Consulting Services for Design of 42.9kms of Bus Rapid Transit System Phase 2 and 3 in Dar es Salaam City

3.2-1 Resettlement Action Plan Report (Phase 2)
Executive Summary

Background of the Project
The Government of Tanzania intends to establish, operate and manage the Bus Rapid Transit (BRT) system, which is the cost effective sustainable transportation system in the world, for Dar es Salaam City to ensure fast and orderly flow of traffic on urban streets and roads.

Therefore the main objective of the project is to ensure orderly flow of traffic on urban streets and roads by increasing the level of mobility, promoting the use of non motorised transport, and to meet the ever increasing travel demand of the city residents with ultimate aim of increasing comfort and quality of life and urban development. Apart from improving public urban transport in Dar es Salaam city, DART system intends to generate more jobs to residents by inviting people to invest in the DART system bus operators, fund management and fare collection companies.

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

Project Location
The proposed BRT roads project is envisaged to be constructed in Dar es Salaam City intercepting Ilala, Kinondoni and Temeke municipalities. The phase 2 BRT corrier is designed to be along Kilwa Road with a total of 19.3km from the city centre to Mbagala area and construction is expected to start early 2017.
Need for a RAP

The proposed construction of the DART phase II will involve land acquisition specifically where the proposed terminal and deport will be constructed; currently the proposed site is utilised for various social and economic activities that will require DART to compensate those affected and ensure that the project does not impact those affected negatively as a result of involuntary resettlement. DART is preparing this RAP report to ensure that land acquisition is undertaken as per the AfDB standards of involuntary resettlement as well as those of the Government of Tanzania.

Objectives of the Resettlement Action Plan

The main objective of this Resettlement Action Plan (RAP) is to provide an agreed plan for the resettlement and compensation of Project Affected Persons (PAPs) affected by the proposed BRT project phase two to be implemented in Dar es salaam specifically in Ilala, Kinondoni and Tembeke Municipal Councils. The plan provides a road map for resolving displacement, resettlement and compensation issues.

Objective of this RAP

This RAP has been prepared in consistent with the applicable policy provisions of the Government of Tanzania (GoT) and those of the African Development Bank. This RAP has been prepared as the proposed project will involve land acquisition and displacement affecting shelter, livelihood and other associated impacts. The RAP presents an inventory of people likely to be affected by the DART Phase II project, and the proposed compensation and resettlement packages.

Methodology and Approaches

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

- Review of available data:
- Site Verification and assessment
- Undertaking PAP Census and Socio-Economic Profile
- Valuing Affected Assets and Compensation Payments
- Conducting Spot Valuation
- Disclosure of the Resettlement Action Plan
- Identification of Impacts

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

- Construction of a Terminal Buildings and Depot
• Construction of the main Dart Road
• Construction of Fly-over’s
• Construction of Bus stations
• Turning Radiuses
• Construction of Feeder Stations
• Construction of walk ways
• Categories of Impacts

The project will affect a total of 387 compensable assets that include residential structures, graves and annex structures. Table below, indicates the type of assets or use that will be affected during implementation of the DART phase II project. The magnitude of impact of assets that must be relocated, with or without relocation of PAPs, is also indicated.

**Table 1** Project Impacted Assets and Magnitude of Impact

<table>
<thead>
<tr>
<th>Affected Category</th>
<th>No. of Assets</th>
<th>Summary of Impacts/Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Structures</td>
<td>31</td>
<td>Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate - physical relocation/ others can relocate on the same plot</td>
</tr>
<tr>
<td>Residential and Commercial structures</td>
<td>42</td>
<td>These are structures that the owner combines both residence and commercial activities such commercial activities include residential tenants and shops</td>
</tr>
<tr>
<td>Permanent crops and trees</td>
<td>7</td>
<td>These include shelter and food trees and different maturity level. Temporary loss of food sources and/or income or profit while re-establishing farming activities</td>
</tr>
<tr>
<td>Loss of Business owned by individuals (renting or owners of the structures)</td>
<td>115</td>
<td>Mainly retail shops and residential tenants</td>
</tr>
<tr>
<td>Loss of Business</td>
<td>7</td>
<td>These are go downs and small factories</td>
</tr>
<tr>
<td>Affected Category</td>
<td>No. of Assets</td>
<td>Summary of Impacts/Loss</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Loss of Business</td>
<td>1</td>
<td>Fuel filling station located along the Samora Avenue</td>
</tr>
<tr>
<td>Loss of Business that is undertaken at the Mtaa office open space</td>
<td>22</td>
<td>These include brick making, food venders, a small garage</td>
</tr>
<tr>
<td>Annexed Structures</td>
<td>6</td>
<td>These are structures that impacts do not affect the main structures i.e security fence and therefore PAP will not be relocated these include fence</td>
</tr>
<tr>
<td>Graves</td>
<td>150</td>
<td>The graves are located within a Mosque premises information from the Mosque officials and relatives in the area indicate that due to limited space some have buried more than one person on an area demarcated as one grave</td>
</tr>
<tr>
<td>Public/Communtiy structures</td>
<td>3</td>
<td>One Mtaa office, One Mosques and Two Madrassa (owned by an individual PAP)</td>
</tr>
<tr>
<td>Public/Communtiy land</td>
<td>1</td>
<td>Land by the Mtaa that is currently used by petty business</td>
</tr>
<tr>
<td>Loss of services</td>
<td>2</td>
<td>A PAP with a bore hole that is currently serving water to about 200 families and a primary school across the Kilwa road.</td>
</tr>
<tr>
<td>Public/community assets</td>
<td>1</td>
<td>An alter owned by the Roman Catholic Church</td>
</tr>
<tr>
<td>TOTAL</td>
<td>387</td>
<td>There are PAPs with more than one asset mainly graves</td>
</tr>
</tbody>
</table>

Note: This does not include utilities and trees along the corridor

Willingness to Relocate

The households affected by the project declared willingness to relocate should they receive prompt and fairly compensation. Of the Households interviewed indicated their preference of relocating to a site close to their current homesteads, though they are not sure of availability of land within the area or if the compensation provided
will allow them such opportunity. When asked if they would want their Municipal Council to find alternative land for the affected PAPs it was revealed that they will not want alternative land as currently the sites that the Municipals are developing are away from the area they are used to.

Eligibility for Compensation and Resettlement Assistance

For the proposed DART Project the following groups are entitled to compensation and/or assistance under the project:

Project Affected Persons (PAPs)
- These include people and households regardless of their ownership status as squatters etc. that will face their livelihoods adversely affected and/or lose their right or title on land, house, habitat, water resource or any asset possessed, due to the project implementation.
  ● Project Affected Families (PAFs)
  All members of a project affected household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.
  ● Significantly Project Affected Families (SPAFs)
  - The affected families who lose all of their land and residences because of the project intervention.
  ● Displaced Family
  - Any tenure or interest holder on a property and his/her family members, who on account of acquisition of the property for the project purpose becomes a displaced person.
  ● Squatters
  - People who have occupied land for purpose of their livelihoods violating the law and are not entitled to compensation for lost land under this policy. But if displaced they are entitled to resettlement assistance.

Vulnerable Groups
- Distinct groups of social and economically distressed people who might suffer disproportionately from the effects of displacement. These may be ethnic minority, women and child headed households, impoverished youth, the most poor (based on the poverty line), the disabled and elderly.

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

Others unintentionally impact

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

**Forms of Compensation**

To compensate the PAPs for their lost assets, the Project has two options for different payment modalities based on individual’s choice these are:

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

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

For this particular project all individual PAPs have opted for cash compensation and therefore in-kind compensation will only be for public properties (that include a Mosque in Mbagala and the Mtaa office) and part of the costs associated with relocation of graves.

**Compensation for damage of other Utilities within the project area**

The proposed project will require relocation or damaging of utilities and other infrastructures. These include water, traffic lights, and electricity or telecommunication infrastructures which will amount Tshs. 1,826,047,273.66. Any damage or relocation will require compensation from the project developer to be paid to the institution that owns the utility that include TANESCO, TEMESA, DAWASA, TCRA and TTCL. This should be done on a timely manner to avoid inconveniences to the users of the infrastructures.

**Social Services in the Project Area**

There are number of social services within Temeke Municipal. These include health services, water, schools and security and safety services. Health services available in Temeke Municipal include 2 government hospitals, 2 private hospitals, and 107 dispensaries of which 30 are government owned and 77 are private owned. There are also 5 health centres within the municipal.

Education services are also available in the municipal and they include primary schools, secondary schools, and tertiary institutions including vocational training centres and university colleges. There are 144 primary schools of which 100 are government owned and 14 are private owned. There are also 70 secondary schools out of them 39 are government owned and 31 are private owned. The municipal also has 3 vocational training centres and number of other tertiary institutions.
The proposed project being located within a city set up, economic activities are diverse. These include small scale manufacturing industries that provide employment to residents. Other activities are commercial, wholesale and retail trade activities. Residents are also involved in wage employment in various sectors both government and private owned.

According to the 2012 Population and Housing Census, Temeke Municipal has a total of 1,368,881 Mianzini ward where bus terminal and bus depot will be constructed has a total population and number of household in Mianzini ward is 100,649 with an average household number of 4 people. Data on affected people show that there are 194 households owners of affected properties with 383 members of household and 296 are tenants and their household members.

The survey identified 12 people categorized as vulnerable; these include 4 elders, 1 physically impaired and 1 person with chronic disease and need special attention and assistance during RAP implementation. Temeke Municipal Council should ensure that a social worker from the municipal offices is involved in the compensation exercise to ensure that vulnerable people get special attention.

**Policy, Legal and Institutional Framework**
The RAP for the proposed DART Phase two will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania as well as those of AfDB that include the following:

- National Land Policy, 1997
- The Land Act, 1999
- African Development Bank’s Safeguard Policy and guidelines
- The Graveyard removal Act (No. 9 of 1969)
- The Land Regulations, 2001
- The Land Disputes Courts Act No. 2 of 2002
- Land Use and Spatial Planning
- The Road Act 2007

Various Institutions will be involved in the Implementation of this RAP for the DART Phase II; these include:

Ministry of Lands, Housing and Human Settlements
DART
Local Government Authorities (At Municipal, Ward and Mtaa level)

**Gap between the Tanzania legal and policy Requirements and AfDB policies**

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

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

The RAP for DART phase II has adopted the gaps in ensuring that all PAPs as per AfDB receive some kind of compensation as well as paying compensation as per market value, identify PAPs and preparing a monitoring plan for the RAP implementation.

**Public Participation and Stakeholders Consultations**

Comprehensive planning is required to assure that project implementer, relevant local government, NGOs and the affected population interact during all stages of the project implementation. RAP in linear development projects have minimal impact for one particular area, though cumulatively it might have a significant impact depending on the length of the project. The public participation process took into
account particular feature of the Dar es Salaam Rapid transport project. In connection with the requirement that displaced persons be meaningfully consulted, consultations were made through meetings and interviews involving stakeholders at National, Regional, District, Ward and Village levels that operate in the project area. The main objective of the public participation was to enable stakeholders learn about the project, its impacts and how they will be mitigated. Another objective is to inform them about the compensations and resettlement procedures and to secure their cooperation.

**Views raised by stakeholders include the following:**

Compensation should restore community livelihood and it should reflect the current price because Mbagala has urban characteristics where plots are competitively high like other business areas in the City.

Compensation should be done in time not more than six months after valuation of people’s properties.

There will be spread of HIV/AIDS and other sexually transmitted infections if thorough measures are not taken by households, ward and Municipal in waging a campaign against spread /prevalence of HIV.

PAPs should be educated on the usage of compensation money otherwise people will squander them and fail to build another house.

Our mosque and graves have a spiritual sentimental with many families around Mianzini sub-ward so, we request your company to make in-kind compensation instead of cash.

**RAP Implementation**

The compensation process and RAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, DART office and its officials and local government officials at ward and Municipal level.

The overall responsibility for resettlement lies with the PMO-RALG through DART, and payments will be made through the fiscal authority of DART as the project management body for this project, in accordance with its administrative and financial management rules and manuals.

It is at this time that the RAP implementation teams in particular the Community Development office will guide PAPs on the recommended use of money for re-establishing their homes that have been demolished.

**RAP Implementation Budget**
The total compensation costs that will be provided under this RAP as per compensation schedules for PAPs with compensable assets is Tsh. **26,902,493,744**, while **Tsh. 112,000,000** will be used for unforeseen impacts.

**Management of grievances and Disputes**

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

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

The Resettlement Action Plan for the proposed BRT project in the Ilala and Temelke Municipal Council provides a simplified grievance redress mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs.

The committees will therefore be as follows:

One for all PAPs in Ilala Municipal Council along the road project
One for all PAPs in Temelke Municipal Council along the road project
One for all PAPs at Mianzini -for the station and depot

**Monitoring and Evaluation**

RAP implementation will be closely monitored to provide DART an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and trouble shooting, progress reporting.

Monitoring the progress of RAP execution will be carried out through internal monitoring processes by DART and through external monitoring involving other agencies as may be deemed appropriate by DART.
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CHAPTER 1
INTRODUCTION AND OVERVIEW

1.1 Background of the Project

The Government of Tanzania intends to establish, operate and manage the Bus Rapid Transit (BRT) system, which is the cost effective sustainable transportation system in the world, for Dar es Salaam City to ensure fast and orderly flow of traffic on urban streets and roads.

