physical loss of assets or resources used in production (e.g parts of farmland) and loss of access to these assets or resources or loss of income sources or means of livelihood. Structures include built structures for residential (some with rooms for retail business outlets) units. Agriculture assets: farm properties such as trees and plantation. Social displacement includes loss and breakdowns of social, cultural and spiritual networks /ties and structures especially where displacement involves relocation of PAPs to other areas.

Project Affected Persons (PAPs) in this project are affected property owners; these are owners of land and structures used for business, residential or other purposes. Community facilities such as places of worship (church) and public culture centers are also affected.

1.5 RAP Report Structure

This RAP has been prepared and presented into the following sections:

1. Introduction
2. Project Description
3. Potential Resettlement Impacts
4. Organizational Responsibility
5. Community Participation
6. Socio-economic Studies
7. Legal Framework and Mechanisms for Conflict Resolutions
8. Grievances Procedure
9. Institutional Frameworks
10. Eligibility
11. Valuation and Compensation for Losses
12. Implementation Schedules
13. Costs and Budgets
14. Monitoring and Evaluation
15. Conclusion

1.6 RAP Methodology

The development of RAP involved various activities. The philosophical underpinning of the plan preparation is the use of a participatory approach of major stakeholders including affected communities and PAPs. Data collection methods and activities employed in the process of developing the RAP were: review of relevant laws and regulations and documents; community meetings and consultations; key informants (District Officers, Local Authorities, among others) interviews and discussions; household and population census surveys; focus group discussions and use of maps and filed surveys. These mixed method approaches employed both qualitative and quantitative data gathering techniques. Brief descriptions of the methodologies used are given below:

- (i) Review of Documents

Among reviewed documents were: Project documents like design report, ESIA, Tanzania Laws and Policies and ADB/JICA Policies.

(ii) Socio -economic Surveys

This comprised of a detailed census /inventories with affected households as well as formal and semi-formal discussions with sample focus groups in the communities. A comprehensive questionnaire for data collection was used. The questionnaire gathered information on the following:

- Household Bio data (Socio-demographic information);
- Livelihoods (such as sources of income and type of occupation; employment status; vulnerability); and
- Access to economic and social services infrastructure.

(iii) Public consultations

Consultations were conducted across sections of stakeholders which were done as part of participatory approach at district, ward and community levels. Among key issues raised in these consultations also included positive and negative impacts of the project; issues relating to compensation, resettlements; and employment opportunities during the project implementation

2.0 PROJECT DESCRIPTION

2.1 Introduction

The proposed road project passes through Mtwara and Ruvuma regions. The road project is a section in the Mtwara corridor linking the southern regions of Tanzania and neighboring countries of Mozambique and Malawi. According to the Terms of Reference (ToR) the Government of the United Republic of Tanzania through the Tanzania National Roads Agency (TANROADS) intends to improve this mainly earth road to bitumen standard. Due to the socio-economic importance of the road corridor of which this road is one of its important sections, the Government of Tanzania using its own funds and support from various Development Partners has taken some initiatives to upgrade the entire Mtwara Corridor.

The road facilitates cross border trade with Malawi (through Mbamba bay port) Mozambique (through Unity Bridge at Mtambawala in Masasi District). The movement of people and evacuation of agricultural and forest produce from Namtumbo and Tunduru Districts to market centres including Songea, Njombe, Makambako, Dar es salaam, and other areas is through this road. The road is also used by tourists while travelling to Selous Game Reserve (SGR).

The local communities in the project area face numerous difficulties in finding markets for their produces due to the lack of reliable and efficient transportation system. As a result prices which are offered by traders for local products and produces are far much lower because of the lack of competition among the traders and transporters because of poor road condition.

Because of the poor road, the physical access to quality health and medical facilities is difficult for majority of the people along the road, and the road infrastructure is the major source of this problem.

The costs of maintenance of the existing gravel road are high as it requires recurrent gravelling and grading, especially after every rain rainy season. In addition, frequent break downs of vehicles are results of the poor road surface.

The upgrading of the road will therefore:

- (i) Facilitate more efficient transportation of agricultural and forestry products from the project area to the markets in the areas of consumption
- (ii) Improve the transport of tourists to SGR
- (iii) Promote regional integration/cooperation
- (iv) Ease transport of goods between Tanzania and Mozambique through Unity Bridge in Mtwara and Malawi through Mbambabay;
- (v) Reduce maintenance costs of the road
- (vi) Reduce Vehicles Operating Costs

- (vii) Improve access to social services such as markets and health services

In addition, upgrading of the road will compliment:

- (i) The development plans of Mtwara Development Corridor (MtDC) including exploitation of huge coal reserves in the area, which is endowed with energy generation, particularly thermal (coal), and development of export oriented investments in forestry including agro processing
- (ii) The ongoing upgrading of Songea - Namtumbo road to bitumen standard which is financed by Millennium Challenge Corporation (MCC)
- (iii) The ongoing upgrading of Namtumbo – Tunduru Road (193 Km) to bitumen standard, which is financed by AfDB

2.1 Location

The project road is located in the Southern part of Tanzania and traverses Nanyumbu and Tunduru Districts in Mtwara and Ruvuma Region respectively. Tunduru and Namtumbo are among the five Districts (Namtumbo, Songea Rural, Songea urban and Mbinga on Lake Nyasa) of Ruvuma Region, while Nanyumbu is among the six Ditsricts (Mtwara, Newala, Tandahimba, Masasi, Nanyumbu, and Lulindi) of Mtwara Region. The location of the proposed project is as shown in Figure 2-1 below.

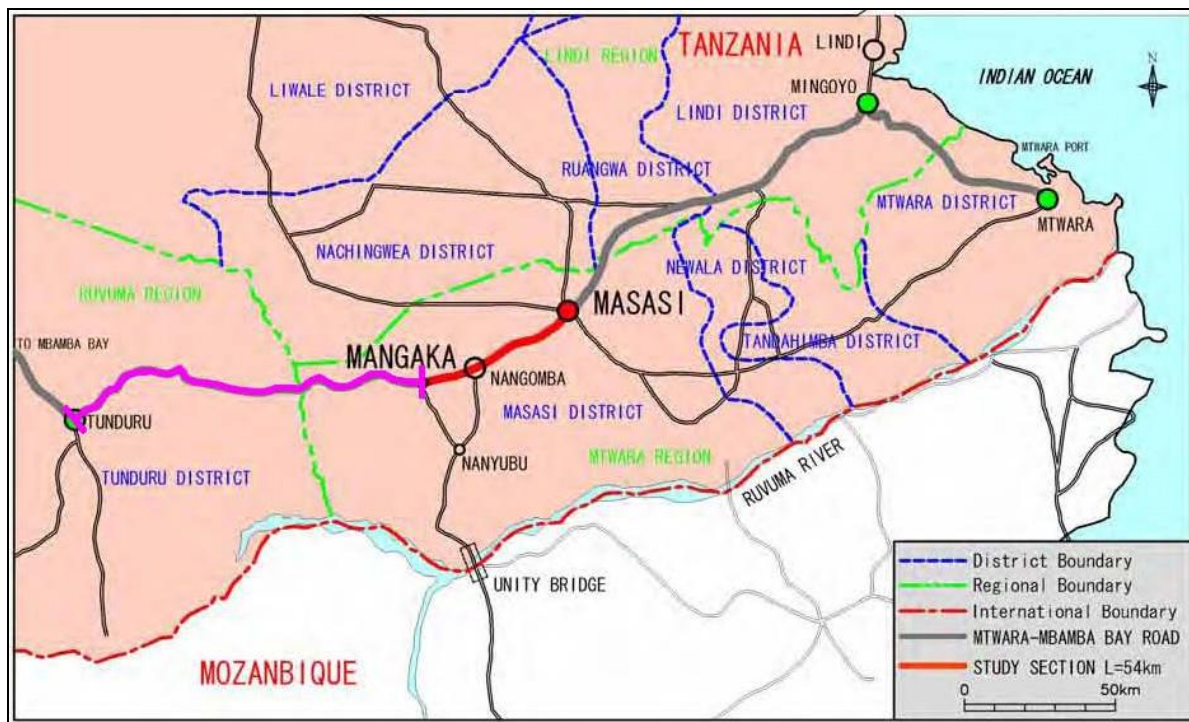


Figure 2. 1: Map Showing Mangaka - Tunduru Project Road

Source: Design Report for Masasi - Mangaka - Tunduru Road, Ministry of Works, 2007

2.4 Project Influence Area

The immediate road impact area (five kilometers on either side of the road) covers a total of 25 villages and two district towns of Mangaka and Tunduru. The villages and towns are located in 13 administrative wards as shown in Table 2-1 below:

