

**THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF WORKS AND TRANSPORT**



**The Second Tanzania Intermodal and Rail Development  
Project (TIRP II)**

**RESETTLEMENT POLICY FRAMEWORK**

**October 19, 2023**

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## ABBREVIATIONS AND ACRONYMS

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<b>Abbreviation</b>	<b>Definition</b>
AIDS	Acquired Immunodeficiency Syndrome
Aps	Affected Persons
ARAP	Abbreviated Resettlement Action Plan
CBOs	Community Based Organizations
CSOs	Civil Society Organizations
CHF	Community Health Fund
DED	District Executive Director
DPs	Displaced Persons
ESF	Environmental and Social Policy Framework
ESIA	Environmental and Social Impact Assessment
ESSs	Environmental and Social standards
GDP	Gross Domestic Product
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immunodeficiency Virus
IDA	International Development Association
IPF	Investment Policy Financing
LATRA	Land Transport Regulatory Authority
NGO	Non-Governmental Organization
OP	Operational Policy
PAPs	Project Affected Persons
PAICODEO	Parakuiyo Pastoralists Indigenous Community Development Organization
PIU	Project implementation Unit

PM&E RAP	Participatory Monitoring and Evaluation Resettlement Action Plan
RoW	Right of Way
RPF	Resettlement Policy Framework
STDs	Sexually Transmitted Diseases
STIs	Sexually Transmitted Infections
TIRP I	First Tanzania Intermodal Rail Development Project
TIRP II	Second Tanzania Intermodal Rail Development Project
TRC	Tanzania Railway Corporation
TRL	Tanzania Railway Limited
USD	United States Dollars

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# Chapter 1: Introduction

## 1.1 Background information

The Tanzania Intermodal and Rail Development Project (TIRP) was implemented by Tanzania Railways Corporation (TRC) on behalf of Government of Tanzania between July 2018 and January 2022, to improve rail transport on the central corridor between Dar es Salaam and Isaka (970 km) through infrastructure (track and bridges) improvement, installation of the electronic warrant system, procurement of rolling stock for block trains, and procurement of track equipment. The project was driven by the deterioration in railway transport sub-sector performance between 2003 and 2008 as evidenced by decline in freight traffic, increased number of train accidents, and decline in number of passengers, decrease in average passenger and goods trains speed, and decrease in availability of mainline locomotives

The main reasons for the observed decline in railway transport sub-sector performance included aged and outmoded tracks, weak bridges, crumbling telecommunication system and shortage of locomotives and wagons because of age and non-replacement due to inadequate reinvestment and deferred maintenance of the permanent way and rolling stock while two components of the project (B, D) are in final completion stage.

The United Republic of Tanzania (URT), with support from the World Bank, has decided to accomplish the project development objectives set out in TIRP I to further strengthen operational efficiency and safety of the railway transport subsector. On behalf of the Government, the Tanzania Railway Corporation is in the preparatory stage of Second Intermodal and Rail Development Project with financing from the World Bank (TIRP II), that is proposed to strengthen the safety of infrastructure (railway track, bridges, and railway crossings), safety of train operations (capacity and train control systems) and strengthen the institutional setup (updating of manuals, core values and job descriptions) for cultivating safety culture. The main railway infrastructure works will be implemented along the Kilosa and Isaka section (687 km) which was known as Package B in work contracts of TIRP I.

## 1.2 Basis and Objectives of Developing the Resettlement Policy Framework

A large part of the TIRP II activities will be mainly implemented within the railway right-of-way. Therefore, a minimal impact in terms of land acquisition is expected especially during the implementation of component 2 'Strengthening Climate Resilience of the Kilosa–Gulwe–Igandu Section' as well other sub-components which are yet to be decided upon, including possible expansion, redesign, and realignment at intermodal terminals. Moreover, the project may develop sub-plans for project associated facilities and activities resulting in land acquisition, including establishment of camps, borrow pits, blockage at intersections for known and yet unknown sections. Hence, there is a need for a document which will guide land acquisition and compensation processes as well as mitigation measures for the displaced ones.

This Resettlement Policy Framework (RPF) is prepared to guide preparation of Resettlement Action Plans (RAPs). The RPF establishes the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to the sub-projects that will be prepared during project implementation in compliance with the laws of Tanzania and ESS5. Preparation of this RPF was mainly informed by screening and scoping done during the first phase of the project (TIRP) and

an initial Social Impact Assessment conducted in the project area between late May and early June 2022.

Unlike TIRP, where the resettlement issues were dealt with in accordance with relevant Tanzania laws and OP/BP 4.12 (Involuntary Resettlement), TIRP II will be implemented as per applicable Tanzanian laws as well as the World Bank Environmental and Social Standard (ESS5) on Land Acquisition, Restriction on Land Use and Involuntary Resettlement of the World Bank Environmental and Social Framework (ESF).

The overall purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the World Bank. This RPF covers the following elements:

- a) A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared
- b) Principles and objectives governing resettlement preparation and implementation
- c) A description of the process for preparing and approving resettlement plans
- d) Estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible
- e) Eligibility criteria for defining various categories of displaced persons
- f) A legal framework reviewing the fit between borrower laws and regulations and Bank policy Requirements and measures proposed to bridge any gaps between them
- g) Methods of valuing affected assets
- h) Organizational procedures for delivery of compensation and other resettlement assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer
- i) A description of the implementation process, linking resettlement implementation to civil works
- j) Descriptions of grievance redress mechanisms.
- k) A description of the arrangements for funding resettlement, including the preparation and review of cost estimates the flow of funds, and contingency arrangements.
- l) A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- m) Arrangements for monitoring by the implementing agency and, if required, by third-party monitors.

The subproject resettlement/compensation plans will be subsequently prepared consistent with this RPF and will be submitted to the Bank for approval after specific planning information becomes available. The specific objectives of the Resettlement Policy Framework are as follows:

- (i) Clarify the principles, processes, and organizational arrangements to identify and mitigate potential adverse impacts associated with land acquisition and related impacts associated with TIRP II.
- (ii) To ensure that adverse social impacts/risks are well-mitigated to achieve applicable social objectives.
- (iii) Ensure compliance with applicable National laws on land acquisition, resettlement,

rehabilitation, and safeguard policies of the World Bank particularly the Environmental and Social Standards (ESSs).

- (iv) Define appropriate institutional arrangements for the implementation and monitoring of the RPF, as well as consultations, disclosures, and monitoring.
- (v) To develop and exercise mechanisms for effective supervision during implementation.
- (vi) To ensure that project-affected persons benefit from the proposed projects to the extent possible, and that they are consulted about the project throughout the life of a project.
- (vii) The RPF provides guidelines for the Social and Environment Management Unit.

The project (TIRP II) will work towards avoiding any physical and or economic displacements, but when unavoidable necessity for land acquisition, and land restriction, compensation and resettlement of people arise for certain categories of sub projects, the World Bank Environmental and Social Framework particularly through the Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5) and the Government of Tanzania's relevant policies and acts especially Land Acquisition Act of 1967 will be triggered. The project will minimize restriction on entry to the work sites or through Project land during construction only for the purpose of health and safety considerations.

In conjunction with this RPF, the following interrelated documents have also been/are being prepared to complement implementations of the consequent RAP.

- (i) An Environmental and Social Impact Assessment (ESIA) and accompanying Environmental and Social Management Plan (ESMP)
- (ii) Labor Management Procedures (LMP)
- (iii) Vulnerable Groups Planning Framework (VGPF) to guide the preparation of Vulnerable Groups Plan (VGPs)
- (iv) Stakeholder Engagement Plan (SEP)
- (v) SEA/SH Prevention and Response Action Plan including an Accountability and Response Framework; and
- (vi) An Environmental and Social Commitment Plan (ESCP).

### **1.3 Methodology and Approach Used in Preparing This RPF**

After identification of key issues in requirement and /or justification of RPF preparation and type of project relevant information pertinent to attainment of TIRP II Objectives, the following mixed methods was utilized to prepare this guiding document.

#### **1.3.1 Desk Review**

Review of relevant Project documents such as the Tanzania Railway legislative framework, TIRP I ESIA, the national land legislative and regulatory documents, the World Bank environmental and social standards, to get a thorough understanding of E&S performance issues related to proposed TIRP II, relative to residual issues from recently implemented TIRP I.

#### **1.3.2 Stakeholders Consultation and Information Disclosure**

Between 3rd June to 22nd June 2022, initial stakeholder consultations were conducted to TRC officials including TIRP I officer both at head office, at railway stations and other Project sites along the railway corridor. External stakeholder consultations involved focused group discussions (FGDs) with selected groups including women, elderly and people with disabilities, village, district, regional and ministerial levels, public meetings with local communities at mtaa/village level, along the MGR corridor. Further, the RPF preparation was informed by key informant's interviews with local

leaders, CSOs such as Msichana Initiative, Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO), natural resources and tourism personnel, district community health officers, among a wide range of stakeholders.

### **1.3.3 Household Survey**

Information obtained through stakeholder consultation and desk reviews will be supplemented by conducting household surveys of communities who will be impacted if land acquisition will be required.

## **1.4 Project and Site Descriptions**

The proposed TIRP II will consist of three components including remaining works from TIRP I as well as some considerations going beyond the original proposed scope of works proposed during the first phase of the project as described below:

### **1.4.1 Project Components**

#### **1.4.1.1 Component A: Strengthening of Railway Infrastructure and Support of Design Studies**

This component is proposed to strengthen the railway infrastructure to be able to safely carry 18.5-ton axle load between Dar es Salaam port and Isaka terminal, by upgrading 156 bridges, rehabilitating the Tabora - Isaka (130 km) section, and refurbishing the tracks to selected sections of about 350 km between Dar es Salaam and Tabora.

Under this component, the project also plans to support improvement of safety at railway crossing areas in major towns of Dar es Salaam, Morogoro, Dodoma and Tabora and implementation of intermodal terminals of Ilala and Isaka to facilitate loading and offloading of containers which couldn't be implemented during TIRP I due to budgetary limitations.

#### **1.4.1.2 Component B: Strengthening Climate Resilience of the Kilosa–Gulwe–Igandu Section**

This component will support: (i) the analytical studies for design of flood control systems along the catchment area of the Kilosa–Gulwe–Igandu; (ii) the Ministry of Agriculture (MoA) and Ministry of Water (MoW) to implement their flood control initiatives within the catchment area through development of ponds/dams for irrigation, water supply, fisheries, and livestock; and (iii) the design of a permanent engineering solution for railway track improvements along the section.

#### **1.4.1.3 Component C: Institutional Safety and Operational Support**

TRC is in the preparatory stage for risk-based approach to a railway signaling system. An engineering transitional plan based on accurate assessments of the network traffic, to determine the safety requirements for each designated zone, is to be decided upon for successfully transitioning from TIRP 1 to the TIRP II project. The newly developed train control system is expected to fully work in integration with an active and commensurate Operation and Maintenance component (O&M), review and amendments of operational manuals, LATRA/TRC staff safety training and safety culture cultivation to match the increased sub-sector performance and operational targets in terms of line speed and traffic up to 70 KPH and 1.2 mn tons respectively.

The proposed project (TRIP 2) may also support the following areas: (i) preparation of a National Integrated Transport master plan, (ii) prepare phase 4 of the Transport Sector Investment Program (TSIP-IV); (iii) decarbonization strategy for transport sector in Tanzania, and (iv) capacity strengthening of the Department of Policy and Planning through engagement of technical assistance for development of Monitoring and Evaluation (M&E) as per the request of MoWT-Transport

#### **1.4.1.4 Component D: Contingent Emergency Rapid Response (CERP).**

This zero-dollar component will allow for swift reallocation of credit proceeds from the other components to provide immediate emergency recovery support following an eligible crisis or emergency. This CERC can be triggered for emergencies and/or disasters that affect the railway track along the Dar es Salaam – Isaka railway section.

#### **1.4.2 Socio-Economic and Land Use Context**

The project transverses 970 kilometers in urban, peri-urban, and rural areas along Dar Es Salaam, Pwani, Morogoro, Dodoma, Singida, Tabora and Shinyanga regions. Information gathered from TIRP I and a Social impact assessment (SIA) conducted have confirmed the following land use type and economic activities in the project site, that might potentially be impacted by some sub-components of TIRP II.

##### **1.4.2.1 Cultivated Land**

Agricultural production in the project is dominated by small-scale, subsistence farmers, with average farm sizes ranging between 0.2 and 2 ha. Major food crops grown include sisal, sugarcane, rice, maize, simsim, mung bean, sunflower, and cashew nuts. Maize is major food crop which is grown by almost everyone along the project site.

##### **1.4.2.2 Grazing/Rangeland**

Pastoralism predominates in arid and semi-arid areas along the Central railway line in part of Pwani, Morogoro, Dodoma, Singida, Shinyanga and Tabora regions. Livestock sub-sector production in the area is mostly extensive, practiced by pastoralists and agro-pastoralists on natural pastures (Free range). The main types of livestock involved in the project area include Indigenous breeds of cattle, sheep, goats, poultry, and pigs. Free range grazing is the major type of livestock keeping system used by livestock keepers, which in turn has social and environmental consequences. Zero grazing is minimally practiced by village communities along the railway line, such as Kilosa and Kimamba.

Availability of pastures and water for livestock largely depend on seasonal rainfall thus making the livestock sub-sector vulnerable to drought. In recent years, the number of livestock, especially dairy cattle, has increased in areas near the railway line, mainly due to draught pushing the animals towards green pasture and water found near the railway embankments. Free range grazing in large numbers in sections between Kilosa – Gulwe and around Itigi. Overgrazing coupled with the lack or inadequate number of proper infrastructure and special crossings for cattle, affect railway structures at the crossings. This contributes to degradation of railway infrastructure.

Following mitigation measures executed as part of TIRP I infrastructure upgrading implementation, the current risk level for this aspect is considered to be low in sections worked on in TIRP I. The intended goal to rehabilitate 970 km was only 51% achieved due to financial constraints. Increased number of livestock crossings, awareness and sensitization campaigns of pastoralist communities in

association with their tribal leaders and organizations such as Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO), surveillance programs and railway regulation enforcement in liaison with local government leaders, have had impact in controlling this problem. Further, parallel SGR Project line which is going to be electric fenced is expected to contribute more to deterring herders and their livestock thereby improving their Personal Safety, while minimizing damages on MGR access (ballast spill out which can cause track buckling) respectively.

On daily basis the, the section Permanent way inspector (PWI) and his crews in addition to safety of railway infrastructure, inspects and report through DCE any kind of encroachments in the railway reserve. Areas not worked upon by the TIRP I Contractor brings room for confusions as no boundary marks have been erected in some railway sections and most train stations yards. While waiting for more TIRP II long-lasting solutions, E&S department will continue working with land and infrastructure personnel to ensure that railway boundaries are regularly updated, and information provided to the local communities through their leaders and engagement campaigns.

#### **1.4.2.3 Forest Reserves/Bee Keeping**

The Project crosses through four forest reserve areas, namely Aghondi National Bee Reserve, Nyahua Forest Reserve, Igombe Forest (at Igombe river) Ilomero Hill Forest Reserve. These reserves together with forests in the village lands provide ecological services and economic functions for the community living along the railway line, with Aghondi area mainly utilized by the community for bee keeping and Nyahua area mainly utilized for earthwork materials for roads and railway access.

#### **1.4.2.4 Petty Businesses**

Entrepreneurship in small and medium enterprises (SMEs) is another livelihood category found along the project corridor. This included food vendors and small kiosks. The ARAP document provides more details on how these groups will be handled in case they are found along the railway corridor.

#### **1.4.2.5 Fisheries**

Although no commercial fishing was observed or reported in the project area, experience shows presence of seasonal fishing of Kambale close to the railway, especially during rainfall along the railway or flooding resulting from rains in the highlands. The RAPs should take these into consideration when planning for mitigation options.

#### **1.4.2.6 Cultural/Historic Properties**

As required under ESS8, consultations with direct and indirect stakeholders were consulted in June 2022 to understand cumulative project-specific risks and impacts on cultural heritage along Dar Es Salaam-Isaka Central railway corridor. The consultation and observation undertaken during the survey did not find existence of tangible cultural heritage; movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance.

One nearly full graveyard was found to be very close to the railway reserve in Ihumwa-Dodoma section and posed to trigger potential indirect impacts (World Bank 2016)<sup>1</sup> related to expansion, was recently relocated under SGR LOT 2 RAP Implementation procedures. However, the graves are beyond 7.5 m where the project activities will be conducted.

Since the project is expected to involve some significant earthworks, there could be possibility for chance finds of PCRs related to past encroachments in the railway strip, during project implementation stage. TIRP II will prepare a project-specific Chance finds procedures (CFP) that is included in project contracts/ESCP, detailing the scope, handling/management of finds and implementation actions consistent with World Bank's ESS8 and relevant Tanzania laws.

#### **1.4.2.7 Transportation and Communication Systems**

The TRC operated central railway line is a prominent transport system that serves the central part of Tanzania. It has a main station at Morogoro and a central railway workshop that makes it a special focus of railway communication in the country. Another workshop exists in Tabora, where there is a junction for the railway going to the Kigoma and Katavi Regions. The Tabora workshop is smaller than the Morogoro one. There are reliable postal and digital telecommunication services along the Central Railway Line. A land line telephone system provided by the national provider, Tanzania Telecommunication Company Limited (TTCL), is the main one. Mobile phones are also used for communication where necessary. The main mobile network operators (MNOs) in Tanzania (by market share) are Vodacom (30.5%), Airtel (27%), Tigo (25.4%), Halotel (13.3%), Zantel (2%), TTCL (1.7%), and Smile (0.02%).

#### **1.4.2.8 Access to Social Services within Railway Stations by Local Communities**

The neighboring communities accrue numerous direct and indirect economic benefits and social services due to existence and operation of railway and supporting facilities such as station yards. These services include easy access to transportation services, water for domestic use, communication network and electricity. Notwithstanding the recent decline in quality of these services partly due to aging effects on some of the structures/facilities including water systems, telecommunication, the communities along the railways corridor have continued benefiting from coexistence with this infrastructure.

#### **1.4.2.9 Social Network along the Railway Line**

The operation of existing railway line has continued contributing to strengthening the social network shared between TRC workers and communities along the railway corridor for decades. The transportation services for goods and family members, livestock, and employment (temporary and long-term) has continued strengthening the bond and sense of ownership, which has played a key role in preventing accidents and supporting during accidents. The proposed project should continue building on the mutual trust and hopes for improvements held by the local communities.

#### **1.4.3.0 Security and Safety Issues along the Railway Line**

Unlike the time before TIRP I, the number of vandalism cases related to property in railway stations and gangs has declined. This can be attributed partly to a change in attitudes following safety

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<sup>1</sup> According to World Bank ESF (2018), an indirect impact is an impact which is caused by the project and is later in time or farther removed in distance than a direct impact, but is still reasonably foreseeable, and will not include induced impacts.

awareness trainings, continuous community engagement, and change of railway parts unfamiliar to perpetrators of sabotage, including Pandrol Fast clip. The proposed project will have to provide an opportunity for more robust operation and maintenance services and continue conducting awareness training to neighboring communities, especially young populations along the line, and enforce a positive attitude regarding basic safety issues and against combat.

#### **1.4.3.1 Gender Issues and HIV/AIDS**

The available recently released survey data (during first phase of the project-TIRP I) shows that HIV Prevalence rate within the regions directly transverse by project line ranges from (3.6-5.9 %); Dar es Salaam (4.7%), Pwani (5.5%), Morogoro (4.2%), Dodoma (5.0%), Singida (3.6%), Tabora (5.1%) and Shinyanga (5.9%), with women having almost twice the infection rate than men, among the survey adults respondents aged 15-49.<sup>2</sup> This is the age group from which TIRP II is expected to acquire a large proportion of project labor force from, signifying importance of comprehensive workers and community HIV/AIDS Prevention program, as possibly proportionate to level of risk and impact determined during ESIA.

Although it's not easy to estimate the current HIV/AIDS prevalence rate among men and women who derive various benefits from the railway service, such as small businesses at train stations, or who transport their goods, it is likely that there is a gendered impact of HIV/AIDS for communities in the project area. Risk factors such as dereliction in use of protection measures associated with coupled with physiological nature which puts women at a disadvantage in the form of vulnerability to infection, potentially translated into more women at higher risks of infection. The persistence in the trend is also echoed by a recent UNAIDS Global AIDS Update, which shows that women, girls, sex workers and drug users are at increasing risks of HIV infection. Adolescent girls and young women (aged 15 to 24 years)—one of whom becomes infected with HIV every three minutes—are three times more likely to acquire HIV than adolescent boys and young men of the same age group in sub-Saharan Africa, including Tanzania (UNAIDS, 2022, pp. 14-15). TIRP II will, in cooperation with relevant stakeholders, prepare and implement proportionate preventive measures for project workers and surrounding community, to ensure that HIV transmission is not exacerbated by SEA/SH during project land acquisition and RAP implementation. Within the project, an actively working and dedicated HIV/AIDS prevention and control program should focus to conducting awareness campaigns to avoid the risks and impacts to skilled and semi-skilled labor including machine operators, drivers, supervisors, managers, and engineers who are likely going to be target for sex workers influx into the project area and young, rural, poorly educated women who move to the construction sites for transactional sex or host villagers who have been exposed to risks after being negatively impacted by the project related resettlement.

#### **1.4.3.2 Ongoing or Planned Large Development Projects**

With the exception of TRC's SGR project implemented along the MGR line and East African Crude Oil Pipeline passing through neighboring parts of Shinyanga, Tabora, Singida and Dodoma, no other major construction project with potential interference with TIRP II implementation was made known to the team during screening and the Social Impact Assessment (SIA). The fact that the standard gauge runs parallel, in proximity and with a design and build nature has raised

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<sup>2</sup> Please see Tanzania Commission for AIDS (TACAIDS), Zanzibar AIDS Commission (ZAC). Tanzania HIV Impact Survey (THIS) 2016-2017: Final Report. Dar es Salaam, Tanzania. December 2018.



concerns from the community in a number of access and safety aspects. The project implementing agency will establish a detailed number and extent to which the SGR will potentially impact the TIRP II success and to the communities living along the railway corridor.

## Chapter 2: Project Related Resettlement Impacts

### 2.1 Project Components with Potentials of Displacement or Restriction on Land Use

As with TIRP I, the project work under Component A (Strengthening of Railway Infrastructure and Support of Design Studies) and component B (Strengthening Climate Resilience of the Kilosa–Gulwe–Igandu Section) are likely going to result in a number of significant environmental and social impacts (ESIA Conducted in 2018,2022 respectively). The residual risks and impacts of TIRP I and anticipated risks of TIRP II established during the Social Impact Assessment (SIA) conducted between May and June 2022, and displacement or restriction on land use related to the project associated facilities will further be assessed and mitigation measures prepared and implemented as per the detailed Environmental and Social Impacts Assessment (ESIA) and accompanying Environmental and Social Management Plan (ESMP) commensurate to the requirements of the relevant Tanzania laws and the World bank’s ESSs.

#### 2.1.1 Track Strengthening

Works under component A (Strengthening of Railway Infrastructure and Support of Design Studies) including Track rehabilitation works (complete track renewal) are planned to be implemented along the Tabora - Isaka section, refurbishment works (track repair works) along the Munisagara–Malongwe (341.7 km) and rehabilitation of more than 78 Kilometers of the flood prone segment which lies between Munisagara village in Kilosa (KP 294) and Gulwe in Mpwapwa District (KP 372), following a study results for design options.

##### 2.1.1.1 Refurbishment Works

The refurbishment work is planned to be conducted over a total of 341.7 spread over the four works contracts of TIRP I; 192.7 km in package B lot 1 in the sections between Munisagara and Msagali (84.3km), Kikombo to Bahi (74.8 km), Makutupora to Manyoni (33.6 km) and 149 km in Package B Lot 2 mainly between Kitaraka and Igalula (149 km). The works under this sub-component will include strengthening works that were not implemented under Tanzania - Intermodal & Railway Development Project (TIRP I) due to budget limitations. The proposed works include (i) continuously welded rail (CWR); replenishment of ballast; formation repair and strengthening.