The Dar es Salaam city is the largest in Tanzania and the principal centre of commerce and Industry. It is also an important terminal for air, sea, and road transport. For the city council and municipalities to play their roles effectively, i.e. responsibility for transport, environmental planning and development and road maintenance, they therefore require road networks with enough carriageways to handle large traffic flow, which is a growing problem in the city roads (traffic congestion). The BRT project follows the current land use plan that shows an extension of planned residential areas in the north-west along Ali Hassan Mwinyi road, in the south along Kilwa road and in the Tabata area. The plan also shows an extension of unplanned residential areas in the west along Morogoro road, in the South-west corridor along Nyerere road. There is also an extension of industrial areas north along Ali Hassan Mwinyi road, along Nyerere road and part of Mikocheni Area.

Dar Rapid Transit Agency (DART) was therefore established by the Government and it operates under the Prime Minister’s Office, Regional Administration and Local Government through the Ministerial Advisory Board to establish and operate Bus Rapid Transit (BRT) system in Dar es Salaam City to add to the City efforts to enhance mobility, safety, comfort and clean environment. DART Agency came fully into force on 16th June 2008, established by GN. No. 120 of 25th May 2007, under the Executive Agency Act, No 30 of 1997.
Therefore the main objective of the project is to ensure orderly flow of traffic on urban streets and roads by increasing the level of mobility, promoting the use of non motorized transport, and to meet the ever increasing travel demand of the city residents with ultimate aim of increasing comfort and quality of life and urban development. Apart from improving public urban transport in Dar es Salaam city, DART system intends to generate more jobs to residents by inviting people to invest in the DART system bus operators, fund management and fare collection companies.

In order to distinguish itself from the current public urban transport system, popularly known as daladala, the DART system will be using quality high capacity buses which meet international service standards, environmentally friendly, operating on exclusive lanes, at less travelling time while ensuring user satisfaction. The project will link other ongoing initiatives geared towards the improvement of the Dar es Salaam infrastructure and transport network. These may include but not limited to Kigamboni toll bridge (560m long) which will link the main part of the Dar es Salaam City with the Kigamboni ward, and the Kisarawe Freight Station which is proposed to link the Railway and Roads infrastructures and the Port through Public

1.2 Project Objectives

The main objective of the BRT project is to improve the transport infrastructure in Dar es Salaam city whereby the proposed roads such as Kilwa and Nyerere roads are vital as they form part of regional and trunk roads connecting other regions. The expected output is the orderly flow of traffic on urban streets and roads with increased level of mobility, promoted use of non motorised transport such as bicycles and increased comfort and quality of life and urban development. In details, following the nature of urban population and economic framework of the Dar es Salaam City and the need of efficient and integrated transport system for the city, the Dar Rapid Transit Agency (DART) is implementing the Bus Rapid Transit (BRT) as the bus-based mass transit system that delivers fast, comfortable, and cost effective urban mobility.
In Dar es Salaam, lack of sufficient infrastructure has resulted in unreliable service with astonishingly low levels of quality of transport in the city. Meanwhile, the minimal investment engaged by operators, explain the proliferation of small vehicles (daladala) which cannot cater for the problem. A greater number of small buses are necessary to transport the same amount of passengers. Allied to small fares, the obvious consequences are overcrowded vehicles and congested road ways. To make the business profitable, vehicles need to run full almost all the time. This means there are no schedules at all, long waiting times in the middle of the route, absence of services during some hours in some regions, especially at late hours in the evening. Another aspect of the problem is the bottlenecks generated in some stops due to the concentration of vehicles. In places like Kariakoo, Buguruni and TAZARA, it is common to see huge congestions, before the daladala stops and an empty street after this point.

The serious public transport problem facing Dar es Salaam has two main causes; The small obsolete passenger vehicles operating without control, and the lack of safe road infrastructures that endanger both motorized and non-motorized transport users including pedestrians. The rationale behind the proposed Bus Rapid Transit System is to regulate urban transport through a specialized infrastructure known as Bus Rapid Transit (BRT) that has been tested in other cities over the last 25 years. Therefore the project aims at ensuring orderly flow of traffic on urban streets and roads by increasing the level of mobility, promoting the use of non motorised transport, and to meet the ever increasing travel demand of the city residents with ultimate aim of increasing comfort and quality of life and urban development, thus reducing traffic congestion in the city. Therefore, the specific objectives of Dar es Salaam BRT system are:

- To increase the level of mobility of the majority of residents enhancing their participation in wide range of economic and social activities
- To facilitate the use of Non Motorised Transport (NMT) by improving service roads and implementing parallel bicycle routes allowing for integration of bicycles and the bus system and for reduction of congestion in the carriage way
• To meet the continuous increase of travel demand of the city
• To have a comfortable public transport system at reasonable cost to the users and yet profitable to the operators, using quality high capacity buses which meet international service standards, environmentally friendly operating on exclusive lanes at less travelling time

1.3. Proposed BRT Project Description

1.3.1 Project Location

The proposed BRT roads project is envisaged to be constructed in Dar es Salaam City intercepting Ilala Kinondoni and Temke municipalities. The phase 2 BRT corridor is designed to be along Kilwa Road with a total of 19.3km from the city centre to Mbagala area. The Phase 3 BRT corridor is designed to be along Nyerere Road from Gongo la Mboto to Kariakoo area with a total of 23.6 Km where it connects with other routes.

1.4.2 Project Roads Description

The Second and Third Phase of BRT system plan, whose detailed engineering designs is being finalized, intends to cover infrastructural design and the associated trunk and feeder network plans. The Phase 2 BRT corridor is designed to be along Kilwa Road with a total of 19.3 km from the city centre to Mbagala rangi tatu area. The phase 3 BRT corridor is designed to be along Uhuruto and Nyerere Road from Gongolamboto to Kariakoo area with a total of 23.6 km where it connects with other routes. The proposed DART BRT network plan is shown on Figure 2.2. BRT system will comprise of a two- lane, one lane per direction, two way roads dedicated for buses only that allows busses to bypass peak hour congestion as well as achieve high speeds to reach destinations faster. The proposed roads will comprise Bus lanes, mixed traffic lanes and Non Motorized Traffic (NMT) facilities. The Corridors and Non Motorized Traffic facilities will include trunk and feeders; feeders include bicycle and pedestrian paths, pedestrian overpasses and flyovers (if required) etc. Stations and terminals will include elements like access area, fare collection area, platforms and circulation. Bus Deports will include
elements like access area, manoeuvre, fuelling, washing, and maintenance, parking and necessary buildings such as for maintenance.

Phase 2 (19.3 km) construction is expected to start early 2017 along Kilwa Road and Kawawa Road South while Phase 3 (23.6 km) is expected to start in 2019 along Nyerere Road, Uhuru Street, Bibi Titi Road and Azikiwe Street as shown below:

**Proposed DART BRT Road network**

**Need for a RAP**

The proposed construction of the DART phase II will involve land acquisition specifically where the proposed terminal and deport will be constructed; currently the proposed site is utilised for various social and economic activities that will require DART to compensate those affected and ensure that the project does not impact those affected negatively as a result of involuntary resettlement.

DART is preparing this RAP report to ensure that land acquisition is undertaken as per the AfDB standards of involuntary resettlement as well as those of the Government of Tanzania.
CHAPTER 2
OBJECTIVES AND METHODOLOGY

2.1 Objectives of the Resettlement Action Plan

The main objective of this Resettlement Action Plan (RAP) is to provide an agreed plan for the resettlement and compensation of Project Affected Persons (PAPs) affected by the proposed BRT project phase two to be implemented in Dar es Salaam specifically in Ilala and Tembeke Municipal Councils. The plan provides a road map for resolving displacement, resettlement and compensation issues.

Specific objectives are to:

- Develop mitigation measures to ensure that the affected people are not worse off as a result of the project and at least their livelihoods are restored to that of before the project.
- Engage PAPs and communities to gain understanding of project objectives and impacts
- Involve PAPs and other stakeholders in developing a plan for physical relocation and compensation for lost assets
- Provide information that will be used to implement the resettlement plan; and
- Outline institutional arrangements for the implementation of the RAP

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

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

2.2 OBJECTIVE OF THIS RAP

This RAP has been prepared in consistent with the applicable policy provisions of the Government of Tanzania (GoT) and those of the African Development Bank. This RAP
has been prepared as the proposed project will involve land acquisition and displacement affecting shelter, livelihood and other associated impacts.

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

Specifically the RAP was prepared in order to:

a) Ensure that the land acquisition process is per the requirements of the AfDB and those of the Tanzanian Government;
b) Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
c) Set out strategies to mitigate against adverse effects suffered by the PAPs including provision of channels and platforms for negotiations;
d) Assess the potential extent of involuntary resettlement relating to the Project;
e) Identify the possible impacts of such resettlement;
f) Identify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
g) Quantify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
h) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project; and
i) Estimate the costs necessary for resettlement and compensation.

2.3 Methodology and Approaches

2.3.1 Overview

The general approach that was used in the preparation and completion of this RAP took into consideration the nature of the project as a linear project and is an upgrade not a green project for most of the components other than the stations and the fly-over’s; thus it will have minimal impact in most of the areas covered by the proposed project.
2.3.2 Specific Methods and approaches.

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

(a) **Review of available data**: the project technical proposal (2014) and the Environmental and Social Impact Assessment (ESIA) draft report of 2014 were reviewed.

(b) **Relevant Policies and Acts.** The following documents were reviewed:

- Land Acquisition Act 1967
- Land Act No. 4 of 1999
- Village Land Act No. 5 of 1999
- Land Regulations (Assessment of the Value of Land for Compensation; Compensation Claims: and Scheme of Regularization) of 2001
- Africa Development Bank Safe Guard Policy

2.3.3 Site Verification and assessment

The team conducted a site visit mainly to determine the magnitude and type of impacts associated with the project and determine mechanisms to minimize magnitude of impact.

2.4 Methodology for Undertaking PAP Census and Socio-Economic Profile

A socio-economic survey was undertaken using a questionnaire for household in carrying of the household census. Questionnaires were administered to get specific information that define and characterize the affected persons’ assets. The questions include personal identification, ownership of assets found in the corridor of impact, household income, household size, gender and sex, marital status, age, levels of education, type and number of main and secondary occupations and land details such as percentage of land affected in proportion to remaining land area, type of houses and magnitude of impact of the project at an individual level.
2.5 Methods of Valuing Affected Assets and Compensation Payments

The calculation of compensation and other resettlement allowances for displaced property owners based on current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and Land Regulations, 2001 only provide for compensation equivalent to the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. This approach to valuation is not consistent with the resettlement measures required by the African Development Bank which requires that compensation is paid based on the full replacement value (not depreciated) of an asset.

In order to meet the requirements for a RAP consistent with the Bank, the valuations have been done in compliance with Bank’s policy guidance as detailed in the terms of reference that the compensation value is obtained from the Replacement Cost added with allowances as well as ensuring that the displaced persons entitlement includes:

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

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

(i) **Transport Allowance:** Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: “Transport Allowance shall be
the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty 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 with occupied residential/commercial structure.

(ii) **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 loosing occupied residential structures.

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

(iv) **Disturbance allowance**: is payable as a percentage of property valuation in compliance to the provisions of Act N° 4 of 1999. The percentage is the average commercial bank rates offered on fixed deposits during 1 year.

2.6 Methodology of Conducting Spot Valuation

Spot valuation is based on visual inspection and physical counting techniques; this was applied for properties that detailed valuation was not conducted as PAPs could not be reached at the time of actual valuation. It should be noted that prior to these PAPs
receiving compensation, an actual valuation will be undertaken and therefore the valuation report will be updated.

2.7 Disclosure of the Resettlement Action Plan

The final RAP will be approved by project implementers as well as all lenders relevant to this project. The approved RAP report will be available to the public at the following places:

- PMO-RALG Office/website
- Office of DART/ DART Website
- Office of Temeke and Ilala Municipal Council
- Offices of the Ward Executive Officer (WEO) of respective wards within the corridor of impact
- AfDB
CHAPTER 3
IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE
RESSETLEMENT

3.1 Activities that Will Lead to Resettlement Impact

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

3.1.1 Construction of a Terminal Buildings and Depot

Two terminal buildings will be constructed for DART phase two one at Kariakoo Gerezani as well as another terminal and deport at Mbagala area. Land acquisition for the terminal at Kariakoo Gerezani has already been acquired by DART in 2012/13 and PAPs received a compensation of about 12.03 billion shillings. The proposed terminal building and deport at Mbagala will result into a significant loss of structures that include residential, commercial and public infrastructures.

3.1.2 Construction of the main Dart Road

Though the proposed upgrade will to a large extent follow the existing alignment but there will be an increase in the road carriage area width to accommodate the DART lanes as well as the road way leave. The current width of the road is 45m and DART project would require 21 metres for road construction and 25.5m at stations.

3.1.3 Construction of Fly-overs

To minimize traffic impact on major junctions the project also anticipates construction of two fly over’s as a mitigation measure; one of the flyover will be constructed at the junctions of Kawawa and Nyerere while the other one will be constructed at the junctions of Mandela and Kilwa roads. The Kawawa fly over will affect a filling station
particularly one fuel pump and associated infrastructures while the Kilwa road fly over will affect walls (fence) of three PAPs.

3.1.4 Construction of Bus stations

The proposed project intends to construct fifteen bus stations along the Kilwa Road from the Railway bus station in the city centre to Mbagala terminal. Also six bus stations will be constructed along the Kawawa Road from the current Magomeni Mikumi daladala stop where it connects with the phase one to Mgulani bus station. Considering the design of the bus stations; that is constructed in the centre of the DART roads this activity will have minimal impact on land take that will mainly be the existing road way leave and therefore no impact to PAPs.

3.1.5 Turning Radiuses

In some parts of the road project, the engineering design would require the road to be curved to accommodate the turning radius of project buses; this is mostly on current sharp corners of the existing roads or on roundabouts of existing roads. This activity however has minimal impact and turning radiuses will be designed only at Mgulani JKT roundabout and Askari Monument roundabout.

