

THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF WATER AND IRRIGATION



# Resettlement Planning Framework for the Lake Victoria Water and Sanitation Initiative

Final Report

Mwanza, Tanzania

November 2015

**Endorsed by:**

The Government of Tanzania, Ministry of Water and irrigation

**Implementing agencies:**

Mwanza Urban Water Supply & Sanitation Authority  
(MWAUWASA)

Bukoba Urban Water and Sanitation Authority  
(BUWASA)

Musoma Urban Water and Sanitation Authority  
(MUWASA)

## Acronyms

AFD	Agence Francaise du Developpement
BUWASA	Bukoba Urban Water and Sanitation Authority
CBO	Community Based Organisation
CRO	Certificate of Rights of Occupancy
CCI	Centre for Community Initiatives
DC	District Commissioner
DED	District Executive Director
EAC	East Africa Community
EIB	European Investment Bank
ESMF	Environmental and Social Management Framework of the MoW/WSDP
FGD	Focus Group Discussion
GOT	Government of Tanzania
IFC	International Finance Corporation
LVBC	Lake Victoria Basin Commission
LWATSAN	Lake Victoria Water and Sanitation Initiative
M&E	Monitoring and Evaluation
MCC	Mwanza City Council
MDG	Millennium Development Goal
MoW	Ministry of Water
MLHSD	Ministry of Lands Housing and Human Settlement Development
MRI	Mutual Reliance Initiative
MSF	Multi-Stakeholder Forum
MUWASA	Musoma Urban Water and Sanitation Authority
MWAUWASA	Mwanza Urban Water and Sanitation Authority
NGO	Non-Governmental Organization
OP	Operational Policy
PAH	Project Affected Household
PAP	Project Affected People
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
ROW	Right of Way
RMF	Resettlement Management Framework of the MoW
RPF-LWATSAM	Resettlement Planning Framework - LWATSAM
STF	Sanitation Task Force
TBD	To Be Determined
TZS	Tanzanian Shilling
UWUA	Urban Water Utility Authority
WB	World Bank
WIP	Water Intake Pipe
WSDP	Water Sector Development Programme
WSUP	Water and Sanitation for the Urban Poor
WTP	Water Treatment Plant

## Glossary

**Entitlement/Compensation:** Refers to a range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to affected persons, depending on the nature of their losses, to restore their economic and social base<sup>1</sup>.

**Customary tenure:** Land that is owned and managed through customary village laws, otherwise known as usufruct rights.

**Host population:** People living in or around the areas that the project affected persons will be physically resettled to.

**Informal Settlements:** Land that has been acquired without “formal right of occupancy”. This includes deemed rights, long standing tenure and unplanned settlements/ lacking planning permit.

**Involuntary Resettlement:** The EIB Standard 6 defines involuntary resettlement as: (a) physical displacement (physical relocation of residence or loss of shelter), and/or (b) economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition resulting in displacement

**Loss of access:** Project affected persons' loss of access to assets including land, physical property, infrastructure, services.

**Project Affected Person:** Project affected persons (PAPs) are defined in this RPF as all persons who lose as a consequence of the LVWATSAN-Mwanza Project ownership of and/or access to all or part of their physical assets, which include their homes, tenancy, productive lands, commercial properties, income earning and subsistence opportunities, cultural sites, communities, as well as social and cultural networks and activities. The impacts may be permanent or temporary. This includes all members of a household (women, men, girls, boys, incl. several generations in the cases of extended households); the owner and employees of a business; tenants; land owners and share croppers; informal settlers (i.e. lacking formal titles); holders of customary land rights; informal business operators and their employees/assistants<sup>2</sup>.

**Resettlement Action Plan (RAP):** is the document in which the Sponsor of a Project or other responsible competent authority describes the impacts of the involuntary resettlement, and specifies the procedures that will be followed to identify evaluate and compensate the impacts and defines the actions to be undertaken during all phases of the displacement.

**Vulnerable People:** The EIB Standard 6 defines vulnerable groups as population groups that suffer disproportionately from discrimination and/or unequal access to rights, access to and control over resources and/or development opportunities<sup>3</sup>.

---

<sup>1</sup> EIB, (2013), Environmental and Social Handbook, Volume 1: EIB Environmental and Social Standards. See Standard 6. Involuntary Resettlement AND adapted from World Bank definition in IFC (2002) Handbook for Preparing a Resettlement Action Plan. For more detail see Section 3.3.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

# Contents

<b>Executive Summary</b>	<b>1</b>
<b>1 Background</b>	<b>3</b>
1.1 Project Description and Overall Context	3
1.2 Rationale for preparation of the Resettlement Planning Framework	4
1.3 Summary objectives of this Resettlement Planning Framework	4
1.4 Potential Social Impacts	6
<b>2 Resettlement Planning</b>	<b>10</b>
2.1 Principles and Practice	10
<b>3 Legal Framework</b>	<b>12</b>
3.1 Constitution	12
3.2 Tanzanian laws and policy on land and acquisition	12
3.3 EIB Policy on Involuntary Resettlement (Standard 6)	16
3.4 World Bank Involuntary Resettlement Policy (OP/BP 4.12)	17
3.5 Compensation	17
3.6 Consultation and disclosure	20
3.7 Grievance mechanism	20
3.8 Land Regularization	21
3.9 Summary	22
<b>4 Institutional Framework</b>	<b>34</b>
4.1 Overall Project Organization and Implementation Arrangements	34
4.2 Responsibilities of Implementing Organizations	34
4.3 Stakeholder Engagement Plan	41
<b>5 Implementation</b>	<b>42</b>
5.1 Responsibilities	42
5.2 Implementation stages	42
5.3 Screening Process for Resettlement Sites	44
5.4 Method to Determine the Cut-Off Date	45
5.5 Notification Procedure	45
5.6 Grievance Mechanism	46
<b>6 Consultation and Stakeholder Engagement</b>	<b>48</b>
6.1 Stakeholder Analysis	48
6.2 Public Consultation Mechanism	48
6.3 Disclosure Requirements	49
<b>7 Socio-Economics</b>	<b>52</b>
7.1 Approach for Identifying Project Affected Persons	52
7.2 Creation of Baseline Information on PAPs	53

<b>8</b>	<b>Methods for Valuing Assets</b>	<b>59</b>
8.1	Methods for Valuation	59
8.2	Entitlement matrix	69
8.3	Organization Procedures and Scheduling	75
8.4	Risks and Mitigation	75
<b>9</b>	<b>Budget and Sources of Funding</b>	<b>77</b>
<b>10</b>	<b>Monitoring and Evaluation</b>	<b>80</b>
10.1	Content of Monitoring and Evaluation Program	80
10.2	Evaluation	83
	<b>Annex 1: List of Relevant Institutions</b>	<b>87</b>
	<b>Annex 2: References</b>	<b>88</b>
	<b>Annex 3: Consultant’s Visit to LVWATSAN-Mwanza</b>	<b>89</b>
	<b>Annex 4: Involvement of Informal Communities in the STF</b>	<b>91</b>
	<b>Annex 5: Implementation of the RPF-LVWATSAN</b>	<b>92</b>
	<b>Annex 6: Stakeholder Engagement on implementing the RPF and RAPs</b>	<b>99</b>
	<b>Annex 7: Approach for Identifying Project-Affected People</b>	<b>103</b>
	<b>Annex 8: Four Scenario-based Entitlement Matrices for this RPF-LVWATSAN</b>	<b>107</b>
	<b>Annex 9: Potential monitoring indicators and targets</b>	<b>114</b>

## Executive Summary

The Lake Victoria Water and Sanitation Initiative (LVWATSAN) is a regional programme operated in partnership with the East Africa Community (EAC) and UN-HABITAT. The European Investment Bank (EIB) is funding the implementation of LVWATSAN in Tanzania. The EIB funded project consists of the expansion and upgrading of the water supply and sanitation in Mwanza and three of its satellite towns, as well as sanitation in the towns of Musoma and Bukoba. Within the LVWATSAN-Mwanza Project there is the WASH programme for schools, which will be rolled out during the project life-cycle. The LVWATSAN-Mwanza Project is part of the basket fund of the Water Sector Development Programme (WSDP).

A key component of the LVWATSAN-Mwanza Project is to expand the coverage of water and sanitation into informal urban areas, which will serve poor and vulnerable groups. The informal areas represent a large proportion of the urban population most of which inhabit topographically challenging areas.

In order to proceed with the specific projects, temporary and permanent land acquisition will be inevitable. As a consequence, some resettlement of project-affected people (PAPs) will occur. This triggers EIB's 2013 Social Standard 6 on Involuntary Resettlement<sup>4</sup>, and the World Bank's Involuntary Resettlement Policy (OP/BP 4.12). It is important to mention that the Development Partners (DPs) of the WSDP agreed to apply the World Bank Safeguard Policies in the Programme.

The MoW, as part of the DPs requirements for the WSDP, developed a Resettlement Policy Framework in 2008 for the Programme in order to comply with the Bank's Involuntary Resettlement Policy (OP/BP 4.12). This instrument named now as Resettlement Management Framework (RMF) has been up-dated (June 2015) for the WSDP II in order to include lessons learned during the WSDP I. The LVWATSAN initiative will be financed by the European Investment Bank (EIB), and as part of its requirements, this document Resettlement Planning Framework for the specific initiative (RPF-LVWATSAN) has been developed.

This RPF-LVWATSAN has been elaborated taking into account the national law, mainly the Land Act; the EIB's Standard 6; and the 2015 RMF of the MoW, which takes into account the World Bank's OP/BP 4.12. The institutions responsible for the implementation of these instruments are: Mwanza Urban Water Supply & Sanitation Authority (MWUWASA), the Bukoba Urban Water and Sanitation Authority (BUWASA) and the Musoma Urban Water and Sanitation Authority (MUWASA). The ministry of water and irrigation will have an oversight and quality control roles during implementation of these projects. The RPF-LVWATSAN will apply throughout the preparation and implementation of the LVWATSAN- Mwanza Projects.

The RPF-LVWATSAN is structured into the following sections:

- Chapter 1 provides an outline of the LVWATSAN- Mwanza Project, and rational and objectives for this Framework. It also outlines the key social impacts related to land acquisition that have been identified in the project areas to date.
- Chapter 2 introduces guiding principles of this Framework. These reflect the policies of the EIB, the World Bank and the Government of Tanzania that address land acquisition and involuntary resettlement.
- Chapter 3 presents an overview of the national policy and laws on land rights and acquisition are presented. A "gap analysis" compares these with the EIB Standard 6 and World Bank OP/BP 4.12. Where there are gaps in the national policy, these international standards take precedent.
- Chapter 4 provides an explanation of the institutional framework for the LVWATSAN- Mwanza Project and organizational responsibilities over social safeguards and

<sup>4</sup> EIB, 2013, Environmental and Social Handbook, Volume 1. EIB Environmental and Social Standards, Luxembourg.

**Comment [KE1]:** Marco: please insert a word on the role of MoW in the implementation, alternatively in quality control/oversight? **INSETED**

operationalization of this document's provisions.

- Chapter 5 forms the guidance on the implementation of this Framework from the project design stage, through the consultation, asset valuation, compensation and monitoring and evaluation stages.
- Chapter 6 provides a synopsis of which stakeholders will be involved and the consultation process that should take place.
- Chapter 7 provides an overview of the socio-economic requirements for any land acquisition. Key issues such as census data and inventory of assets are discussed. Survey tables are provided as way of example of what information needs to be collected to determine the level of impact.
- Chapter 8 defines the methods for valuing assets and the eligibility criteria for compensation. An entitlement matrix is presented in this chapter.
- Chapter 9 provides an overview of budgets and sources of funding.
- Chapter 10 presents the monitoring and evaluation framework, and recommendations are made as to how monitoring should take place throughout the RPF-LVWATSAN and project implementation.

# 1. Background

## 1.1 Project Description and Overall Context

The Lake Victoria Water and Sanitation Initiative (LVWATSAN), is a regional programme headed by the East Africa Community (EAC) in partnership with UN-HABITAT working towards the achievement of the water and Sanitation Millennium Development Goals (MDG). The programme is carried out as a Mutual Reliance Initiative (MRI) with the Agence Francaise du Developpement (AFD), under European Investment Bank (EIB) leadership. The second phase of this programme is to be directly funded by EIB.

The Programme will focus on the water and sanitation of urban settlements located around Lake Victoria in Tanzania.

The EIB financing consists of both, physical infrastructure upgrading and institutional capacity strengthening. The engineering component of the EIB funded programme will include the expansion and upgrading of the water supply and sanitation in Mwanza city, three satellite towns and sewage and sanitation improvements in the towns of Musoma and Bukoba. Within the LVWATSAN-Mwanza Project, an additional subproject has been designed to bring water and sanitation facilities to 150 schools throughout the project area<sup>5</sup>.

Mwanza city consists of eight districts: Ukerewe (to the North), Magu (to the East), Sengerema and Geita (to the West), Misungwi and Kwimba (to the South), and Nyamagana and Ilemela. Three of the districts have been chosen for upgrading one of which includes Magu, which falls within Mwanza's urban agglomeration. The other two districts chosen as part of the EIB finance for upgrading of their water supply and sanitation system are the satellite town of Misungwi and finally the semi-rural settlement of Lamadi.

One challenging component of LVWATSAN-Mwanza Project which EIB, the Ministry of Water and the Mwanza's water utility provider have chosen to address is the insanitary conditions found in the informal settlements located on the hillsides enveloping Mwanza city. Part of the EIB project will be to install sanitation and sewage facilities into the hitherto unserved locations where 70% of the city's urban residents reside.

With no formal utility infrastructure in Lamadi, the proposal for this satellite town is to have a new water supply and sanitation system. In the absence of water utility provider in Lamadi the newly installed water supply system will be managed by Mwanza Urban Water and Sewage Authority (MWAUWASA). Magu and Misungwi will similarly have an improved water supply system and sanitation. For Misungwi this will consist of a new reservoir, storage tank, sludge disposal facilities, a treatment plant, pumps and therefore an increase in the distribution network.

Aside from Mwanza and its satellite towns, sanitation facilities are proposed for the provincial towns of Musoma and Bukoba; which are considered the most populous urban settlements in need of adequate water and sanitation facilities located on the shores of Lake Victoria. It is in these towns where the current water distribution network is being strained by rapid urbanization which require a radical improvement to their existing network.

The EIB loan will be accompanied by a substantial Technical Assistance (TA) programme to improve the institutional capacity of the utilities.

Finance for the Lake Victoria project has been made available from the EIB to the Ministry of Finance of the Republic of Tanzania (the de jure borrower) who has enabled the Ministry of Water (MoW) (the de facto borrower) to manage the loan for infrastructural development renewal. The regional water utility providers – (the project promoters) – in Mwanza (MWAUWASA), Musoma (MUWASA) and Bukoba (BUWASA) will deliver and implement the project, respectively.

---

<sup>5</sup> Buckle J.S (2010) Pre-appraisal of operation Lake Victoria WATSAN – Mwanza Urban Water and Sewage Authority. Paper commissioned by EIB



## 1.2 Rationale for Preparation of the Resettlement Management Framework

The feasibility stage of the project included engineering designs detailing the possible locations for physical infrastructure, which have avoided locating units near settlements, so as to minimize resettlement impacts. An earlier screening exercise conducted in the chosen areas identified physical displacement, land acquisition and access issues. However, the magnitude of economic displacement from land acquisition (permanent or temporary) has not yet to be quantified.

EIB's Social Standard 6 on Involuntary Resettlement<sup>6</sup> is being applied to this project. A key recommendation from Standard 6 [which is also reflected in the World Bank (WB) Safeguard Policies] states that if any physical, economic and social displacement is caused by the loan, a specific Resettlement Planning Framework at the level of the investment project and subsequent Resettlement Action Plan(s) (RAP) for the specific locations, if multiple, need to be prepared. In the case of the LVWATSAN-Mwanza Project the exact locations of displacement, acquisition and the households that may require relocation remain unknown until at the detailed design stage; in such circumstances a RPF-LVWATSAN is advisable in anticipation of project activities.

As part of the Tanzanian Government's National Water Sector Development Programme (WSDP), financed by the Development Partners (DPs), including the World Bank, a Resettlement Management Framework (RMF) was prepared and up-dated (June 2015). Acknowledging such a helpful institutional precedent, it is the intention of the present assignment to enhance, tailor and modify, where necessary, this existing framework for the purposes of the EIB LVWATSAN Mwanza Project.

Therefore this RPF-LVWATSAN will look to strengthen policy application in the fields of land acquisition, resettlement, compensation and capacity building to be in line with EIB's Standard 6 on Involuntary Resettlement.

## 1.3 Summary objectives of this Framework

This RPF-LVWATSAN provides guidelines to ensure that any possible adverse impacts caused by the EIB's LVWATSAN-Mwanza Project activities are addressed through appropriate mitigation measures. Recommended mitigation measures are designed to reduce risk, particularly to vulnerable groups such as those less able to look after themselves (children, elderly, widows, single mothers) and other vulnerable groups.

The methods used in this RPF-LVWATSAN are based on national policy requirements and regulations, the EIB Standard 6, and the existing Ministry of Water Resettlement Management Framework (RPF), which takes into account the World Bank Safeguard Policy (OP/BP 4.12) on Involuntary Resettlement. Where the national law is less stringent, the EIB and World Bank standards take precedent.

The Framework defines the eligibility criteria for identification of Project Affected People (PAPs) and their entitlements. It also provides schedules and indicative budget that will take care of anticipated resettlement and guide the subsequent elaboration of location specific RAPs. Additionally, provides a framework for monitoring and evaluating any acquisition and compensation that takes place.

The key objectives of the EIB Standard 6 are as follows:

- Avoid or, at least minimize, project-induced displacement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the

---

<sup>6</sup> All references to EIB Standards in this RPF are to "Volume 1: EIB Environmental and Social Standards. Standard 6. Involuntary Resettlement", unless otherwise stated

rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;

- Respect individuals', groups', and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality. Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project affected people throughout the resettlement process; and
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

The EIB SAGN 6 and the guidelines in this Framework apply throughout the preparation and implementation of the LVWATSAN-Mwanza Project. When a RAP is required, it will be prepared in accordance with guidance provided in this Framework and in accordance with EIB SAGN 6.

To uphold international social safeguard standards, sufficient personnel and financial resources are required to implement measures that meet the needs of the persons affected or for those persons displaced from their land and assets. To maintain or improve the livelihoods of those displaced living in the new environment appropriate forms of consultation are required and will be recommended in this instrument..

This document should be presented to the main stakeholders and disclosed according with the EIB standards and the RMF of the MoW.

#### 1.4 Potential Social Impacts

The consequences of involuntary resettlement and land acquisition can be debilitating if project implementers do not appropriately mitigate the impact. This section of the RPF-LVWATSAN outlines the some of the key proposed developments and initial social impacts that have been identified to date, based on a screening exercise that was conducted in the appraisal stage of this project. The full social impacts will be apparent when the final locations of the project components are identified in the detailed engineering designs, and relevant census or surveys are carried out.

##### 1.4.1 Mwanza town

Initial options for locations of the various elements of the water and sanitation upgrading have been identified in the project formulation report. The area of Luchebele in the south has been identified for a new water source. Two possible sites in this area have been identified. One location is on unoccupied land owned by the fisheries department and the prison service. The other chosen location is owned by the university. Plans to extend the sewage system include network extensions in the north and a new wastewater treatment plant at Igoma. The proposed developments at Igoma would lead to at least two permanent houses requiring resettlement, as well as a number of cultivated fields. Other planned developments include a sewage treatment plant at St. Augustine's University, and pump stations at Buzuruga and Nyegezi – Luchebele. At this stage a reliable estimate of the number of people affected cannot be established. There will be some impact on land acquisition for these sites.

##### 1.4.2 Mwanza informal areas

A large proportion of Mwanza is informal settlements (approximately 70%). The informal areas in

Mwanza on the hillsides have similar characteristics, regardless of their location. Many of the plots are unusually large ranging from 3x4m to 4x8m, typically brick built, with corrugated roofs<sup>7</sup>. The impacts on the hillside informal settlements will be directly derived from the location of the sewage pipes that will travel through a 'community' to connect to a feeder pipe at the bottom of the hill. The pipe is likely to require the repositioning of some properties. Some areas may also find that communal toilet blocks – rather than individual pit latrines would minimise land acquisition.

Informal settlements in Mwanza are distinctive compared to their East African equivalent settlements in Kenya, Zimbabwe, or even the *townships* in South Africa. For instance the physical housing units whilst containing a similar population density have a larger footprint and are 'arranged' in a less cohesive manner, largely as a result of the topographic restrictions. Yet on the surface the conditions are not to dissimilar to the favelas in Rio de Janeiro in Brazil - the topography, lack of access to basic services and perceived/actual levels of vulnerability.

However the distinction being made here is one of density: the Mwanza informal settlements are relatively new. They have appeared on the hillsides over the last decade in localities close to the city as prospective householders seek out vacant land to build their homes. The area is thus more characteristic of a peri-urban/ urban fringe area than an inner-city slum – lower density, larger plots (although newer ones tend to be smaller as prices rise), scattered locations except along major roads, and with little servicing. But as with Rio, it is the hitherto vacant hillsides that have provided the land to accommodate the new residents.

The physical manifestation would indicate the disconnection between economic development and public policy: rapid urbanization is occurring in Mwanza (more so than the other project locations as the city provides key employment opportunities) to a level where land use policy is not concurrent to basic social-economic needs (housing, infrastructure, social development). For Mwanza the result is unserviced plots may potable water and electricity which is only available through standpipes/shared connections whereby access is dependent on affordability only serves to create another level of vulnerability. The informal settlements do not have appropriate level of land use planning legislature to cope with the fluidity of change, which would provide 'security' for the urban poor and those most vulnerable. Vulnerability remains constant in such settlements. Further, the 'unplanned' approach or 'short-term' acceptance of these settlements also presents additional risks in the future. Whilst it is not the responsibility of this document to predicate over land use policy planning of informal settlements there is a serious concern and questions that need to be raised both over the long term security of the urban poor and the provision of adequate shelter in the city *if* international finance is to make strategic investments into water supply services for the city. The suggestion by Mwanza City Council to relocate the hillside informal settlements 10-17km outside of the city only serves to perpetuate poverty.

#### 1.4.3 The satellite towns: Lamadi

The urban area of Lamadi would use the rights of way (RoW) along the road to lay the water transmission pipes, therefore creating no resettlement or land acquisition issues.

The shore-side location of the water intake pipe (WIP) along Lake Victoria is yet to be determined. As the water intake site would be approximately 50m x 100m in area, the land acquisition impacts could be considerable if located in a sensitive area. Two possibilities are currently been considered. The first site is uninhabited, but the land is privately owned. Further inland from the intake pipe and lake is a fishing village which has resided in the area for more than twenty years. The village is considerably poor, with female headed households, widow headed households and a large population of children. The transmission pipes would have to run across some of the community land – which is likely to be held in national ownership. However the land required for the transmission pipes is not farmed and the engineering designs should avoid displacement of PAPs, whilst minimising access. Conversely, if the WIP was located close to the fishing village, an access point could be provided that would allow the villagers to obtain potable water.

The second location for the WTP is further removed from the fishing village and closer to Lamadi town, so costs will be marginally less. The area is completely uninhabited besides a single fishing shack located within cove, which allows fishermen access to the lake and provides shelter and

---

<sup>7</sup> 1999 Land Act; 2001 Land (Assessment of the Value of Land Compensation) Regulations; 2001 Village Land Regulations

protection for their boats. The land in the area is public. Land acquisition issues will be minimal as transmission pipes can be run alongside existing drains and land with 60 meters of the lake side is government owned land.

