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MINISTRY OF WORKS

Tanzania National Roads Agency (TANROADS)



Good roads for national development

RESETTLEMENT ACTION PLAN (RAP) FOR DAR ES SALAAM BUS RAPID TRANSIT (BRT) SYSTEM - PHASE 4

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EXECUTIVE SUMMARY

The Government of the United Republic of Tanzania has received a loan from the World Bank (WB) to finance Dar es Salaam Urban Transport Improvement Project (DUTP). The particular project is under Dar es Salaam Rapid Transit Agency (DART). The Agency is responsible for the establishment and operation of the Bus Rapid Transit (BRT) system for Dar es Salaam. Specifically, DART is responsible for procurement of services, bus operators (private), fare collection system and Intelligent Transport System (ITS) systems as well as overseeing operations of the BRT system. The Dar es Salaam City is the largest City in Tanzania which is also a commercial, industrial and transportation centre. Due to its functions, it attracts a larger portion of population than any other region in the country. The rapid population increase has been posing a number of development challenges including; development of unplanned settlements (about 70% of its population lives in unplanned areas), traffic congestion, poor and insufficient social and economic services, land use conflicts and environmental degradation. One among solutions in solving transport hurdles in the city is implementing Rapid Transit services and BRT 4 is among the initiatives taken by the Government.

Project area is located in Dar es Salaam region in eastern part of the region starts at the City centre (in DCC) going northeast to Tegeta Bashihaya Kinondoni Municipal Council (KMC) with a spur at Mwenge connecting BRT 4 and BRT 5 at Mawasiliano. Thus, the BRT 4 corridor comprising about 30.12 Km covers:

- A section of Bibi Titi Mohamed Road from Maktaba Street junction to Ohio Street junction (0.23 Km)
- Ali Hassan Mwinyi road (from the junction of Ohio Street to Morocco) (5.92 km)
- New Bagamoyo Road from Morocco junction to Tegeta (Dar es Salaam Water Supply and Sanitation (DAWASA) Daladala Bus Station) (20 km); and
- A spur on Sam Nujoma Road from its junction with New Bagamoyo Road to Ubungo Junction (4 km). The map below shows the location of the project area

Project Objectives

The main objective of the Consultancy services is to undertake the Environmental and Social Impact Assessment (ESIA) as well as developing Resettlement Action Plan (RAP) for the construction of proposed BRT 4 project. The ESIA will address environmental and social impact which may arise from construction and operation activities and provide mitigation plan to prevent or minimize adverse impacts.

Objectives of the RAP

The main objective of this (RAP is to provide an agreed plan for the resettlement and compensation of Project Affected Persons (PAPs) affected by the proposed BRT 4 project to be implemented in Dar es Salaam region specifically in KMC. The plan provides a road map for resolving displacement, resettlement and compensation issues. This RAP has been prepared in consistent with the applicable policy provisions of the Government of Tanzania (GoT) and those of the WB. This RAP has been prepared as the proposed project will involve land acquisition and displacement

affecting shelter, livelihoods and other associated impacts. The RAP presents an inventory of people likely to be affected by the project, and the proposed compensation and resettlement packages.

Methodology and Approaches

A combination of desk work review and field visit and stakeholder participation formed the basis of this RAP. The approaches used include:

- Review of available data:
- Site verification and assessment
- Undertaking PAP Census and Socio-Economic Profile
- Valuing Affected Assets and Compensation Payments
- Disclosure of the RAP
- Identification of Impacts

The planned development of construction of BRT 4 (Feeder station, Bus terminals and Depots) will have resettlement impacts arising from the following project activities:

- Construction of Feeder Station (Tegeta near Kibo Complex)
- Construction of depots (Kunduchi Mtongani, Kivukoni and Mawasiliano,)

Categories of Impacts

The project at the present will affect a total of 131 PAPs (111 at Kunduchi, and 20 at Tegeta with a total of 385 structures (50 from Tegeta, and 335 Kunduchi Mtongani) which will be totally relocated that include residential, commercial structures, annexes structures, crops 1159(111 Kunduchi and 20 Tegeta) and land with sq. m 173,045.19 (169,867 Kunduchi and 3,178.19 Tegeta) as shown in the table 1: - This number of properties to be affected may increase in the course of implementation of the project due to construction impact. In case there is additional properties as a result of construction the property should be compensated as per the entitlement matrix in this RAP.

Table 1 :Project Impacted Assets and Magnitude of Impact

Affected Category	No. of Assets		Summary of Impact
	Kunduchi	Tegeta	
Residential structures	205	9	Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate physical relocation/others can relocate on the same plot
Commercial structures	23	27	Loss of Structures used for commercial only no relocation of homestead
Annextures	107	14	Loss of Structures used for both residential commercial only no relocation of homestead
Permanent	1139	20	These include shelter and fruit

crops and trees			trees and Different in maturity level. Temporary loss of food sources and/or income or profit while re-establishing farming activities
Land taken in sq. meters	169,867	3,178.19	Mainly are surveyed plots and front yard of the households. The land is comprised of bare land and land with crops especially trees.
Number of PAPs	111	20	Permanent loss their homes

Source: Field Data May, 2023

Eligibility for Compensation and Resettlement Assistance

Tanzanian legislation provides valuation of properties at market values for land, houses and structures affected by a project. If the project will be funded by WB, the Bank's policies and guidelines on compensation and resettlement issues are to be followed. The Bank's policies and guidelines amongst other things favor in-kind compensation, e.g., house-for-house, or alternative land.

Policy, Legal and Institutional Framework

The RAP for the proposed road will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania well as those of WB that include the following:

- National Land Policy, 1997
- The Land Act, 1999
- World Bank's OP 4.12
- The Land Disputes Courts Act No. 2 of 2002
- Land Use and Spatial Planning
- The Road Act 2007
- The Valuation and Valuers Registration Act, 2016
- The Valuation and Valuers (General) Regulations, 2018

Various Institutions will be involved in the Implementation of this RAP Including Ministry of Lands Housing and Human Settlements Development, Tanzania National Roads Agency (TANROADS), Local Government Authorities (LGAs) (at District, Ward and Mtaa levels)

Gap between the Tanzania Legal and Policy Requirements and WB Policies

The main gap between Tanzania requirement and those of the WB are mainly on additional areas of focus of the Bank that include:

- Recognizing encroaches as PAPs with entitlement
- Recognizing tenants to have some kind of entitlement
- Market value of affected properties (no depreciation)
- Providing attention to vulnerable groups
- Monitoring the performance of Involuntary Resettlement and
- Consultation of Stakeholders (including host communities if any)

Public Participation and Stakeholders Consultations

The public participation process took into account particular feature of the project. In connection with the requirement that displaced persons be meaningfully consulted; consultations were made through meetings and interviews involving stakeholders at National, Regional, District, Ward and Village levels that operate in the project area. The main objective of the public participation was to enable stakeholders learn about the project, its impacts and how they will be mitigated. Another objective is to inform them about the compensations and resettlement procedures and to secure their cooperation.

Management of Grievances and Disputes

One of the major challenges in implementing RAP is unsatisfactory of PAPs with amount compensated. Taking into account the complexity of resolving disputes and grievances, PAPs at the project area were informed about various grievance redress procedures and how to appeal for their right if not satisfied. During surveys and inventory of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the project would entail. Common concerns include:

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

The RAP for the proposed project provides as simplified Grievance Redress Mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs.

RAP Implementation

The compensation process and RAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, TANROADS and Local Government official ward and Mtaa levels.

The overall responsibility for resettlement lies with the TANROADS, and payments will be made through the fiscal authority of TANROADS as the project management body for this project, in accordance with its administrative and financial management rules and manuals. It is at this time that the RAP implementation teams in particular the Community Development office will guide PAPs on the recommended use of money for re- establishing their homes that have been demolished.

RAP Implementation Budget

It is estimated that this project will affect 131 PAPs with structures 385 totally affected, land size of sq.m 173,043.19 and 1159 Crops/trees. Compensation cost of assets and allowances is about Tshs. 19,764,861,233 (approximately USD7,690,607) inclusive cost for RAP and Livelihood restoration implementation and contingency.

Monitoring and Evaluation

RAP implementation will be closely monitored to provide TANROADS an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and troubleshooting progress reporting. Monitoring the progress of RAP execution will be carried out through internal monitoring processes by TANROADS and through external monitoring involving other agencies as may be deemed appropriate by TANROADS.

Table 2: Glossary of Terms

Phrase	Meaning
“An Environmental and Social Impact Assessment (ESIA)”	An Environmental and Social Impact Assessment is an instrument to identify and assess potential environmental and social impacts of proposed sub projects, evaluate alternatives and design appropriate mitigation, management and monitoring measures
Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the Roads to Inclusion and Social Economic (RISE) program area boundaries. This is the date on and beyond which any person whose land is occupied for RISE program, will not be eligible for compensation.
District Council	The district council established under section 5 of the Local Government (District Authorities) Act No. 7 of 1982. The District Council is responsible for managing the district
General land	Is a surveyed land usually located in urban and peri-urban center
Grievance Mechanism	The Resettlement Policy Framework (RPF) contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and

Phrase	Meaning
	rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Local Government Authorities	A district authority or an urban authority
Market Value	The most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, Act competitively and rationally are motivated by self-interest to maximize satisfaction and both acts independently and without collusion fraud or misrepresentation.
Project Affected Persons (PAPs) or Displaced Persons (DPs)	PAPs or DPs are persons affected by land and other assets loss as a result of External Assessment and Strategic Planning (EASP) activities. These people(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the DP will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impact	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project
Public land	All land in Tanzania whether granted, customary or occupied

Phrase	Meaning
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Tanzanian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Tanzania to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Reserved Land	Includes land designated for use such as: forest reserves, national parks, game reserves, conservation areas and townships. Land declared as hazard land also falls into this category. The procedure through which general land is designated as reserved or Mtaa land depends on the type of land use. Amongst the laws which provide that land to be reserved include the Land Act. No. 4 of 1999, the Village Land Act. No. 5 of 1999 the Land Acquisition Act No. 17 of 1967, the Forest Ordinance, Cap 209, The National Parks Ordinance Cap 412, the Wildlife Conservation Act No. 12 of 1974, the Marine Park and Reserves Act. No. 29 of 1994, the Town and Country Planning Ordinance 1961, etc.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households
Resettlement Policy Framework	The instrument of the GoT prepared in compliance with the WB Environmental and Social Standard 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) whose purpose is to clarify, among other things, resettlement principles, organizational arrangements, and design criteria to be applied to sub project to be prepared during project implementation. Sub project resettlement plans consistent with the policy framework subsequently are submitted to the

Phrase	Meaning
	Bank for approval after specific site information becomes available
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix
Township authority	A township authority established under section 13 of the Local Government (District Authorities) Act No. 7 of 1982
Urban Authorities	A City Council, a Municipal Council or a Town Council
Mtaa/Village Council	The Village Council established under section 25 of the Local Government (District Authorities) Act No. 7 of 1982. The Village Council is responsible for managing the village
Village Land	Any public land in which the boundaries have been demarcated under any law or administrative procedures as village land falls into this category. In addition, land in a registered or designated village under the Local Government (District Authorities) Act No. 7 of 1982 and the Village Settlement Act. No. 27 of 1965 respectively is also village land. Furthermore, the Village Land Act No. 5 of 1999 categorizes land as village land when it is not reserved which has been occupied by villagers during the twelve years preceding its enactment.
Village Land Council	The village land council established under section 60 of the Village Land Act. No. 5 of 1999.
Vulnerable people	Vulnerable persons are defined as people who by virtue of their gender, age, social or economic status may be more adversely affected by economic displacement, when compared to their peers (i.e., other households). These include persons with disabilities and serious illnesses, the elderly, women, youth, women and youth headed households, persons with literacy challenges and members of historically vulnerable/marginalize communities.

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LIST OF ACRONYMS

ARAPs	Abbreviated Resettlement Action Plans
BRT	Bus Rapid Transit
BP	Blood Pressure
BOQ	Bill of Quantity
CBOs	Community Based Organizations
CDO	Community Development Officer
COI	Corridor of Impact
DART	Dar Rapid Transit Agency
DA	District Authority
DARCOBOA	Dar es salaam Commuter Bus Association
DAWASA	Dar es salaam Water and Sanitation Authority
DCC	Dar es Salaam (Ilala) City Council
DDC	Dar es Salaam Development Corporation
DED	District Executive Director
DoE	Division of Environment
DGRC	District Grievance Redress Committee
DPs	Displaced Persons
DUTP	Dar es salaam Urban Transport Improvement Project
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
EMA	Environmental Management Act
FGDs	Focus Group Discussions
GDP	Gross Domestic Product
GoT	Government of Tanzania
HIV/AIDS	Human Immuno-Virus/Acquired Immune Deficiency Syndrome
IGA	Income Generation Activities
KMC	Kinondoni Municipal Council
LGA	Local Government Authority
MoLHHSD	Ministry of Lands Housing and Human Settlement Development
MGRC	Mtaa Grievance Redness Committee
NACP	National AIDS Control Programme
NEMC	National Environment Management Council
NGOs	Non-Governmental Organizations
OSHA	Occupational Safety and Health Authority
PAH	Pulmonary Arterial Hypertension
PAP	Project Affected Person
PIU	Project Implementation Unit
PPP	Public Private Partnership
PWD	People With Disabilities
RAP	Resettlement Action Plan
RISE	Roads to Inclusion and Social Economic
RPF	Resettlement Policy Framework
RoW	Right of Way
RPF	Resettlement Policy Framework
SIA	Socio Impact Assessment

SMP	Social Monitoring Management Plan
STD	Sexually Transmitted Diseases
STIs	Sexual Transmitted Infections
TFS	Tanzania Forest Services
TMA	Tanzania Metrological Agency
TANESCO	Tanzania Electric Supply Company Limited
TANROADS	Tanzania National Roads Agency
TARURA	Tanzania Rural Road Agency
ToR	Terms of Reference
Tshs	Tanzania Shilling (Currency)
TTCL	Tanzania Telecommunication Company Limited
TCC	Tanzania Cigarette Company
UMC	Ubungu Municipal Council
URT	United Republic Tanzania
VCT	Voluntary Council and Testing
MEO	Mtaa Executive Officer
WCF	Window Communication Foundation
WB	World Bank
WEO	Ward Executive Officer

CHAPTER ONE

1.0 BACKGROUND OF THE PROJECT

The Government of the United Republic of Tanzania (URT) has received a loan from the WB to finance Dar es Salaam Urban Transport Improvement Project (DUTP). The particular project is under Dar es Salaam Rapid Transit Agency (DART). The Agency is responsible for the establishment and operation of the Bus Rapid Transit (BRT) system for Dar es Salaam. Specifically, DART is responsible for procurement of services, bus operators (private), fare collection system and ITS systems as well as overseeing operations of the BRT system.

The Dar es Salaam is the largest City in Tanzania which is also a commercial, industrial and transportation centre. Due to its functions, it attracts a larger portion of population than any other region in the country. The rapid population increase has been posing several development challenges including development of unplanned settlements (about 70% of its population lives in unplanned areas), traffic congestion, poor and insufficient social and economic services, land use conflicts and environmental degradation.

The city is the hub of Tanzania's national transport system as major highways and railways originate in or near the City. The city hosts about 52% of Tanzania's vehicles and has a traffic density growth rate of over 6.3% per annum. The Road Network in Dar es Salaam region, particularly at junctions, is now facing a major problem of traffic congestion. This is due to the fact that the rate of economic growth and City development is faster than the development of the network in the region. It is approximated that more than 120,000 private vehicles move on the City's roads daily, and the traffic jams are becoming even more acute as they can also be noticed during weekends.

1.2 Project Description

The main objective of the DUTP project is to improve the transport infrastructure in Dar es Salaam city whereby the proposed roads such as Bagamoyo, Kilwa and Nyerere roads are vital as they form part of regional and trunk roads connecting other regions. The expected output is the orderly flow of traffic on urban streets and roads with increased level of mobility, promoted use of non motorised transport such as bicycles and increased comfort and quality of life and urban development. In details, following the nature of urban population and economic framework of the Dar es Salaam City and the need of efficient and integrated transport system for the city, the DART is implementing the BRT as the bus-based mass transit system that delivers fast, comfortable, and cost-effective urban mobility.

On the other hand, The TANROADS besides being responsible for efficient and cost-effective maintenance and development interventions to the Trunk and regional roads in Tanzania mainland it also plays a major role in BRT projects by managing and supervising construction of roads, feeder stations and bus terminals under BRT

programme. It is within this context that this RAP is also implemented in BRT 4 under the supervision of TANROADS.

1.2.1 Location

Project area is located in Dar es Salaam region in the eastern part of the region starting at the City centre (in Dar Es Salaam City Centre) going northeast to Boko Basihaya (Kinondoni Municipal Council with a spur at Mwenge connecting BRT 4 and BRT Phase 5 at Mawasiliano. Thus, the BRT 4 corridor comprising about 30.15 Km covers:

- A section of Bibi Titi Mohamed Road from Maktaba Street junction to Ohio Street junction (0.23 Km)
- Ali Hassan Mwinyi road (from the junction of Ohio Street to Morocco) (5.92 km)
- New Bagamoyo Road from Morocco junction to Tegeta (DAWASA) Daladala Bus Station) (20 km); and
- A spur on Sam Nujoma Road from its junction with New Bagamoyo Road to Ubungu Junction (4 km). The map below shows the location of the project area.



Figure 1: Location Map

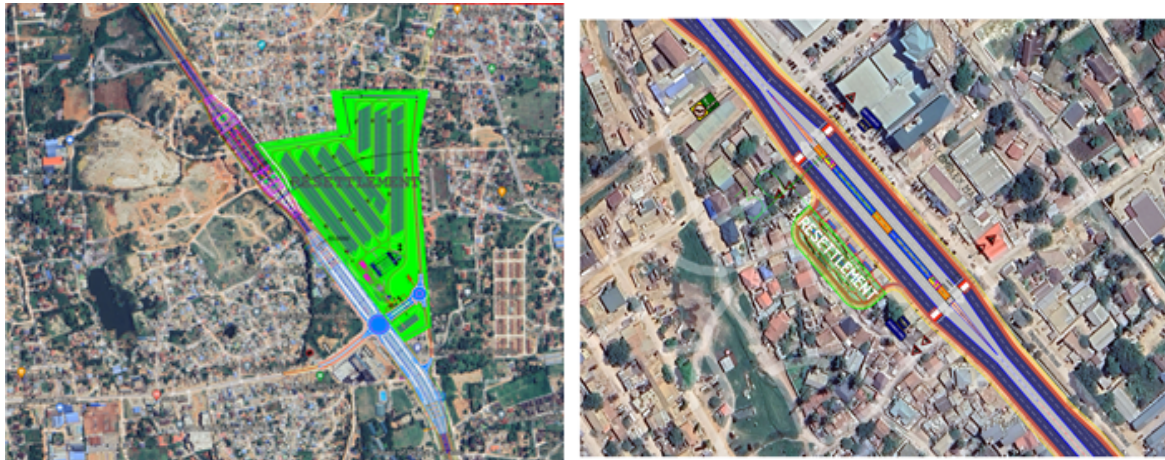


Figure 2: Mbuyuni and Tegeta Kibao Resettlement Sites

1.3 Approach

This RAP study runs parallel with the Engineering design work. In broad terms, construction of the BRT 4 will entail and acquisition, demolition of structures and destruction of cultural heritage (if any) within the RoW.

1.4 RAP Objectives

To ensure that these future infrastructure development interventions are implemented in an environmentally and socially sustainable manner, Ministry of Works and Transport has prepared Compensation and Resettlement Guidelines which will guide the construction of BRT 4 projects in dare s Salaam City.

1.4.1 Objectives of the RAP

The main objective of this RAP is to provide an agreed plan for the resettlement and compensation of PAPs by construction of BRT 4. The plan provides a roadmap for resettlement and compensation of the PAPs and assets they own or use in accordance with the project RPF. To this end the main objectives of this RAP according to the RPF is to:

- Minimize involuntarily (resettlement) taking of the land and impact on livelihoods through modification in design as much as possible;
- And if there are some impacts, as is the case of this project, then put mechanisms in place under this RAP to assist the PAPs in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project level.

1.4.2 Specific objectives

- Develop mitigation measures to ensure that the affected people are not worse off as a result of the project and at least their livelihoods are restored to that of before the project.

- Engage PAPs and communities to gain understanding of project objectives and impacts
- Involve PAPs and other stakeholders in developing a plan for physical relocation and compensation for lost assets
- Provide information that will be used to implement the resettlement plan;
- Put down the grievance mechanisms which will be used during the RAP implementation; and outline institutional arrangements for the implementation of the RAP

In addition, the proposed resettlement actions and measures will ensure:

- The provision of timely and fair compensation, with the ultimate goal that all project-affected persons would be compensated at least to restore their pre-project living standard levels;
- Necessary assistance for relocation to all PAPs whose property /home will be completely demolished, before displacement.

1.5 Disclosure of the RAP

The final RAP will be reviewed approved by WB. The approved RAP report will be available to the public at the following places:

- TANROADS Office/website
- DART website
- Ministry of Works, and Transportation
- Offices of Dar es Salaam Region, Respective Ward Executive Officer (WEO) along the BRT 4 Road section.
- World Bank website

A summary of information about the type of affected people and impact and the entitlement matrix must be translated into Kiswahili and distributed among the affected communities as part of the disclosure.