##### 2.1.1.2 Track Rehabilitation Works

Complete track renewal (CTR) is planned to be mainly implemented along the Tabora - Isaka section (135 km) and for some lines in station yards including Dar es Salaam, Ilala, Kamata, Kwala, Ngeta, and possibly Makutupora-Manyoni section where rails have been skidded due to the high gradient. Actual works will mainly involve dismantling, removal and reinstallation of track, works on formation and drainage systems.

#### 2.1.2 Repair/upgrading of bridges and culverts

A total of 9 culverts will be replaced by box culverts and riverbed protection and river training will be done to 9 bridges. A total of 156 bridges will be repaired and there will be construction of 2 new bridge structures at Ruvu.

The works during new construction will involve removal of existing undersize culverts between KP 10+775 and KP 215, riverbed protection including river training both upstream and downstream for selected bridges between KP 18+08 and KP 40+240, rehabilitation of identified 35 bridges at between KP 60+054 and KP 297+39, detailed design and construction of drainage structure at KP 212+716, design review and re-construction of Ruvu bridge at KP 82+334.

The bridge works in Package B of TIRP I work contracts will involve Replacement of RBC Span with Precast RC Slab, Replacement of RBC Span with Cast in Place Box Culvert, Erosion and Scouring Protection for Structures, Raising Kerbs, Head Walls & Wing Walls on RBC Bridge for 96 selected bridges between Kilosa and Itigi and head wall repair and raising & Protection works for 50 identified bridges between Itigi and Isaka

### **2.1.3 Improvement of Intermodal Terminals**

The improvement works under this sub-component will involve railway alignment at Dar es Salaam Port, redesign, realignments, and possible expansion of the Ilala and Isaka intermodal terminals which will be executed after the Ministry of Works and Transport (MoWT) has made a final decision on the railway alignment at the Dar es Salaam Port.

Realignment and possible expansion of the two terminals will probably lead to restrictions on people crossing at level crossings near the stations due to demand for extra area while construction is ongoing. While the yards are busy, some construction materials might also end up being deposited on the pathways used by various groups in the neighboring communities.

### **2.1.4 Level Road Crossings**

The project will involve safety improvement at level crossings of different categories, category 1 with daily traffic volume equal to or more than 5000, Category 2: daily traffic volume equal to or more than 2000 and less than 5000, Category 3: daily traffic volume equal to or more than 1000 and less than 2000 and Category 4: daily traffic volume less than 1000. Crossing surfaces shall be restored based on categorization and types as well as infrastructure safety improvement at level crossings and safety improvement in settlement areas, which will involve erection of railway crossing sign boards and warning electric sirens at several towns; namely, Dar es Salaam, Morogoro, Dodoma and Tabora and erection of chain-link fencing to deter trespassing. The works under this sub-component with potential restriction on land use are construction of level crossing base, approach road of six meters (6 m) from both sides.

### **2.1.5 Project Associated Facilities and Activities**

Project supporting facilities such as camps, borrow pits and quarry sites may also have some levels of adverse Environmental and Social impacts, but the magnitude of the risks and impacts will be avoided, minimized, reduced, mitigated and if their residual impacts are still significant, the implementing agency will compensate or offset them as per the requirements and timeframe dictated in ESS1.

To minimize Project associated environmental and social risks and impacts, TIRP II will assess the appropriateness of using rented houses, portable temporary construction site accommodation for sub-camps or utilizing the existing camps retained from TIRPI, including Karangasi camp for works between Dar es Salaam and Tabora. There is however a possibility of temporary land acquisition for

camp site covering activities implemented between Itigi and Isaka sections of the railway line. The existing camps were assessed for post-occupancy OHS risks before handing over to TRC and have since been adequately monitored under operation and maintenance component but shall also undergo OHS risk and environmental impact assessments before final decision on safe use is made.

The project will use existing quarry for ballast in Tabora owned by TRC and purchase from commercial producers who supplied the same for the TIRP I. As part of risk avoidance strategies, the project will also make efforts to use the existing service roads and possibility of utilizing some of the structures currently used under sections of Standard Gauged Railway (SGR) whose works are in the completion stages.

## **2.2 Potential Displacement and Restrictions on Land Use**

No significant direct physical displacements are expected during TIRP II construction phase, as the project transverses the existing railway line. Notwithstanding this, detailed ESIA conducted as per ESS1 requirements specified in paragraph 23 will inform number and magnitude of physical displacements or restriction on land use risks and impacts, for application of proportionate mitigation measures throughout the project life. Possible project unavoidable induced impacts of restriction on land use are as per the below summary.

### **2.2.1 Loss of Business Structures**

During consultations, within 15 m there is no loss of business structures observed/identified.

### **2.2.2 Loss of or from Farmlands**

The recent information gathered through public meetings, focused groups, key informant interviews with the local leaders, Agricultural Extension and Livestock Field Officers (LFOs) during the recent SIA shows that the loss of farmlands owned or used by households is expected to constitute non or minor Project-induced economic displacements. The description is that farmers adhere to railway boundaries, with exception of few cases where villagers cultivate seasonal crops such as paddy near the railway line to utilize the water ponds/settlements following the raised embankment (Figure 1)

The losses in this category may involve damage of nearby crops when the project starts before harvest or when the drainage system is blocked to deny irrigation services to the low land plots(forward) during formation improvement or Complete Track Renewal or when the raised embankment causes flooding in the backward direction (Floodplain)



Figure 1: Example of how crops can be lost to construction, through planting near the railway

### **2.2.3 Loss of Access to Natural Resources**

With the exception of bush clearing in the railway strip/right of way (30 m on each side of the track), TIRP II implementation will not involve loss of natural resources in the form of wood for fires, building materials, etc. Consequently, Project related activities and support facilities such as worker's camps will utilize sources of clean energy such as solar, industrial gas and electricity for cooking, heating, and other project specific uses. This will ensure that any TIRP II Camps (newly established or existing) will not be a source of induced community denied or indirect restricted access to natural resources by direct involvement of camps in use of traditional sources of energy such as firewood or increased competition with the indigenous communities for the same, due to influx of project workers residing near the project site office or directly associated with the existing of such facilities

The impacts of TIRP II related land acquisition on the utilization of such resources relating to loss of access or impacts on access (e.g., diversions) for a short-term period during construction (e.g., by communities on one side of the corridor to resources on the other side) will also be minimized by utilizing and maintaining the existing roads/paths established during TIRP I.

Consideration will also take into account short-term restrictions in access impact to pastoralists in areas such as grazing land, especially if they have limited routing options to access water sources and designated grazing areas. These impacts are expected to be relatively limited during the Project's operational phase, however, as the areas to be occupied by the Project are likely to constitute a small portion of the total land areas from which these resources are obtained.

### **2.2.4 Temporary Interference with and/or Blockage of Access Routes**

The railway strip will cross more than 100 villages and roads from Dar es Salaam to Isaka. Several existing formal or official level crossings and active but unofficial intersections along the railway line

will likely be impacted during the construction and subsequent operation of TIRP II. Although no permanent blockage of access routes is foreseen, the recent Social Impact Assessment (SIA) study has shown that the impact of changes in the design and locations of the railway level crossings (RLCs) might be compounded by the presence of parallel, raised embankment of SGR in some localized sections.

The extent to which the general population, disabled, farmers, pupils, students, and livestock keepers will be potentially impacted on access to small businesses, community facilities/Social services, farms on opposite sides of the railway and detailed impact mitigation measures will be determined and implemented after a detailed ESIA study. Efforts will be made to harmonize safe and convenient crossing of the community living and having livelihood, social services on different sides of both MGR and SGR railway strips to minimize the disruptions of access routes.

Unlike during the first phase of the project(TIRP I) where the likelihood of displacement of people and property were definitive, the likelihood of the same at Construction phase of Component A during implementation of TIRP II will be probable, in specific locations, excluding sections between Munisagara – Msagali (84.3 km), Kikombo– Bahi (74.8 km), Makutupora – Manyoni (33.6 km), Kitaraka – Igalula (149 km) which were covered under the ARAP prepared and implemented by TRC during TIRP I, for people who encroached within 15 m of the railway line. The anticipated reduced risk probability level in this aspect (physical-economic displacements) is due to a continued TRC compliance enforcement on relevant railway legislative/regulatory requirements<sup>3</sup> and participatory engagement of communities in controlling unauthorized access to Railway strip, in liaison with local government leaders.

In considering the Bank’s risk level classification, the resettlement impact is considered minimal as such; the potential risks and impacts and issues are likely going to be predictable, temporary and/or reversible, low in magnitude, site-specific, without the likelihood of impacts beyond the actual footprint of the project, low probability of serious adverse effects to human health and/or the environment, risks and impacts can be easily mitigated in a predictable manner.

There are no permanent buildings found within the project corridor (7.5 m from the center line), however, 3 permanent buildings and 10 small and temporary timber yards/sheds were found outside the TIRP II Right of Way.

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<sup>3</sup> See The Railways Act, 2017; The Railways (Safety standards of Infrastructure and Rolling stock) Regulations, 2018.



Figure 2 Example of structures found within Railway strip, but outside 15 m, in Bukene village

### 2.3 Land Acquisition and Restrictions on Land Use Due to Ancillary Works/Facilities

As per the requirements of the World Bank ESF, the environmental and social assessment will also identify and assess, to the extent appropriate, the potential environmental and social risks and impacts of project associated Facilities. The implementing agency (TRC) will address the risks and impacts of Associated Facilities in a manner proportionate to its control or influence over the Associated Facilities. Risks and impacts related to establishment and operation of facilities such as new camps and earthwork sites with high likelihood to be associated with acquisition of land and restrictions on land use, will be avoided as practicably as possible and in case the significant levels still exist, TRC will apply the measures detailed in resettlement actions plans and livelihood restoration measures as the final designs may necessitate.

# Chapter 3: Legislative and institutional framework

## Governing land resettlement and compensation

### 3.1 Description of Applicable Policies and Laws

The project is obliged to meet GOT legislative requirements and WB ESS5 for land acquisition, compensation, and resettlement aspects. This section therefore underline/underscore how the project related land rights access and resettlement planning and execution will be undertaken in terms of the Tanzanian legal framework and international good practice (IGP) standards, as represented in the World Bank's Environmental and Social Framework (ESF) and associated standards (ESSs), which applies to all Investment Policy Financing (formerly Operational Policy 10.00) projects since October 2018.

This RPF will therefore apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania. The legal and institutional framework is presented in five parts namely.

(i) Political economy and governance in Tanzania; (ii) Property and land rights, as defined by Tanzanian law and customary practice; (iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets; (iv) Rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services and (v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and Comparison with World Bank ESS5, using equivalence and acceptability standards. For TIRP II the following are the applicable Tanzanian Laws and Policies:



*Table 1: Summary of overarching Tanzanian Land Laws and Policies applicable to TIRP II Implementations*

National Laws/policy	Main TIRP II relevant provisions	Relevant themes <sup>4</sup>
The Constitution of United Republic of Tanzania	1.0 Article 24-(1) 2.0 Article 24-(2)	1.0 Every person is entitled to own property and has a right to the protection of his property in accordance with the law. 2.0 Provision for fair and adequate compensation
The National Land Policy	Fundamental principles Section 3(1) (g)	Provides payment of full, fair, and prompt compensation to be made 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 under the Act or is acquired under the Land Acquisition Act (Cap 118).
The Land Acquisition ACT, 1967	Section; 1) 3,4 2) 6-18	1.0 Constitutional powers of URT President to acquire land for public purpose 2.0 Notification of parties on fit for purpose land-Final effecting of Compensation payment to eligible PAPs
The Village land ACT, 1999	Section 18.-(I)	A lawful holder of a customary right of occupancy (CROO) is eligible for full and fair compensation; if the land is acquired by the President for public purpose(s), terms and conditions of this ACT applies.
The Valuation and Valuers ACT, 2016	Sections 50,51,52,53	Basis of valuation, Method of valuation, Validity of valuation, Cut-off date & Limitation period

<sup>4</sup>Relevant to TIRP II related land ownership rights, compensation, potential restricted movement of agricultural goods/ draught animal power, disproportionate impacts to Vulnerable groups, Women, gender-linked HIV transmissions, damaged community water infrastructure, effectiveness of Land-based livelihood restoration programs, possible establishment of borrow pits in forest reserve etc.

National Laws/policy	Main TIRP II relevant provisions	Relevant themes <sup>4</sup>
The Railways ACT, 2002	Sections; 44, 45, 46,57-(1,2,3,4)	Acquisition of land property rights and manner of construction, Notifications procedures, Judicial proceedings, the Railway strip
National Human Settlements Development Policy (2000)	2.2.3 2.3.1.3 3.2	Women headed households and access to home ownership for women Sites and Squatter upgrading Key development objectives
National Gender Policy (2002)	Policy objectives	Promotes gender equality and equal participation by providing both men and women equal access to education, childcare, employment, and decision making.
National Environmental Policy (NEP) of 1997	1.2.1 1.2.6	Land Degradation Environmental Pollution
National Policy on HIV/AIDS (2001)	5.0 5.15	Prevention of HIV Sexual Transmission Gender Issues in Relation to HIV/AIDS
National Transport Policy (2003);	5.6 2.2.3	Transports challenges for disadvantaged groups The role of railway transport for efficient inter-modal transit traffic; Underlines the need for further

National Laws/policy	Main TIRP II relevant provisions	Relevant themes <sup>4</sup>
		development of modal and inter-modal interface facilities and institutions.
National Construction Industry Policy (2003)	4.1 8.2.2	Government Economic Reforms, including gender issues Promoting Application of Sustainable Construction Practices (Environment)
The National Water Policy (2002)	4.2 4.8	Water Conservation, Water Quality Management and Pollution Control Gender Sensitivity
National Forestry Policy (1998)	4.3.2 4.3.4	Watershed management and soil conservation Environmental impact assessment
National Agricultural Policy (2013)	1.3(v) 2.2.3 3.26	Poor rural infrastructure and low agro-processing To develop an efficient, competitive, and profitable agricultural industry that contributes to the improvement of the livelihoods of Tanzanians and attainment of broad-based economic growth and poverty alleviation (General Objective) Equitable participation of men and women in the production of goods and services in agriculture promoted while ensuring that benefits are equitably shared (Gender issues).

### **3.1.1 Tanzania Policy Framework**

#### **3.1.1.1 National Land Policy (1995)**

The National Land Policy calls for the securing of land tenure and optimal utilization of land for the public interest. Additionally, all land in Tanzania is considered public land, under the trusteeship of the President of Tanzania. Both customary and statutory rights of occupancy are seen as equal. Regarding land acquisition, the National Land Policy recognizes the following.

- (i) The President's power to acquire land for public interest will be maintained. However, reasons for acquisition must be clearly defined and can be challenged in a court of law.
- (ii) The rights and interests of citizens in land shall not be infringed upon without due legal process; and customary land ownership is legally recognized.
- (iii) The Land Policy Statement stipulates that the compensation of land will be full, fair, and promptly paid when land is acquired.

As such, compensation for land acquired in the public interest will be based on the principle of opportunity cost which includes:

- (i) Market value of the real property
- (ii) Disturbances allowance
- (iii) Transport allowance
- (iv) Loss of profits or accommodation
- (v) Cost of acquiring or getting the subject land; and
- (vi) Any other cost or capital expenditure incurred to the development of the subject land.

#### **3.1.1.2 National Human Settlements Development Policy (2000)**

The National Human Settlements Development Policy defines human settlement as not merely physical structures of city, town, or village but as an integrated combination of all human activity processes – residence, work, education, health, culture, leisure - and the physical structures that support them.

The policy includes the following objectives relevant to the TIRP 2:

- (i) To make serviced land available for shelter and human settlements development in general to all sections of the community including women, youth, elderly, disabled and disadvantaged.
- (ii) To improve the provision of infrastructure and social services for sustainable human settlement development; and
- (iii) To assist the poor to acquire decent shelter.

#### **3.1.1.3 National Gender Policy (2002)**

Tanzania recognizes that gender inequality is a major obstacle to the socio-economic and political development of its people. Marginalization of females has contributed to the slow development of individual households and the country as whole. Women are found to be disadvantaged in socio-economic development projects, and often vulnerable to changes brought about by large development projects such as the TIRP II project.

In recognition of this fact, the government has taken various measures to ensure gender equality amongst all its citizens. The National Gender Policy has explicitly put emphasis on gender equality and equal opportunity of both men and women to benefit from large development projects, including the TIRP II. Additional key policy statements to be considered for the Project and individual RAPs to be developed include but are not limited to the following:

- (i) Decision making and power.
- (ii) Access and ownership of resources.
- (iii) Community participation; and
- (iv) Economic empowerment.

The National Gender Policy stipulates that the RAP should ensure the full restoration of livelihoods of women who are affected by the implementation of the Project by promoting equal participation and opportunities for the duration of the project. Preparation and implementation of TIRP II RAP will also consider observed increased involvement of women in public and private sector including construction industry is not constrained by Women's experiences of violence such as extortion.

#### **3.1.1.4 National plan of action to end violence against Women and Children in Tanzania, 2017/18 – 2021/22**

This national policy framework (action plan/strategy) is a comprehensive document developed to address the inadequacies connected to separately implement eight (8) different plans of action, in addressing various aspects of preventing violence against women, children (VAWC), and gender-based violence in the Country. The plan has been prepared in line with Sustainable Development Goals (SDGs) 2030 in SDG 16.1, African Agenda 2063: The Africa We Want and the Tanzania Development Vision 2025 targets especially high-quality livelihood and good governance and the rule of law.

##### **A) Goal**

Eliminate violence against women and children in Tanzania and improve their welfare.

##### **B) Key NPA-VAWC Strategies**

- (i) Strengthening the households by empowering men, women, girls, and boys in the pursuit of social economic opportunities
- (ii) Norms and values that empower women and support non-violent, respectful, positive, nurturing and gender-equitable relationships
- (iii) Creating and sustaining safe and accessible spaces for women and children throughout our communities
- (iv) Promote positive parent-child relationships and reduce violent parenting practices
- (v) A Tanzanian society that understands and embraces the changes in laws that are proposed and implemented, which protect and respond to violence
- (vi) A comprehensive and integrated protection system delivering coordinated, quality, and timely support to women and children affected by violence
- (vii) A comprehensive and integrated protection system delivering coordinated, quality, and timely support to girls and boys affected by violence

Although adoption of this NPA has increased the awareness level within the country, including various government machineries, the two pillars of implementation plan (prevention and response) have not adequately delivered on fulfillment of the intended objectives - consequently, gaps in forms of lack of core oversight, weak institutional capacities, and limited infrastructure, have persisted (World Bank, 2022). To fully realize personal prosperity and national economic contribution from increased involvement of women in public and private sector, various forms Violence against women and children should be eradicated through strategic integrated government and private coordination, monitoring and evaluation structures.

TIRP II will monitor the currently under preparation, National Plan of Action to End Violence Against Women, Children and Men (NPAVAWCM, 2023-2027) and align with implementation strategy of operational targets such as Increase in the proportion of VAW survivors who experienced any violence and reported within 72 hours after an event, compared to targeted 30% to 65% (NPAVWC, 2017/18 – 2021/22). In addition to Site specific impacts assessment, TIRP II SEA/SH Action plan's impact indicators and operational targets will be reviewed and updated in connection with the completion evaluation report of NPAVAWC, 2017/18 – 2021/22).

### **3.1.1.5 Other National Policies Related**

Other Tanzanian Policies relevant to TIRP II are as per below list

- (i) National Environmental Policy (NEP) of 1997
- (ii) National Policy on HIV/AIDS (2001)
- (iii) National Health Policy (URT, 2003)
- (iv) National Transport Policy (2003)
- (v) National Mineral Policy (2012)
- (vi) National Construction Industry Policy (2003)
- (vii) National Energy Policy (2003)
- (viii) The National Water Policy (2002)
- (ix) National Forestry Policy (1998)
- (x) National Agricultural Policy (2013).

### **3.1.2 Tanzanian Legislative Framework**

This section presents an overview of the Constitution of the United Republic of Tanzania 1977 and its amendments ("Constitution"), National Land Policy and other national laws relating to compulsory land acquisition and compensation thereof.

#### **3.1.2.1 The Tanzanian Constitution**

Tanzanian law draws its substance from several sources, namely the Constitution, international treaties, legislation, administrative regulations, custom, case law, and doctrinal writings. At the apex of the legal system, the Tanzanian Constitution is the first source of law. It establishes the institutions and the apparatus of government, defines the content and limits of government powers, and protects fundamental human rights and freedoms. The Constitution makes specific reference to resettlement. The Constitution provides that every person has the right to own property and the right to have his or her property protected in accordance with the law. However, the Constitution allows for the State to compulsorily acquire property for a list of broadly defined public purposes, including "enabling any other

thing to be done which promotes, or preserves the national interest in general.” Lastly, the Constitution requires that no person can be deprived of property for purposes of nationalization or other purposes except in accordance with law and upon the government’s payment of fair and adequate compensation.

### **3.1.2.2 Land Acquisition Act No.47 (1967)**

The Land Acquisition Act 1967 is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3 and 4 of the Act empowers the President to acquire land in any locality provided that the land is required for public purposes such as for exclusive government use, public use, any government scheme, development of social services or commercial development of any kind.

The Act (Sections 5 to 18) provides the procedures to be followed when compulsory land acquisition occurs, including: the notice provided to all interested persons or those claiming to be interested in land (Section 6); the investigation of the land to confirm suitability for the intended purpose; notification to the landowner(s) to inform them of the decision to acquire their land; and payment of compensation to those who will be adversely affected.

### **3.1.2.3 The Railways Act, 2017**

All railway system and services in Tanzania mainland (apart from the TAZARA network) are operated by the Tanzania Railways Corporation (TRC) under Tanzanian railway current legal framework; the Railways ACT,2017.

- (i) The ACT establishes a corporation known as the Tanzania Railways Corporation also known in its acronym as TRC and its functions, including administering environmental safeguard issues, railways safety and security in general; protection of railway reserve, maintaining rail infrastructure and rolling stock
- (ii) The ACT Prohibit any unauthorized entry to railway Operational and Non-operational Lands, establishment of structures and provide for respective penalties
- (iii) Adheres/directs, Cognizant of payment of compensation following procedural acquisition of land and property right during railway works

### **3.1.2.3 Land Act (1999)**

The Land Act (1999) provides the legal framework for two of the three categories of land in Tanzania: General Land and Reserved Land. The Forest Reserve along the right of way falls under the category of Reserved Land, while land in urban areas / small towns falls under the category of General Land (i.e., any land which does not fall under the category Reserved Land or Village Land). It provides the basic law in relation to the management of land, the settlement of disputes and related matters. It also stipulates requirements for land acquisition and takes precedence over many of the provisions of the Land Acquisition Act.

One of the fundamental principles of the Land Act is “to pay full, fair and prompt compensation to any person whose right of occupancy or recognized longstanding occupation or customary use of land is revoked”. Section 34(3) of the Act also requires the "prompt payment of full compensation for loss of any interests in land and any other losses that are incurred due to any move or any other interference with their occupation or use of land”.

The Act outlines the administrative framework for managing land, acknowledging the authority of the Commissioner for Lands as the principal administrative officer reporting to the Minister of Lands, and establishes Land Allocation Committees within Central, Urban and District government authorities. The Land Act states that local government authorities are not authorized to grant rights of occupancy but may make applications and recommendations to the Commissioner for approval.

#### **3.1.2.4 Village Land Act (1999)**

Most of the land to be acquired by the Project is classified as Village Land. The Village Land Act (1999) provides details on the governance and administration of Village Land. The purpose of the Act is to recognize and secure customary rights in land in rural communities. As such, the Act vests all village land in the Village Assembly, while the Village Council administers the land through the authority of the Village Assembly.

The Act provides for equal rights to access, use and control of land, recognizes, and protects the rights of women and vulnerable groups with respect to land access. It also includes information on application of the National Land Policy on Village Land, management and administration, dispute resolution and transfers of land. Under the Act, Village Land shall be divided into communal village land (Section 13), land that is occupied or used by an individual or family under customary rights of occupancy (Section 14) and land that may be available for communal or individual occupation and use through allocation by the Village Council. The Act also defines parties that can claim land under a customary or granted right of occupancy. Once allocated, those with customary rights of occupancy are entitled to receive full, fair, and prompt compensation from the loss or diminution of the value of the land and the buildings and other improvements on it.

