

資料－ 2 1

RESETTLEMENT POLICY FRAMEWORK

(簡易住民移転計画の作成及び実施に係る方針)

21. RESETTLEMENT POLICY FRAMEWORK (簡易住民移転計画の作成及び実施に係る方針)

**THE PROPOSED CONSTRUCTION OF SUBSTATIONS, REHABILITATION OF
TRANSMISSION AND CONSTRUCTION OF DISTRIBUTION LINES**

IN DAR ES SALAAM, TANZANIA



**FINAL REPORT
RESETTLEMENT POLICY FRAMEWORK
(RPF)**

**PREPARED BY
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21. RESETTLEMENT POLICY FRAMEWORK (簡易住民移転計画の作成及び実施に係る方針)

ABBREVIATION/ACRONYMS

ARAP	-	Abbreviated Resettlement Action Plan
DC	-	District Commissioner
DED	-	District Executive Director
ESIA	-	Environmental and Social Impact Assessment
GoT	-	Government of Tanzania
GWs	-	Glossary Gigawatt hours
JICA	-	Japan International Cooperation Agency
kV	-	Kilovolt
MEM	-	Ministry of Energy and Minerals
MW	-	Megawatt
PAP	-	Project Affected Persons
RAP	-	Resettlement Action Plan
RPF	-	Resettlement Policy Framework
TANESCO	-	Tanzania Electrical Supply Company
TANROAD	-	Tanzania National Roads Agency

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GLOSSARY OF KEY TERMS

- **“ARAP”** Abbreviated Resettlement Action Plan, is a plan to address the impact of resettlement for not more than 200 affected persons.
- **“Census”** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
- **Project Affected Person(s) (PAPs)** are persons affected by land use or acquisition needs of the proposed projects. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
- **“Compensation”** means the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from subproject activities.
- **“Cutoff date”** is the date of commencement of the census of PAPs or DPs within the Project area boundaries. This is the date on and beyond which any person whose land is occupied project use will not be eligible for compensation.
- **“Displaced Persons”** mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people will have their: standard of living adversely affected, whether or not the Displaced Person must move to another location, lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
- **“Involuntary Displacement”** means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the Displaced Persons have moved to another location; or not.
- **“Involuntary Land Acquisition”** is the repossession of land by government or other government agencies with or without compensation, for the purposes of a public project

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against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

- **“Land”** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project
- **“Land acquisition”** means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
- **“Rehabilitation Assistance”** means the provision of development assistance in addition to Compensation such as land preparation, credit facilities, training or job opportunities needed to enable Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre project levels.
- **“Resettlement Action Plan (RAP)”** is a resettlement document to be prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities.
- **“Replacement cost”** means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Tanzanian law for sale of land or property.
- **“Replacement cost for houses and other structures”** means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures.
- **“Resettlement Assistance”** means the measures to ensure that Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

1.0 INTRODUCTION

1.1 Background of the Project

Currently in Tanzania, only about 17% of the population are connected to the national grid. The available electricity is largely based on hydro resources and thermal power derived from small scale diesel generators. Current installed generation capacity on the transmission grid amounts to 863 MW, with non-grid (diesel) generating capacity amounting to 28 MW. Of the total grid connected capacity of 863 MW, approximately 65 per cent is supplied by hydropower and 35 per cent by thermal stations. Tanzania's existing hydropower capacity (561 MW) has an energy limitation of between 40 and 50 per cent capacity factor.

The Tanzania Electric Supply Company (TANESCO) is responsible for the generation, transmission, and distribution of electricity in mainland Tanzania. Over the past several years, TANESCO's operations have suffered from poor system performance in the East and Northeast regions at times of peak demand (Silke, 2012 et al). Despite use of all available thermal generation and curtailment of supply to certain major consumers, network voltages remain excessively low, and the system suffers from frequent outages that may affect the entire network. The lack of reliable power is a major constraint to economic growth in Tanzania.

Tanzania's electricity sector has been heavily dependent on hydropower energy whose energy cannot be ascertained in times of drought. Effects of droughts faced during 1992/1993, 2005/2006, 2009/2010, 2010/2011 and 2011/2012 explain these situation. In addition to drought problem, power supply in the country have been facing with several challenges such as low energy security, unreliable energy supplies, poor quality of supply and high electricity losses (21-23%) reduced reserve capacity, curtailed loads (in 2012 unsaved energy 66.3GWh), high frequency of power outages, high generation costs and undistributed generation; old and overloaded Transmission and Distribution Systems cause high technical losses (Msyani, 2013). Furthermore, it is expensive to extend the national grid and expand the distribution system due to scarcity of financial resources from the government; in particular foreign currency is always a major barrier responsible for low electricity penetration rate. It has also been reported that less than one in five households are connected to the electrical grid, which experiences frequent blackouts and power surges.

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Having facing these challenges, the Government of Tanzania through the Ministry of Energy and Minerals (MEM) and the Tanzania Electric Supply Company Limited (TANESCO), (the implementer) under technical and financial support from JICA (Japan International Cooperation Agency) is implementing the project for rehabilitation of substations and construction of new lines and substations in Dar es Salaam.