1.6 Guiding Principles of the RAP

This RAP has been prepared consistent with the applicable policy provisions of the GoT and those of the WB and RPF. This RAP has been prepared as the proposed project and will involve land acquisition and displacement affecting shelter, livelihood and associated impacts.

The RAP presents an inventory of people likely to be affected by development of the road and assets that are likely to be displaced by the project and the proposed compensation and resettlement packages.

Specifically, the RAP is prepared in order to:

- Ensure that the land acquisition process is per the requirements of the WB and those of the GoT
- Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
- Set out strategies to mitigate against adverse effects suffered by the PAP including provision of channels and platforms for negotiations;
- Assess the potential extent of involuntary resettlement relating to the Project;

-
- Identify the possible impacts of such resettlement;
 - Identify and quantify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
 - Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project;
 - To establish, explain and put in place the mechanism for grievances; and
 - Estimate the costs necessary for resettlement and compensation.

1.7 Defining PAPs

PAPs are those who have been or will be affected directly socially and economically by the project activities. PAPs include individuals and institutions with various interests in the land that is within the RoW. The WB Operational Policy 4.12 (OP 4.12) stipulates that PAPs should include all the economically and/or physically displaced persons, even those who may not be protected under the national land compensation legislation. The PAPs along BRT 4 Project have been analyzed as follows:

- **Affected Individual**

This is an individual who suffers a loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the proposed project activities. For example, an affected individual is a person whose farms, or who has built a structure on land that is now required by the project for purposes other than farming or residence by the initial individuals.

- **Affected Household**

A household is affected if one or more of its members is affected by project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This provides for:

- (a) Any members in the households including men, women, children, dependant relatives and friends, and tenants;
- (b) Vulnerable individuals who may be too old or ill;
- (c) Relatives who depend on one another for their daily existence and
- (d) Other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the “household”.

- **Affected Local Community**

A community is affected if project activities affect their socio economic and/or social-cultural relationships or cohesion. For example, project activities could lead into such improvement of socio-economic welfare that class-consciousness arises coupled with cultural erosion etc.

- **Vulnerable Households**

Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them: This is the case of: -

- Female headed household Women
- Widows
- Elderly
- People with the disabilities or illness
- Orphans

Each category of vulnerable person or household must be compensated according to the nature of the economic loss suffered by loss of access to, or use of the land acquired by the project.

1.8 Methodology and Approaches

1.8.1 Overview

The general approach that was used in the preparation and completion of this RAP took into consideration the nature of the project as a linear project and a green project thus, noting that such project will have much impact especially in urban settings.

1.8.2 Specific Methods and approaches.

A combination of deskwork review and field visits and stakeholder participation formed the basis of this RAP, approaches used include:

(a) **Review of available data:**

Available documents namely, the project RPF and the Environmental and Social Impact Assessment (ESIA) report of 2018 were reviewed.

(b) **Review of Relevant Policies** and acts documents includes:

- Land Acquisition Act 1967
- Land Act No. 4 of 1999
- Village Land Act No. 5 of 1999
- The Valuation and Valuers Registration Act, 2016
- The Valuation and Valuers (General) Regulations, 2018
- World Bank Operational Policy 4.12 on Involuntary Resettlement

(c) **Site Verification and assessment**

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

1.9 Methodology for Undertaking PAP Census and Socio-Economic Profile

A socio-economic survey was undertaken using a questionnaire for household in carrying of the census, questionnaires was administered to get specific information that define and characterize the affected persons' assets. The questions included personal identification, ownership of assets found in the corridor of impact, household income, household size, gender and sex, marital status, age and levels of education and type and number of main and secondary occupations and land details such as

percentage of land affected in proportion to remaining land area, type of houses and magnitude of impact of the project at individual level.

1.9.1 Methods of Valuing Affected Assets and Compensation Payments

The calculation of compensation and other resettlement allowances for displaced property owners based on current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and the Valuation and Valuers (General) Regulations, 2018 only provide for compensation equivalent to the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. This approach to valuation is not consistent with the resettlement measures required by the WB OP 4.12 on Involuntary Resettlement which requires that compensation is paid based on the full replacement value (not depreciated) of an asset. In addition, OP 4.12 strongly prefers the replacement of 'land for land' where appropriate for all PAPs (including those without title/squatters).

In order to meet the requirements for a RAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance as detailed in the terms of reference that the compensation value is obtained from the Replacement Cost added with allowances. OP 4.12 provides that, if the impacts include physical relocation, compensator must ensure that the displaced persons entitlement must include:

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

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

Disturbance allowance

This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore, the total compensation value, then obtain the 7% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

Transport Allowance

Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: "Transport Allowance shall be the actual costs of transporting

twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometres from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)". Transport allowance is computed based on prevailing market rates within an area and is paid only to PAPs with occupied residential/commercial structure.

Loss of accommodation

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

Loss of Profit

This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (i.e., Loss Profit = Net profit/p.m. x 36 months). Under this RAP, the owners of businesses will be compensated for the loss of profit regardless of having an audited account, but rather research by the Valuer.

1.10 Report Structure

The RAP document is divided into ten chapters. Chapter one is introduction and background of the project and methodology considered. Chapter two explains the Identification of Impacts and Measures to Minimize Resettlement while chapter three is about Census and Socio-Economic Surveys of the project affected persons (PAPs). Chapter four explains on Public Consultations while chapter five has highlighted on National policies, Legal and Institutional Framework for Resettlement. Valuation and compensation for losses is displayed in chapter six and chapter seven is resettlement implementation. The Grievances mechanism is explained in chapter eight, chapter nine is on Costs and budget and last chapter has dealt with monitoring and evaluation as well as conclusion and recommendation.

CHAPTER TWO

2.0 IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

2.1 Activities that Will Lead to Resettlement Impact

2.1.1 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. 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.

2.1.2 Construction Phase

The planned development of construction of BRT 4 project and associated road furniture will have resettlement impacts arising from the following project activities:

Construction of the BRT 4

Though the proposed construction of BRT 4 will to a large extent follow the existing alignment particularly the width of 8m in the middle of the existing roads. The main route will have minor impacts to the nearby communities but there will be other components which are part and parcel of the whole BRT 4 System. These components will have negative impacts in demolishing some buildings and the components include

- Construction of Feeder Stations at Tegeta
- Construction of Depots at Kunduchi Mtongani and Mawasiliano (Simu2000) and
- Bus Terminal at Boko basihaya and Kivukoni (*no compensation is required*).

2.2 Categories of Impact

This section provides a detail of categories of impacts that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP valuation exercise. The nature of the project which will be implemented in the urban settings and particularly part of business centres whereby buildings ranging from residential to commercial will be affected. In this scenario both landlords and tenants will be affected.

The project at the present will affect a total of 131 PAPs (111PAPs at Kunduchi, and 20PAPs at Tegeta comprising of a total of 385 structures (50 from Tegeta, and 335 Kunduchi Mtongani) which will be totally relocated. These structures include residential, commercial and annexes structures. About 1159 crops (1139 Kunduchi and 20 Tegeta) and land with sq. m 173,045.19 (169,867 Kunduchi and 3,178.19 Tegeta) will be affected. The table 3 indicates the type of assets that will be affected

during implementation of the project and the magnitude of the impact of assets that must be relocated.

Table 3: Project Impacted Assets and Magnitude of Impact

Affected Category	No. of Assets		Summary of Impact
	Kunduchi	Tegeta	
Residential structures	205	9	Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate physical relocation/ others can relocate on the same plot
Commercial structures	23	27	Loss of Structures used for commercial only, no relocation of homestead
Annexures	107	14	Loss of Structures used for both residential and commercial only, no mostly servant quarters and stores
Permanent crops and trees	1139	20	These include shelter and fruit trees and Different in maturity level. Temporary loss of food sources and/or income or profit while re- establishing farming activities
Land taken in sq. meters	169,867	3,178.19	Mainly are surveyed plots and front yard of the households. The land is comprised of bare land and land with crops especially trees.
Number of PAP's	111	20	Permanent loss of their home

Source: Field Data Sept, 2023

2.2.1 Loss of Structures (residential structures)

There will be a significant impact of loss of structures that will be caused by the proposed project mainly in construction of Feeder stations and Depots. These components are likely to have a major impact to the livelihood of the PAPs if not well compensated. Types of houses to be affected are largely the modern urban houses and semi-permanent houses most of them comprised of both residential and commercial buildings. For the impact of residential structures, they are mainly of three types that include those used as residents for the owner of the house, those used with tenants and therefore a source of income for the owner and other residential structures that combine both residents for the property owner sharing with tenants. PAPs losing residential structures are entitled to the following compensation:

- Compensation of the residential structure according to the type of structure and replacement cost;
- Compensation of land according to the market value if the PAP owns the land;
- Loss of accommodation allowance;
- Transport allowance;
- Disturbance allowance.

For tenants that reside in these houses will receive the following compensation under this RAP

- Transport allowance and
- Disturbance allowance

2.2.2 Commercial Structures

It has been revealed that the project will have a major impact on structures that are used for commercial purposes that include renting houses or renting part of the houses for other type of business such as shops, so two main categories of business in the area i.e those that are registered and have records with their business and those that have no records of which most of them are petty business. A total of 50 PAPs will lose premises for business. According to nature of project no vendors will be affected since the construction of main route is in the middle of the road and areas of impacts outside the main route have no vendors recognized. Therefore, entitlements for PAPs losing commercial structures under this RAP will be categorized as follows:

Loss of Commercial structure owner of business

PAPs losing commercial structures will be compensated the following (Also refer chapter 6.0 on Valuation of, and compensation for losses as well as in entitlement matrix):

- Compensation of the commercial structure according to the type “of structure and Replacement cost;
- Compensation of land where the structure is according to the market value if PAPs own the land
- Loss of profit allowance;
- Transport allowance;
- Disturbance allowance.

PAPs losing commercial structures with business that does not have record

- Compensation of the commercial structure according to the type of structure and Replacement cost;
- Compensation of land where the structure is according to the market value if PAPs own the land;
- Loss of profit allowance calculated for six months;
- Transport allowance;

Disturbance allowance.

Loss of Commercial structure tenant with business record

- Loss of profit allowance calculated for thirty-six (36) months;
- Transport and disturbance allowances;

Loss of Commercial structure tenant with no business record

- Loss of profit allowance calculated for thirty-six (36) months;
- Transport and disturbance allowances;

Loss of Commercial structure tenant with business with no records

- Loss of profit allowance calculated for thirty-six (36) months;
- Transport and disturbance allowance;

2.2.3 Annexed structures

Demolition of outer structures and services such as fences, stores, toilets, and kitchens will result in loss of PAPs' basic services that individuals, family or enterprises depend upon for sanitation, security, and general well-being, however, this will not necessitate physical relocation of PAPs or loss of business. Annexed structures in this RAP are counted separately from the main buildings.

For this RAP Annexed structures will be entitled to the following compensation:

- Compensation of the annex structure according to the type of structure and market value;
- Compensation of land where the structure is according to the market value if the PAP; owns the land affected;
- Disturbance allowance.

However, for the fuel Pumps affected by the project the PAP will be entitled to the following:

- Compensation of the annex structure according to the type of structure and market value;
- Compensation of land where the structure is according to the market value if the PAP; owns the land affected;
- Loss of profit allowance for the fuel Pump (36months)
- Disturbance allowance.

2.2.4 Loss of Land

The proposed project will result in loss of land mainly for urban settlement and commercial purpose. All the plots to be affected are owned by individual some have been developed others are bare plots.

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

- ✓ Compensation of the land according to the market value if the PAP owns the land;
- ✓ Disturbance allowance.

2.2.5 Impact on Permanent Crops/Trees (Individual PAP)

Permanent crops include those that take more than a year to reach full maturity and can be harvested over a long time. These include palm/coconut trees fruit trees, banana trees and shades related trees. PAPs specifically those along BRT4 route have grown trees for various purposes that include shelter, fruits and plot boundaries. PAPs (legal owners) with standing crops that include trees on their plots within the defined project area are entitled to compensation. Each tree is counted and compensated according to its market value and age of maturity; for instance, palm/coconut tree that is fully matured and producing is compensated 100% of the compensation rate of the tree.

PAPs losing permanent crops are entitled to the following compensation:

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

2.2.6 Impact on Permanent Crops/Trees (Public PAP)

In the project area, trees have been grown along the existing roads as a mechanism to reduce soil erosion, shelter and for boundary of their plots. Few trees planted along the existing roads will be affected, most of these trees are owned by respective Municipalities and individuals. This RAP recommends that cutting of trees should be done when deemed necessary, otherwise should be remained to beautify the city.

During RAP exercise the following mitigation measures will be taken against affected assets as explained in the mitigation matrix and Entitlement standards displayed below: -

Table 4: Matrix of Mitigation Measures for Negative Impacts BRT 4

S/N	Impact	Mitigation Measures	Implementing Authorities
1	Negative impact on the livelihoods of vulnerable households. For this case a vulnerable person is considered as persons are defined as people who by virtue of their gender, age, social or economic status may be more adversely affected by economic displacement, when compared to their peers (i.e., other households). These include persons with disabilities and serious illnesses, the elderly, women, youth, women and youth headed households, persons with literacy challenges and members Of historically vulnerable/marginalize communities.	<ul style="list-style-type: none"> • Provide vulnerability allowances • Give priority in prime business areas allocation to vulnerable groups • Capacity Building 	TANROADS, Local Authorities, NGO, Consultant
2	Disruption of social and family networks	<ul style="list-style-type: none"> • Consultation with PAPs for possibility of in-kind compensation for families 	TANROADS, Local Authorities, NGO, Consultant
4	Disruption of worship places	<ul style="list-style-type: none"> • Construction of alternative structures before demolition • Consult and coordinate closely with religious/local /community leaders 	TANROADS, Local Authorities, Religious Leaders, NGO
5.	Loss of productive assets	<ul style="list-style-type: none"> • Timely and adequate compensation • Enact measures for livelihood restoration 	TANROADS, Local Authorities, NGO, Consultant
6.	Community assets (disruption of access to services)	In kind compensation i.e., building of structures rather than cash compensation	TANROADS, Local Authorities, NGO, Consultant

S/N	Impact	Mitigation Measures	Implementing Authorities
7.	Loss of land	Timely and adequate compensation at market value	TANROADS, Local Authorities, NGO, Consultant
8.	Loss of structures	Timely and adequate compensation at Replacement cost	TANROADS, Local Authorities, NGO, Consultant

2.3 Eligibility for Compensation and Resettlement Assistance

Tanzanian legislation provides valuation of properties at market values for land, houses and structures affected by a project. If the project will be funded by WB, The WB policies and guidelines on compensation and resettlement issues are to be followed. The WB policies and guidelines amongst other things, favor in-kind compensation, e.g., house- for-house, or alternative land. Eligibility for compensation is defined in the provisions of the Land Act and the Land Acquisition Act cited in Chapter 5 of this RAP.

According to WB guidelines on compensation, all owners of properties with legal rights or without legal rights for occupancy and tenants (*see the criteria for eligibility below*) located within the proposed project area at the time of inspection and valuation will be eligible for compensation.

Notices to claim compensation were served to all PAPs of affected properties using Land Form No.3. The "cut-off" date for eligibility for compensation and resettlement measures was determined by the date on which these notifications were served. In this case the cut-off date for this project was set to different sections as January 31st, 2023 (Tegeta PAPs) and 28th February, 2023 Kunduchi Mtongani.

The displaced persons in the project area include the communities owning the houses, undeveloped plots and businesses within the right of way. As the road alignment follows the proposed alignment, there are some partial developed plots and planted trees which will be affected. Another resettlement will occur upon construction activities resulting from detours and camp citing. The actual relocation cost for the detours will be undertaken during road construction and take care by the contractor according to the bill of quantity (BOQ). However, it is envisaged that the detours will be kept to minimum.

Table 5: Criteria for Eligibility

SN	Displacement Category	Entitlement
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1	Individuals who have formal legal rights customary and traditional rights recognized Tanzania)	<ul style="list-style-type: none"> ○ Compensation for loss of 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.)
2	Individuals who do not have formal legal right a claim to such land or assets (provided th recognized under Tanzanian laws or b through a process identified in the resettlement	<ul style="list-style-type: none"> ○ Compensation for loss of land and assets at full replacement cost. ○ 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.
3	Individuals who have no recognizable legal land they are occupy or use (i.e. squatter sel	<ul style="list-style-type: none"> ○ Compensation of improvements on land but not the land and Resettlement assistance as appropriate.

Table 6: Entitlement Standards for the PAPs along BRT 4

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Commercial land	Loss of land	Business owner is a lease holder (the person who is losing the income or business)	Cash compensation for affected land at market value costs for the lost piece of land Loss of Profit (Net profit/p.m. x 36 months) calculated based on loss by PAP.
		Land used for business partially affected Limited loss	Consultations and concurrence of both spouses in the process of land acquisition and provision of compensation.
		Land used for business severely affected.	Provision of In-kind or Cash compensation for affected land at market value costs for the lost land as per the preference of the PAP Loss of Profit (Net profit/p.m. x 36 months) Cash compensation/refund of the any unfulfilled lease/rents. Support for transportation of business materials to relocation site and back to reconstructed facilities Consultations and concurrence of both spouses in the process of land acquisition and provision of compensation.
Business structure	Business structure	Owner occupied business structure owners	Choose between options such as: (i) Structure unit in chosen relocation site; (ii) Reconstruction of structure in adjacent unaffected lot or (iii) Cash compensation for the

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>lost structure; and, Loss of profit as per the national legal requirements (Net profit/p.m. x 36 months)</p> <p>Consultations and concurrence of both spouses in the process of land acquisition and provision of compensation.</p> <p>Resettlement assistance in the form of: (a) transport allowance; (b) disturbance allowance; (c) accommodation allowance during reestablishment to new place; and, (d) livelihood development assistance (e) Legal assistance for purchase of land, transactional costs and taxes (f) Search assistance by the local land office.</p>
		Tenant/Lessee of house	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant);</p> <p>Loss of profit calculated at 36months net profit as per the legal requirement;.</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements.</p> <p>Livelihood Rehabilitation and Restoration assistance if required (assistance with job placement, skills training).</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Residential Land	Loss of portion of residential land Remaining land still viable for present use.	Owner occupied residential structure that will move - Legal (occupancy rights or residential license) holder	<p>Provision of options for Cash and In-kind compensation for affected land at market value costs with consultations and concurrence of both spouses;</p> <p>PAPs to be allowed to salvage remain of the affected property.</p> <p>Cash compensation for the affected structures and land improvements including trees;</p> <p>Resettlement assistance: (a) Legal assistance for purchase (b) Search assistance (c) complementary allowance for additional cost of living (d) assistance to find alternative rental during the period of relocation.</p>
		Owner occupied residential structure that may redevelop in the same plot - Legal (occupancy rights or residential license) holder	<p>Cash compensation for affected land at market value costs for land acquired portion acquired;</p> <p>Cash compensation for the affected structures (if the whole structure will be lost) and land improvements including trees built/established and owned by the legal holder with consultations and concurrence of both spouses;</p> <p>If structure is affected but still usable, cash compensation for the lost section and compensation to repair the remainder of the usable structure.</p>
		Lessee/Leaseholder	Cash compensation for any unfulfilled lease prorated by the area lost.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Cash compensation at market value/cost for affected structures and improvements, including economic trees, built or established and owned by the lessee.</p> <p>Search assistance for alternative land by linking to local government authority to allocate surveyed plots.</p> <p>If the renter or lease holder is classified as a vulnerable person, then additional assistance should be described and may include: additional legal guidance on terms/conditions to request in rental agreement, and identification of Government programs (e.g. TASAF) that specifically provide support to vulnerable people renting land such as entrepreneurial skills, trade/workshop training etc.</p>
		Squatter/informal settler	<p>Cash compensation for affected structures and improvements, including economic trees, built or established and owned by the informal settler.</p> <p>If the Squatter/informal settler is classified as a vulnerable person, then additional assistance should be described and may include: transportation allowance of salvaged materials to new site and trade training</p>
	<p>Loss of all or major portion of residential land</p> <p>Remaining area insufficient for continued use or</p>	Legal (occupancy rights/residential license holder)	<p>Option for In-kind with land of similar qualities or higher or Cash compensation lost land at market value cost;</p> <p>Cash compensation of affected land improvements, structures, trees, crops owned by the legal holder at full replacement cost.</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	becomes uneconomically viable		<p>Salvageable materials of demolished structures and cut trees.</p> <p>Legal assistance, transaction costs for purchase such as registration, transfer taxes and/or customary fees will also be compensated for those opting for replacement land.</p>
		Lessee/leaseholder of land	<p>Cash compensation/refund of the any unfulfilled lease/rents.</p> <p>Cash compensation for land improvements, structures (including house) and trees established and owned by the Lessee</p> <p>Salvageable materials of the structure or house and transportation of the materials to the resettlement sites.</p> <p>If the Lessee/leaseholder of land is classified as a vulnerable person, then additional assistance should be described and may include: additional legal guidance on terms/conditions to request in rental agreement, and identification of programs that specifically provide support to vulnerable people renting land i.e., trade training.</p>
		Squatter/informal settler into the land	Cash compensation for land improvements, structures (including house) and trees established and owned by the squatter.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Salvageable materials of the structure or house and transportation of the materials to the resettlement sites.</p> <p>If the Squatter/informal settler into the land is classified as a vulnerable person, then additional assistance should be described and may include: additional legal guidance on terms/conditions to request in rental agreement, and identification of programs that specifically provide support to vulnerable people renting land i.e., trade training, horticulture skills etc.</p>
House/Abodes	Physical displacement of household (loss of dwelling), Loss of rental income	Homeowners and his family and members of households	<p>Choose between options such as: (i) Housing unit in chosen relocation site; (ii) Reconstruction of house in adjacent unaffected lot or (iii) Cash compensation for the lost house; and,</p> <p>Resettlement assistance in the form of: (a) adequate resettlement site (b) transport allowance; (c) disturbance allowance; (d) accommodation allowance during reestablishment to new place; and, (e) livelihood development assistance (f) Legal assistance for purchase (g) Search assistance</p>
		Tenant/Lessee of house	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter house/structure of	<p>Cash compensation for affected structure at market value cost</p> <p>Right to salvage materials without deduction from compensation including transportation of such salvage materials to the new site.</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available.</p> <p>Rehabilitation assistance if required assistance with job placement, skills training.</p>
Buildings and structures other than the house	Loss of structures or portions of structures other than the house.	Owner of structure	<p>Cash compensation for affected structure based on market value cost without depreciation</p> <p>Right to salvageable materials of demolished structure and transportation of the materials to the resettlement sites.</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Transport allowance for salvaged materials to the new site.
Business or access to livelihood	Loss of business or livelihood source	Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
		Business owners	<p>Cash compensation for relocation cost and lost net income during the relocation period as per the national legal provisions of loss of profit allowance (Net profit/p.m. x 36 months).</p> <p>Alternative site within the area to continue business, transport cost where applicable, affected property where applicable, loss of business (3 months) where applicable</p>
Seasonal crops	Loss of harvest	Verified owner of crops (whether land owner, tenant, or squatter)	No compensation
Trees and perennial crops	Loss of trees or perennial crops	Verified owner of trees (whether landowner, tenant or squatter)	Cash compensation based on type, age and productive value of affected trees plus disturbance allowance.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Temporary possession of land during construction	Interruption of economic activities	PAP (whether owner, tenant, or squatter)	Cash compensation for any loss of income, cash compensation for any temporary land possession (rental charges) Restoration of land to its original or better state.
Any Asset	Losses of any asset and disruption of lives	Vulnerable PAPs (Enumerate Categories) Household with PWDs Single Women HH head Poor households	Vulnerability allowance based on a lump sum equivalent to 6 months to one year of subsistence allowance rates provided by government programs (e.g., TASAF). <input type="checkbox"/> Supplementary support as provided in the RAP.
Community facilities	Loss of community facility (church, halls, school, sports)	Community residents	Replacement/restoration at the cost of the project
Graves (if any)	Removal of graves	Relatives, community	Relocation or removal according to local customs and as per the provisions in the Graves removal act
Seasonal Land Users	Loss of use of land for seasonal activities.	Affected persons	Assistance to help find alternative land for seasonal use.