#### **3.1.2.5 Urban Planning Act (2007)**

The Urban Planning Act (2007) aims to provide for the orderly and sustainable development of land in urban areas, to preserve and improve amenities, to provide for the grant of consent to develop land, and to provide powers of control over the use of land. Section 63 of the Act provides that “the value of any land within a planning area shall, for the purpose of determining the amount of compensation payable, be calculated in accordance with the provisions of the Land Act” (or Village Land Act).

#### **3.1.2.6 Land Use Planning Act (2007)**

The Land Use Planning Act (2007) builds on the fundamental principles of the National Land Policy and determines the procedures for the preparation, administration, and enforcement of land use plans in Tanzania. The Act guides all land use planning, determining roles and responsibilities for managing and financing at the various levels of government, along with outlining the conditions for the preparation and approval of plans. Any changes to land use planning need to adhere to the requirements set out in this Act.

#### **3.1.2.7 Environmental Management Act (2004)**

The Environmental Management Act (Cap. 191) (EMA) of 2004 is the principal legislation governing environmental management in the country. The Act provides the legal and institutional framework for environmental management in Tanzania and recognizes “the right of every citizen to a clean, safe and healthy environment, and the right of



access to environmental resources for recreational, educational, health, spiritual, cultural and economic purposes". The EMA links with the EIA and EA Regulation (2005) to detail requirements for EIA, along with monitoring requirements. The EMA specifies, "Environmental experts or firm of experts prepare a Monitoring Plan and Environmental and Social Management Plan with details about institutional responsibilities, monitoring framework, parameters, indicators for monitoring and costs of monitoring were appropriate".

The EMA identifies and outlines specific roles, responsibilities, and functions of various key players, comprised of:

- (i) National Advisory Committee
- (ii) Minister Responsible for Environment
- (iii) Director of Environment
- (iv) National Environment Management Council (NEMC)
- (v) Sector Ministries; Regional Secretariat; and
- (vi) Local Government Authorities (City, Municipal, District and Town Councils).

### **3.1.2.8 Forest Act (2002)**

The Forest Act (2002) provides for the management of forests to enhance the contribution of the forest sector to the development of Tanzania and the conservation and management of natural resources.

Section 18 of the Act states:

*...any proposed development in a forest reserve, private forest or sensitive forest area including watersheds, whether that development is proposed by, or is to be implemented by a person or organization in the public or private sector, the developer of the development shall prepare and submit to the Director an Environmental Impact Assessment of the proposed development.*

Section 49 of the Act outlines various permits that are required when certain activities are undertaken. These activities include

- (i) Those activities carried out in national and local authority forest reserves
- (ii) Felling or extraction of timber (for domestic use; export; mining purposes, or for prospecting and for exploitation of mineral resources)
- (iii) Gathering and picking parts or extracts of any protected plant for the purposes of research or the production manufacture of any medicine or product
- (iv) Erecting buildings or other structures
- (v) Constructing roads, bridges, paths, waterways, or runways
- (vi) Sowing, planting, or cultivating trees, crops, or other vegetative matter; and
- (vii) Entering to hunt or fish.

### **3.1.2.9 Graves Removal Act No.9 (1969)**

The Graves Removal Act (1969) (revised in 2002) describes the required procedures and authorities for removal of graves. Section 3 states,

*...where any land on which a grave is situated is required for a public purpose the Minister may cause such grave and any dead body buried therein to be removed from the land and, in such case, shall take all such steps as may be requisite or convenient for the re-instatement of the grave and the re-interment of the dead body in place approved by him for the purpose.*

### **3.1.3 Tanzania Regulatory Framework**

#### **The Land (Assessment of the Value of Land for Compensation) Regulations, (2001)**

These regulations provide guidance in determining compensation, providing the basis for assessment of the value of any land taking into consideration unexhausted improvements. Unexhausted improvements are defined under the Land Act, 1999 as:

Anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labor by an occupier or any person acting on his behalf and increasing the productive capacity, the utility, and the sustainability of its environmental quality and includes trees, standing crops and growing produce whether of an agricultural or horticultural nature.

These regulations state that, “the basis for assessment of the value of any land shall be the market value of such land”. Market value is arrived through the comparative assessment of recent sales of similar properties, or through assessment of income or replacement cost. The assessment of the value of land and any improvements must be undertaken by a Qualified Valuer and verified by the Chief Valuer of the Government. According to the Regulation, the following are eligible for compensation /resettlement:

- (i) Holder of right of occupancy
- (ii) Holder of customary right of occupancy whose land has been declared a hazard land
- (iii) Holder of customary land who is moved or relocated because his/her land is granted to another person
- (iv) Holder of land obtained because of disposition by a holder of granted or customary right of occupancy, but which is refused a right of occupancy; and
- (v) Urban or Peri-urban land acquired by the President.

Section 7 of these regulations states that compensation for land shall include the value of unexhausted improvement, disturbance allowance, transport allowance, accommodation allowance, and loss of profits. If the right holder does not agree with the amount or method of payment or is dissatisfied with the time taken to pay compensation, he/she may apply to the High Court. The High Court determines the amount and method of compensation payment and determines any additional costs for inconveniences incurred.

#### **3.1.3.1 Land (Compensation Claims) Regulations (2001)**

These regulations outline parties that can claim compensation for loss of land and defines the role of the Commissioner for Land in publishing a public notice notifying the land occupant of their right to claim compensation. Section 7 states that the Commissioner must also initiate the valuation process for compensation. Section 10 states that compensation can take two forms: monetary compensation; or at the option of the government, compensation shall form all or a combination of the following:

- (i) Plot of land of comparable quality, extent and productive potential to the land lost.
- (ii) Building or buildings of comparable quality, extent and use comparable to the building or buildings lost.
- (iii) Plants and seedlings; and
- (iv) Regular supplies of grain and other basic foodstuffs for a specified time.

### **3.1.3.2 Village Land Regulations (2001)**

The Village Land Act is implemented through the Village Land Regulations, which are divided into seven sections: Preliminary; Management and Administration; Compensation; Joint Management of Village Land; Register of Village Land; Adjudication; Miscellaneous. The compensation process outlined in Section 3 has the same principles as those set out under the Land (Assessment of the Value of Land for Compensation) Regulations. There is more detail in terms of claims for compensation, assistance to prepare claims and acceptance of claims as well as mediation on claims and forms of compensation (all contained within Sections 20 to 25 of the Regulations). Section 25 describes the forms that the claims may take.

### **3.1.3.3 EIA and EA Regulation (2005)**

The Environmental Impact Assessment and Audit Regulations (2005) were developed in accordance with the Environmental Management Act (2004). The regulations provide the basis for undertaking Environmental Impact Assessments and Environmental Audits for various types of development projects with significant environmental impacts.

The Fourth Schedule of Regulations provides steps that must be taken to conduct an EIA and Regulation 16 directs the EIA study to take into account environmental, social, cultural, economic and legal considerations as well as identify environmental impacts, analyze project alternatives, propose mitigation measures to be taken during and after implementation of the project and develop environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental performance which shall include the cost of mitigation measures and the time frame of implementing the measures. Section 22 specifically mentions resettlement and relocation of people and animals as activities that should undergo a mandatory environmental impact assessment (EIA).

Other regulations relevant to the project include.

- (i) The Railways (Safety standards of Infrastructure and Rolling stock) Regulations, 2018,
- (ii) Forest Regulations, 2004 (G.N. No. 153 of 2004),
- (iii) Water Resources Management Act, 2009 (No. 11 of 2009).

## **3.1.4 Valuation and Eligibility**

### **3.1.4.1 Valuation under Tanzanian Laws**

The requirements for valuation and compensation are detailed in the Land (Assessment of the Value of Land for Compensation) Regulations (2001) as per 2.4.2 above and the Village Land Regulations (2001), which provide the basis for assessment of the value of any land for the purposes of compensation. Valuation for the purposes of compensation must be based on market value, and must include the following:

Disturbance allowance, which is calculated by multiplying the value of the land by an average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land. All households that are physically and/or economically displaced are entitled to receive disturbance allowance.

Transport allowance is the actual cost of transporting twelve tones of luggage by road or rail whichever is cheaper up to 20 km from the point of displacement. This is applied in all instances where households are required to physically move away from their home.

Accommodation allowance is calculated by multiplying the monthly market rent for the acquired property by 36 months. This is to be included in compensation packages to enable households to rent property whilst they construct replacement housing and is applied in all instances where households are required to physically move away from their home.

Loss of profit for business carried out on the acquired property is assessed by calculating the net monthly profit evidenced by audited accounts where necessary and applicable, and multiplied by 36 months.

#### **3.1.4.2 Eligibility under Tanzanian Law**

Tanzanian law states that those with formal title to Customary Land (Customary Rights of Occupancy) and General Land (Granted Rights of Occupancy) are eligible for compensation for land and assets. Those who have no rights of occupancy are not eligible for compensation to land. This includes those with derivative rights (because of leasing land, sub-leasing, or a usufruct right) and those residing illegally on Reserved Land. Those with derivative rights only have rights to compensation for any improvements they may have made to this land including compensation for crops and other assets. Individuals residing on Reserved Land are not entitled to any compensation for land or for any improvements made to the land in accordance with Tanzanian law.

The project will further abide to WB ESS5 eligibility guideline which also recognizes those PAPs with no recognizable legal rights or claim to the land or asset they occupy or use. The affected person may be classified as; (a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law 14; or (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

The last day of the valuation, where all those affected have been assessed and their properties documented, is the last day on which people are legally eligible for claiming compensation. This is the date that no further development on the affected land or any further claims can be accepted.

In the Valuation and Valuers Registration Act No. 7 of 2016, Section 64 states that a cut-off date must be given to people affected by the project.

#### **3.1.4.3 Compensation under Tanzanian Law**

The steps for compensation are laid out in the Land Acquisition Act (1967) and the Land (Compensation Claims) Regulations (2001). Legally, the displacement and compensation process begin when land acquisition is announced

in the Government Gazette and ends when compensation is paid to those affected by displacement. The following steps are required prior to finalizing compensation:

**Publication of Notice:** The authorized officer shall publish on a public notice board and service notice to every occupier to inform them that the land is subject to compensation. The occupier of the land is then required to submit a claim for compensation and to appear at a certain date, time, and place where a valuation assessment will be performed.

**Valuation:** A valuation process will be performed to determine the level of compensation required

**Compensation Schedule:** A schedule of compensation will be submitted to the Land Compensation Fund together with all claims for compensation.

**Compensation Confirmation:** Within 30 days of receipt of the compensation schedule and claims, the Land Compensation Fund is obliged to accept or reject all compensation claims.

**Compensation Interest:** Interest upon any compensation will be paid when there is no prompt compensation paid. Prompt payment of compensation is considered to be payment of compensation within six months after the land has been officially acquired or revoked, at which time a “notice to yield possession” is published. Where compensation remains unpaid after six months of acquisition or revocation, interest on compensation is determined by the average rate of interest offered by commercial banks on fixed deposits.

## **3.2 World Bank policies relevant to Eligibility and Compensation**

### **3.2.1 Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts**

ESS1 sets out the Borrower’s responsibilities for assessing, managing, and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing (IPF), in order to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs).

ESS1 established the importance of: (a) the Borrower’s existing environmental and social framework in addressing the risks and impacts of the project; (b) an integrated environmental and social assessment to identify the risks and impacts of a project; (c) effective community engagement through disclosure of project-related information, consultation, and effective feedback; and (d) management of environmental and social risks and impacts by the Borrower throughout the project life cycle. The Bank requires that all environmental and social risks and impacts of the project be addressed as part of the environmental and social assessment conducted in accordance with ESS1.

### **3.2.2 Environmental and Social Standard 5 (ESS5): Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement**

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets, or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The applicability of ESS5 is established during the environmental and social assessment described in ESS1. This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation: (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law; (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures; (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project; (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date; (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible; (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas; (g) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

### **3.2.3 Environmental and Social Standard 10 (ESS10): Stakeholder Engagement and Information Disclosure**

This ESS recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

#### **Objectives**

- (i) To establish a systematic approach to stakeholder engagements that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, particularly the project-affected parties.
- (ii) To assess the level of stakeholder interest and support for the project and to enable stakeholders’ views to

be considered in project design and environmental and social performance.

- (iii) To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them.
- (iv) To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format.

### **3.3 Comparing Tanzania's Legal Framework to the World Bank Guidelines**

In Tanzania, the policies and laws governing land issues draw their guidance from the Country's Constitution (1977) and its amendments. The Constitution provides for the protection of the rights and interest of citizens in matters concerning their property and acquisition. Under article 24(1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub-article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.

The National Land Policy (1996) provides guidance and directives on land ownership and tenure rights and taking of land and other land-based assets. The policy stipulates organization and procedures for valuing assets and delivery of compensation. The overall aim is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for all citizens. The following are the basic land policy fundamental principles

- (i) All land in Tanzania is public land vested in the President as trustee on behalf of all citizens.
- (ii) Land has value.
- (iii) The rights and interest of citizens in land shall not be taken without due process of law; and
- (iv) Full, fair, and prompt compensation shall be paid when land is acquired.

As can be seen from the above assertions, the Laws on land acquisition and compensation in Tanzania are comprehensive, inclusive but differ in several ways and levels from the World Bank ESS5 as summarized in table 4-8 below: Generally, wherever a discrepancy exists between lender requirements stipulated in ESF and particularly ESS5 and national legislation, the stricter and rewarding in favor of the PAPs/PAHs will be used and/or applied.

Table 2: Comparison of Relevant Tanzanian Land Acquisition and Compensation Legislations and ESF ESS5

Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
Resettlement Plan Documentation	ESS5 requires preparation of RAPs where there is physical displacement and additional measures detailed in LRPs where there is project induced economic displacement with significant impacts on livelihoods or income generation	A project is required to undertake an EIA if it involves resettlement as a result of land development, land reclamation, housing and human settlements.	There is no requirement for preparing RAP under Tanzanian land acquisition laws.	TIRP II will prepare RAPs and LRPs (only if the project will result to land acquisition either permanent or temporary) as per the requirements stipulated in ESS5, for adequately and effectively delivery of compensation and other resettlement assistance to project PAPs/PAHs
Valuation of Land and other Assets	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower must offer affected persons compensation at replacement cost, not taking depreciation into account., as well as other assistance as necessary to help them improve or at least restore their pre-intervention standards of living and livelihoods.	A valuation assessment is performed to determine the level of compensation required based on market value taking into account depreciation. Additional benefits include a disturbance allowance, transport allowance, accommodation allowance, and loss of profit for businesses.	Tanzanian law adopts market value approach which allows for the depreciation of structures which adopts replacement value.	In addition to compensation, other benefits such as disturbance allowance, transport allowance, accommodation allowance, and loss of profit for businesses offset the difference between the replacement costs and depreciated replacement costs.



Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
Eligibility for Compensation	<p>Affected persons may be classified as into three categories:</p> <p>(a) Persons with formal legal rights to the land or assets they occupy or use;</p> <p>(b) Persons with no formal legal rights to land or assets, but have a claim to the land or assets they occupy or use that is recognized or recognizable under national law; and</p> <p>(c) Persons with no recognizable rights to land or assets they occupy or use.</p>	<p>Only people with recognized land use/owner rights (including customary) qualify for compensation.</p> <p>Informal occupiers do not qualify for compensation.</p>	<p>There is no gap between Tanzanian Law and ESS5 with regard to eligibility for compensation of persons with formal legal rights and those without formal legal rights but with a claim to land under customary practices. ESS5, however, has stronger protections for informal residents and land users than does Tanzanian Law.</p>	<p>Under this project, all eligible owners of land will be eligible for compensation. PAPs encroaching land will also be eligible for compensation for development on encroached land (as well as livelihood restoration) but not for the affected land itself. Affected tenants in crops production will be compensated for their crops. Affected tenants in rental housing will not be eligible for compensation but are eligible for livelihood assistance of accommodation allowance for three months.</p>
Compensation Payment options	<p>For project induced physical displacements, Compensation In kind should be considered in lieu of cash. Cash compensation for land-based livelihoods is considered appropriate where the land taken is a small fraction of the affected asset and the residual land is economically viable;</p> <ul style="list-style-type: none"> <li>• Otherwise, ESS5 in</li> </ul>	<p>Provision of replacement land generally not offered. The Land (Compensation Claims) Regulation, 2010 allow provision of comparable plot of land or building (s); But practice generally is cash payment Range of support allowances including</p>	<p>There is a gap between ESS5 and Tanzania legislation with respect to effecting compensation and benefits for affected persons</p>	<p>TIRP II will follow the guidelines stipulated in ESS5</p>

Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
	<p>paragraph 28 requires the PAPs/PAHs to be given choice of replacement land/ property or cash or combination; and</p> <ul style="list-style-type: none"> <li>Relocation support allowances such as for: disturbance, vulnerability, transportation and temporary accommodation.</li> </ul>	disturbance, transport and accommodation allowances and loss of profits.		
Loss of Profits	ESS5 requires payment of lost profits for businesses as transitional support, in cases where land acquisition or restrictions on land use affect commercial enterprises regardless of size and whether licensed or unlicensed.	According to the Land Assessment of the value of Land for Compensation) Regulations, 2001, as well as the Village Land Regulations, 2001, compensation for loss of any interest land shall include loss of profits.	Tanzanian regulations provide for income restoration allowances where the PAPs have incurred losses of business income. This has not, however, been applied in practice.	Under TIRP II, Compensation for the lost income and profits will be paid as per ESS5.
Consideration of Vulnerable Individuals and Groups	Additional attention and support measures to vulnerable groups are prerequisite	No special support directed by relevant legislation for vulnerable groups	There are no provisions requiring government to pay special attention to vulnerable groups or indigenous peoples.	Vulnerable individuals and groups identified through Socio-economic survey will be provided with special assistance as per ESS5
Land Acquisition, Restrictions on Land Use and	ESS5 Requires Borrowers to:  (i) Avoid or minimize involuntary resettlement by exploring project design	Land Acquisition Act No. 47 (1967) Provides for the following:	Currently in Tanzania there is no specific-resettlement policy itemizing	TIRP II will apply provisions of National and ESS5 to prepare and implement RAPs/LRPs

Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
Involuntary Resettlement	<p>alternatives</p> <p>(ii) Avoid forced eviction</p> <p>(iii) Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use through timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods.</p>	<ul style="list-style-type: none"> <li>▪ Minister responsible for land to authorize any person to enter upon the land and survey the land to determine its suitability for a public purpose.</li> <li>▪ The Government of Tanzania is supposed to pay compensation to any person who suffers damage as a result of any action.</li> </ul>	<p>procedures and processes to prevent PAPs from being left worse off by a project.</p>	
Grievance Handling Procedures	<p>A project grievance mechanism must be in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by the displaced persons (or others) in a timely manner.</p>	<p>Under s.13 of the <i>Land Acquisition Act, 1967</i>, if dispute or disagreement regarding the below-listed below is not settled by the concerned parties within six weeks of the date of publication of the expropriation notice, the Minister or person holding claim in the land may institute a suit in the high court of Tanzania for the determination of the dispute.</p>	<p>Tanzanian Law does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement operations.</p> <p>Tanzania has a well-established and accessible local grievance redress mechanism through existing systems and structures.</p>	<p>GRMs will be set up for this project in line with World Bank ESS5 guidelines, and particularly the need for timely response and resolution, which the six-week timeframe in Tanzanian Law could jeopardize.</p>

Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
Stakeholder engagement and information disclosure	<p>Affected persons, host communities and local governments must be consulted.</p> <p>In the case of historically marginalized groups, the provisions on consultation under ESS7 also apply.</p>	<p>The Valuation Registration Act of 2016, Land Act of 1999 and its Regulation of 2001 provides for stakeholders engagement and information disclosure on valuation exercise and process prior to execution of the projects</p>	<p>There is no significant gap with regards to stakeholder engagement and information disclosure, but Tanzanian practice has cannot match the intensity and scale required under ESS5.</p>	<p>TIRP II will include continuous consultations with PAPs and their local during RAP preparation, disclosure, and implementation. Consultations will ensure equitable gender representation and vulnerable group’s considerations as stipulated in ESS5.</p>
Timing of Compensation Payments	<p>Payment prior to possession of land</p>	<p>Valuation valid for a 2-year period but payment within 6 months of approval of Valuation Report by Chief Valuer, and if payment delayed it is subject to interest.</p>	<p>Absence of upfront payment conditions for compensation amount in Tanzania legislation, adversely affect the PAPs, particularly vulnerable groups who will struggle to sufficiently prepare to take advantage of available alternatives</p>	<p>Under TIRP II, all provision of compensation and other assistance associated with relocation activities are paid before project implementations as detailed in paragraph 15 of ESS5</p>
Livelihood Restoration	<p>Requires livelihood restoration support.</p>	<p>Does not generally require livelihood restoration support. Regulations allow</p>	<p>There is a significant gap between ESS5 and Tanzania</p>	<p>TIRP II will follow the requirements on additional measures relating to livelihood</p>

Aspect	World Bank ESS5	Tanzanian Land Acquisition Legislation	Gaps	Gap bridging measures
		that compensation can include: plants and seedlings; regular supplies of grain and other basic foodstuffs for a specified period.	legislative framework relevant to project related displacement impacts	improvement or restoration stipulated in ESS5 for projects components involving economic displacement with significant impacts on livelihoods or income generation

### 3.4 Institutional Arrangements for Land Administration and Compensation

Land matters in Tanzania are the responsibility of the Ministry of Lands, Housing and Human Settlements Development (MLHSD) in collaboration with the local authorities. This RPF elaborates on the main actors relevant to land acquisition and compensation issues in Tanzania, as described below.

#### 3.4.1 Ministry of Lands, Housing and Human Settlement Development (MLHSD)

The Ministry of Housing and Human Settlement Development is responsible for policy, regulation, and coordination of matters pertaining to land in Tanzania and administers the various land acts (i.e., the Land Acquisition Act, Land Act, and Village Land Act). Within this Ministry, the Commissioner for Lands administers most issues dealing with land allocation, acquisition, and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner.

With respect to TIRP II, MLHSD will also have an oversight and approval role for:

- Review and verification of the valuation rates, process and Valuation Reports, including the compensation schedules, through the Office of the Chief Valuer;
- Regulation and oversight of the land acquisition process, including ensuring compensation is paid or resettlement undertaken as agreed in the approved Valuation Reports; and
- Ensuring that the amount of compensation paid to Project-affected persons (PAPs) is equivalent to the value of affected properties, and signing off valuation reports prepared by registered valuers to verify that the entitlements comply with Tanzanian laws governing land acquisition, resettlement and compensation.

### **3.4.2 Ministry of Works & Transport**

This Ministry generally which oversees the development and maintenance of roads, bridges and government property. The Ministry will provide the oversight role in instigating, coordinating and managing Government responses to the TIRP II Project and, in cooperation with the TRC within the Ministry, provide guidance on RoW and related infrastructure management during construction, supporting associated development, Project-related economic development, as well as land acquisition, resettlement and compensation matters.

### **3.4.3 Chief Government Valuer**

Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 6) requires that every assessment of the value of land and unexhausted improvement must be verified and endorsed by the Chief of the Government or Representative for roads and airports sub projects.

### **3.4.4 Local Government Authorities**

Local Government in Tanzania are responsible, among other things, for Community Development (community mobilization, communication, and awareness raising); Land Tribunals (at the District and Ward levels) handling and resolving land-related disputes and grievances; and providing multi sectorial technical support to community. Therefore, the Local Government Authority (Region, district, and ward level) under the TIRP II will have various roles and responsibilities of ensuring the implementation of RAP

## **3.5 Resettlement Planning**

The fundamental principle regarding resettlement implementation is that no project works will take place before respective compensation has been effected. Before any project activity is implemented, people who are affected and have been determined to be entitled to compensation will need to be compensated in accordance with the policy and the resettlement policy framework. For sub projects involving land acquisition, restriction on land use, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For sub projects requiring relocation or loss of shelter, the ESF policy further requires that measures to assist the displaced persons be implemented in accordance with the sub project's resettlement plan of action.