#### 1.4.4 The satellite towns: Magu

The extension and upgrade of water facilities in Magu will require new features such as expanded water treatment plant (WTP), water storage tanks and transmission pipes. Currently the RoW required to safeguard over-ground transmission pipes is not being upheld by the provincial water bodies. This will need to be addressed through this RPF.

The site of the water treatment plant beside the lake has already been tentatively chosen – adjacent to the existing water pump. However the screening exercise raised two concerns:

- An abattoir is located adjacent to the proposed water treatment plant, opposite the lake. It was recorded that water treatment from the abattoir is separated from the main system and waste water will not have an outfall pipe into the lake. An inspection of their facilities should be made by the water utility providers to confirm the accuracy of its statement. Secondly, having effluent discharge from the abattoir and office/housing block (see bullet point below) which is adjacent to the proposed potable water intake site should be a concern as any mechanical fault in their treatment facilities would have grave consequences on the water intake for Magu town. Thirdly, whilst land within 60m of the lake is owned by the Government, under Tanzanian law no construction should take place within 50m of the shoreline. The abattoir may just be out of this range but its environmental and health impacts need to be carefully monitored and its location reassessed.
- Since the design drawings for Magu were completed for EIB, office and accommodation facilities for the abattoir staff has since been constructed on a site adjacent to the proposed water treatment plant. Whilst enough land is available for the WTP, adjacent land has not been safeguarded for future expansion. Again the location of the property is just over the 50m radius from the lakeside.

#### 1.4.5 The satellite towns: Misungwi

The proposal for Misungwi is for two reservoirs, sludge disposal facilities, a treatment plant and an enhanced distribution network. More land is required for the intake and provision should be made for its later expansion.

The location of the proposed storage sites is to be located on public land on the highest points within the locale which will have no resettlement or land acquisition impact. At the location of one proposed storage site, micro-quarrying existed. The availability of local labour could be sourced for the construction of the tank.

The location of the transmission pipes have not been fully surveyed but it is considered that they will be buried, so temporary acquisition or use of land will be required.

Perhaps one overlooked issue in this area is the extent of poverty. Currently, 20% of Misungwi (or 28,000 people) has serviced water facilities. The remaining 80% of the population - considered to be unplanned growth – has no access to formal utilities. Urban patterns are typically linear (which will reduce some capex costs for transmission) and other areas, are clustered, with some sporadic rural housing. Unofficial figures indicate that the incidence of poverty is high with 40% of people living on US\$1 per day. The level of poverty will needless to say have an impact on the ability to pay for these improved facilities. Existing facilities such as water kiosks and water buckets (which cost 50 shillings for a 20 litre bucket) are indicative of the level of poverty and extent of the limited network.

#### 1.4.6 Musoma

The town of Musoma located to the north east of Lake Victoria has a proposal for improved sewage and sanitation facilities. There are four key areas within the town that need

consideration from a resettlement and land acquisition perspective:

- Anaerobic Treatment Plant: This is a waste stabilisation pond which is proposed to be located adjacent to the lake. Whilst land within 60m of the lake is owned by the government the land earmarked for stabilisation ponds has been encroached upon and is being used for urban agriculture purposes. Farming alongside the lake was being conducted beyond a self-sufficient level. Until a census is completed it remains unclear as to what amount of land will be acquired for the project as percentage of the overall household land – or access to land in this area.
- Main Pumping Station for Sewage (point 1): The location for this site in Mukendo is publicly owned land which has experienced encroachment by urban farmers. A small unit will be required in an area currently growing agriculture. Compensation will need to be made for the loss of crops and the acquisition of land.
- Transfer Station (point 2): This is a pressurized pump from the mains pipe that will connect with a gravity drain. The location of the transfer station and connecting pipes will run alongside the road using the predetermined RoW. The RoW for the transfer station is two metres in from the demarcation of the road, which means that the embankment used (in part) for growing vegetables would need to be temporarily unearthed. Temporary land acquisition will be required along the RoW.
- Booster pumps x 2: A small unit will be required in an area currently growing household level agriculture on privately held land owned by a church. Compensation will need to be made for the loss of crops and the acquisition of land.

Some critical points to derive from Musoma visit:

- Informal Vs formal housing: The difference in the quality of informal housing compared to formal housing is negligible. Also tenure security is ambiguous as most low income households are unlikely to hold a land title. From interviews with households living in an area identified as informal by the engineers, on the edge of the town, the household had been living in the same house for four generations. Their amenities were no different to formal housing in the centre.
- Delayed payment is one of the most critical factors for land acquisition in this project. There is anecdotal evidence that when financial compensation had been agreed as payment for land acquisition, the utility provider delayed disbursement of funds to the PAPs or in some cases there had been no-payment to households. The effectiveness of financial compensation is questioned again as some authorities have no monies or access to monies to pay for compensation. Consequently the Water Authority has to borrow from private banks with 8% to 15% interest rates. Unless land acquisition is coordinated between the water authorities and the Ministry of Water there will be a shortfall in monies for dispersing financial compensation.
- Encroachment: All land is owned by the government, therefore the majority of land users are encroaching upon the land which is ceded as leasehold. Offering land-for-land compensation is not favoured by the affected persons (APs) as availability of land in non-urban areas is plentiful, and they can acquire (or encroach) after displacement. Hence, financial compensation is always requested by APs.

#### 1.4.7 Bukoba

Bukoba serves a useful model for the LVWATSAN-Mwanza Project. In Bukoba, existing funding has financed water and sanitation components. Part of the first tranche of funding has led to a Multi-Stakeholder Forum (MSF) being formed. The MSF brings together NGOs/CBOs; the water authority, municipal officers and members of the public to discuss elements of the development process.

The proposal for Bukoba is for improved sewage facilities which require new drains, a sludge digester and sewage oxidation ponds. The westerly edge of the town has been earmarked for

the site. Land has been acquired, but it's considered limited and further expansion will be problematic as small settlements already envelope the site with a fishing village located adjacent to proposed area.

The consultant undertook a rapid audit of the resettlement work already undertaken in anticipation of the land required for the oxidation ponds in Bukoba. From the site visits and interviews two significant land acquisition issues are prevalent in Bukoba: the first is since the engineering designs were completed, two households, employed as fisher-folk have moved onto the site designated for the oxidation ponds. When the site was demarcated for oxidation ponds, no cut-off date was established, but the locals were informed of the intention for the land. Hence, this may be a case of fraudulent encroachment. Secondly, whilst the Multi-Stakeholder Forum (MSF) already exists in Bukoba it was not alerted about this case. Interviews with key stakeholders of the MSF indicated that these cases were "not significant". The MSF did not inform the fishermen of the compensation or process involved with moving. Compensation was provided but the transparency of the process remains nebulous in part with the contradiction of encroachment. The resettlement/compensation that they were given will need to be reviewed retrospectively to ensure it is in line with the entitlements in this RPF.

## 2 Resettlement Planning

### 2.1 Principles and Practice

This RPF-LVWATSAN is guided by the European Investment Bank's Standard 6 Involuntary Resettlement and the existing Ministry of Water RMF for the WSDP. The existing RMF is based on World Bank Involuntary Resettlement Policy (OP/BP 4.12), and Tanzanian law (Land Act, 1999) on land acquisition and resettlement; (see Chapter 3 for a detailed account of Tanzanian law).

The guiding principles of this RPF - which reflect the policies of the EIB, the World Bank and the Government of Tanzania that address involuntary resettlement, are the following:

- Involuntary resettlement should be avoided where feasible or minimized with viable project design alternatives considered;
- All persons affected by involuntary resettlement should be consulted and involved in resettlement planning to ensure that the mitigation of adverse effects as well as the benefits of resettlement are appropriate and sustainable;
- Consultation and decision making is based on an inclusive and iterative process. The EIB Standard 6 advises that it involves stakeholder analysis and engagement planning, timely disclosure and dissemination of/access to information, public consultations and stakeholder participation, and a mechanism ensuring access to grievance and remedy
- Where Involuntary Resettlement cannot be avoided, PAPs should be compensated fully and fairly for ownership and/or access to lost assets and impacts on their livelihoods (income-generating and subsistence); the latter should be restored at minimum to levels pre-existing to the project
- Involuntary resettlement provides an opportunity to improve the livelihoods of the affected people.

When the acquisition of land is unavoidable, the project will attempt to utilize available public land. If this is not possible, the project team will seek to obtain land through voluntarily means. The EIB define 'voluntary' in the following manner:

*"Resettlement is considered voluntary when affected individuals or communities have the right to refuse land acquisition or engage in open market transactions. Voluntary resettlement also means that the people involved: (i) are fully and a priori knowledgeable about the project and its implications and consequences; (ii) agree freely to participate in the project; and (iii) have the option to agree or disagree with the land acquisition, without adverse consequences imposed formally or informally by the state."*

Obtaining land through voluntary means will require negotiations with the community or public. Voluntary acquisition of land will require implementing compensation at agreed rates, which will be outlined in this report.

Involuntary resettlement will be a last resort. Involuntary resettlement refers to (1) relocation or loss of shelter (2) loss of access to land and physical assets (3) loss of income sources or means of livelihood.

The RPF-LVWATSAN is a statement of the policy, principles, institutional arrangements, and procedures, agreed between the EIB and the Government of Tanzania (GoT) to follow in each subproject involving resettlement, or land acquisition automatically applying to each and every subproject triggering involuntary resettlement in this operation. It is intended as an endorsed document of reference to be used by multiple stakeholders engaged directly or indirectly with processes of involuntary resettlement, including GoT, the Ministry of Water, the Ministry of Lands Housing and Human Settlements, The Water Utility providers, the EIB, CBOs/NGOs who are active in the affected settlements, City Councils, and the affected communities.

The Framework will be used:

- To avoid, manage, or mitigate potential risks arising out of displacement.
- To assess areas of economic, cultural and social impacts of the proposed programme.

- To propose comprehensive and feasible mitigation measures to safeguard people's livelihoods.
- To inform the EIB and local stakeholders responsible for implementing the programme of the potential socio-economic and cultural impacts of the different programme components.
- To establish clear methodologies for social screening of the project activities to be supported by the LVWATSAN-Mwanza Project.
- To be used as a guiding document for the preparation of Resettlement Action Plans (RAP) for sub-project activities during implementation of the EIB LVWATSAN-Mwanza Project.

If Resettlement Action Plans (RAPs) or Abbreviated Resettlement Action Plans (ARAPs) are required, as part of the LVWATSAN-Mwanza Project, they shall detail the actions required at various stages (e.g. conducting a census, the legal and institutional requirements, and monitoring aspects), highlighting how the components will be managed and how those impacts which create negative displacement can be effectively and adequately mitigated. Details on what is required in a RAP are presented in Chapter 5 on "Implementation".



### 3 Legal Framework

This chapter presents an overview of the constitution of Tanzania and national laws relating to land and property, compensation and expropriation. The Tanzanian laws are compared against the EIB standards and World Bank safeguard policies and guidelines on involuntary resettlement. The LVWATSAN-Mwanza Project is funded by the EIB and triggers the EIB's Environmental and Social Standard 6 Involuntary Resettlement. Where there are gaps in the national laws, the EIB (and World Bank) standards take precedent.

#### 3.1 Constitution

The United Republic of Tanzania is a democratic and socialist state that adheres to multi party democracy. Basic rights and duties are outlined in the 1977 Constitution. Central Government comprises of the Executive; Judiciary; and the Legislature.

Local Government Authorities are classified into urban and rural. They were constitutionally sanctioned in the 1984 Local Government Act No 15 (an amendment of the 1977 Constitution). All Local Government Authorities are mandated to play two main functions of administration, law and order; and economic and development planning in their respective areas of jurisdiction.

#### 3.2 Tanzanian laws and policy on land and acquisition

The Constitution Article 24 (1) states that

*"Every person is entitled to own property and has a right to the protection of his property held in accordance to the law."*

In addition, sub-article (2) states:

*"..... it shall be unlawful for any person to be deprived of property for the purposes of nationalization or any other purposes without the authority of the law which makes provision for fair and adequate compensation"*.

The key laws and policy that govern land and expropriation are as follows.

- Land Acquisition Act 1967;
- The 1995 National Land Policy;
- Land Act 1999;
- Village Land Act 1999;
- Land Ordinance (Cap 113), 1923; and
- Urban Planning Act (No. 8 of 2007).

The key points of these policies and laws are outlined below.

##### Land Acquisition Act 1967

The Land Acquisition Act gives powers to the President to expropriate "land" for public purposes when it is in the public interest to do so. The Law requires that where land is acquired by the government, compensation is paid to the person owning that land. There are limitations to the Act as it provided little safeguarding to informal settlements. However the Act has since been updated by the 1995 Land Policy, the Land Act 1999 and Village Land Act 1999. These subsequent Acts provide

more recognition for the rights of people living in informal settlements. They update who is eligible for compensation, and what level of compensation is required.

#### The 1995 National Land Policy

The 1995 National Land Policy provides policy statements on the rights of citizens to land and compensation for expropriation. It builds upon the 1967 Land Acquisition Act by advocating greater recognition of informal settlements. It recognises that over 50% of people in Tanzania were living in unplanned settlements. It advocates the need for these areas to not be cleared, but to be upgraded and provided with facilities for adequate sanitation and other basic services.

The policy stipulates that land has value, and the rights and interests of citizen in land shall not be taken without due process of the law.

#### Land Act 1999

The basic principles of the Land Act 1999 are adopted from Land Policy 1995. The Law requires full, fair and prompt compensation to be paid when land is acquired to any person whose right of occupancy, recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by anybody or acquired under the Land Acquisition Act.

The law stipulates that all land in Tanzania is nationalized. It is public land vested in the president as trustee on behalf of all citizens. There are three types of land in Tanzania which are bulleted below.

- General land – vested under the President of Tanzania, administered by Land Commissioner.
- Reserved land – this is mainly under the authorized institution such as National parks, and Game reserves and Water shades.
- Village land – this is demarcated for an established village and administered by the respective village government.

Within these types of land, there are several forms of land tenure. The main types of tenure are right of occupancy, recognized long standing occupation (deemed rights), customary tenure, and illegal land occupation. These are explained below and in Table 3-1.

#### Formal tenure – “Right of occupancy”

The government permits the leasehold of land on general land or reserved land through “right of occupancy”. Individuals can apply for a formal “right of occupancy” and pay rent to use the land. Right of occupancy needs to be granted by the president, and can be granted for a period up to 99 years for an annual rent.

#### Informal tenure – Customary and deemed rights

Customary land tenure is a recognized form of tenure in Tanzania and is described in the Land Act 1999 as a type of informal tenure. Customary tenure is primarily rural, and exists on village land which is demarcated for an established village and administered by the respective village government.

People that have customary land tenure have “deemed rights”. Deemed right of occupancy according to the 1999 Land Act refers to the ‘right to title of a Tanzania citizen of African descent or a community of Tanzania citizens of African descent using or occupying land under and in accordance with customary law’.

Deemed rights can also apply to anyone that is living in an urban or peri urban area that has occupied the land for no less than three years. In this scenario, the person is deemed to occupy the land as a residential license.

It is not clear from the Land Act, what the land tenure status of people living in an area for less than three years is. This needs to be qualified in discussion with the MoW and MHLSD.

Table 3-1: Land tenure in Tanzania

Land Type	Land Tenure	Remarks
<b>General Land (primarily urban)</b>	Right of occupancy	Individuals can apply for a formal "right of occupancy" and pay rent to use the land. Right of occupancy needs to be granted by the president, and can be granted for a period up to 99 years for an annual rent.
	Recognized long standing occupation (deemed land tenure/ derivative rights)	Where a person has occupied land for 3 or more years without "right of occupancy" or customary tenure, they are deemed as occupying the land as a residential licensee. A residential license can be granted by a local authority to any person occupying land without official title (derivative rights).
		There is some uncertainty over the rights of people occupying land for less than three years. This could possibly fall within deemed/derivative rights but this does not appear to be referred to the 1999 Land Act.
<b>Village Land (rural)</b>	Customary land tenure	Village land demarcated for an established village and administered by the respective village government. This is recognized by the government as customary tenure. Communities can apply for a certificate of customary "right of occupancy".
	Illegal occupancy	Illegal occupancy is defined in the Land Act as land that has been occupied without any rights under statutory or customary law. Illegal occupants that have resided for three years have recognized long standing occupation (deemed land tenure/ derivative rights). In practice it may be difficult, when there is a lack of formal documentation, to distinguish between deemed rights and illegal occupancy. Arbitration should be sought through appropriate legal channels, and affected persons should be informed of their rights through verbal and written information
<b>Reserved Land</b>	Land reserved for national parks	In some areas of reserved land it is possible to request a "right of occupancy".
	Hazardous land	Occupancy of this land is not permitted

Source: Based on Land Act 1999

#### Village Land Act 1999

There is a separate law outlining the legalities of village land. The Village Land Act defines village land and the role of the village government regarding land use. Broadly, village land consists of:

- land falling in boundaries of a registered village under Section 22 of the District Authorities Act no. 7 of 1982;
- land designated as village land under the Land Tenure (Village Settlement) Act no. 27 of 1965;
- land having boundaries demarcated as village land under any law or administrative procedure in force at any time before the Land Act No. 4;
- land with its boundaries have been agreed upon between the village councils having jurisdiction over that land; or
- land other than reserved land which the villagers have, during the 12 years preceding the enactment of the Land Act of 1999 been regularly occupying and using as village land in whatever manner.

The majority of people in Tanzania get land freely within their village land from inheritance; allocation from the village council; clearing land, purchase or special program.

The Village Land Act empowers the village assembly to manage village land as trustee managing property on behalf of the villagers and other persons resident in the village.

#### Illegal land occupation

The Land Act 1999 distinguishes between informal and illegally occupied land. Unlawful occupation of land is defined as land that has been occupied without any rights under statutory or customary law:

*"Any person who, without lawful authority or without any right or licence, express or implied under customary or statutory land law so to do- (a) occupies or erects any building on any land( b) clears, digs, ploughs, cultivates, or grazes animals over, any land or part of it; cuts or removes, any timber or other produce on or from any (c) Land or part of it, shall be taken to be in unlawful occupation of that land" (Land Act 1999 page 483).*

Illegal occupants that have resided for three years have recognized long standing occupation (deemed land tenure/ derivative rights).

In practice where there may be limited formal documentation to prove deemed rights it could be difficult to distinguish between "deemed" rights and illegal occupation.

### **3.3 2013 EIB Standard on Involuntary Resettlement (Standard 6)**

The EIB principles and guidance on environmental and social matters are presented in the following documents:

- EIB (2013) Environmental and Social Practices Handbook
- EIB (2010) The EIB Statement of Environmental and Social Principles and Standards EIB (2009) Environmental and Social Practices Handbook

The objectives of the EIB in regards to involuntary resettlement are detailed in Standard 6, and are presented in full on page 5. The key objectives include

- Avoid or, at least minimize, project-induced displacement whenever feasible by exploring alternative project designs;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Assist displaced persons to improve their living standards and improve, or at least to restore, their former livelihoods regardless of existing tenure arrangements;
- Ensure that resettlement measures are designed and implemented through informed and meaningful consultation.

The EIB requires the promoter to develop an acceptable RPF and/or a RAP. The plan should incorporate and follow the right to due process, and to meaningful and culturally appropriate consultation and participation, including that of host communities. See Annex 2 of this Framework for an outline of what is required in an abbreviated RAP.

In terms of consultation, the EIB requires from the promoter to identify and conduct meaningful consultation with all persons and communities involved in resettlement, including the host communities who will receive those who are resettled. All relevant stakeholders must be given the opportunity for informed participation in resettlement planning with the goal that the mitigation of the adverse project impacts is appropriate and the potential benefits of resettlement are sustainable. Consultation will continue during the implementation, monitoring and evaluation of the resettlement.

The EIB requires monitoring of progress on resettlement issues. Progress should be reported in the Project Progress Report and evaluated in the Project Completion Report.

### **3.4 World Bank Safeguard Policy as reflected in the existing WSDP RMF**

The existing WSDP Resettlement Management Framework (RMF) is based on the World Bank involuntary resettlement Policy (OP/BP 4.12). When displacement is unavoidable the World Bank requires clients to offer displaced communities and persons compensation for loss of assets using Replacement Cost Method. Where livelihoods of displaced persons are land- based, or where land is collectively owned, the World Bank requires, where feasible, the client to offer the displaced in kind - land based compensation.

### **3.5 Compensation**

The following subsection provides an overview of the different forms of compensation required by

the national laws in comparison to the EIB Standard 6 and the existing MoW-WSDP RMF.

People that have formal right of occupancy are entitled to full, fair and prompt compensation in Tanzanian Law. The 1999 Land Act states that “full, fair and prompt compensation [should be paid] to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State.”

The compensation requirements in the Land Act include:

- market value of the real property;
- disturbance allowance;
- transport allowance;
- loss of profits or accommodation;
- cost of acquiring or getting the subject land;
- any other loss or capital expenditure incurred to the development of the subject land; and
- interest at market rate will be charged.

Where affected persons have occupied land for three years or more, they are deemed as having a residential licensee and are eligible for full compensation as above. However, obtaining a license requires authorization from a municipality, whilst appearing simple, can remain difficult as parcels of informal land are traded without the knowledge or authorization of the authorities. Compounded by the land cadastral system not recording these (informal/formal) land sales, security of tenure remains a constant threat in informal settlements as sales of land fail to be recognized by appropriate governmental institutions.

Affected persons with customary tenure are also entitled to full compensation.

The situation is less clear in regards to people have occupied the land for less than three years. It is not clear whether or not they are eligible for full compensation.

Tanzanian law require that where land has been illegally occupied, it is up to the courts to decide on whether or not compensation should be paid and how much the affected persons will be given.

In the situation where land is viewed as “abandoned land” or “vacant land” the land Act states that compensation is not provided for.

#### EIB Standard 6:

The EIB Standard 6 is more stringent requiring that social impacts are mitigated regardless of the legality of land tenure.

- The EIB Standard 6 states that forced evictions should not take place.
- It also states that “any person negatively affected by the project is eligible for compensation, livelihood restoration and/or other resettlement assistance”.
- “While the Bank acknowledges that people without formal legal right or use rights (including customary or traditional rights) are not entitled to monetary compensation for the land they occupy, such persons shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of the resettlements standards laid out in [the EIB Standard 6]”.

The World Bank policy outlined in the existing RMF are also more stringent than this and require that compensation should be given regardless of legality of the tenure. The World Bank classifies affected people into three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to

such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan

(c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance. Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance.

The approach used for recognising land rights and eligibility for compensation in this Framework is based on the EIB Standard 6 (and WB Standards), that require compensation regardless of legality of tenure.<sup>8</sup> Where feasible, the Bank's promoters are encouraged to consider resettlement solutions that will provide secure tenure to these population groups, whether by stand-alone actions or in synergy with on-going regularization policies. It should be noted, however, that this specific element is not expressed as a mandatory course of action, rather an advisable best practice.

### 3.5.1 Owners of permanent and temporary buildings

National law stipulates that compensation is provided to owners of both permanent and non permanent buildings affected by displacement. Compensation is provided in cash to the market rate of the buildings, in addition to the cost of reconstructing equivalent structures. The EIB requires that living standards are improved or at least reinstated, this may not be possible with cash alone. This is discussed in detail in the Methods of Valuing Assets chapter.

The need to resettle people entirely is likely to be minimal for the LVWATSAN-Mwanza Project due to the nature of the water and sanitation pipes and construction largely affecting small areas of land rather than whole plots. The impact is likely to impact on land acquisition more so, or alternatively where treatment plants or oxidation ponds are required.