3.1.6 Construction of Feeder Stations

The proposed project will also construct feeder roads to enable link the proposed project with other feeder roads; The proposed DART phase two will construct three feeder stations along the Kilwa Road that include feeder stations at Stesheni, Mtoni kwa Azizi Ali and Karibu Textile and for the Kawawa road no feeder station will be constructed. The feeder stations will have minimal impact and only the wayleaves for the existing roads will be utilized.

3.1.7 Construction of walk ways

These are meant for pedestrians and will mainly utilise the existing right of way (ROW) as well as up grading existing walk ways to minimize impact in some sections of the DART phase two the walk ways size will vary according to space limitation.
3.2 Categories of Impacts

This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP census and the valuation exercise.

The project will affect a total of 387 compensable assets that include residential structures, graves and annex structures. Table 1 below, indicates the type of assets or use that will be affected during implementation of the DART phase II project. The magnitude of impact of assets that must be relocated, with or without relocation of PAPs, is also indicated.

Table 1: Project Impacted Assets and Magnitude of Impact

<table>
<thead>
<tr>
<th>Affected Category</th>
<th>No. of Assets</th>
<th>Summary of Impacts/Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Structures</td>
<td>31</td>
<td>Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate - physical relocation/ others can relocate on the same plot</td>
</tr>
<tr>
<td>Residential and Commercial structures</td>
<td>42</td>
<td>These are structures that the owner combines both residence and commercial activities such commercial activities include residential tenants and shops</td>
</tr>
<tr>
<td>Permanent crops and trees</td>
<td>7</td>
<td>These include shelter and food trees and different maturity level. Temporary loss of food sources and/or income or profit while re-establishing farming activities</td>
</tr>
<tr>
<td>Loss of Business owned by individuals (renting or owners of the structures)</td>
<td>115</td>
<td>Mainly retail shops and residential tenants</td>
</tr>
<tr>
<td>Loss of Business</td>
<td>7</td>
<td>These are god owns and small factories</td>
</tr>
<tr>
<td>Loss of Business</td>
<td>1</td>
<td>Fuel filling station located along the Samora Avenue</td>
</tr>
<tr>
<td>Affected Category</td>
<td>No. of Assets</td>
<td>Summary of Impacts/Loss</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Loss of Business that is undertaken at the Mtaa office</td>
<td>22</td>
<td>These include brick making, food venders, a small garage</td>
</tr>
<tr>
<td>open space</td>
<td></td>
<td>These are structures that impacts do not affect the main structures i.e security fence and therefore PAP will not be relocated these include fence</td>
</tr>
<tr>
<td>Annexed Structures</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Graves</td>
<td>150</td>
<td>The graves are located within a Mosque premises and due to limited space some have buried more than one person on an area demarcated as one grave</td>
</tr>
<tr>
<td>Public/Community structures</td>
<td>3</td>
<td>One Mtaa office, One Mosques and Two Madrassa (owned by an individual PAP)</td>
</tr>
<tr>
<td>Public/Community land</td>
<td>1</td>
<td>Land by the Mtaa that is currently used by petty business</td>
</tr>
<tr>
<td>Loss of services</td>
<td>2</td>
<td>A PAP with a bore hole that is currently serving water to about 200 families and a primary school across the Kilwa road.</td>
</tr>
<tr>
<td>Public/community assets</td>
<td>1</td>
<td>An alter owned by the Roman Catholic Church</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>387</strong></td>
<td>There are PAPs with more than one asset mainly graves</td>
</tr>
</tbody>
</table>

**Note: This does not include utilities and trees along the corridor**

**3.2.1 Loss of Structures (residential structures)**

There will be a significant impact of loss of structures that will be caused by the proposed project mainly the construction of a terminal building which is likely to have a major impact to the livelihood of the PAPs if not well compensated. Types of houses to be affected are largely the common semi urban houses cement blocks and corrugated iron sheets as roofing materials.
For the impact of residential structures they are mainly of three types that include those used as residents for the owner of the house, those used with tenants and therefore a source of income for the owner and other residential structures that combine both residents for the property owner sharing with tenants. There are also some residential structures that are still under construction (unfinished) though none of such asset is likely to be affected for the PHASE II.

PAPs loosing residential structures are entitled to the following compensation:

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

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

- Transport and disturbance allowance a flat rate of 150,000 for each tenant.

**Table 2: Types of residential structure and number for the affected properties**

<table>
<thead>
<tr>
<th>No</th>
<th>Type of Residential structure</th>
<th>No of loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resident of owner PAP</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Resident of Tenants</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>Combination of owner PAP and tenants</td>
<td>42</td>
</tr>
<tr>
<td>4</td>
<td>Unfinished structures</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>73</strong></td>
</tr>
</tbody>
</table>

(i) **Commercial Structures**

It has been revealed that the project will have a major impact on structures that are used for commercial purposes that include renting houses or renting part of the houses for other type of business such as shops. There are also two main categories of business in
the area i.e. those that are registered and therefore have records with their business and those that have no records of which most are petty business. Therefore entitlements for PAPs losing commercial structures under this RAP will be categorized as follows:

3.2.2 Loss of Commercial structure owner of business

PAPs loosing commercial structures will be compensated the following:

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

PAPs loosing commercial structures with business that do not have record:

- Compensation of the commercial structure according to the type of structure and market value;
- Compensation of land where the structure is according to the market value if PAPs owns the land;
- Loss of profit allowance calculated at 100,000 Tshs per month for six months;
- Transport allowance;
- Disturbance allowance.

Loss of Commercial structure tenant with business record

- Loss of profit allowance calculated for six months;
- Transport and disturbance allowance 150,000;

Loss of Commercial structure tenant with no business record

- Loss of profit allowance calculated for six months at a rate of 100,000 per month;
- Transport and disturbance allowance 150,000;

Loss of Commercial structure tenant with business with no records
• Loss of profit allowance calculated for six months at a rate of 100,000 per month;
• Transport and disturbance allowance 150,000;

(ii) Annexed structures

Demolition of outer structures and services such as fences, stores, toilets and kitchens will result in loss of PAPs basic services that individuals, family or enterprises depend upon for sanitation, security and general well-being, however, this will not necessitate physical relocation of PAPs or loss of business. Annexed structures in this RAP are counted separately from the main buildings.\(^1\) A total of 6 annex structures will be affected

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

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

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

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

3.2.3 Loss of Community and Public Structures and entities

The public/community properties include structures and land that are publicly owned, used or controlled, example by a government authority, such as a school, health center or sports field; and those that are actually private, but serving a community purpose, such as a place of worship, a private clinic or a private school. The proposed DART

\(^1\)While counted separately, their compensation value is reported together with main structures in the Compensation Schedule
Phase II will affect 3 community structure used for various activities, though the demolition of community entities will not lead to any relocation of individuals but is likely to disrupt community services and social networks. The said structure serves communities from various parts of Mianzini ward.

Plate 1: Public properties found in the project area (mosque)

Compensation for public and private community properties will be provided according to preference of owner. For this project the Mtaa representatives opted for in-kind compensation to enable the project proponent construct another office for them while the mosques and Madrasa the owners opt for cash compensation to enable them decide on how they would want to relocate the structures. This RAP ensured the property has been evaluated and shall be compensated. Local communities in collaboration with their relevant institutions will identify a preferred location for relocating the affected community asset.

For in-kind compensation the proponent will have to replace a better structure or equivalent to the one affected while for those opting for cash compensation the properties will be entitled for the following compensation

- Compensation of the public structure according to the type of structure and market value;
- Compensation of land where the structure is according to the market value if PAPs owns the land;
• Loss of accommodation allowance;
• Transport allowance;
• Disturbance allowance.

3.2.4 Loss of Land

The proposed project will result in loss of land mainly for urban settlement and commercial purpose. All the plots to be affected are owned by individual and have been developed except for one plot that is owned by the Local Government.

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

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

3.2.5 Impact on Permanent Crops/Trees (Individual PAP)

Permanent crops include those that take more than a year to reach full maturity and can be harvested over a long period of time. These include coconut trees, sisal, fruit trees, banana trees and timber and shades related trees. PAPs specifically those at the proposed Mbagala Station and depot have grown trees for various purpose that include shelter, fruits and subsistence. A total of 7 PAPs own permanent crops. PAPs (legal owners or encroachers) with standing crops that include trees on their plots within the defined project area are entitled to compensation. Each tree is counted and compensated according to its market value and age of maturity; for instance a mango tree that is fully matured and producing is compensated 100% of the compensation rate of the tree.

PAPs losing permanent crops are entitled to the following compensation:

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

3.2.5.1 Impact on Permanent Crops/Trees (Public PAP)

In Dar es Salaam, trees have been grown along the existing road as a mechanism to reduce dust impact from existing road operations, shelter and for aesthetic value of the city or boundary of their plots. A number of trees planted along the existing roads will be affected, most of these trees are owned by the respective Municipal Council or TANROADs and/or other Government offices. This RAP recommends that DART to implement in-kind compensation for such loss by planting 10 times the number of trees likely to be affected. These trees should be planted in various parts of the affected municipal including the project area after completion of construction of the project.

3.2.6 Impact on Seasonal Crops

Seasonal crops are mainly those that take less than six months to reach total maturity that allows them to be fully harvested and the land cleared, they include maize, cassava, paddy, vegetables, sunflower and beans. Considering that the project is being implemented in an urban area, and the size of plots within the project affected area, there are no PAPs who grow seasonal crops, though some are likely to grow some vegetables.

PAPs with seasonal crops will not be compensated for the loss these assets, however, in order to prevent any financial impact or loss of harvest that mainly includes food crops, notice must be provided to all PAPs with seasonal crops within the Right-of-Way to alert on when to stop cultivating once they have been compensated for loss of land. If they have already cultivated they must be allowed to harvest their crops prior to start of construction.

PAPs loosing seasonal crops are entitled to the following compensation:
• Compensation of land where the seasonal crops are grown according to the market value if PAP owns the land;
• Disturbance allowance.

3.2.7 Loss of Cultural and Archaeological Property

The proposed project will have a significant impact on graves as within the proposed project there is a cemetery under the management of the local Mosque. A total of 150 graves will be affected by the project and will have to be relocated prior to implementation. It should be noted that the rates to be compensated for graves will vary depending on developments done on the grave. Compensation will be paid for expenses related to the relocation of graves such as expenses for ceremonies and labour in connection with exhumation and reburial, and any other development. The processes of relocating the graves will be participatory and take into account PAPs cultures and values. Where graves that would be adversely affected by the Project need to be exhumed and reburied at alternative locations, rituals and ceremonies will need to be conducted and must consult respective relatives. For this project, PAPs will be compensated ceremonial cost and cost of relocation; while other costs related to relocation of the grave will be compensated directly to the Temekle Municipal Council to enable relevant authorities relocate the graves.

Plate 2: graves within the proposed project
The table below provides a summary of the entitlement standards for PAPs affected by the DART Phase Two Project.

**Table 3: Entitlement Standards for the PAPs under the BRT PHASE II project**

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>ENTITLEMENTS</th>
<th>Transport Allowance</th>
<th>Other Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of residential structure</td>
<td>Household</td>
<td>Compensation at replacement value of structure and affected land</td>
<td>Moving 12 tons of goods for a 20 km. Distance</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost) Accommodation allowance (36 months rates)</td>
</tr>
<tr>
<td>Tenants</td>
<td>-</td>
<td>-</td>
<td>Allowance to enable them relocate (estimated at 150,000shs per tenant household) -Provide early information to tenants to allow them vacate (6 months notice)</td>
<td></td>
</tr>
<tr>
<td>Loss of commercial structure</td>
<td>Enterprise Owner</td>
<td>Compensation at replacement value of structure and affected land</td>
<td>Moving 12 tons of goods for a 20 km. Distance</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost) Loss of profit allowance (36months rates Disturbance Allowance</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------</td>
<td>-------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tenant</td>
<td>-</td>
<td>Allowance to enable them relocate (estimated at 150,000shs per tenant household)</td>
<td>Loss of profit allowance for Six months only</td>
<td></td>
</tr>
<tr>
<td>Loss of permanent crops and trees</td>
<td>Individual PAP</td>
<td>Compensation of crops at market value and value of affected land</td>
<td>N/A</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td></td>
<td>Public/Municipal Council</td>
<td>-</td>
<td>-</td>
<td>In Kind Compensation by DART</td>
</tr>
<tr>
<td>Public/community structure</td>
<td>Concerned public or private Entity</td>
<td>Compensation at replacement value or construction of alternative structure or alternative site by agreement</td>
<td>Moving 12 tons of goods for a distance of 20 km.</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td>Concerned public or private entity</td>
<td>In-Kind compensation by constructing the affected structure and/or</td>
<td>Moving 12 tons of goods for a 20 km. Distance(</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>Loss of Land</td>
<td>Household/Public</td>
<td>Compensatio n at Market value</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of graves</td>
<td>Household/Public</td>
<td>500,000shs will be paid to Te</td>
<td>PAPs will receive 300,000 tshs as disturbance allowance</td>
<td></td>
</tr>
<tr>
<td>Loss of annex structures to be relocated on the</td>
<td>PAP owner</td>
<td>Compensatio n at replacement value of structure</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Encroachers/Commercial</td>
<td>Permanent structures</td>
<td>Loss of profit if the annex affected is a commercial property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Business</td>
<td></td>
<td>Disturbance allowance of 100,000</td>
<td>Early notification to enable PAP relocate for 3 months notice</td>
<td></td>
</tr>
<tr>
<td>Loss of land/structures</td>
<td>PAP vulnerable</td>
<td>Compensatio n of lost asset as per the affected asset</td>
<td>Disturbance allowance</td>
<td>Assist vulnerable PAP to find alternative house to rent or to obtain alternative plot to construct</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------</td>
<td>------------------------------------------------------</td>
<td>-----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>

NB: It should be noted that the 8% rate is subject to change

3.3 **Willingness to Relocate**

The households affected by the project declared willingness to relocate should they receive prompt and fairly compensation. Of the Households interviewed indicated their
preference of relocating to a site close to their current homesteads, though they are not sure of availability of land within the area or if the compensation provided will allow them such opportunity. When asked if they would want their Municipal Council to find alternative land for the affected PAPs it was revealed that they will not want alternative land as currently the sites that the Municipals are developing are away from the area they are used to. Therefore there was no hosting communities to be consulted.