It is thus critical to ensure that the RAP implementation timeline is well harmonized with that of the broader subproject. It is also critical to ensure that key preliminary activities, such as the setting up of any relevant district-level committees and the hiring of any needed NGOs and consultants, be undertaken in a timely manner prior to start of RAP implementation. Key RAP implementation activities include:

- 1) Start of prior, informed, and meaningful consultation with PAPs;
- 2) Screening of projects by PIT to establish resettlement needs;

- 3) Selection/contracting of RAP preparation consultant;
- 4) Establishment of Grievance Redress Mechanism (GRM);
- 5) Initial identification of PAPs and inventory of assets;
- 6) Census of PAPs and socio-economic baseline survey
- 7) Establishment and communication of cut-off date for eligibility;
- 8) Valuation of affected properties;
- 9) Development of a database of PAPs and entitlements for each;
- 10) Preparation of the RAP report, formal reviews, and approval by PIU/PIT;
- 11) Disclosure of RAP;
- 12) Verification of PAPs, entitlements, and disclosure;
- 13) Opening of bank account;
- 14) Payment of compensation and delivery of other entitlements;
- 15) Payment, within six (6) months after approval, by the Chief Government Valuer;
- 16) Delivery of relocation notes (i.e., written notice of the clearing of acquired sites on a specified date) on effectuation of payment;
- 17) Removal of all affected structures at fixed date (advised at the time of compensation payment) provided in writing
- 18) Monitoring (throughout the process) and evaluation (after its close); and
- 19) Preparation of RAP Implementation Completion Report

## Chapter 4: Principles, eligibility and entitlements

The Implementation activities of some TIRP II components and subcomponents may result in the acquisition of land, loss of access, and loss of property, all of which may cause involuntary resettlement, affecting persons living on or cultivating that land, and/or who have buildings or other structures or who may engage in other forms of land use, such as of water resources, animal grazing, spiritual needs, recreation, and other activities that may no longer be possible during and after project implementation.

Detailed social and environmental risks and impacts conducted to identify, quantify, and classify the risks and impacts as per the requirements and timeframes directed under ESS1 have indicated that most subprojects under TIRP II will likely fall under Substantial Risk, Moderate Risk and Low Risk subprojects and will therefore be implemented in accordance with applicable Tanzania laws and any requirement of the ESSs that the Bank deems relevant to such subprojects. Major sub activities of TIRP II which may trigger ESS5 are as summarized in table below



Table 3: Indicative identified sub-projects and their potential land acquisition, restriction on land use and involuntary resettlement risks and Impacts

Sub-component	Activity	Requirement(s)	Associated immediate Output and Outcomes	
<ul style="list-style-type: none"> <li>• Refurbishment</li> <li>• Track rehabilitation</li> <li>• Formation improvement</li> <li>• Drainage, Protection Works, and River Training</li> </ul>	<ul style="list-style-type: none"> <li>• Replenishment of ballast</li> <li>• Complete track renewal (CTR)</li> <li>• Formation repair and strengthening</li> <li>• Dressing of formation</li> <li>• formation widened to a minimum width of 4.572 meters</li> <li>• Construction and repair of side drains</li> </ul>	<ul style="list-style-type: none"> <li>• Enough/Extra ballast nearby</li> <li>• Raised embankment to 5m</li> <li>• Dismantling, Removal and Reinstallation of Track</li> <li>• Raised embankment to 5m</li> <li>• Widened formation to more than 4.5m</li> <li>• Contractor is to open and reconstruct (as needed) blocked catch water and side drains</li> </ul>	<ul style="list-style-type: none"> <li>• Ballast deposited on farms, public pathways</li> <li>• Blockage of water ways</li> <li>• Released materials placed on pathways</li> <li>• Solid waste generation including old rails and sleepers</li> <li>• Dust and exhaust emissions</li> <li>• Impact on floodplains</li> </ul>	<ul style="list-style-type: none"> <li>• Access to irrigation water</li> <li>• Flooding/submerged crops (rear side)</li> <li>• Increased soil erosion</li> <li>• Liquid waste generation</li> <li>• Risk of accidents and injuries to workers</li> <li>• Risk of transmission of STDs</li> <li>• Displacement of people and loss of properties</li> <li>• Soil pollution</li> <li>• Air pollution</li> </ul>
Level Road Crossings	<ul style="list-style-type: none"> <li>• Base Construction/ Maintenance works</li> <li>• Construction of approach road(6m)</li> <li>• Safety features improvement</li> </ul>	<ul style="list-style-type: none"> <li>• At least 24 hours for mortar curing</li> <li>• Erecting warning boards and Chain-link fences</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of long tailbacks</li> <li>• Complete blockage of passage</li> </ul>	<ul style="list-style-type: none"> <li>• Interruption of movements or temporary inaccessibility to social services, farm/livestock production</li> <li>• Reduced playing areas for kids</li> </ul>

Sub-component	Activity	Requirement(s)	Associated immediate Output and Outcomes	
Vegetation control	<ul style="list-style-type: none"> <li>Bush clearing within 30m</li> </ul>	<ul style="list-style-type: none"> <li>All trees within the Railway Reserve shall be brought within Standard dimensions either by removal or pollarding.</li> </ul>	Land left bare	<ul style="list-style-type: none"> <li>Possible removal of harbor for beekeepers, soil erosion due to exposed surface</li> <li>Disturbance to wild fauna &amp; Flora</li> <li>Increased input of sediment into waterways</li> </ul>
New bridges construction Bridges construction and riverbed training	<ul style="list-style-type: none"> <li>Excavation and Preparation of Riverbed for Riprap and Gabions</li> <li>Dewatering</li> <li>Excavation for Concrete Culverts</li> <li>Repair of Concrete Bridge Seats</li> <li>New Concrete Bridge Seats</li> <li>Repairs to Scoured Abutment Footings</li> </ul>	<ul style="list-style-type: none"> <li>Excavation of soft material up to depth of 2.0m including disposal of excess material</li> <li>Removal of loose, soft, and disintegrated concrete from bridge seat area and reinforced done</li> <li>Constructing trenches around the outside perimeter</li> <li>Pumping water at least 25m from the edge of a watercourse</li> <li>Removal of excavated materials</li> </ul>	<ul style="list-style-type: none"> <li>Diversion of water into farmlands</li> <li>Disposal of excess excavation material on farmlands</li> <li>Waiting time for construction</li> <li>Waiting time for grout mortar curing(drying)</li> <li>Unused excavated Material Placed in unsuitable areas such as farmlands, public pathways</li> </ul>	<ul style="list-style-type: none"> <li>Destruction of crops</li> <li>Restricted access or crossing for livestock using underpass</li> <li>Restriction of motorcycles</li> <li>Restriction of farmers, school pupils, local communities from one side of the railway to another</li> <li>Water pollution, and local inundation</li> <li>Sight impended, movements restricted, crops damaged, farm made inaccessible for planting</li> </ul>

The World Bank's ESS5 requires that affected persons be compensated for any loss of land, property or access, either in kind or in cash, the former being preferred. TRC, as the project executing agency, is obliged to ensure compensation all affected individuals or groups who are eligible under the Standard.

The principles listed below should be taken into account whenever communities living in the areas proposed for TIRP II may be impacted by the implementation of project activities, whether permanently or temporarily:

- Resettlement planning and implementation, including compensation of PAPs, will be undertaken with continuous and meaningful consultation throughout the process;
- PAPs will be informed on their rights and resettlement options, and the grievance mechanisms available to them;
- Displacement of people, property and livelihoods is to be minimized as much as possible, by employing alternative such as alternative designs of project infrastructure in such a manner so as to minimize the need to acquire land and property, and to cause as little disturbance and disruption as possible;
- All possible means will be used to ensure that no people are harmed in any way by construction activities and project outcomes;
- PAPs who meet agreed eligibility criteria will be entitled to compensation and relocation measures.
- Compensation, resettlement/relocation and rehabilitation measures will be as fair to all parties concerned;
- Compensation, resettlement/relocation and rehabilitation entitlements will be provided in accordance with Tanzanian law and procedures, and include additional measures to meet World Bank ESS 5 requirements where appropriate;
- Where compensation in cash it will be provided at full replacement cost which to achieve full restoration;
- Specific and additional assistance will be provided for particularly vulnerable people, and
- Prior to any impacts on PAPs or the start of any pre-construction and construction work individual RAPs must be implemented.

Resettlement and entitlement framework is a major integrated part of any resettlement plan document. It provides the bases of calculations of costs of impacted properties and sources of earnings lost to people affected by the project in the process of planning for any infrastructure development. It also puts forward the premises of formalizing eligibilities of affected persons in receiving compensation for the loss of their

properties and earnings and also other resettlement and rehabilitation assistances being packaged for the beneficiaries through the project provisions. This is important for implementing the current RAP.

#### 4.1 Categories of PAP and associated impacts

A Project Affected Person (PAP) is defined here as any person whose land and any other property has been lost due to the project implementation. The perspective of the word PAP mentioned above will embrace the criteria for eligibility for compensation, resettlement assistances and other measures, emanating from consultations with affected communities and their leaders.

PAPs are those who have been directly affected, socially and/or economically, by project activities. This includes individuals and institutions with various interests in land within the project RoW. The majority of these are asset owners with temporary or permanent structures or farms who will be affected by the loss of these structures and any related economic earnings.

Eligible types of PAP include:

**Property owners**, or individuals or institutions who suffer loss of assets, such as investments in land, property and/or access to natural and/or economic resources as a result of project activities, these are owners of land or structures used for business, residential or other purposes with formal ownership

**Tenants** these are persons who do not own property but rent a house, premises or land.

**Semi-stationary vendors** are small-scale traders who sell diverse goods along the existing road. They generally have no structures and do not own land. They include both women and men of various ages. Some of goods they sell are perishable items (i.e., food stuffs), while other goods are more durable (e.g., charcoal, firewood, and processed or semi-processed items). These are generally displayed on mats on the ground or on tables. Sometimes these informal vendors can have *employees*.

**Mobile vendors** are vendors who move from one market place to another, generally on a routine and rotational basis. They generally do not own land or structures likely to be affected by the project and in most cases can temporarily relocate from the road reserve and continue their work at alternate sites nearby. Their incomes are thus unlikely to be affected by the proposed works.

**Informal transporters** are private motorbike operators who commonly park at informally-established points along the road.

**Encroachers and other informal occupants or users**, or persons who do not own the land they occupy or use for residential, commercial or other purposes but have encroached land owned by another person or Institution. These are persons who live peripheral of the roads and airports.

**Squatters** or persons who have settled in areas which have not surveyed but can have legal rights with no legal right or claim to the land. These are persons who decide to settle at areas which have not surveyed.

**Affected Local Communities** or communities whose physical or socio-economic conditions, social-cultural relationships or social cohesion are affected by project activities.

**Vulnerable groups**, such as widows, single mothers, child-headed households, handicapped people, HIV/AIDS victims, and the elderly persons as they require special assistance to cope with the impacts. This category of vulnerable people will be explicitly identified in the census and the details of their social economic condition be captured as they require special or supplementary measures to be taken to attend to their particular needs.

**Note:** During RAP preparation, all of these informal economic actors will be identified by the census and included socio-economic studies, consultation process, and monitoring and evaluation process. Wherever possible, alternative designs and implementation strategies will be considered to avoid any permanent or temporary impacts on their activities and incomes.

### **Gender Considerations**

There are special risks associated with Gender and resettlement that should be taken into account in the development and implementation of mitigation measures and other aspects of the resettlement process. These include the risk of:

- 1) being excluded from consultation processes, otherwise inhibited from expressing themselves freely in front of men, and not equitably represented in decision-making;
- 2) being excluded from consideration for compensation where married (in some local cultures, women do not have the right to own land and can thus be excluded from being signatories to compensation agreements, even where they are the de facto head of household, with the compensation going exclusively to the man);
- 3) in the case of polygamist families, not receiving an equal share of the compensation distributed among wives;
- 4) being abandoned once the male household head has received compensation (with the men marrying new wives on receiving the compensation or simply spending it themselves;
- 5) where they do receive compensation, being subject to threats, coercion and even violence from men; and
- 6) Being excluded from the development and/or implementation of livelihood restoration activities.

TRC has prepared a SEA/SH Prevention and Response Plan that contain adequate strategies and support mechanisms to mitigate the risk of and respond to allegations of gender-based violence (GBV), including sexual exploitation and abuse and sexual harassment (SEA/SH) under this project. Proposed mitigation measures include:

- 1) Capacity building for the PIU and other key project actors (such as the RAP GHCs) on GBV issues of prevention and response;
- 2) Measures to ensure maximum transparency among all family and household members in RAP implementation;

- 3) Disclosure of compensation amounts and packages to male and female members of each household;
- 4) Encouragement of in-kind compensation for households with indications of GBV; and
- 5) Built-in mechanisms to the project GRM to ensure safe and anonymous reporting of GVB.

The project Gender Focal Person will work in collaboration with the project Gender Specialist from engaged NGOs who will be hired as an individual consultant to guide project implementation.

## 4.2 Types of Losses

Any loss of property that may lead to loss of livelihood, assets (both material and social) and activities required for income or livelihood generation. Some TIRP II sub-projects, for example, may have impacts on markets and small businesses in Peri-urban and urban areas traversed by the existing railway line or shifted railway track during implementation of Component 2 of the project. A livelihood may be considered “sustainable” where it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets in both the present and future, while not undermining its natural resource base. Project implementation may affect properties/assets as indicated in Table 4.

*Table 4. Expected Resettlement Impacts under the TIRP II*

Asset(s)	Impact(s)
Residential Structures	Permanent loss of structure/loss of accommodations/physical relocation
Residential-commercial structures	Loss of structures that combine both residential and commercial activities, such as residential tenants and shops
Commercial structures	Loss of structures used for business especially retail shops and local brew bars
Annual and Perennial crops and trees	Including timber and fruit trees, different maturity levels, temporary loss of food sources and/or income or profits while reestablishing former activities
Annexed Structures	Structures the impacts on which do not affect the main structures (i.e., security fences)
Public structures	Structures that are publicly owned (i.e., government amenities, religious buildings, etc.)
Communal assets	Assets that may be under the ownership of Local Government Authority, village, parasternal, etc. such as well and grazing land

Asset(s)	Impact(s)
Graves, archeological structures and cultural shrines, etc.	Graves, archeological sites, and cultural shrines located within the RoW
Businesses	Business whose structures, activities, and access may be affected
Utilities	Construction leading to relocation of utilities, such as water pipes, electric poles. Telecommunications infrastructure, etc.
Incomes and livelihoods	Loss of income or access to income or to livelihoods or access to livelihoods

The predominant form of tenure/ ownership land and other assets which can potentially be negatively impacted by TIRP II are personal/ individual ownership accounting for about 67.9% of the surveyed households. An individual who suffers loss of assets or investments, land, and property and/or access to natural and/or economical resources as a result of the sub-projects and to whom compensation is due. For example, an affected individual is a person who farms, or who has built a structure on land that is now required by a sub project for purposes other than farming or residence by the initial individuals.

Another form of existing land tenure in the surveyed strata of project areas is co-ownership which is basically family or household ownership constituting about 22.9%. Due to the nature of the existing family set up with high number of interdependence (extended families), with household members mainly between 4-6, most impacts affecting individual owners will also be affecting the households either directly or indirectly. A household is affected if one or more of its members is affected by project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. These cover:

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

Another land and assets ownership type likely to be impacted by project related resettlement is rented lands or buildings, mainly for residence and or small businesses, comprising about 9.2% of the surveyed households in the project area.

Vulnerable households including unmarried, poor women, disabled (unable to work), elderly, persons with chronic or long-term illness and orphans might also be differently impacted if land acquisition, restriction on land use and involuntary relocation becomes unavoidable. The project will make commensurate efforts to avoid relocation related impacts to vulnerable groups from the design stage and execute timely, full compensation and assistance appropriate to each category of vulnerable person or household according to the nature of the economic loss suffered by loss of access to or use of the land acquired by the sub-project.

Another important category is Local Communities (Villages, Wards, Divisions, and Districts etc.); institutions such as schools, religious societies, civil society organizations (CSOs), etc., permanently losing land and/or access to assets on under customary rights will be eligible for compensation. With patches of areas like Kilosa, Itigi where the potential PAPs might all be pastoralists, most of the immediate local people along the MGR corridor consulted during stakeholder consultation indicated that they are agro-pastoralists, i.e., they fall into more than one eligibility category (e.g., restriction for access to natural resources, for land, house and/or crops). Specific criteria for eligibility and entitlement for displaced persons are summarized in table 13-24 below. The socio-economic and asset valuation surveys if required to be undertaken as part of detailed resettlement planning will be used to determine the eligibility categories that apply to each identified PAP

The detailed and up-to-date compensation eligibility matrix will also be prepared in line with ESS5 and in consultation with the Valuation and Valuers registration regulation, 2018 which provides; Manner of assessing crop value rates and preparation of crop value schedules [Section 52 (1)], Manner of assessing land value rates and preparation of land values schedules [Section 53 (1)], and description of legally identified the compensable items which shall include land and all unexhausted improvements permanently affixed to land(Section 54). These schedules are subject to periodic review (usually three years), and the indicative matrix summarized in table 13-24 below shall be updated if the AP census and detailed final engineering of a subproject identifies either new categories of APs or types of losses that have not been included in the Entitlement Matrix, such new categories and types will be included in the resettlement plan and TRC will revise the project's resettlement framework accordingly.

The data collected during the Census survey and baseline socioeconomic studies conducted as part of detailed ESIA will constitute the formal basis for determining AP entitlements and levels of compensation, where a detailed compensation entitlement matrix will be prepared showing what Land and assets owners, renters/ tenants of houses and/or land, encroachers and other categories deemed compensable will be paid or supported for.

### **4.3 Eligibility**

Eligible individuals are persons who are directly affected socially and economically by TIRP II project. Eligibility, for the purposes of this RPF, is defined as entitlement to compensation and assistance granted to persons, families, or institutions due to subjection to displacement resulting from land acquisition, the revocation of rights, and/or the compulsory acquisition of property as a direct result of the project. In accordance with ESS5, the project will divide eligible persons into three categories:

- (a) Persons with formal legal rights to the land or assets they occupy or use;



(b) Persons with no formal legal rights to land or assets, but have a claim to the land or assets they occupy or use that is recognized or recognizable under Tanzanian Law; and

(c) Persons with no recognizable rights to land or assets they occupy or use.

Eligibility for compensation will be limited by a cut-off date to be set for each subproject. PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice requested to vacate the premises and dismantle affected structures prior to the start of works, their dismantled structures and assets will not be confiscated, and they will not be subject to any fines or sanctions.

Note: The cut-off date is the date of commencement of the census of PAPs within the related subproject area. This is the date after which any person whose land is occupied under the project will no longer be eligible for compensation

#### **4.4 Entitlements**

The entitlements of eligible PAPs according to each category of impact are summarized in the table below:

Table 5: Entitlement Matrix for TIRP II Subprojects

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
<b>1. LOSS OF LAND</b>				
Loss of residential or commercial non-arable land or agricultural land	Permanent (complete or partial) loss land	Individuals with formal legal ownership rights to land  (recognized owners) including those with legal rights and recognizable claims	Cash compensation at replacement cost of affected land, to be determined based on the legal requirement and land value rates by use and location.  OR  In-kind provision of alternative land of equal size and utility, with similar or improved public infrastructure facilities and services and, if possible, located in the same area as the affected land, plus the cost of any registration and transfer taxes.  ▪ Disturbance allowance of 8% of the value of the affected land.	<ul style="list-style-type: none"> <li>• Consultations and formal agreements with PAPs on the type of compensation (cash or in-kind) to be provided.</li> <li>• The project will further bear the cost of any registration and transfer taxes as well as of any labor invested in the preparation of the replacement land.</li> </ul>
		Individuals who do not have ownership rights to land but use or reside on it (encroachers, tenants farmers, and renters)	No cash compensation where there are developments (e.g., structures) on the land, cash compensation at replacement cost for the materials used to rebuild or partially repair them.  Disturbance allowance in the amount of 8% of the affected structures/crops.	
<b>2. LOSS OF STRUCTURES</b>				
Loss of structures or access to them	Permanent loss of main dwelling houses	Individuals who have formal legal ownership rights to the structures	Cash Compensation: a) Cash compensation at replacement cost; b) Disturbance allowance (8%); c) Accommodation allowance (for 36 months) equal to the rental rates for a house of similar location	Full loss of a house is calculated when one of the following occurs: a) The entire house is subject to demolition; b) The proportion of the impacted

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
			and attributes; d) Cost of any registration and transfer taxes; e) Disturbance allowance up to 8% of the value of the affected house; f) Transport allowance to relocate the materials and equipment; and g) Right to salvage existing materials. OR In-kind compensation where PAP will receive structure and land from the project and not land	area is more 30% of the total; For permanent full loss of dwellings, PAPs will be provided with the option of in-kind replacement and/or assistance in moving to a house on the open market. For permanent partial loss, the affected person will have a choice between cash and rebuilding in situ of the affected structures, with rebuilding as the preferred option.
		Tenant with proof of tenancy in a main dwelling house	a) Reimbursement for unexpired tenancy/lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (borne by the landlord). b) Transport allowance to move 20 tons load up to 20 km. c) Accommodation allowance equivalent to 3 months' disruption.	Proof of a formal rental agreement must be provided. This amount will be deducted from the compensation for loss of profits to be paid to landowners. Consultations will be held to encourage landlords to give their consent to this.
Permanent loss of business or commercial structure		Individuals who have formal legal ownership rights to the structures	a) Cash Compensation <ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost;</li> <li>▪ Disturbance allowance of up to 8% of the value of the affected house;</li> <li>▪ Cost of transporting building materials to the construction site;</li> </ul>	<ul style="list-style-type: none"> <li>• Full loss of a house is calculated when the one of the following occurs:               <ul style="list-style-type: none"> <li>- The entire house is subject to demolition;</li> <li>- The proportion of the impacted area is more 30% of the total;</li> </ul> </li> </ul>

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
			<ul style="list-style-type: none"> <li>▪ Cost of any registration and transfer taxes;</li> <li>▪ Allowance for loss of profit per month for 36months and</li> <li>▪ Right to salvage existing materials.</li> </ul>	<ul style="list-style-type: none"> <li>- The main features of the house (i.e., soak tank, toilet, and kitchen) are subject to demolition.</li> <li>▪ Given that business profit margins vary according to location and time; the RAP developer will record the necessary information during RAP preparation.</li> <li>▪ Proof of accrued monthly profits (through tax and business licenses) must be provided.</li> </ul>
		Tenants with proof of tenancy not in house but business	<ul style="list-style-type: none"> <li>a) Reimbursement for the unexpired tenancy/lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (by the landlord).</li> <li>b) Transport allowance (to be established by subproject)</li> <li>c) Allowance for loss of profit per month (between 1 and 3 months, according to type of structure and nature of business), with amounts quoted separately for each business category and computed in Tanzanian shillings.</li> </ul>	<p>Proof of a formal rental agreement must be provided.</p> <p><u>Note:</u> Consultations will be held to encourage landlords to give their consent that the amount be deducted from the compensation for loss of profits to be paid them.</p> <p><u>Note:</u> PAPs relocating farther than 20 km will not be entitled to this amount but the project will consider payment of a transport allowance not exceeding 5% of the compensation amount for the structure.</p>

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
	Public structures (DART, Schools, hospitals, etc.)	Government Officials, Community members	a) Full replacement of affected structures b) Cost of transporting equipment, etc.	<ul style="list-style-type: none"> <li>• PO-RALG to hire a contractor for construction of replacement structures and procurement of the fixtures, etc.</li> </ul>
<b>3. STANDING CROPS, TREES AND PLANTS</b>				
Loss of standing crops, trees, or plants  or access to them	Permanent loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are planted	Cash compensation for loss of crops, trees, and plants at replacement cost: a) Disturbance allowance in the amount of 8% of the total value of the crops; b) Right to collect trees, crops, and other products; and c) Reimbursement for unexpired rental period and amount of the deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation.	<ul style="list-style-type: none"> <li>▪ A comparative list of the prices of agricultural products in local markets.</li> <li>▪ The valuation of perennial crops will be based on the product of their average yield (kg/tree/year).</li> <li>▪ Valuation will be based on the product of yield, period between planting and bearing of fruits, and market price.</li> <li>▪ Sub-project activities will take into consideration cropping patterns and seasons to avoid partial or complete loss where possible.</li> </ul>
		Farmers or individuals who do have formal legal USER rights to land on which the crops are planted but have temporary or leasing rights (renters)	a) Cash compensation for loss of crops, trees, and plants at replacement cost; b) Disturbance allowance in the amount of 8% of the total value of the crops; and c) Right to collect the trees, crops, and other products. d) Reimbursement for any unexpired rental period and the amount of deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation.	