Table 2-1: List of villages along the Project Road

District	Ward	Village	Distance from Mangaka (Km)
Nanyumbu	Mangaka	Mangaka	0.0
	Senganya	Nachiura	2.3
		Namalupi	7.0
	Likokona	Msinyasi	12.7
		Likokona	17.0
	Pachani	Naipingo	23.4
		Michiga	26.6 (LHS)
		Pachani	26.6 (RHS)
	Lumesule	Nandembo	31.6
		Chigweje	38.2
		Lumesule	43.6
Tunduru	Nakapanya	Sautimoja	45.8
		Mkowela	52.8
		Mchanganyi	59.1
		Songambebe	64.3
		Namakambale	68.6
		Nakapanya	69.5
	Mindu	Mtonya	78.2
	Namiungo	Namiungo	86.1
	Muhuwesi	Majimaji	94.3
		Muhuwesi	109.3
		Chilungulungu	115.8
		Temeke	120.0
	Sisikwasisi	Sisi kwa Sisi	123.4
	Mchangani	Tunduru	134.6

3.0 POTENTIAL RESETTLEMENT IMPACTS

3.1 Mobilization Phase

The main activities during mobilization phase of the project will be the transportation of construction equipment to the site, construction of camp site, and establishment of sources of locally available construction materials. The campsites will be required for the storage of construction materials and equipment, material processing, asphalt plant for processing of bitumen, concrete plant for batch production of concrete, carpentry workshop for timber woodworks (e.g. production of form works, timber furniture, steel workshop for steel bar processing, (including cutting, bending) /mechanical workshop for repair and maintenance of construction equipment, and pre-cast yard for casting concrete culverts and slabs. The camp will also be required to provide site office and accommodation for a Resident Engineer and a few senior staff of the project. Mobilization activities are expected to lead to loss of property and land acquisition that will necessitate resettlement. The land will have to be acquired for the construction of the campsite both for the Contractor and Resident Engineer and as a consequence of this properties will be lost.

3.2 Construction Phase

In this phase the speculated impacts include:

(i) Loss of Vegetation and Farmlands

Borrowing of natural gravels and quarrying from the identified potential sites, will obviously involve further excavation and so clearance of vegetation around. Clearance of vegetation is likely to result into degradation of farmlands and forestry due to loss of fertile top soil. In addition, quarrying and excavation will destroy the economic and aesthetic value of the quarry site. This implies the need to acquire such land and resettle the owners of such properties.

The Construction of the road will among others involve widening of the existing road corridor to attain the required width of 6.5 m and shoulders of 1.5 m, reduce sharp curves etc. Realignment of the road will require more land beyond the existing road corridor and loss of farmlands.

(ii) Displacement and Loss of Properties

Upgrading of the road will result into demolition of buildings that are located within the RoW. A number of buildings and other properties are located within the 45 m RoW. Examples of the highly affected settlements are Naipingo, Michiga/ Pachani, Namakambale, Nakapanya, Namiungo, Muhuwesi, and Tunduru. The unfortunate part of it is that even if people are compensated it may be difficult for them to get comparable sites. Some of the houses that will be demolished are within the prime business areas and it could be difficult for these people to obtain similar sites and if they manage to do so it might be at a high cost and customers might be difficult to get. Additionally, there

are difficulties of adjusting to new areas and for older people who are uprooted it will result in increased stress and even early deaths. This issue of settlement is thus an area of potential conflict between the people and the government and has social, political and legal implications.

The properties to be affected are as indicated in Table 3-1 below;

Table 3-1: PAPs Affected Property Within the RoW (45 Meters)

Type of Affected Property	Total Affected properties Mangaka- Tunduru Road Section
Police post	1
Godown	1
Kiosk	30
Restaurant	12
Shop	328
Kiosk + residence	7
Residence	402
Mosque+ Madrassa	3
Church	1
Milling machine	1
House for rent	19
Office	1
Water facilities	6
Total	811

Source: Valuation Report and Socio-economic Survey April 2011

(iii) Disruption/Destruction of Public Utilities and Service

The main public utility which will be affected by the project is domestic water supply, which includes pipe lines across the road and shallow wells which are located within the corridor of impact (15 m or less from the centreline of the road). The following water supply utilities are likely to be affected by the road upgrading:

- (i) Km 31+500: open traditional well is located at about 15 m RHS at Likokona village
- (ii) 2 DPs at Nandembo are located 6 m from the edge of the road,
- (iii) 1 DP at Michiga is located 6 m from the edge of the road
- (iv) A 4" PVC main pipe crosses the project road at Km 28+800 (Michiga village)
- (v) Km 32+200: a non operational shallow well with hand pump located, 8 m LHS
- (vi) Km 32+400: operational shallow well with hand pump is located near R. Namajani

The water facilities are to be affected are as indicated in Table 2-1 above

(iv) Effects to Cultural Site

The only cultural sites close to the project area are burial sites as described here under. However, these sites will not be relocated:

- Km 87+200 (Namiungo village): A Muslim grave yard: the grave yard located at 17m in the LHS of the road
- Km 116+500 (Chilingulungu village): A Muslim grave located at 18 in the LHS of the road .The impact to cultural sites is gauged to be major, short term, and irreversible.

3. 3 Minimizing Resettlement

Resettlement was minimized mainly through road design by shifting realignment to reduce the size of affected properties. In addition to the road realignment, the affected people have to be assisted by compensation. The Compensation Schedules are attached as Appendix I.

4.0 ORGANIZATIONAL RESPONSIBILITY

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times as soon as the RAP is cleared and finalized, TANROADS will formally disclose it to the affected people. For this purpose, TANROADS will organize sessions, one in each of the administrative Village Areas crossed by the road. The sessions will be chaired by the RAP specialist of TANROADS and attended by representatives of the Districts and Wards. Adequate display materials will be utilized. TANROADS will prepare the list of the occupants dispossessed by the project, specifying their rights of occupancy and the assessed value. The Local Government (i.e District Councils) will dispatch the dislocation notices to the concerned households and farmers. Ministry of Finance through TANROADS will disburse the compensation funds to the TANROADS Regional office to pay the communities eligible for compensation. After the implementation of compensation and resettlement, the communities will be given at least six months for resettlement. TANROADS will then authorize the Contractor to start demolition works.

An NGO will be hired to assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation. In general the communities indicated to prefer cash compensation since they feel that it will lead to improvement in their livelihoods. This is through the experience acquired where compensation have been implemented in Tanzania. This section provides a list of all agencies and institutions involved in each step of the resettlement process (preparation, appeals, implementation and monitoring). These include:

- (i) TANROADS will support sensitization of stakeholders on RAP, preparation of monitoring of RAP;
- (ii) Local Government Authorities will sensitize communities on RAP, provide technical support in preparation of RAP, screen and appraise and monitor the implementation of RAP;
- (iii) Communities, Villages, Wards, affected groups - as the final owner of land, landed properties and assets to be acquired or affected will be the participants and responsible for the implementation of the RAPs. The local level committees will support practical day-to-day implementation of the resettlement activities, including the disbursement of compensation funds;
- (iv) TANROADS shall have the overall responsibility for the oversight of implementation of the RAP and providing enabling environment for the same;
- (v) Independent NGOs /CBOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGO will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, TANROADS to facilitate the completion of RAP;

(vi) External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:

- Resettlement conditions where relevant;
- Consultation on compensation options, process and procedures;
- Adequacy of compensation; and
- Adequacy of specific measures targeting vulnerable people.

TANROADS shall set up Resettlement Committee comprising of key Ministries and a local NGO involved in human rights. The committees and respective members are as indicated in Table 4-1 below:

Table 4.1: Committees and Responsibilities for RAP Implementation

Unit	Responsibilities	Members
Resettlement Committee	<ul style="list-style-type: none"> ○ Oversight management and coordination of RAP implementation activities and teams ○ Liaison with municipalities, districts, government agencies and other stakeholders ○ Review of periodic progress report in accordance with RAP guidelines 	<ul style="list-style-type: none"> ○ Regional Commissioner (Chair) ○ District Commissioner ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Consultant ○ Representative of a Local NGO ○ Representative of PAPs
Compensation Committee	<ul style="list-style-type: none"> ○ Coordinate management of compensation process ○ Ensure compensation is consistent with RAP guidelines 	<ul style="list-style-type: none"> ○ District Commissioner (Chair) ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Consultant ○ Valuer ○ Representative of PAPs
Dispute Resolution Committee	<ul style="list-style-type: none"> ○ Address entitlement issues and other disputes and concerns among PAPs and other stakeholders ○ Advise PAPs and other stakeholders on redress mechanisms which cannot be resolved ○ Refer unresolved 	<ul style="list-style-type: none"> ○ District Commissioner (Chair) ○ Representative of TANROADS ○ Representative of Ministry of Lands ○ Valuer ○ Representative of PAPs ○ Representative of a Local NGO

	<ul style="list-style-type: none">○ disputes to CSC Liaise with other authorities Resettlement Committee and	
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5.0 COMMUNITY PARTICIPATION

5.1 Consultation and Community Participation

The overall goal of the consultation process was to disseminate project information and to incorporate the views of various stakeholders in the project design and Resettlement Action Plan implementation. Public consultation ensured that various groups' views are adequately taken into consideration in the decision making process. Consultation with the stakeholders was aimed at positively conveying information about the planned road project development, clear up misunderstandings, allow a better understanding of relevant issues and how they will be dealt with, and identify and deal with resettlements which are controversial while the project is still in its design stage.