1.2 Objectives of the Project

The Project aims to reinforce and extend the transmission line and distribution network in Dar es Salaam region in order to improve the quality and reliability of power supply to the customers.

1.3 Project site and Component

The project site is located in Dar es Salaam, particularly, in Kinondoni and Ilala Districts. In Kinondoni district the project activities covers five wards, namely, Ubungo, Manzese, Mburahati Muzimuni and Makurumla (transmission line) and Makumbusho, Mwananyamala, Kawe, Kunduchi, Salasala and Msasani (distribution lines). In Ilala district, the project covers wards of Mchikichini (transmission line) as well as Upanga and Jangwani ward (distribution lines and substation).

Although preliminary survey have identified potential areas for the project within the two districts, the actual locations are likely to change, when the feasibility assessment for the whole route is completed. Figure 1 and Table 1 below provides the preliminary plans of the project and its components respectively.

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Figure 1: Location Map of the Requested Components

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Table 1: Project Components and Location

	Components	Ward (s)
Ilala substation (132/33/11kV) (Reinforcement)	<ul style="list-style-type: none"> Reinforcement of Ilala substation Reinforcement of existing 132kV transmission line (7.5km: from Ilala substation to Ubungo substation) 	<ul style="list-style-type: none"> Ubungo Manzese Mzimuni Mchikichini
Jangwani Beach substation (33/11kV) (New construction)	<ul style="list-style-type: none"> Construction of Jangwani Beach substation Construction of 33kV distribution line (approximately 6.5km: from Jangwani Beach substation to Tegeta substation) 	<ul style="list-style-type: none"> Salasala Kunduchi
Muhimbili substation (33/11kV) (New construction)	<ul style="list-style-type: none"> Construction of Muhimbili substation Construction of 33kV distribution line (Approximately 2km: from Muhimbili substation to New city centre substation) 	<ul style="list-style-type: none"> Upanga
Mwananyamala substation (33/11kV) (New construction)	<ul style="list-style-type: none"> Construction of Mwananyamala substation Construction of 33kV distribution line (approximately 1.1km: from Mwananyamala substation to Makumbusho substation) 	<ul style="list-style-type: none"> Mwananyamala Makumbusho
Msasani substation (33/11kV) (Expansion)	<ul style="list-style-type: none"> Expansion of Msasani substation Expansion of 33kV distribution line (approximately 7.6km: from Msasani substation to Makumbusho substation) 	<ul style="list-style-type: none"> Makumbusho Msasani

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The 132 kV Transmission line route from Ilala substation to Ubungu substation (Tower No.1 to No.25) is presented in the following satellite image.

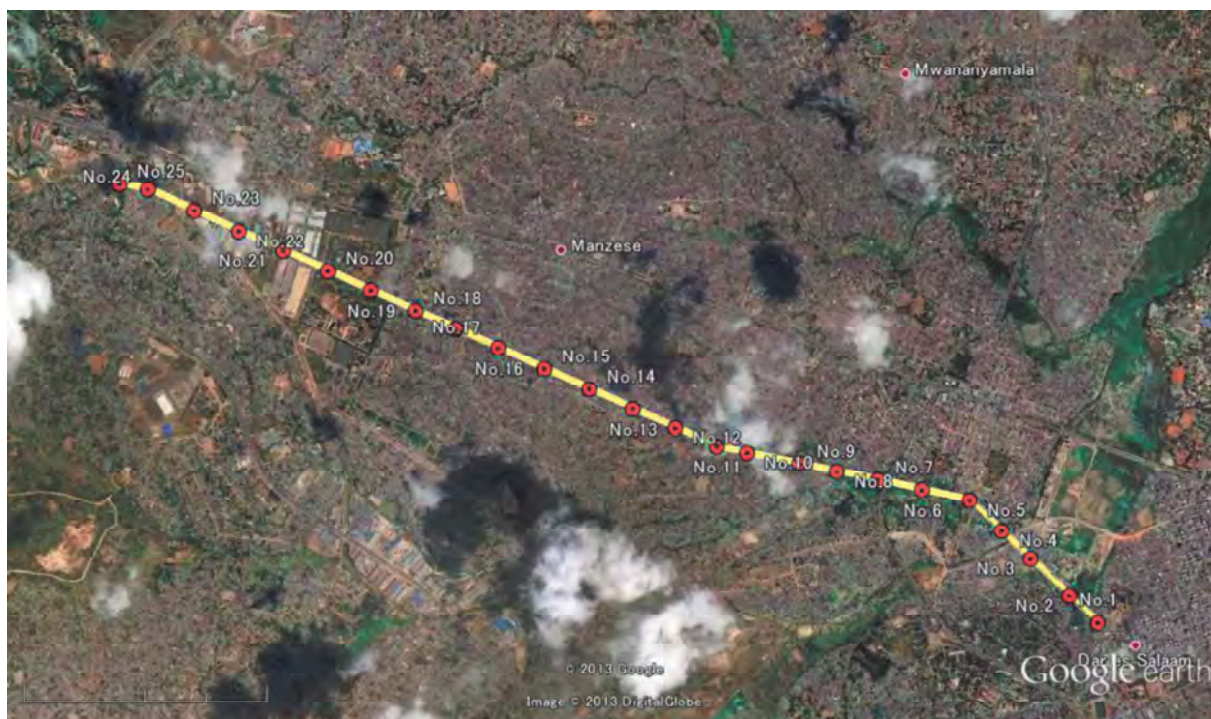


Figure 2: A section of the proposed power transmission line earmarked for improvement in Kinondoni District

1.4 Geographical Location of the Project Area

Kinondoni municipal is located in the Northern part of Dar es Salaam city. Administratively, Kinondoni District is broken into 4 divisions, 27 different wards, and 113 sub-wards. This project will cover seven wards of the district, mainly for distribution lines and sub-stations rehabilitations.