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
		Farmers or individuals who cultivate the land and who have no formal legal ownership rights to the land on which the crops are planted (encroachers)	a) Cash compensation for loss of crops, trees, and plants at replacement cost; b) Disturbance allowance equal to 8% of the total value of the crops; and c) Right to collect trees, crops, and other products.	
<b>4. Loss of Sources of Livelihoods, Intrinsic Values (Location Convenience, Connectivity to Commercial/Business/ Industrial Areas)</b>				
Loss of business income	Permanent/temporary loss of profits	Registered/licensed Traders (owners) /services providers of formal registered/licensed businesses	Cash compensation: <ul style="list-style-type: none"> <li>▪ The net monthly profit of the business shall be replaced for 36 months to cover the transition period and relocation.</li> <li>• Transport/moving allowance to be calculated based on Tanzanian Law.</li> </ul> OR In-kind compensation: <ul style="list-style-type: none"> <li>• Provide tax and tenancy holidays for a specified period to be equivalent to the calculated loss of profit.</li> <li>• In-kind provision of new business space (temporary or permanent).</li> <li>• Provided in-kind transportation.</li> </ul>	Payable loss of profit will be calculated based on evidence obtained through audited accounts (i.e., Loss Profit = Net profit/p.m. x 36 months).
Semi-stationary	Loss of income from vending	Small-scale traders with minor	<ul style="list-style-type: none"> <li>• Allowed to return to their original locations to the extent possible in the case of temporary disruption</li> </ul>	<ul style="list-style-type: none"> <li>• Identified in the census and included socio-economic studies,</li> </ul>

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
vendors	activities	structures who operate within the RoW	<p>to their professional activities.</p> <ul style="list-style-type: none"> <li>• Access to suitable nearby alternative temporary locations where necessary.</li> <li>• Provision of transport allowance and moving assistance to cover any additional costs of transporting their goods, structures and assets.</li> <li>• Access to suitable nearby alternative permanent sites where necessary.</li> <li>• Compensation (whether in cash or in-kind) for any affected permanent or temporary structures and allowed to recover their materials.</li> <li>• Livelihood restoration activities, where necessary, to be planned in consultation with the affected vendors</li> </ul>	<p>consultation process, and monitoring and evaluation for each RAP.</p> <ul style="list-style-type: none"> <li>• Provided with adequate advance notice prior to relocation.</li> <li>• Consultation with each affected group of vendors will be critical in establishing alternative locations and developing livelihood restoration activities.</li> </ul>
Employees of semi-stationary vendors		Employees of semi-stationary vendors operating within the RoW	<ul style="list-style-type: none"> <li>• Financial assistance to replace their salaries during the transition period.</li> </ul>	Identified in the census and included in the census, socio-economic studies, consultation process, and monitoring and evaluation for each RAP.
Mobile vendors		Itinerant small-scale traders with no structures who operate within the RoW on a regular (e.g., rotational) basis	<ul style="list-style-type: none"> <li>• Support in moving to suitable nearby alternative locations during the period of works and allowed to operate at their former locations wherever possible.</li> <li>• In the case of permanently affectation, support in moving to suitable nearby alternative locations.</li> </ul>	Identified in the census and included in the census, socio-economic studies, consultation process, and monitoring and evaluation for each RAP.
Informal transporters	Loss of income through loss of	Motor bike operators who park	<ul style="list-style-type: none"> <li>• Access to suitable nearby alternative locations to park during the construction phase and allowed to</li> </ul>	Identified in the census and included in the census, socio-economic

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
	access to current parking sites	their vehicles within the RoW	<p>return to their original locations on completion of the works</p> <ul style="list-style-type: none"> <li>Road designs to include safe parking areas for these eligible actors.</li> </ul>	studies, consultation process, and monitoring and evaluation for each RAP.
Intrinsic values (location convenience)	Access to income sources, connectivity to commercial/ business/ industrial areas)	PAPs living in the floods prone areas	<p>Provide security of land tenure.</p> <p>In-kind provision of alternative land or cash at an equivalent rate.</p>	<p>Consultations and formal agreement with PAPs on the type of compensation (cash or in-kind).</p> <p>PAPs receiving cash will be provided with support and capacity building (e.g., financial literacy training).</p>
	Temporary loss of income or access to income.	Registered/ licensed employees of business (in the markets/ slaughter houses).	<ul style="list-style-type: none"> <li>Provide cash compensation for the duration of the disruption to business/income generation based on net income.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Disturbance allowance equal to 8% of profits for a period of six months;</li> <li>Provide alternative temporary business space; and</li> <li>Give them top priority in the reallocation of business space in the new facilities.</li> </ul>	<p>PAPs receiving in-kind land plots will receive capacity building training (e.g., in business administration and other self-help activities to enable them to stay).</p>
<b>1. LOSS OF COMMON PROPERTY, ACCESS TO RESOURCES AND CULTURAL RESOURCES</b>				
Common Property (Hand-pump, dug- wells, structures, water kiosks)	The user of such resources (may be an individual or community) that use communal resources as an element of	Affected area.	<ul style="list-style-type: none"> <li>Replacement or restoration of affected structures/facilities.</li> <li>Enhancement of community resources.</li> </ul>	Replacement/restoration or augmentation of existing infrastructure based on identified need and to sustain pressure of Affected Facilities (AFs).



Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
	livelihood.			
Destruction or damage to shrines and graveyards	May be an individual, family or community.	Evidence of ownership of the affected heritage resource.	<ul style="list-style-type: none"> <li>▪ Compensation for the cost of repair if within the project area or relocation in accordance with Tanzanian law (Graves (Removal) Act of 1969) and traditional customs (including pacification and purification).</li> <li>▪ Preservation, compensation, and relocation activities will be done in consultation with affected individuals/families and relevant government institutions responsible for cultural heritage or national antiquities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification of new sites.</li> <li>▪ Relocation of graves/cultural items.</li> <li>▪ Costs to cover reburial ceremonies, buying of coffins, and construction of tombstones (for graves that had tombstones).</li> </ul>
Loss of Communal Land	Users of these resources are communities that use them jointly for such activities as grazing, firewood collection, playing ground, etc.	The affected community.	In-kind compensation that will include land and any development on the land.	<p>Land may be under the ownership of Local Government Authority, village, parastatal, etc.</p> <p>While the preference is always for in-kind compensation, the Community may opt for cash or some other form of compensation (e.g., land on which the cash be used to drill a well).</p>

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
<b>2. ASSISTANCE TO VULNERABLE PERESONS</b>				
Loss of social networks	Identified on the basis of the socioeconomic survey and criteria developed such as income level, disability, household size, etc. Vulnerable people may include the disabled, pensioners, widows, female-headed households, and impoverished households) and only if project renders them vulnerable.		<ul style="list-style-type: none"> <li>▪ In addition to compensation for assets lost, a lump sum equivalent to 6 months to one year of subsistence allowance rates provided by government programs (e.g., TASAF), to be paid depending on the impacts.</li> <li>▪ In-kind alternative land where applicable.</li> </ul> <p>Any additional impacts to be identified and compensated as necessary (e.g., logistical support for moving and assistance in the restoration of livelihoods).</p> <p>In case of replacement of housing or structures for persons with disabilities and the elderly, if the PAP so requests, the project implementer will ensure that the new housing is accessible and adapted for specific needs to a reasonable extent.</p>	
<b>3. LOSSES DUE TO CONSTRUCTION ACTIVITIES</b>				
Loss of access to land, crops, structures etc.	Temporary or permanent disruption of access.	Regular users of the places close to construction sites livelihoods activate due to improved infrastructure	<ul style="list-style-type: none"> <li>▪ Provision of alternate access.</li> </ul>	Provision of access paths, wooden planks, etc., not exceeding 100 m, at identified locations, in consultation with the community.

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
		(homes, business, schools, hospitals, etc.).		
Damage on houses and structures due to movement of machinery	Cracks on the walls, collapse of walls and unstable structures.	Structure owners and users.	<ul style="list-style-type: none"> <li>▪ Supplementary RAP to be prepared to determine the impacts and compensation for in-kind or cash at replacement cost.</li> <li>▪ Cash payment for temporary accommodation of severely impacted dwelling structures at the cost of renting a similarly sized of house in the vicinity until the structure is replaced.</li> <li>▪ To be undertaken on a case-by-case basis and any damage repaired.</li> </ul>	<p>PAPs to report to Resettlement Grievance Management Committees (GRCs) to resolve any issues.</p> <p>Costs shall be determined based on the required quantity of concrete for rebuilding the footpath.</p>
Persons arriving in the project area after the cut-off date	Constructed structures, crops, vendors, graves.	Persons who have encroached after cut-off date.	<ul style="list-style-type: none"> <li>▪ No forced eviction.</li> <li>▪ PAPs will be notified at least 30 days before action is taken.</li> <li>▪ PAPs will be allowed to remove any assets and allowed to harvest crops or recover materials before leaving.</li> </ul>	<p>PAPs to report to Resettlement Grievance Management Committees (GRCs) to resolve any issues.</p> <p>Costs shall be determined based on the required quantity of concrete for rebuilding the footpath.</p>

## **4.5 Organizational procedures and responsibilities for delivery of entitlements**

TRC will generally oversee proper execution of compensation issues where applicable as per the requirements of the approved plans and procedures. The compensation process will involve several stakeholders from national, district to village level, playing part in almost every step during planning, implementation, and post implementation stage. Stakeholders involved in chain of TIRP II compensation delivering process in accordance with the sub-project resettlement plans are reflected in the following steps.

### **4.5.1 Verification Process**

Verification of affected persons identified during the census and socioeconomic survey and values for their assets will involve the TRC resettlement team, District Commissioner, District land officer, Ward and village/mate Executive officers, and authorized Valuer. As required under the Valuation and Valuers registration regulation, 2018, and depending on the affected kind of assets, the approved Valuer will prepare a valuation report with the input from Ministries of Lands Housing and Human Settlement Development, Natural Resources and Tourism and Agriculture for ascertaining the ownership of land, compensation values for forest trees and food crops respectively.

Depending on the type and level of impacts the final valuation report and compensation schedule consist of items which would be only in accordance with the Tanzania national legislative procedure, presented as cash compensation and would be signed off by the Chief Valuer as per Section 51 of Valuation and Valuers Regulations,2018 or might involve additional measures as per the World Bank Environmental and Social standards on Land acquisition, Restriction on land use and Involuntary relocation(ESS5)

### **4.5.2 Notification**

Affected individuals and households identified during the Census and socio-economic survey process and will be notified by TRC resettlement team. The Aps will also be informed through both a formal notification in writing and, as much as possible, by verbal notification delivered in the presence of the village government chairperson, VEO or his or her representative, as substantial number of people might not be very conversant with the implemented procedures. In addition, the chairman, village relevant committees' members including for Finance, Economics and planning, social services will accompany the survey teams for participatory and integrated dissemination of information.

TRC will keep the records of all activities involved in the chain of resettlement planning and implementations including PAPs by category and number, cut off –dates, grievances, and Compensation standards for categories of land and fixed assets which will be disclosed and applied consistently.

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

All types of compensation are clearly explained to the individual or household. Clarifications on the entitlement offered as per the approved final valuation report by the Chief Valuer will be done at village level by TRC resettlement team in liaison with district land office and village leaders. Depending on the affected persons and levels of impacts, the TIRP II implementing agency will sign

compensation agreements with individual, household and or community leaders. Like during resettlement planning, project affected persons within vulnerable groups will also be made aware of additional assistance options available to them. The TRC TIRP II resettlement team led by Project coordinator will pick up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected by the APs. 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.

#### **4.5.4 Compensation Payments**

Payments for approved entitlement schedule will be made as per the agreed forms of payment. All payments and transfers in kind will be made in the presence of the affected party and the village authorities. For projects involving economic displacement with significant impacts on livelihoods or income generation, the plan will set out the additional measures relating to livelihood improvement or restoration; and Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or better standard to the one that existed before.

For cash compensation due for the PAPs, TRC will make payment on a rolling basis after the agreements had been signed (within six months of agreements, as per Tanzanian legislation) and in accordance with disclosed entitlements.

## Chapter 5: Methods of valuing affected assets

Compensation for loss of land and the associated benefits due to land ownership is a legal matter enshrined in the constitution of the United Republic of Tanzania of 1977 (as amended) which under Article 24(2) provides that;

“Subject to the provision of the relevant laws to the land, every person is entitled to own property, and has a right to the protection of his property held in accordance with law. Therefore, 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 law which makes provision for fair and adequate compensation.”

As such, procedures and methods for undertaking valuation for compensation are largely dictated by the provisions of the laws such as the Land Acquisition Act No. 47 of 1967, Land Act Cap 113 R.E 2019 and the Village Land Act Cap 114R.E 2019, Valuation and Valuers Registration Act of 2016, all of which advocate for full, fair and prompt compensation based on the market value of the property. Section 3 (g) Land Act Cap 113 provides that in assessing compensation, the following should be compensated: market value of real property; disturbance allowance; accommodation allowance; transport allowance; loss of profits from business undertakings; interest for the delayed payment; graves and shrines and crops/trees compensation.

### 5.1 Valuation methods

Under TIRP II valuation of land and other project affected assets will be carried out by the qualified Valuers, following guidance under the Land (Assessment of the Value of Land for Compensation) Regulations, 2001, and the Village Land Regulations, 2001 which provide that the basis for assessment of the value of any land and unexhausted improvement for the purposes of compensation is the market value of such land. Valuation methods for affected land and assets be done at replacement cost, as per ESS5 (which states that, when land acquisition or restrictions on land use, whether permanent or temporary, cannot be avoided, the Borrower must offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

However as alluded to in the earlier section of this RPF (chapter 3 Table 1) comparison of Tanzanian and ESF and particularly on Compensation) the calculation of compensation and other resettlement allowances for displaced property owners based on the current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and Land Regulations, 2001 only provide for compensation equivalent to the market value of the affected land, structure or asset.

### 5.2 Description of methods of valuing a specific affected property

#### 5.2.1 Valuing structures/buildings

Compensation for building structure will be paid based on the full replacement value not considering depreciation. The Replacement Values base on:

- a. Drawings of individual's household and all its related structures and support services;
- b. Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to

- construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.)
- c. For vulnerable groups identified in Chapter five of this RPF (section 5.9: categories of PAPs) replacement values will be based on actual replacement cost.
  - d. Prices of these items collected in different local markets;
  - e. Costs for transportation and delivery of these items to acquired/replacement land or building site; and
  - f. Estimates of construction of new buildings including labor required.
  - g. Other compensations to include accommodation allowance and / or loss of profit allowance (if it is a commercial/business structure) assessed as the below section.

### 5.2.2 Compensation allowances

The valuation also will consider the following allowances associated with loss of residential or commercial/business structure and other cases where applicable as part of the valuation procedure:

- a. **Loss of accommodation allowance:** Section 179 sub-sections 8 of the Land Act (1999) stipulate how accommodation allowance payable is to be arrived at. The market rent for the affected building per month shall be assessed and multiplied by 36 months (*i.e. accommodation allowance = market rent/p.m. x 36 months*). Accommodation allowance shall be paid only to PAPs losing occupied residential and commercial/business structures.
- b. **Disturbance allowance:** This shall be calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore, based on the total compensation value, obtain the 7% of the value and add it to the previous total. All PAPs who are illegible for any kind of compensation shall receive a disturbance allowance.
- c. **Transport allowance:** Section 179 subsection 11 of the afore said Land Act (1999) directs how this allowance is to be assessed: *“Transport Allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometers from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)”*. Transport allowance is computed on the basis of prevailing market rates within an area and is paid only to PAPs who occupied affected residential and commercial/business structure.
- d. **Loss of profit allowance:** This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: the net monthly profit of the business carried out in the affected building shall be established, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (*i.e. loss of profit allowance = net profit/p.m. x 36 months*). Under this RPF, the owners of businesses will be compensated for the loss of profit regardless of having an audited account, but rather based on research by the Valuer.

### 5.2.3 Land value

If land acquisition occurs in TIRP II, compensation will include land, crop loss and other compensable items described under the valuation and values’ registration regulation, 2018 such inputs (including labor, herbicides, pesticides), irrigation infrastructure and other improvements made to the land, at replacement cost. Rates will be based on the market value of land when known, or estimated when not known, plus compensation for the value of standing crops.

#### 5.2.4 Valuing crops

Agriculture acts and land acts set procedures for valuing crops and agricultural production and stipulates that the prices for cash crops will be determined as the average value over the previous year, corrected for inflation. The prices for subsistence crops will be determined as the highest value over the previous year, corrected for inflation. Crop values will be determined based on a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income. Another way of valuing agricultural production is through the value of staple crops to be taken as the highest market price reached during the Year. This is based on three factors:

- i. Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market;
- ii. Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk.
- iii. Averaging the highest price of staple foods yields a high per hectare value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

A list of prices from relevant district will be adopted; therefore, valuation will be done according to the price list given for crops. Owners of seasonal crops will be allowed to harvest their produce before construction of the project and restricted to utilize the project area. For trees compensation considers the rate of maturity that the affected tree has reached to determine the rate of compensation; for instance a full matured tree is compensated 100% of the market value.

#### 5.2.4 Assets Held Under Customary Rights

Under the Village Land ACT, 1999, a customary right of occupancy is in every respect of equal status and effects to granted right of occupancy and shall subject to provisions of this Act, be liable, subject to the prompt payment of full and fair compensation to acquisition by the state for public purposes in accordance with any law-making provision for that action. Assets held under customary rights on state owned land would have to be valued according to the following method and compensation paid for. The subprojects would value and duly compensate for assets and investments, including land, crops, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The current prices for cash crops would have to be determined. Compensation would be based on valuation at or before the entitlement cutoff date in compliance with this policy. Homestead sites such as bush are community property but structures on the site belong to individuals. The permanent loss of any homestead site will be covered by community compensation.

### 5.3 Compensation package by assets

The projects would be expected to pay to acquire land in this category in cases where the state-owned land is being used by another user legally or encroached. This is because, although state owned, the land may be used by individuals and/or community. The guiding principle is that whoever was using the land to be acquired by the project would be provided other land of equal size and quality.

#### 5.3.1 Loss of productive land and resources

This RPF recommends that in all cases where it is anticipated PAPs losing productive lands, they should be consulted and some form of an agreement reached that the farmers (PAPs) are willing to



release their land for the project. All PAPs that will lose land to the project will receive the following compensation

- Compensation of the land according at replacement cost
- Disturbance allowance

### **5.3.2 Loss of residential structures (homes, shelter):**

This RPF recommends that design of the projects should as much as possible avoid residential areas specifically structures that would require relocation of PAPs. PAPs losing residential structures are entitled to full compensation. The following are entitlements for such PAPs:

- Compensation of the residential structure according to the type of structure and based on replacement cost
- Compensation of land where the structure is located according to the replacement cost of land in the area
- Loss of Accommodation/ allowance that is paid as per price of renting a similar structure per month for 36 months (3 years) in the project area. OR loss of business profit as stipulated by the law.
- Transport allowance calculated to transport goods weighing 12 tons at a distance of 20 kilometers in that particular area
- Disturbance allowance, which is calculated based on commercial banks current interest rate of the total compensation amount
- Any homes lost will be rebuilt on acquired replacement land

### **5.3.3 Loss of structures on land**

In this RPF, even if loss of just annexed structures alone does not necessitate physical relocation of PAPs or demolition of the whole main structures such properties are entitled to full compensation. Compensation will be made for structures that are: (i) abandoned because of relocation or resettlement of an individual or household; and (ii) directly damaged by construction activities. The following are entitlements for such PAPs:

- Compensation of the annex structure at replacement cost
- Compensation of land where the structure is according to the replacement cost
- Disturbance allowance which is 5% (subject to change) of the total compensation amount
- 

Cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure.

### **5.3.4 Loss of permanent crops/trees**

PAPs losing standing crops and trees on their farms/ or plots are entitled to compensation. The following are entitlements for such PAPs:

PAPs losing permanent crops are entitled to the following compensation

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

It should be noted that each tree or acre is counted and compensated according to its replacement value and age of maturity.

### **5.3.5 Loss of seasonal crops**

This RPF recommends that, in order to prevent any financial impact or loss of harvest of the crops, notice must be provided to all PAPs with seasonal crops within the affected areas to alert them on when to stop cultivating once the crops have been harvested and compensation for land has been paid. PAPs losing seasonal crops on their farms/ or plots are entitled to. The following are entitlements for such PAPs:

- Harvesting of the crops OR compensating the crops if time to harvest will affect project implementation.
- Compensation of land where the crops are grown according to size of land and replacement cost
- Disturbance allowance

### **5.3.6 Loss of cultural and archaeological property**

This RPF recommends the project design to avoid as much as possible any effect associated with cultural and archeological properties. Compensation should be paid for expenses related to the relocation of graves. Such expenses include cost for ceremonies and labour in connection with exhumation and reburial. The processes of relocating the graves should be participatory and take into account PAPs cultures and values as well as the Grave removal Act of 1967 and is supervised by a Medical Officer.

### **5.3.7 Community compensation payments**

In case the project take land and other assets belonging to a community, such as a community center, school, market place, roads, water pumps/infrastructure or wells, religious buildings, sacred site, the community will be compensated. Community compensation will be in-kind only in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard (to that being removed) required by local planning regulation. Examples of other forms of community compensation include installation of wells or pumps, storage warehouse or market place and reconstruction of community roads. Community compensation may in itself require land take and people may be affected, thus a change of impacts which will be compensated for. In some cases the projects may require land take in areas where communities use as a graveyard. Compensation in such situations will be in the form of relocation of the graves including labor, ceremonial activities and re-burial costs.

### **5.3.8 Compensation for Bee Keeping Products**

Beekeeping is one of the major economic activities along the railway corridor, especially the Manyoni-Isaka section. Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by subproject activities, or access to the hives denied, beekeepers can move them, and the bees will adapt to the new locations. Activities of beekeepers would be valued and duly compensated based on value of one season's production costs of honey for each hive that is moved, and any reasonable costs associated with moving the hive.

### **5.3.9 Compensation for loss of grave yard and relocation of Graves**

PAPs or Households having graves in the site; their graves will need to be relocate. Households or PAPs losing graves will receive cash compensation for ceremonial activities for each grave while the actual work of relocating the grave (coffin, medicine, groves, digging the old grave and reburial in new grave) will be done by health officials in each respective district council at TRCs cost. The PAPs

will be informed about the procedure, alternative location and time or relocation under close cooperation with local entities (i.e. District Government and health officials). All the procedures will be followed in accordance with the Graves (Removal) Act (1969),

#### **5.3.10 Transportation of Removable Property**

The actual cost of transporting removable property is governed by the law that directs twelve (12) tons of luggage by road/railway within 20 km radius from the point of displacement (see Valuation Methods and Entitlement Matrix). Where the affected persons are vulnerable persons, additional transport measures/costs may be required.

#### **5.3.11 Loss of Profit for Businesses Owners**

Owners of structure with business functions will be entitled to compensation for any loss of profit occasioned by project activities that affect their land. For businesses with relevant audited accounts, calculation of loss of profit will follow the procedure stipulated in the Land Act (1999). For owners of business structures without audited accounts, will be compensated for loss of profit based on a social market survey analysis conducted by the. Specific RAPs will evaluate and analyze the calculation of different categories of entitlements with regard to loss of profit. 53

#### **5.3.11 Damage Caused during Construction Work**

Some persons may suffer unforeseen temporary damage during construction to their land, crops, structures, infrastructure or utility connections, due to unforeseen accidents caused by movement of machines or other construction activities. All such unintentional impacts occurring during construction should be compensated as per the Entitlement Matrix despite the fact that they are not included in the original RAP. Such compensation will be the responsibility of the subproject developer, in collaboration with the contractor and this responsibility should thus be included in the contractor's contract.