### 3.5.2 Crops and livelihood restoration

Where crops are affected by the project, the owners of the crops are, in national law, eligible for compensation at market value. Compensation rates for each crop are established at the Valuation Division in the Ministry of Lands and Human Settlements Development.

The national law does not refer to livelihood restoration. Where livelihoods are affected by the project the EIB Standard 6 stipulates the need to restore the affected livelihood to at least their pre-displaced standard.

The approach used for livelihood restoration in this RPF is that of the EIB Standard 6.

### 3.5.3 Community restoration

The impact of resettlement on community is an important consideration in particular where there are strong community ties or institutions. OP.4.12 stipulates that efforts are made to maintain these community links and institutions when resettlement occurs.

### 3.5.4 Vulnerable groups

Vulnerable groups are identified in the LVWATSAN-Mwanza Project with particular emphasis on providing support for orphaned and child headed households and other vulnerable groups.

It is not clear whether any particular vulnerable groups are identified in Tanzania law as requiring particular support during resettlement. However, the LVWATSAN-Mwanza Project will affect vulnerable group such as widows, single headed households, disabled person households. The informal settlements on the hillside of Mwanza and many of the households in the targeted towns are considered poor by international poverty lines.

In its relevant standard on the "Rights and Interests of Vulnerable Population Groups" the EIB requires that particular attention is paid to vulnerable groups. Especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation. The

<sup>8</sup> Security of tenure is promoted by the Bank's social development specialists where operations are confronted with cases of involuntary physical resettlement, in particular where impacting vulnerable populations groups (informal settlers)

EIB defines vulnerability as lack of resilience to changes that threaten one's welfare; these can be environmental, economic, social, and political, and they can take the form of sudden shocks, long-term trends, or seasonal cycles.

### 3.5.5 Form of compensation

The primary form of compensation outlined in the 1967 Land Acquisition Act and 1999 Land Act is cash equivalent to the market value.

EIB Standard 6 requires that the Promoter is required to offer to the affected persons an informed choice of either compensation in kind or monetary compensation at the outset.

World Bank OP/BP 4.12 advocates the preference of land for land rather than cash (if this appropriate to the affected people) and to ensure that the land is of equivalent attributes, such as soil quality, as the land that is lost. In the situation where only a small proportion of the total property is affected for example when a pipe is laid across the land, it may be more appropriate for cash compensation.

The 1999 Land Act requires a Land Compensation Fund to be established. However, as indicated earlier, cash funds for resettlement or land acquisition may not be readily available – unless there is a coordinated effort between the ministry and the utility providers. For this to happen a census or socio-economic survey will need to take place so estimates of compensation can be provided for the government. Consequently alternative forms of compensation may be required such as land for land.

### 3.5.6 Calculation/ valuation

The calculations used to value land and assets are outlined in national law by the Land Regulations Act 2001 and the Village Land Regulations 2001. Details on the methods for calculating compensation and current asset rates are presented in Chapter 7 of this Framework.

### 3.5.7 Timings of compensation payments

International guidelines require compensation to be provided to affected persons in full before any acquisition takes place. This does not appear to be the case in national law. National law does state the need for compensation to be "prompt". If the compensation is not paid within six months of the date that the land is possessed, the compensation will need to also cover the interest accrued. Given that the notice period for acquisition is only 6 weeks it is likely that this leads to cases where acquisition takes place before compensation. In the case of the LVWATSAN–Mwanza Project, compensation will need to be provided prior to any resettlement.

## 3.6 Consultation and disclosure

Requirements for consultation in the national laws are limited. Although the national laws lack adequate provision on consultation and participation, the National Land Policy (1997) does support community and NGO/CBO participation (non-governmental and community based development organisations) will be encouraged to participate in effective utilisation of land".

When the government intends to acquire land for a public purpose, notice of intention must be given to people with an interest or right to the land. The intention also needs to be published in the Gazette prior to land acquisition. The minimum notice period in national law is 6 weeks unless it has been certified that the land is required more urgently than this. The World Bank requires more stringent disclosure with relevant information to be disclosed throughout the planning, implementation, monitoring and evaluation stages.

The EIB Standards 6 (Involuntary Resettlement) and 10 (Stakeholder Engagement) are more rigorous and require meaningful consultation and informed participation of affected people throughout the process including project design and compensation methods. The EIB Standard stake precedent in the LVWATSAN-Mwanza Project, building on the valuable precedent set by the sector's existing RMF of the WSDP-MoW.

Procedures required for consultation for acquisitions and resettlement caused by LVWATSAN-Mwanza Project are presented in Chapter 6 of this RPF.

### 3.7 Grievance mechanism

A grievance mechanism relating to land appropriation is in place in Tanzanian Law. Where disputes have not been resolved within 6 weeks either party<sup>9</sup> may institute a suit in court. However, in practice many affected communities/ individuals are unclear as to the route they can take to raise issues and concerns.

The EIB Standard 6 has stronger provisions and requires the promoter to be aware of and responsive to stakeholder concerns related to the project in a timely manner and require an independent grievance mechanism. Detailed guidance on that the design of the grievance mechanism may be found in EIB Standard 10 on Stakeholder Engagement, so that such mechanism is:

- Legitimate and trusted;
- Representative of the communities/population groups affected;
- Scaled to the risks and potential adverse impacts of the project;
- Publicized and accessible, appropriately designed to cover all potential affected people and communities, irrespectively of their literacy and administrative capacity;
- Free of cost;
- Includes the anonymity option and guarantee confidential handling of requests, if requested so by the complainant;
- Fair, transparent, and inclusive;
- Guided by engagement and dialogue;
- Predictable in terms of process;
- Not impeding access to grievance and resolution on grounds of income;
- Tiered, involving both non-judicial and judicial channels, and
- A source of continuous learning for the Promoter and the lending operation at large

The grievance mechanism for land acquisition caused by the LVWATSAN-Mwanza Project is outlined in Chapter 5 of this RPF. The proposed mechanism has been designed to satisfy the requirements of EIB Standard 6 and is thus stronger than that provided for under Tanzanian law. It is expected that such mechanism will complement provisions of the project-wide Grievance Mechanism, as the latter is detailed in the separately elaborated Stakeholder Engagement Plan (SEP).

### 3.8 Land Regularization

Since the establishment of the 1999 Land Act, there have been a number of regularization schemes, (notably the "Unplanned Settlements Project" in Dar a Salaam), which provide valuable guidance on the process, were it to be replicated in the context of this resettlement as a way of promoting security of tenure for those affected.

Procedures for establishing a land regularization scheme were set out in law in the Land Act 1999. The Act sets out the criteria required for establishing a scheme; and also the key stages in the process towards regularization.

The purpose of a land regularisation scheme is to document, classify and register the occupation and use of land by people living and working in an area declared by sections 56 to 60 of the Act.

The criteria for selecting areas to undergo land regularisation include the following:

- When an area is used substantially for dwellings of their own construction or adapted from abandoned buildings;
- Where a substantial number of the people have apparently no lawful title to the land they are occupying;
- Where people appear to be investing in their houses;
- Where a substantial number of people and community based organizations indicate that they want to take part in a regularisation scheme.

The Land Act requires regularization schemes to involve community and individual consultation during the process. This includes the opportunity of affected people to review and comment on draft plans and the scheme.

---

<sup>9</sup> I.e. either the government or the affected person.



Six (6) months' notice of the selected area is required to be given to residents. Communities should be given at least 14 days' notice of public meetings. It is not clear if these additional participation requirements are written in law but are, at least, the advocated approach by the government. More details on land regularization are provided in Section 8.5 of this Framework.

### 3.8.1 Land Tenure Regularization of Informal Settlements

The notion of land tenure regularization has been raised in various parts of this Framework. Combining infrastructure upgrading with unplanned settlements provides little certainty over the long-term investment in the area and how the affected population will sustainably manage the new infrastructure provision, without having legal certainty over their home. One measure to provide long term investment and management into informal areas is to provide a conduit for tenure security to take place. In other Tanzanian cities such as Dar es Salaam there has been an ongoing project to formalize property rights in unplanned settlements by issuing Residential Licenses under Section 23 of the Land Act No. 4 of 1999. By providing, or rather, 'enhancing' tenure security those living in informal settlements have the opportunity to increase the economic value of their land and properties which can later be used as collateral. The apparatus of legal tenure security encourages people to invest in their homes and manage the properties and infrastructure around them.

Other projects in Tanzania have attempted to improve tenure security by increasing the Certificate of Rights of Occupancy license (CRO). The National Strategy for Growth and Poverty Reduction (2011–2015), known as Mkukuta II, sees the government focusing on titling and registering occupancy rights in informal urban and peri-urban settlements. Therefore the political space to enable a form of land tenure regularisation is already in place.

To reduce the prospect of land being taken from occupants during (or more likely after) infrastructure projects are implemented or even during land regularisation schemes, an RPF that adheres to both to the Republic of Tanzania's land policies as well as EIB's social safeguards has dual purpose of securing livelihoods as well as enhancing them. A key objective of the EIB Standard 6 is to "promote security of tenure at resettlement sites". This RPF can provide the safeguards and enable a land regularization scheme to work in tandem with the implementation of the sub-project components in the satellite towns and informal areas. However it remains the responsibility of the inter-ministerial cooperation between MoW and the MLHSD to generate a programme of pro-poor poverty reduction and economic development.

### 3.8.2 Gender Equity within Land Tenure

Parts of Tanzanian law mandate gender equality in property rights, which for instance require female representation on land governance bodies. However, with customary law, traditional practices and religious norms upholding a social-status, the practice of land ownership and governance remains paternalistic.

Land ownership, or land rights for women, does not become simplified even after marriage. For instance women cannot add their names to documents indicating ownership of property – nor upon the death of a husband. Whilst women can seek redress in the courts, after the death of their husband there still remains a lack of access: *"the process is long, difficult to access, and confusing. Women subject themselves to powerful social ostracism when they attempt to exercise their rights to real property"*.<sup>10</sup>

If land regularisation schemes are to be included as part of the government programme and implemented within the LVWATSAN-Mwanza Project then it would be advisable that an NGO/CBO is brought in to work alongside the technical Resettlement Task Forces. Critically the chosen NGO/CBO will need to have an understanding of both the legal restraints of implementing gender-equal elements of Tanzanian property and land law.

## 3.9 Summary

A summary of the national laws on land acquisition, the EIB Standard 6 and the existing WSDP RMF is presented in the following Table 3-2.

In regards to compensating affected persons, the EIB Standard 6 requires that restoration of living

<sup>10</sup> USAID (2010), Land Tenure in Tanzania: Property Rights and Resource Governance, USAID Country Profile.

standards is provided regardless of the legality of the land tenure. The EIB requirements included in this Framework and the RMF of the MoW which takes into account the World Bank policies take precedent in this Framework.

Table 3-2 Comparison of national laws on land acquisition, EIB Standard 6 and WB OP 4.12

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
<b>Involuntary resettlement</b>	Statutory law (Land Act 1999; Land Acquisition Act 1967) gives power to the President to acquire land for public purposes or for redevelopment. The aggrieved party cannot appeal against the acquisition.	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.	Project-induced involuntary displacement should be avoided by analysing alternative project designs and locations. If it is unavoidable, the Promoter, in consultation with affected people, should adopt adequate steps to minimise and mitigate its adverse impacts from an early stage.	EIB (and World Bank) guidance regards involuntary resettlement as a last resort. This is not mentioned in Tanzanian Law.
<b>Land Tenure: -“Right of occupancy”</b>	All land in Tanzania is nationalized.  <u>Right of occupancy:</u> Individuals and communities can apply to the government for the “right of occupancy” of land, which is effectively a leasehold where the occupant pays rent to the government.  People with the “right to occupancy” are eligible for cash compensation at the market value of the land.  In some cases people are eligible for a grant of public land (not exceeding the value of the land acquired).	World Bank recommends preference should be given to land-based resettlement strategies. Whenever replacement land is offered, resettlers should be provided with land which has productive potential, locational advantages, and other factors at least to the equivalent of the advantages of the land taken.  Payment in cash may be more appropriate when the size of the land is a small proportion of the affected asset.  Displaced persons may be classified in one of the following three groups:  (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);  (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-- provided that such claims are recognized under the laws of the country or become recognized through a process identified in	Project-affected persons (PAPs) refers to all persons impacted by involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the cases of extended households); the owner and employees of a business; tenants; land owners and sharecroppers; informal settlers (i.e. lacking formal titles); holders of customary land-rights; informal business-operators and their employees/assistants. Eligible PAPs may be in any of the following situations: (i) have formal legal rights to the land/structure they occupy; (ii) do not have formal legal rights to land, but have a claim to land that is recognised or recognisable under the national laws (e.g. ancestral, traditional lands); (iii) are dependent on the impacted land for their livelihood by way of customary access to natural resources; (iv) have no recognisable legal right or claim to the land or structure they occupy; and/or (v) economically displaced persons who face loss of assets or access to assets. Any person identified as negatively affected by the project prior to the cutoff date is eligible for compensation, livelihood restoration and/or other resettlement assistance. Although people without formal legal right or use rights (including customary or traditional rights) are not entitled to monetary compensation for the land they occupy, such persons shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off date. Such affected persons may be	EIB (and World Bank) recommend restoration of living conditions regardless of legality of the land tenure.  Tanzanian law stipulates compensation in the form of cash. Whereas World Bank advocates compensation in the form of land with similar attributes to the acquired land.  EIB (and World Bank) guidance need to take precedent.
		the resettlement plan	compensated for their land improvements or	

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
		<p>(c) those who have no recognizable legal right or claim to the land they are occupying.</p> <p>Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance.</p>	<p>structures, such as houses and/or small businesses, and may qualify for other resettlement and rehabilitation assistance. Resettlement assistance can consist of land, cash, jobs, or other forms of assistance that will aim to help restore living standards to ex-ante project levels.</p> <p>In cases of loss of land for households with land-based livelihoods, affected people must first be offered alternative land of better or equal quality. The Promoter is required to offer to the affected persons an informed choice of either compensation in kind (land-for-land; land plot and house to replace affected land plot and house) or monetary compensation at the outset. The Promoter is expected to comply with the choice stated by the affected persons. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. Whenever this is not possible, adequate compensation must be provided. Monetary compensation shall take into account full replacement cost, including any administrative charges, title fees, or other legal transaction costs.</p>	
<p><b>Land Tenure:</b></p> <p>- <b>Recognize d long standing occupation</b></p>	<p>Where a person has occupied land for 3 or more years without “right of occupancy” or customary tenure, they are deemed as occupying the land as a residential licensee.</p> <p>Residential licensees are eligible for the same compensation as persons with the “right of occupancy”.</p>	<p>Persons covered under b – “those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-- provided that such claims are recognized under the laws of the country” are eligible for compensation for both the land and other assistance.</p>	<p>Eligible PAPS may inter alia not have formal legal rights to land, but have a claim to land that is recognised or recognisable under the national laws (e.g. ancestral, traditional lands) and/or may be dependent on the impacted land for their livelihood by way of customary access to natural resources. In cases of loss of land for households with land-based livelihoods, affected people must first be offered alternative land of better or equal quality. The Promoter is required to offer to the affected persons an informed choice of either compensation in kind (land-for-land; land plot and house to replace affected land plot and house) or monetary compensation at the outset. The Promoter is expected to comply with the choice stated by the affected persons. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, locational advantages, and other factors</p>	<p>EIB (and World Bank) guidance need to take precedent.</p>

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
			is at least equivalent to the advantages of the land taken. Whenever this is not possible, adequate compensation must be provided. Monetary compensation shall take into account full replacement cost, including any administrative charges, title fees, or other legal transaction costs.	
<b>Land Tenure: -Customary Tenure</b>	People that have customary land tenure are eligible for prompt payment of full compensation for loss of any interest in land and any other losses that are incurred due to any move.	Persons covered under b – “those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-- provided that such claims are recognized under the laws of the country” are eligible for compensation for both the land and other assistance.	<i>Eligible</i> PAPS may <i>inter alia</i> not have formal legal rights to land, but have a claim to land that is recognised or recognisable under the national laws (e.g. ancestral, traditional lands) and/or may be dependent on the impacted land for their livelihood by way of customary access to natural resources. In cases of loss of land for households with land-based livelihoods, affected people must first be offered alternative land of better or equal quality. The Promoter is required to offer to the affected persons an informed choice of either compensation in kind (land-for-land; land plot and house to replace affected land plot and house) or monetary compensation at the outset. The Promoter is expected to comply with the choice stated by the affected persons. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. Whenever this is not possible, adequate compensation must be provided. Monetary compensation shall take into account full replacement cost, including any administrative charges, title fees, or other legal transaction costs.	EIB (and World Bank) guidance needs to take precedent.
<b>Land Tenure: - Illegal occupants / squatters</b>	In some situations, some illegal residents are entitled to compensation only for the value of the unexhausted improvements on the land.  People that are occupying land unlawfully may be eligible for some compensation depending upon the circumstances of the occupation.	Illegal occupants fit within category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.	PAPS refers to all persons impacted by involuntary resettlement, including informal settlers (i.e. lacking formal titles), and informal business-operators and their employees/assistants. <i>Eligible</i> PAPS may <i>inter alia</i> have no recognisable legal right or claim to the land or structure they occupy; and/or be economically displaced persons who face loss of assets and/or access to assets.  Although people without formal legal right or use rights (including customary or traditional rights) are not entitled to monetary compensation for the land they occupy, such persons shall be provided resettlement assistance in lieu of compensation for	EIB (and World Bank) recommend compensation regardless of legality of the land tenure.  EIB (and World Bank) guidance need to take precedent.

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
			the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off date. Such affected persons may be compensated for their land improvements or structures, such as houses and/or small businesses, and may qualify for other resettlement and rehabilitation assistance. Resettlement assistance can consist of land, cash, jobs, or other forms of assistance.	
<b>Vacant Land</b>	Compensation is not provided for vacant land under Tanzanian national law.	World Bank advocates that people that are absent from their land at the time of the census should be counted. Efforts need to be made to find the affected person in order to compensate them.	Seasonal resource users may not be present in the project area during the time of the census and thus appropriate consultation techniques should be used to identify those PAPS.	World Bank guidance needs to take precedent.
<b>Housing tenants</b>	Tanzanian law does not recognize tenants as being entitled to compensation.	The World Bank Sourcebook states that  "renters occupying residences to be acquired are eligible for relocation assistance because they have to move."	Eligible PAPS may <i>inter alia</i> have formal legal rights to the land/structure they occupy, may not have formal legal rights to land, but have a claim to land that is recognised or recognisable under the national laws (e.g. ancestral, traditional lands and/or may have no recognisable legal right or claim to the land or structure they occupy. PAPS refers to all persons impacted by involuntary resettlement, including tenants. Tenants are eligible to resettlement assistance.	National law does not require compensation for tenants. However EIB and World Bank recommend that they are compensated for relocation assistance. EIB and World Bank standards need to take precedent.
<b>Owners of non-permanent buildings</b>	Compensation for property and disturbance allowance. Including huts, houses, farm out buildings, latrines and fences.  Compensation for cost of putting up an equivalent structure as the one existing at the time of valuation, based on price of open market. Interest at market rate to be charged in case of delays in payment of compensation and any other costs incurred in relation to the acquisition.	Permanent and non-permanent buildings should be compensated in the form of residential housing, or housing sites.  Where, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance.  Where cash compensation is more appropriate, levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	PAPS refers to all persons impacted by involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the cases of extended households); the owners of businesses; informal settlers (i.e. lacking formal titles); informal business-operators. Such PAPS may have formal legal rights to the structure they occupy, may have no recognisable legal right or claim to the structure they occupy; and/or be economically displaced persons who face loss of assets or access to assets. In cases of loss of housing, replacement offers must satisfy criteria of adequate housing. Compensation for houses and other structures should be equivalent to replacement cost plus relocation costs. Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost. As a rule, originally encountered substandard living conditions are to be improved following displacement.	National law favors cash compensation whereas EIB (and World Bank) favors restoration of living conditions.  EIB (and World Bank) standards need to take precedent.

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
	Where the development of any land acquired is deemed as “inadequate”, any compensation awarded is limited to the value of the un-exhausted improvements of the land.		Where the option of cash compensation or alternative accommodation is provided, the cost estimates for providing alternative accommodation could be used for calculating cash compensation payable. For movable structures, such as kiosks or stalls, comparable replacement sites should be offered. A good practice is to calculate replacement cost for such structures as the cost of alternative sites, the cost of replacing improvements (such as foundations), and relocation expenses or other transaction costs.	
<b>Owners of permanent, buildings</b>	Compensation for property and disturbance allowance. Cost of putting up an equivalent structure as the one existing at the time of valuation, based on price of open market.	As above	PAPs refers to all persons impacted by involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the cases of extended households); the owners of businesses; informal settlers (i.e. lacking formal titles); informal business-operators. Such PAPs may have formal legal rights to the structure they occupy, may have no recognisable legal right or claim to the structure they occupy; and/or be economically displaced persons who face loss of assets or access to assets. In cases of loss of housing, replacement offers must satisfy criteria of adequate housing. Compensation for houses and other structures should be equivalent to replacement cost plus relocation costs. Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost. As a rule, originally encountered substandard living conditions are to be improved following displacement. Where the option of cash compensation or alternative accommodation is provided, the cost estimates for providing alternative accommodation could be used for calculating cash compensation payable. For movable structures, such as kiosks or stalls, comparable replacement sites should be offered. A good practice is to calculate replacement cost for such structures as the cost of alternative sites, the cost of replacing improvements (such as foundations), and relocation expenses or other transaction costs.	As above
<b>Perennial</b>	Cash compensation at market value.	Compensation for loss of all assets or access to assets; or loss of income	PAPs refers to all persons impacted by involuntary resettlement, including sharecroppers.	World Bank recommends that in addition to

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
<b>crops</b>	Compensation rates for each crop are established at the Valuation Division in the Ministry of Lands and Human Settlements Development	sources or means of livelihood, whether or not the affected persons must move to another location. Affected persons should be provided with agricultural land that has the combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.	Eligible PAPS may <i>inter alia</i> be dependent on the impacted land for their livelihood by way of customary access to natural resources and/or be economically displaced persons who face loss of assets or access to assets.	compensation for the cash crop, replacement of agricultural land is required.
<b>Livelihood restoration and assistance</b>	Tanzanian law does not provide for the restoration of affected peoples' livelihoods. Compensation is not payable in the case of restrictions to access to areas of livelihood opportunities.	As above. Also, WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.	The Promoter is required to at the minimum restore the living conditions of those affected by the Project or ideally, work on the continuous improvement of their living conditions. Livelihood restoration and assistance measures may range from compensation, income restoration, transfer assistance, income substitution, and relocation which are due to affected persons, depending on the nature of their losses, to restore their economic and social base. In cases of loss of land for households with land-based livelihoods, affected people must first be offered alternative land of better or equal quality. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. Whenever this is not possible, adequate compensation must be provided. Monetary compensation shall take into account full replacement cost, including any administrative charges, title fees, or other legal transaction costs. In cases of loss of housing, replacement offers must satisfy criteria of adequate housing. Compensation for houses and other structures should be equivalent to replacement cost plus relocation costs.	There is no requirement in Tanzanian Law for the restoration of livelihoods. However the EIB (and World Bank) do require livelihoods to be restored.  EIB (and World Bank) standards need to take precedent.
			Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost. Where the option of cash compensation or alternative accommodation is provided, the cost estimates for providing alternative accommodation could be used for calculating cash compensation	



Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
			payable. For movable structures, such as kiosks or stalls, comparable replacement sites should be offered. A good practice is to calculate replacement cost for such structures as the cost of alternative sites, the cost of replacing improvements (such as foundations), and relocation expenses or other transaction costs.	
<b>Community restoration</b>	Where there are strong community ties, and institutions, Tanzanian Law does not mention whether they need to be preserved during resettlement.	To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.	When possible, resettlement may provide opportunities to affected and host communities to improve social and public infrastructure with the aim of contributing to the sustainable socio-economic development of their members. The Promoter is required to at the minimum restore the living conditions of those affected by the Project or ideally, work on the continuous improvement of their living conditions.	Restoration of community infrastructure is recommended by World Bank but is not covered in Tanzanian Law. RPF would need to be aligned with EIB and World Bank standards.
<b>Vulnerable groups</b>	There does not appear to be provision in national law to pay special attention to vulnerable groups or indigenous peoples.	Particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.	Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and their participation should be vigilantly promoted. Displaying due regard for the equal protection of women and vulnerable groups or minority rights, the RAP delineates measures to [...] assure that the rights and interests of project affected people are respected and protected, in particular those deemed vulnerable, establish the entitlements of all categories of affected people, including the host communities, introduce any additional accompanying measures for vulnerable affected persons, if relevant; [...]. The Promoter is required to at the minimum restore the living conditions of those affected by the Project or ideally, work on the continuous improvement of their living conditions. Opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, paying particular attention to the needs and interests of women, vulnerable and marginalised groups, and, where necessary, adopting additional/complementary special measures or procedures. Limiting such consultation to heads of households alone risks missing key gender dynamics in a household and, as a result, further deteriorating the financial standing of women. (EIB Standards	EIB (and World Bank) standards need to take precedent.