Ilala district is the mid of Kinondoni and Temeke district bordering the Indian Ocean to the East, the Coastal Region to the West, Kinondoni municipality to the North, and Temeke municipality to the South. Administratively, district is sub divided into 3 divisions and 22 wards. Two wards will be touched by the project, especially with transmission line.

Figure 3 shows the location of Kinondoni and Ilala Municipal within the City of Dar es Salaam.

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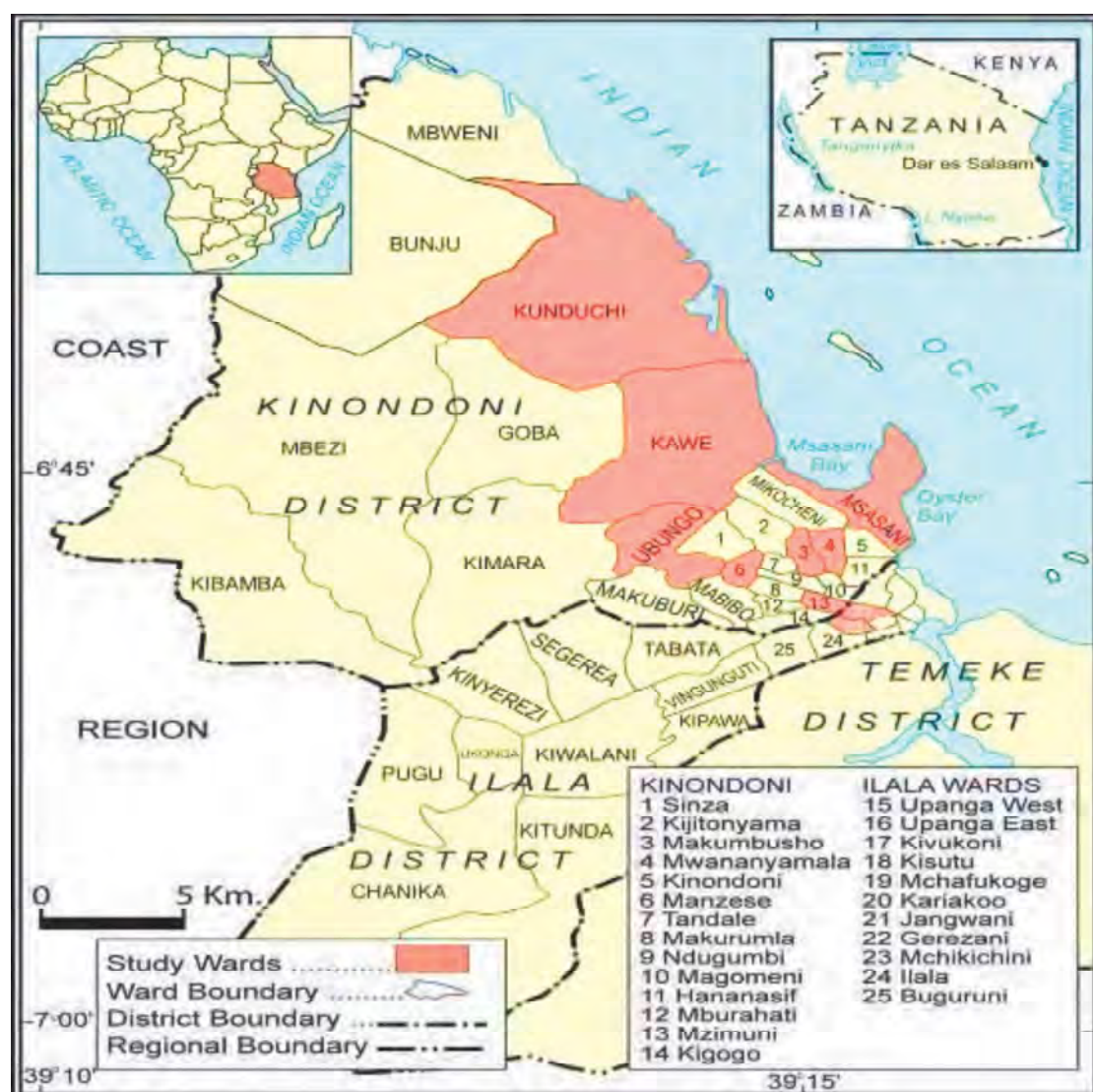


Figure 3: The Location of Kinondoni and Ilala Municipalities and Affected Wards

1.5 Population of the Project Area

Based on the 2012 Population and Housing Census Kinondoni Municipal had a total population of 1,775,049 inhabitants, of whom 860,802 were males and 914,247 were females. The average household size was 4.0 and a sex ratio of 94. On the other hand, Ilala Municipal has a total population of 1,220,611 of whom, 595, 928 are males and 624,683 were females. The Municipal has an average household of 4.0 and a sex ratio of 95. The 2002, Population and Housing Census shows that the population inter-censual growth rate of the two Municipalities was very high (4.1) compared to National inter-censual population growth rate which was 2.9.