5.2 Objectives of Public Participation and Consultation

The objectives of public participation and consultation were:

- (i) To ensure transparency in all activities related to the road project and its resettlement impacts;
- (ii) To share fully the information about the proposed roads project, its components and activities in relation to resettlement;
- (iii) To obtain information about the needs and priorities of the various stakeholders, as well as information about their reactions;
- (iv) To improve project design and, thereby, minimize resettlement conflicts and delays in project implementation;
- (v) To involve public at large together with their responsible institutions and organizations in the project design and planning;
- (vi) Information dissemination to the people about the project and resettlement and
- (vii) Understanding perceptions of local people towards the project.

5.3 Stakeholders Consultation

Before undertaking consultation, the identification of stakeholders relevant for the issue of resettlement was done. Among others, the major stakeholders consulted were TANROADS, PAPs; Central and Local Government Authorities and local communities.

Consultation with stakeholders involves the following major steps:

- (i) The consultation with affected group or individual is carried out in collaboration with affected individuals including the valuation of properties;
- (ii) The compensation documents and transfer deeds relating to resettled assets will be signed by both affected groups individually;
- (iii) Disclosure and meetings: meetings will be conducted and organized at the affected area. The principles for compensation for the various types of loss will be detailed. The list of proportion and assets affected will be

mentioned in such meetings which include the names of the affected ones and the consultation meeting with all affected individuals in the list;

- (iv) Amicable discussion will go hand-in-hand with the whole process of compensation and resettlement;
- (v) The disputes settlement procedures will be presented and legal as well community leaders will be made available to resolve the same;
- (vi) Individual meetings: individual(s)-based meetings will be conducted with each affected household;
- (vii) The valuation and compensation for the assets will be detailed and transparent;
- (viii) The process will be made in accordance with the laws and procedures applicable, once affected person have agreed, a compensation report or certificate/agreement will be signed by the parties involved;
- (ix) Compensation options: the options of compensation for resettlement will be explained to the affected group(s) or individual(s) for them to choose;
- (x) All parties will sign a compensation certificate; and
- (xi) All payments and transfers in kind will be made in the presence of the affected parties and VEOs.

Other stakeholders participation and consultation took place through meetings, request for written proposals/comments, interviews, focus group discussions and explanations of project ideas and requirements.

Consultations with local communities focused to inform them of the project and its activities and discuss possibilities for land acquisition and other physical assets at replacement or compensation costs. Additionally, people were made aware about acquisition of community property. Options for relocation, shifting and loss of employment costs as per need and provision of livelihood support to vulnerable groups were some of the other issues discussed during consultations. Along with information dissemination the consultations also aimed at taking people's opinions and suggestions on project and its benefits and impacts.

Major feedbacks derived from the consultations with stakeholders were as follows:

- (i) Timely information on project design and road alignment: people wanted to be kept informed regarding road design and alignment;
- (ii) Employment opportunity for local people: raised the need for local people be given priority in employment during the construction (for both skilled and unskilled labor);
- (iii) Fair and timely compensation rates: requested for timely and adequate compensation for any losses incurred due to project implementation; and
- (iv) Special consideration to vulnerable groups.
- (v) Majority of PAPs preferred cash compensation instead of in-kind compensation

The minutes of the stakeholder's consultation is attached as Appendix II while the photo of the consultation meeting is attached as Appendix III

6.0 SOCIO-ECONOMIC STUDIES

6.1 Introduction

The main objective of the census and socio-economic survey was first, to prepare an inventory of all the affected assets and affected households. Second, objective was to estimate the extent of resettlement impacts due to project implementation and prepare RAP for the compensation and assistance. The census surveys and consultations were conducted between late June and August 2010 and April 2011. The results of census and socio-economic surveys are analyzed in this section.

The analysis is based on a sample survey of 300 households to represent over 805 households that have had their building structure affected by the road project.

The Census and Socio-Economic Survey interviews were done for a sample of 300 households. All affected assets and households were identified and head of households or representative was interviewed. Generally PAPs were identified as having properties (such as buildings, land, tree and plantation that will be affected because of the project road upgrading) as shown in Table 6.1 below:

Table 6.1: Sample of PAPs interviewed along the road by ward (This is not the same number of the PAPs)

S.No.	Name of the Ward	No. of PAPs Interviewed	%
1	Mangaka	13	4
2	Sengenya	25	8
3	Likokona	40	13
4	Lumusule	31	10
5	Mchangani	23	8
6	Mlingotini East	15	5
7	Sisi Kwa Sisi	17	6
8	Muhesi	49	16
9	Namiungo	26	9
10	Mindu	10	3
11	Nakapanya	51	17
Total		300	100

6.2 Population

(a) Nanyumbu District

The total district population is 133,776 (2002, National Census) out these 64,333 were males and 69,443 were females. The annual population growth is 2.1% and population density of 26.4 people per square Km.

(b) Tunduru District

The district has a total population of 299,426 with 48.2 %) male and 51.4%) female (National Census, 2002). The annual population growth is 2.7%. Table 6-2 below indicates the population distribution by village.

Table 6-2: Population distribution by Village

Name of Village/Town	Total Population	Total Number of Households
Mangaka-Town	9,420	2,213
Nachiura	ND	ND
Namarupi	ND	ND
Msinyasi	ND	ND
Likokona	ND	ND
Pachani	ND	ND
Michiga	4,534	3,607
Nandembo	5,184	894
Chigweje	3,675	889
Lumesule	2,986	531
Tunduru-Town		
Sevu Yanki	ND	ND
Sisi Kwa Sisi	3,086	610
Chingururu	ND	ND
Msagaula	ND	ND
Muhesi	6,150	1,025
Maji Maji	ND	ND
Mnazi Moja	1,485	342
Namiungo	5,251	995
Misufini	3,537	981
Mtonya	2,705	614
Mjimwema	826	126
Nakapanya	6,825	794
Songambebe	10,115	1,768
Nkowela	1,154	636
Sauti-Moja	345	130

Source: Village Statistics from Village offices, February 2011

Data on **Table 6-2** above show considerable variation in population sizes in the villages and towns within the road impact area. Generally the immediate road impact area is

under-populated. The typical settlement pattern within the road impact area is a concentration of few dwellings in the village centres and uninhabited grazing pastures, forest reserves and small farms in the rest of the area.

Data indicates that population increase in the road impact area is mainly due to natural birth rates and in-migration. The pull factor into the area is the availability of land for both grazing and limited farming.

6.3 Socio-Demographic Profile of Sample PAPs

Socio-demographic data was collected for a sample of 1774 PAPs.

6.3.1 Sex Composition of PAPs

Data in **Table 6-3** shows that PAPs are more or less evenly distributed between male and female.

Table 6-3: Sex Composition of PAPs

Sex	Frequency	%
Male	863	49.5
Female	881	50.5
Total	1744	100%

6.3.2 Educational Status of PAPs

Data in **Table 6-4** indicates that generally PAPs have low educational attainment levels. About 22% of PAPs are illiterate and do not know how to read and write while about 67% have attained only primary school education.

Table 6-4: Levels of Education of PAPs

Education Status	Frequency	%
Illiterate (including pre-school children)	382	22
Primary School level	1170	67
Secondary School level	167	10
Higher Secondary School level	10	1
Graduate	7	.4
Technical	8	.5
Total	1744	100

6.3.3 Age Categories of Members of PAPs

Census survey of PAPs shows that there is a significantly high age dependency ratio. About 52% of all PAPs are children (1-17 years of age) and the elderly (over 65 years

old) with fairly high age dependency ratio. Age-wise this data indicate a high possibility of vulnerability among PAPs because of age factor (**Table 6-5**).

Table 6-5 Age Categories of PAPs

Age Categories	Frequency	%
1-17	824	47
18-24	282	16
25-34	189	11
35-64	369	21
>65	80	5
Total	1744	100

6.4 Socio-economic Profile of Sample Affected Households

The overall results from the survey show that affected households have generally low socio-economic profiles.

6.4.1 Type of Household (male and female headed households)

Male-headed households are common among sample PAPs with 90% of all sample households being of this type. Only 10% of all sample households are female-headed and none are child-headed (**Table 6-6**). This has significant bearing on the level of poverty as female and child-headed households are often associated with high levels of poverty. The female and child-headed households are thus likely to face greater degrees of vulnerability because of social and economic dislocations brought about by the project.

Table 6-6: Type of Households

Type of Household	Frequency	%
Male Headed	271	90
Female Headed	29	10
Child headed	0	0
Others	0	0
Total	300	100

6.4.2 Type of Family Structure

95% of all sample households are extended families which imply significantly higher social and economic burdens and challenges even under normal circumstances (**Table 6-7**). However this may depend on the nature of the extended family and the capacity of the members to support each other because of potential socio-economic impacts that might arise from land acquisition and structures.

Table 6-7: Type of family structure

Type of Family	Frequency	%
Extended	286	95
Nuclear	14	5
Total	300	100

6.4.3 Distances from Social Service Facility

Most of the PAPs live long distances to social service facilities such as health, primary and secondary schools with significant variations between the facilities. For example large percentages 78% of sample PAPs live between 1km and 2Km of secondary school and **65%** of PAPs live between the same distance of the health, facility (**Table 6-8**) while 80% live within 1km of primary school.