2.4 Others Unintentionally Impact

These are people or families or even property owners suffering unintentional and temporary damage to their land and property during construction due to unforeseen actions or simply by accidents such as damage to nearby utilities, crops, structures or infrastructure caused by movement of machines and other construction activities. Whenever an unintentional impact occurs, during construction, the property should be compensated as per the entitlement matrix in this RAP. This will be the responsibility of the Developer in collaboration with the contractor, and therefore this item should be included in the contract to the project contractor.

2.5 Willingness to Relocate

Majority of the households affected by the project declared willingness to relocate with the condition of receiving prompt and fair compensation. 97% of the Households interviewed indicated their preference of relocating to a site close to their current homesteads, if the compensation provided will allow them such opportunity. When asked if they would want their Council to find alternative land for the affected PAPs it was revealed that they will accept the offer as majority of PAPs in urban areas have no enough land behind the project area so provision of surveyed plots from the respective Councils is appreciated.

2.6 Cut-off Date

The proposed project is likely to have different cutoff dates considering its nature i.e., a Site-specific Resettlement and linear resettlement. It should be noted that actual valuation of affected properties has been carried for PAPs within the land to be acquired for the construction of the depot, The valuation assessment along the main road particularly PAPs in Tegeta and Kunduchi Mtongani for the depot are completed in different dates. It is within this context that the cut-off date to different sections were set as January 31st, 2023 (Tegeta PAPs), 28th February, 2023 Kunduchi Mtongani. The cutoff dates were communicated to each PAP during valuation exercise.

Any person who undertakes any development activity in the newly demarcated project area after the cut-off date will not be eligible for compensation. It should, however, be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6 months after the valuation report has been approved.

This RAP recommends that TANROADS as the project implementer to have frequent communication with PAPs through the resettlement committee to update PAPs on when they should expect to receive their compensation or any other changes associated with implementation of the project.

2.7 Forms of Compensation

To compensate the PAPs for their lost assets, the Project has two options for different payment modalities based on individual's choice and recommendations of the ARAP report. These are:

- Cash payments - calculated and paid to compensate for land, assets, or to

cover allowances such as disturbance, accommodation, transportation, loss of profit,

- In-kind compensation mainly for community/public properties or for PAPs who would opt for such modality.

For this particular project, individual PAPs 99% (130) have opted for cash compensation which means all PAPs will filter themselves to other areas of their choice except less than 1% (1) who requested for both cash compensation and building materials. No consultation to host communities is required.

2.8 Compensation for relocation of other Utilities within the project area

The proposed project will require relocation or damaging of utilities and other infrastructures. These include water sources i.e., boreholes, pipe schemes and electricity poles, telephone cables etc. Any damage or relocation will require compensation from the project developer to be paid to the institution or individual that owns the utility. Major utility companies include TANESCO, TTCL, DAWASA were consulted and briefed about the project. Affected utilities will be identified and relocated during site clearance.

2.9 Compensation for Property of Deceased Persons

Inheritance of property rights are issues that can result in prolonged redress procedures. Under such circumstances the name of the deceased property owner will appear in the Valuation Report and the inheritors will be advised to follow the legal inheritance procedures while claiming the compensation rights. Mechanisms for dealing with various types of grievances include issues of inheritance that have to be referred to the courts of law for arbitration.

2.10 Measures to Minimize Impacts

The only measure to minimize impact of this project is to confine Project Activities within the proposed project area. The construction of BRT 4 is expected to be confined within the existing section of Bibi Titi Mohamed Road, Ali Hassan Mwinyi road, New Bagamoyo Road and a spur on Sam Nujoma Road. The rest of area will remain with the existing/current activities unless the demand for more land arise. In case of such demand the procedure to acquire more land will follow the legal rights for acquiring land. Confining within the project area will limit impacts only in the project area.

2.11 Plan to support livelihood Restoration of the PAPs

To support reinstating of livelihood to the PAPs, this RAP recommends the Respective Councils to do the following;

1. Counselling the PAPs to enable them to adapt to new environment and social and economic conditions
2. Training of the PAPs on the proper use of the compensation funds
3. Allocating surveyed plots for the interested PAPs for resettlement
4. Provision of basic social services and security within the new locations to be used by the PAPs

5. Direct assistance that might be requested by the elderly PAPs and with disabilities
6. For transport operators, respective Councils, LATRA and DART to assist them in getting new routes and parks outside Kivukoni terminal.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS

3.1 Overview

The process of disclosing to stakeholders and consultation is an ongoing overarching requirement that applies to the entire ESIA process. The consultation was of critical importance in gaining insights into the key environmental and social issues, concerns of communities and other stakeholders, and in aiding the development of potential strategies for addressing these impacts.

The consultant recognizes the importance of stakeholders' consultation, engagement and participation during the life of the construction of Dar es Salaam Rapid Transit (BRT) System Phase 4. Effective consultation with stakeholders is;

- Key to understanding the concerns and requirements of affected communities and ensure their participation in the formulation and refinement of the project design.
- A prerequisite for sustainable development of the project.

Effective disclosure through the release of timely accurate and comprehensive information to stakeholders is essential to ensure that the likely impacts (both positive and negative) are understood by stakeholders and allow the stakeholders to provide feedback to the project.

It also enables the consultant in;

- Determining the scope of the ESIA and eventually RAP
- Deriving specialist knowledge about the site
- Evaluating relative significance of the likely impacts
- Improve project design and, thereby, minimize conflicts and delays in implementation;
- Proposing mitigation measures
- Ensuring that the ESIA report is objective, truthful and compete
- Facilitate the development of appropriate and acceptable entitlement options;
- Increase long term project sustainability and ownership;
- Reduce problems of institutional coordination;
- Make the resettlement process transparent; and increase the effectiveness and sustainability of income restoration strategies, and improve coping mechanisms.
- Monitoring any conditions of the development agreement

3.2 Legal Requirement

The Environmental Management Act of 2004 requires that all ESIA Studies undertake Public Consultation as part of the study. The aim of the Public Consultation and Disclosure is to ensure that all stakeholders interested in a proposed project (including project beneficiaries and the general public in the vicinity of the proposed project) be identified and their opinions considered during project planning, design, construction, and operation and decommission phases.

In compliance to the requirements of the regulations, the consulting team conducted Public Consultation starting with Kinondoni, Ilala (Now DCC) and Ubungo Municipal offices, Ward and Mitaa Executive Officers in respective wards, Mitaa Council members in the whole project area, Public and Private Institutions working in the project area and community members along the project area.

3.3 Objectives of Public Consultations

The main objective of the Public Consultation was:

- To collect opinion from Regional Commissioner (RC)
- To collect opinion from Regional Administrative Secretary (RAS),
- To gather important information and opinion from Municipal/City councils and District administrators (DC/DAS) concerning the project
- To inform the local administration, ward leaders, Mtaa leaders, NGOs on the proposed project and collect their views on the project.
- To provide an opportunity to all the stakeholders including would be PAPs and communities in the proposed project area to raise issues and concerns pertaining to the project,
- To conduct socio-economic survey, and
- To identify alternatives for the proposed project.

3.4 Methodology for Community consultation

The public consultation for the proposed project was conducted simultaneously with the field work targeting the various groups of stakeholders. The consultations were conducted through public forums and in-depth interviews with institution officers. The consultants developed several formats of checklists to target the various groups of stakeholders which included the community members (elders, youth, and women), the local administration and ward and mtaa executive officers.

The key stakeholders were interviewed through holding consultative discussions and interviews and structured questionnaires with PAPs. Summary of discussions and interviews are in table 7 and 8 of this plan as well as list of names of all those consulted in annex iv.

The interviewers targeted the PAPs and general public residing in the vicinity of the proposed BRT4 project to be updated on the construction. Public forums were held with the assistance of the local leaders in several areas within the proposed project areas. The agenda of the meetings were divided into four main sections namely:

- Project Introduction
- Discussions on Project Socio-Economic and RAP
- Questions and discussion sessions
- Closing of the meeting

First section namely project description was conducted by the experts who introduced the proposed project stating its aim, components, area covered and locations. After the project introduction phase, the community members were given a chance to comment on the proposed project.

The Census and socio-economic survey to PAPs was conducted through the use of structured questionnaire (Annex i.) from respective municipal councils. During the exercise, PAPs were identified through National Identity cards, or Voting cards or Driving license or Birth certificate. The questionnaires were administered in Kiswahili.

3.5 Stakeholders' Involvement and Participation

During preparation of the RAP various stakeholders were involved including stakeholders from different areas where the BRT-4 traversing and anticipated to affect properties particularly in the wards of Kunduchi, Wazo and Makongo (List of attendees is attached in Annex iv.). Other stakeholders include TANROADS Headquarters, TANROADS Dar es Salaam Regional Office, DART, Dar es Salaam Water Supply and Sanitation Authority (DAWASA), Dar es Salaam Commuter Bus Owners Association (DARCOBOA), NOKIA, Kinondoni Municipal Council, Religion Institutions, Public Institutions like Tanzania Metrological Agency (TMA) and respective Wards and Mitaa Offices.

During consultation some stakeholders opposed the idea of having BRT4 route taking their land with different reasons as follows

- TMA area which is near Mawasiliano Bus terminal was planned for Bus Depot but TMA submitted their architectural design and confirmed that the area is already in use particularly for the offices. They proposed to the Proponent of this project to look other place suitable for this kind of project.

From the above context, it was difficult to the Consultant to accomplish the intended work, therefore, for this reason TANROADS opted for alternative sites.

3.6 Responses from the Public Consultations and Socio-Economic Survey

The following sections present the views of other stakeholders on the proposed project. The views are presented as issues requiring clarification, the anticipated benefits of the project, its negative impacts and proposed recommendations to decrease the negative impacts or enhance the project benefits. The views are presented in a tabular form indicating locations at which the discussions were held and, the names of officers interviewed and their views.

3.6.1 Response of Municipal and Oil Companies on the Proposed Project

Consultation at Public and Private Institutions, Municipal level included discussions with municipal officers, specialists and other knowledgeable people and key informants.

These consultations were conducted through:

- Presenting the Project;
- Defining the Regional and District institutional frameworks;
- Obtaining from the authorities their environmental and socio-economic concerns and perceptions regarding the proposed BRT 4 project and

- Discuss the role of the authorities in public information dissemination, monitoring and management plan

The table 8 summarizes the views of key stakeholders. Some points were repeated hence noted on the earlier speaker only. The summary of each person is also annexed in this report.

Table 7:Views of the key stakeholders from Regional and District levels

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
Municipal Manger	TARURA Kinondoni	<ul style="list-style-type: none"> • The existing levels of the residence area tally with that of the proposed road so discharge from the drainage system should not be directed to residential areas. • Sensitization to the public should be done early for them to know the government plan and accept the situation if the plan will require them to vacate from the proposed road corridor. • The contractor should make sure that he has the contracts with the sanitation facility owner that will be utilized by their workforces during construction along the road • The owners of the proposed borrow and sandpits have to be known and they have to provide the reinstatement plan after finishing the project since they will be selling materials. • The traffic management plan should be prepared and implemented during construction • Training should be given to drivers to use the proposed alternative/diversion roads during construction. • The project implementation team should plan to renovate the proposed alternative/diversion roads after project completion 	<p>The design will take care of this issue especially the area from Tegeta to DAWASA deport, park and ride and proposed deport</p> <p>Sensitization was started as instructed by the Client.</p> <p>Contractors will be informed on hygiene best practices. Consultant will make follow-up.</p> <p>Traffic management will be included in the tender documents.</p> <p>The Consultant will supervise maintenance of alternative routes because the budget for maintenance is specified in the main contract</p>

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
Ag. HEMU	DAWASA HQ	<ul style="list-style-type: none"> The construction team has to map all the pipes that need to be relocated traversing along and crossing the proposed road corridors in consultation with DAWASA Regional Offices. The pipes that cross the proposed road corridors have to be provided with ducts. The detailed information is available at DAWASA Regional Offices. 	The Contractor will sub contract relocation of utilities to other companies responsible for such utilities
MEMO	Environmental Inspector- Ilala Municipal Council)	<ul style="list-style-type: none"> The quantitative environmental and social baseline data have to be collected before the commencement of the construction works. Thus, the obtained parameters have to be monitored monthly during the whole construction works to ensure the surroundings are not contaminated. For the better results of the monitoring, the work has to be done by qualified personnel. The Execution of the Environmental and Social Impact Assessment has to comply with the National Environmental Management Act. 2004 and its regulation Management of Solid Waste generated by the construction works has to comply with the bylaws during project implementation to maintain the scenic of the Municipality. All solid waste has to be collected and transported to the authorized dumpsite at Pugu Kinyamwezi area instead of pilling within 	<p>It has been done and all applicable laws and bylaws will be implemented accordingly.</p> <p>Registration to respective Authorities will be taken care of and Consultant will make follow-up to ensure the adherence of laws and regulations.</p>

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<p>the corridor or close to residential and commercial areas.</p> <ul style="list-style-type: none"> • The Hazardous waste management has to be executed by the Authorized Dealer recognized by the Vice President Office during the implementation of the construction works. • Traffic management has to be prepared and revised during the project implementation period includes the provision of the alternative road and parking for the affected areas throughout the proposed road corridor. • The Contractor has to engage a qualified Service Provider for conducting Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), Sexual Transmitted Infections (STIs), and Tuberculosis (TB) prevention and protection programs for workers and the public during project implementation to impact awareness to the public and workforces. • The project should be registered by OSHA • The Contractor should be registered and contributes the workforces with WCF • The entire workforce expected to be engaged in the project has to be provided with a working contract. • The existing Buses for BRT Phase 1 are not enough to meet the transport requirement 	

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
MEMO	Municipal Environmental Management officer - Kinondoni Municipal Council	<ul style="list-style-type: none"> The stations between BRT roads should be provided with a sanitary facility to improve the provided services. For example, traveling from Kivukoni to Tegeta without having the facility for short calls especially for elders is difficult. The Contractor should implement the ESMP as proposed in the ESIA accordingly include to engage the qualified environmental and social Experts during implementation. The proposed location of Basihaya Park and ride and terminal and Mwenge Park and the ride is the flooding, the designer has to consider it not to cause as what is happening now at Jangwani Depot. Passengers' congestion in the BRT can increase the outbreak of epidemic or pandemic disease, the operation has to be improved compared with what is going on in phase 1. The management has to make sure that the provided dust bins have to be emptied timely in stations The designer has to provide shops for soft drink and pharmacy within the stations to improve services The excavated materials have to be collected and transported to Pugu Kinyamwezi instead of haphazardly dumping in residential and commercial areas 	<p>The proposal will be shared with the Client.</p> <p>The Contractor must implement ESMP</p> <p>The design will consider flooding areas to make the project user friendly.</p> <p>Environmental Health will be given the top priority.</p> <p>Provision of shops for soft drinks at BRT stations will be presented to the Client for consideration</p>

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
DAWASA KAWE	- Regional Manager DAWASA – Kawe	<ul style="list-style-type: none"> • The proposed road sections have been traversed by the water supply pipes with diameters ranging from 6 to 72 inches located along and across as distribution and off take pipes. Thus, in either way, the construction works may interrupt with it and cause damage. • The DAWASA have categorized the relocation works into two categories. The pipes below 10 inches their relocation works are under Regional Managers' Offices while those with above 10 inches their relocation works are under the distribution department. • Close communications between DAWASA, Client, Consultant, and Contractor is very important before the commencement of the construction works to avoid pipe breakages, thus lead to water contamination including risks to public health. • The construction team has to write the letters to DAWASA to request for a joint inspection to the mapping and relocation of pipes works. DAWASA will prepare and issue financial quotations related to relocation and supervision works before the commencement of the construction works. • Any pipes breakage that will cause loss of water-related to construction works, the water bill will be issued to the responsible person or 	The relocation will be done by qualified companies in collaboration with DAWASA

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<p>firm since some cost was incurred during production and transportation.</p> <ul style="list-style-type: none"> • The construction works should provide service ducts/sleeves at least every 1 km for future utility crossing due to the expected increase in demand to avoid cutting the roads since reinstatement will not be the same as the original works. • The DAWASA discourage to engage the subcontractors into relocation works since most of them have no enough capital to execute the works and when the main Contractor delays paying them the works delay and as a result DAWASA lose revenue and costumer's lack services. 	
DAWASA TEGETA	- Regional Manager DAWASA Tegeta	<p>–</p> <ul style="list-style-type: none"> • The engineering design should maintain the location of the main pipe as to avoid cost for relocating the main pipe from lower Ruvu. • During the construction works, some of the pipes will be relocated while others are protected from being damaged especially the offtake pipes; this will depend on the assessment that will be executed by the DAWASA. • The proposed BRT Terminal at Tegeta is a flood area. The designer has to consider the provision of a storm water drainage system to remove all the water that tends to pond during the rainy season. 	<p>The main pipes should lay parallel with the road to reduce costs when the main is cut.</p> <p>The Contractor will be advised to buy materials for relocation of water pipes.</p>

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<ul style="list-style-type: none"> To avoid delay in the relocation of water utilities. The Contractor has to purchase the materials while the DAWASA will supervise the works. Purchasing materials through Government involves a lot of processes that may cause delay relocation works. It is better to engage staff from DAWASA during relocation works to help the Contractor to shut the nearby valves that stop water from being wasted. Upon failure to do that, the water bill will be issued to the Contractor to compensate for the wasted water. 	
DART Office	Environmentalism (DART)	<ul style="list-style-type: none"> The realistic market property value has to be provided to avoid escalated valuation cost Only the realistic properties measurements have to be provided in the report to avoid reworking after verification The coordinates of the valued properties have to be presented in the report for easy verification The properties and owner photos have to be included in the report During stakeholder consultations meetings, the local leaders have to be told to inform the property owners along the corridor and infrastructures not to develop the area when waiting for their properties to be valued; Grievance committees have to be established prior execution of the valuation exercises; 	<p>The RAP will be developed as road map of valuation.</p> <p>In this case the market value cost will be considered for the properties with market value and Replacement cost will also apply to the properties with no market value i.e., community buildings, religious buildings etc.</p> <p>The ESIA will provide list of environmental issues in each phase.</p>
DART Office	Town Planner (DART)		
DART Office	Town Planner (DART)		

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<ul style="list-style-type: none"> • All the properties that fall within the demarcated corridor have to be marked and valued to avoid grievances and reworking • The environmental and social impacts have to be listed and described according to the project phases such as mobilization, constructions, and operation • The impacts have to be identified according to the proposed project components such as roads, depots, park and ride, stations, and terminals • The access road that diverts traffic to left and right from the BRT road have to be improved 	
DAWASA UPANGA	- DAWASA Upanga	<ul style="list-style-type: none"> • The sewage pipes varying from 3m to 4m deep, will have no possibility to be affected by the construction works; • If the need for relocating the pipes arises, the joint pipes mapping between DAWASA and the proponent will be executed and the relocation will be done under the supervision of DAWASA; • DAWASA will provide the specification and cost estimates of the materials required during relocation. 	All proposals will be taken care of by both Proponent and Contractor.
DAWASA UPANGA	- DAWASA Upanga		
DARCOBOA	Dar es salaam Commuter Bus Owner Association (DARCOBOA)	<ul style="list-style-type: none"> • The association is aware of the plan for implementing BRT 4; • The association was part of the co-founder of the BRT projects and the aim was to own shares of phase 1, however, this eventually 	The commuters along BRT4 should be relocated to other areas without BRT so that the income will be restored and hence possibility of repaying the loans.