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
<b>Relocation costs and resettlement</b>	<p>Tanzanian law provides for some relocation and resettlement costs: disturbance allowance, and transport allowance for 12 tonnes of luggage for up to 12 km.</p> <p>Also accommodation allowance and loss of profit if they were in actual occupation of the acquired property. In lieu of housing accommodation allowance is made in the form of rent for 36 months.</p> <p>Also cost of acquiring or getting the subject land, any other cost loss or capital expenditure incurred to the development of the subject land.</p> <p>Interest at market rate will be charged if payment of compensation is delayed.</p>	<p>Where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages lost.</p>	<p>7&amp;10)</p> <p>Regardless of the circumstances and without discrimination, the Promoter will ensure that affected persons or groups identified in the census, especially those who are unable to provide for themselves, have, during and after resettlement, safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood and subsistence sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities.</p> <p>In cases of physical resettlement, alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those displaced, where possible. Resettlement should not lead to new resettlement. In cases of physical resettlement, identified relocation sites must fulfill as a minimum the criteria for adequate housing. Relocation sites shall be identified taking into account their adequacy in terms of (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) potential for further development; (g) have the capacity to accommodate influx of new settlers at acceptable density levels; and (h) location, and cultural adequacy. Compensation for houses and other structures should be equivalent to replacement cost plus relocation costs.</p>	<p>Tanzanian law lacks requirements for relocation to adequate land and housing that has the equivalent advantages to those lost. EIB and World Bank guidance on the other hand, does include this requirement.</p>
			<p>In cases of economic displacement, and where the asset impacted is arable land constituting the primary and sole source of income and subsistence of the affected household, it is equally advisable that land-for-land compensation is suggested, situated as close as possible to the original place of residence.</p>	
<b>Calculation/valuation</b>	<b>The Comparative method of</b>	Cash compensation levels should be sufficient to replace the lost land and	Replacement cost refers to the value determined to be fair compensation for: (i) land based on its	

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
of compensation	<p>valuations which is sometimes referred to as the Direct Capital Comparison method (DCCM) and in absence of the market evidences the Replacement Cost Method (RCM) is adopted. or the Market value of the subject property is used. Regulations 2001 and the Village Land Regulations 2001.</p> <p>They identify the amount of compensation to include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance and loss of profits. Replacement Cost Method (RCM) is adopted. or the Market value of the subject property is used.</p>	other assets at full replacement cost in local markets.	<p>productive potential; (ii) houses and structures based on the current market price of building materials and labor without depreciation or deductions for salvaged building material, and (iii) residential land, crops, trees, and other commodities based on their market value. Such cost needs to further account for any removal costs, utility connection costs, taxation costs imposed on new housing/re-established businesses etc. Where markets do not exist, surrogate values must be determined.</p> <p>Monetary compensation shall take into account full replacement cost, including any administrative charges, title fees, or other legal transaction costs</p>	
Timing of compensation payments	Compensation should be full, fair and prompt.	It is necessary to ensure that displacement or restriction to access does not take place before necessary	<p>Provide prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>Offered compensation for loss of income for a transition period as a form of support after displacement, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. Compensation for loss of income is initially advised for the first three months; only a singular repetition of this period is foreseen, not exceeding a total of six (6) months whereby loss of income may be compensated for.</p>	Although the national law does not appear to stipulate the need for compensation
	There does not appear to be any national legal requirement to ensure compensation for the land is paid before acquisition takes place.	measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.		prior to land acquisition. In this RPF all compensation is required to be provided prior to any acquisitions take place.

**Comment [M22]:** One of the most difference that is not included is that the law include “depreciation cost” in the valuation... And the bank’s policy don’t accept this cost...This s how it is done in all compensation process

Category of PAPS/Lost Assets/Issue	Tanzanian Law	Ministry of Water RMF (World Bank OP/BP 4.12)	EIB Standard 6 Involuntary Resettlement	Comparison/Gaps
<b>Consultation and disclosure</b>	<p>Regulations on consultation and disclosure are limited. The Minister must give notice of the intention to acquire the land to the persons interested or claiming to be interested in such land. This notice period must be no less than six weeks.</p> <p>In terms of customary land tenure, notice to move must be no less than 180 days, affected persons have the right to reap any crops on the land (p112 Land Act 1999)</p>	<p>Displaced persons and their existing communities and host communities should be informed about their options and rights pertaining to resettlement. They should also be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. They should be offered opportunities to participate in planning implementing and monitoring resettlement.</p>	<p>Resettlement measures are implemented with meaningful consultation and the informed participation of the affected people including host communities. Promoter shall identify and consult with all persons and communities involved in the resettlement process, including the host communities who will receive those who are resettled.</p> <p>All relevant stakeholders must be given the opportunity for informed participation in resettlement planning with the goal that the mitigation of the adverse project impacts is appropriate and the potential benefits of resettlement are sustainable. Wide consultation within each household unit is critical in cases of extended families, if conflicts are to be effectively mitigated.</p>	<p>The provisions of the EIB (and World Bank) are more stringent than Tanzanian Law, and consequently take precedent.</p>
<b>Grievance mechanism and dispute resolution</b>	<p>Where there is a dispute related to the acquisition of the land which is not resolved within six weeks from the date of the publication of notice that the land is required, the Minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.</p>	<p>Appropriate and accessible grievance mechanisms must be established for affected individuals and communities (IFC Performance Standard 5).</p>	<p>Offer an appropriate grievance mechanism that will allow prompt response to specific concerns related to compensation and resettlement by affected people and host communities (EIB Standard 10). The RAP should prepare a grievance mechanism for the settlement of disputes arising from resettlement related issues ensuring access to grievance and recourse for all affected persons; set up an appropriate grievance mechanism, that is independent, free and in line with the requirements set out in Standard 10 and that will allow prompt addressing of specific concerns about compensation and relocation from the affected people and host communities and other directly involved entities.</p>	

## 4 Institutional Framework

This chapter provides an explanation into the institutional management, which is required to implement the RPF-LVWATSAN. Often it is the lack of an appropriate institutional framework, which can disrupt the successful implementation of resettlement. Therefore it is important to find appropriately mandated organizations responsible to implement the work.

### 4.1 Overall Project Organization and Implementation Arrangements

Whilst the Ministry of Finance (MoF) is the ‘borrower’ of the loan, the Ministry of Water (MoW) is the ‘Promoter’ and will have the ultimate ownership of this project. Execution at local level rests with the three water utility and sanitation companies, namely the Mwanza Urban Water Supply & Sanitation Authority (MWAUWASA); the Bukoba Urban Water and Sanitation Authority (BUWASA); and, the Musoma Urban Water and Sanitation Authority (MUWASA).

MWAUWASA, BUWASA and MUWASA effectively act as the implementing agencies on the ground, charged with the responsibility of delivering upon this project’s and this Framework’s stated commitments within their respective territorial jurisdictions. MWAUWASA bears the additional responsibility for execution at the three satellite towns of Magu, Lamadi and Misungwi. The Ministry of Water is charged with the oversight of execution and the provision of enhanced technical assistance, as required, in Bukoba and Musoma, as well as carrying the responsibility to supervise execution across the entire project.

Daily oversight of this project at the operational level will be provided by the Project Implementation Unit (PIU). A Lenders’ Supervisors is an additional part of the institutional structure, their role being to act as “a third party contracted by and acting on behalf of the Lenders [EIB] to monitor the Project, including monitoring physical progress and compliance, procurement supervision and quality assurance of technical solutions and physical deliverables.” The lender supervisor will sit alongside the PIU to review all implementation tasks. Independent monitors appointed by the EIB would not be full-time but are likely to go on short missions to check compliance of the programme.

The responsibility of the “Valuation Report”, which should be part of the RAP, lies with the District or Regional Government Authority.

In this exercise, different institutions should be involved at different levels: all Implementing Agencies; the Regional Commissioner; the District Council; the Ministry of Land and Human Settlement Development; and the Ministry of Water. Also as part of the Stakeholders are the project contractor, the RAP consultant, NGOs/CBOs and any additional project management support unit appointed by Lenders.

The role of the Regional Commissioner and the District Council lies in ensuring that the exercise is completed through the supervision of the executive officers by accompanying the municipal valuer to every land in his/her area and confirming the owners of the lands concerned.

The consultant and contractor identified the route and areas before giving it for valuation process; the District Council and the Regional Commissioner sign the valuation report document before sending it to the chief valuer for approval.

Once the Valuation Report is done, the consultant has to prepare the RAP using the RPF-LVWATSAN guidelines and once the draft document is completed, the Implementing Agency(ies) (IAs) submit the draft document to the MoW for review and comments.

According with the WSDP DP agreements, all projects under the Programme who requires a RAP should comply with the Environmental and Social Management Framework (ESMF) and Resettlement Management Framework (RMF) in order to comply with the national law and the World Bank Safeguard Policies. For the cases of the Musoma and Bukoba projects, the RMF has been tailored for the MWAUWASA and EIB requirements, and the projects requires just the EIB and MoW approval.

MWAUWASA in collaboration with the District commissioner’s office the Valuer and the leaders engaged in exercise of verification of the documents and payment of the affected people.

The village land committee who lead by village chairperson and village executive officer was responsible for attending all grievances during the property assessment and land assessment.

## 4.2 Responsibilities of Key Organisations

Without duplicating roles and creating additional bureaucracy for the programme, there is a need to coordinate the resettlement and land acquisition components to ensure transparency and efficiency throughout the process.

Environmental and social safeguard measures will be implemented by the water utility companies, in collaboration with the respective local authorities, as relevant. In this spirit, the daily implementation and management of resettlement measures will fall upon each water utility company, each in its own spatial jurisdiction (where, additionally, MWAUWASA will also cater for the three satellite towns). A specialist, acting as a focal person in this respect, **has been nominated and shall be trained by MOWI from each water utility company.** This officer will work on the RAP implementation collaborating as relevant with other local authority bodies, UN-Habitat, and other ancillary actors on the project (PIU, Lenders' Supervisors, Sanitation Task Force). Moreover, the same (or different) assigned officer in each local authority will be tasked with the monitoring and evaluation role over the RAP, and where necessary (based on whether EIB Standard 6 or WB OP.4.12 is triggered) any subsequent (abbreviated) RAPs. They will ensure all gaps are addressed by the project team, liaising with their counterparts at the Lenders' Supervisors or the Sanitation Task Force (STF), as necessary. Other specialists can be brought in over the course of implementing resettlement action plans, as and when required. All RAPs and monitoring progress reports will need to be approved and signed off by the Ministry of Water.

The constructions works cannot start if the RAP has not been fully implemented.

### 4.2.1 Ministry of Water (MoW)

The Ministry of Water, as the primary promoter, and specifically the Environmental and Social Management Unit (ESMU) will be responsible for endorsing the present document, as well as acting as the guarantor in terms of policy and procedural compliance, the overall coordination, monitoring and evaluation of the LVWATSAN-Mwanza Project, including the facilitation of capacity building. The MoW will furthermore ensure cohesiveness and policy alignment in terms of sector coordination across the three Urban Water Utility Authorities (UWUA), as well as the monitoring the feedback and results from the progress reports, ex-post surveys and any due diligence required from the implementation process. General programme management for the full project scope will be coordinated through the Policy and Planning Division of MoW, whilst relevant inputs regarding environmental and social compliance – as required – will be provided by the Environmental and Social Management Unit (ESMU) of the Ministry. The financial flows required under the budget of the specific RAPs will be based on GoT monies, to be transmitted in a timely and adequate manner via the MoW to the three UWUAs responsible for on-the-ground and day-to-day implementation of the RAPs.

### 4.2.2 MWAUWASA- Mwanza Urban Water and Sanitation Authority

MWAUWASA is one of the three urban water and sewerage utility service providers in the LVWATSAN-Mwanza Project and is fully autonomous. As the single one urban utility company with a significant territorial oversight that comprises the three satellite towns and the largest recipient of EIB financing for infrastructural improvements, it is regarded as the project's secondary 'promoter'. The activities of the authority are regulated by statutory bodies established by the Government of Tanzania to ensure transparency, accountability and equity in governance<sup>11</sup>.

As a recipient for both water and sanitation upgrading, MWAUWASA will be responsible for managing the new infrastructure work both in Mwanza and in the three surrounding satellite settlements – as the absence of administrative authorities in certain districts within Mwanza, require MWAUWASA to provide technical and administrative oversight. MWAUWASA will manage routine operations, maintenance as well as procurement of professional services and equipment to assist in the efficient expansion of the network.

Application of social safeguards in compliance with Lenders' standards in its jurisdiction (incl. the three satellite towns) and in the context of this project and the present RPF-LVWATSAN will be under the responsibility of MWAUWASA. The latter will lead the operational application and implementation of the provisions under this Framework. The support of the PIU will be drawn in this endeavour, as necessary and as stipulated in the latter's terms of reference.

**Comment [KE3]:** In case this is a tall order for BUWASA and MUWASA, an MoW specialist in this domain should be appointed to support Bukoba and Musoma staff by providing expert inputs instead. **Already being nominated and will undergo training together with other safeguard officers**

**Comment [KE4]:** Same proposition as in comment KE2 is possible here, too.

**Comment [KE5]:** Marco: please see comments KE4 & KE5 above. Are these provisions that you regard feasible under MoW's existing RMF? Or does it envisage alternative arrangements we should introduce instead? **The same arrangement are workable**

<sup>11</sup> Water Supply and Sanitation Act 2009

#### 4.2.3 Mwanza City Council

Mwanza City Council's 2013 change in their governance structure sees the formation of two councils operating within the city. Any LVWATSAN-Mwanza subproject which requires 'clearance' for upgrading will have to be approved by the relevant city authority in Mwanza. As such, the Environmental Officer within the City Council will have a pivotal role helping inform the PIU and MWAUWASA which informal areas should be selected for upgrading. Suggested criteria to this end are:

1. Level of public utility services currently in the environs of the informal settlement
2. Willingness of people within the community to work with public authorities
3. Areas creating and susceptible to pollution
4. Ability to pay for utility services
5. Environmental impact of informal settlement – by doing nothing.

Collaboration with the selected NGO/CBO under the project's Stakeholder Engagement Plan (SEP) and its corresponding modalities will be critical at identifying point (2) above. Evidence from the screening exercise evinced that selected informal settlements were already mobilised and working on self-financed water and sanitation projects in their communities.

#### 4.2.4 District Water Authorities (BUWASA & MUWASA)

Musoma Urban Water and Sanitation Authority (MUWASA) and Bukoba Urban Water and Sanitation Authority (BUWASA):

MUWASA's and BUWASA's capacity in the project will be to provide routine operations, maintenance as well as procurement of professional services and equipment to assist with the efficiency in the expansion of the network.

Social safeguards will be applied by each utility authority in its respective jurisdiction, with each authority leading the operational application and implementation of the provisions under this Framework. In terms of land acquisition, resettlement and compensation MUWASA's and BUWASA's will evaluate each subproject - which involve the PAPs, the municipality (the chief valuer from the council and the environmental officer) and, potentially, a relevant CBO/NGO - to identify land required for expropriation and to decide with the communities suitable alternatives and adequate compensation.

The MoW carries an enhanced oversight and technical assistance role in the case of BUWASA and MUWASA. In addition, the support of the PIU may be drawn in this endeavour, as necessary.

#### 4.2.5 Satellite Towns of Mwanza

Whilst MWAUWASA provides water supply and sewerage services in eight Districts including Nyamagana and Illemela in Mwanza City as well as Kisesa Township in Magu, some districts have the ability to manage and deliver LVWATSAN sub-project components under the guidance of MWAUWASA. For Magu and Misungwi – the district water authorities responsible for implementation of the project (including the resettlement and land acquisition components) will manage their own teams. Whilst it may seem obvious, but the technical aspects particularly relating to the comprehension of engineering designs need to be addressed and 'owned' by the local implementing authorities.

In the absence of small district water authority in a satellite town such as Lamadi, MWAUWASA can provide technical support and advice on land acquisition and resettlement, and appropriate compensation standards, being – de facto – the executing agency of this RPF's provisions, as necessary.

#### 4.2.6 Project Implementation Unit (PIU)

The implementation of the LVWATSAN-Mwanza Project will be managed by a Project Implementation Unit (PIU), the latter located in MWAUWASA. The role of the PIU will embrace both programme management as well as providing critical inputs under thematic areas such as resettlement, specifically in assisting the resettlement impact screening and the elaboration of any resettlement action plans, abbreviated or full. Currently, the PIU's scope of work is geared only at the level of MWAUWASA, yet it is foreseen that technical assistance in matters of screening and

RAP elaboration will be extended to BUWASA and MUWASA as well. However, the PIU will not have a role in resolving the complexities of land acquisition at local level, which require a participatory rather than programmatic approach to implementation.

#### 4.2.7 Non-Governmental and Community Based Organizations (NGOs /CBOs)

The key challenges of upgrading informal areas lies in creating the ownership of the design, implementation, and management of the project in the community. The difficulty of upgrading informal areas in the proposed project towns is manifest from the following issues:

- There is no history of Mwanza City Council facilitating in situ-upgrading of the informal settlements.
- There are plans by Mwanza City Council for long term resettlement of informal settlements to the periphery of the city (20-30km outside of city)
- The deemed rights under the 1999 Land Act, ensure 'customary ownership' of land will, in some cases, mean informal settlements are legally occupied areas (see section 3.2 below for further details on national land policy)

Stakeholder engagement activities, particularly vis-à-vis the local communities that stand to be affected, will need to navigate the above three issues by assisting the STF, in particularly Mwanza City Council and UN-Habitat, to facilitate the upgrading process. NGOs/CBOs are potentially valuable facilitators in this process thanks to their outreach capacity towards communities, whether they are brought on board through the SEP or in the context of the resettlement screening exercises. It will be imperative for such engagement activities to seek to identify the communities' willingness to cooperate in the programme and to facilitate their mobilization, engagement and consultation therein.

If the projects impacts are considered major, an NGO/CBO could serve well in conducting baseline surveys (a census) and a necessary inventory of assets to understand 'impact' by classifying PAPs based on their tenure amongst other elements (see chapter 8 Methods of Valuing Assets) to determine what compensation measures would be adequate. The baseline data would feedback to the municipality and water utility provider. Outsourcing an NGO/CBO for such services would respectively befall the agencies in charge of implementing this RPF's provisions, namely the three urban water and sanitation utility companies, as per jurisdictional resettlement profiles.

#### 4.2.8 Informal Communities

There needs to be recognition within the MoW, as the Guarantor of compliance under this RPF's provisions, and across the three utility companies, of some recent trends and issues surrounding informal settlements in Tanzania.

- Rapid urbanisation rates (6% national urbanisation rate, 28% urban)
- No security of tenure for squatters who have occupied land for less than 3 years
- Evidence of forced evictions in Dar es Salaam.
- Relocation and planned resettlement are common

One should be cautious of how to manage the above and to work with informal communities that have had a history of intervention as it is likely to play a large part to how the projects are perceived. If communities are sceptical to become involved in the project it may be wise for the PIU and STF to consider other areas based on some of the principles outlined in selecting communities for upgrading in section 4.1.7 (Mwanza City Council). Therein, it is advised that efforts will be informed by the contents of the Stakeholder Engagement Plan (SEP) elaborated for the project involving a range of actors and actions in terms of consultation and disclosure.

Given the impacts to be borne upon informal settlements located within MWAUWASA's jurisdiction, the latter will have overall responsibility for the management and implementation of the infrastructure improvements in the informal areas. Yet, informal settlement upgrading is contingent on securing buy-in from locally affected persons, so it will be critical for MWAUWASA to engage in a participatory manner that facilitates effective engagement of PAPs. The mechanism of the STF and the provisions of the SEP can facilitate this process.



## 5 Implementation

This chapter presents the implementation procedures for preparing and approving land acquisition, compensation and resettlement.

### 5.1 Implementation Stages

#### Project Design Stage

At the outset of the project, public meetings need to be held with the wider community to introduce them to the LVWATSAN-Mwanza Project.

Once the final engineering designs are complete, a census that establishes the RAP's "cut-off date" will be undertaken in the project affected area. The final designs should identify broadly where there will be land acquisition and affected persons. The cut-off date for eligibility of compensation assistance will be set once the census begins. PAHs should be made aware of the cut of date through public announcements (posters, or through community leaders).

Refer to Annex 6 for more detailed guidance.

#### Identification of Affected People and Assets

Once the final designs and cut-off date have been agreed, the process for gathering data on affected people will take place. At this stage, mapping of the affected areas, and a census of affected persons including inventory of assets will be carried out. This will act as baseline and will enable level of impact to be confirmed

For each affected person the project officer will complete a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, including census, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by affected persons and village officials. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is possible that an individual will surrender several parcels of land over time and will eventually become eligible for resettlement. All claims and assets will be documented in writing.

The seasonal cycle of agriculture means that some impacts of land acquisition in the peri-urban areas of the project will not at first be evident when the civil works are implemented. Therefore an acceptable period of time needs to be provided that will allow PAPs to understand the level of impact of the project on their assets.

Where a sub project triggers the need for a RAP this will be prepared by the relevant Water Utility Company (refer to Annex 6 for more detailed guidance on the preparation of an Abbreviated RAP), drawing on the technical assistance of the PIU and MoW, as necessary.

#### Valuation

The valuation exercise will be conducted by a land valuer from the relevant Local Authority based on Full Replacement Cost Method. Affected persons will have the opportunity to provide their opinion on the value of their assets and will have the opportunity to review the valuer's report. The Valuation Report should be part of the RAP.

All estimates of compensation will be based on Replacement Cost Methods and in accordance with this Framework. Nationally set values for crops and fruit trees by the Ministry of Lands, Housing and Settlements are used as the basis for crop values. The Ministry does not keep standard values for land, housing and other physical assets. The Comparative method of valuations which is sometimes referred to as the Direct Capital Comparison method (DCCM) is used and in absence of the market evidences the Replacement Cost Method (RCM) is adopted. Under the later method, Depreciated Replacement Cost is equated to the Market value of the subject property. Full details on the approach to calculating compensation are presented in Chapter 8.