Table 6-8: Distances from Social Service Facility

Type of Facility	<500 MT	0.5 -1 KM	1-2 KM	> 2KM	Total
Primary School	142 (47%)	100 (33%)	37 (12%)	21 (7%)	300 (100%)
Secondary School	4 (1%)	61 (27%)	58 (19%)	177 (59%)	300 (100%)
Health Facility	26 (9%)	80 (19%)	44 (15%)	155 (50%)	300 (100%)
Water Tap	101 (34%)	102 (34%)	31 (10%)	66 (22%)	300 (100%)

6.4.4 Type of assets owned

The most commonly owned assets are refrigerators, hand carts, and cycles as shown in **Table 6-9** which is indicative of typical poor social and economic conditions of most rural people in the country.

Table 6-9: Household asset ownership

Asset Owned	0	1	2	>3
Cooking Gas	295	5	0	0
Bicycles	123	105	40	32
Hand Cart	112	138	31	19
Refrigerator	105	183	7	5
Tape Recorder	185	109	5	2
Telephone	299	1	0	0
Television	252	47	1	0
Total				

6.5 Gender Issues and challenges

6.5.1 Introduction

In general communities and societies within the road impact area are based on patriarchal relationship implying authority is vested in the male head of the household while the family is the smallest social unit. This is irrespective of the fact that ethnic groups like the Yao of Tunduru district and Makua of Nanyumbu district have a matrilineal system. In most of the study area women do not own land and other major properties such as houses and therefore do not have inheritance rights over land and other properties. Additionally, women within this setup are denied the right to own basic property. The social organization within the road impact area is also based on age grade system with defined hierarchical structures. In most cases the position of elders is ranked highly in social sense.

The division of labour in the family and in the communities is based on gender and age. Most of the domestic chores are undertaken by women and children in addition to other activities such as farming and small business. Limited differentiation exists in terms of the division of labour in the families and households among the different ethnic groups in the study area.

Changes are being initiated at district levels to address issues of gender inequality and among these initiatives is the formation of women social and economic groups. These groups are in some cases supported through financial means or training in the skills of managing such ventures. In most wards within the road impact areas women groups have been formed some of these groups have been registered and others have not. Women groups are often formed around a specific development issue such as economic, environmental, health etc. Among major challenges that affect the efficient management of these groups included limited capacities and skills to manage such groups, lack of motivation, access to credit facilities and generally low levels of education of the members. In Nanyumbu district there are 150 women groups and 13 groups received credits in 2011. In Tunduru district a total of 340 women groups have been formed since 1998. In 2009 a total of 187 received credits and 25 groups received credits between 500,000 to 1 million shillings.

In the road impact area women are involved in several development activities and therefore play both production and reproduction roles. Women are involved in farming which includes production activities, processing and marketing. Women also play central role in small-business. Playing the reproductive role women also bore the burden of taking care of the children, the old, the sick and even the men. Among domestic chores that are normally unpaid that women perform is fetching water, firewood, food preparation etc. As observed previously because of the patriarchal nature of the family relationships women's contribution especially at the family is not given social recognition it deserves. This explains to a large extent the increasing levels of poverty among women and their low status. Women in the area are also constrained in terms of access to education, training opportunities, and appropriate technologies to simplify their work (ie heavy work load),

The road construction will have a potential for the increase of women and family incomes in a number of ways. First women can be employed in road construction activities and maintenance. Women in this are free to work in road project. This in itself will increase family and individual level incomes. During the road construction women and others will also establish small scale business such as food vendor services popularly known as Mama Lishe to supply those working in the road construction sites. This again will lead to increases in the incomes of women and families in general. The involvement of the local population including women will lead to capacity building in terms of new skills that could be learnt.

Low levels of education, lack of ownership of property, limited decision-making powers in the households, pre-occupation with household chores are among the indicators of women low socio-economic status in the households and families generally in Tanzania. This study focused women decision making authority in the households.

Access to transport is one of the major constraints on women ability improve their socio-economic well being in the study area. Women are involved in small scale businesses but they cannot afford to pay high transport costs for their goods. Experiences during the rainy season have revealed that women are discriminated in using transport facilities as well. The project will have positive impact on gender relations and women socio-economic status in a number of ways: first, it is recommended that the workforce at the site be at least 30% women. Second accessibility to education will be improved for both girls and boys, this is critical because in most of rural areas in the road impact area school pupils rely on bicycles to go to schools which is a rather dangerous ride because of the wild animals thus girls might be discourage to attend schools. Therefore upgrading the road will increase girls' access to education. Third, access to health services will significantly improve and will improve mother and child services and reduce mother and child mortality rates. Finally, baseline data has shown that women are involved in small business along the road impact areas and with the increased vehicles and passengers along the road women will benefit from expanding businesses along the road.

The existing employment opportunities will be significantly increased for the local population during the project implementation. Women involvement in the labor market has historically been constrained partly because of gender discrimination. The road sector jobs have been dominated by men and to redress this situation it is recommended that 30% of the site workers be women and the contractor has to abide by this requirement.

6.5.2 Women Decision-making powers in household matters

Women activity profile per day shows significant time being expended by women on domestic chores such as cooking, fetching water and washing clothes (see table **6-10** for details)

Table 6-10: Women Activity Profile per Day

Type of Activity	Hours spent on activity per day				Total
	0 Hrs	Less than 1-2 Hrs	3-4 Hrs	5+ Hrs	
Cooking	4 (1%)	100 (35%)	158 (56%)	21 (7%)	283
Washing Clothes	8 (4%)	167 (84%)	22 (1%)	1 (0%)	198
Fetching Water	20 (11%)	149 (81%)	12 (9%)	2 (1%)	183
Child Rearing	235 (83%)	5 (2%)	6 (2%)	36 (13%)	282
Wage earning	228 (83%)	7 (3%)	9 (3%)	29 (11%)	273
Farm Work	23 (8%)	25 (9%)	51 (18%)	185 (65%)	284
Relaxation	59 (21%)	181 (64%)	34 (12%)	9 (3%)	284

Data in **Table 6-11** shows that women do have substantial decision making powers regarding issues deemed important in the households.

Table 6-11: Women decision making powers in household matters

Decision on:	Yes	No	No Answer	Total
Financial Matter	144 (48%)	40 (13%)	116 (39%)	300
Education of child	171 (57%)	13 (4%)	116 (39%)	300
Healthcare of Child	174 (58%)	10	116	300
Purchase of Assets	147	37	116	300
Day to Day Activities	168	61	71	300
Social Functions	168	17	115	300

6.6 Economic Profile of Sample PAPs

6.6.1 Occupational status of PAPs

Census survey revealed that PAPs are mainly small scale farmers with limited sources of income and low levels of education.

The main occupation for the majority of PAPs is cultivation. However, 6% of all PAPs indicated that they are unemployed (**Table 6-12**). The employment status reveals another social and economic vulnerability for the PAPs to be able to cope with challenges that might arise from project impact.

Table 6-12: PAPs Occupations

Type of Occupation	Frequency	%
Cultivator	588	75
Self Employed	100	13
Unemployed	51	6
Public Sector/ Government Salaried	23	3
Other	23	3
Total	785	100

6.6.2 Sources of Household Income of PAPs

The main sources of income are agriculture (54%). This is followed by self-employment (42%) as shown in **Table 5.12**.

Table 6-12: Sources of Households Income

Source of Income	Frequency	%
Agriculture	271	90
Self Employment	127	42
Livestock	20	7
Remittances	13	4
Formal Employment	9	3
Rent, interest	9	3
Seasonal Wage labour	6	2

46% of sample PAPs have more than one income to meet their basic livelihood requirements.

Table 6=13: Number of Sources of income

No. of Sources of Income	Frequency	%
One source	163	54
Two sources	120	40
3 and above	17	6
Total	300	100

Socio-economic profiles of Mangaka and Tunduru districts indicate that maize is one of the major food and cash groups grown in these districts. On the other hand Mtwara, Lindi and Dar es salaam are provide significant maize markets with potential for higher prices because of high demand. The upgrading of the Mangaka-Tunduru road will thus have positive impact on maize production and productivity. This will lead to increased profit margins for both maize farmers and traders further contributing to food security in the area and beyond. Maize is the staple in the diet for most of the ethnic groups in Tanzania and East and Central Africa.

6.6.3 Average Monthly Income of PAPs

Heads of affected households were asked about average monthly income of members of households from all sources of income. About 22% of PAPs are below poverty line (living on less than one dollar per day). In total 66% of all PAPs earn between 0 and 300,000 TShs per month (**Table 6-14**). Therefore majority of PAPs are poor in economic terms and with the household sizes coupled with inflation this level of income is even far from adequate. This is the salary scale that trade unions have been fighting for in the last few years.