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<p>failed due to lack of trust. The association is still hopeful of owning shares of the ongoing BRT phases;</p> <ul style="list-style-type: none"> • The revenue collected from the commuter buses at the proposed project area will decrease and the loan repayment will not be completed timely; • The government revenue from the commuter bus will also decrease; • The displaced commuter bus from the proposed road will automatically increase traffic congestion in other roads in the city and the owners will not get the usual revenue as approximately more than 1500 commuter busses will be displaced from the proposed road; • It would be fair for the government to compensate the commuter bus owners for the displacement, but our Tanzania laws do not support the matter; • The commuter buses are a source of income to drivers and their assistants that help to run their family including paying rent and school fees. This part also will be affected by the displacement. 	<p>Commuters may change the routes from urban area to rural areas where the transport demand is still very high. It will be ideal if commuter owners observe the law that established Urban Transport (UDA) to avoid conflict of interest in all urban areas with BRT services.</p>
NOKIA	Nokia/Consortium	<ul style="list-style-type: none"> • The project implementer has to provide a reasonable timeframe for relocating the utilities since relocation involves the use of money and getting money for such huge work 	All these concerns will be considered before construction.

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<p>needs a budget and approval from the management, this sometimes is a source of delay in relocation works;</p> <ul style="list-style-type: none"> • The joint work for mapping the utilities is very important before starting construction works to avoid disrupting the utilities and deny the services to the public. • The project implementer should share the work program for the whole construction works for the utility owner to know where exactly the relocation works has to start immediately. 	
TFS	A.g Tanzania Services DRM Forest	<ul style="list-style-type: none"> • The project proponent has to evaluate the mangroves that are likely to be affected and the valuation exercise has to involve the mangroves Expert from TFS to provide cost estimates for compensation of the mangroves. • TFS will also assess the mangrove recovery including management of disturbances during project implementation. • The activity that involves felling the mangroves will reduce the amount of CO₂ to be absorbed since Mangroves is the main natural carbon dioxide (CO₂) sink. • Inside the mangrove coverage area are the places for fish spawning grounds, thus felling or any activity that interrupts the mangroves will also affect the fish spawning grounds. • Any activity in wetland areas can affect or enhance the ecological systems, thus the 	<p>Environmental measures will consider destruction of mangrove and the best way of replanting/replacement since BRT is the public project like mangrove under TFS.</p> <p>It should also be noted that negative impacts on mangrove and other natural habitants is very minimal as the project works mainly within the midst of the road. Expansion of the road is mostly at the stations.</p>

PERSON CONSULTED	INSTITUTION	COMMENTS/VIEWS	RESPONSE
		<p>project has to make sure to enhance the ecological system instead of disturbing</p> <ul style="list-style-type: none">• The wildlife habitat will certainly be affected by the construction works at the mangrove area, hence wildlife assessment has to be executed to understand wildlife-related impacts associated with construction works and propose mitigating measures.	

3.6.2 Results of Consultation with the PAPs in the Project Area

These included respective PAPs (exclusive of those opposing), Mitaa council leaders and the Ward leaders in the vicinity of the project areas, which are mostly likely to be directly affected by the BRT 4 projects. Several public meetings were held at selected centers in each ward within the project area. During the field work, the SIA team took advantage of knowledge of the local people to gather specific knowledge about the project site, such as presence and location of cultural sites, concealed public services/utilities, which are likely to be affected by the project, potential sources of construction materials, which are likely to affect the environment in terms of transportation etc. The consultation will be carried on to the rest of PAPs who didn't join this session. When the conflicts are resolved, arrangement will be made to cover all intended PAPs.

Table 8 sums the concerns of PAPs with regard to the proposed project. The views are not categorized according to ward/meeting because there were many repeated issues (Summary of views to each ward is annexed in this RAP). Figure 3 shows one of the consultation meetings of PAPs in the project area. (Other series of pictures are in annex iii).



Figure 3: Consultation Meeting with Councillors

Table 8: Comments and Response during the Consultative Meeting from PAPs

Date	Ward	Questions	Response
4/5/2021	Kunduchi-Mtongani	1. During valuation process or compensation, challenges, complains or conflict may arise in one way or another, so whom will be responsible to deal with these challenges?	During compensation exercise, Grievances committees from Mtaa level to District level will be formed and PAPs with grievances will file their cases to these committees.
		2. Are people who have already started their projects in the proposed project allowed to continue with the project or not?	They are advised to stop the project and wait compensation
		3. What if the person doesn't have the legal ownership document of his or her area and has been affected by the project?	Eligibility of the PAP will determine his/her position for compensation
		4. We are not satisfied with the land price offered because is very difficult to acquire another similar plot here in the Municipal with the amount proposed	The land price is per land laws.
4/5/2021	Kibo-Wazo	1. When is compensation expected after valuation?	Compensation becomes effective within six months upon Chief Valuer approval. If not compensated within this period, Project-Affected Persons (PAPs) will receive their dues with interest. Valuation remains valid for two years.
		2. When will the project start?	The project commences upon completion of compensation payment
		3. How is compensation handled if the property owner is deceased?	The court-approved member chosen by the family will hold responsibility
		4. Is the road design finalized, and if so, are all	We have completed preparations and are

Date	Ward	Questions	Response
		elements included in the compensation?	currently implementing the design specifications.
4/5/2021	Kunduchi-Tegeta	1. Is this valuation identical to the one done last year?	This valuation is a continuation of the previous assessment, adhering to all legal procedures and rights, ensuring no compromise on any aspect.
		2. Will compensation consider tenants if the building owner has business contracts with them?	The compensation will encompass payment for loss of profit and other entitlements in accordance with land acquisition laws
		3. Will the Project-Affected Persons (PAPs) receive alternative plots?	TANROADS, in coordination with relevant Municipalities, will hold discussions regarding the availability of surveyed plots for interested PAPs

In this section consultation is made to the people who are not physically involved in compensation but need livelihood restoration particularly places to continue with their transport business i.e., parking and routes.

Kivukoni terminal is currently used for DART buses and private commuter buses as well as tri-cycle bikes (Bajaji). The consultation was held with commuter operators to find out the environmental and social impacts from discontinuing using the terminal. It was revealed that there was previous information that the terminal will be used by BRT system in a near future and they need to agree with DART and LATRA on which roads and park areas can be used during construction and in operational phase.



Figure 4: Consultation meeting with Commuter bus representatives

For the Bajaji operators this was a special offer to people with disability (PWD) to use the terminal temporarily and when BRT 4 took the area to expand the Kivukoni terminal alternative area will be sought. It is within this context that stakeholders meeting as requested by DARCOBOA, LATRA and others is very important to solve transport challenges at Kivukoni terminal. The views/opinions from stakeholders are narrated in Table 8 below:

Table 9: Comments and Response during the Consultative Meeting from PAPs

Date	Ward	Views and proposals	Responses
29/08/23	Kivukoni	<p>1. DARCOBOA</p> <ul style="list-style-type: none"> All the commuter bus owners agree/accept the project and agree that the project should continue as planned. The specific date of the project commencement should be known and disseminated to all stakeholders. Traffic Management plan for the Daladala service during the construction phase should be presented to DARCOBOA and other Commuter (Bus) owners to allow them a room for advising on improvement of the system in general. The alternative bus stops to be used during construction phase should be identified before construction. A map showing all new routes and bus stops/bays should be presented to all stakeholders/bus owners affected by the project. The notification date for construction commencement at Kivukoni Bus Terminal/Depot should be disseminated to all stakeholders in advance to enable Commuter owners and operators to prepare for such changes. <p>2. LATRA</p> <ul style="list-style-type: none"> New routes for commuters using Kivukoni terminal must also be known during project implementation/construction. It was proposed to have an Internal meeting between government institutions i.e., DART, LATRA, TANROADS to discuss on the BRT Kivukoni construction and how other routes will fit in. 	<p>All views, comments and proposals will be shared with TANROADS (The Employer) to convince a date for all stakeholders to view the project design at Kivukoni and propose viable alternatives for bus commuters and bajaji operators. (A letter to TANROADS to arrange a stakeholders meeting is already submitted for action)</p>

Date	Ward	Views and proposals	Responses
		<p>3. DART</p> <ul style="list-style-type: none"> The contractor has already signed the contract in June and has been given 3 months mobilization phase which ends in September this year. Therefore, the project should start in September 2023. To this date, DART has not prepared a proposal for commuters to and from Kivukoni as well as bus stop relocations during project implementation/construction. In the coming meeting, DARCOBOA is expected to provide comments on new routes and bus stops that can be used during the implementation phase of the project. DART and TANROAD should work together to prepare the maps, routes and new ways for commuters and present them to DARCOBOA and other stakeholders who will be affected by the project. LATRA should also be involved during the preparation of the route and relocation of the bus stops. DARCOBOA should be given enough time to prepare and locate new routes and bus stops The next meeting is proposed to be on 20th September 2023. 	
		<p>4. KIVUKONI Executive Ward Officer</p> <ul style="list-style-type: none"> During presentation of Kivukoni BRT4 design, the Regional Commissioner office, Ilala District Commissioner, DCC Executive Director, President's Office Regional Administration and Local Government (PORALG) should be invited as key stakeholders. 	

Date	Ward	Views and proposals	Responses
		<ul style="list-style-type: none">The existing and new roads adjacent to the project must be well maintained by the contractor during construction because heavy trucks will be using them in hauling construction materials	

CHAPTER FOUR

4.0 SOCIO-ECONOMIC, CENSUS OF THE PAPS AND GENDER ISSUES

4.1 Socio-economic

The main economic activities taking place in the proposed BRT 4 route in all three Municipalities of Ubungo, Kinondoni and Dar es Salaam City Council (DCC) can be categorized as mercantile business, retailing businesses including small and medium shops, hotels, bars and restaurants, transportation services, clearing and forwarding, agro businesses, medical businesses, handcraft businesses, banking businesses and construction business. These activities employ about 45% of the total population of the Municipalities. The businesses play a significant role to the Municipals' economy in terms of revenue and in provision of job opportunities to the residents.

Agriculture and livestock sector is another important economic activity in Municipalities whereby about 13% of the population is employed in the sector. The livestock kept in the study area are cattle, goats, sheep, pigs and chicken. Fishing in Indian Ocean also provides employment to a sizeable proportion of the people in the Municipalities.

In industrial sector, Dar es Salaam City Council (DCC) has more developed industries than Kinondoni. The most significant industries include medium industries which process food, beverage and textiles. Others include small scale industries which dominates wide range of food and textiles. The small-scale industries comprise hulling and milling and fruit processing machines which add value to agricultural primary products.

4.2 Income Generating Activities (IGA)

4.2.1 Retail Shops

Currently the residents along the project road have retail shops particularly in all business centres from Maktaba – Morocco – Mwenge –Tangi bovu – Tegeta up to Basi haya. The shops and kiosks stock a wide range of goods including foodstuffs, household utensils, school supplies, textiles and minor spare parts for motorbikes, bicycles. However, some of the goods are slow moving commodities because of many shops selling the same items. Construction materials such as corrugated iron sheets and cement are mainly found in some shops in Mwenge and Tegeta while other small centres are mostly equipped with other consumable goods. The shop operations adopt various techniques to keep the operation costs low. For example, some shops are often located in one of the rooms within the homestead which are along the project road and usually attended and managed by members of the household. Other shops are located in rented frames and most of them possess a single room.

4.2.2 Restaurants and Food Vending

There are medium and small restaurants and numerous food vendors in business centres in the study area especially at Namanga, Mwenge, Tangibovu, Tegeta and Simu 2000 where BRT4 connects with BRT 5. The restaurants serve soft drinks, tea

snacks and meals basically to industrial workers, visitors and limited number of students. It was noted that restaurants and food vending employ a good number of girls on a daily basis and wages range from Tzs. 5,000 to Tzs. 10,000. These girls apart from preparing food they also supply to the customers in their respective offices of working places. This technique is to reduce the walking distance of customers and increase income of the owners. In rare cases girls are paid according to the number plates they sell daily.

4.2.3 Flower Vendors and Furniture dealers (Hand craft and small-scale workshops)

Flower vendors and Furniture dealers are one of emerging petty business groups in the project area. In estimate the sector employs more than 150 youth along the project roads. These groups are found at the junction of St. Peters (Mbuyuni) up to Basi haya at the end of the project road. Flower vendors deal with variety of flowers in pots and in nurseries located along the project road and most of them are in RoW. However, the flowers are movable so during construction can be moved away to give the space for construction. Potential customers for flowers are people who pass by the road and become attracted with flowers and decorated pots (containers) and opt buying them. Flowers are sold at a price of Tzs 5,000/= to Tzs. 20,000/= for flowers in nurseries while in containers range from Tzs. 20,000/= to Tzs. 100,000/=

Furniture dealers are often displayed the furniture along the project road (as a show room) or customers to view them and buy. Furniture workshops are located away from the project road so during construction workshops will not be affected. Furnitures are displayed during the day and in the evening are collected back to the stores. During discussion with dealers revealed that a set of table and six chairs is sold at Tzs. 700,000 to Tzs. 1,000,000 depending on the type of wood (timber) used to make them. Dealers of flowers and furniture have acquired IDs which allow them to display their goods without any restriction from Municipal Authorities.

4.2.4 Boda Boda (motorbike) and Commuter Transport business

Bodaboda

This is the recently emerged business which employs many youths. The business deals with transportation of passengers from the trunk roads to remote areas with transport difficulties. The number of bodaboda along the project road currently range between 15 to 20 in each centre/station from Palm Beach to Tegeta and Bunju road section. Since there is free entry and exist is not possible to get the actual number of bodaboda. Due to transport congestions in Dar es Salaam bodaboda are used as means of transport which penetrates during traffic jams and reach the intended destination within a reasonable time. So many workers and people who want to reach early at their respective destinations opt bodaboda than other commuters. Most of the bodaboda operators do not own the bike but they work for wage on daily basis. However, few of them engage in contract with owners and after servicing the agreeable amount, the operator owns the bike. Bodaboda business makes more than Tzs. 30,000/= and pays the owner Tzs. 10,000 daily. This means the operator can accumulate Tzs. 20,000/= daily as a daily wage.

Daladala (Commuter Transport)

The project area is mainly characterized by road transport mode to serve the majority of its population. The main transport in the project area depends on town buses commuters known as Daladala which ply from Bunju via Tegeta, Mwenge to city centre i.e., Posta, Ferry, Railway and Kariakoo. Other commuters from Bunju and Tegeta also transport passengers to Simu 2000 (Mawasiliano) and Mbezi Luis where upcountry bus terminal is located with the bus fare ranging from Tshs. 400 to 600. There are about 150 daladala operating along New Bagamoyo Road but the challenge has been to cater to traffic demand in the available road infrastructure capacity. The situation particularly in this project is coupled by development of satellite areas at Bunju, Mbweni, Goba and Tegeta including the other centres outside Dar es Salaam like Bagamoyo. The influx of traffic has excessively lowered the mobility level along the Tegeta – Mwenge - Morocco road and adjacent roads network. However, the Government through TANROADS has done various interventions to reduce traffic congestion along the project road including widening the road into four lanes and the at hand project of construction of Bus Rapid Transit (BRT4) infrastructure from Kisutu/Maktaba – Morocco – Mwenge and Tegeta Basi haya and a spur from Mwenge to Simu 2000. It is therefore anticipated that when the project is completed, passengers will rely on Rapid Transit and Daladala plying in the project area may be moved to other parts of Dar es Salaam or outside the city. Unlike Bodaboda business, daladala will face challenges in selecting new routes outside BRT 4 area, and people working in this sector may lose employment during the transition.

Besides daladala and bodaboda transport, private cars will also operate on the project road. When the project is completed, the private cars will transit from homes to park and ride areas located along the BRT 4 road. Parking in these areas will reduce congestion of cars in the city centre and other shopping areas in the city.

4.2.5 Petty trade

Petty trade which is characterized of hawkers (*machinga*) includes selling a range of products in small and medium quantities in hands and sometimes in stalls/shelves along the project road and, in other areas, at the local market or along the streets especially in business centres like Mwenge, Tegeta and at the market square in Simu 2000. The products sold include rice, maize and cassava flour, vegetables, dry cassava, dried fish, and fruits. Other products dealt by petty traders include household utensils and textiles, mainly second-hand clothes.

4.2.6 Mercantile enterprises

Mercantile is an important sub-sector, the main occupation in the Central Business District (CBD) particularly in Kisutu Ward, Mwenge including Mlimani City Mall, and Tegeta. The activities carried out within the CBD include wholesale shops, hardware shops and restaurants and other trading activities. These areas have the highest concentration of commercial services characterized by mercantile businesses where exporters and importers of goods operate. Companies dealing with transportation are also found in this area. Electronic appliances and software dealers are common within CBD. On the other hand, there is a good number of financial institutions that provide financial services in the study area including banks such as CRDB Ltd, National Microfinance (NMB), Standard Chartered Bank, ABSA Bank, Akiba, Stanbic, Exim, National Bank of Commerce (NBC), Tanzania Postal Bank, Azania Bank etc. Non-

bank financial institutions are also available in the project area, for instance, Savings and Credit Cooperative Societies (SACCOS). Apart from mercantile enterprises, the project area is endowed with offices of different companies such as telecommunication companies, petrol filling stations, pharmacies, and construction and consulting firms.

4.2.7 Industries:

In industrial sector, main industries found in the study area particularly Kinondoni Municipal Council (KMC) include several industries in Mikocheni Light Industries Area for example steel industries, KIBOKO iron sheets, KWANZA Bottlers (Coca Cola) Pharmaceutical Industries, Matresses and soap industries and others. In the far north there is Twiga Cement at Wazo. In addition, there are about 40 small scale industries all over the project road. However, some of the industries have closed down due to lack of raw material, poor management, financial constraints and stiff competition from imported commodities. Apart from their economic importance, industries also enhance sustainable development and livelihood of Dar es Salaam residents through reliable employment opportunities. Most of the big and medium industries use modern production technologies and employ different options in marketing strategies. For the purpose of this project industries in Mikocheni Light Industries area is a case in point whereby BRT 4 will support ferrying workers to and from the working place as it passes along the area from Morocco to Mwenge.

4.2.8 Agriculture

As far as agriculture is concerned, there has been a significant variation in the production capacity of vegetables, fruits, coconut, cashew nuts and food crop in all three Municipalities of Ilala, Ubungu and Kinondoni. For example, Kinondoni MC, agriculture provides 466.74 tons of food crops, which is only 0.18% of the total annual food requirement and actual food consumption is 255,064.38. In all Municipalities food shortages is not a case because food crops come from regions outside Dar es Salaam. The major food crop grown includes cassava, sweet potatoes, paddy, maize and cowpeas. Cassava is the main food crop in the peri – urban areas. The main cash crops grown include a variety of vegetables such as amaranthus, Chinese cabbages, egg plants, okra, kale and sweet potatoes (*matembele*), fruits like citrus, passions, pawpaws (papaya), pineapples, mangoes, cucumbers and cashew nuts.

4.2.9 Livestock

Livestock keeping is usually done in rural areas. Major types of animals kept are dairy cattle, poultry, sheep, goats and pigs. Zero grazing is practised in urban areas and semi-intensive to extensive method in peri urban. The available data reveal that wards in peri-urban are leading in livestock keeping. The project area has a significant number of livestock, they are owned by individual families. The sector acts as an alternative source of income.

4.2.10 Fisheries sector

Fisheries sector is mainly done along Indian Ocean. For this case Ubungu MC does not have coastal strip so insignificant fish farming is practiced. Major fisheries are done

in Kinondoni MC which possesses a coastline of about 143 km long along the Indian Ocean as well as Ilala MC which has also a significant coastline strip. In Kinondoni MC there are about 2,978 fishermen and the total number of fishing vessels is about 501. The estimated amount of fish catch per year is about 3,995.86 tonnes. (*Kinondoni MC, 2018*). On the other side Ilala MC has Fishing License 1,335, fishermen 2,128, Vessels (Registered) 196 and in 2018 the catch was tons 2,613,078. (*Ilala MC, 2018*).