Agreement is made between the land valuer and affected people over the compensation rate. The compensation form is signed between both parties and witnessed by chair of the ward or village.

**Comment [MZ6]:** Is important to mention that the depreciation cost can not be include in the valuation .It is already reviewed and the current practice is as explained..

**Comment [KE7]:** Marco, to my understanding, the application of full replacement cost, as mandated by WB & EIB resettlement standards, would take care of depreciation concerns automatically. Let me know if you disagree & feel free to introduce text as you believe necessary. Already addressed.

Refer to Annex 6 for more detailed guidance on valuation and RAP report and approval.

Compensation and resettlement plans (contracts) will be binding under statute, and will recognize that customary law governs land administration and tenure in the rural/village areas.

#### **Agreement on Compensation and Preparation of Contracts**

All types of compensation need to be clearly explained to the individual or household. The Safeguarding Specialist and Environmental Management Officer draw up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the village Chairman and other village leaders prior to signing.

#### **Compensation Payments**

Compensation is finally handed to the beneficiary or the body responsible for resettlement i.e. the district water authority for payment to the PAP. All payments and transfers in kind will be made in the presence of the affected party and the village authorities.

All compensation and social assistance that project affected persons are eligible for, needs to be offered and completed prior to any land acquisition takes place.

#### **Monitoring and Evaluation**

Monitoring will be ongoing from the outset. Early commencement of monitoring is essential in order that any issues are raised early on in the project. Full arrangements for monitoring and evaluation are presented in Chapter 10.

## **5.2 Screening Process for Resettlement Sites**

Identification of resettlement sites will need to closely involve the affected PAPs. Local community based solutions should be sort as the priority, where the community identify vacant land in the local area. This is required to ensure negative impacts of resettlement on the affected people are minimized.

The preparation and provision of resettlement sites with adequate facilities will need to be provided in advance of resettlement. Options for resettlement sites should be considered. Negotiations with host communities need to be sort to minimize disruption. Land and its related assets can only be required after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

## **5.4 Method to Determine the Cut-Off Date**

When the respective local councils approve the engineering sub-project, the RTF and the PIU – within each town will meet to discuss and agree on a programme of implementation (this is likely to be similar to the original schedule of works created by the engineering consultants for EIB). These two groups will also choose tentative cut-off dates. Traditionally, cut-off dates coincide with the date of the initial census. Awareness of the cut-off date could be enhanced by additional measures in using the media. For this project small census surveys are required, as opposed to detailed socio-economic surveys. The dates of the surveys and thus the cut-off date would then be communicated to the community through their respective representative. For urban areas, including informal settlements this will be the District Councillors and for some semi-rural areas such as the satellite towns this will be the Village Council.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific census is taking place (see 7.2.3 Census of PAPs). Thereafter, no new cases of affected people can be claimed or registered by the Water utility companies after this event. A cut-off date is established to prevent opportunistic migration into the chosen land areas, which could threaten the sub-project.

Each Implementing Agency, with assistance from the PIU, will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local customary heads or Village Government. In the cases where owners of land cannot be identified or where there is difficulty in identifying users of land or assets, the Regional Lands Board (in Mwanza, Musoma and Bukoba), District Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users. These identified representatives will inform their members about the established cut-off date and its significance. The users will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representative.

Refer to Annex 6 for more detailed guidance on the notification procedure.

## **5.6 Grievance Mechanism**

The grievance procedures will ensure that PAPs are adequately informed of the procedure, before their assets are taken. When considering the grievance mechanism in Tanzania, (see section 4.2 below for a description of the implementation process) three elements need to be considered; firstly, literacy levels within the affected population may be low, so the mechanisms to challenge compensation, land acquisition and resettlement need to be designed so they can capture the complaints and concerns of the poor and illiterate groups. Secondly, for projects in rural, or peri-urban areas where urban agriculture is affected by the civil works it may take time for people to be aware of negative impacts and want to complain, because of the seasons in which crops are grown. The grievance procedures will need to allow APs to go through a full agricultural season to realize their impact. Thirdly, Tanzania already has a linear process to manage complaints, which are channeled through the local and national legislature system. This will need to be respected in light of the LVWATSAN- Mwanza Project.

Refer to Annex 6 for more detailed guidance on fostering local- and national level grievance resolution.

## 6 Consultation and Stakeholder Engagement

Public consultation in the programme design and implementation is essential parts of how the LVWATSAN-Mwanza Project will be implemented and constitutes a key tenant in both EIB standards and World Bank safeguard policies. The EIB Standard 6 states "*it is crucial that the promoter identifies and consults with all persons and communities involved in the resettlement process*". The EIB has an additional Standard that is focused on stakeholder engagement (Standard 10), whose application will effectively translate into a Stakeholder Engagement Plan (SEP) elaborated for the project y UN-Habitat. The success of the LVWATSAN-Mwanza Project depends, on part, to the level of ownership which the projects will have on individual beneficiaries and affected persons. Public consultation which encourages options will begin at the inception stage and continue to the design of the detailed design drawings and through to the implementation of the resettlement and compensation plans and the project monitoring and evaluation.

### 6.1 Stakeholder Analysis

Relevant stakeholders include:

- Ministry of Water (the 'Guarantor) and MLHSD, particularly the departments working on informal upgrading;
- The Implementing Agencies: MWAUWASA, BUWASA and MUWASA;
- Mwanza City Council (MCC) which now includes the two municipalities, Bukoba City
- Council and Musoma City Council;
- Misungwi Urban Water and Sanitation Authority, Magu Urban Water Supply Authority and representatives from Lamadi;
- Irrigation and the Lake Victoria Basin Commission (LVBC);
- NGO and CBOs [e.g. NGOs referenced previously who have a close allegiance to the project include the school sanitation programme (WASH); (selected schools located in proximity to project should be informed), Water and Sanitation for the Urban Poor (WSUP) and Community; others];
- Regional Administrative Secretary;
- UN-Habitat;
- Local communities, incl. individual members likely to be affected.

### 6.2 Public Consultation Mechanism

Public consultation and participation will afford the PAPs an opportunity to contribute to both the design and implementation of the programme activities. One of the benefits of this approach is to reduce conflicts between the affected individuals and the project coordinators.

Public consultation shall be an on-going activity taking place throughout the entire project cycle. Table 6-1 below provides an indicative summary of when and where consultation should take place throughout the project cycle.

Table 6-1 Participation in the Project Cycle

Project Cycle	Tasks
Identification	Identification of stakeholders and analysis
Project inception and planning	Consultation, information gathering
Screening process	Exploration of the site and income levels.
	Census, or socio-economic study; entitlements, consultation with NGO/CBOs and PAPs; participation on decisions regarding resettlement options and income restoration options
Pre-appraisal	Preparation of the abbreviated RAPs, exploration of the site and income restoration options
Appraisal	Dissemination of information
Implementation	Participation in communities, delivery of assistance, monitoring and evaluation

Source: World Bank (2004)

### 6.3 Disclosure Requirements

The RAP when completed will be widely disclosed. Methods used to disclosure of the document are as follows:

- (i) Distribution to different institutions and community levels for comments and suggestions.
- (ii) Distribution to individuals and representative persons like District Commissioners (DCs), Village Councillors, and community representatives.
- (iii) Conducting meetings and workshops for discussion of the plan where the resettlement or land acquisition will take place.

Please refer to Annex 7 for more detailed guidance on when (critical milestones during the project's life), how and under which actors' responsibility the aforementioned pledges under 6.2 and 6.3 vis-à-vis public consultation and information disclosure will materialize to support the implementation of this Framework and eventual (A-)RAP(s).

## 7 Socio-Economics

### 7.1 Approach for Identifying Project Affected People

Project affected people (PAPs) are defined in this RPF-LVWATSAN as those who lose as a consequence of the LVWATSAN-Mwanza Project all or part of their physical assets, which include their homes, tenancy, productive lands, commercial properties, income earning opportunities, cultural sites, communities, as well as social and cultural networks and activities.

For the purposes of this Framework, PAPs have been categorized into several types. Project affected people and project affected households (PAHs) are those with right to occupancy, customary tenure, illegal occupancy of land, squatters of properties, tenants, communities, and vulnerable people. They are presented in the following table:

Table 7-1 Categories of project affected persons (PAPs)

Types of project affected persons	Land tenure	Description
<b>Project affected individuals</b>	Right of occupancy	Persons with a formal "right of occupancy" licence that are affected by the subproject. This is more likely to occur in urban areas.
	Customary tenure	Persons occupying land based on customary tenure affected by the subproject (mainly applies to peri urban areas).
	Long standing occupancy	Persons occupying the land for three years or more, that do not have right of occupancy or customary tenure. This is more likely to occur in urban areas.
	Short term Occupiers	There are some informal settlers who's tenure and rights are unclear in the 1999 Land Act, in particular those occupying land without a license for less than three years. This is likely to occur in the urban informal areas of Mwanza and the satellite towns.
	Squatters	People occupying land or properties without any national legal right, affected by the subproject, occurring in informal areas). Clear link between squatters and long term occupancy
	Tenants	Tenants renting properties affected by the subproject
<b>Project affected households</b>	Can apply to all of the above	Affected households where one or more of its members are directly affected by the subproject
<b>Project affected communities</b>	Can apply to all of the above	Communities affected by the subproject
<b>Vulnerable persons</b>	Can apply to all of the above	Vulnerable persons and groups include people living below the poverty line, the landless, and those unable to look after themselves such as the elderly, children, and disabled households. Vulnerable groups would also be classified as woman or child headed households, indigenous groups, ethnic minorities, HIV/AIDs affected persons, orphans and street children.

At this stage, it is not possible to estimate the total affected people accurately. Key impacts and types of affected persons are discussed in Chapter 1. The number of affected people will be identifiable once the final design plans have been agreed with the communities.

### 7.2 Creation of Baseline Information on PAPs

#### 7.2.1 Initial socio-economic survey

Prior to the preparation of this RPF-LVWATSAN, initial social and economic data was gathered in the locations of the sub projects (Bukoba, Mwanza, and Musoma). Summaries of this data are presented in the project formulation reports for each of the settlements. It provides wider contextual background on the demographics, living conditions, water and sanitation, and land tenure in the areas. This data was further supported by a field visit to the sites in March 2013 when key social impacts were identified (see Chapter 1).

## 7.2.2 Mapping of the affected areas

Mapping of affected areas is an important part of the baseline data gathering, in order to identify the following:

- individual households and land that are affected;
- natural resources;
- fixed assets, and infrastructure;
- common property;
- cultural property;
- location of employment; and
- services.

The location of planned water and sanitation facilities, pipes and other associated infrastructure that will be implemented as part of the LVWATSAN-Mwanza Project will be confirmed at the detailed design stage.

## 7.2.3 Census of PAPs

A census of the project affected persons is required for each sub project RAP. The census is essential for registering the affected persons and establishing a list of legitimate beneficiaries. It is also needed in order to form a baseline that can be used for monitoring and evaluation of the project (see Chapter 10).

The census will only be carried out with households affected by the sub projects. It will need to be a rapid assessment and relatively non-technical. However it will also need to ensure all key indicators are assessed.

Suggested baseline indicators include the following.

- Demographics: age, sex, household size, births, deaths;
- Socio-economic data: gender, ethnicity, health, education, occupation, income, and income sources.

The census of PAPs will include a vulnerability analysis of the affected households. Vulnerability is defined by the World Bank as “those below the poverty line, the landless, the elderly, women and children, indigenous people and ethnic minorities.”<sup>12</sup> Both the EIB and the World Bank require that additional consideration is given to vulnerable groups. Consequently the census of PAPs will include information on these groups.

Vulnerable households will be assessed through the census questions. Table 7.2 in Annex 8 shows how the census questions can inform this analysis. For example indicators of vulnerability include:

- Female head of household
- Age of head of household (under 16)
- Head of household with illness
- Level of income (those classified as poor using national poverty line)

An example census form is presented in Table 7-2. This will need to be further refined for each sub project RAP.

The example census form has been designed so that one form is used per household. Each member of the household is included in the census and the main breadwinner or “head of household” is identified.

The education level is assessed through broad groupings of primary (p), secondary (s), or university (u). Land tenure is recorded based on the key types identified in the 1999 Land Act.

It is important to identify vulnerability at the household level. Long term health problems should be recorded, such as HIV/AIDS; along with the main occupation of the head of household and income levels in the census. Housing type is also recorded in the census. These are covered in more detail in the inventory forms, but are included in the census too as headline information as they are important

---

<sup>12</sup> The World Bank Operational Manual (2001). OP 4.12, p. 4-5.

indicators of level of poverty. For example where the head of household is female, under 18 or earning less than \$1 a day they should be recorded as vulnerable.

#### 7.2.4 Inventory of Affected Assets

A detailed inventory of assets needs to be prepared for each affected household.

The inventory will need to include all planned temporary and permanent losses that will occur for each affected household, enterprise or community. This would include:

- Land, size, use, and likely productivity;
- Physical assets including housing and associated structures, including assessment of type of structure (e.g. corrugated roof, concrete walls) and facilities (e.g. water tap, toilet);
- Private enterprises, such as shops, or workshops;
- Other loss of income – both temporary and permanent; & community cohesion.

Assets that are held collectively in the community such as water sources and livestock grazing land should be recorded separately as the following:

- Common property resources; public structures; cultural property;
- Infrastructure; services such as schools, hospitals.

Example inventory forms attached to this RPF show some of the details that will be required for the inventory. The forms are not comprehensive but do provide an indication of the key data that will be required in order to make an estimate of affected asset values. There are four example forms, covering land, crops, physical assets and income generation activities.

The census and inventory would be carried out at the time of the cut-off date. The inventory would need to be done by a trained member of staff within the local authority, who should ideally be accompanied by an NGO/CBO or community representative. This would be followed up by an annual monitoring survey, and more regular shorter monitoring assessments (M&E is covered in Chapter 10 of this RPF).

The quality and value of the assets needs to be documented during the inventory. Distances from services, water sources, and income generating activities need to be recorded. It is also recommended that all assets are photographed during the inventory.

Affected persons are given the opportunity to provide an estimate of the value of their own assets in the inventory forms. The affected persons will need to be provided with documentation that confirms the census and inventory (for example a witnessed copy of the survey endorsed by the household head).

Census and inventory takers should be appropriately trained. Capacity building and training may be needed in order to carry out the requirements of this Framework.

The data from the forms will be inputted into a spreadsheet along with the asset values prepared by the professional valuer in order to build up an estimate of the total assets that the affected people will be eligible for compensation.

#### 7.2.5 Additional local specific data

The following key project sites will need to be recorded as well as monitored from the outset.

- Settlements located within 50 meters from the shoreline of the Lake Victoria: This area is regarded as Hazardous Land in the 1999 Land Act, and settlement is prohibited. Any settlement on this land involved in the LVWATSAN-Mwanza Project will need to be identified in the baseline and resettled.
- Magu (Satellite town of Mwanza): An abattoir is located close to the proposed site of a water treatment plant. The abattoir has assured the consultants that their water treatment is separate to the main system and will not affect the lake. However baseline environmental and social data will need to be gathered and the site will need careful monitoring.



## 8 Methods for Valuing Assets

### 8.1 Methods for Valuation

This section presents the methods that will be used for valuing assets. The methods used in this RPF are based on national policy requirements and regulations<sup>13</sup>, the EIB Standard 6, and the World Bank OP/BP 4.12. Where the national law is less stringent, the EIB standards and World Bank policies take precedent.

National regulation: The approach used for valuation in Tanzania is outlined in the Land (Assessment of the Value of Land Compensation) Regulations 2001 and the Village Land Regulations 2001.

The 2001 Land Regulations states that compensation will be calculated using Comparative Method or Replacement Cost Method:

- Comparative Method: the market value of any land and unexhausted improvement is arrived at by use of comparative method evidenced by actual recent, sales of similar properties.
- Replacement Cost Method: where the property is of special nature and not saleable. A full definition of replacement cost method is not present in the Land Regulations. However, the World Bank does provide a clear definition on this in Table 8.1.

EIB Standard 6: The EIB specifies in Standard 6 that compensation for lost assets should be at least equal to their Replacement Cost. The EIB requires appropriate compensation and / or livelihood opportunities, and assistance for displaced persons to improve their living standards and improve, or at least restore their former livelihoods.

The EIB Standard 6 states "Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages of the land taken. Whenever this is not possible adequate compensation must be provided.

In cases of loss of housing, replacement offers must satisfy criteria of adequate housing..

Compensation for houses and other structure should be equivalent to replacement cost plus relocation costs. Depreciation of assets or the value of salvage materials shall not be deducted from the value of replacement cost".

World Bank OP/BP 4.12: The World Bank approach also advocates the valuation of lost assets to be made at their Replacement Cost. They provide a detail definition which includes the market value of the affected land, the cost of preparing the land to levels similar to those of the affected land, and the cost of any registration and transfer taxes. This ensures all costs incurred in replacing assets are covered.

This Framework uses the EIB's Standard 6 requirements of compensating for assets at least equal to Full Replacement Cost. It builds on Standard 6 by using the World Bank's definition of Replacement Cost Method in OP/BP 4.12. In addition, where resettlement occurs, assistance such as moving allowance is provided, and support after resettlement is also required.

---

<sup>13</sup> 1999 Land Act; 2001 Land (Assessment of the Value of Land Compensation) Regulations; 2001 Village Land Regulations

Table 8-1 Replacement Cost Method

<p>“For agricultural land, [replacement cost] is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes”.</p>
--

Source: World Bank (2001) OP.4.12

### 8.1.1 Forms of Compensation

The main forms of compensation are in kind, cash and assistance where appropriate.

Table 8-2 Forms of Compensation

In-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Cash Payments	Compensation will be calculated and paid in Tanzanian shillings. Rates will be adjusted for inflation.
Relocation Assistance	Assistance such as moving allowance, transportation, and labour.
Social Assistance	Provision of assistance in the form of trainings, work experience, capacity building.

### 8.1.2 Impact Scenarios

The amount and type of compensation will vary depending upon the scale and type of impact, what assets are lost, and the category of the project affected persons. Key possible scenarios that may occur during the LVWATSAN-Mwanza Project are presented below.

Table 8-3 Key impact scenarios of the LVWATSAN-Mwanza Project on affected assets

Affected asset scenarios	Level of impact	RAP required?	Strategies for compensation
Scenario 1: Pipelines run through land underground, temporary affect of small proportion of plot, no existing structures affected	Minor (less than 10% of land affected), Temporary	No	Cash compensation for crops and temporary loss of income (depending upon PAP type)
Scenario 2: Pipelines run through land over ground, permanently affecting a small proportion of plot, no existing structures affected, income not significantly affected	Minor (less than 10% of land affected), Permanent	Yes	Cash compensation for land, crops, and lost income (depending upon PAP type)
Scenario 3: Water treatment works or other water + sanitation structure significantly affecting plot and income, no existing structures affected	Significant (more than 10% of land affected), Permanent	Yes	Affected people are entitled to full resettlement (in kind) (depending upon PAP type)
Scenario 4: Water treatment works or other water + sanitation structure significantly affecting plot, existing structures affected	Significant (more than 10% of land affected and / or physical assets affected), Permanent	Yes	Affected people are entitled to full resettlement (in kind) (depending upon PAP type)

### 8.1.3 Compensation for land

#### Minor (less than 10% of land affected):

Right of occupancy, recognized long standing occupancy, or customary land tenure:

Where less than 10% of the land is acquired, project affected persons and households with right of occupancy, recognized long standing occupation, customary land tenure, or claims to land that are recognized by the national laws would receive cash for the land and crops using replacement cost methodology.

#### Illegal occupancy:

Affected people that are occupying the land illegally (i.e. squatters, but not all informal settlements are living illegally) are eligible for the replacement cost of the affected crops and compensation for lost income but not the land itself.

The less than 10% rule might not hold if the plots are very small, in this situation even a minor acquisition might result in the entire plot being unviable. In this case the impact would be deemed to be great and the compensation for significant impacts would apply.

#### Significant (more than 10% of land affected):

Right of occupancy, recognised long standing occupancy, or customary land tenure:

Project affected people and households with right of occupancy, recognised long standing occupation, or customary tenure that have more than 10% of their land acquired, and the land becomes economically unviable, are entitled to full in kind resettlement. In exceptional circumstances where the affected person prefers they can be compensated in cash based on replacement cost method. In order to minimise this situation occurring, the community should be involved in the design stage of the water and sanitation facilities provided through LVWATSAN-Mwanza Project including the decision on the location of facilities. Where resettlement occurs the community should be involved in identifying locally available land.

Illegal occupancy:

Where affected persons that do not have recognised rights to the land, and more than 10% is acquired and becomes economically unviable, they are entitled to compensation for all affected assets except the value of the land itself. Ideally the affected person should be provided with in kind compensation which would involve full resettlement rather than in cash. There are nebulous arrangements for land titling and documentation in the informal settlements consequently in this situation land regularisation should be considered. Issues of land regularisation are covered in section 8.5 of this RPF.

In-kind compensation:

In kind compensation must comply with the following:

- New land should be equivalent to or better than the existing land which people are displaced from, in terms of location and productivity;
- The new land should be located in reasonable proximity to the existing land;
- New land should be free of any transaction costs;
- It should also be prepared (cleared, levelled, and made accessible) for productive levels similar to the existing land (preferably the affected people should be paid to do this work);
- Any transaction charges and taxes;
- Transport allowance;
- Accommodation allowance;

Where affected settlements are informal or tenure is not clear, it is highly advised that the Promoter and local authorities consider solutions promoting regularisation (see section 8.5).

Cash payment:

Where cash compensation is being applied, it will be based on Replacement Cost method. This includes:

- The value of the land at the market value of the land of equal productive potential or use;
- The labour cost for preparing replacement land to levels similar to those of the affected land;
- Any transaction charges and taxes;
- Transport allowance;
- Accommodation allowance;

Cultivated land can be categorised as rain fed or irrigated, and at the different stages of cultivation. These include "in cultivation", "being prepared for cultivation", or "cultivated during the last season".

Costs will be paid in Tanzanian shillings at the prevailing market rates.

An example of a land compensation schedule of payments is presented in the following table.

Table 8-4 Example land compensation schedule

Activity	Month Paid	Labour in TNZ/ha Rare Cost/day x number of days
Clear	Oct	To be determined
Plough	Nov	To be determined
Sow	Dec	To be determined
Weed	Feb	To be determined
Harvest	May	To be determined
Total		To be determined

Source Ministry of Water and Irrigation (May 2008) Water Sector Development Programme Implementation Manual – Resettlement Policy Framework

The value of the land will be prepared by a qualified valuer and agreed with the affected person. For the purpose of measuring land, the unit of measurement would be one that is used by and understood by the affected persons. Therefore, if a traditional measurement exists, this will be used. If this does not exist, it is recommended that the land is measured in meters. This unit will need to be explained to affected people and must somehow be related easily to recognisable land features that the affected persons are familiar with. The most important concern of this exercise is to ensure that the affected individuals are able to verify, using their own units of measurements, the size of land being lost.

#### 8.1.4 Compensation for crops

##### Cashpayment:

Cash payment will be provided for the value of all crops lost using Replacement Cost Method. Cash payment for crops will be based on the type, quantity and level of maturity of the crop, and will be valued by a qualified valuer using the most up to date crop values that are established by the Tanzanian Ministry of Land, Housing and Human Settlements where available or, in some areas where the ministry does not hold asset values, they will be held by District Authorities. The most recent available rates at the time of writing this RPF held by the Ministry of Land were those prepared in January, 2013. These rates will need to be reviewed every year. An extract of the rates is presented in Table 8.7.