3.4 Eligibility for Compensation and Resettlement Assistance

3.4.1 ELIGIBILITY for Compensation
This chapter of the RAP report lays the basis on which the people residing or conducting business within the road corridor qualify for compensation or assistance from the project to be able to continue with their lives un-interrupted or improved as is the objective of the project. The chapter therefore establishes criteria for one to qualify for benefits under the resettlement programme.

Eligibility Criteria
According to section 4.1.4 of the AfDB Involuntary Resettlement Policy, the resettlement plan should have a clear definition of the project affected persons (PAPs) by socio-economic and gender category; household or family; the cut-off dates for eligibility for compensation; the assets to be compensated at replacement cost, and the development projects proposed. It is particularly important that the country national laws and legislation as well as local definitions of land tenure, rights to common resources and inheritance practices are recognized. The definition of the unit for compensation (family or household) should anticipate and accommodate the land and housing needs for elderly sons and daughters to establish their own households. Further on section 4.1.5 states that the benefits offered by the resettlement program should be clearly established. This may cover, for urban resettlement activities, financial compensation; housing and service provision; transport, temporary accommodation and other short-term provisions required for relocation such as, credit facilities, training or job opportunity. In rural areas however, this may cover land-for-land, participation in training and access to material equipment, inputs and credit. In cases, where land is not the preferred option for some of the displaced persons, non-land-based options should be considered. These options should be built around creating employment opportunity or self-employment.
Moreover, resettlement offers a unique opportunity for addressing gender inequality in land ownership and control. For example, Bank staff should make sure that project planners are ensuring that replacement land is registered in the name of women and men, when applicable (case for instance
of absence of formal legal rights to land or other assets) and in conformity with the borrower’s own laws and legislation, either by establishing independent ownership rights for women or jointly under both the husband and the wife’s name. For the proposed DART phase 2 Project the following groups are entitled to compensation and/or assistance under the project:

**Project Affected Persons (PAPs)**
These include land owners, households regardless of their ownership status as squatters etc., whose living will be adversely affected and/or will suffer loss to their right or title on land, house, habitat, water resource or any asset enjoyed due to the project implementation.

**Project Affected Families (PAFs)**
All members of a project affected household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components. Significantly Project Affected Families (SPAFs). Include affected families who will lose all their land, income or a residential house because of the project implementation.

**Displaced Family**
Any interest holder and his family members, tenant, Government lessee or owner of property, who on account of acquisition of his/her land or other property for the project purpose, has been displaced from such land or property.

**Squatters**
People who have occupied land violating the laws are not entitled to compensation for lost land under this policy. However, if displaced, they are entitled to resettlement assistance and loss of their developments.

**Vulnerable Groups**
Distinct groups of socially distressed people who might suffer disproportionately from the effects of resettlement. These may be ethnic minority/indigenous, women headed households, the most poor (based on the poverty line), the disabled, elderly and landless/families. Therefore, in view of the above, the people trading or living alongside the existing proposed project corridor are eligible to receive benefits from the project for any displacement they suffer if:

- They are owners of the structures that they operate in within the project impact area
- Their land parcels that abut the existing road are affected by the need to widen the road to accommodate the improvements and the land has to be acquired
• They own or can show evidence of ownership of trees and crops within the road corridor at the time of quantifying the displacement

3.5 Resettlement Assistance

Tanzanian legislation provides valuation of properties at market values for land, houses and structures affected by a project.

However, since the BRT project is to be funded by AfDB, the Bank's policies and guidelines on compensation and resettlement issues are to be followed. The Bank’s policies and guidelines amongst other things, favour in-kind compensation, e.g., house-for-house, or alternative land. Eligibility for compensation is defined in the provisions of the Land Act and the Land Acquisition Act cited in Chapter 5 of this RAP report. According to these laws, all owners of properties located within the proposed project area at the time of inspection and valuation will be eligible for compensation. Notices to claim compensation were served to most owners of affected properties using Land Form No.14. The "cut-off" date for eligibility for compensation and resettlement measures was determined by the date on which these notifications were served. In this case the cut-off date for this project was October 2014, when valuations activities were completed. However this date is only applicable for the Mbagala Bus terminal and Deport property owners and not PAPs along the road where only spot valuation has been undertaken. The owners or occupiers of the properties completed and submitted Land Form No.15 and agreed upon official valuation of their properties.
3.5 Others unintentionally impact

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

3.6 Cut-off Date

The proposed project is likely to have a number of cut-off date considering its nature i.e. a liner project; similarly it should be noted that actual valuation of affected properties has only been carried for PAPs within the land to be acquired for the construction of the Mbagala bus terminal and depot. For the Mbagala bus terminal and depot, the cut-off date was set as October 2014 and communicated with each PAP during valuation. Any person who undertakes any development activity in the newly demarcated project area after the cut-off date will not be eligible for compensation. It should, however, be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6 months after the valuation report has been approved.

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

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

- Cash payments - calculated and paid to compensate for land, assets, or to cover allowances such as disturbance, accommodation, transportation, loss of profit,
- In-kind compensation mainly for community/public properties or for PAPs who would opt for such modality.

For this particular project all individual PAPs have opted for cash compensation and therefore in-kind compensation will only be for public properties (that include a Mosque in Mbagala) and part of the costs associated with relocation of graves.

**3.7.1 Compensation for damage of other Utilities within the project area**

The proposed project will require relocation or damaging of utilities and other infrastructures. These include water, traffic lights, and electricity or telecommunication infrastructures which amounts **Tshs. 1,826,099,273.66**. Any damage or relocation will require compensation from the project developer to be paid to the institution that owns the utility that include TANESCO, TEMESA, DAWASA, TCRA and TTCL. This should be done on a timely manner to avoid inconveniences to the users of the infrastructures.

**3.7.2 Compensation for Property of Deceased Persons**

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

3.8.1 Change of alignment

In various parts of the proposed project particularly construction of the road, the design has considered change of alignment to minimise impact; for instance at Mbagala Mission area the road has re aligned and therefore about 50 graves left out of the project impact area as well as at Gerezani area the project has avoided seven residential structures.

3.8.2 Confine Project Activities within existing Right of Way

Currently there is an existing road within all the areas that the project is proposed to be implemented. These include the Kilwa and Kawawa roads therefore to minimise impact. The proposed DART PHASE II project will as much as possible utilize the current road RoW; this has enabled the project to minimize impact to local population and their assets.

3.8.4 Other Interventions:

Alternative site to Mbagala Bus Terminal and Deport

The proposed Mbagala terminal will have a significant impact to structures currently used for residential and commercial purposes. To minimize such impact the project could consider an alternative site that is currently owned by the Government and is currently under utilized- the site (for Cashew-nut factory) is about 5kilometers from the current proposed site. However, considering that DART geographical area is the City of Dar es Salaam, the alternative site will not be best option as it is located out of the administrative boundary of Dar es Salaam.
CHAPTER 4
SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES

4.1 Introduction and Overview

The proposed project is located within the City of Dar es Salaam specifically in Temeke Municipal though some parts of the projects traverse in Kinondoni and Ilala Municipal. In Kinondoni Municipal the project links with phase one while in Ilala Municipal the proposed project links with phase I. The project forms part of the ongoing initiatives for providing affording, efficiently and accessible public transport in the city of Dar es Salaam. The project covers a total of 19.3km from the city centre to Mbagala Rangi Tatu.

Data on affected people show that there are 679 PAPs and 194 households in the project affected area. Out of them 296 are tenants and their family members. Table 5 below summarizes data on number of tenants and households affected by the project and number of PAPs.
Table 5: Number of affected people in the project area

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number of PAPs property owners</th>
<th>PAP members of household</th>
<th>Number of PAPs tenants and their household members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mianzini</td>
<td>194</td>
<td>383</td>
<td>296</td>
</tr>
</tbody>
</table>

4.2.1 PAP Head of Household Demographic Characteristics

PAPs interviewed are mainly from Mianzini ward where bus terminal and depot will be constructed. The age characteristics of the PAP indicate that most PAPs range between 41-60 (44.2%), 20-40 (30.8%) and those who are above 60 years of age are 25%.

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Working population is determined by among other things age of PAPs. This RAP therefore recommends special attention to be provided to PAPs the during RAP implementation.

Data revealed that 78.8% of heads of household are males and the remaining 21.2% are females. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This RAP ensured that women particularly those with impact requiring their houses to be relocated participate in the meetings and are aware of the compensation process. Most PAPs heads of households (75%) are married while 5.8% are single, 7.7% are widows, 7.7% are divorced and 5.8% separated.

4.2.2 Education and Economic Activities of PAP Head of Household

Most head of household in the project area have formal education with 65.4% of head of household having undertaken primary education, 13.5% secondary education and 1.9% having university education. 19.2% do not have any formal education. Within secondary and tertiary education gives PAPs opportunity to obtain wage employment (11.4%). The census also showed that most PAPs are engaged in trading as primary economic activities (65.5%) that include petty business with most of the activities conducted along the roads. 19.2% of PAPs are engaging on farming and 3.8% of PAPs depend of casual labour as primary economic activity.

4.2.3 Types of Impacted House Structures and size

The types of houses found in most of urban areas in Tanzania are similar to those found in the project affected area. Most of the houses are modern built with cement floor, corrugated iron sheets and cement blocks. In Mianzini ward 92.3% of PAPs houses consist of cement floors, 5.8% with mud floors and 1.9% tiles floor. 96.2% of the houses have corrugated iron sheets while only 3.8% are of concrete. Most of the houses owned by PAPs consist 94.2 % have cement blocks walls and 5.8% have poles and mud. The variation in type of construction materials will imply variations in the compensation rates that PAPs will receive. Number of rooms in PAPs houses varies with most of the PAPs houses comprises of 6 rooms (17.3%), 8 rooms (15.4%), 5 rooms (13.5%) and 2 rooms (9.6%). Other
PAPs houses have 3 rooms (7.7%), 4 rooms (5.8%), 7 rooms (5.8%), 9 rooms (5.8%), 10 rooms (5.8%), 11, 14 and 15 (3.8%) each. It is anticipated that the valuation will calculate loss of accommodation rate depending on number of rooms of each house that will be relocated.

Table 6: The number of rooms owned by PAPs

<table>
<thead>
<tr>
<th>Number of rooms</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>5</td>
<td>9.6</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>7.7</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>5.8</td>
</tr>
<tr>
<td>5</td>
<td>7</td>
<td>13.5</td>
</tr>
</tbody>
</table>
4.6.6 Vulnerable Groups or Persons requiring Special Provisions

Among household/community members are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions. The survey identified 12 people categorized as vulnerable; these constitute 6 elderly, 3 persons chronically ill, 2 widows, and 1 person who is physically impaired. These are the people who need special attention and assistance during RAP implementation. Tembe Municipal Council should ensure that a social worker either from the municipal offices are involved in the compensation exercise to ensure that vulnerable people get special attention.

Table 7: Number and types of vulnerable PAPs

<table>
<thead>
<tr>
<th>Vulnerability</th>
<th>Frequency</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled</td>
<td>1</td>
<td>1 Male</td>
</tr>
<tr>
<td>Disease</td>
<td>3</td>
<td>2 Male 1 Female</td>
</tr>
<tr>
<td>Elderly</td>
<td>6</td>
<td>4Male 2Female</td>
</tr>
<tr>
<td>Widow</td>
<td>2</td>
<td>2Female</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
<td>7Male 5Female</td>
</tr>
</tbody>
</table>

Source: Household survey, Mianzini, ward, 2014
CHAPTER 5
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

5.1 Introduction

The RAP for the proposed DART Phase two will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania. This legal and institutional framework is presented in various sections that include the following:

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

5.2 PROPERTY AND LAND RIGHTS IN TANZANIA

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

The National Land Policy (1996) of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim
of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen.

5.3 National Land Policy, 1997

The main objective of the National Land Policy (URT, 1997) is to address the various and ever-changing land use needs in Tanzania. The Policy aims at promoting and ensuring a secure land tenure system, encourage the optimal use of land and to facilitate broad-based social and economic development, without endangering the environment (ibid: 5). Specific objectives outlined in the Land Policy that are directly related to the proposed development include:

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

5.4 The Land Act, 1999

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

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

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

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

The applicant shall serve a notice on:

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

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

- Any damage suffered in respect of trees, crops, and buildings
- Damage due to surveying or determining the route of that Way-Leave and
- Acquisition of land for the purpose of a Way-Leave
5.5 African Development Bank’s Safeguard Policy and guidelines

The overarching operational guidelines are the Integrated Safeguard Policy (December 2013) among which is the Involuntary Resettlement Safeguard (OS2). This Operational Safeguard (OS) aims to facilitate the operationalization of the Bank’s 2003 Involuntary Resettlement Policy in the context of the requirements of OS1 (Environmental and Social Assessment) and thereby mainstream resettlement considerations into Bank operations.

5.5.1 Involuntary Resettlement Policy, 2003.

Policy Objectives

The policy has the following key objectives:

- To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-cultural considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be given a serious consideration;

- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved;

- To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society; and

- To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.