4.3 Gender issues in the project area

Gender empowerment ensures that, all sexes particularly women are fully participating in policy and decision-making processes and in all aspects of economic, socio-cultural, participation in managerial, political, professional and technical personnel. It is within this context women are encouraged to participate fully in this BRT 4 project from planning stage, construction and operation stages as one of the most beneficiaries of employment in the project. In the project area women are significantly involved in implementing activities especially in economic activities besides horticulture, 60% of the interviewed women were engaged in business activities such as running retail shops, non-formal employment, selling of food crops, local brewing, food vending and alike.

The unequal access to economic opportunities such as sharing of household income and other family/clan wealth existing between men and women leaves women with minimal options of earning their lives decently. It is reported that sometimes some of the women resort to promiscuity in order to meet their needs. With the prevalence situation of HIV/AIDS, they place themselves in a high-risk. Furthermore, women and girls are more vulnerable as they face early pregnancies, school dropout, early marriages, raping, unequal gender roles and prevalence of STDs among them.

4.3.1 Gender Based Violence (GBV)

Gender Based Violence has been defined as “any harmful act that is perpetrated against a person’s will and that is socially ascribed (gender) differences between males and females. GBV has a greater impact on women and girls, as they are most of often the survivors and suffer of great physical damage than men. At this juncture, GBV data is collected at Municipal level from which the project area is part of the Municipal jurisdiction. However, through anecdotal information from the Mtaa leaders indicates that physical violence does happen in the families but they are not recorded. When violence becomes tense is reported either at Municipal or Police station under Gender Desk. Data showing magnitude of GBV at Municipal and Police Commander-Police Region Kinondoni are presented hereunder.

Kinondoni Municipal Council like other councils in Tanzania is not exceptional on prevalence of GBV. It was reported that in 2022 there were 248 cases reported at Gender Desk Department (under Municipal Medical Officer – Social Welfare). Out of all cases reported 184 cases were physical violence against women and 21 cases physical violence against men, 29 cases raping (women) and 14 cases were psychological violence against women. From January to March 2023 GBV cases were 75 and all fall under physical and psychological violence as shown in the table below:

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Table 10: GBV status in Kinondoni MC from January to March, 2023

SN	Month	Status of GBV from January to March, 2023 KMC			Total
		Male	Female	Type of Violence	
1	January	17	14	Physical and Psychological/Emotional	31
2	February	7	6	Physical and Psychological/Emotional	13
3	March	18	13	Physical and Psychological/Emotional	31
	Total	42	33		75

Source: Field data May, 2023

The GBV records obtained from the Police Commander (RPC) Kinondoni in recent years (2021) shows that a total number of 258 people were victims of GBV at different levels.

1. Physical Violence including beating, punching, pushing, grabbing, maiming, and killing with or without weapon, FGM etc victims were 135 (male 27 female 108)
2. Psychological Violence include verbal abuse, scolding, isolating and verbal humiliation Victims were 23 (male 5 female 18)
3. Sexual Abuse include rape, dishonesty in relationship, forced unprotected sex, touching of private parts of a person without her/his consent etc. Victims were 83 (male 12 female 71)
4. Economic abuse includes lack of voice in economic rights affecting one, working for less pay. There was no victim reported at the Police desk. The main challenge of such violence in the project area is basically on economic constraints, attitudes, norms and behaviors that are deep-rooted in the families, homes and communities and institutionalized at all levels and consequently producing a culture of social acceptance of gender violence, especially violence against women. It is within this context that the project at hand, must apply GBV protective mechanism to reduce the violence against women particularly during construction.

Regarding the GBV status in the project area the proposed best mitigation measures should be the following: -

1. Awareness education on the rights of workers and community surrounding the project area in this case BRT 4 route and specifically the respective wards. The Contractor will be responsible of hiring a Service Provider who will carry-out GBV and HIV/AIDS, STDs and TB awareness campaign. KMC on the other hand will supervise the campaign throughout the construction phase.
2. In line with awareness campaign, the Contractor must develop different policies to curb GBV impacts to his workers and nearby communities. These policies include (i) Gender Based Violence and Sexual Harassment Policy (ii) Child Labour Policy (iii)
3. Workers Code of Ethical Conduct (iv) Grievances Redress Mechanism Plan (v) Crime Management Plan (vi) Labour Influx Plan. These policies and Plans will be used as yardstick in controlling GBV at work places and in communities around the project area.

4.3.2 HIV / AIDS Prevalence

According to Tanzania HIV/AIDS and Malaria Indicator Survey (THMIS, 2017/18), Tanzania is experiencing some recent decline in national HIV prevalence. Between 2004 and 2012, the overall adult prevalence rate fell from 7% to 5.0% (from 6% to 3.8% for men and from 8% to 6.5% for women). Declines in HIV prevalence were also observed among pregnant women attending antenatal clinics and among blood donors.

The downward trend in levels of HIV infection correlates with the reduction in behaviours known to have a high risk of transmitting HIV. For example, in the 15-49 age group, casual sex with non-marital, non-cohabiting partners declined from 46% to 29% among men, and from 23% to 16% among women (National HIV and AIDS Policy, 2013).

The HIV/AIDS pandemic is still considered a killer disease in all the regions including Dar es Salaam. It was revealed from the reported cases that in 4 years from 2015 to 2018 people were tested as follows: In 2015, a total of 208 persons were tested, 314 in 2016, 2,445 in 2017 and 9,397 in 2018. The same report reveals that 49,823 expectant mothers were also tested for HIV/AIDS status as well as their new born in 2018 which indicated that 2.7% were HIV/AIDS positive. The number of children born with negative status were 40312 and 1521 children was HIV positive.

Regarding the life style of the people and socio-cultural and traditional practices, the project area is not different from other communities with similar traditions which in one way or another early marriage, raping cases and early pregnancies are indicators of activities fueling the prevalence of HIV.

In the project area, KMC has HIV prevalence of about 2% and an example obtained from one of the project area - Mtongani sub ward according to Mtaa Executive Officer the prevalence is less than 1% (90 whereby male is 27 and female 63) who are reported attending VCT and receiving ARVs at the Mtaa's Dispensary. With the coming project stern measures should be taken to prevent the spread of it through HIV awareness campaigns including safe sexual relations and fidelity to couples. The Contractor must develop HIV/AIDS Prevention Policy to control the spread among workers and communities nearby the project.

Since the project is implemented in KMC then the Municipal has a role to prevent the spread and prevalence of HIV/AIDS in the entire municipal through collaboration of public and private partners in the following services

- Voluntary counseling and testing (VCT),
- Treatment for AIDS patient with ARVs,
- Providers initiating testing and counseling (PITC),
- Prevention from mother to child transmission (PMTCT),
- TB and HIV services,
- Sexual Transmitted infection (STI) treatment and
- Home Based Care services (HBC),

So, during project implementation the Contractor will collaborate with KMC in HIV/AIDS awareness campaign to both Contractor's workers and the Communities adjacent the project area.

4.4 Population

According to National population census and Household carried out in 2022, the project area has a population of 3,719,152 (male 1,788,481, female 1,930,671) and households 1,074,885 with 2.1% growth rate per annum in all three Municipalities. The table below summarizes the population in all 3 municipalities under project.

Table 11: Population in the Municipal Councils

Local Government Authority	MALE	FEMALE	TOTAL	SEX RATIO	H.H	H.H SIZE
Kinondoni MC	474,825	507,503	982,328	94	299,184	3.3
DSM City Council	793,731	856,181	1,649,912	93	458,614	3.6
Ubungu MC	519,925	566,987	1,086,912	92	317,087	3.4
	1,788,481	1,930,671	3,719,152	93	1,074,885	

Source: NBS, 2022 Population and Housing Census Volume 1 December, 2022

4.5 Undertaking of Socio-economic Survey and Census

Conducting of socio-economic survey and census progressed through participatory and teamwork by involving land surveyors, Valuers and trained enumerators. These sub-teams closely collaborated with the District Officials (District, WEO and Councilors) and Mtaa Leaders to accomplish the assignment. During census survey activity, the Consultant's team conducted interviews with PAPs in each Project Affected Household (PAH) to enumerate and collect basic data / information on the affected households (persons). From the survey, the project has affected 133 PAPs from Tegeta, Mtongani sub-wards, Kinondoni Municipal Council. There is no PAP from Ubungu or DCC and gender segregation of PAPs is as shown in the table below: -

Table 12: Gender segregation of PAPs

SN	Number of PAPs	Gender
1	80 (60%)	Male
2	53 (40%)	Female
Total	133	

Source: Field data May, 2021 and May 2023

In the course of undertaking valuation, a socio-economic survey, i.e., PAPs profile of the affected households and a census of the affected people were accomplished. Dissemination of information was done in advance whereby communities were informed of the intended RAP activities and the possibility of relocating residents. The survey team thus compiled a detailed inventory of the types, sizes and conditions of the land and assets of each affected households, businesses and determined the value of compensation to be paid to each household for affected buildings, land, other assets and loss of income sources. The results of survey and valuation exercise were presented to TANROADS in a valuation report, thereby providing principal information

on the number and location of affected properties, the number and categories of the affected households, the nature and magnitudes of losses and displacement, the methods used for valuing land, assets and loss of income and assessing compensation and the amount of compensation to be paid as contained in this report.

4.6.1 Socio-Economic Situation of the PAPs' Households

As indicated before, socio-economic survey of PAPs along the BRT 4 Road section was conducted from August 2019 to May, 2023 and revised in April- May, 2023 using a sample of 129 household questionnaires for PAPs along the corridor in Tegeta and Mtongani sub wards. The time to conduct the interview between the enumerator and each PAP was 40 - 50 minutes. During the analysis, a total number of 129 household questionnaires were analyzed. The questionnaires posed questions on the vulnerability status e.g., elderly persons, disabled persons, widows, children who are orphans, long sickness persons etc and there were 3 female vulnerable identified who are elderly. Looking at the residential household size shows that a household with 1 to 4 members is 54%, 5 to 8 members 36%, 9 to 12 members 8% and above 12 is 2%. Regarding income generating activities, the heads of households either engage in business or employment in public and private sectors or informal sector (casual labour). Results from the questionnaires reveal that PAPs in public sector are 21%, private sector 36% and informal sector 39% and others 4%.

4.6.2 PAPs Head of Household Demographic Characteristics

PAPs interviewed are from the wards of Wazo, Kunduchi and Makongo particularly in Tegeta and Mtongani sub-wards where BRT 4 section will be constructed. The age characteristics of the PAPs and ownership of structures/houses indicate that the age between 18 -24 (1%), 25-34 (12%), 35 – 44 (30%), 45 and above is (57%). In this scenario elders and matured people are the ones owning many assets, so this R A P recommends special attention to be provided to PAPs aged above 60 and widows (Refer 4.6.1 on a number of vulnerable) during RAP implementation. Data revealed that property ownership male owns 47% (10) while female possess 53% (11) as shown in the table below: -

Table 13: Ownership of different assets among male and female in the project area

SN	Type of Asset/Property	Male	Female
1	Residential house	137	90
2	Business Frame/shop (many rooms)	104	70
	Total	241	260

Source: Field data. May 2023

Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. However, in this RAP women have significant portion in decision making on their own properties which are mainly buildings and commercial activities. This RAP ensured that impacted women

particularly requiring their houses to be relocated participate in meetings and are aware of the compensation process. Female PAPs (53) out of them 33% are married. The rest of female PAPs, 55% are single, 12 % are widows and they are the heads of households.

4.6.3 Education Levels of the PAPs

Most head of household in the project area have formal education with 42% of head of household having undertaken primary education, 26% ordinary secondary education, 4% having advanced secondary education while 28% having university education and none have no informal education. The census also indicates that there is a considerable number of graduates in the project area as an indicator of urban setting despite lack of surveyed plots particularly in Mtongani where majority of PAPs with degrees reside.

The figure below illustrates more: -

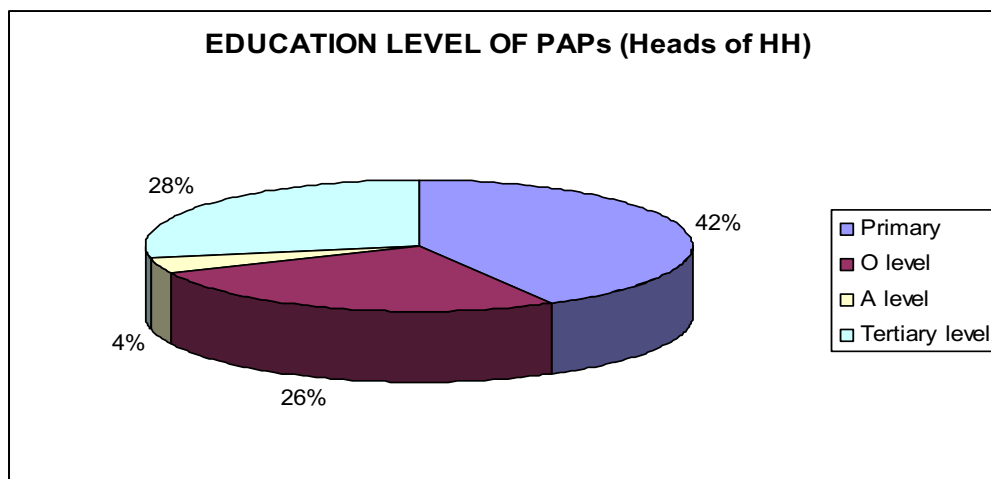


Figure 5: Education level of PAPs (Source- Field Data May 2023)

4.6.4 Residence Status of the PAPs Households

In the project area 52% of PAPs houses are permanent houses consisted of cement floors, 45% are semi-permanent houses and 3% of the houses are temporary used for petty trading. The walls of most of the houses owned by PAPs 86 % have brick walls and 14% have wooden and sheets. The variation in type of construction materials will imply variations in the compensation rates that PAPs will receive. Number of rooms in PAPs houses varies with most of the PAPs houses comprises of more than 6 rooms (42%), 5 -6 rooms (19%), 3 -4 rooms (28%) and 1 - 2 rooms (11%). It shows that majority of PAPs (42%) use part or whole of their houses for renting so, the valuation will consider loss of profit/rental, and other allowances to each house that will be relocated. In this case the cost of compensation will be relatively high.

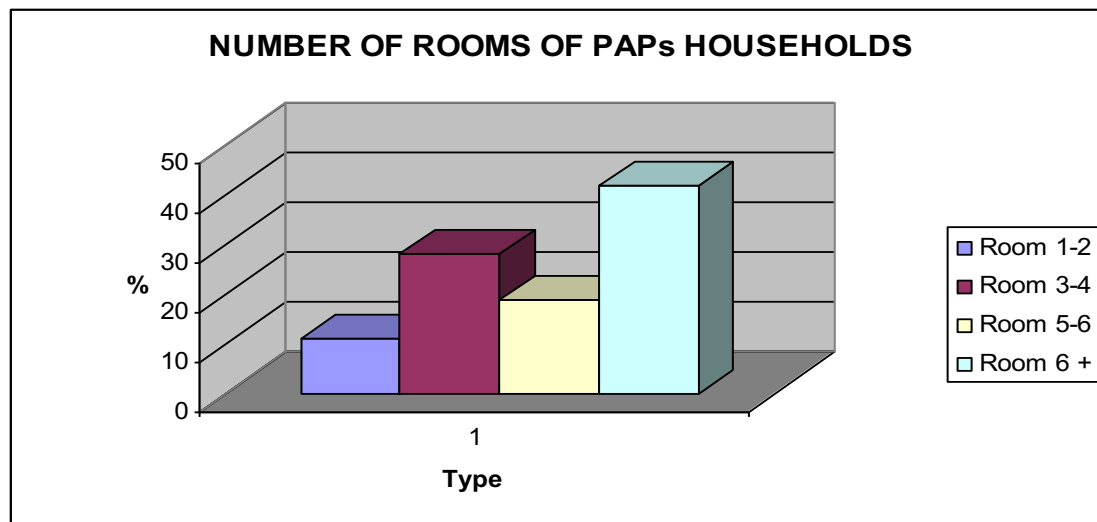


Figure 6: Number of Rooms of PAPs Households

Source: Field data May 2023

4.6.5 Vulnerable Groups or Persons requiring Special Provisions

Generally, in the study area there were few PAPS who are vulnerable due to physical (old aging) and economical status and they will need additional assistance as instructed in WB OP 4.12. Livelihood restoration which is WB requirement proposes where resettlement affects the income-earning capacity of the displaced families, compensation alone does not guarantee the restoration or improvement of their living standards. WB encourages project sponsors to undertake resettlement as a sustainable development initiative to help in improving the standard of living for project affected persons. The livelihood restoration program in this particular project will fall under

a) **Land Based Livelihoods:**

PAPs under this category include those who will be physically and economically displaced from their land. The Developer will assist PAPs who will be relocated in acquisition of land titles for their new land, as well as updating of land titles for those whose land will be partially affected, i.e., those within the proposed access road locations.

b) **Wage-based livelihoods:**

Wage earners in the project area will benefit from skills training. PAPs will be trained in skills that will be relevant to the project such as carpentry, operating machines/equipment, and brickwork, so that they can be employed by the project. Developers shall provide sufficient lead time for training of affected people to enable them compete for jobs related to the project.

c) **Enterprise-based livelihood:**

Some of the PAPs in the Project area are business persons, therefore they should be offered trainings in entrepreneurship and business management to equip them with skills in selection of viable income generating activities, business

planning, marketing, and inventory, to expand their businesses and generate local employment.

With regard to women in the project area, mostly engaged in household activities, like looking after children and domestic related work, while others engage in small businesses like

food vending, shop keeping and running restaurants, and few own houses and land. These will be specifically targeted through gender sensitive engagement and training methods, and through specific activities in both agriculture and other income-generating activities.

It is within the above context that TANROADS in collaboration with Kinondoni Municipal Council will seek areas within the Municipal to relocate PAPs who will be interested with the offer. Since PAPs opted compensation in cash, they may filter themselves in the areas of their own choice. The role of TANROADS and KMC is to present surveyed areas to PAPs who will be ready for such offers. During payment of compensation KMC through Community Development Officers will conduct consultation with PAPs on the future livelihoods including temporary and permanent settlement.

4.7 Land Issues

The Land ownership in the project area is formalized, surveyed and provided with offers for occupancy while plots in Mtongani are partially formalized. Since the project area is within the KMC, the procedures of securing alternative land will be done by upon request.

CHAPTER FIVE

5.0 POLICY AND LEGAL FRAMEWORK

5.1 Introduction

The RAP for the proposed construction of the BRT4 project in three Municipalities of Ilala (DCC), Ubungu and Kinondoni will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania. This legal and institutional framework is presented in seven sections:

- (i) Political economy and governance in Tanzania;
- (ii) Property and land rights, as defined by Tanzanian law and customary practice;
- (iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets;
- (iv) Rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
- (v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution;
- (vi) Comparison with World Bank OP 4.12, using equivalence and acceptability standards; and
- (vii) Legally mandated institutions, agencies and individuals associated with legal instruments governing land use and management.

5.2 Property and Land Rights in Tanzania

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

The National Land Policy (1995) of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land-based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen. This RAP has ensured that all affected land has been evaluated and owners are entitled to compensation.

5.3 National Land Policy, 1995

The main objective of the National Land Policy (URT, 1995) is to address the various and ever-changing land use needs in Tanzania. The Policy aims at promoting and ensuring a secure land tenure system, encourage the optimal use of land and to facilitate broad-based social and economic development, without endangering the

environment (ibid: 5). Specific objectives outlined in the Land Policy that are directly related to the proposed development include:

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

5.4 The World Bank Resettlement Policy

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

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

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

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

The World Bank OP 4.12 (paragraphs 15 and 16) recognizes that while non-landowners may have no right to compensation for the loss of land that they are occupying, they should be provided with certain resettlement measures, provided that

they occupy the project area prior to a specified cut-off date. Such measures include disturbance and transport allowance, compensation of crops or assets on land only excluding compensation of affected land, where appropriate to ensure that their livelihood is at least restored or improved regardless of ownership. This RAP will be implemented as per Tanzania Laws and Regulations and WB OP4:12 on Involuntary Resettlement.

5.5 The Land Act, 1999

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

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

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

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

The applicant shall serve a notice on:

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

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

- a) Any damage suffered in respect of trees, crops, and buildings
- b) Damage due to surveying or determining the route of that way-leave and;
- c) Acquisition of land for the purpose of a way-leave

Considering that the proposed project will also require land for custom expansion all anticipated damages have been accommodated in the RAP and further consultation and compensation will be paid during construction for unforeseeable impacts.