Table 6-14: Estimated PAPs Household Monthly Income

Income Categories	Frequency	%
0- 45,000 (below poverty line)	67	22
45001-300000	119	40
300001-600000	44	15
600001-1200000	29	10
1200001 & above	41	14
Total	300	100

6.7 Nature and Types of Assets and PAPs

The nature and types of assets affected in all the project roads include:

- (i) Land, buildings and surrounding trees and plantations
- (ii) Land, trees and plantations
- (iii) Trees and plantations
- (iv) Land only

Table 6-15 below indicates the assets and PAPS to be affected

Table 6-15: Summary of Impacted Assets and PAPS

Compensation Item	Mangaka - Tunduru
Total Number of affected persons	800
Total number of affected households	402
Total number of affected properties	811
Buildings/Structures (number)	407
Total number of affected public institutions (schools, health centers/prayer houses)	5

6.8 Impact on Socially Vulnerable Groups

Results of the survey indicate that some PAPs can be categorized as being vulnerable (**Table 6-16**). Major vulnerability indicators are:

- (i) PAPs who are below the poverty line;
- (ii) Female-headed households; and
- (iii) Child-headed households and the elderly.
- (iv) In addition 34 widows were identified

Table 6-16: Vulnerability status of the PAPs of Affected Households

Type of Household		
	Freq	%
HH earning under 1\$ per day	67	22
Female-Headed (incl. widows)	29	10
Child-Headed	0	0

7.0 LEGAL FRAMEWORK INCLUDING MECHANISMS FOR CONFLICT RESOLUTIONS AND APPEALS

This section provides an overview of the existing laws, policies and institutions relating to land acquisition, allocation and compensation.

7.1. National Land Policy (1995)

The National Land Policy (1995) provided that a dual system of tenure, which recognizes both customary and statutory right of occupancy as being equal in law be established. The policy further establishes that the land has value, and that land rights and interests of citizens owning land shall not be taken without due process of law and with full, fair and prompt compensation once land is acquired. In principle the Minister responsible for land matters is the sole authority in land issues. But the policy involves the public and private institutions whose functions are associated with land i.e. local authorities, communities, nongovernmental organizations and community based development organizations to participate and co-operate with the minister at different levels during the implementation of the policy and utilization of land.

The land policy stipulates that all land is public land, vested in the president as a trustee, and that this should be entrenched in the constitutions. According to the policy, administration of village land is vested in the village councils. Village councils have to consent before any alienation of village land is effected. In case of land allocations, village councils shall report to respective village assemblies. To address the problem of multiple land allocation, and its resultant disputes, the Commissioner for Lands, is the delegated sole authority for administration of land. He may appoint officers to administer on behalf.

7.2. Land and Village Land Acts (1999)

Essentially, the land Act, No 4 of 1999 regulates the urban land while Village Land Act, No 5 of 1999 regulates land in rural areas. For the Tanzania Mainland, the Land Act (1999), Village Land Act (1999) , Land Regulations of 2001 and government standing Order on expropriation for public utilities prescribes that holders of occupancy rights on land pre-empted for the public works must be compensated and assisted in relocating their assets to the nearest suitable place. Most expropriation disputes, on similar public works, are due to disagreement on the value at which an estate and its improvements are to be compensated. The compulsory resettlement of buildings, farms and businesses premises must ensure at least equal compensation values. Accordingly the expropriated owner must be compensated with a price equal to the value that the “un exhausted improvement” (buildings, infrastructure, plantations etc) would fetch if sold on the open market. That value is defined as the cost of acquiring a similar estate and putting up such improvement as those existing when evaluated .Allowance is made for the age, state of repair and economic obsolescence. According to Tanzania law, the compensation should cover:

(a) Real Property (Buildings)

The compensation of real property like building will include:

- (i) Market value of the real property (i.e. value of un-exhausted improvement and land)
- (ii) Accommodation allowance (i.e market rent of the affected building per month multiplied by 36 months);
- (iii) Loss of profit allowance which is assessed by establishing net profit per months evidenced by audit accounts multiplied by 36 months
- (iv) Disturbance allowance which is calculated by the value of the land by average percentage rate of interests offered by commercial banks on 12 months fixed deposits at the time of loss of interests in land
- (v) Transport allowance that is the actual cost of transporting 12 tons of luggage rail or road (whichever is cheaper) within 20 km from the point of displacement.

(b) Real Estate Compensation Rule

According to the current applicable legislation in Tanzania, land has a value. The land owners with either a title deed or customary ownership must be compensated in cash for losing the land for other development. The government will simply provide the resettled owner with alternative plots of the same size in the nearest suitable location for both residential and business purposes. The resettled individuals have to buy the alternative plot for resettlement.

(c) Farmland Compensation Rule

The majority of the farmland in the project areas belongs to individuals and the GoT. The allocation of individual property rights at the village level is implemented as stipulated in the Village land Act (1999) which will cover:

- (i) Farms should have individual occupancy rights allocated by the village council as well as customary land tenure ship;
- (ii) Farmers should be legally entitled to compensation for loss of crops, grazing land or forest; and
- (iii) Government compensation by the project for the loss of rangelands for construction works.

7.3. The Land Acquisition Act, No 47 of 1967

The Land Acquisition Act of 1967 stipulates the power and the procedures for acquiring land and the required degree of compensation. Section 3 & 4 of the acts provide that, the president may acquire any land for any estate or term provided such land is required for public purposes such as for exclusive government use, general public use, any government scheme, development of social services or commercial development of any kind including declamation. According to Section 5, if the President's considers the land

in a certain locality to be appropriate, it should be examined for possible acquisition by any persons authorized by the Minister, who may do the following:

- (i) Enter upon and survey any land in such locality;
- (ii) Dig or drill under the subsoil; and
- (iii) Clearly, set and mark the boundaries of the land proposed to be required.

The law forbids entrance into any buildings or closed garden attached to dwelling house without first giving three days notice. Any damage that results from activities of the authorized person must be compensated. In case of a dispute on the amount of compensation, the Regional Commissioner will make a decision.

Section 6 requires the Minister to give a notice to all interested persons or those claiming to be interested in such land. Section 7 & 8 of the same Act provides for publication of a notice in the gazette to interested persons requiring them to yield up possession of such land and section 9 forbids a party from being compelled to sell or convey part of a house if he is willing to yield the whole house or building in the process of acquisition.

Section 11 (1) provides for compensation by the government to the person whose land is acquired. The president's, with consent of the person entitled to compensation, and may grant public land not exceeding in value of the land acquired, for an estate not exceeding the state acquired and upon the same terms and condition of the land acquired instead of or in addition to any compensation.

7.3.1 Compensation Disputes Section 13 (1)

This deals with issues where any land is acquired and dispute over compensation arises in any of the following matters:

- (i) The amount of compensation;
- (ii) The right to acquire the land;
- (iii) The identity of person persons entitled to compensation.;
- (iv) The application of section 12 to the Act;
- (v) Any right, privilege or liability conferred or imposed by this Act; and
- (vi) Appointment of compensation between the person entitled to the same and such dispute or the parties concerned do not settle a disagreement within six weeks from the publication of notice that the land is required for public purposes.

According to the section, the Minister or any person claiming interest in land may institute a suit in the court for the determination of dispute.

7.4. Town and Country Planning Ordinance Cap 378

The ordinance makes elaborate provisions on urban development. It empowers the relevant Minister to declare a certain area as a "Planning Area". Once it is so declared no person shall develop any land within a "Planning Area" without planning consent. It has

been established, through law reviews and statutes that declaring an area as a planning area does not extinguish customary right of occupancy

7.5. The Road Act 2007

Part III, Section 16 of the Act addressed the issue of compensation for acquired land for road development. The Section emphasized that, where it become necessary for the road authority to acquire a land owned by any person for the purpose of this act, the owners of such land shall be entitled to compensation for any development on such land in accordance with the Land Acquisition Act (1967), Land and Village Land Acts (1999) and any other written law.

7.6 The African Development Bank

The African Development Bank (AfDB) has a set of environmental/social policies, requirements and recommendations that apply to its projects, similar to those developed by the World Bank, which are important for consideration. A number of documents are of relevance:

AfDB policies provide general orientations to mainstream crosscutting themes in Bank projects, as in:

- (i) Involuntary Resettlement Policy (November 2003)
- (ii) African Development Bank Group's Policy on the Environment (February 2004)
- (iii) The Bank's procedures delineate how to proceed to integrate environmental/social issues in the project cycle, including resettlement and the development of a resettlement plan when/if appropriate:
- (iv) Environmental and Social Assessment Procedures for African Development Bank's Public Sector Operations (June 2001)
- (v) The Bank's Guidelines detail requirements for any specific project, and when delineating potential beneficial/adverse impacts and corresponding enhancement/mitigation measures, outlines a component on migration and resettlement:
- (vi) Integrated Environmental and Social Impact Assessment Guidelines (October 2003)

The Bank's involuntary resettlement policy is set within the framework of the commitment "to promote environmental and social mainstreaming as a means of fostering poverty reduction, economic development and social well being". The policy covers involuntary displacement and resettlement of people "when a project results in relocation or loss of shelter by the persons residing in the project area, assets being lost or livelihoods being affected".