Cash crops: In addition to the value of the crop, compensation will be paid for lost income that would have been generated by affected crops during any temporary loss of access to land or during transitional periods until the farmer has regained sustainable pre project income levels.

Subsistence crops/ vegetable gardens: Where crops are used for consumption by the affected persons, rather than sale, until a replacement garden starts to produce, the displaced family will need to purchase vegetables in the market. Compensation for loss of vegetable gardens will be calculated based on the average amount that an average town dweller spends on buying vegetables over one year per adult in the local market. This calculation is based on the Ministry of Water 2008 WSDP RPF.

Fruit Trees: The compensation rate will be based on the tree values set by the Ministry of Land, Housing and Human Settlements and the crop inventory prepared for each affected household. Compensation will include:

- Replacement of trees, like for like;
- Cash compensation to replace pre-project income derived from the sale of produce until replacement trees produce the equivalent;
- If households choose to resettle they will be compensated for the labour invested in the trees they leave behind.

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be based on the number of square metres of surface area removed. The total surface area of the tree will

be calculated using the following formula:  $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$ . This calculation is based on the Ministry of Water 2008 WSDP RPF.

Wild fruit trees: Wild productive trees belong to the community when they occur in the true bush as opposed to fallow land. These trees will be compensated for under the umbrella of the village or community compensation. Examples include: avocado, bananas, lemon, guava, lime, oranges, grapefruits, papaya, etc.

In instances when communities or villages are paid as a collective, payment in kind will be provided to the village or community leader.

Beehives: Some individuals that specialise in honey gathering place beehives in various locations in the bush. If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

### 8.1.5 Compensation for physical property

#### In-kind payment:

When acquisition of housing occurs, all affected individuals and households (regardless of tenure) will be entitled to resettlement. Buildings and structures will be replaced by an equivalent structure - like for like compensation for all structures, both permanent and non-permanent buildings will be provided. In exceptional circumstances, cash and/ or credits will be paid based on replacement costs if the affected persons prefer this approach.

Informal settlements: When acquisition of housing occurs where the land tenure of affected persons is unclear or where they are occupying land illegal, affected persons will be entitled to resettlement.

#### Cash payment:

Where cash compensation is provided this will be based on replacement cost methodology. This will include the market cost of the materials required to build the structure, the cost of transporting building materials to the construction site, the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes, exclusive of depreciation (in line with OP/BP4.12).

Replacement values will be based on:

- Drawings of individual's household and all its related structure and support services;
- Property inventory;
- Actual replacement values of building materials;
- Costs for transporting and delivering these items to the building site;
- Costs of constructing new buildings including labour required;
- The cost of any registration and transfer taxes.

Tenants: Based on EIB Standard 6, tenants who rent residences that are affected, by the project are eligible for relocation assistance because they have to move. The relocation assistance will cover assistance in locating replacement housing, as well as in packing and moving; financial payment for the cost of the move and possibly for refitting the new residence; and follow-up services for the individuals in their new locations.

Table 8-5 Example of compensation list for buildings and structures

Item	Example	Cost in Tanzanian Shillings
House	Roof: tin.. Walls: baked brick. Floor: mud.. Windows: number; material Floor plan: number of rooms, layout, size	To be determined
Kitchen	Outside or indoor	To be determined

Stables/sheds/pens	Cattle, goat, pig, sheep, other	To be determined
Fence	Straw, poles, (per unit poles & mate), raw, and /or baked brick/ cement blocks (per 1 meter length)	To be determined
Private bathing enclosure		To be determined
Latrine	Replacement latrines will be similar to those being promoted by the project	To be determined
Open well	Internally lined with concrete rings and provided with a hand pump	To be determined
Storage building	Cement/ sand block walls with thatched roof on z-profiled metal sheets	To be determined
Sun screen open huts/shades	Similar to those replaced, e.g. thatched roof on wood poles	To be determined

Source Ministry of Water and Irrigation (May 2008) Water Sector Development Programme Implementation Manual – Resettlement Policy Framework

#### 8.1.6 Compensation for income generation of non-land based businesses

The EIB requires the livelihoods/ incomes of affected people to be improved, or at least restored to pre- displacement levels and be sustainable. Income generation can be land based (such as agriculture land, fruit trees or livestock), or non-land based, (such as small scale trading of goods). Compensation will be provided to ensure that livelihoods are improved or at least restored to the pre-acquisition situation. This may involve cash and in-kind payments, and assistance. The project implementers should assess the abilities of the affected people to use cash to restore their standards of living. Where it is deemed that it would not be possible with cash alone, in-kind payment and assistance will be essential.

##### Cashpayment:

Compensation for lost profits will be paid to business owners and employees.

The Land Regulations 2001 state *“the net monthly profit of the business carried out on the land shall be assessed, evidence by audited accounts where necessary and applicable, and multiplied by thirty six months in order to arrive at the loss of profits payable”*.

In the context of the LVWATSAN-Mwanza Project it is likely that many income generation activities will not have audited accounts or any written records of earnings. Consequently earnings will need to be estimated by the valuer in conjunction with consultation with the affected persons. Local NGO/CBO involvement would also be beneficial in this circumstance to ensure that a fair rate is set at the replacement cost value of the income lost.

##### In-kind payment:

Affected persons will be eligible, where appropriate, for in kind replacement of immovable buildings and structures associated with businesses and enterprise, by an equivalent structure. Affected persons should be given the option of cash compensation if they prefer (see Section on physical assets).

##### Socialassistance:

In addition to in kind or cash compensation, World Bank OP/BP 4.12 advises assistance may be required

to ensure that livelihoods are improved or restored to pre-acquisition situation. Rehabilitation assistance for land based livelihoods can include veterinary care, small scale credit, and access to markets where relevant. Support for wage based livelihoods can include training, job placement, employment within the LVWATSAN-Mwanza Project, unemployment insurance, marketing and small scale credit for start-ups. Relevant assistance will need to be identified in consultation with the affected persons.

Affected persons should be prioritized for employment opportunities that are generated from the project. These can be sort term or long term. Short term opportunities would arise during the

construction phase through either direct employment (e.g. construction of small pipelines, water pumps and toilet blocks, security) or the supply of local services to construction camps (e.g. supply of materials and catering services). Contractors should have a duty to give priority to local residents where such suitable opportunities, i.e. where the employment of local labour would not compromise the contractor's ability to effectively fulfill their contract.

Longer term opportunities could consist of operation and maintenance of the new water and sanitation facilities. New toilet blocks could be managed and looked after by a care taker from the community. Their income could be sourced from charging a nominal sum for using the toilets (any fee would need to be nominal that does not lead to exclusion of the poorest from using the facilities). This idea is drawn from successful community led toilet block development projects in India where communities designed, constructed, and managed toilet blocks in informal settlements with the support of NGO SPARC<sup>14</sup>. In some cases the toilet blocks included a room or house for a caretaker to live. In the case of the LVWATSAN-Mwanza Project the care taker could be a project affected person. For example, through discussion and negotiation with the community on the most appropriate location of toilet blocks, where occupied land is required, voluntary relocation of toilet blocks with a new home and job could be offered as an option.

#### 8.1.7 Compensation for relocation costs

##### Cashpayment:

In the situation where project affected people are resettled, they are eligible for the full costs incurred in relocating to the new site.

The Tanzanian 1999 Land Act sets out the relocation and resettlement costs that people undertaking resettlement are entitled to. This includes disturbance allowance; transport allowance for 12 tonnes of luggage for up to 12 km; accommodation allowance; cost of acquiring or getting the land; and any other immediate costs or capital expenditure incurred to the development of the land.

Disturbance allowance: *"shall be calculated by multiplying value of the land by average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land".*

Transport allowance: *"Transport allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty kilometers from the point of displacement."*

Accommodation allowance: *"The market rent for the building shall be assessed and multiplied by thirty six months in order to arrive at the accommodation allowance payable".*

This RPF, unlike the 2011 Land Regulations, does not set a limit on the disturbance and transport allowances. All relocation and transitional costs will be compensated in full.

##### Assistance:

Vulnerable people may need additional assistance in relocation. Additional needs should be identified with engagement with the affected persons and, where appropriate with local NGO/CBO input.

#### 8.1.8 Community losses

Some types of losses are hard to put a financial value to, for example access to services, public infrastructure, cultural monuments, etc. Similar services and resources that are culturally acceptable should be provided in kind.

Building on EIB Standard 6, where assets that affect communities as a whole such as physical infrastructure and services are acquired, full in kind replacement should be provided to the community.

#### 8.1.9 Sacred sites

Sacred sites include but are not restricted to altars, initiation centres, ritual sites, tombs, and cemeteries. They include other such sites, places or features that are accepted by practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity is not permitted under the LVWATSAN-Mwanza Project

<sup>14</sup> Burra S, Patel S and Kerr, T (2003) Community-designed, built and managed toilet blocks in Indian cities Environment and Urbanization 15: 11



(this approach is in line with the Ministry of Water (2008) WSDP RPF).

#### 8.1.10 Unoccupied land

The Land Regulations 2001 require that compensation is not payable for unoccupied land at the date of loss of interest in the land. EIB Standard 6 states that land plots should be compensated for in kind or through monetary compensation. The World Bank requirements are more stringent and will be applied for this RPF. They require that absent land owners are compensated. Within the context of Tanzania where all land is nationalized, people with right of occupancy or customary tenure should come forward within a set time period of, for example a couple of months. Efforts should be made by administrators and affected persons to identify land owners. If no owner identified within the timeframe, no compensation would be offered as one would assume that the land is not owned by an individual.

#### 8.1.11 Vulnerable people

Vulnerable people may need additional attention and support. The rights and interests of vulnerable people need to be safeguarded in line with EIB Standard 6. Specific needs should be identified in consultation with the affected persons.

The RPF has addressed vulnerability at different levels:

- (a) appreciate vulnerability as an occurrence,
- (b) recognize it amongst PAPs and
- (c) effectively address it in the context of resettlement. Pointers will be needed in this direction

#### 8.1.12 Inflation

Where there is a time lag between the dates for value determination and actual date for payments, inflation will need to be factored into the compensation payments. If payment is delayed by more than 6 months an inflation premium of 1% plus interest at the official rate of inflation (using the consumer price index (CPI)), will be added to the agreed sum.

#### 8.1.13 Consultation

Valuing of assets at the RAP stage needs to include consultation with PAPs in order to assess the adequacy and acceptability of the proposed compensation. Sub project RAPs will need to demonstrate that the methods used for the valuing assets invited the participation of PAPs and were acceptable to all stakeholders. In addition, affected people have to be issued with Landform 59 and 70, which allows them to indicate what they expect to be compensated.

### 8.2 Entitlement matrix

The following Tables present the full entitlement matrices. They show in full the types of compensation that each group of identified PAPs will be entitled to.

There are four entitlement matrices:

Table 8.6: Scenario 1: Minor impact – temporary losses only (RAP not required).

Table 8.7: Scenario 2: Minor impact – small permanent losses only (RAP not required).

Table 8.8: Scenario 3: Major impact – permanent land losses affect over 10% of land but no involuntary resettlement (RAP required).

Table 8.9: Scenario 4: Major impact – permanent land losses affect over 10% of land + some involuntary resettlement (RAP required).

Please refer to Annex 9 for all aforementioned Scenario-based Entitlement Matrices. .

### 8.2.1 Compensation for crops

The following table presents an extract of the Ministry of Lands, Housing and Human Settlement's crop values for the Southwest area which includes Musoma.

Table 8-10 Crop values for Musoma

MARKET VALUE IN TZS.									
S/N	Name of Crop	Per Hectare		Per Acre		Price per stem			
		Plant Pop./ hectare	Average Cared Matured Crop	Plant Pop./ acre	Average Cared Matured Crop	Seedling Crop (30%)	Mature crop (60%)	Optimum producing crop (100%)	Aged Crop (15%)
1	Coconut	125	5,000,000	50.61	2,024,292	12,000	24,000	40,000	6,000
2	Korosho	100	3,000,000	40.49	1,214,575	9,000	18,000	30,000	4,500
3	Mchikichi/Mgazi	150	3,750,000	60.73	1,518,219	7,500	15,000	25,000	3,750
4	Muwa/ Miwa	12,500	25,000,000	5,060.73	10,121,457	600	1,200	2000/Cluster	300
5	Karafuu	200	-	80.97	-				
6	Msufi	200	3,000,000	80.97	1,214,575	4,500	9,000	15,000	2,250
7	Sisal/Katani	5,000	10,000,000	2,024.29	4,048,583	600	1,200	2,000	300
8	Kakao	1,000	25,000,000	404.86	10,121,457	7,500	15,000	25,000	3,750
9	Kahawa	2,000	40,000,000	809.72	16,194,332	6,000	12,000	20,000	3,000
10	Pareto			-	450,000	15	30	50	8
11	Chai			-	-	2,400	4,800	8,000	1,200

Source: Tanzania Ministry of Land, Housing and Human Settlements January 2013 **subject for revision from time to time**.

**Comment [KE8]:** Marco, are these values still the same in the country? Pls confirm. They are still valid and are subject for review in time interval.

### 8.3 Organization Procedures and Scheduling

Organizational procedures and scheduling of valuing assets will fit within the wider operational and implementation procedures and are outlined in full in Chapter 6 of this RPF.

- The Land Regulations 2001 require every assessment of the value of land and assets to be prepared by a qualified valuer. In addition compensation that is paid for by the Government or Local Government will be verified by the Chief Valuer of the Government and his representative.
- Affected persons will need to be consulted on the valuation of affected assets. They will be given the opportunity to provide their own estimate of the value of affected assets when the inventory is carried out. In particular they will be issued with Landform 59 and 70, which allows them to indicate what they expect to be compensated.
- They will also be consulted on the methods used to value the assets and most appropriate form of compensation.
- The implementation of all compensation and resettlement will occur in full prior to any acquisition of land or assets takes place.

### 8.4 Risks and Mitigation

This section of the RPF identifies potential risks that could militate against the smooth implementation of the land acquisition, resettlement or compensation and suggests mitigation measures to service as a guide to the client and implementing team.

One of the distinctions to make in this RPF is that 'gaps' do exist between the recommended safeguard policy – advocated by the Government or the EIB – compared to the actual implementation of the project. For instance whilst there may be a recommendation to distribute cash compensation to displaced PAPs before civil works takes place, the evidence from the screening exercise suggests that this doesn't always take place. From the screening exercise which was conducted in preparation for this RPF, the following risks (or gaps between policy) in Table 8-11 were identified. It is desirable that, where feasible, the Promoter in charge of this RPF's application and the subsequent implementation of eventual ARAP(s) takes heed of the below risks and complies with the mitigation measures proposed.

Table 8-11 Risks and mitigation measures

No.	Risk	Mitigation measures
1	The various social issues around land acquisition and resettlement which would trigger the obligatory requirement of a RAP are purposefully ignored or overlooked by the project implementers (PIU or RTF) to save time and money	Ensure that a NGO/CBO & an appointed focal officer from the relevant local Municipality is engaged on relevant discussions at each town level. This will increase transparency of the impact of detailed designs. Additionally, the expertise of the PIU (and MoW in the cases of Bukoba and Musoma) may be drawn upon.
2	Upgrading of urban informal settlements causes displacement of poor dwellers in the short to medium term (examples taken from Dar es Salaam and Mwanza)	Consider integrating land tenure regularisation alongside upgrading informal settlements
3	Upgrading settlements where there is no tenure security (urban and rural)	Consider integrating land tenure regularisation
4	Upgrading areas where there are medium to long term plans of eviction	Integrate existing land tenure regularization schemes used in Dar es Salaam and Tanzania into the LVWATSAN programme.
5	If fully serviced relocation sites are provided as a form of compensation for PAPs, evidence from Dar es Salaam suggests people sell these plots immediately upon receiving the land title or certificate of use	Titles or certificates should have a covenant that they cannot be sold, or exchanged within a minimum of 5 year period
6	Delayed or no payment of compensation to PAPs	(i) Ensure cash is available from project promoter (MoW), (ii) consider promoting social assistance / in-kind compensation as an addition to some cash compensation (iii) work with PAPs to identify need (iv) work with NGO/CBOs, micro-credit organisations and small grants programmes to develop skills of PAPs
7	No funds available for cash compensation	Avoid cash compensation where possible. Look for community based solutions as in-kind solutions, especially for urban informal areas
8	Lack of knowledge from stakeholder group to ensure social safeguards are met	(i) EIB social safeguards specialist to receive regular updates from progress monitoring reports (ii) Provide capacity training off safeguards to institutions before project implementation takes place
9	Lack of ex-post monitoring	Introduce within the 'Lenders supervisor' contract a role to monitor work. Also there should be mandatory monitoring integrated within the monthly reports to EIB

## 9 Budget and Sources of Funding

Without knowing the exact locations of the project, combined with the possibility that some of the sub projects could change in location or scope before the detailed design stage makes determining the level of impact difficult to gauge. Therefore a budget for the relocation, land acquisition and compensation measures cannot be provided at this stage.

Individual RAPs will be funded like any other project activity eligible under the LVWATSAN-Mwanza

Project. This is an estimate based on the fact that resettlement costs will not be significant since:

- Existing ROWs/easements will be used to lay pipes alongside the road in urban settlements such as Musoma, Bukoba and the satellite towns.
- New land for resettlement sites will not be acquired, for the majority of cases.
- Physical resettlement of property will be minimal
- Land acquisition, where required, involves the compensation for customary land, rather than privately held land. However, cash compensation will be expected from most PAPs.

Funding required by the budgets of all RAPs will be processed and effected through the programme's financial processing arrangements: starting with the Ministry of Finance (the 'borrower'), through to the Ministry of Water (the 'promoter') who in turn can channel the necessary monies towards the three water companies. Generally, compensation will be actioned by the respective implementing agency for RAPs undertaken by each of the Urban Water Utility Authorities (UWUA). The timely disbursement of monies across these tiers is critical for the compliant settlement of all compensation payments before the commencement of works.

The RAPs that will be required for sub-projects which trigger 'major' land acquisition or resettlement will need to include an itemised indicative budget amongst its other elements as highlighted in Annex 2. The executing agencies under this Framework and the MoW RMF (MWAUWASA, BUWASA, MUWASA) will oversee and ensure settlement of payments through the administrative and financial management rules and manuals. The budget for the RAPs will be submitted by the UWUA concerned and will be subject to the approval of the Promoter. Management of the RAP rests with the

MWAUWASA and the other UWUAs will monitor the settlement of the resettlement compensations. Compensation will be in agreement between the individual PAPs' households, local leaders and the rates of compensation as articulated in this Framework, involving any other institutional actor required under relevant national laws/regulations and this Framework provisions. Disbursement of finance will be made through the relevant District Administration based on budgetary requirements.

Additional training costs may be required to assist in the capacity training of the institutions as part of this programme's implementation..

## 10 Monitoring and Evaluation

The arrangements for monitoring and evaluation of land acquisition and compensation fit into the overall monitoring requirements of the LVWATSAN-Mwanza Project. This is guided by both the EIB reporting requirements and the MoW requirements included in the RMF. This Framework provides more detail on the indicators and targets that should be monitored, and the organizational structure for implementing the monitoring and evaluation.

The overall objective of the monitoring and evaluation process is to ensure that PAPs receive full compensation and improve, or at least to restore, their living standards and former livelihoods.

The RPF informs the monitoring requirements for the Resettlement Action Plans (RAPs) which are a mandatory requirement of EIB-funded projects that involve land acquisition, as well as for MoW.

### 10.1 Content of Monitoring and Evaluation Program

Monitoring is required at every stage of the project including the design stages, implementation, operation, and maintenance.

#### 10.1.1 Performance Monitoring

Performance monitoring assesses the progress of the project against planned processes and milestones. Processes include the grievance mechanism, community consultation and disclosure, settlement of land claims, the form of compensation provided, and the timing of the compensation.

Indicators and targets will need to be identified for each sub project. An example template for indicators, targets and data collection is presented in Table 10-1. This will need to be further elaborated on in each RAP.

Example process indicators include:

- Level of engagement with affected people;
- Number of grievances made; number of grievances rectified, and time and quality of resolution;
- Outstanding individual compensation or resettlement contracts;
- Form of compensation provided;
- Preparation and adequacy of resettlement sites;
- Level of satisfaction of affected people with the various processes and stages.

Targets are to be based on the relevant guidance in this Framework, EIB Standard 6, MoW's 2015 RMF, and national law.

#### 10.1.2 Impact Monitoring

Impact monitoring involves assessing the impact of the land acquisition and the effectiveness of the RAP measures against baseline indicators and targets. The impacts include the effects on living conditions and livelihoods of affected people, and also include qualitative impacts such as emotional distress. Both quantitative and qualitative indicators should be included in the monitoring of impacts. Potential impact indicators include:

For temporary acquisitions:

- Number of people affected by temporary land use changes;
- Impact of temporary land use change on income;
- Number of affected people employed by the civil works contractors.

Permanent acquisitions:

- Living standards: condition of housing; access to water and sanitation; size and quality of land.
- Livelihoods: income levels; employment opportunities generated; pre-project production versus present production (crop for crop, land for land); seasonal or inter annual fluctuation of key foodstuffs; ability of individual and families to re-establish their pre displacement activities.

- Access to services: distance to water supply; distance to employment opportunities, education and health facilities, community facilities etc.
- Social and qualitative impacts: number of people affected by community changes, number of people reporting emotional distress, qualitative attitudes towards project, community feedback.

Targets should be guided by EIB Standard 6, MoW's 2015 RMF, national law, and recommendations in this Framework.

### 10.1.3 Mechanisms for Monitoring

#### **Organizations to be involved:**

A template outlining the organizations responsible for M&E is already provided in the MoW ESMF and RMF and is replicated, with context-specific adjustments, in this instance, too.

The ESMF and RMF states that the Ministry of Water will perform a monitoring oversight function for the LVWATSAN-Mwanza Project. This will include land acquisition and compensation. The Ministry of Water will have responsibility for signing off monitoring reports.

Appoint focal officers within each UWUA will be responsible for the day to day monitoring and reporting of feedback throughout the life of the project, specifically the monitoring of the implementation of the (abbreviated) Resettlement Action Plans. They will oversee compliance and check whether prescribed actions and monitoring have been carried out. They will work closely with the Water Utility Companies to ensure the monitoring plan is contained in the individual project proposals and is implemented.

A local nominated NGO/CBO can prove valuable as an independent, third-party agent assisting in gathering information and reporting on monitoring, as well as working with project affected people. Project affected persons should be involved in all phases of the monitoring, including the identification and measurement of baseline indicators. Effective linkages with the provisions of the SEP are critical in this regard and highly desirable.

Staff involved in carrying out the monitoring will need to have relevant training and experience in monitoring of projects and in the likely issues that will be encountered. They should be familiar with the methods and practices of effective community consultation, and with typical methods and processes for preparing, appraising, approving and implementing small-scale community development projects.

Last but not least, monitoring functions will be additionally provided by the PIU and the Lenders' Supervisors.

#### **Reporting:**

Inception monitoring report: It is important to review progress of the project in the early phases of implementation and make early corrections if necessary. Performance and impact monitoring should be carried out within 4 to 6 weeks after the census and inventory forms are completed in order to identify any issue early, and to identify the number of affected persons, the extent to which they are affected and whether the creation of a sub project RAP is required.

Monthly Progress Report: When an (A)RAP is triggered, the EIB requires a Monthly Progress Report to be completed and submitted to them. The report should be prepared by each UWUA's designated RPF-focal officer on a monthly basis until the conclusion of the RAP implementation. Thereafter, these are to be rendered on a 6-month basis. The EIB will provide closer to the time a standard template on (A)RAP monthly monitoring. The MoW is expected to sign off on this project's reporting requirements.