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1.6 The Need for Resettlement Policy Framework

The Government of the United Republic of Tanzania through the Ministry of Energy and Minerals and the Tanzania Electricity Supply Company Limited is required by JICA to prepare a Resettlement Policy Framework (RPF) during project preparation to be publicly disclosed in Tanzania and at the JICA offices, before appraisal of the proposed project. The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the implementation of the project. The RPF is prepared to the standards of the GoT's own policy on resettlement and resettlement rules and regulation as stipulated by JICA.

When the land/sites are identified during the preparation of the projects, for the sites that will require land take, resettlement/compensation plans will be closely coordinated with the planning and implementation of project activities and then subsequently prepared consistent with this policy framework by TANESCO and will be submitted to the Ministry of Land and Human Settlement Development as well as JICA for approval prior to any land acquisition or resettlement.

This RPF governs all activities funded under this project by JICA and covers the following sections:

- A. Principles and objectives governing resettlement preparation and implementation
- B. Description of the process for preparing and approving resettlement plans
 - (a) Land acquisition and likely categories of impact
- C. Eligibility criteria for defining various categories of project affected persons
- D. A legal Framework reviewing the fit between the laws of Tanzania and regulations and JICA requirements
- E. Methods of valuing affected assets
- F. Organizational procedures for the delivery of entitlements
- G. A description of the grievance redresses mechanisms
- H. A description of the arrangements for funding resettlement
- I. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring
- J. Arrangements for monitoring by the implementation agency and, if required, by independent monitors

2.0 METHODOLOGY FOR PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK

The preparation of the RPF document was based on various approaches that include a review of the relevant literature, process of consultations as well as site visit in areas that the proposed project is likely to be implemented as elaborated below:

2.1 Literature review

The preparation of the document entailed a comprehensive review of the literature including that from the following sources:

Project documents such as project appraisal document and project background briefs. The aim was to obtain background information on project justification and its objectives; nature and extent of the proposed project activities as well as coverage /locations that the project will impact.

Tanzania land policies, guidelines, regulatory and administrative frameworks. These include the Land Policy, 1996; Land Acquisition Act, 1967; Land Acts No.4 and No. 5 of 1999 and associated Regulations; Unit Titles Act, No 16 of 2008; and Local Government Acts of 1982 as well as the Environmental Management Act, 2004); The aim was to determine the legal requirements relevant to the land acquisition and the incorporation of the same into the RPF as appropriate. Key among these includes land ownership, tenure rights, user rights; taking of land and other assets i.e. valuing assets, compensation procedures, and grievance mechanism.

2.2 Stakeholders consultations

This RPF team consulted various stakeholders at various levels that include Government offices (TANROADs) as well as Municipal Officials of Kinondoni and Ilala. At the Municipals the team discussed mainly with District Executive Officers, Land officers, District Health officers (for grave allocation issues) and Community Development officers. Comprehensive consultations were also done with Ward executive officials in some of the wards likely to be affected by the project as well as Street/Mtaa leaders and PAPs that are likely to be affected during the project implementation.

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Various tools were used during stakeholder's consultation; these include focus group discussions, open-ended questionnaires, checklists as well as questionnaires mainly with individual PAPs. The table below summarizes various meetings, issues discussed and major issues from stakeholders while preparing this RPF:

Table 2: Stakeholders views and issues

Date	Meeting Participants	Issues Discussed	Major comments from Participants
23/03/2013	-IRA team -TANESCO officials	- Discuss TANESCO way leaves - To understand agreements that TANESCO has reached with other stakeholders that TANESCO intends to utilize their way leave such as TANROADs - To discuss the JICA guidelines and agree on what should be part of this RPF	- TANESCO indicated that in urban areas and in particular Dar es salaam, one cannot have way leaves as per TANESCO standard as land is very expensive. - Similarly compensation under JICA guidelines can also be very expensive considering the magnitude of encroachers on all way leaves as well as the type of structures
15/04/2013	-IRA team -Ilala Municipal Officials – Health Office	- Introduce the project to the Municipal - Inform the Municipal about JICA Principals - Inform the Municipal about the type and magnitude of impact - Inform the Municipal that most PAPs are encroachers - Obtain information about the process of relocating the graves	<ul style="list-style-type: none"> Developer (TANESCO) should incur cost for removing/ shifting grave that will be prepared by Municipal Health Department Graves should be shifted to the proper designated Municipal Grave Yards such as Buyuni, Mwanagali and Segerea. Moving graves out of Dar es Salaam is not recommended as its cost implication and is not Healthier. The normal distance that has been estimated is 15kilometres, however if the owner wants to go beyond the estimated distance they can but with his or her own cost and they should get permit from the responsible municipal. <p>The appropriate owner of some graves is a big challenge.</p>
-	Ilala Municipal Council Officials-Land Office	- Introduce the project to the Municipal - Inform the Municipal about JICA Principals - Inform the Municipal about the type and magnitude of impact - Inform the Municipal that most PAPs are encroachers - Obtain information about	<ul style="list-style-type: none"> TANESCO is advised to maintain utilization of their existing areas/way most of them are encroached so as to minimize compensation cost. The Department normally does not do the valuation of graves; instead the Health department is responsible under the graves