5.5.2 Guiding Principles

In order to achieve the overall objectives of this policy, projects that involve involuntary resettlement shall be prepared and evaluated according to the following guiding principles:

a) The borrower should develop a resettlement plan where physical displacement and loss of other economic assets are unavoidable. The plan
should ensure that displacement is minimized, and that the displaced persons are provided with assistance prior to, during and following their physical relocation. The aim of the relocation and of the resettlement plan is to improve displaced persons former living standards, income earning capacity, and production levels. The resettlement plan should be conceived and executed as part of a development program, with displaced persons provided sufficient resources and opportunities to share in the project benefits. Project planners should work to ensure that affected communities give their demonstrable acceptance to the resettlement plan and the development program, and that any necessary displacement is done in the context of negotiated settlements with affected communities;

b) Additionally, displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. The displaced persons should be informed about their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives. In this regard, particular attention should be paid to the location and scheduling of activities. In order for consultation to be meaningful, information about the proposed project and the plans regarding resettlement and rehabilitation must be made available to local people and national civil society organizations in a timely manner and in a form and manner that is appropriate and understandable to local people. As well, careful attention should be given in the organization of meetings. The feasibility of holding separate women’s meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender lines;

c) Particular attention should be paid to the needs of disadvantaged groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title to assets, female-headed households. Appropriate assistance must be provided to help these disadvantaged groups cope with the dislocation and to improve their status. Provision of health care services, particularly for pregnant women, and infants, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease;

d) Resettlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. Any payment due to the hosts for land or other assets provided to resettlers should be promptly rendered. Conflicts between hosts and resettlers may develop as increased demands are placed on land, water, forests, services, etc., or if the resettlers are provided services and housing superior to that of the
hosts. These impacts must be carefully considered when assessing the feasibility and costs of any proposed project involving displacement, and adequate resources must be reflected in the budget for the mitigation of these additional environmental and social impacts;

e) Displaced persons should be compensated for their losses at “full replacement” cost prior to their actual move or before taking of land and related assets or commencement of project activities, whichever occurs first; and

f) The total cost of the project as a result should include the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among affected peoples. This attempt to calculate the “total economic cost” should also factor the social, health, environmental and psychological impacts of the project and the displacement, which may disrupt productivity and social integration. The resettlement costs should be treated against economic benefits of the project and any net benefits to resettlers should be added to the benefit stream of the project.

5.6 The Graveyard removal Act (No. 9 of 1969)

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

5.7 The Land Regulations, 2001

The Land Regulations provide guidance on the issue of compensation, which is directly relevant to the proposed development. According to Section 10 (1) of the Land (Compensation Claims) Regulation 2001, compensation shall take the form of:

- Monetary compensation
- Plot of land of comparable quality, extent and productive potential to the land lost
- A building or buildings of comparable quality, extent and use comparable to the building or buildings lost
- Plants and seedlings
- Regular supplies of grain and other basic foodstuffs for a specified time
The Regulation defines the basis for calculating compensation or any land being the market value of such land. The assessment of the value of land and any improvements will be done by a Qualified Valuer and verified by the Chief Valuer of the Government or his/her representative.

In addition, the Regulation defines affected persons that are eligible for compensation/resettlement if some of their properties are affected by a proposed development:

- Holder of right of occupancy
• Holder of customary rights and who is moved or relocated because his/her land becomes granted to another person
• Holder of land obtained as a consequence of disposition by a holder of granted or customary right of occupancy but which is refused a right of occupancy
• Urban or peri-urban land acquired by the President

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

5.8 The Land Disputes Courts Act No. 2 of 2002

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

i. The Village Land Council
ii. The Ward Tribunal
iii. District Land and Housing Tribunal
iv. The High Court (Land Division)
v. The Court of Appeal of Tanzania.

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

5.9 Land Use and Spatial Planning

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

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

5.10 The Road Act 2007

Part III, Section 16 of the Act addressed the issue of compensation for acquired land for road development. The Section emphasized that, where it become necessary for the road authority to acquire a land owned by any person for the purpose of this act, the
owners of such land shall be entitled to compensation for any development on such land in accordance with the Land Acquisition Act (2002), Land Act (1999) and any other written law.

5.11 Gap between the Tanzania legal and policy Requirements and AfDB policies

The main gap between Tanzania requirement and those of the AfDB is detailed in table 8 below and are mainly on additional areas of focus of the Bank that include:

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

The RAP for DART phase II has adopted the gaps in ensuring that all PAPs as per AfDB receive some kind of compensation as well as paying compensation as per market value, identify PAPs and preparing a monitoring plan for the RAP implementation.
Table 8: Comparison of Tanzanian and AfDB Operational Policies on Resettlement and Compensation (OS2)

<table>
<thead>
<tr>
<th>Types of affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ADB Operational Safeguards</th>
<th>Comparison/Gaps</th>
</tr>
</thead>
</table>
| Land Owners                          | The *Land Acquisition Act*, has explained clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property. | Displaced persons are classified into three groups:  
(a) those who have formal legal rights including customary and traditional rights;  
(b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country those who have no legal rights to the land they are occupying | There is no gap between Tanzania and ADB- OS2 as far as those with formal legal rights and those without formal legal rights are concerned. |
<p>|                                      | Lost assets are limited to “unexhausted improvements”, that is the land and developments on the land. | Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. | However, the lost assets in Tanzania are restricted to land and developments on land, and where relevant, loss of profits. The lost assets under OS are much wider than land and include loss of access to livelihoods and standard of living and seeks to improve them or at least to restore them to pre-displacement levels. |
|                                      | The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process | Socio-economic impacts to PAPs are taken into consideration in |                |</p>
<table>
<thead>
<tr>
<th>Land Tenants/Squatters</th>
<th>Tenant law does not recognize tenants as being entitled to compensation</th>
<th>Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance</th>
<th>ADB- OS2 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Squatters may be paid compensation on the whims of the government.</td>
<td>Squatters may fit category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.</td>
<td>ADB – OS2 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance.</td>
</tr>
<tr>
<td></td>
<td>In some cases however they are not paid. This include those who construct on road reserves</td>
<td></td>
<td>This is different from the Tanzanian situation where such people are not entitled to any assistance. However, as seen in most donor funded projects.</td>
</tr>
<tr>
<td>Land Users</td>
<td>Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership. Users are not covered</td>
<td>ADB- OS2 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</td>
<td></td>
</tr>
<tr>
<td>Owners of non-permanent Buildings</td>
<td>Tanzanian law makes no differentiation between owners of permanent and non-permanent buildings. As long as ownership can be proved compensation is payable.</td>
<td>Under the ADB – OS2 permanent and non-permanent buildings need to be compensated.</td>
<td>The gap between Tanzania and ADB – OS2 is about eligibility, which is hinged upon formal or informal ownership.</td>
</tr>
<tr>
<td>Timing of compensation Payments</td>
<td>Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets. Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</td>
<td>While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, ADB – OS2 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost.</td>
<td></td>
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<td>---------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
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<tr>
<td></td>
<td>Tanzanian law requires that compensation be full, fair and prompt. Prompt means it should be paid within six months, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practice it is usually paid before existing occupiers are displaced.</td>
<td>ADB – OS2 displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project.</td>
<td></td>
</tr>
<tr>
<td>In terms of timing, both Tanzanian laws and ADB – OS2 require that compensation be paid promptly.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calculation of compensation and valuation</td>
<td>According to the <em>Land Assessment of the value of Land for Compensation</em>) Regulations, 2001, compensation for loss of any interest inland shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits. The basis for assessment any land and unexhausted improvement for purposes of compensation is the market value of such land. The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of the income approach, or replacement cost method, where the property is of special nature</td>
<td>ADB – OS2 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method. For losses that cannot easily be valued or compensated in monetary terms (e.g. access to public services, customers and suppliers, or to fishing, grazing or</td>
<td>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, accommodation, and accommodation allowance, and loss of profits where applicable. Since depreciation is applied, the amount paid does not in most cases amount to that required to replace the lost assets. However, persons are allowed to salvage the building materials or trees in lieu of the depreciation.</td>
</tr>
</tbody>
</table>
and not saleable.

In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used.

<p>| Relocation and Resettlement | Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general however, the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to resettle and re-establish themselves elsewhere. | ADB – OS2 stipulate that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages lost. | Tanzanian law provides for transport allowance for 12 tons of luggage for up to 12 kilometers from the acquired land, provided the displaced person was living on that land. In lieu of housing accommodation allowance is made in the form of rent for 36 months. Occasionally, in a discretionary manner alternative land is awarded. |
| Completion of resettlement | The government can, under the law, take possession of the acquired land at | ADB – OS2 stipulates that it is necessary to ensure that | The Land Acquisition Act, 1967, allows the government to take |</p>
<table>
<thead>
<tr>
<th>and compensation</th>
<th>the end of the notice to acquire period, before paying compensation.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current practice however is such that possession is usually after the payment of compensation whereby the displaced persons are given time to vacate the land, which is usually as soon as possible.</td>
</tr>
<tr>
<td></td>
<td>Displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.</td>
</tr>
<tr>
<td></td>
<td>Possession of the acquired land before paying compensation.</td>
</tr>
<tr>
<td></td>
<td>Current practice endeavors to pay compensation before taking possession of the land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Livelihood restoration and Assistance</th>
<th>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities.</td>
</tr>
<tr>
<td></td>
<td>Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples.</td>
</tr>
<tr>
<td></td>
<td>ADB – OS2 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.</td>
</tr>
<tr>
<td></td>
<td>There are no transitional measures provided for under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. However, PAPs who are able and willing to work shall be given priority at the construction site. The project shall</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>There scanty provisions related to consultation and disclosure in Tanzanian law. The notice, under the <em>Land Acquisition Act</em>, informs land owners about the President’s need to acquire their land, and their right to give objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth. Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</td>
</tr>
</tbody>
</table>
| Grievance mechanism and dispute resolution | Under s. 13 of the *Land Acquisition Act*, where there is a dispute or disagreement relating to any of the following matters:  
(a) the amount of compensation; | ADB – OS2 provides that displaced persons and their communities, and any host communities receiving them, are provided with timely and adequate grievance resolution mechanisms, specific to particular resettlement cases, there are fora at community level for resolving differences before taking the matters to court. | Although the law in Tanzania does not explicitly provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases, there are fora at community level for resolving differences before taking the matters to court. |
(b) the right to acquire the land;
(c) the identity of persons entitled to compensation;
(d) the application of section 12 to the land;
(e) any right privilege or liability conferred or imposed by this Act;
(f) the apportionment of compensation between the persons entitled to the same and such dispute or disagreement is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose the Minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.

In practice the government tries to resolve grievances through public meetings of the affected persons.

relevant information, consulted on resettlement options, and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for these groups
CHAPTER 6
PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS

6.1 Overview

Comprehensive planning is required to assure that project implementer, relevant local government, NGOs and the affected population interact during all stages of the project implementation. RAP in linear development projects have minimal impact for one particular area, though cumulatively it might have a significant impact depending on the length of the project. The public participation process took into account particular feature of the Dar es Salaam Rapid transport project. In connection with the requirement that displaced persons be meaningfully consulted, consultations were made through meetings and interviews involving stakeholders at National, Regional, District, Ward and Village levels that operate in the project area. The main objective of the public participation was to enable stakeholders learn about the project, its impacts and how they will be mitigated. Another objective is to inform them about the compensations and resettlement procedures and to secure their cooperation. Other objectives include assisting stakeholders to understand applicable laws and regulations governing compensation and to involve stakeholders in census, socio-economic surveys, and inventory of households and affected assets for RAP preparation.

6.2 Stakeholder Identification and Analysis

The following stakeholders/institutions for Resettlement Action Planning and Implementation were identified and analysis of their roles and stakes are provided below:

- PMO-RALG
- Ministry of Lands, Housing and Human Settlements
- Ministry of Finance
- DART
- TANESCO
- DAWASA
- TTCL
- TCRA
- Various Local Government Authorities (wards and mtaa)
- Project-affected Persons and
- Local communities

Table 9: Stakeholders/institutions to support RAP planning and implementation

<table>
<thead>
<tr>
<th>Stakeholders &amp; their Categories</th>
<th>Roles/contributions</th>
<th>Expectations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Government</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Ministry of Land, Housing and Human Settlements Development | Overseeing RAP implementation including addressing grievances, technical, legal and policy issues, maintaining social security  
Project Developer,  
Facilitate the Valuation exercise  
Provision of funds for compensation | RAP is planned and successfully implemented through participatory process  
Resources for compensation are executed in time as planned. |
| Ministry of Finance             |                     |              |
| PMO-RALG                       |                     |              |
| DART                            |                     |              |
| Local Government Authority      |                     |              |
| Municipal Authorities Temeka Ward and Mtaa officials | Facilitating implementation of the RAP  
Provide technical support in land acquisition and resettlement including property valuation  
Follow up on cut-off date Grievance redress committee  
Alternative land for relocating graves  
Assist PAPs in relocating graves | PAPs vacate the project area  
All PAPs are paid on time  
Graves are relocated as per agreed procedures |
| Municipal Authorities Ilala and Kinondoni | Facilitating implementation of the RAP  
Provide technical support in land acquisition including property valuation  
Follow up on cut-off date Grievance redress committee | PAPs vacate the project area  
All PAPs are paid on time |
| Project Affected Persons | PAPs | Provision of land for Project implementation  
Vacating affected land as per agreed time  
Abiding to cut off date | Compensation and livelihoods improvement, alternative land |
|-------------------------|------|-----------------------------------------------------------------|
| Affected Local Communities | Local communities within the Project area | Provide support in Project implementation, Alternative land allocation and hosting PAPs | Improved socio-economic conditions and livelihoods of the local communities  
Employment opportunities |
| Utility companies | DAWASA  
TANESCO  
TTCL  
TCRA | | |

### 6.3 Methods of Stakeholder Participation

Various approaches were employed by the field team during the stakeholders’ consultation process. These include consultative and participatory meetings, interviews, discussions and administering of questionnaires. Due to different levels of stakeholders and their roles regarding the project, the consultative meetings were carried out on various levels of stakeholders to ensure that there is an open and interactive communication between various stakeholders, that the vulnerable such as elderly, orphans, widows, the terminally ill and those below the poverty line are fairly represented.

