Notice of Registration

Re: Request for Problem Solving
Request No.: RQ2012/01
Country: Tanzania
Project: Tanzania Road Sector Support Project II

The Compliance Review and Mediation Unit (CRMU) received, on 5 June, 2012, a Request about the Road Sector Support Project II in Tanzania which is financed by the African Development Bank. The Request was submitted by Mr. Abdul Ali Dello [hereinafter, “the Principal Requestor”] and Mr. Omari Saidi Fusa. In particular, it related to the Dodoma-Babati Road Section which is one of the three roads to be upgraded by the project. The main problem of the Requestors is that they had received a notice from Tanzania National Roads Agency (TANROADS), which is responsible for the implementation of the project, to remove their residences immediately without payment of compensation and resettlement benefits.

In the process of assessing the information provided by the Request, CRMU identified that the Requestors had not taken any prior steps to resolve their problems with the staff of the Bank Group. Since this is considered, under Paragraph 5 (e) of the IRM Rules, as a precondition for the registration of the Request, CRMU advised the Principal Requestor, on 7 June, 2012, to contact the Bank.

After several correspondences between the Principal Requestor and the Bank's Country Office in Tanzania, the Requestor officially informed CRMU, on 13 of June, 2012, to register the Request because he has not received any clear information as to the actions or the steps that the Bank intends to undertake to resolve their problems. The Principal Requestor said that the Bank had instead asked him to follow the same process that he had been attempting since December, 2011 so as to resolve their problems with TANROADS.

The Bank Group’s Boards of Directors approved, on 5 April, 2012, the funding of Tanzania Road Sector Support Project II. According to the Appraisal Report, the project total cost estimate is UA212.78 million whereof the Bank’s financing amounts to UA 140.00 million to cover 65.8% of the project cost.¹ The project comprises: civil works (from graveling to bitumen standards) to upgrade 387km of trunk roads including Dodoma-Babati road (188km); consulting

¹ The Appraisal Report, Paragraph 2.5, pp. 5-6.
services; capacity building; and compensation and resettlement of the project affected people in accordance with the Resettlement Action Plans (RAPs). The Appraisal Report stated several project benefits such as the project will improve road transport infrastructure to reduce road maintenance and travel time; provide access to the communities in the zones of influence to bigger markets and social services; improve cross-borders trade; and enhance tourism and regional integration.2

Due to its social and environmental impact, the project is classified as “Category 1” which requires a full scale environment and social impact assessment (ESIA). On the account of the involuntary resettlement, the Appraisal Report stated several issues. First, the road works will inevitably affect a significant number of persons and necessitate relocation of residential and associated buildings (such as grain stores and commercial buildings), community structures (including health facilities and water points) and communal lands.3 Subsequently, approximately 753 residences will be affected on the Dodoma-Babati Road.4 Second, in respect of the Bank's Involuntary Resettlement Policy, the Appraisal Report provided that RAPs have been prepared for the three roads to be upgraded by the project, and TANROADS will be responsible for their implementation.5 Finally, the Report provided that a total of TZS 13.27 billion (USD 8.43 million) has been allocated for compensation and resettlement by the Government as part of counterpart financing.6

The Requestors raised several issues indicating that a direct harm could be inflicted on them due to the construction of the Dodoma-Babati Road section. They stated that they had received a notice, on 10 April, 2012, from TANROADS (letters Ref No. 10/603/21 and Ref No.10/603/22) to remove their residences immediately without payment of compensation or resettlement benefits.7 They also mentioned that they had already received a similar notice, in December, 2011, whereby they responded by sending to TRANSOADS the copies of the legal documents supporting their land lots purchase from the Government at Berko Township in Londo District, Dodoma Region. However, they said that TANROADS had refused to consider these documents and insisted that since their houses were built on road reserve, they will not be compensated.8

The Requestors also mentioned that there are other project affected persons along the road who are helpless, poor and have no access to communication facilities to claim their rights to compensation and resettlement.9 They mentioned to CRMU that their discussion with TANROADS was unattainable, and the Bank's Country Office in Tanzania had not provided them any clear information as to the actions or steps that the Bank will undertake to resolve their

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2 The Appraisal Report, supra note 1, p. iii.
3 Ibid., p.11.
4 Ibid.
5 Ibid.
6 Ibid.
7 The Request, p.1.
8 Ibid.
9 Ibid.
problems. The Requestors asked CRMU to intervene to ensure that TANROADS pays them their rightful compensation and resettlement benefits before it removes their residences to pave the way for the Babati-Dodoma road project.¹⁰