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Date	Meeting Participants	Issues Discussed	Major comments from Participants
		the process of relocating the graves	<p>removal Act, 1969.</p> <ul style="list-style-type: none"> • Open spaces and hazard lands are usually owned by Municipals • Billboards are usually owned by individuals, companies and institutions with the permit from Municipal. • Currently there are no specific laws in place that governed the compensation of billboards.
15/04/2013	-IRA team -Kinondoni Municipal Council Officials-Land Office	<ul style="list-style-type: none"> - Introduce the project to the Municipal - Inform the Municipal about JICA Principals - Inform the Municipal about the type and magnitude of impact - Inform the Municipal that most PAPs are encroachers - Obtain information about the process of relocating the graves 	<ul style="list-style-type: none"> • The project is accepted but laws, regulations and policies should be abided. • In case of graves there is grave removal Act of 1969 it is under the Department of Health they should also be consulted. • Demarcation should be done so as we can know clearly if the project will involve land take and if there is any disruption of community's properties and if any how will it be compensated. • If part of a building or a plot will be affected the title deed will be not valid anymore; therefore it should be rectified for modification. • Sensitization/awareness should be provided to the community from the <i>Mtaa</i> and Ward level to the district level so as to avoid Land conflicts in the project area. • Laying poles close/within the service roads tends to obstruct pedestrians this is common in most of the road reserve therefore this is not recommendable. TANESCO should acquire its own land and they should compensate affected people. • The contractor/TANESCO should be very carefully so as not to disrupt community infrastructures such as water

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Date	Meeting Participants	Issues Discussed	Major comments from Participants
			<p>pipes, and access roads. ie we advise activities to work across various responsible sectors</p> <ul style="list-style-type: none"> There is the tendency of paying encroachers to comply with the World Bank policies particularly those projects funded by World Bank; this habit is bringing problems to the local/government funded projects. <p>Open spaces are owned by Municipal Council this should also be compensated and in-kind compensation is recommended.</p>
-	Kinondoni Municipal Council Office- Health and Community Development Office IRA Team	<ul style="list-style-type: none"> - Introduce the project to the Municipal - Inform the Municipal about JICA Principals - Inform the Municipal about the type and magnitude of impact - Inform the Municipal that most PAPs are encroachers - Obtain information about the process of relocating the graves 	<ul style="list-style-type: none"> Due to the nature of the project working close to the graves is not a problem but if it happen grave is too close to the poles they should be shifted. Provision of education and a clear introduction of the project to the community are recommended. The intention to remove graves idea should be submitted to the Municipal council and Health department will prepare the announcement to be announced in the government media in 21 days. The Municipal finance committee will prepare the budget basing on the existing rates. <p>During removal of graves Health department is responsible and not anyone else for the matter of health and safety.</p>
-	Kinondoni Municipal Council-Trade Office IRA Team	<ul style="list-style-type: none"> - Introduce the project to the Municipal - Inform the Municipal about JICA Principals - Inform the Municipal about the type and likely magnitude of impact on billboards 	<ul style="list-style-type: none"> Most of the Billboards are owned by individual companies and some by institutions and they normally pay rent to the responsible Municipality The rent paid depends on the size of the billboard which is 13,000 per square feet for lightened one and 10,000 per square feet for unenlightened; the location