Among others, the public meetings conducted entailed the followings:

- Inform PAPs about the project, activities, effects, compensation and related provision and timing;
- Confirmation of the identified PAPs and compensation;

- Establish complaints and grievance procedure;
- Confirm PAPs preferences for how replacement of land, houses, lost assets, trees and crop will be handled.

In the meetings, the Consultant team explained what was entailed in the project proposal and envisioned social and environmental impacts. After presentations, questions and opinions were invited from the participants. In general there was no dissenting opinion about the proposed project. At the end of meetings it was confirmed that all participants in principle agreed with the proposed project.

The minutes of the meeting were prepared and signed by the Mtaa chairperson and Mtaa Executive Officers (MEO) of Mianzini sub-ward. For clarity and understanding of the meeting proceedings by the local community, the minutes were prepared in Kiswahili. The minutes of the meetings are attached to this report as Annex (Minutes of Consultation Meetings) together with the list of attendees.

Plate 3: Public Consultative Meeting in Mianzini sub-ward Mbagala

6.3.2 Household Interviews

Household questionnaires were used to obtain the views of PAPs regarding the project and basic compensation and resettlement factors. Other issues that were derived from
the questionnaires include, demographic information, economic activities, incomes of PAPs, type and magnitude of impact, mode of payment, land related issues, living conditions and availability and status of social services.

6.3.3 Ward Public Meetings and with village leaders

Public meetings were conducted in wards affected by the proposed BRT during the ESIA and while preparing the RAP. The meetings initially involved the Ward and Mtaa Officials and later other community members as well as PAPs. The meetings that ensured women and youth are involved were designed to inform the local people about the Project positive and negative impacts that include loss of land as well as other environmental and social impacts associated with the Project. Locals were sensitized regarding their right to be compensated and given opportunity to ask questions, raise concerns and provide information on issues such as availability of land in the village for resettlement purposes. Meetings with leaders aimed at collecting specific data about the village, reviewing possible sites for the relocation of affected. During the consultative meetings conducted in all villages along the proposed road project, the communities aired their views and concerns as summarized in table below:
<table>
<thead>
<tr>
<th>S/N</th>
<th>Issues/Comment</th>
<th>Responses from the consultant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Many households will lose their plots along the proposed terminal; depot and road so compensation is needed to restore community livelihood and it should reflect the current price because Mbagala has urban characteristics where plots are competitively high like other business areas in the City.</td>
<td>PAPs will be compensated fairly according to current plots price and provided with education on the utilization of compensated funds so as to improve their livelihood and standard of livings.</td>
</tr>
<tr>
<td>2</td>
<td>Our experience shows that many resettlements associated with Government projects have left people in abject poverty except BRT phase 1 from Kimara to city centre. Is this phase going to leave us in worse life than we have?</td>
<td>This exercise will leave you in better life than before because the same procedures used in Kimara will be applied here.</td>
</tr>
<tr>
<td>3</td>
<td>Compensation should be done in time not more than six months after valuation of people’s properties. At the present, tenants are reluctant in paying rent for a long period for fear of being evacuated from the houses. Our development plans which depend on rents are at risk if the payments will delay.</td>
<td>To avoid inflation compensation will be implemented as soon as possible. In this exercise tenants should not worry because they have their package too. If he/she leaves your house he/she will loose the allowances. Land lords will get the loss of interest for 36 months from the cut off date.</td>
</tr>
<tr>
<td>4</td>
<td>The project may stimulate petty trade and food vending among women but measures should be taken to limit hidden relationships which may jeopardize marriage bonds among married couples and their daughters in getting early pregnancies</td>
<td>The project has opportunities for both petty business and food vending and married couples, subward (Mtaa) governments should take stern measures to avoid immoral practices which may result in unwanted pregnancies and prevalence of HIV/AIDS.</td>
</tr>
<tr>
<td>5</td>
<td><strong>Employment (Labourers):</strong> The contractor should give the priority of</td>
<td>Employment opportunities should only be</td>
</tr>
<tr>
<td>S/N</td>
<td>Issues/Comment</td>
<td>Responses from the consultant</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>employment to the people hailing from the within the project site during the construction. The communities may be involved in some activities as labourers during construction phase.</td>
<td>provided to those people aged 18 years and above. However employment is competitive so youth should organize themselves with the assistance from ward authority to penetrate in labour market</td>
</tr>
<tr>
<td>6</td>
<td>There will be the environmental degradation to allow the upgrading of the road such as destruction of trees that are within the project way leave. Special attention should be paid to replace them.</td>
<td>The environment should be restored as per requirement of EIA Guidelines and Regulations of 2005. During construction trees shall only be uprooted when it is absolutely necessary in which case the contractor shall seek permission to do so from the Consultant.</td>
</tr>
<tr>
<td>7</td>
<td>There will be spread of HIV/AIDS and other sexually transmitted infections if thorough measures are not taken by households, ward and Municipal in waging a campaign against spread /prevalence of HIV PAPs should be educated on the usage of compensation money otherwise people will squander them and fail to build another house.</td>
<td>The contractor should implement HIV/AIDS program. Cost for this activity is included in the bidding documents. Also, religious leaders have a role to build the moral behavior amongst their followers. The contractor is required to conduct relevant awareness seminars and campaigns through Ward committees for health on HIV/AIDS during construction phase. On proper spend of compensation money, the municipal council will arrange seminars and meetings with PAPs to provide guidance and arrange follow-up mechanism to all PAPs to make</td>
</tr>
<tr>
<td>S/N</td>
<td>Issues/Comment</td>
<td>Responses from the consultant</td>
</tr>
<tr>
<td>-----</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>During depot and bus terminal construction there will Dust problems and noise which may be a source of coughing, chest pain and influenza in general.</td>
<td>The contractor is responsible to sprinkle water during the construction process and lubricate machines as per requirement of ESMP.</td>
</tr>
<tr>
<td>9</td>
<td>Our mosque and graves have a spiritual sentimental with many families around Mianzini sub-ward so, we request your company to make in-kind compensation instead of cash. The mosque committee will look for a suitable place to construct a new mosque and we hope you will not reject our request when a plot is secured.</td>
<td>In kind payment for mosque and area to rebury the dead is accepted in the condition that the area selected will have the same value with the former area.</td>
</tr>
</tbody>
</table>

**Comments and Response During the Consultative Meeting from non-Residential PAPs**
(Owners of small and medium factories, warehouses and depots)

<table>
<thead>
<tr>
<th>S/N</th>
<th>Issues/Comment</th>
<th>Responses from the consultant</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>We have invested for many years and it is very cost to the Government to compensate, so we advice the government to look for an alternative and leave us alone.</td>
<td>What is required now is to allow the valuer to value the properties and prepare the cost which will be compared to other area for decision. The choice of this area was reached by the project itself that this area is the last point of phase 2 and not otherwise.</td>
</tr>
<tr>
<td>11</td>
<td>We have a factory which is operating now, relocation will bring havoc to our employees by losing the job and we cannot keep them on</td>
<td>You will be compensated according to the law and regulations. For employees they will be served with notice, one month salary, payment for their</td>
</tr>
<tr>
<td>S/N</td>
<td>Issues/Comment</td>
<td>Responses from the consultant</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>12</td>
<td>waiting for reestablishment of the factory</td>
<td>leave and pension which the contributions are already in one of National Social Funds. Refer Employment Act of 2001.</td>
</tr>
<tr>
<td>12</td>
<td>The area proposed for BRT has conflicts over ownership and the case is in the court of law, if DART take the area what will be our fate?</td>
<td>Valuation of properties and compensation procedures will go on when the case is over the right owner will take the compensation.</td>
</tr>
<tr>
<td>13</td>
<td>If the government decides to take the area will we be provided with enough time to salvage our properties?</td>
<td>There will be enough time to salvage your properties. You will be provided by a three months notice and if that period can not suffice more time can be increased upon request.</td>
</tr>
<tr>
<td>14</td>
<td>We would like if the Government will secure another area which is adjacent and relocate to us because we do not like to lose our customers and employees.</td>
<td>DART will take this matter to Prime Minister’s office because the area is in another region and this project in for Dar es Salaam City.</td>
</tr>
</tbody>
</table>
6.5 Key Recommendations from Consultations

Compensation/resettlement should be done promptly and fairly and all affected people should be involved in every stage of the Project.

The project should proponent should involve other utilities companies such as TANESCO who share way-leave prior to removing/relocating the utilities; this could minimize compensation costs

There is a need for the existing committees within the localities to be part of the Grievance Committee for this RAP.
CHAPTER 7
RAP IMPLEMENTATION

7.1 Organizational Procedures and Responsibilities for Delivery of Entitlements

The compensation process and RAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, DART office and its officials and local government officials at ward and Municipal level.

The overall responsibility for resettlement lies with the PMO-RALG through DART, and payments will be made through the fiscal authority of DART as the project management body for this project, in accordance with its administrative and financial management rules and manuals.

It is at this time that the RAP implementation teams in particular the Community Development office will guide PAPs on the recommended use of money for re-establishing their homes that have been demolished.

7.2 RAP Implementation Institutions

The implementation of this RAP will comprises several steps involving individual PAPS, affected communities, DART under the PMO-LARG and other relevant Ministries at National level as discussed below:

(0) (i) Ministry of Lands, Housing and Human Settlements

The Ministry of Lands and Human Settlements is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania. The Ministry administers the various Land Acts: Land Acquisition Act, the Land Act and the Village Land Act. Land use planning, management and land delivery activities are conducted by the Ministry.

The Commissioner of Lands administers most issues dealing with land allocation, acquisition, and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner. With regard to this RAP the Ministry of Land and
Human settlement will be responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties and signing of valuation reports.

(ii) DART

DART is responsible for managing resettlement progress and disbursement of compensation funds. The role of DART is to support the compensation process by providing the necessary funds related to project supervision, management and administration. The office will also coordinate disclosure of RAP to key stakeholders and facilitate the property valuation exercise as well as assisting vulnerable PAPs and working close with the Grievance Committee to ensure that all PAP complains are handled on time without further impact to PAPs.

(iii) Local Government Authorities (At Municipal, Ward and Mtaa level)

The local Government system in Tanzania is based on the decentralization policy and is enshrined in the Local Government (District Authorities) Act No.7, 1982, the Local Government (Urban Authorities) Act No. 8, 1982, and the Regional Administration Act (1997).

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

DART Office in collaboration with respective Municipal Authority (Temeke and Ilala) as well as respective ward and mtaa officials will post notices in the affected areas advising PAPs to collect their compensation payments from designated place i.e. either from the DART for those being paid by cheque and from the specified banks (for those will be paid via banks). The office should prepare a written record, to be signed by the PAP, indicating that the PAP has received the payment. PAPs without bank accounts will be assisted by local government authorities (Ward officials) to open bank accounts. Local government will be responsible to process bank account openings this assistance will include assisting vulnerable PAPs. Once the account is opened and compensation is credited to the appropriate account, each PAP shall be informed of the transaction.

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of
salvaging any materials from demolished structures such as metal/wooden frames, roofing iron sheets and bricks and farmers will be given notice to harvest their crops. In addition to these activities, the RAP team shall work with communities to ensure effective restoration of pre-project levels.

7.4 PAP Vacating Timing

To ensure timely completion of resettlement activities, DART and relevant Municipal authorities will facilitate the resettlement process by urging all PAPs to vacate within the time frame that will be agreed between the two parties. This RAP recommends the time not to exceed 30 days after receiving compensation. The following Chart summarizes the different milestones to be achieved in the process:

<table>
<thead>
<tr>
<th>S/N</th>
<th>SCHEDULE OF ACTIVITIES</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>SEPT</td>
<td>OCT</td>
</tr>
<tr>
<td>1</td>
<td>Working Group / Task Team Set-up</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Inventory Survey (Census) for PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Notice &amp; Agreement with PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Grievance Redress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Report writing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

YEAR CALENDER
TIME IN MONTHS: SEPT | OCT | NOV | DECE | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG

<table>
<thead>
<tr>
<th>S/N</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asset Inventory / Evaluation of PAPs</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Implementation of Resettlements &amp; Compensations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clearance of Road Reserve (Demolition &amp; Levelling)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vocational Training for PAPs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring (Quarterly Report to DART/GoT)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Additional Budget Allocations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Road Reserve Confirmation Survey</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Installation of Beacons</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grievance Redress</td>
<td></td>
</tr>
</tbody>
</table>
7.5 RAP Implementation Costs and Budget

The total compensation costs that will be provided under this RAP, as per Compensation Schedules for PAPs with compensable assets is Tsh. 26,902,493,744, while Tsh. 112,000,000 is costs for facilitating the implementation of resettlement activities.