5.6 The Valuation and Valuers (General) Regulations, 2018

The Land Regulations of 2001 have been superseded by the Valuation and Valuers Regulations of 2018. These regulations made under the Valuation and Valuers Registration Act of 2016 as Government Notice No. 136 require a registered valuer to conduct valuation of affected properties. S54 of the Regulation provides compensable items shall include land and all unexhausted improvements permanently affixed to land such as (a) crops, plants and trees (b) buildings and ancillary structures (c) site works including landscape, fences, paved walkways, driveways, retaining walls and stone masonry, storm water drains, swimming pools, (d) canals and irrigation water systems, embankments, ponds and dams; (e) infrastructure systems including water piping, electrical distribution systems, road and railway systems, sewerage system, (f) water storage tanks-overhead or underground, water wells, boreholes; and (g) children playgrounds structures; (h) Graves according to Graves (Removal) Act 1969.

Further Section 57 (1) provides Valuation for compensation purpose shall be preceded by sensitization meetings and the sensitization meetings shall be attended by a valuer, convey the purpose of valuation, procedures involved, duration of the exercise, the rates applicable in valuation, legal rights and obligations.

The 2018 Regulations require a valuer to make formal request for access to a property for the purpose of carrying out valuation through Valuation Form No 1 (S59). If request is denied the Valuer shall serve Valuation Form No. 2. Denial of access by property owner cannot stop the valuer from undertaking the valuation (S61.2). It is mandatory upon completion of inspection for compensation purposes, the Valuer avails a formal certification that is filled by property owner (Valuation Form No 3 (S62).

The regulations provide criteria for the assessment of compensation. Prior to undertaking valuation surveys, the Chief Valuer shall determine Crop Value Rate in consultation with Ministry responsible for Agriculture, Forestry, or any other relevant Ministry (S 52), land value rates and may involve a consultant to advise (S53) and building value rates (S 55). In all cases, a registered valuer who is contracted to carry out the valuation shall undertake research and prepare the rates and submit to the Chief Valuer for endorsement before commencement of the valuation (S 55.2).

Part 3 of the Regulation provide for the basis of valuation which is **Market Value** defined as

“...the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion. ...”

Besides the assessed market value which may be arrived at in either through a sales-, income- or cost approaches, the Regulations in concomitant with provisions of Land Act, require assessment of allowances. These allowances include:

- a. Disturbance allowance which is to be computed at the rate of ongoing commercial bank deposit rates for all the assets (as opposed to land only which was the case with the 2001 Regulation.
- b. Transport allowance payable for only those PAPs losing residence for the transportation of their personal belongings not exceeding 12 tons over a distance of not more than 20 kms
- c. Accommodation allowance for those losing residential accommodation for 36 months computed on a market rental value basis applicable to a similar house to that which is affected.
- d. Loss of profit in the case of business computed on verifiable/audited business accounts payable over 36 months.

It is important to note that under the Land Act No 4 of 1999 and GN 136 Regulations specifically S. 12 (2) entitlement to accommodation and transport allowance is only when the house built on the PAP's land is in use at the time of valuation.

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

5.7 The 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 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 (2002), Land Act (1999) and any other written law.

5.8 The Land Disputes Courts Act No. 2 of 2002

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

- The Village Land Council
- The Ward Tribunal
- District Land and Housing Tribunal
- The High Court (Land Division)
- The Court of Appeal of Tanzania.

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

5.9 Land Use and Spatial Planning

The Town and Country Planning Ordinance of 1961, which regulates the use of land in urban areas, was established to facilitate land use planning schemes. According to the Ordinance, development is not allowed without obtaining planning consent. It also provides a specific land-use class for ecologically sensitive areas; The National Land Use Planning Commission as per the Land Use Planning Act 2007 is the institution entrusted to coordinate land-use planning in Mainland Tanzania. It covers preparation of regional physical land use plans and formulation of land use policies for implementation by the Government. It specifies standards, norms and criteria for the protection of beneficial uses and maintenance of the quality of land. These provisions are relevant to the proposed development considering that its implementation is within a city.

There is no single agency in Tanzania that has the mandate for planning and providing resettlement and compensation help in cases where people are involuntarily relocated for development projects. It is however agreed in principle that the project proponent assumes the responsibility for delivery of entitlements even though a number of actions may be involved.

5.10 The Graveyard Removal Act (No. 9 of 1969)

Subject to the provisions of this Act under section 3, “where any land on which a grave is situated is required for a public purpose the Minister may cause such grave and any dead body buried therein to be removed from the land and, in such case, shall take all such steps as may be requisite or convenient for the reinstatement of the grave and the re-interment of the dead body in place approved by him for the purpose”.

5.11 Gap Analysis of National Laws vis-à-vis World Bank Policy

The Consultant reviewed the implications of legal rights to property and/or title to the implementation of any possible involuntary resettlement, including compensation packages and eligibility criteria. Tanzania’s policies and legislation vis-à-vis World Bank’s OP 4.12 on involuntary resettlement was reviewed.

A gap analysis has been undertaken in order to measure the difference between Tanzanian laws and the World Bank requirements, with special attention to building properties, farmland, rangelands, forests and access to other basic resources. The analysis indicates that when Tanzania laws and the World Bank Operation Policy are not in full accord, the higher standard will apply. The table below summarizes the gap.

Table 14: Gap Analysis between WB Guidelines and Tanzania Policies

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
OP 4.12 on Involuntary Resettlement	Requires Borrowers to: (a) avoid involuntary resettlement where feasible, or minimized, exploring all viable alternative project designs. (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.	Land Acquisition Act No. 47 (1967) Provides for the following: ▪ Minister responsible for land to authorize any person to enter upon the land and survey the land to determine its suitability for a public purpose. ▪ The Government of Tanzania is supposed to pay compensation to any person who suffers damage as a result of any action.	Currently, in Tanzania, there is no specific-resettlement policy itemizing procedures and processes that would safeguard and prevent the PAP from being left worse off by the project.	OP 4.12 will prevail. The RAP will be developed in line with both National and legislation and OP 4.12

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
	(c) Displaced persons to be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.			
Compensation entitlements	<p>Affected persons may be classified as persons:</p> <p>(a) Who have formal legal rights to land or assets;</p> <p>(b) Who do not have formal legal rights to land or assets, but have a claim to land or</p>	<p>The Land Act 1999 and Valuation and Valuers (General) Regulations of 2018 (GN 136): assets for compensation paid on loss of land and shall include the value of unexhausted improvements, disturbance allowance, transport</p>	<p>There is no gap between Tanzania law and WB as far as those with (a) formal legal rights and those (b) without formal legal rights, but have a claim to such land under customary practices, eligible for compensation.</p> <p>OP 4.12 however specifies that persons who encroach on the area after the cut-off date are not</p>	<p>Under DUTP, there will be no consideration of depreciation but rather replacement cost Seasonal occupants if any will be considered.</p>

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
	<p>assets that is recognized or recognizable under national law;¹</p> <p>(c) those who have no recognizable legal right or claim to the land they are occupying</p>	<p>allowance, accommodation allowance, and loss of profits.</p> <p>Entitled are</p> <p>a) those who can prove <i>de jure</i> or <i>de facto</i> land ownership.</p> <p>b) Those have occupied land in the same location under a deemed residential license for not less than three years (Land Act 1999: S 23)</p> <p>Seasonal land/resource users are not covered, nor are persons who have constructed on or otherwise use road reserves (i.e., “encroachers”).</p>	<p>entitled to compensation or any form of resettlement assistance (Para 16)</p>	

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
Loss of Profits	OP4.12 acknowledges loss of income sources as one of the impacts of involuntary resettlement and requires PAPs to be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living	According to The Valuation and Valuers (General) Regulations of 2018 (GN 136): compensation for loss of any interest in land shall include loss of profits.	Tanzanian regulations provide for income restoration allowances where the PAPs incurred losses of business income. However, due to the legal requirement for audited business accounts to be basis of the assessment, assessment has been difficult and computed on proxy data.	Compensation on the lost income and profit will be made as per OP 4.12 ; that provides for economic displacement regardless of size and whether licensed or unlicensed.
Valuation approaches	OP 4.12 asserts that when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the	Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, transport,	Disparity between the two approaches Market Value vs replacement cost Under the Market value approach, the amount paid in most cases does not amount to that required to replace the lost assets.	Under DUTP , eligible PAPs will be entitled to compensation that will be calculated under replacement cost approach to ensure that all impacted assets are compensated/replaced.

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
	Borrower will offer affected persons compensation at replacement cost and transaction costs, and depreciation of structures and assets should not be taken into account.	accommodation allowance and loss of profits where applicable.		
Restoration of Affected Incomes and Livelihoods	Resettlement activities based on OP 4.12 are to restore standard of living and preferably improve livelihoods. Compensation for lost assets can be monetary, in-kind or both.	None	In Tanzanian regulations no provision for restoration of the affected livelihoods, neither as standalone programs nor included in the compensations	OP 4.12 principle regarding income restoration will be considered under DUTP

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
Assistance to vulnerable and severely affected PAP	OP 4.2 calls for particular attention to be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children	Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation.	Moreover, there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples	These PAPs are to be identified and special assistance will be provided to safeguard them from being left worse off by the project.
Public Land Users (Encroachers)	OP 4.12 recognizes those who have no recognizable legal right or claim to the land they are occupying, and they should be provided compensation for loss of assets other than land to restore standard of living and preferably improve livelihoods.	Tanzania law on compulsory acquisition and compensation is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership.	Tanzania law does not recognize the Seasonal land/resource users and informal settlers as eligible for compensation for assets and provision with resettlement and livelihood assistance.	Under the DUTP , land/resource users will be compensated for the loss on income or livelihoods associated to the restrictions from using the assets (permanently or temporarily).

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
Grievance Handling Procedures	OP 4.12 Requires affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.	Under s. 13 of the <i>Land Acquisition Act, 1967</i> , if dispute of disagreement regarding any of the matter listed below is not settled by the parties concerned within six weeks from the date of publication of notice that land is required for a public purpose the Minister or person holding claim in the land may institute a suit in the high court of Tanzania for the Determination of the dispute.	The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases. Tanzania has a well-established and accessible local grievance redress mechanism through existing systems and structures.	GRMs established for this Project are in line with the WB- OP 4.12 .
Disclosure, Consultation and Participation	OP 4.12 require that displaced persons to be consulted and fully informed about their options and rights pertaining to	Under the <i>Land Acquisition Act</i> , informs land owners about the President's need to acquire their land, and their right to give	There are no provisions about informing the displaced persons about their options and rights; nor are they offered a choice among feasible resettlement alternatives.	✓ DUTP will have continuous consultations with the PAPs and their local leaders during preparation of the RAP report, their disclosure and

Resettlement Aspect	World Bank OP 4.12	National Regulations	Gaps	Measures To Fill the Gaps
	feasible resettlement options, planning and livelihood restoration measures.	objections. The Land Act allows displaced persons to fill in forms (in Kiswahili) requiring that their land be valued and giving their own opinion as to what their assets are worth.		implementation.

CHAPTER SIX

6.0 VALUATION OF AND COMPENSATION FOR LOSSES

6.1 Instructions and Purpose of Valuation

In developing the Resettlement Action Plan, the Consultant was required to visit, inspect and value all the properties to be affected by the upgrading of the Five Critical Intersections Project. The purpose of the valuation is to determine the **Current Replacement Cost** and **Open Market Value** for **Compensation** purposes.

Valuation for Compensation under 'The Land Act No.4 of 1999 and the Village Land Act No.5 of 1999': A presentation of the requirements of the acts.

Unlike the Land Acquisition Act of 1967 which limited compensation for land acquired for public purpose to the unexhausted improvements only, Act No. 4 and 5 of 1999 (Land and Village Land Acts) advocates for **FULL, FAIR** and **PROMPT** compensation based on market value of the property. This position is given legal effect by the Land Act, 1999 and the Village Land Act, 1999 under the proviso to section 3 (1) (g) of the two acts

- (i) The Land Act of 1999 and the Land Regulations of 2001 provide the means for implementing the resettlement and compensation process. The valued assets include dwelling houses, crops, trees, hedges, fences, lands and other properties. This valuation has utilized the Replacement Cost Method which is also known as the Contractors Test Method for valuation which makes reference to the cost of replacement at the date of valuation. In the case of a building, this means rebuilding a similar property on the same standard of workmanship, specifications, design and layout, and inclusion of an allowance for professional fees (but usually excluding cost escalation during the rebuilding period).
- (ii) The requirements for the assessment of compensation are provided the Valuation and Valuers Regulations of 2018.. In this valuation, the following has been adopted as the methodology to be applied: -
 - **Buildings:** The replacement cost (cost for rebuilding a similar property) is assessed, and no depreciation factor is considered except, for allowance of incomplete structures, workmanship and other factors affecting property market value are considered as adjustments.
 - **Land:** Values are assessed based on the average price of land at each specific area, this being a range of Tshs 40,000 to 125,000 per square metre. Compensation for the loss of any interest in land includes the value of unexhausted improvement, disturbance allowance, transport allowance, accommodation allowance and loss of profits.
 - **Accommodation allowances** have been based on market rent for 36 months.

- **Disturbance allowances** were assessed based on the principle of “the value of the estate multiplied by the rate of interest prevailing and payable to fixed deposits by commercial banks”.
- **Transport allowance** is the actual cost of transporting twelve tons of luggage by road within 20 km from the point of displacement.
- **Loss of profits** has been calculated based on net monthly profits of the business carried out on the land, for a period of 36 months.

After assessment of the property's replacement cost; the land values, accommodation allowance, transport allowance, disturbance allowance and loss of profit are assessed. These values were added to the properties' replacement costs to arrive at a total compensation figure.

Replacement costs have been categorized separately from houses, structures, crops and trees. Since 98% of PAPs have opted cash compensation there will be no reason for identifying sites for relocation because every individual PAP will relocate him/herself.

6.2 Calculation for Compensation Payment

The compensation payment referred to by the 'The Land Acts' shall include:

A: Building

- Market value of the real property (i.e., value of unexhausted improvement and land)
- Accommodation allowance = Market Rent of the affected building per month multiplied by 36 months i.e., **Accommodation allowance = Rent /p.m. x 36 months.**
- Loss of profit allowance is accessed by establishing Net profit per month evidenced by audited accounts multiplied by 36 months i.e., **Loss of profit = Net Profit / p.m. x 36 months.**
- Disturbance allowance is calculated by the value of Land by average percentage rate of interest offered by commercial banks on 12 months fixed deposit at the time of loss of interest in land i.e. **Disturbance allowance = Land value x i, where: i = interest rate offered by commercial banks on 12 months fixed deposits.** 5% interest rate was adopted
- Transport allowance shall be actual cost of transporting 12 tons of luggage by rail or by road (whichever is cheaper) within 20 kilometres from the point of displacement i.e., **Transport allowance = 12 tons x Actual Cost/ton / km x 20 km.**

B. Crops

- The list of prices from Valuation Office Kinondoni Municipality have been updated and adopted

C: Land

- Values are assessed based on the average price of land at each specific area, this being Tshs 40,000 to 125,000 per square metre
- (a) Transport, Accommodation and Loss of profits allowances shall not be paid for unoccupied land
- (b) Accommodation and Loss of profit shall not be paid concurrently over the same property
- (c) Accommodation and Loss of profit shall only be paid to the property owner and not tenant(s)
- (d) Incidences requiring no compensation include: -
 - Compulsory acquisition under the Land Acquisition, 1967.
 - Transfer of categories of land under sections 4 (7) & 5 (7) of the Land Act, 1999
 - Where land is declared to be hazardous land under section 7 (8) of Act No. 4 of 1999
 - Where land is declared to be under regularization as per section 60 (7) (f) & 60(3) (b) of the Act No. 4 of 1999.

Where revocation of a Right of Occupancy under section 49 (3) of Act No. 4 of 1999

Valuation for compensation purpose

- To identify factors that explain variations in arriving at values
- To boldly recommend valuation methodology and factors to be considered in valuation for compensation purposes

6.3 Methods of Valuation**6.3.1 The Replacement Cost Method:**

In valuing properties along the BRT 4 Project, the Replacement Cost Method of Valuation has been adopted as indicated before, this method is sometimes known as the Contractors Test Method of Valuation. In this method, the value of an asset is determined by reference to the cost of replacing or reinstating it (as new) or that of its substitute. Where the asset/property is not new the replacement cost is then depreciated to derive at depreciated replacement cost which is equivalent to a **market Value**.

However, for the purpose of this exercise, the consultant adopted the WB requirements that the compensation value is obtained from the Replacement Cost added with allowances.

6.4 Compensation Characteristics**6.4.1 Forms of compensation offered in this project**

To compensate the PAPs for their lost assets, the Project has two options for different payment modalities based on the individual's choice and recommendations of the RAP report. These are:

- Cash payments-calculated and paid to compensate for land, and assets, or to cover allowances such as disturbance, accommodation, transportation, loss of profit,

- In-kind compensation mainly for community/public properties or for PAPs who would opt for such modality.

For this particular project, 98% of all PAPs have opted for cash compensation. Since the majority have opted for cash compensation, there will be no in-kind compensation except additional assistance to vulnerable groups (2%) particularly in seeking surveyed plots and building materials if they still wish so.

6.5 Valuation Report

The Valuer is preparing the Valuation Report which will be attached to this RAP. The Valuation Report which indicates the cost of compensating the properties to be affected has been submitted for approval by the Chief Government Valuer before preparing the Compensation Schedule for implementing the payment for the compensation. A reference for compensation schedule will be provided subject to the approval of the main valuation report by the Chief Government Valuer

CHAPTER SEVEN

7.0 RAP IMPLEMENTATION SCHEDULE

7.1 Implementation process

The compensation process and RAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committees, TANROADS office and its officials and Local Government officials at the district level and Ward and street/Mtaa levels. The overall responsibility for resettlement lies with the TANROADS and payments will be made through the fiscal authority of TANROADS/DCC, Ubungu and Kinondoni District Council (DC) as the project management body for this project, in accordance with its administrative and financial management rules and manuals. It is at this time that the RAP implementation teams in particular the respective Council Authorities will guide PAPs on the recommended use of money for re-establishing their homes that have been demolished.

7.1.1 Delivery of Entitlement

To encourage openness, transparency and monitoring of the compensation exercise, TANROADS Offices in collaboration with Ilala, Ubungu and Kinondoni DCs as well as respective ward and Mtaa officials will post notices in the affected areas advising PAPs to collect their compensation payments from designated places i.e., either from the Ilala, Ubungu and Kinondoni DCs for those being paid by cheque and from the specified banks (for those will be paid via banks).

-
- The office should prepare a written record, to be signed by the PAP, indicating that the PAP has received the payment.
 - PAPs without bank accounts will be assisted by local government authorities (Ward officials) to open bank accounts which can have an option of including more than one member of the family.
 - Local government will be responsible for processing bank account openings, this assistance will include assisting vulnerable PAPs. Once the account is opened and compensation is credited to the appropriate account, each PAP shall be informed of the transaction.
 - Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of salvaging any materials from demolished structures such as metal/wooden frames, roofing iron sheets and bricks and farmers will be given notice to harvest their crops. In addition to these activities, the RAP team shall work with communities to ensure effective restoration of pre-project levels.

7.1.2 Vacating Timing

To ensure timely completion of resettlement activities, TANROADS and Ilala, Ubungo and Kinondoni Authority will facilitate the resettlement process by urging all PAPs to vacate within the timeframe that will be agreed upon between the two parties. This RAP recommends the time not to exceed 90 days (3 months) after receiving compensation.

7.2 Implementation

The cost for the implementation of the actual resettlement will be included in the full costs of the project activities however RAP budget is covered by the government. Most of the resettlement activities (up to the physical relocation stage) will be implemented and completed before the commencement of the construction works. Therefore, a realistic detailed activity implementation schedule will be prepared in a participatory setting, at a time when the intensity of the assignment in comparison to the physical, financial and human resources made available are known. Displaced households and bare plots will receive timely notice to salvage the frames, iron sheets or glasses from the buildings as explained in the section above. As discussed before the District Land Officers will be involved in the allocation of new plots to the isolated building owners who have no extra plots inside the same Mtaa, offering an equal chance to exploit traffic-related business.

The RAP will span half-year, through the following administrative and fieldwork schedule. The compensation will be implemented within 6 months after the approval of the valuation report. Thereafter, the penalty equivalent to the commercial bank rate for the fixed deposit account will be charged. Monitoring and evaluation will be required to determine the success of the project and the project resettlement needs. Monitoring and evaluation will be required at each of the three stages; pre-construction/pre-settlement phase, resettlement phase and post-construction phase.

The communities along the road are already aware of the potential for compensation during rehabilitation and some will take advantage to build illegal structures. Illegal

encroachment needs to be curtailed. During this phase, the major monitoring activity will be surveillance to ensure the number of PAPs does not increase. The District Land Officer on a regular basis should carry this out. Since the District Land Officers have already started to carry out regular surveillance, what is required is strengthening and enhancing the surveillance. During resettlement, the major activities are to ensure that the settlement is carried out fairly. Keeping a weekly register of complaints and grievances can assist in the monitoring of this. Records should be kept by the Village/Mtaa committees and collected by the District Land Officer.

Monitoring according to this project will cover the monitoring the implementation of the RAP, which is geared to provide information on the achievement of the program targets. Moreover, monitoring will show whether the plans are on schedule and are within the budget. The second activity will be monitoring the families that have been compensated and/or resettled, to assess whether compensation levels have allowed them to replace lost assets and whether they have been able to replace or improve their income levels and standard of living.