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Date	Meeting Participants	Issues Discussed	Major comments from Participants
			doesn't change the price.
3/08/2013	Mchikichini Ward Officials TANESCO Head Quarters Staff Likely PAPs IRA Team	<ul style="list-style-type: none"> - Introduce the project to the ward officials - Inform the ward officials about JICA Principals - Inform the officials about the type and magnitude of impact - Inform the officials that most PAPs are encroachers 	
4/08/2013	Mchikichini Ward Officials TANESCO Head Quarters Staff	<ul style="list-style-type: none"> - Discuss with ward officials that focus will only be on PAPs that are within the required working space 	<ul style="list-style-type: none"> - This will create confusion and conflicts among those PAPs that will be left out of the valuation under JICA <p>It is important for TANESCO to conduct a meeting with all PAPs to inform them about these changes.</p>
5-6/08/2013	Ubungu Ward Officials Mianzini Ward Officials IRA Team	<ul style="list-style-type: none"> - Introduce the project to the ward officials - Inform the ward officials about JICA Principals - Inform the officials about the type and magnitude of impact - Inform the officials that most PAPs are encroachers 	<ul style="list-style-type: none"> • Community meetings should be conducted in the affected places. The removal of graves should be announced to the media (magazine, radio) <p>Payments should be of the same rate in both Muslim and Christian graves</p>
-	-Ubungu and Manzese Ward Officials and respective street leaders PAPs that have graves identified to be affected by the project IRA Team TANESCO	<ul style="list-style-type: none"> - Introduce the project to the PAPs - Inform the PAPs about the magnitude and type of impact - Inform the PAPs that the land that they have graves is owned by TANESCO. - Inform the PAPs about JICA Principals that also recognizes encroachers - Inform the PAPs about the grave relocation process as per Tanzanian laws - Agree with PAPs to form a grievance committee 	<ul style="list-style-type: none"> • We need to be informed clearly on the magnitude of the project and the specific time and day of removing/ shifting graves. • Payments for grave removal should be flat rate for the matter of consistency. • We need to be informed clearly on the amount to be paid before the process
1/09/2013	IRA Team JICA Team ERM Team TANESCO Officials	<ul style="list-style-type: none"> - Discuss number of PAPs especially those on the transmission line 	<ul style="list-style-type: none"> - Agreed that the number of PAPs to be relocated was not as significant as indicated and it was later agreed that field reconciliation should be undertaken. - This was followed by a site visit with team to the Ilala Sub station and some of the towers (tower 1 and tower 2)

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Date	Meeting Participants	Issues Discussed	Major comments from Participants
10/09/2013	TANESCO transmission line Directorate staff IRA team	Regarding those who have structures within the way leave but are not considered as PAPs and their properties will not be considered for valuation by JICA project.	<ul style="list-style-type: none"> - TANESCO is currently clearing its way leaves as a mechanism to deal with encroachers and this will involve the Ubungo-Ilala transmission line - The projects should only focus on structures that are within the working space of the proposed project and not all structures that have encroached the transmission line.
16/09/2013	TANESCO transmission line Directorate staff IRA team Magomeni(TANESCO District Office Staff) Mchikichini Ward Officials PAPs	ARAP team in collaboration with TANESCO conducted a meeting with Mchikichini ward officials and some encroachers in order to provide clarification of the proposed working space that will eliminate some of the PAPs (encroachers of the transmission line)	<ul style="list-style-type: none"> - Concern that once other PAPs are compensated under JICA project the rest will be evicted without any compensation as they are classified as encroachers.
-	Kinondoni Municipal Valuer IRA Team Mwinyi mkuu street officials PAPs	Discuss Valuation exercise	<ul style="list-style-type: none"> - Concerned with delay in receiving their compensation package - Concern that once the house has been marked no tenants will want to rent in the house - Concern that they don't know how much they will be compensated and if it will enable them build another structure/house
-	Ilala Municipal Valuer IRA Team Mchikichini ward officials PAPs	- Discuss the valuation exercise specifically the process	<ul style="list-style-type: none"> - Concerned with delay in receiving their compensation package - Concern that once the house has been marked no tenants will want to rent in the house - Concern that they don't know how much they will be compensated and if it will enable them build another structure/house
27/10/2013	IRA Team Grievance committee Ward and street officials (Midizini, Manzese, Ubungo)	Discuss and verify number of graves	<ul style="list-style-type: none"> - The committee agreed that for that 250 graves are likely to be affected but there is a possibility of more graves that are not visible to increase the number during implementation phase.

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2.3 Assessment of the proposed project sites

Currently TANESCO in collaboration with JICA have already determined the proposed project sites and areas likely to be affected by the proposed project. Therefore, the team conducted a site visit in order to determine the magnitude of impact, likely impact associated with the project, type of PAPs in order to derive mechanisms to minimize impacts.

One major challenge observed was the level of encroachment on the TANESCO way leave for the Ubungu- Ilala transmission lines considering that the line transverses mainly in un-planned settlements of the city of Dar es Salaam. Visits were also made in all the proposed project distribution line sites that include (Tegeta-Jangwani, City-Centre- Muhimbili, Moroco-Msasani Makumbusho - Mwananyamala and Victoria Mwananyamala) as well as all the proposed sites for substations (Muhimbili, Jangwani Beach and Mwananyamala) and the transmission lines all in Kinondoni and Ilala Municipals.

2.4 Resettlement Action Plan or ARAP Review and Disclosure

The final RAP or ARAP as the case may be will be approved by project implementers that include TANESCO as well as JICA as a grant funding agency relevant to this project. As per JICA requirement the approved RAP or ARAP report should be made available to the public by TANESCO at the following places:

- JICA
- Ministry of Energy and Minerals
- Ministry of Lands and Human Settlement Development
- TANESCO Headquarters
- TANESCO Regional Offices
- Kinondoni Municipal Council
- Ilala Municipal Council
- Respective Ward Authorities Offices

3.0 GUIDING PRINCIPLES FOR RESETTLEMENT OF PEOPLE DISPLACED BY THE PROJECT

The objectives of the policy on involuntary resettlement are mainly the following;

- To avoid or minimize involuntary resettlement and land acquisition where feasible, exploring all viable alternatives of project location and designs.
- To consult with displaced and compensated persons and provide them opportunities to participate in planning and implementing resettlement and compensation programs.
- To assist displaced and compensated persons - regardless of the legality of land tenure - in their efforts to improve their livelihoods and standards of living (income earnings capacity and production levels) or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher

It is likely that implementation of the proposed project will involve involuntary resettlement and related issues which will need to be managed through this RPF as a mechanism to minimize conflicts between PAPs and project implementers and impacts associated with involuntary resettlement. Though most of the land to be utilized by the project is under the ownership of TANESCO, in some cases, the project activity may cause land acquisition other than that of TANESCO and people may be affected because they may have encroached and built their houses or business structures. There could be graveyards located in the project area that might be affected by project implementation. According to JICA involuntary resettlement as a result of project implementation, PAPs must be compensated for their loss either in kind or in cash, and the PAPs will have to be given sufficient information or time to enable them make informed decisions on the best form of compensation they would like. Therefore TANESCO will be required to follow procedures stipulated by the Tanzania Land Act and those of JICA while acquiring land and for meeting the necessary best practice standards. This policy framework sets out the following principles to guide the resettlement of such affected people:

- The policy applies to all components under the proposed project that includes rehabilitation and construction of new TANESCO infrastructures that will be under the JICA funding.

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- The policy applies to all affected persons regardless of the severity of impact and whether or not they have legal title to the land.
- The policy covers direct economic and social impacts caused by the involuntary taking of land and other assets resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location and (iv) relocation of grave yards
- Though land to be utilized is mostly under TANESCO, resettlement cannot be avoided in all cases. The policy requires that the implementation of RAP or ARAP is a prerequisite for the implementation of any project activity causing resettlement, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. Where relocation or loss of shelter occurs, the policy requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action.
- This RPF seeks to ensure that affected persons, communities and local authorities (e.g. municipalities) are regularly and genuinely informed and meaningfully consulted; are encouraged and assisted to participate in the resettlement planning and implementation process; and displaced people are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is a fair and transparent one.
- Resettlement measures shall be provided to persons and entities with recognized property rights in accordance with the Tanzanian land and compensation laws and practices. Wherever necessary they will be supplemented with additional measures to meet the JICA guidelines requirements. Eligible displaced persons will be provided with such assistance as: transport allowances where physical relocation is involved; and transitional support such as a disturbance allowance and accommodation to enable them to restore their livelihoods and standards of living.
- JICA requires that displaced persons without recognized rights to compensation (“non- land owners” e.g. tenants and unlawful land users or occupiers) should be provided with resettlement measures that are similar to those that lawful landowners are entitled to, although the form of the measures may differ. TANESCO should ensure that Landlords serve tenants with at least three months’ notice to vacate the premises. In those instances where

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their tenants has paid rents in advance (e.g. for the coming year) the land lord is required to refund the amount of the unused advance payment.

- Particular attention should be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous groups and the ethnic minorities or other displaced persons who may not be protected through Tanzania land compensation legislation.
- The policy required that resettlement measures include provision of compensation and of other assistance required for relocation and preparation and provision of resettlement sites with adequate facilities (where required) prior to displacement. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid.
- The value of compensation shall be determined on the basis of the markets value or replacement cost and should include necessary additional costs incurred to achieve full restoration.
- Displaced persons should be informed about their options and rights pertaining to resettlement and about easily accessible complain and dispute registration and resolution mechanisms available to them.

3.1 Process for Preparing and Approving Resettlement Action Plan

As stated earlier, the JICA policy on Involuntary Resettlement is likely to be triggered, because the project of construction of new infrastructures as well as rehabilitation may require land acquisition or use of land already owned by TANESCO but encroached. Currently some of the location of these sites is known at the time of the preparation of the proposed project. Therefore, if such impacts occur, the project will call for preparation of RAP that must be in consistent with this RPF and disclosed as conditionality for appraisal of the project.

To address the impacts under this policy, resettlement plans must include measures to ensure that the project affected persons are;

- (a) Informed about their options and rights pertaining to resettlement.
- (b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.

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- (c) Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project implementation.
- (d) Enabled to restore and preferably improve their living standards compared to pre-project ones.

The initial stage in the process of preparing RAP is the screening process to identify the land acquisition and land use needs that will cause resettlement. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the land screening process. Subsequently, a preliminary assessment will be carried out to determine whether the project may potentially affect people who need to relocate. If there are no resettlement and compensation issues, then the provisions of this RPF do not apply. This is expected to be the case in most of the project areas considering that TANESCO is utilizing its way leaves as well as those under Government Agencies and or Municipals. However, if there are resettlement and compensation issues especially if they are fairly large or too costly, TANESCO supported by other technical agencies and Municipal Officials would then make the decision to identify alternative sites that would have little or no resettlement and compensation issues.

Once final design is ready, the consultative and participatory process with local communities affected by the proposed project must begin at this stage by sensitizing the respective local/community and leaders about the project and their entitlement and eligibility as by Tanzanian Laws and JICA guidelines. It is important to ensure in these meetings that likely PAPs do attend so that a timetable can be agreed specifically for socio-economic studies, census and determining cut-off dates.

The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, economic and livelihoods activities, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation.