The primary goal of the involuntary resettlement policy is "to ensure that when people must be displaced they are treated equitably, and that they share in the benefits of the project that involves their resettlement. The objectives of the policy are to ensure that the disruption of the livelihood of people in the project's area is minimised, ensure that the displaced persons receive resettlement assistance so as to improve their living standards

and set up a mechanism for monitoring the performance of the resettlement programs. Most importantly, the resettlement plan (RP) should be prepared and based on a development approach that addresses issues of the livelihood and living standards of the displaced person as well as compensation for loss of assets, using a participatory approach at all stages of project design and implementation” as shown in **Table 7-1 Comparison of AfDB/JICA Policies and Tanzania Laws.**

Table: 7-1 Comparisons of AfDB/JICA Policies and Tanzania Law

PAP Category	AfDB/JICA	Tanzanian Law
Land Owner	Recommends land-for-land compensation. Other compensation is at replacement cost.	Cash compensation is based upon market value of the real property, disturbance allowance, transport allowance, loss of profits or accommodation, cost of acquiring or getting the subject land, any other immediate costs or capital expenditure incurred to the development of the subject land and compensation should be paid promptly, and if not paid in time, interest at market rate will be charged.
Tenant	Entitled to some form of compensation whatever the legal recognition of their occupancy	Entitled to compensation based on the amount of rights they hold upon the land.
Land user	Entitles to compensation for crops and labour, may be entitled to replacement land and as a minimum standard, incomes must be reported to pre-project levels.	Not entitled to compensation for land, entitled to compensation for crops. This category of PAP is also sometimes provided with other land of equal size and quality.
Owners of “non-permanent” buildings	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Valuation and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation, based on price of the open market.
Owners of “permanent buildings”	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Valuation and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation, based on the price on the open market.

8.0 GRIEVANCES PROCEDURES

8.1 Introduction

The RAP will be made available to all concerned people, the appeal structures at various levels, specifying the responsible parties and their response time. Before starting with the grievance sequence and where appropriate (i.e. in case of complaints of minor entity), aggrieved parties will take their complaints to the community or traditional meetings for dispute resolution. Local NGOs will be contracted and involved to hear complaints and attempt to affect a resolution before they enter the legal and administrative appeals hierarchy.

8.2 Dispute Resolution Mechanism

Land Acquisition Act details procedures for dispute resolution with respect to compensation. Local authorities could handle the disputes and grievances in the first place. In summary those seeking redress will have to notify local government and ward offices. If this fails, disputes can be referred to district level. Resolution of disputes should be speedy, just and fair and local NGOs that are conversant with these issues could be engaged by the project.

Unresolved disputes can be referred to appropriate level of land courts established by law. If local courts are unable to resolve the disputes application can be made to the High Court of Appeal of Tanzania, this is the highest appellate judge in the system and its decision will be final.

8.3 Potential Grievance /Disputes

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation programme are often related to the following issues:

- (i) Inventory mistakes made during census survey as well as inadequate valuation of properties;
- (ii) Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- (iii) Disagreements on plot /asset valuation (e.g inadequate compensation);
- (iv) Seizure of assets without compensation;
- (v) Divorces, successor and the family issues resulting into ownership dispute or dispute share between in heirs or family;
- (vi) Disputed ownership of given Assets (two or more affected individual(s) claim on the same);
- (vii) Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (unsuitable location of the resettlement site); and
- (viii) Problems related to the time and manner of compensation payment.

8.4 Proposed Grievance Management and Redress Mechanism

The mechanisms for grievance management and redressed mechanisms are to be “affordable and accessible,” and third parties independent of the implementers should be available at the appropriate point in the process. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexibility and open to various proofs taking into account the need for speedy, just and fair resolution of their grievances. The process suggested for resolving individual grievances is presented in **Table 8-2**.

Table 8-2: Process of Addressing Grievances

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
1	PAP shall submit grievance in writing to the Village or Street Government and receives an acknowledgement from Village or Street Government as proof. If the PAP is unable to write, the RAP Implementing Agency (RIA) or the Village or Street Government shall record the same on behalf of PAP.	<ul style="list-style-type: none"> ○ Village or Street Government ○ Representative of RAP Implementing Agency 	Upon receipt of grievance, the Village or Street Government with the help of RAP implementing agency shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with Village or Street Government's decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, go to Step 2.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
2	If PAP is not satisfied with Step 1 decision, the case shall be forwarded to Ward Council with a preliminary report prepared by RIA. The report should have the details of grievance, preliminary assessment of RIA & local government, hearing date and decision of local government.	<p>The members of this committee shall be:</p> <ul style="list-style-type: none"> Members of Village or Street and Ward Council RIA Representative PAP Representative TANROADS Representative 	Upon receipt of grievance, the Village or Street and Ward Council if desired may direct RIA to collect further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 10 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 5 days in advance by RIA.	If the grievance is resolved and the PAP is satisfied with Village or Street and Ward Council decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, go to Step 3.
3	If PAP is not satisfied with Step 2 decision, the case shall be forwarded to Social Services Committee (SSC) at the	<ul style="list-style-type: none"> District Commissioner – Chairman Member, Land office Member , Valuer 	Upon receipt of grievance, the GRC if desired may direct RIA to collect further information related to	If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared	If the grievance is not resolved, go to Step 4.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
	District level. This committee shall function as Grievance Redress Committee (GRC) at the district level. The grievance shall be forwarded with all the paper details of case till date to SSC.	<ul style="list-style-type: none"> ○ Member, RAP Implementing Agency ○ Member, PAP representative/ local NGO ○ Member, Representative of TANROADS 	grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by RIA.	by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	
4	It is assumed that all the cases shall be solved at GRC level. It may be possible that there are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have option to refer his /her case to Regional Secretariat for final amicable solution or to refer the case to Judiciary.	<ul style="list-style-type: none"> ○ Regional Secretariat ○ District Commissioner ○ Member, Representative of TANROADS 	If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45 days from the date of case referred. The PAP shall be intimated 10 days in advance about the date, time and venue of the hearing.	If the grievance is resolved and the PAP is satisfied with RS's decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to TANROADS for record, case closed.	If the grievance is not resolved, the PAP may take the case to appropriate court.
5	PAP takes the case to appropriate court.	-	-	-	-

9.0 INSTITUTIONAL FRAMEWORKS

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times.

This section provides a list of all agencies and institutions involved in each step of the resettlement process (preparation, appeals, implementation and monitoring). The experience of the majority of the actors involved seems adequate to the tasks to be carried out and therefore no particular capacity building measures are required. As soon as the RAP is cleared and finalized, TANROADS will formally disclose it to the affected people. For this purpose, TANROADS will organize a number of sessions, one in each of the Administrative Village Areas crossed by the road. The sessions will be chaired by the RAP specialist of TANROADS and attended by representatives of the higher territorial hierarchies (Districts and Division/Wards). Adequate display materials will be utilized. TANROADS will prepare the list of the occupants dispossessed by the project, specifying their rights of occupancy and the assessed value. The Local Government (i.e District Councils) will dispatch the dislocation notices to the concerned households and farmers. Ministry of Finance through TANROADS will disburse the compensation funds to the TANROADS Regional office to pay the communities eligible for compensation. After the implementation of compensation and resettlement, the communities will be given at least six months for resettlement. TANROADS will then authorize the Contractor to start demolition works.

The NGO will assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation. The communities preferred cash compensation since they feel that it will be some sort of improvement in their social welfare. This is through the experience acquired where compensation have been implemented in Tanzania. The overall coordination of RAP activities will be under TANROADS and other institutions and organizations that have the legal obligations to carry out functions related to resettlement and or compensation including various local authorities.

- (i) TANROADS will support sensitization of stakeholders on RAP, preparation and monitoring of RAP;
- (ii) Local Government Authorities will sensitize communities on RAP, provide technical support in preparation of RAP, screen and appraise and monitor the implementation of RAP;
- (iii) Communities, Villages, Wards, affected groups as the final owner of land, landed properties and assets to be acquired or affected will be the participants in the process;
- (iv) Independent NGOs /CBOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGOs will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, TANROADS to facilitate the completion of RAP;
- (v) External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:

- Resettlement conditions where relevant;
- Consultation on compensation options, process and procedures;
- Adequacy of compensation; and
- Adequacy of specific measures targeting vulnerable people.

TANROADS shall set up Resettlement Committee comprising representatives of key Ministries and a local NGO involved in similar projects.