CRMU considers that the Request fulfills the preliminary requirements for registration under the IRM Rules. In due regard to the demand of the Principal Requestor, and pursuant to paragraphs 19 and 20 of the IRM Rules, the Officer in Charge hereby notifying you that CRMU has registered the Request for problem solving exercise, on 25 June, 2012, under the number RQ2012/01, in the IRM Register of Requests which is accessible on the Bank’s website (www.afdb.org/irm). The Requestors, the Bank’s Management and other interested parties shall refer to this number in their relevant correspondences with CRMU. All decisions relating to the Request will be communicated to the Principal Requestor:

Mr. Abdul Ali Dello  
P.O. Box 12351 Arusha, Tanzania.  
Email: delloabdul@gmail.com  
Mobile: +255 754 301466

In accordance with paragraph 31 of the IRM Rules, the Bank Management must provide CRMU, within 21 working days of the receipt of this Notice of Registration, written evidence as to how the Bank has or intends to comply with the Bank Group’s Policy on Involuntary Resettlement in this Tanzania Road project. The due date for the submission of the Management response to CRMU is by no later than 23 July 2012.

Upon the receipt of the Management Response and its confirmation to engage in the problem solving exercise, pursuant to paragraphs 35-37 and 38-42 of the IRM Rules, the Officer in Charge of CRMU shall initiate the exercise, with the objective of finding a solution to the alleged problems acceptable to all parties, and then submit at the end of the exercise a Problem-Solving Report to the Boards of Directors, the President and the Requestors. In the event that the issues could not be resolved through this exercise or instances of non-compliance with the Bank’s Policy on Involuntary Resettlement are identified, in keeping with paragraphs 43-44 of the IRM Rules, the Officer in Charge may recommend that a compliance review be warranted. This recommendation will be included in the Problem Solving Report.

Yours sincerely

Adila Abusharaf  
Officer in Charge  
Compliance Review and Mediation Unit

¹⁰ The Request, supra note 7, p.2.
Sent to:

(1) The Principal Requestor
(2) The President, African Development Bank Group
(3) Boards of Directors, African Development Bank Group
Ms Adila Abusharaf
Officer in Charge
Compliance Review and Mediation Unit
African Development Bank
BP 323-1002 Belevedre, Tunisia.

Dear Madam,

RE: BABATI – DODOMA ROAD PROJECT - COMPENSATION AND RESETLEMENT COMPLAINT.

The above mentioned subject refers.

We, the undersigned, are project affected persons of the above mentioned road project financed by AfDB and would like to lodge a formal complaint with your organization regarding the notice to remove our residences immediately without payment of compensation and resettlement benefits as notified by the Tanzania Road Agency (TANROADS) via their letters of notices to us Ref. Nos.R.10/603/21 and R.10/603/22 both dated 10/4/2012 respectively.

We responded to an earlier notice served to us in December 2011 and attached photocopies of legal documents offered to us when we acquired the land plots legally at Bereko Township in Kondoa District, Dodoma Region from the Government Ministry of Lands and Human Development but the road agency (TANROADS) refused to consider them and insisted that the houses were built on the road reserve and we will not be compensated. In the circumstances, we were left with no other alternative except to seek your assistance so that we get paid our rightful compensations and resettlement benefits before we remove our houses and give way for the road project implementation. It is also important to note that despite the fact that we are two of us who are lodging this formal complaint but there are a number of other project affected persons along this road who are helpless, poor and have no access to communication facilities but nevertheless have the right for compensation and resettlement.

It is very disheartening to learn that while we are being denied of our rightful compensation and resettlement benefits by TANROADS, a total amount of TZS 13.27 Billion has been set aside for compensations and resettlement of 753 project affected persons along this road project according to the AfDB Project Appraisal Report on the Babati- Dodoma road project which was posted on the ADB website.
For this reason we would like to confirm that we would very much appreciate it if CRMU could intervene and ensure that TANROADS pays us our rightful compensations and resettlement benefits accordingly before we remove our residences and property to give way for the implementation of the Babati – Dodoma road project.

If you need further information just let us know and we will be pleased to give it to you.

Thank you very much for taking interest to assist us in our claim and we are looking forward for your positive response in due course.

Yours truly,

Abdul Ali Dello and Omari Saidi Fusa