Monitoring and evaluation are important activities in terms of assessing the effectiveness of Resettlement Action Plan (RAP) implementation. These will include physical progress of resettlement and rehabilitation activities, the disbursement of compensation funds, and the effectiveness of the public consultation process. In this project two types of monitoring are recommended: -

- (i) Performance monitoring through which the physical progress of the RAP can be measured; and
- (ii) Impact monitoring, this assesses the effectiveness of the RAP and its implementation with respect to meeting needs of the PAPs. Performance monitoring will be carried out as an internal management function by the Municipal/City Social Services Committees. In addition, the PAPs will elect their representatives to participate in the monitoring of the implementation of the RAP.

The Municipal/City Social Services Committees, with assistance from the Mtaa and Ward Executive Officers, and any appointed local service providers (NGOs/CBOs), will monitor the rebuilding process and will be responsible for ensuring that the PAPs are using the compensation fund for rebuilding the affected structures or property. The Social Services Committees will be required to present monthly reports to Municipal Executive Director (MED) to report on the progress of RAP. These reports will be forwarded to Regional Administrative Secretary (RAS) for action as necessary. Summary of RAP implementation is provided in the table below: -

Table 15:Relocation and resettlement schedule (2021)

Framework operations		Months after submission of acceptable RAP					
		1	2	3	4	5	6
1	Approval of Compensation Schedule for Feeder stations, Bus terminals, park and ride, depots etc						

2	Compensation negotiations						
3	Approval of Valuation Report for affected assets						
4	Ministry of Finance: mobilization of compensation funds						
5	Payment of compensation						
6	Commencement of physical resettlement operations						
7	Monitoring and Evaluation	•	•	•	•	•	→

7.2.1 Vulnerable group support

In the implementation of RAP, TANROADS and DART will support the vulnerable groups as follows:

- i. Affected persons that are deemed to be vulnerable will be registered during the implementation phase. This will be done by TANROADS and DART in collaboration with local village and ward leaders. All records will be kept private and respect the privacy and dignity of vulnerable people or households.
- ii. TANROADS and DART will undertake direct one-on-one engagement with vulnerable people, instead of in open community meetings, to safeguard their privacy and dignity. This will be undertaken directly via the Community Liaison Officers (CLOs).
- iii. TANROADS and DART will allow vulnerable people (at their own discretion) to nominate a proxy that will support them during any relocation negotiations and permit the proxy to be a signatory to any agreement. For minors, this will include the participation of their parents.
- iv. TANROADS and DART will directly assist vulnerable people to open bank accounts and help them to access any available allowances in the form of administrative and transport support.
- v. TANROADS and DART will support vulnerable households by Securing suitable replacement land and constructing replacement structures on their behalf. This will apply where it is specifically requested by the vulnerable households as part of their bundle of entitlements.
- vi. TANROADS and DART at the request of a vulnerable person, may provide direct supervision, additional manual labour, and transport to assist in the salvage and relocation of any movable goods owned by that person. This would be in lieu of the moving allowance.
- vii. TANROADS and DART through the local authorities, will ensure that vulnerable people are given security of tenure on any land they occupy, or land on which their structures are rebuilt.
- viii. TANROADS and DART will undertake regular monitoring and surveillance of verified vulnerable people during and after their relocation as part of the RAP monitoring requirements.

7.3 INSTITUTIONAL FRAMEWORK

7.3.1 Ministry of Lands, Housing and Human Settlement Development (MoLHHSD)

The Ministry of Lands and Human Settlements is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania. The Ministry administers the various Land Acts. Land Acquisition Act, the Land Act and the Village Land Act. Land use planning, management and land delivery activities are conducted by the Ministry. The commissioner of lands administers most issues dealing with land allocation, acquisition and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and or/compensation must be referred to the commissioner. With regard to this RAP the Ministry of Land and Human settlement will be responsible in making sure that the amount of money paid to PAPs is equivalent to the value of affected properties and signing of valuation reports.

7.3.2 Chief Valuer: Land (Assessment of Value of Land for Compensation)

The Chief Valuer (CV) is required to determine value rates for compensation purposes. Under S52, the CV in consultation with Ministry responsible for Agriculture, Forestry, or any other relevant Ministry (S 52) will determine crop value rates while under S53, the CV may involve a consultant to establish land value rates for a particular project site. Building value rates determination is made under S55 of the Regulations which further provides that a registered valuer who is contracted to carry out valuation shall undertake research and prepare the rates and submit to the Chief Valuer for endorsement before commencement of the valuation (S 55.2).

7.3.3 Registered Valuer

A Registered Valuer is defined by the Valuation and Valuers (Registration) Act 2016 as a person registered under the Valuation Act. He or she is responsible for undertaking research and preparing building value rates and submit them to Chief Valuer for endorsement prior to carrying out valuation assignment. Valuers are government employees of individuals or companies registered as service providers in the lands sector and conduct surveys, property valuation etc.

7.3.4 TANROADS

The overall responsibility for the resettlement lies in the hands of the government of Tanzania (through TANROADS) under its administrative and financial management rules and manuals. Thus, TANROADS will approve all payment upon finalization of the RAP and compensation agreements. TANROADS will also work with the respective Districts i.e. Kinondoni, Ilala, and Ubungu (DC/DAS) in order to make sure that all PAPs received compensation as described in the compensation schedule. For this RAP the only responsible district is Kinondoni.

7.3.5 Local Government Authorities

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

Government (Urban Authorities) Act No.8,1982, and the Regional Administration Act (1997)

Local government at Mtaa and ward will be main focal point of the RAP implementation activities. This include identification of PAPs as they are the ones who are familiar with them as well as familiar with the actual loss of the PAP. the leaders of these authorities are the representative of the actual loss of the PAP. The leaders of these authorities are the representative of the local government at their respective levels. Any complaints from the Project Affected People will be presented to Mtaa/ward offices by the Grievance Committee who will then discuss it prior to forwarding to the District Commissioners office for further assistance

7.3.6 Natural Resources and Social Management Agencies

Vice-President's Office (National Environment Management Council (NEMC) and Division of Environment (DoE): NEMC is vested with overall responsibility for screening (allocating the appropriate level of the impact assessment) and reviewing big investments and projects of national significance. NEMC constitutes multi-disciplinary, multi-sectoral Technical Review Committees to review adequacies of environmental impact statements (including Environmental Social Management Plans/ Environmental Social Monitoring Plans). NEMC issues recommendations to the government for approval of the project. DoE issues approval (EIA Certificates) for the project to proceed. Mitigation of impacts arising from land acquisition and *fulfilment of compensation procedures constitute key project approval criteria.*

7.3.7 District Local Authorities of Ilala, Ubungo and Kinondoni

District Authority (DA) of Ilala, Ubungo and Kinondoni are responsible for implementation and management of projects, including resettlement activities. Each DA has established departments of Land Planning and Community Development with support of an outside consulting team having a dedicated resettlement specialist. The respective DA is responsible for:

- Approving RAPs and submit RAPs to MLHSD for endorsement;
- Conducting notification and participation to PAPs on land acquisition and RAP Implementation;
- Coordinate with TANROADS utility agencies; land occupiers and local leaders to assess compensation payment for land and un-exhausted improvements therein;
- Issuing decisions approving land valuations applied for compensation rates, allowances and other supports to PAPs, especially vulnerable groups, based on principles of the RAPs;
- Approving budget allocation for compensation, support and resettlement;
- Directing and supervising municipal relevant divisions to implement RAP effectively
- Directing the redress and grievance committee and relevant agencies to settle PAPs complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;

- Directing the relevant agencies to examine and handle the violations in the compensation, assistance, and resettlement domain.
- Preparing, updating, and supervising RAPs implementation;
- Guiding resettlement committees and relevant agencies to implement all resettlement activities in compliance with the approved RAPs; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that objectives of the RAPs; and otherwise, to provide appropriate technical, financial and equipment supports to resettlement committee and valuation surveyors.
- Conducting, in combination with resettlement committees, ward councils and NGOs, information campaigns and stakeholder consultations in accordance with the Project guidelines;
- Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures to PAPs;
- Implementing internal resettlement monitoring, establishing and maintaining PAPs databases for the project in accordance with Project procedures and providing regular reports to MED, DC and TANROADS;

7.3.8 District Grievance Committee (DGC)

District Grievance committee (DGC) of Kinondoni will support their respective DA in receiving and settlement of all issues relating to land acquisition, compensation and resettlement. Each DGC shall include: (i) representative of the RAP team (DART and TANROADS) ;(ii) representative of the District Lands Department ;(iii) representative of Ward Council, as well as a representative of the PAPs; Representative from NGO/CBO and (iv) independent valuer. On quarterly basis the DGC shall prepare grievance report and submit to the DA and the DA submits the grievance report to Regional Administrative Secretary (RAS) and TANROADS.

7.3.9 Wards

Ward at the project areas will assist the DGC concerned in their resettlement tasks. Specifically, the Ward Councils will be responsible for the following:

- In co-operation with District Grievance Committee's (DGCs) and Community Based Organizations (CBOs) or NGOs to inform PAPs about the objectives for land acquisition, and the subproject policy of compensation, assistance and resettlement.
- Coordinating with agencies in charge of compensation, assistance, and resettlement implementation to guide PAPs in enumerating and certifying their inventory of land and assets associate with land.
- Preparing and taking responsibility for the accuracy of the copies of documents concerning land sources, family members, registered members, beneficiaries of social policies, and proposals for resettlement of PAPs.
- In coordination with DRCs during the implementing payment of compensation, assistance and resettlement for PAPs and ensuring good conditions for the Project's site clearance.
- Assist in the resolution of grievances; and actively participate in all resettlement activities and concerns.

7.3.10 Independent Consultant (Firm/Individual)

Qualified independent Consultant will assist DA; DRCs; Ward Councils to implement the followings:

- Participating in preparation: updating and implementation of RAPs.
- Witnessing the fairness and appropriateness of the whole process of RAPs implementation;
- Supporting DRC; Ward Councils in activities including public consultation, and participation; handling PAPs complaints; etc.

7.4 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 Mtaa areas crossed by the BRT 4 route. 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. Ministry of Finance through TANROADS will disburse the compensation funds to the respective TANROADS Regional offices to pay the communities eligible for compensation. After the implementation of compensation and resettlement, the communities will be given at least three months (90 days) for resettlement. TANROADS will then authorize the Contractor to start demolition works.

Reputable NGOs 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:

- 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 and appraise and monitor the implementation of RAP;
- Communities, Mtaa / 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 RAP. The local level committees (comprised of women and men) will support practical day-to-day implementation of the resettlement activities, TANROADS shall have the overall responsibility for the oversight of implementation

of the RAP and providing enabling environment for the same; 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.

TANROADS shall set up Resettlement Committee comprising of key Ministries and a local NGO involved in human rights which at least 30% of the members shall be women. The committees and respective members are as indicated in Table 16.

Table 16: 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 	<ul style="list-style-type: none"> • Regional Commissioner (Chair) • District Commissioner • Representative of TANROADS • Representative of Ministry of Lands Housing and Human Settlements Development • 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 Housing and Human Settlement Development (MoLHHSD) • Consultant • Valuer

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 Housing and Human Settlement Development (MoLHHSD). • Valuer • Representative of PAPs • Representative of a Local NGO
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Note: The dispute resolution committee were proposed during public consultations at early stages but the nature of the project in the urban setup a lot of changes in design so the effectiveness of the committees delayed. The process of building capacity is underway. Few grievances raised were solved by existing GRC at Hamlet and Ward authorities, others referred to the district commissioner.

7.5 Institutional capacity

7.5.1 TANROADS

TANROADS is a fully fledged agency with trained staff and full equipped for coordinating development and implementation of RAP. At the national and regional levels, the Agency is constituted with a multi-sectoral social management team comprised of key staff involved in infrastructure projects (i.e., Engineers, Environmentalists, Community Development Officer (CDOs), public health officers, Land use planners, Valuers etc.) trained and registered to manage such project.

The TANROADS has the capacity (amongst other things) to:

- Delineate roles and responsibilities of the various actors outlined in the RPF on RAP to strengthen their competencies according to their roles i.e., screeners, assessors, reviewers, approvers, supervisors, contractors etc.
- Prioritize compensation into project budgeting and allocate funds to ensure that compensation is paid as required.
- Identify PAPs and compensation requirements (RAP) early in the project planning stages that will make the compensation process more efficient.
- Coordination and monitoring the overall implementation of the project

7.5.2 Ilala (DCC), Ubungu and Kinondoni Municipal Councils

Ilala, Ubungu and Kinondoni MCs, like the TANROADS, each Municipal Council is constituted with a multi-sectoral social management team comprised of key staff involved in infrastructure projects (i.e., engineers, Environmentalists, Community Development Officer (CDOs), public health officers, Land use planners, Valuers etc.) trained and registered to manage such project.

The Dar es salaam City Council, Ubungo and Kinondoni have the capacity to:

1. Set down roles and responsibilities of the various actors outlined in the RPF on RAP to strengthen their competencies according to their roles i.e., screeners, assessors, reviewers, approvers, supervisors, contractors etc.
2. Identify PAPs and compensation requirements (RAP) early in the project planning stages that will make the compensation process more efficient.
3. Provide training and assistance PAPs as advised by the RAP and to its staff for effective implementation of the project

CHAPTER EIGHT

8.0 GRIEVANCE PROCEDURES

8.1 Management of Grievances and Disputes

One of the major challenges in implementing RAP is dissatisfaction of PAPs with compensation amount. Taking into account the complexity of resolving disputes and grievances, PAPs at the project area were informed about various grievance redress procedures and of their right to appeal if not satisfied. During surveys and inventory of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the Project would entail. Common raised concerns include:

- Amount, levels and time in which compensation is paid to PAPs
- Seizure of assets without compensation (this means the government may take property without compensation to the owner if the property is acquired or used illegally.)
- Handling and treatment of vulnerable PAPs and those without recognized ownership rights (e.g., tenants and squatters)

During preparation of this RAP, several grievances were raised. The most common include

- Different rates of compensation in one area. Some PAPs are not satisfied with the compensation rates approved by the Chief Valuer especially those whom their properties are falling under the abandoned MECCO borrow pit at Kunduchi area
- Delayed compensation by the government after the valuation of properties and the issue of cut off date
- Other anticipated grievances were those related to inherited property, disagreement with compensation assessment and legal matters regarding ownership

8.2 Disputes Procedures under Existing Laws

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

The Valuation Regulations (2018) have provisions for the Chief Valuer to intervene and address grievances relating to valuation under S.51:

“...The Chief Valuer may, on his own motion or upon request by any interested or affected person, order or institute the verification or physical review of valuation which has been completed, upon occurrence of any of the following circumstances: (a) upon receiving written complaints or request for a review or dissatisfaction for a review; (b) upon receiving written complaints from the affected people aggrieved by the manner the process was conducted; (c) upon satisfaction or suspicion that the valuation process was not consistent to the established procedures; (d) where there is credible evidence that the Valuers were compromised during the valuation process; (e) where there is evidence of fraudulent activities during the valuation process...”(S51 (1).

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

8.3 Grievances and Complaints Procedures under this RAP

The Resettlement Action Plan for the proposed construction of BRT4 project provides a simplified grievance redress mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs. The grievance redress procedure ensures consultations with DCC, Ubungu and Kinondoni Municipal Councils and other key stakeholders and provides for record keeping to determine the validity of claims, and to ensure that solutions are taken in the most transparent and cost-effective ways for all PAPs. During consultation, affected individuals were informed of the process for expressing dissatisfaction and how to seek redress.

8.4 Steps to be followed for Grievance Redress

The proposed project will affect people from the wards of Kunduchi, and Wazo therefore District and Ward committees will be established. At this juncture all complaints will start at grassroots level which is Ward Grievance Redress Committee and continue to higher level of District upon dissatisfaction of the complainant. The following procedures will be followed in this RAP for the purpose of addressing grievances from the PAPs.

- i. Procedures for lodging complaints to the Grievance committee who will review the complaints prior to submitting the complaint to the mtaa office and receive an acknowledgement from the mtaa office. (It was agreed by PAPs that chairman of the Mtaa also form part of the committee) Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the grievance is resolved and the PAP is satisfied, a report shall be prepared and copies given to the PAP and local authority leader for records and the case is closed.

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- ii. In the event that the PAP is not satisfied, with the assistance of the mtaa leader, an appeal will be lodged and
 - iii. decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the Ward Executive Officer (WEO)
 - iv. In the event that the PAP is not satisfied, with the assistance of the Ward leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the Respective District Council
 - v. The committee under the respective District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAP may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.

8.5.1 District Grievance Committee (DGC)

Before the compensation fund is released, three Committees at District and Ward and Mtaa levels to address compensation disputes should be established namely: -

- 1) District Grievance Redress Committee (DGRC) and
- 2) Ward Grievance Redress Committee (WGRC)
- 3) Mtaa Grievance Redress Committee (MGRC)

The District Commissioners (DC) shall appoint the Members of the Grievance Redress Committees and convene meetings when need arises. The District Grievance Redress Committee (DGRC) shall comprise of the following members: -

- District Commissioner (Chair)
- Township/District Engineer (Secretariat)
- Township or District Executive Director
- District Land Officer (member)
- District Legal Officer (member)
- Independent Valuer (member)
- District Community Development Officer (member)
- Ward Executive Officer from the area traversed by the road(member)
- Mtaa Executive Officer from the area traversed by the road(member)
- 2 Representatives (male and female) of Project Affected Persons (PAPs)

8.5.2 The Ward Grievance Redress Committee (WGRC)

The Ward Executive Officer (WEO) shall appoint the Members of the Ward Grievance Redress Committees. The Ward Grievance Redress Committee (WGRC) comprises of the following members

- Ward Executive Officer (Chair).
- One Mtaa Executive officer (Secretary)
- Other Mtaa Executive officer (member)
- CDO at the ward level (member)

-
- Ward councilor-member
 - Representative from local community who is neither interested nor affected person (member), including two influential women from the project area
 - Mtaa Chairperson - Member
 - Representative from the PAPs-member
 - Representative from NGO within ward level-member

8.6 Responsibilities of the District and Ward Grievance Redress Committees

The members of the DGRC and WGRC shall be responsible for resolving people's grievances and disputes related to land acquisition and compensation exercise for the road project which may arise from a number of issues including:

Mistakes related to the identification of affected property and people within the RoW;
Disagreements related to the ownership of property (including inheritance and divorce related disputes);

Disagreement of land and asset valuation;

Disagreement of other compensation allowances; and Problem related to the time and manner of payment of compensation (the delivery of entitlements).

The individual PAPs who will be dissatisfied with compensation package or resettlement process or other related issued as outlined in (8.4 i -iv) above should present their complaints as follows:

- **First**, the complaint should be submitted to Mtaa Executive Officer (MEO) within one (1) month after compensation.
- **Second**, in case the problem is not solved, then the case should be taken to the Ward Executive Officer (WEO).
- **Third**, if these two parties are not able to satisfy PAPs the complaint within stated period (say 14 days) then the case should be passed onto DGRC (Dispute Resolution Committee) refer 8.5 1-3 above).
- **Fourth**, in case the DRC has failed to resolve the case, it shall be taken to Court of Law as per Land Acquisition Act No'. 47 of 1967 and the Land Act No. 4 and 5 of 1999. If the claimant is not satisfied with the decision of Court' of Law, he/she may take the case to the Court of Appeal.

A special form (Log sheet) shall be prepared for recording grievances and disputes by the District and Mtaa committees and the committee members will be coached on how to use the Log sheet to ensure that all the relevant disputes are recorded appropriately. Respective District Councils will conduct public sensitization meetings regarding compensation issues and establishment and operations of the Grievance Redress Mechanism and committees to address disputes related to compensation at District and Village/Mtaa levels.

The summary of Grievance Redress Process elaborating the mechanism of solving matters related to compensation and a form to be used for filling the grievances is presented below and the form for filling grievances is attached in Annex 2

Table 17: Summary of Grievance Redress Process

STEP	REPORTING OFFICER/COMMITTEE	OFFICER/COMMITTEE MEMBERS	TIME FRAME TO REDRESS	GRIEVANCE REDRESSED	GRIEVANCE NOT REDRESSED
1	PAPs in Mtaa/streets along the proposed road project will submit Grievance to the Grievance committee that will review the complaints and later forward to the ward office and receive an acknowledgement	1. Grievance Committee of villages and wards in the project 2. Respective Street/mtaa chairman.	Upon receipt of grievance, the local Mtaa officials with the help of the committee shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with the committees or local government's decision, a report of the same shall be prepared and copy handover to PAP and case closed.	If the grievance is not resolved, go to step 2.
2	If PAP is not satisfied with step 1 decision, the case shall be forwarded to the land Dispute committee at District level. This committee shall function as GRC at the district level for the project. The grievance shall be forwarded with all the paper details of case.	1. DC – Chairman, District land office, Municipal/District/Township valuer, CDO, Health Officer PAP representative	Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to	If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared by DGRC. A copy of report shall be handover to PAP for record and copies to be submitted to Local	If the grievance is not resolved, go to step 3.