Annual report: the ESMF and 2015 RMF for the Water Sector Development Programme (WSDP) requires an Annual Report and Annual Review Report to be prepared at the close of each year of the programme. The LVWATSAN-Mwanza Project will include a monitoring update on any land acquisition and compensation that takes place as a result of the project. This will include both performance and impact monitoring.

Annual review report: An outline of what is required in the annual review report is presented in the ESMF. It will include:

- A review of project documentation including number of affected persons, and grievances.
- An annual survey of all affected persons, to identify the socioeconomic situation and living conditions of the affected persons. The results will need to be compared to the baseline data that was collected at the time of the cut-off date.

- Field visits of areas where affected persons are located to assess the completeness of planning and implementation work, the adequacy of social design, and compliance with this Framework and RAPs.
- Interview project and district officials responsible for sub project appraisal and approval (this will be done for the review of the ESMF as a whole) but will require consulting with the official regarding the strengths and weaknesses of the resettlement process, and areas for improvement.
- Develop recommendations for improving the performance of compensation and resettlement.

The annual survey should assess the socioeconomic situation of affected persons, the progress on compensation, and impacts of any compensation and land acquisition.

The sample indicators in Annex 10 provide a guide as to what should be covered in the survey. Data from the annual monitoring survey should be inputted into an excel data base along with the baseline data requirements that are outlined in Chapter 7.

Due to the likely small number of affected persons, it should be possible to monitor the progress and impacts for every PAP, with the priority being affected persons that triggered a RAP. In some cases, resettlement has already taken place before the creation of this Framework. The progress and impacts of this resettlement will need to be included in the monitoring system Retrospective data collection for these affected persons may be difficult if detailed records were not collected at the time. However a census and inventory of assets, and interviews with the affected persons can be carried out in this situation in order to identify whether compensation has been in line with this RPF.

Documentation related to the project including records of numbers of affected persons, compensation, consultations, and grievances will need to be collected throughout the project.

## 10.2 Evaluation

### 10.2.1 Internal evaluation

An internal evaluation will be carried out in order to determine the success of the project based on project design, processes and impacts.

Evaluation of project design: Land acquisition should be avoided or minimized, the evaluation will need to identify whether all other options considered and that land acquisition was a last resort.

Evaluation of project processes: A review of the processes undertaken for the acquisition and compensation/resettlement will be carried out once the resettlement and compensation is complete. The evaluation will assess whether all the processes of land acquisition and compensation are compliant with the recommended approach in this Framework. This will include a review of the community engagement, grievance mechanism, gathering of socio-economic data, the preparation of a census and asset inventory, the form of compensation and timing of its implementation, and the support for vulnerable people that occurred during the project.

The evaluation will need to identify whether all the affected people have been fully consulted and have been compensated in full, before the implementation of any land acquisition has taken place. This will involve comparing the baseline inventory with final resettlement package, reviewing project documentation, and consulting with PAPs and other stakeholders.

Evaluation of project impacts: The impact evaluation will identify the final impacts and assess whether all the project targets related to impacts have been met. The final impacts include those that are both intended and unintended. In particular, the socioeconomic status of the affected population, including the host population, needs to be measured against the baseline conditions of the population before displacement. Baseline conditions will have been established through the census and socioeconomic studies and monitored throughout the project.

Ultimately, the impact evaluation will need to identify whether all the PAPs are living at a higher standard than before, living at the same standard as before, or they are poorer than before the compensation and land acquisition has taken place.

Feedback from all stakeholders including PAPs needs to be gathered and reviewed during the evaluation.

### 10.2.2 External evaluation - completion audit

Depending upon the scale of displacement a completion audit may be required to be conducted by an independent third party to ensure that the resettlement complies with EIB Standard 6, and national law, and in accordance with this Framework. This will be determined later on in the project cycle, once there is a better sense of the exact degree of involuntary resettlement impact borne.

### 10.2.3 Mechanisms for Evaluation

**Organisations to be involved:** The Ministry of Water has overall responsibility for signing off the evaluation. The internal evaluation at the local level can be within each UWUA concerned. In order to maintain a certain level independence, an NGO/CBO could be brought in to provide a third-party evaluation/audit service, provided they count with a trained external evaluator amongst their staff.

**Timing:** The evaluation of the resettlement should be carried out after all RAP inputs have been completed.

**Reporting:** The evaluation should be included in the LVWATSAN Project Completion Report. An external evaluation report may also be required to be submitted with the project completion report.

Please refer to Annex 10 for suggested monitoring indicators and targets.



## Annex 1: List of Relevant Institutions

### Urban Water Utility Authorities

Mwanza Urban Water and Sanitation Authority (MWAUWASA)  
Musoma Urban Water and Sanitation Authority (MWAUSA)  
Bukoba Urban Water and Sanitation Authority (BUWASA)

### Agencies and Stakeholders

Agence Française de Développement (AFD) (Bukoba and Musoma)  
UN-Habitat  
DUNEA (Netherlands)  
Lake Victoria Environmental Management Plan (LVEMP)

### National Government

Ministry of Finance  
Ministry of Water  
Ministry of Lands, Housing, and Human Settlements

### Local Government

Municipality of Mwanza,  
Municipality of Bukoba  
Municipality of Musoma

### District Government

Magu Urban Water Supply Authority  
Misungwi Urban Water and Sanitation Authority (MIUWSA).  
Lamadi – District Groups

### NGO/CBOs

Centre for Community Initiatives (CCI): Dar es Salaam, Main Branch, Inter House Building, 3rd  
Floor Ali Hassan Mwinyi Road, PO Box 31515

Water and Sanitation for the Urban Poor (WUSP) info@wsup.com. International NGO/CBO Capital  
Tower 91 Waterloo Road, London, SE1 8RT

## Annex 2: References

- Atkins/ European Investment Bank (February 2012) Project Formulation for scaling up the Lake Victoria Water and Sanitation Initiative, Project Formulation Report
- European Investment Bank (2013) Environmental and Social Handbook, Vol.1: EIB Environmental and Social Standards.
- International Finance Corporation (2002) Handbook for Preparing a Resettlement Action Plan
- Ministry of Water and Irrigation - The United Republic of Tanzania (May 2008) Water Sector Development Programme Implementation Manual – Resettlement Policy Framework
- The United Republic of Tanzania (2012) TASEF III Resettlement Policy Framework
- The United Republic of Tanzania, The Land (Assessment of the Value of Land for Compensation) Regulations 2001
- The United Republic of Tanzania, The Land Act 1999
- The United Republic of Tanzania, The Village Land Act 1999
- The United Republic of Tanzania (1995) The National Land Policy
- The United Republic of Tanzania, Land Acquisition Act 1967
- The United Republic of Tanzania, Land Ordinance (Cap 113), 1923
- The United Republic of Tanzania, Urban Planning Act (No. 8 of 2007)
- The United Republic of Tanzania, Water Resource Management Act of 2009
- The United Republic of Tanzania, Water Supply and Sanitation Act 2009
- The United Republic of Tanzania, The Wildlife Conservation Act 1974
- UN-Habitat (2010) Lake Victoria Water and Sanitation Initiative
- UN-Habitat (2009) Meeting the Water and Sanitation MDGs in the Lake Victoria Basin
- USAID (2011) Land Tenure, Property Rights and Gender. USAID Policy Brief. Tanzania Land
- USAID (2011) Property Rights and Resource Governance. US Country Profile Tanzania.
- Water Utilisation and Regulation Act (No 42), 1974 (amended by Act No 10, 1981 and Act No 17, 1989); and the Water Utilisation Act No 8, 1997
- World Bank (2004) Involuntary Resettlement Source Book – Planning and Implementation in Development Projects
- World Bank (December 2001) O.P. 4.12 – Involuntary Resettlement

### Annex 3: Consultant's Visit to the LVWATSAN-Mwanza Project

Social Resettlement Consultant's MISSION IN TANZANIA LVWATSAN-Mwanza 11- 22 MARCH 2013

Day	Hour	Subject	Venue	Participants
<b>DAR ES SALAM : Environmental and Social discussions (E&amp;S)</b>				
Monday 11.03.2013	9-15	Environmental and Social discussions	Ministry of Water	EIB social team/ Joseph Kubena
DAR ES SALAM		Resettlement Policy Framework / Land tenure, rights and compensation	Ministry of Land	EIB social team/ Joseph T Klerruu
		ESIA process	Ministry of Environment	EIB social team/ AFD / UN Habitat
	16-17	Presence/permeability of SDI in project towns. SDI experience on land tenure formalisation programmes and infrastructure upgrading	Slum Dwellers International - to be organised by EIB (E. Kyrou)	E. Kyrou (EIB)+ D.Crosbie (EIB consultant)
<b>MWANZA : E&amp;S</b>				
Tuesday 12.03.2013	9.30	Flight from Dar es Salaam to Mwanza airport/hotel check in		
MWANZA	10.30-11.30	EIB/AFD meeting	Ryan's Bay Hotel	EIB/AFD
	11:30-12:30	Kick off meeting at MWAUWASA premises: outline of mission agenda	MWAUWASA	AFD, EIB, MoW, MWAUWASA
	13-14	Joint lunch : MWAUWASA / EIB/ AFD / UN Habitat		
	14-16	Meeting with LVEMP Discussions on E&S issues	LVEMP	EIB /UN Habitat/MWAUWASA
	16-18	Site visit to pilot informal settlement (with LVEMP if possible)		MWAUWASA/ LVEMP / EIB/ UN HAB
AFD team leaves at 15:00 for Musoma for supervision of on-going water supply project				
Wednesday 13.03.2013	9-12	Site visit to Misungwi with EIB social team and MWAUASA		
	12.30-13.30	Lunch break		
	14-18	Meeting with MWAUASA Financial Department: TA for Business Planning	MWAUASA	EIB / MWAUASA Financial Department should be present
	13.30-15.30	Meeting with Mwanza City / sanitation task force	CITY OF MWANZA	EIB social team / City of Mwanza
	MWANZA	15.30-18.00	Site visit of the Igoma Wastewater system (trunk main route and WWTP site) and one more informal settlement in Mwanza (if there is time)	IGOMA SITE VISIT
<b>THURSDAY 15/03: EIB SOCIAL TEAM leaves for MUSOMA and MWANZA Satellite Towns</b>				
Thursday 14.03.2013	9-12.30	Drive to Musoma – Meeting with CEO of M	Musoma MWAUSA	MD Keduri; Richard Shepherd, David Crosbie
	13-14	Implementation of a RFP. Existing capacity of resettlement and land acquisition process	Musoma Municipal Council	Community Development Officer, land valuer; UN-Habitat / DC

Day	Hour	Subject	Venue	Participants
	14.30-17.00	Site visits	Site visit	Richard Shepherd, David Crosbie, Anne Malebo
	17-18.00	Interview with CCI representative over community toilets project	MWAUSA	David Crosbie, Anne Malebo; Pascal Ndyetabula (CCI)
Friday 15.03.2013	All day	Site visit SATELLITE TOWNS (Magu, Lamadi)		EIB / MWAUWASA
Saturday 16.03.2013	9-12	Magu		
Sunday		No Meetings	-	-
Monday 18.03.2013	9-10	Informal settlement regularisation and upgrading in Mwanza. How to choose which informal areas will be upgraded	Mwanza City Council (MCC)	City Director; Urban Planner responsible for regularisation of informal settlements
	10-11		MCC	Resettlement expert
	13.00 - 16.00	Site visits Nyamanoro (Ibungilo and Kilimahewa)		Danford M. Kamenya (City Health Officer, Mwanza City Council)
Tuesday 19.03.2013	08.00	Flight cancelled – storms		
	16.00	Fly to Bukoba Briefing with UN-Habitat	Bukoba	Philbert Ishengoma
Wednesday 20.03.2013	08.30-10.00	Meeting with BUWASA on new RFP and plans from AfD/EIB LVWATSAN relating to land acquisition	BUWASA	Mr. DP Mukama; Mr K Macuhu, UN-Habitat, DC.
	10-12	Site visits: Fishing Village	Bukoba	
	12-13	Site visit to School WASH Programme	Bukoba	Philbert Ishengoma
	14.00-	Kagera Development and Credit Revolving Fund (KADETFU) ; Multi-stakeholder Forum	KADETFU	Mr. Yusto Paradius Muchuruza
		Implementation of RFP and approaches to land evaluation	Bukoba City Council	Richard Mayiko (Land officer)/ UN-Habitat/ DC
Thursday 21.03.2013		Debriefing meeting with MWAUWASA	MWAUWASA	Anthony Sanga
Friday 22.03.2013		Debriefing meeting. Update on site visit / issues found Questions on settlement policy in light of EIB / WB standards	Ministry of Water	Joseph Kubena David Crosbie

\*\*\*\*\*

**MISSION TEAM MEMBERS:**

**LENDERS: EUROPEAN INVESTMENT BANK (EIB): LEAD FINANCIER**

Cristina Mejia, Loan Officer (Team Leader) ; Eleni Kyrou, Social Expert; Stephen Hart, Water Engineer, Juan Antonio Jimenez, Water Engineer (EIB Consultants: Richard Shepherd / David Crosbie)

**STAKEHOLDERS:**

**UN HABITAT:** James Murage; Anne Malebo; Philbert Ishengoma

## Annex 4: Involvement of informal communities in the STF

The STF would need to identify representatives from the selected informal communities, possibly through using the connections of the NGOs who in turn can identify areas which are organised and ready to upgrade. To reiterate, the NGO/CBO involved with the STF will need to have relevant experience of working in informal settlements on water and sanitation upgrading projects as well as capacity building of informal communities. SEP provisions in this regard need to be observed and synergies/alignment is required across that and the present document.

Ideally, through MWAUWASA and the RTF one of the criteria for deciding which communities are chosen for upgrading will be based on their 'existing' credentials of being self-organised – either through micro-credit schemes, or community based development projects for instance.

However, one must be cautious of over-burdening the community either too soon or if with too much technical responsibility. Members of MWAUWASA and the STF should conduct interviews with the community to assess capacity and the skill limitations within each area.

## Annex 6: Implementation of the RPF - LVWS

### 5.1 Implementation Stages

#### Project Design Stage

At the outset of the project, public meetings need to be held with the wider community to introduce them to the LVWATSAN-Mwanza Project.

Invite the community to participate in the design and location of the water and sanitation facilities. The designs should be sited in the optimum location that is the best from an engineering perspective, that provides the community with the best solution, and, importantly, that causes the minimal possible land acquisition. This is particularly pertinent in informal areas where the community should be invited to participate in choosing where toilet blocks and other facilities are located.

Once the final engineering designs are complete a census will be undertaken in the project affected area. The final designs should identify broadly where there will be land acquisition and affected persons. The cut-off date for eligibility of compensation assistance will be set once the census begins. PAHs should be made aware of the cut of date through public announcements (posters, or through community leaders).

#### Identification of Affected Persons and Assets

Once the final designs and cut-off date have been agreed, the process for gathering data on affected persons will take place. The relevant project officer (likely to be a dedicated Safeguard specialist or the environmental officer within the local authority) will arrange meetings with PAPs to discuss the compensation process.

At this stage, mapping of the affected areas, and a census of affected persons including inventory of assets will be carried out. This will act as baseline and will enable level of impact to be confirmed.

Mapping: Using the detailed engineering drawings and other available maps at the district level, the affected households, current infrastructure and land acquired can be identified on maps. Mapping in the informal settlements in Mwanza, is particularly important. An NGO/CBO that can map these communities could prove helpful. Experience of community mapping, and community upgrading of basic water supply and sanitation services within the NGO/CBO would be an asset, as this would enable immediate mobilisation without additional costs for training.

Census: - A census that enumerates the affected people and registers them according to their location and social characteristics (e.g. ethnicity, land tenure, family size, gender issues and aspects of vulnerability among others) is required. For the identified informal settlements in Mwanza, an NGO/CBO could be employed to enumerate settlement characteristics. An NGO/CBO with experience of enumerating informal settlements in Mwanza could prove an option for consideration.

Inventory: - An inventory of lost and affected assets of each household, or business will also need to be collected.

For each affected person the project officer will complete a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, including census, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by affected persons and village officials. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is possible that an individual will surrender several parcels of land over time and will eventually become eligible for resettlement. All claims and assets will be documented in writing.

The seasonal cycle of agriculture means that some impacts of land acquisition in the peri-urban areas of the project will not at first be evident when the civil works are implemented. Therefore an acceptable period of time needs to be provided that will allow PAPs to understand the level of impact of the project on their assets.

Where a sub project triggers the need for a RAP this will be prepared by the Resettlement Task Force within the relevant Water Utility Company.

## Resettlement Action Plan (RAP) Preparation<sup>15</sup>

Key components of a RAP are:

1. Results of census survey of affected persons
2. Socioeconomic baseline data<sup>16</sup>
3. Complete inventory of assets (incl. livelihood and subsistence strategies)
4. Description of compensation and other resettlement assistance to be provided (entitlement matrix);
5. Results of consultations with displaced people about acceptable alternatives;
6. Valuation of assets
7. Outline of institutional responsibility for implementation and procedures for grievance redress;
8. Implementation timetable
9. Budget
10. Arrangements for implementation, monitoring and reporting.

The IA's appointed resettlement focal officer, the Environmental Management officer in the relevant Local Authority and the RAP consultant would need to be assembled to assist in monitoring the production of the RAP. Special focus will be made for persons physically or economically displaced deemed vulnerable.

**Comment [KE9]:** Marco: changed text here, FYI Ok.

### Valuation

The valuation exercise will be conducted by a land valuer from the relevant Local Authority based on Full Replacement Cost Method. Affected persons will have the opportunity to provide their opinion on the value of their assets and will have the opportunity to review the valuer's report.

All estimates of compensation will be based on Replacement Cost Methods and in accordance with this RPF. Nationally set values for crops and fruit trees by the Ministry of Lands, Housing and Settlements are used as the basis for crop values. The Ministry does not keep standard values for land, housing and other physical assets. Full details on the approach to calculating compensation are presented in Chapter 8.

Agreement is made between the land valuer and affected person over the compensation rate. The compensation form is signed between both parties and witnessed by chair of the ward or village.

### Valuation and RAP Report and Approval

Drawing on the present RPF, the valuer and project team will need to present their compensation and resettlement actions plans to appropriate tiers of authority.

Valuations and RAPs must be designed within a participatory approach, which is inclusive of all stakeholders. In alignment of the EIB Standard 6 and good practice, the RAP must be deposited for public consultation to enable all involved to review it and make appropriate adjustments where necessary.

Once the RAPs have been prepared and consulted on, they must be forwarded to the District Councils for scrutiny and approval. If a RAP is not required due to the level of impact, the dossier on the affected person and the valuers report will still be submitted for approval. The level of impact and the triggers for a RAP are defined and explained in Chapter 8 and table 8.3.

Once satisfied with the RAPs the District Councils will forward them on together with their recommendations to the Ministry of Land, Housing and Settlements and the Ministry of Water for their endorsement and final approval. The valuer's report needs to be submitted to the Chief Valuer based at the Ministry of Lands to cross-check assumptions, procedures and that the evaluation complies with the statute. After procedures are deemed compliant, the Chief Valuer within the Ministry approves the compensation rates applied in the claim.

Compensation and resettlement plans (contracts) will be binding under statute, and will recognize that customary law governs land administration and tenure in the rural/village areas.

<sup>15</sup> This section applies equally to the preparation of Abbreviated RAPs, should these be deemed more appropriate and proportionate to the magnitude of resettlement impact provoked.

<sup>16</sup> In the case of ARAPs, only a summary of these data is required.

## Agreement on Compensation and Preparation of Contracts

All types of compensation need to be clearly explained to the individual or household. The Safeguarding Specialist and Environmental Management Officer draw up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the village Chairman and other village leaders prior to signing.

## Compensation Payments

Compensation is finally handed to the beneficiary or the body responsible for resettlement i.e. the provincial water authority for payment to the PAP. All payments and transfers in kind will be made in the presence of the affected party and the village authorities.

All compensation and social assistance that project affected persons are eligible for, needs to be offered and completed prior to any land acquisition takes place.

## Monitoring and Evaluation

Monitoring will be ongoing from the outset. Early commencement of monitoring is essential in order that any issues are raised early on in the project. Full arrangements for monitoring and evaluation are presented in Chapter 10.

## 5.3 Screening Process for Resettlement Sites

Identification of resettlement sites will need to closely involve the affected PAPs. Local community based solutions should be sort as the priority, where the community identify vacant land in the local area. This is required to ensure negative impacts of resettlement on the affected persons are minimized.

The preparation and provision of resettlement sites with adequate facilities will need to be provided in advance of resettlement. Options for resettlement sites should be considered. Negotiations with host communities need to be sort to minimise disruption. Land and its related assets can only be required after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

The screening exercise is to be informed by the application of the "Environmental and Social Preliminary Analysis" (ESPA) tool included in the ESMF.

## 5.4 Method to Determine the Cut-Off Date

When the respective local councils approve the engineering sub-project, the STF and the PIU – within each town will meet to discuss and agree on a programme of implementation. These two groups will also choose tentative cut-off dates. Traditionally, cut-off dates coincide with the date of the initial census. Awareness of the cut-off date could be enhanced by additional measures in using the media. For this project small census surveys are required, as opposed to detailed socio-economic surveys. The dates of the surveys and thus the cut-off date would then be communicated to the community through their respective representative. For urban areas, including informal settlements this will be the District Councillors and for some semi-rural areas such as the satellite towns this will be the Village Council.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific census is taking place (see 7.2.3 Census of PAPs). Thereafter, no new cases of affected people can be claimed or registered by the Water utility companies after this event. A cut-off date is established to prevent opportunistic migration into the chosen land areas, which could threaten the sub-project.

The local UWUA concerned, with assistance from the PIU, will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local customary heads or Village Government. In the cases where owners of land cannot be identified or where there is difficulty in identifying users of land or assets, the Regional Lands Board (in Mwanza, Musoma and Bukoba), District Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users. These identified representatives will inform their members about the established cut-off date and its significance. The users will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representative.

**Comment [KE10]:** Marco: for your reference, this is added text as per your feedback. **Ok noted**



## 5.5 Notification Procedure

Notification of acquisition needs to be provided to land 'resource' holders to the local/district council. The council can be instrumental in identifying the property owners or land users. The users will be informed through both a formal notification in writing and, as many people are illiterate, by presentations delivered in the presence of the Village Executive Officer or their representative. In addition, the Village Committees and individuals who use the land will accompany the survey teams to identify sensitive areas.

The following approach is recommended to target individuals respective to their geographic area. The Promoter and associated authorities will use public notices to inform both the public and APs of its intention to acquire land for the project. The notices shall state:

1. The water authorities provide written notification to the affected persons to acquire the land
2. The notification will include an explanation of the public purpose for which the land is needed, with the addition that either the Project Planning teams (from the water authorities) or the local government administrator, can inspect the site during working hours.
3. Any person affected may object to the transaction in writing, giving reasons for doing so, to the utility company with copies to District Administration and the Local Village Chief's Headquarters within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification. Where the affected persons are illiterate, the utility company and local authorities must make efforts to ensure that the affected persons understand the notice, and should enable alternative methods to object. In addition to the opportunity to object to the transaction, a grievance mechanism will be established to provide the opportunity for affected persons to raise concerns throughout the lifetime of the project. This mechanism is explained below.