Below is a breakdown of RAP cost:

**Table 11: Breakdown of RAP Cost by Asset and Section**

<table>
<thead>
<tr>
<th>ON THE MAIN ROADS</th>
<th>PAPs</th>
<th>Building Value</th>
<th>150,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along Kawawa, Ke’o and Chang’ombe the road</td>
<td>land area is 1,000 sqm</td>
<td>land value</td>
<td>200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Loss of business</td>
<td>90,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disturbance Allowances (8%)</td>
<td>3,920,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Sub-Total Compensation</strong></td>
<td><strong>493,920,000</strong></td>
</tr>
<tr>
<td>Filling Station (GAPO) along Sokoine drive</td>
<td>Loss of Land</td>
<td>250,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>00</td>
<td>1,200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Loss of structures and facilities</td>
<td>500,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Loss of business</td>
<td>360,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transport allowance</td>
<td>300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0</td>
<td>16,504,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disturbance allowance</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Sub-Total Compensation</strong></td>
<td><strong>2,079,504,000</strong></td>
</tr>
<tr>
<td>AT MBAGALA TERMINAL AND DEPOT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROPERTY OWNERS</td>
<td>Building Value</td>
<td>7,082,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>land value</td>
<td>5,990,537</td>
<td></td>
</tr>
<tr>
<td></td>
<td>land area is 26500sqm</td>
<td>Crop Value</td>
<td>1,946,000</td>
</tr>
<tr>
<td>TENANTS</td>
<td>Business</td>
<td>Trans/Disturbance</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td><strong>TENANTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business</td>
<td>137</td>
<td>600000</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>296</td>
<td>150000</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total Compensation</strong></td>
<td></td>
<td><strong>147,150,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mosque</td>
<td>1</td>
<td>273,562.80</td>
<td></td>
</tr>
<tr>
<td>Water infrastructure</td>
<td>1</td>
<td>36,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total Compensation</strong></td>
<td></td>
<td><strong>273,562.80</strong></td>
<td></td>
</tr>
<tr>
<td><strong>WAREHOUSE AND FACTORIES</strong></td>
<td>4</td>
<td>1,600,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>crop value</td>
<td></td>
</tr>
</tbody>
</table>

Sub-Total Compensation

<table>
<thead>
<tr>
<th>TENANTS</th>
<th>Business</th>
<th>Trans/Disturbance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TENANTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business</td>
<td>137</td>
<td>600000</td>
</tr>
<tr>
<td>Residential</td>
<td>296</td>
<td>150000</td>
</tr>
<tr>
<td><strong>Sub-Total Compensation</strong></td>
<td></td>
<td><strong>147,150,000</strong></td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mosque</td>
<td>1</td>
<td>273,562.80</td>
</tr>
<tr>
<td>Water infrastructure</td>
<td>1</td>
<td>36,000.00</td>
</tr>
<tr>
<td><strong>Sub-Total Compensation</strong></td>
<td></td>
<td><strong>273,562.80</strong></td>
</tr>
<tr>
<td><strong>WAREHOUSE AND FACTORIES</strong></td>
<td>4</td>
<td>1,600,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>crop value</td>
</tr>
<tr>
<td>Land area 6,000sqm</td>
<td>Land value</td>
<td>4,800,000 .00</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Rental income allowances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport Allowances</td>
<td>4,000,000</td>
<td></td>
</tr>
<tr>
<td>Loss of profit</td>
<td>1,200,000 .00</td>
<td></td>
</tr>
<tr>
<td>Disturbance Allowances (landlords)</td>
<td>480,000</td>
<td>00</td>
</tr>
<tr>
<td><strong>Total Compensation</strong></td>
<td></td>
<td><strong>8,480,000 .00</strong></td>
</tr>
<tr>
<td><strong>GRAND TOTAL COMPENSATION</strong></td>
<td></td>
<td><strong>25,285,679,602.00</strong></td>
</tr>
</tbody>
</table>

Additional costs required will include the costs for facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate PAP relocation or supervision of payment of PAPs.

Some unforeseen impacts might result to further land take especially during the construction phase of the project; however, the cost for compensating such impacts is not incorporated in the compensation schedule. DART should ensure such land take are compensated and the land acquisition should follow procedures stipulated in this RAP.

**Table 12: costs for facilitating the implementation of resettlement activities**

<table>
<thead>
<tr>
<th>No</th>
<th>ITEM</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Facilitation of implementation</td>
<td>40,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Unforeseen Impacts</td>
<td>60,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Assisting Vulnerable PAPs</td>
<td>12,000,000</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>112,000,000.00</strong></td>
</tr>
</tbody>
</table>
## Table 13: Summary of Cost for RAP

<table>
<thead>
<tr>
<th>S/N.</th>
<th>Type of Asset</th>
<th>Main Roads (Tsh.)</th>
<th>Mbagala Terminal &amp; Depot (Tsh.)</th>
<th>Cost Tsh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Buildings/structures</td>
<td>650,000,000</td>
<td>8,682,000,000</td>
<td>9,332,000,000</td>
</tr>
<tr>
<td>2.</td>
<td>Land</td>
<td>1,400,000,000</td>
<td>10,790,537,000</td>
<td>12,190,537,000</td>
</tr>
<tr>
<td>3.</td>
<td>Loss of profit/business</td>
<td>450,000,000</td>
<td>3,213,990,000</td>
<td>3,663,990,000</td>
</tr>
<tr>
<td>4.</td>
<td>Disturbance Allowance</td>
<td>20,424,000</td>
<td>603,563,944</td>
<td>623,987,944</td>
</tr>
<tr>
<td>5.</td>
<td>Transport Allowance</td>
<td>300,000</td>
<td>63,750,000</td>
<td>64,050,000</td>
</tr>
<tr>
<td>6.</td>
<td>Mosque</td>
<td>0</td>
<td>273,562,800</td>
<td>273,562,800</td>
</tr>
<tr>
<td>7.</td>
<td>Water Infrastructure</td>
<td>0</td>
<td>36,000,000</td>
<td>36,000,000</td>
</tr>
<tr>
<td>8.</td>
<td>Graves</td>
<td>0</td>
<td>120,000,000</td>
<td>120,000,000</td>
</tr>
<tr>
<td>9.</td>
<td>Local Govt. Office Block</td>
<td>0</td>
<td>40,000,000</td>
<td>40,000,000</td>
</tr>
<tr>
<td>10.</td>
<td>Crops</td>
<td>0</td>
<td>1,946,000</td>
<td>1,946,000</td>
</tr>
<tr>
<td>11.</td>
<td>Loss of Accommodation</td>
<td>0</td>
<td>444,420,000</td>
<td>444,420,000</td>
</tr>
<tr>
<td>12.</td>
<td><strong>Sub-total</strong></td>
<td></td>
<td><strong>26,790,493,744</strong></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>RAP Implementation and Monitoring cost</td>
<td></td>
<td></td>
<td>112,000,000</td>
</tr>
<tr>
<td>14.</td>
<td><strong>Grand Total</strong></td>
<td></td>
<td><strong>26,902,493,744</strong></td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 8

MANAGEMENT OF GRIEVANCES AND DISPUTES

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

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

8.1 Disputes Procedures under Existing Laws

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

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

8.2 Grievances and Complaints Procedures Under this RAP

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

8.3 Grievance Redress Committee

In addition to the various institutions that will be charged with the responsibility of delivering the compensation to the affected persons, a separate committee shall be formed which will be responsible for resolving any grievances that may arise during RAP implementation. The committees shall be formed for each of the municipalities to make it easier to reach resolution in a fair and timely manner. The following is the composition of the Grievance Redress Committee (GRC):

(i) District Council Representative (Chairman)
(ii) District Lands Officer
(iii) Ward Representative
(iv) Mtaa Representative
(v) DART Representative
(vi) PAP Representatives (male and female)
(vii) Local NGO/CBO/Association representatives (male and female)
(viii) Any co-opted member selected by PAPs

8.4 Steps to be followed for Grievance Redress

The proposed project goes through a number of wards though the major impact is at the Minazini Mtaa; and therefore it is agreed that three committees will be established. The consideration also took into account the type of impact within the two wards i.e. all PAPs other than those from Mianzini are mainly losing annex structures such as walls and therefore grievance likely to be similar; while those of Mianzini are losing residents, social services, commercial structures and different assets. The committees will therefore
be as follows

- One for all PAPs in Ilala Municipal Council along the road project
- One for all PAPs in Temeke Municipal Council along the road project
- One for all PAPs at Mianzini – for the station and depot

Therefore, the following procedures will be followed in this RAP for the purpose of addressing grievances from the PAPs.
• For the PAPs affected by road construction aggrieved PAPs will submit their grievances in writing, to the committee who will then forward the letter after reviewing the complaints to the respective Ward Office and receive an acknowledgement from the office as proof that a complaint has been lodged.

• Those from Mianzini ward will follow similar procedure by lodging their complaints to the Grievance committee who will review the complaint prior to submitting the complaint to the ward office and receive an acknowledgement from the ward office.

• It was agreed by PAPs that members of the Ward Government should be part of the committee as well as respected elder(s) and PAP representative’s preferably one male and one female. Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the grievance is resolved and the PAP is satisfied, a report shall be prepared and copies given to the PAP and local authority leader for records and the case is closed.

• In the event that the PAP is not satisfied, with the assistance of the mtaa leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the respective District Council.

• The committee under the District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAPs may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.
Table 14 below provides details of the procedure that is to be followed for grievance redress in this RAP.
<table>
<thead>
<tr>
<th>Step</th>
<th>Reporting officer/committee</th>
<th>Officer/committee members</th>
<th>Time frame to redress</th>
<th>Grievance redressed</th>
<th>Grievance not redressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PAPs will submit Grievance to the Grievance committee who will review the complaint and later forward to the ward office and receive an acknowledgement</td>
<td>2. Grievance Committee of Temeke and Ilala Municipal 3. Respective ward officials. Village government</td>
<td>Upon receipt of grievance, the local government officials with the help of the committee shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.</td>
<td>If the grievance is resolved and the PAP is satisfied with the committees or local government’s decision, a report of the same shall be prepared and copy handover to PAP and case closed.</td>
<td>If the grievance is not resolved, go to step 2.</td>
</tr>
</tbody>
</table>

Table 14: Grievance Redress Process
<table>
<thead>
<tr>
<th>Step</th>
<th>Reporting officer/committee</th>
<th>Officer/committee Members</th>
<th>Time frame to redress</th>
<th>Grievance Redressed</th>
<th>Grievance not redressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>If PAP is not satisfied with step 1 decision, the case shall be forwarded to the land Dispute committee at Municipal level. This committee shall function as GRC at the district level for the project. The grievance shall be forwarded with all the paper details of case.</td>
<td>1- DC – Chairman, 2. District land office, 3. PAP representative 4. Member of no 1 committee</td>
<td>Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by DART</td>
<td>If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared by DART. A copy of report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.</td>
<td>If the grievance is not resolved, go to step 3.</td>
</tr>
<tr>
<td>Step</td>
<td>Reporting officer/committee</td>
<td>Officer/committee Members</td>
<td>Time frame to redress</td>
<td>Grievance Redressed</td>
<td>Grievance not redressed</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------</td>
<td>---------------------------</td>
<td>----------------------</td>
<td>---------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>3</td>
<td>It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have the option to refer his/her case to Regional Secretariat for final amicable solution or to refer the case to the Judiciary.</td>
<td>1- Regional Secretariat 2- District Commissioner 3- DART 4. PAP and PAP Representative</td>
<td>If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45 days from the date of case referred. The PAP shall be informed 10 days in advance about the date, time and venue of the hearing.</td>
<td>If the grievance is resolved and the PAP is satisfied with RS’s decision, a report of the same shall be prepared by DART. A copy of the report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.</td>
<td>If the grievance is not resolved, the PAP may take the case to appropriate court.</td>
</tr>
<tr>
<td>4</td>
<td>PAP takes the case to appropriate court.</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
A form to be used for filling the grievances is also indicated below.

Sample Grievance and Resolution Form

**Name (Filer of Complaint):** __________________________________________

**ID Number:** __________________________ (PAPs ID number)

**Contact Information:** __________________________________________

(/Ward/Mtaa; mobile phone)

**Nature of Grievance or Complaint:** __________________________________________

__________________________________

**Date**  **Individuals Contacted**  **Summary of Discussion**

__________________________________  ____________________________________  ____________________________________

**Signature** __________________________ **Date:** __________

**Signed (Filer of Complaint):** __________________________________________

**Name of Person Filing Complaint** : __________________________ (if different from Filer)

**Position or Relationship to Filer:** __________________________________________

**Review/Resolution**

**Date of Conciliation Session:** __________________________________________

**Was Filer Present?** : __________________________________________

**Was field verification of complaint conducted?** __________________________________________

**Findings** __________________________________________

**Summary**  **of**  **Conciliation**  **Session**  **Discussion:**

__________________________________  ____________________________________  ____________________________________  ____________________________________

**Issues** __________________________________________
Was agreement reached on the issues? Yes No
If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:

______________________________________________________________


Signed (Conciliator): ______________________ Signed (Filer):
____________________

Signed: ______________________
Independent Observer

Date: ______________________

CHAPTER 9
MONITORING AND EVALUATION

RAP implementation will be closely monitored to provide DART an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and trouble shooting, progress reporting.

Monitoring the progress of RAP execution will be carried out through internal monitoring processes by DART and through external monitoring involving other agencies as may be deemed appropriate by DART.

9.1 Monitoring Indicators

Given that DART will be expected to conduct the internal monitoring although much of the actual implementation and payment shall be made by Municipalities, it is crucial that monitoring be guided by verifiable indicators. Ensuring compliance through indicators to be monitored will be important in the RAP implementation process. Monitoring will be undertaken at regular intervals, at least once a month. Following up of those who will have been relocated will be necessary in the initial months to ensure that they are coping with the new situation. The following is a list of the key indicators which will have to be incorporated in the reports to be prepared by the entity implementing and reporting on the RAP:

- Number of households and individuals affected by project activities;
- Number of households and individuals economically displaced (crop, shops and activities affected, etc.) as a result of project activities;
- Number of households and individuals resettled by the project;
- Number of resettlement houses built;
- Number of resettlement houses taken possession of by resettlers;
- Number of grievances received per month;
- Total of grievances received (which are still open, and those closed);
- Amounts of compensation paid for each category of lost assets (structures, land, crops, others) and other benefits obtained by households and individuals;
- Affected PAPs and resettled households economic and livelihood situation;
- Community structures affected;
- Community structures rebuilt and used by community;
- Number of vulnerable households resettled and an assessment on how they are coping

9.2 Monitoring and Reporting

Internal monitoring for RAP implementation will be carried out till all PAPs have vacated their existing properties. DART should agree on the maximum time of vacating and this should be done once all PAPs have received their compensation. It is recommended that maximum time of vacating could be two months. The Council will keep a record of all progress and prepare regular monitoring resettlement implementation reports that outline the successes and challenges encountered and submit to PMO-RALG. To maximize efficiency, the community development officer from the respective Municipals will facilitate monitoring and reporting activities and a RAP Specialist (preferably from PMO-RALG Office) to provide regular reviews and quality control in addressing provisions of the RAP. Data from field surveys will be used as the benchmark for monitoring the progress of RAP implementation.