#### **5.3.12 Compensation for Loss of Rental Income**

Compensation to affected persons (as opposed to businesses or income-generating operations) for the loss of profits related to land acquisition will be calculated as the Net Monthly Profit of the affected business (as evidenced by audited accounts, where available) multiplied by 36 months (Net Profit/month x 36). Alternatively, payment can be half of turnover for 6 months. A property owner losing rental income due to displacement of a house or business structure with tenants is paid a lump sum cash payment of six (6) months' rent per tenant. Where the affected businesses are small enterprises without proper records, they may substitute the Loss of Profit allowance with a Loss of Accommodation Allowance.

#### **5.3.13 Determination of Other Entitlements and Topping-up Allowance**

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

compensation shall receive a disturbance allowance.

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

**Loss of accommodation:** Section 179 sub-sections 8 of the Land Act (1999) stipulates how accommodation allowance is to be arrived at: The market rent for the building shall be assessed and multiplied by 36 months in order to arrive at accommodation allowance payable (i.e., Accommodation allowance = Rent/p.m. x 36 months). Accommodation allowance shall be paid only to PAPs losing occupied residential structures. Given the nature of the project that there are substantial number of tenants who residing in the affected area, this project is providing a consideration that the tenants be receiving token amount equals to Rent/p.m x 3 months.

**Loss of Profit:** This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (i.e., Loss Profit = Net profit/p.m. x 36 months).

**Note:** The Valuer shall review all government rates on the topping up allowance to ensure that they are up to date hence in line with replacement value/cost requirement.

#### 5.4 Assistance to vulnerable PAPs

These are people with special needs that would require special consideration and assistance from project implementers or community in general. They include the elderly, sick (HIV/AIDs afflicted persons), orphans, women with special needs (widow, small-scale female) and farmers likely to suffer loss of land due to construction of railway line, stations or terminals (whether owners, encroachers or tenants). These groups are being identified as particularly vulnerable so that special attention would be paid to them by identifying their needs from the baseline study so that :-

- (i) They are individually consulted and given the opportunity (i.e. not left out) to participate in the program activities,
- (ii) That their resettlement and compensation is designed to improve their pre-project livelihood,
- (iii) Special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon,
- (iv) They are given technical and financial assistance if they wish to make use of the grievance mechanisms of the program and
- (v) Decisions concerning them are made in the shortest possible time.

## Chapter 6: RAP preparation, review/approval, and disclosure

Avoidance of adverse impacts will be the principle focus of TIRP II as insisted in the mitigation hierarchy in ESS1. Efforts will be made to avoid physical or economic displacement of the community and specifically those socially or economically vulnerable to hardship. Other measures, such as minimizing, reducing and managing the risks and impacts will also be employed, because project related impacts of involuntary resettlement may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition for resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

But in case the residual risks and impacts associated with the project related land acquisition and restriction on land use remain significant after applying other measures, TRC will mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets if any, and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The PAPs of different categories will therefore be appropriately compensated for their loss (of land, property, or access) either in kind or in cash. The Land Act No.4 and Village Land Act No.5 of 1999 have set clear procedures for full, fair, and prompt compensation while acquiring land from citizens, the procedures in the valuation and Valuers registration ACT, 2016 will be adhered to, especially the Land (assessment of the value of compensation) Regulations made under S.179 of Land Act No. 4 of 1999, GN 78 published on 4/5/2001, in computing the actual value of the assets.

The RAP should determine the number of affected persons, propose design and implementation alternatives where possible to minimize resettlement impacts, identify the eligibility criteria, include provisions for compensation and assistance, and propose monitoring and evaluation arrangements to ensure that PAPs receive fair and prompt compensation and that their grievances are duly heard, recorded, and addressed. The mitigation measures and compensation policies proposed in the RAP shall be disclosed to the relevant PAPs for their feedback and comment.

TRC will prepare a resettlement plan regardless of the number of affected persons (PAPs) and retain a technical expert to undertake the required work, including a comprehensive land survey in the areas where works are planned aimed at providing accurate and comprehensive data to inform resettlement planning, costing, and design. ESS5 recognizes two types of resettlement plans:

**Resettlement Action Plans** (plans to address physical and/or economic displacement, depending on the nature of expected impacts); and

**Livelihood Restoration Plans** (plans specifically focused on project components involving economic displacement with significant impacts on livelihoods or income generation, or restrictions on access to legally-designated parks and protected areas that may affect subsistence and livelihoods). A detailed outline of the RAP is presented in annex 3.

## **6.1 RAP Preparation**

A resettlement action plan will be prepared in detail reflecting the outcomes of ESIA conducted as per the requirements of ESS1 and specific risks and impacts as per ESS2-10. The fundamental principles guiding the resettlement and rehabilitation activities for the Second Tanzania Intermodal and Rails development Project RAPs will be the Constitution of the United Republic of Tanzania, which in Article 24 and sub-articles 1 and 2 clearly underlines the intrinsic or inborn rights for every person to own property including land and has to be fairly and adequately compensated as per the requirements of the relevant laws, in case the land is acquired for various reasons including public purposes.

RAP preparation should start at the beginning of the project design (preferably at the Pre-Feasibility stage) and continue throughout subsequent phases (feasibility studies, preliminary design, detailed design, etc.). Once the drawings are prepared and information on selected site locations and land-use requirements is available, consultative and participatory processes will be undertaken with affected local communities to sensitize the potentially affected population via their administrative and recognized local leaders. The Cut-off Date will be determined at this meeting and subsequently communicated to all potential PAPs by the start of data collection in the target areas.

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and people. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood) or, in the worst cases, both. In the case of the subprojects in which the status of land ownership has not been confirmed, therefore, preliminary studies to determine land acquisition will be conducted.

### **6.1.1 Resource Mobilization and Capacity Building**

The recruitment of the RAP preparation and implementation team members will be conducted according to the requirements of each specific RAP. TRC will prepare Terms of Reference (ToRs) as needed for all consultants and services to prepare the RAPs as well as any necessary physical items (office equipment, field equipment, IT equipment, etc.). TRC will utilize experienced staff in planning and implementation of TIRP II Raps, but due to the importance of strengthening the understanding and practical application of ESS5 among new and existing project staff at all levels, a robust and sustained capacity building program will be developed, as part of a broader project E&S training program, as described in the ESCP.

### **6.1.2 Methods for Delineation of Project Area and Determine Cut-off Date**

Prior to the actual data collection, it is necessary that the area of project impact be clearly known. The Surveyors will use the coordinates to delineate the boundaries within which to identify the

impacted areas, affected assets, and PAPs. The process of identifying affected land and associated PAPs will include the following:

- TRC E&S members will inform all ward and mitaa/village leaders in impacted areas well in advance of the study;
- TRC E&S members, in coordination with mitaa/village leaders will inform potential PAPs of the date of the survey and the leaders will be asked to help in the identification of the affected land and respective landowners;
- Using the coordinates provided by the GIS Specialist, the asset surveyors will determine the project area of impact and land to be affected;
- The owners of each affected plot identified by the Mtaa/village leader will be assigned a unique number and subsequently interviewed, first by the asset surveyors, followed by the enumerators with either a census form and/or a socio-economic questionnaire; and
- If a landholder had more than one piece of affected land, each was surveyed by the asset surveyors, however, only one Census or Socio-Economic survey was completed for each PAP.

#### **Method for Determining a Cut-off Date**

Establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the target land areas and related risks. This RPF proposes a cut-off-date procedure in line with World Bank ESS5, defined as the date of commencement of census and asset inventory of persons who will be affected by project activities.

Any person who undertakes any development activity in the newly demarcated project area after the cut-off date will not be eligible for compensation. The cut-off dates will set and communicated to the PAPs, agreed with them, and publicly communicated through the village administration, notice provision in public places in a language understandable to them, and through their representatives. The area will be demarcated and signs posted to ensure continued awareness of the cut-off date.

Once the subproject has been legally approved and a permit provided, a RAP will be prepared, in cases that may result in involuntary resettlement. A census will be undertaken, as part of the RAP and a cut-off-date identified and clearly documented by the site-specific RAP development team/consultant for the subproject. It is the responsibility of the TRC and LGAs to ensure that:

- The cut-off date is clearly communicated to all potential PAPs in the affected project area with sufficient time to ensure their availability for the census.
- Potential PAPs are informed of the cut-off date and census through both formal written notification and verbal notification delivered in the presence of community leaders/representatives.
- PAPs are duly informed that no compensation payment will be made for any construction/improvements on buildings, crops sown, perennial crops planted or improvements on land that are undertaken after the census and inventory of assets; and
- These issues shall be discussed during consultation meetings and minutes of those meetings prepared and signed.

According to ESS5, LGAs are not required to compensate or assist opportunistic settlers who

encroach on the project area after the cut-off date. The LGA should nevertheless accommodate individuals and groups who are not present at the time of registration but have a legitimate claim to membership in the affected community. Such groups may include absent family members engaged in migrant wage labor or nomadic pastoralists who use local resources on a seasonal basis.

### **6.1.3 Methods for Database Design**

TRC has an existing database system managed by database personnel in liaison with M&E officers. For TIRP II, the PIT will require RAP consultant to develop a management information system to track all for project affected persons, before, during, and after the preparation of RAPs. Within the new RFP, all RAP developers are encouraged to use mobile data capturing technology in RAP preparation and implementation to improve data management and accuracy, including tablets in valuation exercises and GIS in the mapping of affected properties.



## Chapter 7: Rap preparation and implementation

A clear and well-established institutional arrangement is necessary for effective RAP implementation. This chapter presents the arrangements guiding the implementation of the land acquisition, resettlement and livelihoods restoration activities.

### 7.1 RAP planning

#### 7.1.1 Identification of RAP Implementation Responsibilities

The TRC E&S Team shall outline the organizational framework for implementing resettlement, including:

- 1) Identification of the agencies responsible for delivery of resettlement measures and provision of services;
- 2) Arrangements to ensure appropriate coordination between the agencies and jurisdictions involved in implementation of the resettlement process, including specification of the roles and responsibilities of each actor;
- 3) Involvement of external (i.e., non-project) institutions involved in the income restoration process of (land development/land allocation/training/credit, etc.);
- 4) Responsibility for managing facilities and services provided under the project and for transferring such responsibilities from the responsible implementing agencies, when and as appropriate; and
- 5) Mechanisms to ensure independent monitoring, evaluation, and financial auditing of the RAP, and subsequent review and revision where necessary.

#### 7.1.2 Resettlement Planning and Implementation Schedule

TRC E&S Team will be required to prepare a schedule of the chronological steps for implementing all resettlement and compensation activities that have not been implemented, from preparation through implementation, specifying agencies responsible for each activity and indicating how the resettlement activities are linked to implementation of the overall project. The schedule should also include target dates for the achievement of all expected benefits to PAPs and hosts as well as for terminating each form of assistance.

### 7.2 Institutional Arrangements

This section describes organizational roles and responsibilities of the various parties involved in RAP implementation under the TIRP II, as well as the process for delivering entitlements, including the approvals process.

#### 7.2.1 Implementing Agency

Generally, TRC will be responsible for the implementation of the prepared RAP together with the livelihood restoration programs. However, for effective implementation, TRC will be working closely

with other parties including the leading ministries for policy guidance and decision-making. Key institutions with their roles in the RAP implementation are discussed herein below. TRC will form a Project Implementation Team (PIT) to coordinate project activities, provide management oversight, prepare project reports, including integrated financial and technical progress reports from the agency being funded, prepare annual work plans and budgets for submission to the World Bank for no objection prior to implementation, and conduct project M&E and impact evaluation. The PIT's internal arrangements and staffing will be set forth in the ESCP and Operational Manual (OM).

### **7.2.2 Ministry of Works and Transport (MoWT)**

The Ministry of Works and Transport is mandated to formulate and monitor the implementation of Policies on Works, Construction, Transport and Transportation and their implementation. In implementing these roles, the Ministry is assisted by the different institutions including TRC in areas of railway transportation. Despite TRC being an independent Government Institution, it still reports to the Ministry of Works and Transport in all matters related to policy guidance and strategic decision-making. As such, the Ministry will be involved in implementing this RAP as part of its supervisory and decision-making roles.

### **7.2.3 Ministry of Finance (MoF)**

The MoFP is responsible for economic and public finance management. It has a mandate of developing policies and frameworks for the establishment, promotion and management of government investments and assets as well as preparing the national budget and executing and controlling approved budgetary resources to MDAs, LGAs and other Government agencies/entities.

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

The PO-RALG coordinates rural and urban development management policies and strategies. The Ministry coordinates Regional Secretariats activities and builds their capacity in institutional development strategies for integrated socioeconomic development. The Ministry also coordinates and supervises development planning and sectorial interventions on donor-funded programmes at the local levels; issues ministerial guidelines to Regional Secretariats and Local Government Authorities; and strengthens the channel of communication and information flow between the national and sub-national levels. Through this Ministry, the RAP exercise will closely be implemented by the Regional Secretariats and Local Government Authorities in the respective regions and districts traversed by the SGR project. The Ministry also oversees the Ward Tribunals which are vital in securing peace and harmony in their area by mediating and endeavoring to obtain just and amicable settlement of disputes including land disputes.

### **7.2.5 Ministry of Lands, Housing and Human Settlement Development (MoLHSD)**

The Ministry is mandated to facilitate effective management of land and human settlements development services for the betterment of social and economic well-being of the Tanzanian society. The Ministry coordinates issues related to land administration, survey and mapping, physical planning and housing. The core activities include the registration of titles, property valuation, and land dispute settlement through the District Land and Housing Tribunal. The success of land acquisition and resettlement to a large extent depends on this Ministry. The Ministry in

collaboration with TRC will have a responsibility to conduct and approve the valuation of the properties to be affected by the TIRP II project.

### **7.2.6 Chief Government Valuer (CGV)**

The office of the CGV under the Ministry of Lands is responsible for involuntary land acquisition and the payment of compensation to PAPs. The CGV is responsible for surveying the land required by the Project, as well as the valuation of land and assets in Project-Affected areas. CGV office will be included in RAP preparation upon the finalization of the detailed designs for all subcomponents.

### **7.2.7 Local Government Authorities (LGAs)**

Local Government Authorities (LGAs) are key stakeholders in the Project as construction and implementation affect their areas of jurisdiction. The LGA's involvement in different stages of project implementation and RAP exercise is fundamental. In any case, the TIRP II project traversed different districts and therefore, the District Executive Director offices are mandated to oversee the functioning of the TIRP II and RAP activities in the districts. Working together with the District Commissioner's office, the DED enjoys full support from District Administrative Secretary, and other officers including but not limited to the District Land Surveyor (DLS), District Medical Officer (DMO), Agriculture Extension Officer (AEO), Ward Executive Officer, (WEO), and Village Executive Officer (VEO).

### **7.2.8 Non-Governmental Organizations and Community-Based Organizations**

TRC have Memorandum of Understanding (MoU) with several NGOs which are competent in livelihood restoration program such as Women and Poverty Alleviation in Tanzania (WOPATA) and other NGOs which are competent in GBV related issues such as C-SEMA, Children's Dignity Forum (CDF), and Women in Law and Development in Africa (WILDAF), and Tanzania Women Lawyers Association (TAWLA). Other NGOs will continue being identified to collaborate with TRC as need may arise in the course of project implementation period.

The Project (TIRP II) will welcome the involvement of civil society, Community-Based Organisations (CBOs) and Non-Governmental Organizations (NGOs) that are active in promoting socio-economic development, human rights, the rule of law and environmental management in the Project area. TRC is committed to partnering with these organizations to ensure the smooth implementation of the project and RAP in particular.

## **7.3 RAP Preparation and Submission**

The Tanzania Railway Corporation's E&S Team shall engage consultants to prepare a RAP and submit it for review and clearance by the respective entities. The consultant shall also liaise with CGV in undertaking an assets inventory and valuation and prepare a Valuation Report and submit it for review and approval by TRC. This Report should consider the estimated costs identified in the RAP (i.e., do the TRC/LGA and MoFP have the financial resources to cover the estimated costs for any resettlement and compensation activities?).

#### **7.4 RAP Verification, Disclosure and Approval**

Following approval by the Chief Government Valuer, the TRC E&S Team must ensure that the Valuation Report and compensation schedule are duly verified and disclosed and include all eligible PAPs. Key approvals must be granted by the following:

- 1) Ward or Mtaa Executive Officers (WEO);
- 2) Authorized land officer (informing the Director of the LGA);
- 3) District Commissioner; and
- 4) Chief Valuer for final approval

#### **7.5 RAP Implementation Process**

After the RAP has been approved, its implementation will consist of the following four (4) main activities:

- 1) Consultation meetings;
- 2) Mobilization for implementation;
- 3) Addressing grievances and resolving disputes; and
- 4) Monitoring of RAP implementation.

#### **7.6 Consultation Meetings**

The TRC E&S Team shall hold consultations with the PAPs to:

- 1) Inform them on RAP implementation;
- 2) provide them with a timeframe for the implementation process and schedule (Template No 05);
- 3) confirm the acceptability of the identified relocation sites;
- 4) Assure them that they will be compensated and/or resettled, and of their options and rights, including the right to lodge grievances; and
- 5) Provide them a platform through which to express their concerns and have them recorded and addressed.

#### **7.7 Mobilization for Implementation**

The Resettlement/Compensation Committee will mobilize and confirm the commitment of implementing staff, organizations, agencies, and other entities identified in RAP preparation to oversee and follow up on compensation and resettlement matters during and after RAP implementation. The TRC E&S Team will also confirm the planning process for implementation and logistical arrangements for compensation and the carrying out of all resettlement activities

## 7.8 Land Acquisition and Compensation Process

### 7.8.1 Acquisition of Land

The Village Land Act (1999) provides that the Village Council, as the entity to which the President has delegated powers to manage village land, is obliged to: (1) ensure that the village prepare an appropriate Village Land Use Plan for sustainable development; (2) enter into agreement with neighboring villages; and (3) ensure that joint Village Land Use Plans are prepared for areas which are used jointly. Preparation of these plans includes, among other things, setting aside of areas for community use (i.e., schools, dispensaries, water catchments, water supply utilities, market places, burial areas, offices, etc.). The Land Acts (and particularly the Village land Act No.5) thus provide a basis for ensuring that resettlement is either avoided or minimized in project implementation.

The Land Acts further provide procedures for resolving land-related conflicts. The Land Disputes Courts Act No.2 (2002) and land Tribunal Act (1994) establish the respective courts and their functions. Before the implementation of a subproject, any land-related conflicts in the designated subproject areas must be resolved via the appropriate land courts. Beneficiaries will therefore be bounded by these Acts.

### 7.8.2 Compensation Assessment

According to the Land Act (1999), assessment of compensation for acquired land must consider:

- 1) The market value of the real property;
- 2) Disturbance allowance;
- 3) Transport allowance;
- 4) Loss of profit or accommodation;
- 5) The cost of acquiring the land;
- 6) Any additional costs, losses or capital expenditures incurred in the development of the land;  
and
- 7) Interest at market rate.

Valuation of lost land under the TIRP II will be done following the Replacement Cost method and incorporate the gap filling measures established to ensure compliance with ESS5.

#### 7.8.2.1 Valuation Procedures

- 1) The key principles for assessing compensation value, as set forth in the Valuation Handbook, are:
- 2) **Equivalence**. Under this guiding overarching, the claimant: (1) should neither be better off, nor worse off as a result of the acquisition, neither suffering financially nor gaining a benefit or suffer a loss due to compensation; (2) compensation may be either monetary or via issuance of an equivalent parcel of land; and (3) compensation should be fair and adequate.

3) **Severance**. A division of land that results in a reduction of the land's area, usefulness or profitability

4) **Injurious Affection**. The loss in the value of the part of the land retained that is brought about by the proposed development on the acquired part.

5) **Betterment**. The reverse of injurious affection: an appreciation or increase in the value of the part of the land that is not acquired that is brought about by the proposed development on the acquired land.

6) **Disturbance**. A loss to the claimant that is not directly related to the market value of land

### 7.8.2.2 Paying Compensation

After the valuation of an affected person's property, the Chief government Valuer then prepares a compensation schedule based on the national format prescribed for a Valuation Report<sup>5</sup> The payment schedule is then endorsed by the Government Chief and countersigned for approval by relevant authorities, including:

- 1) The Ward or *Mtaa* Executive Officers (WEO);
- 2) The Authorized Land Officer (informing the Director of the LGA);
- 3) The District Commissioner; and
- 4) The Chief Government (for final approval before implementation).

The implementing agency will implement the RAP, in collaboration with the District Resettlement and Compensation Committee (as presented in Section 5.4 above). If the implementing agency does not have adequate capacity, they must hire a consultant to provide these services. The cost of RAP implementation will be borne by the implementing agency. The implementing agency must prepare a time schedule showing how the resettlement activities are linked to implementation of the overall project and indicating target dates for delivering expected benefits to PAPs, including resettlement sites, as well as the end date for each form of assistance.

Meetings must be arranged with affected persons/households to discuss the compensation process, explain the compensation options and types, and identify a suitable payment method for the PAP and any particular needs for assistance, paying particular attention to gender aspects in the affected households. Each PAP should be presented with a contract listing all property and land to be surrendered/acquired and the types of compensation (e.g., cash and/or in-kind) selected, and the expected timeframe for vacation/relocation. In cases of in-kind compensation, the PAPs will be given an order form, to be signed and witnessed prior to the arrangement of resettlement.

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<sup>5</sup> Valuation Report (known as Valuation Form No 2) includes the compensation schedule, which has two main parts: (1) Part 1, a summary of reference number, name and total compensation cost for each PAP; and (2) Part 2, an itemized valuation of each property/asset and each allowance entitled for each PAP, along with their photo.

Current practice in Tanzania is for compensation payments to be deposited directly into a bank account to avoid speculation or theft. PAPs without bank accounts are required to open one, with support from the Resettlement Committee (as explained in section 3.6.3). Households with both man and woman are required to open a joint bank account. PAPs will be told to open such joint accounts in consultation meetings. The Government, through the responsible institutions, will facilitate the opening of the bank accounts and the institution responsible for triggering ESS 5 will be required to have a designated individual to follow up on the opening of these accounts.

The PAPs should be given a choice of which bank to use. The implementing agency will be responsible for payment. Payment will be made in two forms: (1) payment in cash for those whose entitlement is less than 300,000 Tsh and payment via a check deposited in their bank account for those who are entitled to more than 300,000 Tsh. The TRC's PIU/PIT will provide training on how to properly use compensation money and arrange for training sessions, which will include bringing bank officials to explain how to use the accounts.

On receiving their compensation, PAPs will be required to vacate the area before start of works. To this end, the RAP implementation schedule must be incorporated in the contractor and project implementation schedules. The contractor will then be required to demolish all structure and remove all salvages. PAPs will sign a contract with project management agreeing on the timeframe to vacate, which will depend on the availability and readiness of new or alternative accommodations. All handovers of property (e.g., land or buildings) and compensation payments will be done in the presence of the affected person and the Village Executive Officer (VEO).

## Chapter 8: Stakeholder engagement and consultation

The engagement and consultation among project developers, PAPs and other stakeholders is a vital component for the success of any development project. Not only is it regarded as best practice on ethical and moral grounds, but it is cost-effective in the long term and it ensures project acceptability and sustainability. In addition, stakeholders' engagement provides an opportunity for PAPs to express their views and opinions on the project, and on their present and possible future. To achieve this, public consultation and disclosure of information about the project is significant. Accordingly, the Project proponent, TRC has spearheaded this process by considering all stakeholders, putting in place supportive institutional arrangements, and a plan of implementation.