The following committees shall be established at district levels with representation from the PAPS /Wards:

The following committees shall be established at district levels with representation from various stakeholders

- (a) Resettlement Committee;
 - Chair – Regional Commissioner
 - Member – TANROADS, Mtwara
 - Member – TANROADS, Ruvuma
 - Member – Ministry of Lands
 - Member – District Commissioner
 - Member – Consultant
 - Member – Representative of a Local NGO
 - Member – Representative of PAPs
- (b) Compensation Committee; and
 - Chair - District Commissioner
 - Member – TANROADS, Mtwara
 - Member – TANROADS, Ruvuma
 - Member – Ministry of Lands
 - Member – Consultant
 - Member – Representative of PAP
 - Member – Valuer
- (c) Dispute Resolution Committee.
 - Chair – District Commissioner
 - Member – TANROADS, Mtwara
 - Member – TANROADS, Ruvuma
 - Member – Ministry of Lands
 - Member – Valuer
 - Member – Representative of a Local NGO
 - Member – Representative of PAPs

10.0 ELIGIBILITY

10.1 Introduction

The eligible individual(s) are those who are directly affected socially and economically through the road project caused by:

- a) The compulsory taking of land and other assets resulting in the following:
 - i) Relocation or loss of shelter;
 - ii) Loss of assets or access to assets; and
 - iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location.
- b) The forceful denial to access legally designated social economic services, with adverse impacts on livelihood of the displaced individuals

The PAPs were considered irrespective of their tenure status, with respect to land that they own, occupy or use provided they own, occupy or use the affected land prior to the cut-off-date. Cut-off date for eligibility to resettlement entitlements for the project road is the 8th April 2011 which is the last day of valuation of properties.

Properties that are eligible for compensation are buildings, land, assets on the land such as crops, trees, plantations etc.

Affected public social services such as power supply were enumerated for costing, replacement and construction at suitable sites.

Local communities losing land or access to assets under customary rights are eligible for compensation.

These criteria have been used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Laws.

For purposes of compensation, cut-off dates take into account only properties which existed before the enumeration of properties and assets along the project roads was completed.

10.2 Identification of Project Affected Groups /Individuals /Persons

According to the above laws and policies affected person(s) (group(s) /individual(s)) are those who lose assets or are denied access to legally designated social economic services as a result of road project activities, whatever the extent of loss, lost assets may be land, structures, trees and plantation, graves.

10.3 Categories of Affected People

In line with the Tanzania Law, categories of affected people include: property owners, residential tenants, business tenants, and affected communities.

The ADB and JICA categorize affected group(s) individual(s) /persons as:

- a) Those who have formal legal rights (including customary and traditional rights) recognized under the laws of Government of Tanzania;
- b) Those who do not have formal legal rights to land at the time of conducting census, but have a claim to such land or assets provided that such claims are recognized under the laws of Government of Tanzania; and
- c) Those who have no recognized legal rights or claims to land they are occupying.

The eligible PAPS as per ADB and JICA guidelines are as indicated in Entitlement matrix in Table 10-1 below:

Table 10-1: Entitlement Matrix

PAP Category	Entitlement
Individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Tanzania)	<ul style="list-style-type: none"> ○ Compensation for loss in land and assets at full replacement cost. ○ In case of physical relocation, provide assistance during relocation (i.e. moving allowance) and residential housing and/or agricultural sites with productive and location advantages equivalent to the lost sites. ○ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ○ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities.
Individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Tanzanian laws or become recognized through a process identified in the resettlement plan)	<ul style="list-style-type: none"> ○ Compensation for loss of assets at full replacement cost, but not for land because they are encroachers along the road reserve ○ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and/or agricultural sites with productive and location advantages equivalent to the lost sites. ○ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ○ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities.
Individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership)	<ul style="list-style-type: none"> ○ Resettlement assistance and the replacement values for structures/assets.

Persons who encroach on the area after the cut-off date are not entitled to compensation. People who consider themselves to be eligible and are not identified at the time of census will have the right to appeal to district authorities.

The principle adopted from the Tanzania Laws establishes the eligibility and provisions for all types of losses (land, structures, businesses and crops). All affected persons will be compensated at full replacement costs and other allowances.

10.4 Organizational Procedures for the Delivery of Entitlements

The delivery of entitlement will involve a number of agencies and the key issues in entitlement delivery include:

- i. Public Participation- PAPs are to be involved in this process from the beginning of the project;
- ii. Notification of Land Resource Holders- these are notified formally and informally;
- iii. Documentation of Holdings and Assets: Meetings with PAPs are arranged to discuss compensation and PAPs will fill forms in the presence of local leaders;
- iv. Agreement on compensation and preparation for contract. Compensation is explained to individual PAPs, contract is prepared and read in the presence of local leaders before signing and
- v. Compensation Payment: Handing over property shall be done in the presence of local leaders and compensation through the bank.

The institutions responsible for various activities for preparation and implementation of RAP are listed in **Table 10-2**. Consultations, socio-economic surveys, valuation, and levels of awards are to be suggested by the Consultants, while demolition of structures to be done by the civil works Contractor. The payment will be made by TANROADS with the involvement, the district administrations, the Consultants. Monitoring and evaluation of RAP implementation will be done with the help of NGOs and external agencies.

Table 10-2: Delivery of Entitlements and Institutional Responsibilities

S/No	RAP Item /Activity	Institutions Responsible
1	Public Consultations	Consultants
2	Identification of Affected People and Properties	Consultants
3	Baseline Socio-economic Survey	Consultants
4	Inventory of Assets	Consultants
5	Valuation of Assets	Consultants
6	Determination of Eligibility and Levels of Awards	Consultants
7	Demolition	Contractor
8	Cash Payments for Compensation or Resettlement Assistance	TANROADS, District Administration, Consultant

9	Monitoring	NGO or External Agency, TANROADS
10	Evaluation	External Agency

10.5 Cut off dates

The PAPs were considered irrespective of their tenure status, with respect to land that they own, occupy or use provided they own, occupy or use the affected land prior to the cut-off-date. Cut-off date for eligibility to resettlement entitlements for the entire project road is the 8TH APRIL 2011 which is the last day of valuation of properties.

11.0 VALUATION AND COMPENSATION FOR LOSSES

11.1 Method of Valuation

The valuation covers properties or interests located in the area where the existing road and new road is expected to pass. The location of properties vary since some are found in area where the land market is high, some average and some low or unpredictable due to lack of appropriate market information. In view of these circumstances and in order to make a professional valuation that would provide an acceptable or a more realistic valuation, the following methods were adopted: -

11.2 The Comparative Method

The Consultant adopted the comparative method of valuation in valuing the properties located in areas where the property market is active and data evidencing sales value are available. This method of valuation is sometimes referred to as the Direct Capital Comparison Method which is used to value these types of properties. The method, requires a valuer to equate value of the property under appraisal to the value of a known comparable item whereby the latter value is taken to be the best price that can be obtained by the said property, making allowance for differences such as :-

- Location
- Level and amount of services provided
- Accessibility
- Farm or plot size
- Development conditions
- Condition
- Motive of sale
- Tenure and Un – expired term
- Slope and lie of the land
- Type and quality of the soil and its productivity
- Amount and availability of soil moisture
- Arable land, waste land, swamps, difficult land
- Degree of erosion
- Easements and way leaves, Right of way, and Water way Rights.

11.3 The Replacement Cost Method of Valuation

This method was adopted to value the properties in areas where properties are rarely sold and thus no active market. It is sometimes known as contractors test method. By this method the value of an asset is determined by reference to the cost of replacing or reinstating it (as now) or that of its substitute. Where the asset/property is not new the replacement cost is then depreciated to derive a current depreciated replacement which is equivalent to market value.

The description factor reflects the accumulated obsolescence which the asset has suffered as a result of passage of time, use, abuse, and change in taste, technological wear and tear etc. such accumulated obsolescence could be a result of physical economical, functional or social factor.

11.4 Basis of Valuation for Compensation

Land Act Number 4 of 1999; requires that value of any real property be arrived at by using of comparative method depending on the availability real property sales data or replacement cost method for the properties which are rarely sold in the real property market. It is in this context the values of properties were determined as described here in below:

11.5 Land Value

The land Acquisition Act of 1967 whose objective was only to enable the President to acquire land for public purposes and thereby pay compensation was quiet on land conveyance and consideration to be passed between the two parties. The enactment and the use of new Land Acts, Act 4 and 5 of 1999, individuals could now sale or mortgage bare lands (land without any improvement). Individuals are now realizing full value of their bare sites apparently with puny. The new Acts opened avenues for assessing bare land values such that a bare land in Tanzania has got a recognizable value. Besides, the new Acts provides compensation on land based on the following:

- Market value of the real property;
- Disturbance allowance which is a percentage of market value of the acquired over 12 months;
- Transport allowance calculated as the cost of 12 tons hauled over a distance not exceeding 20 km;
- Loss of profit or accommodation based on business audited accounts; and
- Accommodation allowance which is equivalent to the rent of the acquired property per month for a period of over 36 months.

In arriving at the market value of the property in this report, we therefore relied on information of recent property/interest sales in the area. *The Land (Amendment) Act, 2004: Section 9 "The sale of a right of occupancy without un-exhausted improvement may be made to a citizen of Tanzania and shall be lawful if that land is sold in the following circumstances;"*

- *It is sold to the purchaser who agrees to comply with development conditions; or*
- *Is a partial transfer of interest in land for a joint venture to facilitate compliance with development conditions?*

However, the Consultant did not carry out structural survey and the testing of service installations and have not inspected woodwork or other parts of the structures which were covered, or unexposed. However, the Consultant carried out a general valuation survey, dealt with the construction details in depth also made references to the general state of repair and condition of the property.