STEP	REPORTING OFFICER/COMMITTEE	OFFICER/COMMITTEE MEMBERS	TIME FRAME TO REDRESS	GRIEVANCE REDRESSED	GRIEVANCE NOT REDRESSED
			PAP at least 7 days in advance by the respective District Council Official (preferably from community Development Office).	communities for record, case closed.	
3	It is assumed that all the cases shall be solved at DGRC level. It may be possible, however, that there are cases which might still remain unresolved at DGRC level. For such cases, the PAP shall have the option to refer his/her case to Regional Secretariat for final amicable solution or to refer the case to the Judiciary.	1.Regional Secretariat 2.District Commissioner 3.Representative respective from Municipal Director 4.PAP and PAP representative	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 informed 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 respective District Council. A copy of report shall be handover to PAP for record and a copy to be submitted to loc	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
				I authority for record, case closed.	
4	PAP takes the case to appropriate court.				

CHAPTER NINE

9.0 COSTS AND BUDGET

It is estimated that this project will affect PAPs 131 and structures 385 (Totally affected) land size sq.m 173,045.19. Crops/trees 1159. Compensation cost of assets and allowances is about Tshs. 19,504,732,192 (USD 7,589,389.96) inclusive cost for RAP and Livelihood restoration implementation and contingency. The table below illustrates the breakdown of RAP cost conducted in May, 2021 and revised in January and May, 2023:

Table 18: Breakdown of RAP cost

SN	ITEM/PARTICULAR	QUANTITY	VALUE IN Tshs
1	Structures	385	5,776,081,650
2	Plots/land	sq.m 173,045.19	7,9996,975,500
3	Crops	1159	45,851,545
4	Accommodation		1,615,320,000
5	Transport allowance		35,700,000
6	Disturbance allowance		1,000,851,999
	Sub-Total		16,470,717,654
7	10% contingency		1,647,071,769.40
8	5% RAP implementation		823,535,884.70
9	5% Livelihood Restoration Plan (LRP)		823,535,884.70
	GRAND TOTAL		19,764,861,233
	TOTAL IN USD		7,690,607.48

Exchange rate USD = Tshs.2570

Source: Valuation survey report

RAP implementation and contingency cost indicated above will include the costs for facilitating the implementation of resettlement activities, as well as PAP relocation, supervision of payment of PAPs. However, unforeseen impacts might result to further land taken during the construction phase of the project; the cost for compensating the PAPs will be taken care according to this RAP.

CHAPTER TEN

10.0 MONITORING AND EVALUATION

10.1 Performance Monitoring Indicators

For impact monitoring it is planned that an evaluation commissioned by Kinondoni MC be conducted from an independent third party to determine the overall impact of the RAP. The key objective of the external evaluation will be to determine whether efforts to restore the living standards of the affected population have been properly executed. The evaluation will also verify the results of performance monitoring and identify adjustments to the RAP packages, if required. The evaluation will assess, inter alia: -

- a) The appropriateness of the relocation sites;
- b) The appropriateness of the implementation schedule;
- c) The appropriateness of the grievance redress mechanism;
- d) The appropriateness for assisting vulnerable groups;

In order to achieve the above monitoring parameters, the following main indicators should be assessed which include: -

- That the entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures.
- Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the RAP.
- Public information and public consultation and grievance procedures are followed as described in the RAP.
- Relocation and payment of subsistence and shifting allowances are made in a timely manner.
- Restoration of affected public facilities and infrastructure are completed prior to construction.

The Project Affected Persons (PAPs) will be actively involved and informed in impact monitoring through participatory meetings. The cooperation of the Village/Mtaa Executive Officer and Ward Executive Officer is also crucial during these evaluations. It is anticipated that impact monitoring will first be carried out approximately 3 months after the PAPs have been relocated, and thereafter annually for a period of at least 2 years. At the end of each evaluation, a report will be submitted to respective districts giving details of the evaluation and its findings.

10.2 Monitoring and Reporting

Internal monitoring for RAP implementation will be carried out till all PAPs have vacated their existing properties. TANROADS and Kinondoni MCs should agree on the maximum time of vacating and this should be done once all PAPs have received their compensation. It is recommended that maximum time of vacating could be three months (90 days).

TANROADS, through the Resettlement Expert, will undertake regular internal monitoring during the implementation phase to ensure compliance with this RAP.

Monitoring will commence at the dissemination of the formal notices to the affected persons and continue until the relocation and livelihoods restoration process is concluded.

Considering that the number of PAPs affected by the project is relatively low on one particular area and that most of those losing their residents would want to find alternative land for themselves this might be a challenge in implementing the monitoring for this project. However, this RAP recommends monitoring to be based on maintaining a full-time presence in the field during resettlement implementation; in coordination with District Authority and those at the ward level and monitoring to involve the following:

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

TANROADS will appoint an independent Resettlement Expert to undertake a Closure Audit once the relocation and livelihoods restoration process is deemed to be complete. The Completion Audit will assess whether all relocation requirements established in this RAP have been met, and efforts to restore the living standards of the affected population have also been met. The Completion Audit will only take place after all RAP activities have been reasonably completed, including livelihood restoration, but before the financial commitments to the Sub-Project have been completed. This provides flexibility to undertake any corrective actions to resolve outstanding issues that the completion audit may have identified. The Resettlement Expert will undertake a full re-survey of affected persons using the same socio-economic survey employed in this RAP (to compare 'before and after') during the Completion Audits.

10.3 Conclusion and Recommendations

This Resettlement Action plan will be implemented by compensating the individuals to be affected by the proposed BRT 4 construction activities. It is planned that this will be implemented before the construction activities start. The compensation will be implemented within 6 months after the approval of the valuation report. Thereafter, the penalty equivalent to the commercial bank rate for the fixed deposit account will be charged.

The Consultant Team recommend to the Proponent to solve the pending issues of Depot of Mawasiliano (Simu 2000) and few individuals who protested the execution of the valuation exercise at Kunduchi Mtongani. We believe collaboration of TANROADS, DART, Kinondoni and Ubungu Municipal Councils and the potential

PAPs will reach consensus in a round table by involving Legal officers of both sides since the land attains public ownership and it has public interest so wisdom of both parties is needed. It is our hope that effective consultation and collaboration chaired by DART will solve the remaining bottlenecks which stag the project implemented at its full 100 percent.

REFERENCES

URT (1967), the Land Acquisition Act. No 47 of 1967

URT (1977), the Constitution of the United Republic of Tanzania

URT (1984), the Local Government (District Authorities) Act. No 7 of 1982

URT (1984), the Local Government (Urban Authorities) Act.No.8 of 1982

URT (1999), the National Land Policy, 1996

URT (1996), the National Land Act, Cap 113

URT (2002), the Land Disputes Courts Act No.2 of 2002

URT (2007), the Road Act of 2007

URT (2007), the Urban Planning Act, 2007

URT (2022 Population and Housing Census) National Bureau of Statistics December 2022

URT (2016) The Valuation and Valuers (Registration) Act, 2016

IFC: Handbook for Preparing a Resettlement Action Plan, Washington DC, 2002

IFC: Performance Standard 5: Land Acquisition and Involuntary Resettlement, Washington DC, January 2012

World Bank Operations Policy 4.12 on Involuntary Resettlement, 2013

ANNEX. 1; Data Collection Instrument

**SOCIO-ECONOMIC SURVEY OF COMMUNITIES LIVING ALONG BRT 4 ROAD
SECTION****HOUSEHOLD QUESTIONNAIRE****SECTION A: Information about household members**

- i. Ref. No:
- ii. Name of head of a household:
- iii. Name of interviewee:
- iv. Name of interviewer:
- v. Date:
- vi. Starting time:
- vii. Finishing time:
- viii. Sub-ward:
- ix. Ward:
- x. District/ Municipality:
- xi. List of household members:

NO S	NAMES	RELATIONSHI P WITH HEAD	SEX	AG E	MARITA L STATUS	LEVEL OF EDUCATI ON	OCCUPATI ON
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

KEY

MERITAL STATUS	EDUCATION LEVEL	OCCUPATION
Male:	0 = Illiterate	0 = Infant
1 = married	1 = Primary education	1 = Nursery school
2 = single	2 = Ordinary level	2 = pupil
Female:	3 = Advanced level	3 = Formal employment
3 = married	4 = Diploma	4 = Non formal
4 = Single		5 = No job looking for a job

	5 = Degree 6 = Adult Education	6 = At home caring children 7 = Retired pensionable 8 = Disabled
--	-----------------------------------	--

SECTION B: EMPLOYMENT/INCOME AND SAVINGS

1. How many people are employed (formal/ non formal) in this household?
Totals.....

i. Is the head of household engage in any productive activity?

- a) Yes
- b) No

ii. If Yes, which one among the following?

- (a) Formal and non formal employment.
- (b) Farming only.
- (c) Farming and commerce.
- (d) Farming, commerce and animal keeping.
- (e) Farming and animal keeping
- (f) Others (Specify).....

.....

iii. Do you have any other income generating activity? (Mention them))

.....
.....
.....
.....

iv. You as the head of the household Do you have savings in one of the commercial banks?

- (a) Yes
- (b) No

v. Are you a member of any Savings and Credit Co-operative Society (SACCOS)?

- (a) Yes
- (b) Yes

For business only

i. Type of business engaged to/

- (a) Retail shop
- (b) Medical shop/pharmacy
- (c) Stall (Genge)
- (d) Restaurant/Coffee shop
- (e) Other business (specify)

ii. How many days a year do you do the business?

- (a) all year round
- (b) 10 months

- (c) 6 months
- (d) 3 months
- (e) Less than 3 months

iii. Does your family have other income sources or you are the only source of income?

- (a) Yes they have
- (b) No is only me

iv. Have you ever experienced a change of work place because of a road improvement project?

- (a) Yes
- (b) No

v. If yes, how did you cope with the situation? (Please explain)

.....

vi. Are the tools of your business your own property or are they rented from somebody?

- (a) My own
- (b) Rented

vii. If rented, how much do you need to pay per day for renting the tools?
Tshs.

viii. Is there any necessity for business closure during the project's construction phase?

- (a) Yes
- (b) No

ix. What are the possible measures that could be taken to mitigate disturbances/negative effects during the construction phase

.....

x. Will you relocate to an area outside of the Project area?

- (a) Yes
- (b) No

xi. If yes what is the cost of relocation? Tshs.

xii. Do you have any requests for the Project to avoid/reduce/mitigate any disturbances/negative effects during the construction phase? Please explain

.....

SECTION C: CONSTRUCTION MATERIALS, SIZE OF THE HOUSE AND USES

SECTION/PART	MATERIALS	HOUSE/STRUCTURE	
		RESIDENTIAL	BUSINESS
	Earth		

FLOOR	Cement		
	Floor tiles		
WALLS	Mud with poles		
	Mud bricks		
	Burnt/baked bricks		
	Stones connected by cement mortar		
	Cement/ concrete blocks		
ROOF	Thatched grass		
	Iron/galvanized sheets		
	Roof tiles		

- ii. How many rooms does your house have?
- iii. Is your house connected with electricity and water services?
- (a) Electricity: Yes.....No.....
- (b) Water: Yes.....No.....
- iv. What are the uses of your house?
- (a) Residential only
- (b) Business only
- (c) Both Residential and Business
- v. How many years have you stayed in this house?
- (a) Less than 5 years
- (b) 5 years
- (c) 10 years
- (d) 20 years
- vi. Do you think it is necessary to vacate the area for the project?
- (a) Yes
- (b) No
- vii. If the answer is No why? Give reason for your answer
-
-
- viii. What type of the ownership of the entire plot (structures and other properties)
- (a) Owner
- (b) Co-owner
- (c) Rented
- (d) Illegal occupancy
- (e) Others (specify).....
- ix. If the structures are rented what is the monthly rent fee? Tshs.
- x. What part/portion of your land is taken by the project?

- (a) Less than $\frac{1}{4}$
- (b) $\frac{1}{4}$
- (c) $\frac{1}{2}$
- (d) $\frac{3}{4}$
- (e) 1
- (f) Whole plot

- xi. Is the remaining portion suitable for current business/living?
- (a) Yes
 - (b) No

SECTION D: LAND OWNERSHIP

- i. Do you own any piece of land?
- (a) Yes
 - (b) No
- ii. If the answer is Yes which size of land do you pose/ own in
- iii. terms of acre? (Put a tick)
- (a) less than $\frac{1}{4}$(b) $\frac{1}{4}$(c) $\frac{1}{2}$(d) 1.....(e) more than 1.....
- iv. How did you obtain the land?
- (a) From Municipal council
 - (b) Inheritance
 - (c) Bought from local people
 - (d) Encroaching open spaces/ cleared a bush
- vi. Is your plot surveyed?
- (a) Yes
 - (b) No
- vii. Do you have a certificate of occupancy?
- (c) Yes
 - (d) No

SECTION E: TYPE OF COMPENSATION

- i. Which type of compensation do you prefer between the following?
- (a) Cash equivalent to the value of your property.
 - (b) In-kind (replacement of the lost property)
- ii. Which place would you like to be relocated?
- (a) Near the former location/area
 - (b) Near to my relatives and friends
 - (c) Any area within this locality
 - (d) Anywhere the Government proposes
 - (e) In the neaby village/sub-ward (mt)
 - (f) I don't prefer any place among the mentioned above
- iii. If the answer is not (f), Probe the reason of his/her choice?
- iv.
-
-
-

iv. If the answer is not (d) and (f), Probe if the location has reserved area for social services such as school/Dispensary/market/ mosque/church/water/pasture land/ farmland/ playing grounds etc. (Put √ where appropriate)

v. Is there any gain or loss you will get in your new location Please explain

.....

vi. **Please observe without asking the PAP:** What is the physical status of the PAP

(a) Normal PAP

(b) Terminally sick

(c) Landless PAP

(d) Very old PAP

(e) Widow/Widower

(f) Orphan

(g) Person with disability

vii. Regarding the physical status, Do you receive any assistance?

viii. If yes Who assists you?.....

ix. Those who assist you, where are they living?.....

ix. In construction of a new house which type of materials you will use? And where will you obtain them?

.....

x. (If opted cash or materials) Which modality will be used to accomplish construction?

(a) Building a house myself

(b) Assisted by relatives/community/ friends

(c) Employ labourers

xi. How much will you spend in building your house?

.....

xii. How long will it take to build that house?

.....

xiii. What kind of assistance do you need in completing your house from the government among the following cash/building materials/transport/Technicians/Engineers/Storage/Site clearance etc (Put √ where appropriate)

xiv. In order to increase income and livelihood in general what kind of assistance do you need among the following:- work as labourer in civil works/secure loans for business/to get training/ to get plot for agriculture and livestock (Put √ where appropriate)

ANNEX II; A Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information: _____
(Village/Ward/Mtaa; mobile phone)

Nature of Grievance or Complaint: _____

Date	Individuals Contacted	Summary of Discussion
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____
Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation: _____

Summary of Conciliation Session Discussion:

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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

Signed (Conciliator): _____

Signed (Filer): _____

Signed: _____
Independent Observer

Date: _____

ANNEX III: Photographs from the study area



Meeting with PAP's at Wazo Mtaa in Wazo ward during sensitization meeting



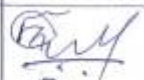



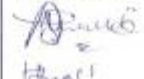


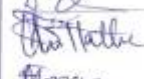


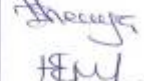




Meeting with PAP's at Tegeta Mtaa in Kunduchi ward during sensitization meeting

Meeting with PAP's at Mtongani Mtaa in Kunduchi ward during sensitization meeting

CONSULTATION MEETING WITH REPRESENTATIVES OF COMMUTER BUS OPERATORS



ANNEX IV: Minutes and Names of participants/stakeholders

MAHUSHURIO YA KIKAO 4/05/2021			
MAHUSHURIO			
	JINA	SIMU	SAMIMI
1	FADHIRI A. MEELA	0713-297715	
2	FRUSTINE JACOB-MANDUNDA	0715-880960	
3	Betty Geoffrey Rutthinda	0754 309188	
4	MARIA Kabinga	0755751421	
5	NASON BWAOTIA	0712304938	
6	Eng. Albina J. Giphun	0754 825853	
7	HILDA JAMES	0756458454	
8	SAMUEL MABAYA MASANI	0768356242	
9	Feleugun Fimbo John	0675758308	
10	Deo Telwa	0754260834	
11	SALUM CHITALE	0715240387	
12	ETHER MNZAVA	0717380842	
13	TABU A. TABU MUKIPI	0715 894735	
14	FATUMA SHECHYA (NEO)	0715 767049	
15	Mbangaro HE	0713 520910	

**MUHTASARI WA KIKAO CHA WAMILIKI WA MAENEO YA MBUYUNI MTAU WA
MTONGANI - KUNDUCHI KILICHOFANYIKA TAREHE 04/05/2021**

AGENDA

1. KUFUNGUA KIKAO
2. UTAMBULISHO
3. KUTAMBULISHA MRADI
4. KUFUNGA KIKAO

1. KUFUNGUA KIKAO

Kikao kilifunguliwa muda wa saa 4:30 na Mwenyekiti wa mtaa wa Mtongani.

2. UTAMBULISHO

Mwenyekiti aliomba kila mmoja aweze kujitambulisha kwa jina na anatokea katika, utambulisho huo kulikuwa na watu wafuatao, wamiliki wa maeneo yanayolengwa kuwa na mradi, wathamini toka **NEMETA** na wahusika kutoka **DART**.

3. KUTAMBULISHA MRADI

- o Afisa Ardhi toka Manispaa ya Kinondoni amweaelezawananchi kuwa wamefika kwa lengo la kuwatambua wamiliki kama wana hati miliki Offer au Document yoyote inayowaelezea umiliki wake. Pia kuna ambao Mradi hautagusa eneo lao lite, basi atapewa utaratibu wa kufanya. Sheria inasema endapo Serikali itahitaji eneo lolote kwa lengo la kufanya huduma za kijamii basi kuna utaratibu utafuatwa haiwezi kuchukua tu bila kufidia walioguswa na huduma hiyo itakayokuwa imelengwa.
- o Utambulisho wa Mradi huo ni ujenzi wa kituo cha Barabara za Mwendo kasi kwa Phase ya Tano itakayotoka Boko Basihaya mpaka Maktaba kuu.
- o Kwa wale wamiliki wa Ardhi wanapaswa kuwa na Hati miliki, Offer au Leseni za makazi na kuonyesha kuwa wanalipia kodi za Serikali.
- o Wananchi walipewa Elimu juu ya Uthamini wa maeneo yao wanayoyamiliki.
- o Uthamini ni zoezi la kutaka kujua thamani ya kitu kwa kutaka kujua. Thamani yake kwa lengo flani na kwa sasa wapo kwenye uthamini wa kisheria kwa lengo la kupisha Mradi Mkubwa huo unaotarajiwa kuwepo.
- o Fidia hiyo inatakiwa kulipwa kulingana na soko kwa kutoa fidia stahiki.
- o Fidia ni fedha au chochote unachopewa mali yako inapokuwa imetuliwa inahusisha mazo, jengo ardhi, amendelezo. Ardhi inalipwa kwa utaratibu ufuatao:- kwa kutumia, **GPS, RTK** ili kupata ukubwa sahihi na viwango vya soko.

Katika Daftari la uthamini sheria inaamua lazima apewe posho ambayo kama:-

- a) Posho ya Makazi, Frem, Hotel
- b) Posho ya Usafiri inaenda sambamba na posho ya Makazi. Haitamhusisha mtu ambaye eneo lake halitumiwi
- c) Posho ya upotevu wa faida
 - Muhusika awe na Biashara iliyosajiriwa na kulipwa kodi na kufanyiwa ukaguzi ndani ya miaka 3.
- d) Posho ya usumbufu
 - Kumtoa mfidia katika eneo lake na kwenda mahala pengine.

Nafasi ya maswali

Wanaomba kutambua endapo zaoezi linapotokea changamoto inapotokea wameone nani kwa malalamiko yao?

Jibu-Wanaanzia katika ofisi ya Serikali za Mtaa na kufika sehemu husika. Kasoro inayohusisha mipaka na Mirathi.

- ✓ Itaundwa kamati
- ✓ kutakuwa na form maalum ya malalamiko

Je! Anatakiwa kusimamisha maendelezo mengine ,maana mpaka sasa alikuwa na ujenzi unaendelea


- ✓ Sheria inakuangalia eneo lako linamuendelezo mpaka atakapofika mthamini kwa kuchukua vipimo na uthamini wa gharama za ujenzi.
- ✓ Kuanzia leo kwa kupata taarifa ya Mradi na kukaa kikao hiki haruhusiwi mtu yoyote kufanya maendelezo yoyote. Na kusubiri mpaka utakapolipwa fidia yako kwa kutunza Mazingira pia mpaka utakapokabidhi mali yako.
- ✓ Kwa wale wenye **HATI** miliki wakati wa ukaguzi wanatakiwa kuwasilisha copy au Document inayokuonyesha.

Uwepo wako hapo.

- ✓ Mthamini atapita na form itakayojazwa na kutambua mali zilizopo kwa mmiliki.

4. KUFUNGA KIKAO

Kikao kimefungwa muda wa saa 12:30 mchana na Mwenyekiti wa mtaa wa Mtongani.

IMETHIBITISHWA

FATUMA SHEUYA
MTENDAJI WA MTA
0715 -767049