## 5.6 Grievance Mechanism

The grievance procedures will ensure that PAPs are adequately informed of the procedure, before their assets are taken. When considering the grievance mechanism in Tanzania, (see section 4.2 below for a description of the implementation process) three elements need to be considered; firstly, literacy levels within the affected population may be low, so the mechanisms to challenge compensation, land acquisition and resettlement need to be designed so they can capture the complaints and concerns of the poor and illiterate groups. Secondly, for projects in rural, or peri-urban areas where urban agriculture is affected by the civil works it may take time for people to be aware of negative impacts and want to complain, because of the seasons in which crops are grown. The grievance procedures will need to allow APs to go through a full agricultural season to realize their impact. Thirdly, Tanzania already has a linear process to manage complaints which are channeled through the local and national legislature system. This will need to be respected in light of the LVWATSAN- Mwanza Project, as articulated across relevant provisions for tiered grievance management at project/local/national levels in the project's SEP.

### Local Level Grievance Resolution

In light of the WSDP Implementation Manual Volume 6 (description of Grievance Redress Mechanism pp.90), one needs to follow the current procedures and strengthen them where possible.

The grievance process should be initiated at the project outset with communities affected by the project made aware early on. Although, traditionally, "*all grievances concerning non-fulfillment of contract, levels of compensation, or seizure of assets, will be addressed to the local court systems of administration, of justice in the districts*" (WSDP pp.90), in order to simplify the grievance procedure, complaints will be administered, as much as possible, at the local level. The intention of retaining the complaints procedure locally, is to resolve all matters in an amicable fashion without having to go through a national legal procedure.

To facilitate communication between the applicant and authorities at a comprehensible level (i.e. given the high prevalent levels of illiteracy and poverty), a complaints procedure should begin with a verbal testimony rather than something in writing, whilst also minimizing costs. Local Leaders will record all grievances and complaints, including minutes of discussions, and the recommendations and resolutions decided. These will be issued to the water utility company and relevant local authority to resolve as a first point of call.

Such grievances between the complainant and the authorities are likely to derive from inadequate levels of compensation, non-compliance of contracts, or relocation and seizure of assets prior to – or without - compensation. If any of these occurs the complainant shall address the Local Leader. In turn the local leader

can consult with the District Authority, such as a District Commissioner (DC), or District Executive Director (DED) over the validity of the claim. If the complainant's case is considered legitimate, the Local Leader will notify the complainant and they will be assisted. If, on the other hand the complainant's grievance claim is rejected by the authority, the matter shall be brought before the local courts or District Land Tribunals for settlement.

### **National Level Grievance Resolution**

Not all matters involving compensation, land acquisition and resettlement can be resolved locally. Therefore avenues exist to allow the complainant to seek redress within the national legal system. If matters cannot be settled at the local courts or District Land Tribunals, then the matter will go the High Court for resolution. However, there is recognition that referring complaints to a tribunal will delay compensation claims by escalating the level of the incident.

As the WSDP states: "*the High Court of Tanzania will be the highest appellate judge in this system. The decision of the High Court is final. All effort will be made to ensure decisions are reached within a full growing season after the complaint is lodged*" (WSDP, 2008, pp91).

Simplifying the grievance process so it can be understood by locals is critical if grievances are to be fairly recorded. Therefore, any objections to land acquisition shall be made in writing, to the Local Leader in a language comprehensible to locals.

Copies of the complaint shall be sent to the Project Planning Team within the Water Authorities and the Resettlement Specialist and the relevant Minister for administration of land matters, within 20 days after the public notice. A sample of grievance and resolution form is provided in Annex 5. It has also been suggested in the WSDP that "*if a complaint pattern emerges, which relates to process or procedures, the DC, DED and Technical Planning Teams will discuss possible changes and/or remediation*". Local leaders will advise the need for revisions and procedures.

There is a possible role for an NGO/CBO to be an alternative route for grievances when the affected person does not feel comfortable issuing formal grievance to authorities. The NGO/CBO could also help with ensuring the affected person understands the documentation if they are illiterate.

The procedure for handling grievances should be as follows:

1. **Registering:** The affected person or household should file a grievance note in writing to the Local Leader. The note will need to be signed by the aggrieved person along with the date. Illiterate complainants should obtain assistance to write the note and sign it by embossing their thumbprint on the letter.
2. **Evaluation:** The Local Leader has to respond within 14 days to the complainant. Within this 14 day period, any meetings and discussions to be held with the aggrieved person should be conducted. Valuation experts may be requested to revalue the assets, if complaints relates to undervaluing of assets. If revaluations are requested the local leader, district authority and project team will need to factor in a lengthier period of negotiation and review. The complaint must be informed by the local leader that their case is being reviewed.
3. **Timing:** If the complainant does not receive an outcome within the agreed time or is not satisfied the response they can lodge their grievance to a Local Administration or Council.
4. **Resolution:** Following on from above, the Local Administration or Council will aim to resolve the problem within 14 days of the complaint being lodged. If no agreement is reached within this fortnightly period, then the complaint is taken to the Courts of Law.

## **Annex 7: Stakeholder Engagement on implementing the RPF-LVWATSAN and (A)RAP(s)**

Public consultation shall take place at meetings on-site. It is imperative that the level of consultation reflects the scale of the impact. Thus the use of media such as television or newspapers is largely inappropriate to the scale of impact. For the LVWATSAN-Mwanza Project, public consultation should be enacted by the Local Authority and the Resettlement Task Force within each Urban Water Utility Authority. The recommended forms of consultations are to conduct questionnaire, interviews to facilitating and small scale community forums between stakeholders.

During the consultation, if any public documents are required by the stakeholders, they should be written in the local language and be appropriate to the level of literacy prevalent in some of the satellite towns and informal areas. One way to expedite this concern to display maps and aerial photography at public meetings. Other translation and report writing could slow down the consultations. Discussions which are held with the community and PAPs should allow time for feedback.

Table 6-2 lists the procedures and stages in which to engage with stakeholders before issuing any necessary abbreviated RAPs. The table lists what is required at each stage in the project cycle beginning at the identification of the project stage and finishing at the agreement to compensation and options. Within the table there are recommendations as to how the steps should be undertaken, by whom and what the output should be if successful.

Table 6-2 Consultation and Participation Matrix

Project Cycle and Steps	How	Output	Who	Remarks	Date
<b>1. Identification</b>					
(a) Identification of stakeholders	Identify stakeholders from detailed design studies	List of stakeholders and potential impacts, assessment of relative influence of project on stakeholders: -GoT -Project affected persons -Local councils -NGOs /CBOs private sector -Local communities -EIB	MWAUWASA responsibility mainly of government officials and team; local consultants operating under team	- Undertake as part of preliminary design - relevant NGO/CBO identified by consultant/ EIB mission.	Jan 2012 – June 2013 (Actual)
	Inform MWAUWASA et al of EIB and WB social standards on land acquisition and resettlement				
	Carry out field visits and preliminary assessments at sites				
<b>2. Preparation</b>					
(b) Preliminary dissemination of information	Share and discuss information on preliminary project design and resettlement-related impacts and explore alternatives to minimise impacts with community. Suggestions incl: <ul style="list-style-type: none"> <li>Meetings in community centres, schools,</li> <li>Small group meetings targeting vulnerable groups</li> <li>Distribution of printed information</li> </ul>	- Inform MWAUWASA et al and EIB's technical team. - Documentation provided to stakeholders - Discuss impacts with stakeholders - Document feedback from stakeholders listing concerns - Record of meetings with APs	MWAUWASA et al and RTF	Incl. marginalised groups Ensure participation is appropriate to the scale of the impact	July 2013 onwards
(c) Gathering information (Mapping/Census/ Inventory of Assets)	- Determine number, location, and types of person affected and assets potentially affected - Gather relevant social and cultural information from interviews with PAPs, interviews with experts, interviews with local government and NGO/CBOs. - Gather data for inventory of assets	- Census of PAPs -Inventory of assets - Preliminary resettlement options based on social assessment and interviews - Preliminary entitlement options	As above	Integrate information with other social assessment and quantitative work already undertaken i.e. the recent UN-Habitat study of informal settlements in Mwanza	Once census is concluded

Project Cycle and Steps	How	Output	Who	Remarks	Date
(d) Dissemination of information (census, assessments options and entitlements)	- Disseminate information to PAPs on survey results to present project design, resettlement and entitlement - Consult with PAPs and other stakeholders to obtain response, feedback and preferences	- Modification to project design, land acquisition, resettlement and entitlements based on PAP feedback - List of feasible options for entitlements package, resettlement sites and income restoration measures	Project management team; resettlement unit with water utility companies part of RTF	Verify budgetary and institutional mechanism for implementation	TBD
(e) Preparation of abbreviated RAPs based steps 1-4 above	In addition to the required information and data (census, budget, timetable, institutional arrangements) incl' the following: <ul style="list-style-type: none"> <li>Valuation of assets</li> <li>Strategy for participation during implementation of resettlement</li> <li>Specific timing, location and personnel for consultation during resettlement</li> <li>Decision making responsibilities and procedures</li> </ul>	- Draft RAP reflects inputs and consultation, which includes options, risks and choices - Grievance redress mechanism - Informed stakeholders	Coordinated by the project team (RTF)	The first stage of this output could be the production of this RPF followed by successive abbreviated RAPs which capture the necessary information on PAPs.	TBD
(f) Finalisation of the abbreviated RAPs	Consult and share RAPs with project management team, local officials, national government to obtain feedback	- Verified record of PAPs and their assets and losses - Informed PAPs regarding agreed and final options in the RAPs. - Choice of options for PAPs	- Project RTF to submit to MoW and EIB	Submission of the RAPs will form part of the clearance by the EIB Inform MWAUWASA that RAP forms part of loan agreement	TBD

Source: Adopted from World Bank (2004)

## Annex 8: Approach for Identifying Project Affected Persons

Table 7-2 Example Census Form

Household No.: 001						Date:							For Office Use
Household size						Map Reference:							
Village/location:													
Name	Sex (m/f)	Age	Head of Household (HH)?	Relationship to HH	Education level (P, S, U)	Health problems	Primary occupation/income source	Secondary occupation/income source	Total income per month (in Tanzanian Shillings (TSZ))	Land Tenure (right of occupancy; resident license; customary; other)	Construction of house	Describe level of PAP awareness of project	Vulnerable Person? (based on responses to the gender, age, HH, health, and income questions)
Person 1													
Person 2, etc.													

Table 7-3 Example Land Inventory Form

Household No.: 001					Date: ...		
Village: ...					Map Reference: ....		
Parcel No.	Total land owned by PAP	% land affected	Agricultural land type	Other land use (please describe)	Observations	Land Tenure (right of occupancy; resident license; customary; other)	PAP estimate of market value of land (TSZ)
Person 1							

Person 2, etc.							
-------------------	--	--	--	--	--	--	--

Table 7-4 Example Crop Inventory Form

Household No.: 001 Village: ...				Date: ... Map Reference: ...		
Parcel No	Size of total area	% of area affected	Crop type (e.g. type of vegetable, grain, bean, or tree)	Quality of crop (e.g. seeding/mature/optimum producing)	Plant population per area	PAP estimate of market value of affected asset
Parcel 1						
Parcel 2, etc.						

Table 7-5 Example Physical Asset Inventory Form (housing and other associated physical assets)

Household No.: 001 Village: ...				Date: ... Map Reference: ....				
Asset type (e.g. accommodation, fresh water well)	Asset purpose (e.g. residential, business)	Description of asset					Estimate of asset value by PAP	Proportion of asset affected
		Component	Material	Size	Age	Condition		
e.g. House, well, etc.	residence	roof	..					
"	"	walls	..					



Table 7-6 Example Income Generation Inventory Form

Household No.: 001 Village: ...				Date: ... Map Reference: ....	
Name of affected person	Form of income generation that is affected by project (e.g. rental, business activity (non agricultural) (list all))	Description of activity	Primary income source?	Estimate of value of income by affect person (TNZ per month)	Extent that the activity is affected

## Annex 9: Four Scenario-based Entitlement Matrices for this RPF

Table 8.6: Scenario 1: Minor impact – temporary losses only

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
<b>Scenario 1:</b> Pipelines run through land underground, temporary affect of small proportion of plot, no existing structures affected  Level of Impact: Minor (less than 10% of land affected) RAP not required	Land	Cash compensation for land using replacement cost methodology					
	Crops	Compensation for lost crops using replacement cost methodology and compensation for lost income		Compensation for lost crops using replacement cost methodology and compensation for lost income		Compensation for lost crops using replacement cost methodology and compensation for lost income	
	Physical structures						
	Income generating activities						
	Lost income	Compensation for temporary loss of income.		Compensation for temporary loss of income.		Compensation for temporary loss of income.	
	Access to natural assets (e.g. fresh water well)						
	Access to services						
	Physical infrastructure						
Community infrastructure	na						

Table 8.7: Scenario 2: Minor impact – Small permanent losses only

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
<b>Scenario 2:</b> Pipelines run through land over ground, permanently affecting a small proportion of plot, no existing structures affected, income not significantly affected  Level of Impact: Minor (less than 10% of land affected)  RAP not required	Land	Cash compensation for land using replacement cost methodology					
	Crops	Compensation for lost crops using replacement cost methodology and compensation for lost income		Compensation for lost crops using replacement cost methodology and lost income		Compensation for lost crops using replacement cost methodology and compensation for lost income	
	Physical structures	na					
	Income generating activities	Income generation activities to be reinstated to the same as the baseline inventory or improved if applicable	Support in reinstating baseline income levels provide access to training and other support.	Income generation activities to be reinstated to the same as the baseline inventory or improved if applicable	Support in reinstating baseline income levels provide access to training and other support.	Income generation activities to be reinstated to the same as the baseline inventory or improved if applicable	Support in reinstating baseline income levels provide access to training and other support.
	Lost income	Compensation for loss of income		Compensation for loss of income.	Support in reinstating baseline income levels	Compensation for loss of income.	
	Access to natural assets (e.g. fresh water well)						
	Access to services						
Physical / Community infrastructure							

Table 8.8: Scenario 3: Major impact – permanent land losses affect over 10% of land but no resettlement needed

		Category of affected person
--	--	-----------------------------

Impact Scenario	Category of affected asset	Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
<b>Scenario 3:</b> Water treatment works or other water + sanitation structure significantly affecting plot and income, no existing structures affected Level of impact: significant (more than 10% of land affected and where is no longer viable) MAP required	Land	Entitlement to full in kind resettlement. Where the affected person prefers they can be compensated in cash.		Where more than 10% of the land is acquired and the remaining land is non-viable, illegal occupiers <u>are</u> eligible for resettlement but are not eligible for cash compensation for the land. In this situation regularisation of tenure should be considered.			
	Crops	Crops to be replaced to baseline situation or improved either in kind or where affected person prefers, in cash.		Crops to be replaced to baseline situation or improved. Where affected person prefers cash compensation this will be based on replacement cost methodology		Crops to be replaced to baseline situation or improved. Where affected person prefers cash compensation this will be based on replacement cost methodology	
	Physical structures	If the physical structures are able to remain the affected persons may not need to move. However where the income is significantly affected they will need to be given the option of being resettled. Physical assets to be replaced in kind. Where affected person prefers cash compensation this will be based on replacement cost methodology. In kind should be prioritised over cash.		If the physical structures are able to remain the affected persons may not need to move. However where the income is significantly affected they will need to be resettled, the structure needs to be replaced to be the same as the baseline inventory or improved. Where affected person prefers cash compensation, this will be based on replacement cost methodology, but they would not be eligible for the cost of the land, consequently in kind compensation is preferable.		Renters occupying residences to be acquired are eligible for relocation assistance because they have to move. Relocation assistance include assistance in locating replacement housing, as well as in packing and moving; financial payment for the cost of the move and possibly for refitting the new residence; and follow-up services for the individuals in their new locations.	
	Income generating activities	Income generation activities to be reinstated to the same as the baseline inventory or improved	Support in reinstating baseline income levels	Income generation activities to be reinstated to the same as the baseline inventory or improved	Support in reinstating baseline income levels	Income generation activities to be reinstated to the same as the baseline inventory or improved if applicable	Support in reinstating baseline income levels
	Lost income	All lost income to be compensated	Support in reinstating	All lost income to be compensated	Support in reinstating	Support in reinstating baseline income levels	provide access to training and

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
			baseline income levels		baseline income levels	provide access to training and other support.	other support.
	Access to natural assets (e.g. fresh water well)	Access to natural resources to be replaced to same as the baseline or improved		Access to natural resources to be replaced to same as the baseline or improved		Support in locating replacement housing should take into consideration proximity to key natural resources, services, and infrastructure	
	Access to services	Distance to services to be restored to baseline situation or improved if affected		Distance to services to be restored to baseline situation or improved if affected			
	Physical / Community infrastructure	Physical and community infrastructure to be replaced to be the same as the baseline inventory or improved (community level) if affected		Physical and community infrastructure to be replaced to be the same as the baseline inventory or improved (community level) if affected			

Table 8.9: Scenario 3: Major impact – permanent land losses affect over 10% of land with some involuntary resettlement

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
Scenario 4: Water treatment works or other water + sanitation structure significantly affecting plot, existing structures affected	Land	Entitlement to full in kind resettlement. In exceptional circumstances where the affected person prefers they can be compensated in cash based on Replacement Cost Method. In kind should be prioritised over cash because there is greater risk with cash		In scenario 4, illegal occupiers <u>are</u> eligible for resettlement but are not eligible for cash compensation for the land. In this situation regularisation of tenure should be considered.			

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
		compensation of the affected person/ household not recovering their standard of living.					
Level of impact: Significant (more than 10% of land affected and / or physical assets affected) MAP required	Crops	Crops to be replaced to baseline situation or improved either in kind or where affected person prefers, in cash.		Crops to be replaced to baseline situation or improved		Crops to be replaced to baseline situation or improved	
	Physical structures	Physical assets to be replaced in kind based on replacement cost method. Where affected person prefers cash compensation this will also be based on replacement cost methodology. In kind should be prioritised over cash.		Physical assets to be replaced to be the same as the baseline inventory or improved. Where the affected person prefers cash compensation this will be based on replacement cost methodology with the exception of the land. In kind should be prioritised over cash.		Renters occupying residences to be acquired are eligible for relocation assistance because they have to move.	
	Income generating activities	Income generation activities to be reinstated to the same as the baseline inventory or improved	Support in reinstating baseline income levels - provide access to training and other support	Income generation activities to be reinstated to the same as the baseline inventory or improved	Support in reinstating baseline income levels - provide access to training and other support	Income generation activities to be reinstated to the same as the baseline inventory or improved if applicable	Support in reinstating baseline income levels - provide access to training and other support
	Lost income	All lost income to be compensated	Support in reinstating baseline income levels	All lost income to be compensated	Support in reinstating baseline income levels	All lost income to be compensated	Support in reinstating baseline income levels
	Access to natural assets (e.g. fresh water well)	Access to natural resources to be replaced to same as the baseline or improved		Access to natural resources to be replaced to same as the baseline or improved			
	Access to services	Distance to services to be restored to baseline situation		Distance to services to be restored to baseline			

Impact Scenario	Category of affected asset	Category of affected person					
		Project affected persons & households (right to occupancy, recognised long standing tenure & customary tenure)		Project affected persons & households - Squatters		Tenants - renters occupying residences to be acquired	
		Compensation	Social Assistance	Compensation	Social Assistance	Compensation	Social Assistance
		or improved		situation or improved			
	Physical / Community infrastructure	Physical and community infrastructure to be replaced to be the same as the baseline inventory or improved (community level) if affected		Physical and community infrastructure to be replaced to be the same as the baseline inventory or improved (community level) if affected			

## Annex 10: Potential monitoring indicators and targets

Theme & expected result	Indicator	Baseline	Target	Method / data source	Timing / reporting	Responsibility
<b>Monitoring of project processes:</b>						
<b>Project Design</b>	Avoidance of involuntary resettlement	-	Evidence that involuntary resettlement should be avoided where feasible, or minimized	Project documentation – detailed design report	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Water Authority
<b>Project Affected People</b>	Number of project affected people by level of severity of impact	-	Cut of date begins when census concludes and detailed designs are submitted to Ministry of Water	Baseline census Annual survey	<ul style="list-style-type: none"> <li>• At start - baseline</li> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Water Authority/ local NGO/CBO
<b>Promoter</b>	Number of promoter staff (by department) Number of outsourced staff (non promoter)	- -	- -		<ul style="list-style-type: none"> <li>• Monthly</li> </ul>	Local Environmental Management Officer
<b>Consultation</b>	Community engagement on decision making for resettlement	-	Community engagement with 100% of PAPs on decision to resettle	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
	Level of community engagement	-	Community engagement carried out according to planned schedule.	Observations of community meetings Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
<b>Disclosure</b>	Rate of compliance of disclosure mechanisms with RPF	-	Disclosure mechanisms carried out and comply with RPF	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
<b>Land tenure rights</b>	Compensation provided regardless of legality of the land tenure	Inventory of Assets	Comprehensive compensation matrix prepared for all PAPs regardless of tenure	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
		PAP compensation matrix	100% of PAPs received full compensation regardless of tenure (linked to impact monitoring)			
	Form of Compensation	PAP	100% compliance with RPF	Project documentation	<ul style="list-style-type: none"> <li>• Annual</li> </ul>	Local



Theme & expected result	Indicator	Baseline	Target	Method / data source	Timing / reporting	Responsibility
<b>Form of compensation</b>		compensation matrix	- minor affected people: community provision of water and sanitation facilities - severely affected people: preparation + compliance with PAP.	Annual survey		Environmental Management Officer/ local NGO/CBO
<b>Relocation costs</b>	Rate of compliance of relocation costs with RPF + PAP	-	100% of PAPs that require relocation costs receive full payment in compliance with RPF + PAP	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Quarterly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
<b>Calculation/ valuation of compensation</b>	Rate of compliance with RPF advocated methods + PAP	-	Compliance with RFP advocated valuation methods and values for all affected assets	Project documentation	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Quarterly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer
<b>Timing of Compensation payments</b>	Rate of compliance with timings required in RPF	-	Compensation paid before displacement occurs	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Quarterly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
<b>Grievance mechanism and dispute resolution</b>	No. of grievances recorded No. of disputes resolved Rate of compliance with grievance mechanism in RPF	-	100% of PAPs have access to the grievance mechanism. 100% of grievances responded to in line with RPF requirements.	Project documentation Annual survey	<ul style="list-style-type: none"> <li>• Within 4-6 weeks of start</li> <li>• Monthly</li> <li>• Annually</li> </ul>	Local Environmental Management Officer/ local NGO/CBO
<b>Monitoring of project impacts:</b>						
<b>Livelihoods</b>	Monthly income per PAP	Baseline and Income generation inventory	100% of PAPs have improve their income or at least restored to baseline condition.	Annual survey	Annual	Local Environmental Management Officer
	Crop production rate	Crop inventory	Crop production restored to baseline situation or improved; or cash compensation provided (at replacement cost).	Annual survey	Annual	
	Ability of individual and families to re establish their pre displacement activities	Baseline and income generation inventory	100% of individuals and families re established their pre displacement activities.	Annual survey	Annual	
<b>Access to services</b>	Distance of PAP residence to key services	Baseline	Distance to services to be restored to baseline situation or improved for 100% of PAPs.	Annual survey	Annual	Local Environmental Management Officer

Theme & expected result	Indicator	Baseline	Target	Method / data source	Timing / reporting	Responsibility
<b>Community</b>	Rate of community satisfaction with restoration of community infrastructure	-		Annual survey	Annually	Local Environmental Management Officer/ local NGO/CBO
<b>Qualitative impacts</b>	Proportion of PAPs reporting emotional distress Proportion of PAPs satisfied with resettlement/ compensation	-		Annual survey	Annually	Local Environmental Management Officer