12.0 IMPLEMENTATION SCHEDULE

Implementation of RAP consists of several resettlement activities. Efficient implementation of RAP activities requires several measures to be taken prior to start up of implementation. These include setting up of relevant committees at district level, hiring of NGO or consultant etc. In principle project civil works may not start until all PAPs determined to be entitled to compensation are compensated. Therefore land acquisition and assets may take place after compensation has been paid and other assistance required for relocation prior to displacement. The time frame of 12 months on the implementation schedule ensures that no PAP or affected household will be displaced due to civil works activity before compensation is paid and is undertaken when all necessary approvals have been obtained.

The following are key RAP implementation activities and are shown in **Figure 11.1** below:

- Surveys; PAPs identification and inventory of assets
- Consultation with PAPs
- Valuation of affected properties and establishment of cut-off date for eligibility
- Bank account opening
- Actual payment of compensation and delivery of other entitlements;
- Payment within 6 months of giving notices;
- Dispute /grievances resolution;
- Owners can remove all affected structures at fixed date (advised at the time of compensation payment) provided in writing; and
- Monitoring and evaluation.

Figure 11.1: RAP Implementation Schedule

Task	Months of Year 2011-2012											
	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Preparation and conducting of household surveys of PAPS												
Identification of affected land and other assets												
Consultations with PAPS and communities												
Identification of categories of affected assets												

Task	Months of Year 2011-2012											
	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Identification of names, addresses, ownership/use status, gender, age of PAPs												
Disclosure of affected assets and claimants												
Preparation of valuation methods												
Holding of public hearings to verify entitlements and proposed valuation methods												
Finalization of draft RAP report												
RAP disclosure and circulation												
Response to feedback to draft RAP and RAP finalization												
Submission of final RAP and budget												
Hiring NGO/Consultant/RAP implementing agency												
Set Up district level committees												
Verification of PAPs												
Revision and approvals of compensation schedules												
Submission of revised RAP												
Mobilization of Compensation Money-Ministry of Finance												
Opening Bank Accounts with Bank												
Certified List of names with Bank												

Task	Months of Year 2011-2012											
	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Accounts sent to TANROADS by Bank												
Compensation to PAPs-payment through banks (for those getting or equal to 400,000 Tsh)												
PAPs informed by TANROADS/or consultant that funds have been deposited into their accounts												
District Administrative Officer (DAS) prepares vouchers for payment for PAPs getting less than TShs 400,000 to Regional Sub-Treasuries (RST)												
RST prepares open checks for PAPs getting less than TShs 400,000 and are sent back to DAS for delivery to PAPs												
Consultant prepares record form for PAPs to sign upon receiving the check												
Preparing relocation-Local Government												
Finalization of arrangements for grievances mechanisms												
Land acquisition-Notice of COI clearance												

13.0 COSTS AND BUDGET

The valuation of **805** affected properties along the Mangaka-Tunduru (139.6km) Road resulted into a total value of **Tshs 4,014,148,750.00** as categorized below in **Table 13-1**;

Table 13. 1: Summary of Costs for RAP

Compensation Item	Total Cost (TShs)
Land	195,566,700.00
Buildings/Structures	3,061,549,400.00
Crops	58,301,050.00
Disturbance Allowance	10,089,800.00
Accommodation Allowance	286,821,800.00
Transport Allowance	48,300,000.00
Loss of profit	353,520,000.00
Graves	0
Total Compensation Package	4,014,148,750.00
Grand Total	4,014,148,750.00

14.0 MONITORING AND EVALUATION

14.1 General Objectives of Monitoring and Evaluation

RAP implementation is one of the central components of this project its monitoring is critical to solve challenges or obstacles in the areas of mobilization, compensation, relocation etc.

The monitoring and evaluation procedures will include external and internal evaluation of the compliance of the actual implementation with objectives and methods as agreed, and monitoring of specific situations.

14.2 Internal Monitoring

Project implementation unit and NGO will be responsible for internal monitoring while the Consultants may provide technical assistance in implementing RAP.

Monitoring will ensure the following:

- Verification of land acquisition, property valuation, and economic rehabilitation whether these have been carried out as planned;
- Information dissemination has been carried out;
- Status of land acquisition and payments on land compensation;
- Value of entitlements received is equal to the original structure or land acquired;
- Use of entitlements and its misuse;
- Compensation of affected structures and other assets;
- Relocation of PAPs if applicable;
- Payments for loss of incomes;
- Implementation of rehabilitation measures;
- Effective operation of grievances Committee;
- Funds for implementing land acquisition and economic rehabilitation activities are available in timely manner, are sufficient for the purpose and spent according to Plan;
- The Consultants shall submit reports on monthly basis documenting the RAP progress implementation;
- Project Unit shall be responsible for monitoring day to day resettlement activities;
- Performance data sheet shall be developed to monitor at the field level; and
- The Consultants shall be responsible for overall project level monitoring.

The following verifiable indicators will be used to monitor and evaluate the implementation of resettlement and compensation plans:

Table 14.1: Monitoring Indicators

S. No.	Issue /Impact	Monitoring Indicator
1	Physical loss of building, land, plot, crops	<ul style="list-style-type: none"> ○ Number of PAPs compensated ○ Number of Bank Accounts opened ○ Number of Buildings demolished ○ Number of PAPs able to establish pre-displacement activities, land, crops ○ Number of community properties relocated ○ Number of trees cleared
2	Financial loss of business	<ul style="list-style-type: none"> ○ Number of PAPs compensated ○ Number of PAPs resuming business at pre-displacement level or better
3	Loss of social services	<ul style="list-style-type: none"> ○ Number of community properties relocated
4	Psychological loss	<ul style="list-style-type: none"> ○ Number of PAPs paid relevant allowances
5	Sociological loss	<ul style="list-style-type: none"> ○ Number of vulnerable individuals supported
6	Grievances	<ul style="list-style-type: none"> ○ Number of grievances received ○ Number of grievance resolved
7	Consultation	<ul style="list-style-type: none"> ○ Number of consultations held

14.3 External Monitoring

External monitoring shall be engaged by TANROADS to carry out independent bi-annual review of RAP implementation and project evaluation. External monitoring and evaluation can be done by independent researcher, consulting agency, university department or an NGO. External monitoring will focus on the following:

- Verifying whether the objectives of enhancing or at least restoring the income levels and standard of living of PAPs have been met;
- Suggest modification in land acquisition and economic rehabilitation where necessary to achieve objectives;
- Assess if all resettlement and land acquisition have been completed;
- Verification of internal monitoring;
- Demographic baseline and bi-annual household survey to monitor progress from pre-project, pre-settlement benchmarks;
- Evaluation of delivery and impacts of entitlements to determine if they are as per approved RAP;

- Evaluation of consultation and grievances procedures especially at the level of public awareness of grievances procedures; access by PAPs and households to information and rapid conflict resolution;
- Evaluation of actual operation of grievances committee in assisting PAPs as required and acting as observers; and
- Declaration of successful implementation of RAP.

14.4 Evaluation

The following are the objectives of the evaluation:

- General assessment of the compliance of the implementation of the Resettlement Action Plan with general objectives and methods as set in this document;
- Assessment of the compliance of the implementation of the Resettlement Action Plan with laws, regulations and safeguard policies;
- Assessment of the consultation procedures that took place at individual and community level, together with the Central Government and Local Government levels in Tanzania;
- Assessment of fair, adequate and prompt compensation as they have been implemented;
- Evaluation of the impact of the compensation on income and standard of living;
- Identification of actions as part of the on-going monitoring to improve the positive impact of the programme and mitigate its possible negative impact if any.

14.5 Reporting Requirements

The following are the suggested reporting requirements:

- The Consultants shall prepare monthly and quarterly reports on RAP progress implementation to TANROADS;
- The Consultants responsible for supervision and implementing RAP will prepare monthly progress report on resettlement progress activities;
- TANROADS shall also monitor RAP implementation and submit quarterly reports to Ministry of Infrastructure

External monitoring agency submits bi-annual reports directly to TANROADS and determines whether or not RAP goals have been achieved and livelihoods have been restored and suggest suitable recommendations for improvement

15.0 CONCLUSION

Upgrading of the project road is economically and socially viable as it will enhance social and economic integration of the entire southern regions of Tanzania, which currently is very difficult to exploit especially during rain seasons due to its poor road.

The project will have both positive and negative impact to the environment and the local communities along it.

Among the positive impacts the project will include reduced transport and transportation costs, reduced travel time, reduced VOC, improved ambient air quality, reduced maintenance costs of the road, improved access and quality of social services, and increased economic opportunities for the local population.

The negative impacts of the project will include resettlement and loss of properties, disruption of public utilities, increased noise and vibrations, and deterioration of ambient air quality during construction, increased traffic accidents, loss of vegetation, soil erosion, and soil and water pollution, impact to game reserves and SNWC, and increased rate of transmission of HIV/AIDS etc.

Measures have been proposed to enhance impacts which are positive to the environment and the local people. For those impacts that are negative, mitigation measures have been proposed to avoid or abate them to the extent possible for the purpose of maximizing benefits of the road project and minimizing detriments of the project intervention to the communities.