The World Bank's ESS5 stipulates that all displaced persons and host communities be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of resettlement that affects them and further advises that the holding of separate women's meetings and fair representation of female heads of household be explored in addition to mixed meetings and that information dissemination be carefully planned, as literacy levels and networking may differ along gender lines. In this context, RAP preparation, implementation, and monitoring will include community stakeholder consultations at each phase. The following sections describe the objectives of consultations and the types of stakeholder analysis and other methods to be applied.

### 8.1 Key objectives of stakeholder consultations

Consultations with stakeholders are essentially a continuous process that will be conducted throughout the project implementation period in line with ESS10. Key objectives of stakeholder consultations are to:

- (i) Identify and document views, concerns and expectations of the stakeholders relating to the project construction activities.
- (ii) Establish linkages and identify role demarcation in effort to avoid role overlaps.
- (iii) Collect project documents relevant to the experts' assignment.
- (iv) Become further acquainted with the progress of works on site so far;
- (v) Prevent conflicts through increased transparency in the processes during implementation.
- (vi) Reduce the risks and performance challenges in the construction works through timely relocation of private owned assets and utilities from the construction corridor.
- (vii) Facilitate environmental assessment.
- (viii) Appreciate project road, material site, and campsite compliance with environmental and social standards.
- (ix) Assess resettlement issues particularly sensitive areas near the project sites.
- (x) Ensure a meaningful and inclusive engagement of all stakeholders and communities particularly PAPs, with emphasis on gender, ethnicity, income groups, minorities, vulnerable persons, etc.
- (xi) Encourage a two-way dialogue with provision of project related information and obtaining feedback from participants and the feedback will need be used to improve project design and mitigation plans.



- (xii) Identify community needs to aid in the development of community enhancement measures (e.g., investments in leisure/sports/community infrastructures); and
- (xiii) Documented in the RAP/LRP with list of participants, issues raised, and response provided to those issues and how feedback incorporated in the design.

## 8.2 Key Principles of Stakeholder Consultation

### 8.2.1 Stakeholder Mapping

A broad stakeholder engagement process requires a comprehensive stakeholder mapping exercise. A list of stakeholders should be developed, based on the list of objectives, including everyone with potential interests in the project objectives. The areas of engagement should be determined based on the activities stipulated in the scope of work.

### 8.2.2 Stakeholder categorization:

This is an opportunity to reach out and mix the old with the new, including individuals from each of the following stakeholder categories: influencers, collaborators, advocates, and implementation partners. The possibility will also be considered of adding silent members; especially from the marginalized groups of women, youth, elderly, etc., to ensure their inclusion.

### 8.2.3 Stakeholder Analysis

From the established list of the identified stakeholders, analysis should be conducted to better understand relevancies and the perspective of which the stakeholders will offer in relation to the objectives of the assignment. List of criteria should be developed to help in the analysis of each identified stakeholder:

- **Contribution:** Does the stakeholder have information, counsel, or expertise that could be helpful in undertaking the assignment?
- **Legitimacy:** How legitimate is the stakeholder's claim for engagement?
- **Willingness to engage:** How willing is the stakeholder to engage?
- **Influence:** How much influence does the stakeholder have?
- **Necessity of involvement:** Is this someone who could derail or delegitimize the process if they were not included in the engagement?

### 8.2.4 Defining the engagement framework

There must be frameworks for the engagement of the various stakeholder groups, using different engagement modalities (general assemblies, targeted focus groups, household and individual interviews, etc.) depending on the needs and particularities of the groups and context.

### 8.2.5 Creating synergies with other project components

Based on the outcomes of the consultations, an analysis will be made of the issues that arose during engagement and a set of expected output(s) developed for tracking with selected stakeholders. Key steps in the process include: (i) documenting the engagement; (ii) holding a stakeholder workshop for each target group on the objectives and principles of stakeholder engagement; (iii) defining the logistics; and (iv) to agreeing on working frameworks.

### 8.2.6 Documenting the engagement

Key areas that most require stakeholder engagement and the methods to be used should be clearly identified and defined. The specific groups to be engaged will be determined based on the TORs, the

consultant's past experience, and the results of the stakeholder mapping. Each stakeholder group will have different needs, concerns, and limitations with regard to the consultation process. Therefore, their participation should take into consideration their interests and level influence, and determine how best to reach them and their optimal role in the resettlement and social monitoring processes (as per the TORs). Following the guidelines of the project SEP, there must be a feedback mechanism to facilitate the sharing of information with the relevant actors. Collaboration with other community outreach activities should be encouraged so that consultation activities met be better coordinated and optimized, in the aim of avoiding consultation fatigue among the target communities.

### 8.3 Preparation and Disclosure of RPF

#### 8.3.1 Preparation of RPF

Consultations for the preparation of this RPF were held via meetings and interviews with key stakeholders at the National, Regional, District, Ward and Village levels. The main objectives of these consultations were: (1) to enable key stakeholders learn about the project, its impacts, and the proposed mitigation measures to address them; (2) to inform them on the proposed compensation and resettlement procedures and to gain their buy-in; (3) to help them understand the laws, regulations and policies governing compensation in this project; and (4) to prepare them for the census, socio-economic survey, and inventory of households and affected assets. Details of the raised issues during consultation have been attached in annex 4. Summary of issues are shown in table 6

Table 6: Major issues raised during stakeholder consultation for RPF<sup>6</sup>

Stakeholders concerns	TRC's response
Labor influx related impacts including exacerbated HIV/AIDS Prevalence	TRC will ensure that necessary ES risks mitigation measures tools including Labor Influx Management plan are developed. In addition to these tools, TIRP II will have provision for qualified subcontractor to conduct HIV/AIDS prevention campaigns with local communities and construction workers, to be implemented in accordance with TRC's HIV/AIDS Prevention Policy at the Work Place.
Inadequate and distantly located level crossings	TIRP II design will take into account, all necessary factors in determination of level crossing demand and additional requirement can also be sought through existing and disclosed request procedures on the same
Level crossing designs not taking into consideration, the needs of livestock keepers and vulnerable groups	TIRP II PIU will liaise with SGR contractor on the best design options for level crossing and other related infrastructures that are friendly to all groups, especially vulnerable groups
Lack of alternative access roads	Project implementation team will be obliged to advise TRC on

<sup>6</sup> Please note, more than 98% of the consulted neighboring local communities were outside the railway reserve and therefore didn't focus on any potential TIRP II induced resettlement impacts. The subsequent consultations including during RAP planning will provide more detailed and updated information such as those related to components 2(**Strengthening Climate Resilience of the Kilosa–Gulwe–Igandu Section**)

Stakeholders concerns	TRC's response
and crossings during construction	demand and timely provision of access routes as the demand rises. TRC will ensure timely and adequate public disclosure of these alternative routes
Safety risks to children due to lack of easily understandable caution signs, electrified SGR fence	TRC E&S team will ensure that all project and public safety issues in relation to MGR and SGR projects are well taken care of at all times
Project infrastructure durability and Sustainability concerns due to poor supervision	TRC will strive to procure Contractors and supervisions consultants with adequate qualification and high degree of integrity to implement TIRP II
Contractor's noncompliance with applicable labor legislations	TRC will ensure all labor terms and conditions are fully adhered to as per the national applicable laws and approved labor management procedures(LMP)
The project might lead into environmental degradation, especially along Kilosa-Gulwe section which is already prone to flooding, which is now coupled with vegetation clearing by SGR Project	TRC is in the process of getting a design approach for permanent solution for this section. SGR and later on TIRP II contractors will ensure environmental protection measures are well taken into account. In general terms, the affected local environment will be restored as per the requirements of the Environmental Law (2004) and EIA and Audit Regulations of 2005.

### 8.3.2 Preparation and Disclosure of RPF

As part of the RPF disclosure process, a non-technical summary will be prepared and translated into Kiswahili. Where Kiswahili is not widely understood by impacted populations, the non-technical summary will be translated into the most appropriate local language. A print version of the summary will be distributed to key points within the Project area. In addition, village/town hall meetings will be organized to present the content of the RPF/RAP summary orally to impacted populations. Also, the RPF will be disclosed to TRC and World Bank websites.

### 8.4 Consultation during RAP Preparation and Implementation

Public consultations in relation to RAPs will be held at all stages, starting with inception and planning, wherever potential lands and alternative sites are being considered. A participatory approach will be adopted on an ongoing basis throughout the project cycle. Public participation and consultations may take the form of individual, group, or community meetings, depending on a series of factors (e.g., the need for transparency vs. the need to protect certain categories of actor from the presence of more powerful actors). Other forms of media may also be used to disseminate information. PAPs will be consulted in the survey process, through public notices containing descriptions of the project, during implementation of specific RAP activities, and as part of the monitoring and evaluation processes. The choice of consultation strategies and expansion of the participation of PAPs and other stakeholders will take into consideration such aspects as prevalent literacy levels in the target communities, ethnicity and cultural issues, and practical concerns (such as distance). The consultation during RAP preparation and implementation will help to;

- (i) Ensure transparency in all activities related to land acquisition, resettlement, and compensation;
- (ii) Share key information on the proposed subproject, its components, impacts, and activities related to PAPs in a timely and comprehensible manner;
- (iii) Obtain information on the needs and priorities of the PAPs, as well as their reactions to the project, proposed resettlement solutions, and process;
- (iv) Contribute meaningfully to project design, thereby minimizing resistance, conflicts, and implementation delays; and
- (v) Involve the broader public and their representative institutions and organizations in the design and planning of the proposed mitigation measures

#### **8.4.1 RAP Preparation**

Consultations and collection of baseline socio-economic data will be undertaken during RAP preparation. The levels of consultation will vary from households to community groups, based on the specific subproject context. The TRC E&S Team, via its consultants, will design the questionnaires, to be validated by affected households, organizations, and institutions, and adjusted as per their feedback.

Consultations during the socio-economic survey, is critical. The levels of consultation will vary from households to community groups, based on the context of the sub-project(s). The RAP team will design the questionnaires, but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, fishing boats, etc., as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

Focus group meetings with women, vulnerable groups, local business associations, individuals shop owners, informal vendors, primary and secondary schools, health centers, etc., will be undertaken to help establish a community baseline. Once the affected lands have been surveyed, affected assets inventoried, and all PAPs identified by the census. During these consultations, PAPs will be informed of their rights and options, given an opportunity to provide meaningful input to RAP (and, where possible, subproject) design and implementation, and informed on the channels available to them for grievance redress.

The GRM will be in place as early as possible in project design and preparation. All grievances will be recorded and followed up on in a timely, fair, transparent, and anonymous (where necessary) way. People should feel free to express themselves through both consultations and the GRM without fear of reprisals. Local Leaders and PAPs will be involved to the extent possible in the dissemination of information and resolution of disputes. During RAP preparation, it is critical that affected persons be made aware of and clearly understands:

- (i) Their options and rights pertaining to resettlement, relocation, and compensation;
- (ii) Specific technically and economically feasible options and relocation site alternatives;

- (iii) The set dates for the resettlement, relocation and compensation process;
- (iv) Effective compensation rates at full replacement cost for any project-related loss of assets and services;
- (v) Proposed measures and costs to maintain or improve affected living standards; and
- (vi) The available Grievance and Redress Mechanisms (GRMs).

The results of the consultation process will be summarized in a table, including responses to all concerns raised by participating local stakeholders, and presented in the RAP, including an explanation of how they informed RAP preparation (e.g., which concerns or suggestions were incorporated into RAP design/implementation and how, and which were not incorporated and why). Consultations will include, among other things, a discussion of:

- (i) Acceptable design alternatives;
- (ii) The conditions under which impacts will be socially acceptable;
- (iii) Available/possible compensation options;
- (iv) Measures to guarantee that affected persons will be able to enhance or at least restore their pre-project livelihoods and living standards;
- (v) Preferences of affected persons on forms of compensation assistance;
- (vi) Measures to mitigate impacts and arrangements for addressing any conflicts that may occur during or as a result of the resettlement process; and
- (vii) The available institutional and organizational mechanisms through which affected persons can communicate their concerns to the project, express any grievances, and meaningfully participate in RAP planning, implementation, and monitoring.

The inclusion of traditional political and cultural leaders, such as local community elders, is an important aspect of the participation strategy. The TRC E&S Team should ensure that such leaders and local representatives of PAPs are fully involved in the design of public consultation procedures for their areas.

#### **8.4.2 RAP Disclosure and Implementation**

The followed procedures in RPF disclosure will be adopted while disclosing the RAP document. Among of the objectives of the RAP that will be adhered with the consultation process will include

- (i) Land acquisition and compensation
- (ii) Grievance Redress mechanism
- (iii) Livelihood restoration programmes, and
- (iv) Communication and awareness programmes

## **8.5 Ongoing Consultations**

TRC and Project Implementation Team will continue to engage and involve Project stakeholders in resettlement planning and implementation in a meaningful and culturally appropriate manner. During the implementation RAP activities, it is important that engagement activities with certain key stakeholders continue. This will include an emphasis on vulnerable groups and IPs who will require focused engagement related to their unique circumstances. Ongoing engagements will not only ensure continued support from stakeholders including local governments but will also help identify and correct any issues in a proactive manner. Special attention will be given to vulnerable groups

## **8.6 Documentation of Stakeholder Consultations**

Minutes for each consultation meeting will be recorded and accompanied by a photographic recorded as inputs to the Consultation Report.

## Chapter 9: Grievance redress mechanism monitoring and evaluation.

Involuntary resettlement generates grievances among affected populations over issues related to land acquisition, eligibility for compensation, rates of compensation, access to livelihood assets and related matters that affect PAPs in varied types depending on the extent of the impact.

Recognizing the need to ensure PAP's concerns are addressed and solutions communicated back to the PAPs, a Grievance Redress Mechanism (GRM) that is user friendly; accessible to all affected persons and, which will help to ensure grievances raised by the PAPs are addressed timely and the satisfaction of all concerned parties is established. The main goal of a GRM system is to reduce the risks and costs that are associated with unresolved grievances. These costs can be litigation and/or administrative costs.

TIRP II induced displacement impacts and respective compensation payments may be associated with grievances that require redress mechanism. It is important to ensure that an effective GRM procedure is in place as part of RAP implementation. Potential types of grievances that may arise include but are not limited to:

- Errors in the identification of affected properties and persons within infrastructure rights- of-way;
- Disputes over property ownership (e.g., inheritance and divorce);
- Disputes over land and asset valuation;
- Disagreements on other compensation allowances; and
- Issues relating to the time and manner of compensation.

### 9.1 Preparation and Disclosure of Project Grievance Procedure

TRC will utilize its existing, but reviewed Grievance Redress Mechanisms to ensure adequacy in receiving and facilitating resolution of concerns and grievances of TIRP II specific project-affected parties arising in connection with the project's environmental and social performance, and in particular about social performance in planning and implementation process of RAP/LRP measures.

In addition to the existing Corporation GRM, a TIRP II Contractor developed, and Client approved expedient Grievance Redress Mechanism (GRM) prepared pursuant to the requirements of EES2 will supplement as needed, in some project-specific needs during the construction phase and will be made accessible as possibly appropriate to Project-affected parties, to assist in resolving their concerns and complaints as part of response to Community grievances.

The grievance procedures will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs, taking into the consideration the level of understanding of PAPs on the project relevant procedures to achieve a speedy, but just and fair resolution of their grievances. The procedure will be characterized by the following principles:

- PAPs will have full access to information on the resettlement process and their compensation options through their participation in resettlement planning and decision-making;
- Specific provisions for consultation and grievance redress procedures related to land, compensation and resettlement are provided and will be customized to the needs of specific Resettlement Action Plans as necessary;
- Special support and assistance to vulnerable persons in registering and following up on their claims will be provide; and Grievance Redress Committee (GRC) members and their roles at the Ward/Village and District levels must be clearly defined and the right of complainants to take their case to the courts if not satisfied with the resolutions proposed by the project GRM is clear. It is fundamentally envisaged that, an early and subsequently continued community engagements including from scoping stage of ESIA, and other baseline surveys & impact assessments will help in avoidance, or at least minimizing concerns arising from the restricted use of resources because of implementing any TIRP II Subcomponent in TRC railway strip.<sup>7</sup> TRC will also ensure that, in case of unavoidable land acquisition or restrictions on land use (whether permanent or temporary) during project implementation phase such as areas deemed necessary by Contractor for planned ancillary works and associated facilities including material sourcing and processing sites, access roads, workers camp, solid and liquid waste disposal sites, beam pre-casting yard, concrete mixing plant etc., identified PAPs will be informed about the project grievance process during community engagement activities.

The information conveyed to project beneficiaries and potential PAPs through various channels including TRC RELI TV/YouTube channel, TRC website, train station and Village/Mtaa government office notice boards, social and community instant chatting Apps, community engagement campaigns sessions etc., will include issues ranging from the scope of the TIRP II GRM, the procedure itself and transparency around it, responsibility assignment and associated accountability, the timeframes for responding to the complainant as well as credible principle of confidentiality for SEA/SH and anonymous complaints. Additionally, Community members will also be informed of the existence and functioning procedure of safe referral pathways in case of SEA/SH incident. Some of these community sensitization sessions will invite GBV/SEA-SH service provider or designated stakeholders.<sup>8</sup>

## 9.2 Scope and Scale of TIRP II GRM

The GRM will cover grievances and complaints emanating from permanent or temporary physical and economic displacement due to land acquisition or restrictions on land use undertaken or imposed in connection with project implementation. The mechanism will also deal with other project related potential complaints such as SEA/SH cases, arising in connection with project workers

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<sup>7</sup> “Railway strip” means the land on both sides adjacent to the railway track measuring thirty meters in width from the Centre line of the track reserved for safety purpose and for facilitating future development of rail infrastructure.

<sup>8</sup> Currently TRC does not have à GBV/SEA-SH specialist but has signed Memorandum of Understanding with six (6) civil society organizations (CSOs) to provide GBV/SEA-SH services and offer required sensitization and training in their projects including TIRP. These CSOs include Children’s Dignity Forum (CDF), C-seam, Women in Law, and Development in Africa (WILDAF), Women and Poverty Alleviation in Tanzania (WOPATA), Tanzania Women Lawyers Association (TAWLA) and Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO).



implementing compensation, relocation, or livelihood restoration measures. Particular attention will also be paid to gender aspects and the needs of the poor and the vulnerable, as they are likely going to be more adversely impacted if their concerns are not handled with urgency they deserve. Consistent with ESS5, this procedure will not directly deal with grievances relating to land rights and land use ownership rights between private entities (such as due to multiple land allocation), but will engage in extending impartial advisory, for these issues to be settled within existing community - level informal grievance mechanisms or in appropriate procedures pertinent to the relevant Tanzania legislation; The Land Disputes Courts Act, 2010, The Land Act, 1999 (as amended from time to time), etc.

The scale of further review regarding the existing GRM will be commensurate to the nature and magnitude of the potential project related displacement risks and impacts as advised by ESIA. The procedure will be explicit and comprehensive enough in terms of personnel competence, financial resources allocations, and candid decision making to adequately respond to TIRP II specific physical and economic displacement and associated concerns, throughout the project lifetime. To enhance the requirements for continuous improvement, TIRP II GRM will undergo scheduled or demand driven reviews through formal evaluation of its adequacy in delivering the intended objectives.

### **9.3 Steps, Responsibilities & Accountability in Grievances Redress Mechanism**

In line with ESS10 requirements, all TIRP II related physical and economic displacement and other intertwined grievances including SEA/SH, will be handled in a culturally appropriate, discreet manner, with high level objectivity, social sensitivity and will receive responsiveness, proportionate to the needs and concerns of the project-affected parties.

Depending on the nature and perceived risk level of grievances in question, TIRP II's redress mechanisms will incorporate interrelated approaches, consistent with international standards, as summarized in figure 1 below and stepwise descriptions in the subsequent relevant subsections.

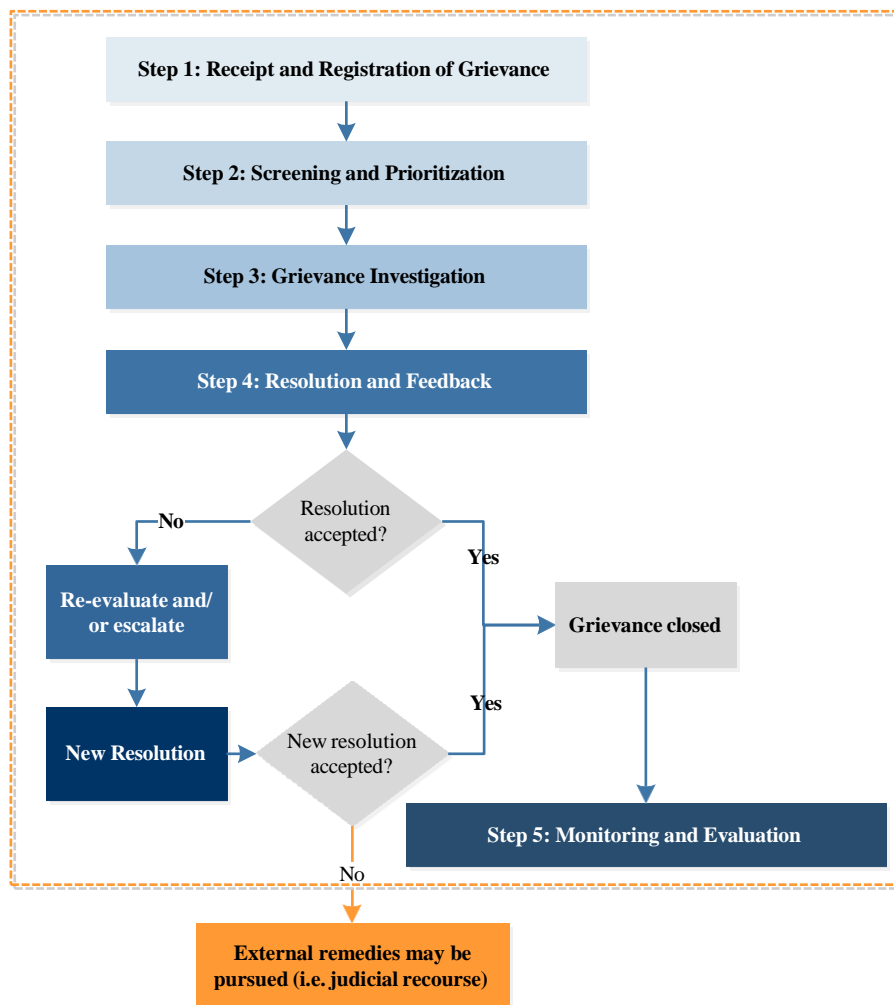


Figure 1: Grievance Redress Mechanism flowchart for TRC

### 9.3.1 Grievance Receipt and Registration

TIRP II will devote time and other resources in ensuring that community land rights and land use rights grievances are avoided by efficiently utilizing available resources and infrastructure, railway strip and existing corporate structures. In case of unavoidable temporary land acquisition, restrictions on land use and involuntary resettlement, potentially due to TIRP II Contractor’s technical fulfillment for ancillary facilities obligations or dwindling of Meter Gauge Railway (MGR) reserve resulting from the design & build nature of the ongoing Standard Gauge Railway (SGR) Project, resettlement and livelihood restoration measures including appropriate compensation and grievance redress mechanisms will be put in place and shared with the respective PAPs.

TIRP II grievances will likely be received through a variety of sources, with the following accessible uptake locations and channels being the main anticipated ones.

- a) Village/Mtaa grievance redress committee/Local leaders; TRC grievance receipt form, Feedback /Suggestion boxes, Mobile phones, Village assembly

- b) Contractor's disclosed GRM (Community grievances) channels; Contractor/Engineer notice boards, CLO disclosed mobile phone numbers, Suggestion/ Feedback boxes, Scheduled community engagement sessions, instant chat apps, etc.
- c) Clients GRM communicated channels, a dedicated ministry level email address (malalamiko@uchukuzi.go.tz), toll free number managed at HQ (0800-110-042), CLOs/community engagement, Feedback /suggestion boxes in MGR train stations
- d) TIRP II relevant CBOs/CSOs as detailed in separately prepared SEP; phone calls, emails, etc.