Considering that the number of PAPs affected by the project is relatively high on one particular area and that most of those losing their residents would want to find
alternative land for the selves this might be a challenge in implementing the monitoring for this project.

However this RAP recommends monitoring to be based on maintaining a full-time presence in the field during resettlement implementation; in coordination with City Authority and those at the ward level and monitoring to involve the following:

- Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.

- Socio-economic monitoring during and after the relocation process to ensure that persons have been able to recover successfully and as anticipated from the relocation program.

- Administrative monitoring to ensure that relocation of graves has been adequately performed and all PAPs have been well involved in the relocation process

- Data from baseline socio-economic surveys undertaken during consultation will provide the benchmark for monitoring to assess the progress and success of RAP implementation. Monitoring will also include communication with PAPs and documentation of reactions from PAPs and physical monitoring of progress of the RAP’s implementation, including the relocation of PAPs and the affected community assets.

It is also important for DART to engage external monitoring personnel who will review all compensation tallies and ascertain whether compensation was provided correctly. The external monitor will also assess whether PAPs have regained their prior living standards in terms of income, housing, access to basic amenities, and ownership of land and material assets. It is anticipated that impact monitoring will first be carried out approximately 3 months after the PAPs have been relocated and a report submitted to PMO-RALG giving details of the evaluation and its findings.
REFERENCES

IFC (2002), Handbook for Preparing a RAP, International Finance Corporation, 2121 Pennsylvania Avenue, NW, Washington, DC 20433 USA

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


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


URT, (1999), The National Land Act, Cap 113

URT, (1999), The Village Land Act, Cap 114


URT, (2007), The Land Use Planning Act of 2007

URT, (2007), The Urban Planning Act of 2007

ANNEXES
33: MOHAMED OMAR HAMIS
34: SADIKU JELLE KERO
35: ABDALLA SAID BURHAU
36: ALEX KOMBE
37: AMIRHUSE RASHIDI JAFARHANI
38: ABUI HUMANI BEL WA
39: HALFANI KISUMBA KABUKA
40: MWALIMU ALY MINEKA
41: SALUM JUMA SAID
42: MARJANI ABDULLAH ABDU MARSHANI
43: ABDULLAH KIPENDERE
44: ABDULLAH KIPENDERE
45: KHAMSISI SAIDI KHALFANI
46: KHAMSISI SAIDI KHALFANI
47: KHAMSISI SAIDI KHALFANI
48: MAULIDI MOHAMEDI TOOTOI
49: HAMISI MOHAMEDI NYAMBISI
50: SOPHIA SELEMANI
51: HALIMA MOHAMEDI HAMISI
52: MBARI KIBIBI MOHAMEDI DIGOSI KUNG
53: OMARI SELEMANI JUMA
54: RAMADHANI MBELU
55: DEVS DEOS LAURENT KASIGWA
56: CATHELNE KASIKA

0762 - 58 02 48
2) Sufran Khatri - East African Leather
3) Jamal Ruambo - African Relief Committee of Kuwait
4) Martin Muthia - Salima Oxygen Gas Ltd
5) Nassir Nassir - Sanent
6) Nyambi Khalifa - UDA
7) Atman Tawji - Mwanza Division (Miazihi)
8) Herroh Mwelwa - MEC - Miazihi
9) Huruma Kissaka - Amibicon E. Ltd
10) Saudi Mwelwa - 0789108207
1. Emmanuel Mwiluwa - 0765883857 TRH
MUHTASARI WA KIKAO CHA WADAU WA MRADI (WANANCHI) NA KAMPUNI YA AMBICON ENG. LTD (MRADI WA MABASI YA MWENDO KASI KIKAO KILICHO FANYIKA TAREHE 01/10/2014 KATIKA KIWANJA CHA OFISI YA SERIKALI YA MTAA MIANZINI.

MAHUDHRIO.

(1) ATHUMAN BAWJI MBWANA – DIWANI
(2) HEZRON MWELADZI – WEO
(3) ABDALLAH MZEE – MKIT S/MTAA MIANZINI
(4) HURUMA KISSAKA – AMBICON ENG LTD.
(5) MUHAMADI DIGOSI
(6) FIKIRI RAJABU
(7) SPEMBA RAMADHANI
(8) MOHAMEDI MKOKOLA
(9) ALI MUSSA BWALALA
(10) ABDALA KIPENGELE
(11) RWEgaluzilila
(12) MOHAMEDI NASORO MKOKOLA
(13) OMARI RASHIDI SAID
(14) JUMA ALI MOHAMEDI
(15) KIOBIKE ABRAHAMANI
(16) MFAUME SAIDII KILINDO
(17) ASHA AMIRI NGILINI
(18) ABDALA SAIDI MPALUKA
(19) MZEE JUMA KOBAA
(20) AMINA SALUMU
(21) SELEMANI ABDALA MTANGA
(22) MSHAURI MIRAJI MASIKAN
(23) STEMBA R. MSENGER
(24) JEIRANI HUSENI MOHAMMED
(25) SHEKHA AWADH NAZARINA HAMUDI
(26) JUMA ATHUMANI
(27) ABDULIY SHARIFF
(28) AMINA RAJABU MAKANYANGILO
(29) KASINU SHABANI NGALOKA
(30) KIDAWA OMARI
(31) HAMISI ZOWANGE
(32) SEIF ADAM MAGANDI
(33) IDDI DILIOSI
(34) ABDALLAH HAMISI ULADA
(35) ABDALLAH HAMSI ULADA
AGENDA ZA KIKAO
1) KUFUNGUA - KIKAO
2) MRADI WA DART (MAGARI YA MWENDO KASI)
3) KUFUNGUA - KIKAO

MUHT: Serikali ya mtaa alifungua kikao kwa kwakaribisha wananchi waliohudhuria na kuwaeleza leno la mkutano huo au kikao hicho. Kikao kilifunguliwa saa. 8.30 mchana

MHT 05 /10/2014 MRADI WA DART (UJENZI WA KITUO CHA MABASI YA MWENDO KASI)


Baada ya maelezo hayo m/kiti alimkaribishwa maswali.

Maswali

2) Maulid Mohamed
   a) Mradi unaanza lini na kuondelewa?
   b) Je serikali hawa kubuni na kutuunganishia kuwashauri watafute maeneo mengine?
   c)Kwanini wasianze kwa vipande vipande kwa kuanzia na viwanda
   d) Thamani ya maeneo italingana.
3) Sepi Hatubu
   Mradi hatuukata ila kwa ushirikishwaji, Pia tuangaliwe sana hasa masuala
   yamalipo ingawa tutalipwa kwa bei ya sokoni.

4) Abdallah Kipembe
   - Hapa tayari tumeanza kupata hasara, wapangaji wameanza kuondoka
   - Jambo jema kupanga, kutathimini na kuhiatilia na kuomba eneo la hifadhi ya
     msltu wa mwandege na Eneo la Jeshi la Mbagala tupewe.

5) Abdallah Said
   - Amerithi maeneo na hawana vielelezo vyovyote

6) Nyumba ya Ilda - Kila mnoja ni mamilki Je? Atalipwa nani
   Maswali yote yalihibwa na viongozi wote kwa ufafanuzi wa kutosha na jamii au
   wananchi kuonekana wanaridhiwa ingawa walipendekeza sana kupewa maeneo
   mbadala na kupewa tidia yao kwa haki sawa, na kupanga kikao kingine siku ya
   Junanne tarehe 07/10/2014.

MUT. 06 /10/2014 KUFUNGA KIKAO

M/kiti wa Serikali ya mtaa alifungwa kikao kwa kuwashukuru viongozi waliomuhurutia na
mwakilishi wa kampuni ya Amboni Eng. Ltd. Kwa kutambulisha mradi na ufafanuzi
kwa walengwa na waathirika wa mradi huu wa mabasi ya mwendo kasi. Kikao
kiliungwa saa 11.15 Jioni.

ABDALLAH M. MBWERA
MKITI MIANZINI

HEZRON MWELADZ
WEO - MIANZINI
6/10/2014
MUHTASARI WA KIKAO CHAWADA WA MRADI WA MABASI YA MWENDOKASI PHASE 2 & 3 KILICHOFANYIKA KATIKA OFISI YA SERIKALI YAMTAA MIANZINI TAREHE 01/10/2014

MAHUDHURIO YA WAJUMBE WA MILIKI WA VIWANDA NA MAGODOWN NA YARD.

(i) ATHUMAN BAWJI MBWANA – DIWANI
(ii) SUFYAN KHAIRI – EAST AFRICAN LEATHER
(iii) HEZRON MWELADZI – WEO
(iv) ABDALI AH MZEE – M/KITI MTAA
(v) RAJESH SULANILI – SRIF IMPGY
(vi) JAMAL RWAMBO – AFRICAN RELIEF COMMITTEE OF KUWAIT
(vii) MARTIN MBUTHIA – SALIMA OXYGEN GAS LATD.
(viii) NASSIR NASSIR – SANENT
(ix) NYAMBI KHALIFA – UDA
(x) HURUMA KISSAKA – AMBION ENGINEERING LTD
(xi) DAUDI MLEZI – TRH
(xii) EMMANUEL M. MVUNGI – TRH.

AGENDA
1) KUFUNGUA KIKAO
2) MRADI WA DART
3) KUFUNGUA KIKAO

MUHTASARI 01/10/2014: KUFUNGUA KIKAO.
Kikao kilifunguliwa na Mwenyekiti Mh. Athuman Mbwana saa 5.15 Asubuhi kwa kuwakaribisha wajumbe wote na kuwaomba kuwa makini na mada iliyo po mbele.

MUHT 02/10/2014 MRADI WA DART (UJENZI WA KITUO NA MAEGESHO YAMAGARI YA MWENDOKASI)

M/kiti serikali za Mitaa alitaa ufanuzi juu ya ujio huo wa wageni watakao husika na Ujenzi wa mradi huo na kumkaribisha Afisa mtendaji wa kata ili aweze kukaribisha wageni na kuomba watoe maelezo juu ya mradi huo.

Eng. Huruma Kissaka, Katokela Shirika /Kampuni ya AMBICON ENG. LTD. alijitambulisha na kutoa maelezo juu ya mradi huu wa magari ya endayo kasi. Ujenzi huu wa mradi utakuwa katika Eneo hili tulipo la Mianzini, Lengo ni kuwajulisha wakazi
na wamiliki wa viwanda ili tuweze kushirikiana na kupisha mradi ili uweze kutekelezwa na kampuni ya **KOREA KYONG DONG** ikishirikiana na Kampuni yetu ya **Ambicon Eng. Ltd.** Pia hii ni awamu ya pili ya Mradi, Kutohama na Kiono ambalo limesheteza na Serikali kama si la wazi ni lazima wapiwache mradi kulungana na sheria ya Ardhio no. 4 na 5. Na sheria inatunga kufanya makubaliano na fidia, ingawa ardhio yote ni mali ya Serikali, Ikiwa mradi unakuwa na manufaa kwa jamii watu wanatakiwa kupisha mradi kwa kufidhiwa.

Mjumbe alihojikwani hakuna eneo jingine zaidi au hili? Kwani unapo habimisha kwenda umaathiri hita jamii wanao fanyakazi pamoja na familia zao.


**Maswali:**

1. Zoezi ni lazima au hiari
2. Tarche ya kuhana
3. Kama ninekodi jengo je kunafidia
4. Kupata /kutumii wanaherai wa kutuwakilisha

Zoezi ni lazima kwani si sahihi kushindana na serikali Pia kwa sasa zoezi linafukuta ni utumaini wa majengo na ardhio, Baada utumaini ni miezi sita(6) unatakiwa kulipwa na ikizidi ni lazima mpewe riba. Tarche ya utumaini mtapewa na baada ya utumaini tutakaa tena kama kuna tataizo la utumaini ili liweze kurekebisha. Na Baada ya udhaminini kufanyika huatakiwi kuendeleza chokocho, Pia hutakwii kuondoka kabla ya kulipwa. Kama umekodi /kupanga utalipwa kama mpangaji na kama uemeendeleza utalipwa mitaka mitatu mbewe kama umepanga. Kupata wanaherai wa kuwakilisha hainashida.

**Ushauri / Mapendezo** – Wajumbe walishauri kampuni Inayohusika iwasiliane na Waziri mkuu kupewa eneo la viwanda katika eneo la hifadhi ya Msitu la Mwanendege Mkoo wa Pwani, na kuweza kupewa fidia ambayo itakuwa ya haki kabisa.

**MUHT: 03/10/2014 KUPUNGA KIKAO.**

M/kiti Mh. Diwni Athumani Mbwana aliungwa kikao Mnomo saa 8.10 mchana kwa kuwashukuru wajumbe wote walio hudhuri.

**M/KITI**

ATHUMAN MBWANA (DIWANI)

**KATIBU**

HEZRON MVELADZI (WEO)