Complainants may submit a grievance verbally or in writing via the Project Grievance Form<sup>9</sup> (TIRP II specific forms will be developed and distributed to the local leaders) to their respective village chairman or local authority, where it is processed for resolution but also shared with TRC CLO for recording purposes. To widen participation/ inclusiveness, transparency and accountability linked to the grievance procedure, TIRP II DPs will be advised to channel their grievances, complains, concerns through locally available grievance committee(s). In villages/locations where there is no existing committee for grievance redress, it will be the Client's and/or Consultant's CLO responsibility to encourage formation of at least an 8 member GRC, consisting of vulnerable group member(s), women and automatic inclusion of Village Government Chairman and Village Executive Officer.

Where feasible, the chairman/grievance Committee may resolve the grievance according to customary rules/procedures. Where the chairman/Committee is unable to find a satisfactory solution, he/it may refer the sorted and earmarked land acquisition, restrictions on land use and involuntary resettlement grievances to the TRC project RAP implementation team through Community Liaison Officers (CLOs) and other community related grievances<sup>10</sup> via TIRP II Contractor's CLO, for subsequent processing and resolution procedures. At TRC, the grievance shall be recorded by a CLO in an official logbook and uploaded into the corporate database followed by prompt verbal or at most five (5) days furnishing the grievant with an acknowledgement notice and information regarding the subsequent steps within the GRM, as per applicable timelines. The database containing all GRM files and in particular SEA/SH related grievances will be password protected, hardcopies locked in storage cabinet, with limited access rights granted to a few designated personnel.

Complainants may also bypass local authorities and register their grievance directly with members of the TRC Social Team and/or CLOs, or by any other submission channel established by the Project (Box 1). The RAP Implementation team will be responsible for receiving unresolved project related permanent or temporary physical and economic displacement grievances as well as compiling newly registered grievances on a weekly basis. Compiled grievances will be monitored in a grievance database developed by the Project and managed by a designated TRC database analyst in liaison

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<sup>9</sup>TIRP II Project Grievance Forms will be available in both English and Swahili and assistance will be provided where necessary to account for any literacy, language, or cultural barrier that might otherwise prevent an aggrieved party from registering a grievance/complaint related to the Project.

<sup>10</sup> TIRP II land acquisition grievances will likely be received through Contractor's GRM channels, along with his community grievances resulting from underperformances in community E&S requirements; Failure to prevent significant impacts to local community /environmental resources or failure to implement mitigation measures, failure to adequately abide to project related National and International legal requirements, etc.

with monitoring and evaluation personnel. To ensure that no disproportionate resources use of time and other resources on grievances that is not founded on facts or on issues not directly connected to TIRP II land acquisition or restrictions on land use, competent sorting will be done in this stage of grievance processing. This will enhance reduction of unnecessary backlog of works carried forward and eventual delays in delivery of affected person's respective rights/resolution.

Although receipt of TIRP II related SEA/SH grievances will mainly assume the same disclosed channels, the subsequent processing steps will be done through the specific procedures stipulated in SEA/SH prevention and response action plan and other management strategies and implementation plans (MSIPs) ,guided by survivor-centered approach; protecting the confidentiality of survivors, recognizing them as principle decision-makers in their own care and treating them with agency, dignity and respect for their needs and wishes. In compliance with the requirements for Safety, protecting the confidentiality of survivors, personnel handling the receipt and recording of TIRP II related SEA/SH complains will be obliged to conduct him/herself in alignment with relevant National legislations and international best practices<sup>11</sup>.

#### **Box 1: The current stakeholder options for filing a grievance**

TRC recognizes the need for grievance filing procedures to be easily accessible and culturally appropriate for stakeholders regardless of education levels, gender, or other access issues. Within this context, the following channels have been established for registering a grievance:

- *Written communication* via Project Grievance Forms and/or Suggestions/Feedback Boxes available in impacted villages and rail stations along the Project corridor.
- *Verbal communication* in-person or via telephone to village representatives, CLOs, or other TRC staff at constructions sites/camps.
- *Via Project website.*
- *Via toll-free Project hotline (0800-110-042)* monitored by two designated TRC personnel.

#### **9.3.2 Screening and Prioritization**

Grievances that have not been resolved at the local level will be classified and prioritized by the TRC CLO team with support from the TRC Social Expert. The TRC Social Expert will support the CLO team to determine the potential social risk, and subsequent steps for investigation. This may require reviewing records of similar incidents or occurrences, any available evidence, supporting documents, or statements.

Depending on the result of conducted risks assessment during screening and prioritization, handling may also shift to fast tracking grievance management procedure, rather than following the normal

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<sup>11</sup> See WHO ethical and safety recommendations for researching, documenting, and monitoring sexual violence in emergencies (2007); GBVIMS Best Practices, <http://www.gbvims.com/wp/wp-content/uploads/BestPractices2.pdf>).

project uptake to resolution path. TIRP II will establish a threshold level beyond which a particular grievance shall automatically be raised to higher level of management for prompt and efficient resolution. Due to their nature, some high risk and complicated grievances including SEA/SH linked to physical displacement, e.g., exposure of women and children to various forms of violence in new residence may require immediate and unique response as the case dictate. Handling of TIRP II related SEA/SH complaints from this stage onwards, will therefore preferably be done by a female CLO, to facilitate safe means for female complainants to air their grievances freely

Based on the circumstances of the complaint, the grievance will be forwarded to relevant authority or Project department for a proposed resolution. Following the finalization of implementation of individual RAPs, all resettlement related grievances (Categories 1, 2 and 3) will be immediately forwarded to the Social Safeguards Manager for review and resolution.

*Table 7: Proposed grievance classifications*

No.	Classification
<b>Category 1</b>	Safeguards, including compensation disputes, land allocation and delays in compensation
<b>Category 2</b>	Grievances regarding violations of policies, guidelines, and procedures such as Land policies of Tanzania, regulations, and misconducts.
<b>Category 3</b>	Grievances regarding contract violations, e.g., Between village authorities and the contractor on the lease of borrow pits. Private land lease for camp constructions, etc.
<b>Category 4</b>	Grievances regarding abuse of power/intervention by project or government officials
<b>Category 5</b>	Grievances regarding construction misconduct/violation of safety and precautions by the construction personnel.
<b>Category 6</b>	Grievances on sexual abuse/harassment and misconducts by any project related persons
<b>Category 7</b>	Suggestions
<b>Category 8</b>	Appreciation

### 9.3.3 Grievance Investigation

Thorough investigation will only involve serious, complex grievances to ascertain the validity of the raised issues and use the verified substantiations to propose some well-informed resolutions to the grievance at hand. Personnel entrusted with TIRP II frontline grievances management procedure (led by CLOs) will ensure that, adequate knowledge, skills and experience is employed to get clarity on whether the received issue is a grievance, complaint, suggestion, appreciation, or request and assign it to the appropriate process. Some raised issues will only need proper explanation, clarification, or

some sort of professional guidance/advice, i.e., the resolution of a grievance may require only additional information to clarify the situation and/or improve communication between the complainant and TRC. In addition, it may also be an alert necessitating introduction of mitigation measures to prevent the problem from recurring in the future.

Establishment of facts and subsequent timely delivery of verbal or written resolution regarding the presented grievance will be done by TRC's CLO led RAP implementation field team, in liaison with other internal department members, Chief Valuer's office as the case may necessitate, to enhance prompt & credible verification. The investigation will also not hesitate to seek for additional inter-departmental or external professional advice from identified stakeholders on how to proceed with some unanticipated case specific, but complex and sensitive scenario around grievance in question, including SEA/SH related

Time management and recorded (written or verbal) status update communication with TIRP II DPs complainants regarding delays associated with processing stages before resolution, will be one of the critical elements in personal performance assessment and accountability for personnel along the grievance management chain of custody. Investigation will also be done thoroughly, with high level of impartiality, transparency in aspects to be verified and eventual publication of results of investigations to enhance trust in the GRM.

As part of investigation, CLO or appointed personnel will organize telephone or face-to-face follow-up meeting with the aggrieved party to investigate the complainant's allegations as well as verify the validity and/or gravity of the grievance. The investigator may also make a site visit to inspect and familiarize him/her, verify the facts around the raised land related issue. The CLO/investigating personnel will gather supporting information including photographs and/or other documentary evidence, to determine the appropriate corrective or preventive measures to properly address the grievance. All the materials involved in the grievance investigation process including minutes will be recorded and uploaded into the project GRM database.

#### **9.3.4 Resolution and Feedback**

The mechanism will focus on achieving a prompt, just and mutually beneficial resolution. TIRP II related physical and economic displacement complainants will be informed about the proposed mitigation, management options or explicit resolution as per the findings of the impartially conducted investigation. Resolution will be in form of a formal written communication by CLO, detailing the investigation findings as well as any proposed response. The CLO will communicate the response, discuss any mutual commitments, and ask for the complainants' agreement, culminating into signing of minutes between the two parties. Once the grievance is resolved and closed, the complaint and the actions taken will be disclosed to relevant authorities and the identity of the complainant will remain confidential.

If the complainant is not satisfied with the resolution, or the outcome of the proposed corrective actions, the response should be reviewed and (if appropriate) amended considering further discussion/negotiation. Formal responses will include:

- a) Compilation of photos or other documentation of the grievance.
- b) A record of the date and time the resolution was presented, a summary of corrective actions, and the signature of responsible Project staff.
- c) A record of the meeting with the complainant to form a collective agreement closing out the claim; and
- d) Where issues are resolved to the satisfaction of the complainant, a confirmation of agreement that will be filed along with the case documentation and the grievance will be closed.

The first resolution of grievance should be provided to complainants within 15 days of receipt of the initial grievance. If more time is required, this will be communicated clearly in advance to the concerned party. Where the complainant is satisfied with the response provided to their grievance, the CLO will close-out the grievance in the grievance database

If the complainant is not satisfied with the resolution or the outcome of the agreed corrective actions conveyed via the CLO, the issue may be escalated to the E&S Grievance Committee by the TRC Social Expert for further review and additional corrective actions, or in the case of valuation stage grievances, the office of the Chief Government Valuer. To enhance impartiality, TIRP II GRC will be composed of TRC Project E&S personnel, and third parties invited depending on nature and magnitude of unresolved grievance in question. The involved stakeholders may therefore include representatives from CBOs/CSOs such as Tanzania Women Lawyers Association (TAWLA), Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO), and Chairperson for Village Social services committee etc., in case of SEA/SH, Restrictions on Land Use for Indigenous people or general project related Land Acquisition, and Involuntary Resettlement issues respectively.

TRC will strive to ensure that, all specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) are resolved within the prepared project GRM procedures in a timely, effective, and transparent manner. Nonetheless, TIRP II PAPs will also be sufficiently informed on the availability of judicial or administrative remedies, should they not be satisfied by tabled resolution or at any given point during ongoing GRM process. Any party resorting to a court of law will be exempt from all administrative and legal fees pursuant to the grievance redress procedures Further to the project GRM and external appeal avenues, to avoid wastage of time, resources, and development of unproductive, toxic coexistence with TIRP II affected parties, TRC may in line with ESS10(ESS10—Annex 1. Grievance mechanism) offer a mediation involving third party, to facilitate development of agreeable outcome for both sides. This will entirely be guided by voluntary nature, foreseeable negligible residual negative impacts to complainant and assumed acceptable lessen reputational, legal and sustainability compromises on TRC side.

SEA/SH grievant will be linked with and advised of timely contacting safe referral pathways including MTAKUWWA/NPA-VAWC committees, Police Gender and Children Desks, Health centers, social welfare officials, Courts on case-by-case basis.

### **9.3.5 GRM Monitoring and Evaluation**

All correspondence and corrective actions will be tracked in the grievance database. Reports from the grievance database including resolution and feedback will be discussed monthly by the Joint Task Force. Discussions will revolve around the effectiveness of the GRM as well as any common or recurrent issues that may indicate the need for structural changes in Project activities. GRM results may be reported back to the community as well as any changes made to the GRM process via village meetings.

To maintain complete transparency during RAP implementation activities, 'Public Information Centers (PICs)' are set up to disseminate RAPs/LRPs related information and for grievance resolution actions, if any. Experienced Sociologists are on board for extensive interactions with the project affected persons (PAPs).



## Chapter 10: Monitoring and evaluation

Monitoring and evaluation (M&E) is a key component in resettlement and livelihood restoration process. M&E provide project stakeholders, impacted individuals, and relevant authorities with information on whether resettlement activities align with overall RAP objectives as well as support the early gap identification and timely adjustment (s) if required. Among others, the following aspects should be considered in RAP monitoring and Evaluation;

- Timely disbursement of compensation payments;
- Effectiveness of public consultation and participation activities
- Implementation effectiveness of RAP Livelihood Restoration Programmes
- Functionality and effectiveness of grievance redress mechanisms
- Inclusion of vulnerable groups based on impacts experienced post-resettlement and their ability to cope (including levels of resilience).

### 10.1 RAP Monitoring and Evaluation Phases

The established RAP objectives will be monitored continuously throughout Project by TRC team and external RAP experts as follow;

#### 10.1.1 Performance Monitoring

TRC E&S team in collaboration with government officials at Regional, District and village levels will conduct daily and monthly site visits to oversee RAP implementation progress. The monitoring reports will be reviewed.

#### 10.1.2 Mid Term Review Impact monitoring

Impact monitoring will be used to determine the long-term implications of RAP Indicators related to the living standards and livelihoods of PAPs and impacted communities against baseline information gathered during the household census and asset inventories. The monitoring will be undertaken one year before RAP completion by experts who will be engaged by TRC to support RAP implementation.

#### 10.1.3 End term evaluation or completion audit

A completion audit will be carried out by a third party to establish whether the Project has implemented all activities needed to ensure compliance with resettlement commitments defined within this RAP as well as whether or not resettlement and compensation is complete. Among others, the following objectives will be considered in completion audit

- Overall assessment of the RAP implementation against the objectives and procedures set out in this RAP
- Assessment of fairness, adequacy and promptness of the implemented compensation and resettlement procedures;
- Evaluation of the impact of the compensation and resettlement programme on livelihood restoration, measured through incomes and standards of living
- Assessment of the engagement level of project beneficiaries/stakeholders in different levels of project implementation
- Assessment of the functionality of the established grievances redress mechanism

- Identification of potential corrective actions necessary to mitigate the negative impacts of the programme, if any, and to enhance its positive impacts.

## 10.2 RAP Implementation Indicators

The Logical framework matrix will be categorized into three key performance indicators as listed below:

**Process indicators:** Indicating project inputs, expenditures, staff deployment etc. These indicators will largely concern TRC’s internal arrangements;

**Output indicators:** Indicating RAP implementation results in terms of numbers of affected people compensated and resettled, livelihood restoration programmes delivered, etc. These indicators will assess the RAP’s internal implementation processes and results; and

**Impact indicators:** Measuring the longer-term effects of resettlement on people affected by physical and economic displacement. These indicators will largely determine the external impacts of the RAP implementation process. For the purposes of Project resettlement, the following are among key areas that will be monitored and assessed:

- Accessibility to socio services such as healthcare facilities, schools, markets, and public transport in the new settlements or in the new relocated neighbourhoods of the project affected areas
- Recovery status of the affected properties such as residential structure, business structures or residential/agriculture plots
- Improvement status of Household income and expenditure post-resettlement
- Household’s (including vulnerable) perceptions on the overall impacts of the resettlement

## 10.3 Logical Framework Matrix

The proposed RAP monitoring plan in Table below has identifies various RAP management domains, some of the key performance indicators and targets that will supposed to be captured as part of RAP preparation and implementation

Table 8: Logical Framework Matrix

RAP Management Domain	Description	Performance indicators	Target
Project affected households	<ul style="list-style-type: none"> <li>• Details of people affected by resettlement</li> </ul>	<ul style="list-style-type: none"> <li>• Numbers of people affected by physical displacement (disaggregated by gender)</li> <li>• Number of people affected by economic displacement (disaggregated by gender)</li> <li>• Number of people affected by both physical and economic displacement (disaggregated by gender)</li> <li>• Number of people neither physically no economically displaced (i.e. graves</li> </ul>	<ul style="list-style-type: none"> <li>• Socio economic profile of the affected households with regards to their displacement type (i.e., physical and economic displacement)</li> </ul>

RAP Management Domain	Description	Performance indicators	Target
		only)	
Compensation payments	<ul style="list-style-type: none"> <li>• Compensation payment amounts as per the valuation reports</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs properties affected by the project</li> <li>• Number of PAPs received compensation payment as with regards to the affected properties</li> <li>• Number of PAPs not paid compensation</li> </ul>	<ul style="list-style-type: none"> <li>• No land entry for project construction activities prior PAPs compensation payments</li> </ul>
Livelihood restoration	<ul style="list-style-type: none"> <li>• PAPs willingness to participate in livelihood restoration programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs participated in financial literacy training</li> <li>• Number of PAPs attended and completed capacity building on profitable agriculture (disaggregated by gender)</li> <li>• Number of PAPs taking own LRP initiatives</li> </ul>	<ul style="list-style-type: none"> <li>• All the affected PAPs to be reached in livelihood restoration programmes</li> </ul>
Grievances mechanism	<ul style="list-style-type: none"> <li>• Functionality of grievance redress mechanism</li> </ul>	<ul style="list-style-type: none"> <li>• Number of grievances received (disaggregated by type and gender)</li> <li>• Number of grievances resolved as the GRM time frame (disaggregated by type and gender)</li> <li>• Number of outstanding grievances within 3 months</li> <li>• Number of outstanding grievances within 6 months</li> </ul>	<ul style="list-style-type: none"> <li>• All project related grievances are responded/closed as per the set timeframe in the GRM system</li> </ul>
PAPs Recovery/improvement status	Evaluate PAPs recovery/improvement status post project displacement	<ul style="list-style-type: none"> <li>• Percentage of PAPs with recovery properties affected by the project</li> </ul>	<ul style="list-style-type: none"> <li>• All PAPs are able to restore their properties affected by the project</li> </ul>
Livelihood restoration	Assess the effectiveness of the livelihoods restoration plan	<ul style="list-style-type: none"> <li>• Percentage of households with improved income and expenditure post-resettlement</li> </ul>	<ul style="list-style-type: none"> <li>• None of PAP's income/expenditure is affected by project post resettlement</li> </ul>
Accessibility to socio services	Community accessibility to socio services such as healthcare facilities, schools, markets, and public transport post project	<ul style="list-style-type: none"> <li>• Percentage of households pleased with the established crossings</li> </ul>	<ul style="list-style-type: none"> <li>• Project crossings suit community demands in terms of accessibility to socio services</li> </ul>

RAP Management Domain	Description	Performance indicators	Target
	displacement		
Household's (including vulnerable) perceptions on the overall impacts of the resettlement	Document changes in households perceptions and evaluate households satisfaction with the resettlement and compensation process	<ul style="list-style-type: none"> <li>• Percentage of households pleased with the compensation process</li> <li>• Percentage of households pleased with the physical displacement process</li> <li>• Percentage of households with positive sentiments towards the project</li> <li>• Percentage of households pleased with the livelihood restoration process</li> <li>• Percentage of households with improved quality of life</li> </ul>	<ul style="list-style-type: none"> <li>• Household's (including vulnerable) satisfied with the provided project interventions</li> </ul>

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**Annex 1: Grievance Forms**

A: : Grievance Receipt Form

**TANZANIA RAILWAY CORPORATION****1. STATEMENT OF THE COMPLAINANT**

- a) Name..... b). Gender Female  Male
- c) Occupation: ..... d). Mobile No.....
- e). Region: ..... f). District: .....
- g). Ward: ..... h). Street/Village: .....

**a. COMPLAINTS HAVE BEEN RECEIVED THROUGH:**

- a). Complaint form  b). Letter  c). Toll free number  d). Office visiting
- e). Meeting with the representative of the corporation in person/site
- f). Visiting the local government office  g). Postal address

**2. DETAILS OF THE COMPLAINT**

The Corporation acknowledges receiving your complaint of                      Date.....Month.....Year.....  
 Concerning  
 with.....  
 .....

We would like to inform you that your complaint is being dealt with and you will be given initial feedback within fourteen days, starting from Date...../...../.....

**3. RECIPIENT OF THE COMPLAINT**

Name: .....

Title: .....

Signature.....

**4. COMPLAINT/REPRESENTATIVE**

Name: .....

Feedback Form

Signature: ..... **B: Grievance**



THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF WORKS AND TRANSPORT



**TANZANIA RAILWAY CORPORATION**

**1. COMPLAINT DETAILS**

- b) Name: ..... b) Gender Female  Male
- d) Age: ..... d) Mobile No.: .....
- e) Region: ..... f) District: .....
- g) Street/Village: ..... h) Date.....
- i) Valuation number (*if the complaint concerns with Valuation/compensation*)  
.....

**2. REFERENCE**

Complaint received Date...../...../..... Through form Number.....

**3. FEEDBACK**

Initial feedback of the complaint concerning  
with.....  
.....

**4. COMPLAINT FEEDBACK PROVIDER INFORMATION**

Name: .....

Title: .....Signature: .....

**5. COMPLAINT/REPRESENTATIVE**

Name: .....

Signature: .....





THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF WORKS AND TRANSPORT

TANZANIA RAILWAY CORPORATION

**1. COMPLAINT DETAILS**

- c) Name: ..... b) Gender Female  Male
- e) Age: ..... d) Mobile No.: .....
- f) Region: ..... f) District: .....
- g) Street/Village: .....h) Date.....
- j) Valuation number (*if the complaint concerns with Valuation/compensation*)

**2. REFERENCE**

Complaint received Date...../...../..... Through form Number.....  
 .....with a feedback form No.....

**3. STEP TO BE FOLLOWED**

The following steps have been followed by the Railway Corporation in order to find a solution concerning with your complaint.

- i. ....  
 ii. ....

**3. COMPLAINT CLOSING FORM**

Due to the steps mentioned above, Railway Corporation would like to inform you that your complaint which was presented through a form No..... has been closed.

**4. AGREEMENTS**

I..... with whom I had a complaint with form No.....

AGREE  DO NOT AGREE  with the solution towards my complaint.

**5. COMPLAINT FEEDBACK PROVIDER INFORMATION**

Name: .....

Title: ..... Signature: .....

**6. COMPLAINT/REPRESENTATIVE**

Name: ..... Signature: .....

## Annex 2: Excerpt of a Resettlement Action Plan

### 1.1 OUTLINE OF THE RESETTLEMENT ACTION PLAN

#### Scope and applicability of RAP

RAP is prepared in fulfilment of the WB ESS5 requirements as detailed in **ESS5**. The applicability of ESS5 is established during the environmental and social assessment described in ESS1, where also the varying scope of requirements and level of detail of the resettlement plan will be established subject to the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

This excerpt presents the summary of the minimum elements of a resettlement plan as per the Environmental and Social Framework (p. 60-63). Basic Elements in RAP are:

- 1. Description of the project:** General description of the project and identification of the project area.
- 2. Potential impacts :** Identification of: (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project; (b) the zone of impact of such components or activities; (c) the scope and scale of land acquisition and impacts on structures and other fixed assets; (d) any project-imposed restrictions on use of, or access to, land or natural resources; (e) alternatives considered to avoid or minimize displacement and why those were rejected; and (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.
- 3. Objectives:** The main objectives of the resettlement program.
- 4. Census survey and baseline socioeconomic studies:** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions: (a) identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; (b) information on vulnerable groups or persons for whom special provisions may have to be made; (c) identifying public or community infrastructure, property or services that may be affected; (d) providing a basis for the design of, and budgeting for, the resettlement program; (e) in conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and (f) establishing baseline conditions for monitoring and evaluation purposes. As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey: (g) land tenure and transfer systems, including an inventory of common property natural resources

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

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

**6. Institutional framework:** The findings of an analysis of the institutional framework covering: (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons; (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

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

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

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

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

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

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

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

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

15. Additional planning requirements where resettlement involves physical displacement

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

15.2. *Site Selection, Site Preparation, and Relocation.* When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering: (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services; (c) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (d) procedures for physical relocation under the project, including

timetables for site preparation and transfer; and (e) legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.

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

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

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

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

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

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

16.1. *Direct land replacement.* For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

16.2. *Support for alternative livelihoods.* For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit,

licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

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

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