Where the impacts on the entire displaced population are minor (i.e. if affected people are **not** physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced (economically or physically) per District, the preparation of an Abbreviated

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Resettlement Plan (ARAP) is required and becomes mandatory. The contents of the ARAP are to be:

- (a) A census survey of displaced (economically or physically) persons and valuation of assets.
- (b) Description of compensation and other resettlement assistance to be provided.
- (c) Consultations with displaced people about acceptable alternatives.
- (d) Institutional responsibility for implementation and procedures for grievance redress
- (e) Arrangements for monitoring and implementation, and
- (f) A timetable and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site. The requirements of the RAP to include:

- (a) Description of the project;
- (b) Potential Impacts;
- (c) Objectives;
- (d) Socioeconomic Studies;
- (e) Legal Framework;
- (f) Institutional Framework;
- (g) Eligibility;
- (h) Valuation of and compensation for losses;
- (i) Resettlement measures;
- (j) Site selection, site preparation, and relocation;
- (k) Housing, infrastructure, and social services;
- (l) Community participation;
- (m) Grievance procedures;
- (n) Organizational responsibilities;
- (o) Implementation schedule;
- (p) Cost and budget; and
- (q) Monitoring and evaluation.

The resettlement and compensation plans would then be forwarded for screening and approval to the Government land officials in compliance with the program institutional and administrative

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requirements. This will include approval of the valuation report by the Government Chief Valuers Office, Respective Region and Districts Commissioners, Ward Executives officials are respective PAPs. All resettlement and compensation plans would be subject to the final approval of the JICA to ensure compliance.

4.0 IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

4.1 Project Impact: Activities that Will Lead to Resettlement Impact

The proposed development project in Dar es Salaam will have resettlement impacts arising from the following undertaking:

4.1.1 Rehabilitation of Transmission line from Ilala Sub-station to Ubungo- Substation

The project will entail rehabilitation of the existing transmission line from Ubungo Substation to Ilala Substation and therefore there will be no additional land take other than the current way leave that is owned by TANESCO.

4.1.2 Construction and Rehabilitation of Various Distribution Lines

The project will involve construction of new distribution lines that will include new distribution lines from Muhimbili Substation to New City Center (2km), Mwananyala to Makumbusho Substation (1.1km) and Jangwani Beach to Tegeta Substation (6.5km). Rehabilitation will include Msasani to Makumbusho Substation (7.6km) lines in Kinondoni and Ilala Municipalities. It is proposed that these activities will be undertaken on land owned either by TANESCO, TANROADS or respective Municipal Councils to be used for development of various linear infrastructures.

4.1.3 Construction of Substations

The project will construct substations that include the Mwananyamala sub station, which will require TANESCO to purchase land from two individuals, Jangwani Beach substation where TANESCO intends to request land from the Tanzania Peoples Defense Force (Government Organization), Muhimbili substation where TANESCO will request land from the Muhimbili General Hospital and the Ilala and Msasani substations where TANESCO will utilize its own land to construct the Substation.

For the Muhimbili and Jangwani substation there will be no relocation as currently these pieces of land have no structures and therefore no PAPs for the two substations. Similarly scenario will apply for the Msasani and Ilala substations there will be no PAPs as the land is under the

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ownership of TANESCO. However, for the Mwananyamala substation TANESCO has purchased two residential houses that had tenants and therefore a total of 62 people have been relocated.

Prior to purchasing the houses, TANESCO identified the site, consulted the owners and once they agreed, TANESCO engaged a Municipal Valuer to determine the market value of the houses as per the Tanzanian Laws and then compensated the owners, this was a participatory and voluntary process.

4.2 Measures to Minimize Resettlement and Compensation Cost

The proposed project is to be implemented in Dar es Salaam specifically in the Kinondoni and Ilala Municipalities. Currently land in Dar es Salaam is scarce and expensive and therefore for implementation of such projects, it is important to apply mechanisms that will minimize number of PAPs so as to cut down compensation costs and impacts to PAPs. Various mechanisms have already been considered during project design and therefore it is likely that some of the sub projects will have no PAPs and in other some projects the number of PAPs will be significantly low. Some of the measures include

- Utilizing way leaves that are currently under the ownership of TANESCO and other Government Institutions such as TANROADs and Kinondoni and Ilala Municipal Councils (to minimize resettlement).
- Using Government Institution land for construction of sub stations (to minimize cost); these include land under the Tanzania Peoples Defense Force for the Jangwani Sub Station, land under the ownership of Muhimbili National Hospital for the Muhimbili substation.
- Use of alternative design of the project example polymetric wire support to minimize impact at the Muhimbili and Msasani area, use of underground cable (about 100meters) at Upanga area (minimize cost and resettlement)
- Alternative route to avoid major compensation impact; example alternative route for the Makumbusho-Msasani 33Kv line.

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- Minimize working space required for the rehabilitation of the Ubungo-Ilala transmission line to avoid significant impact from encroachers with buildings and grave yards (minimize resettlement and compensation).

5.0 A LEGAL FRAMEWORK REVIEW OF THE LAWS AND REGULATIONS OF TANZANIA AND JICA POLICY REQUIREMENTS

Currently in Tanzania, there are policies, legal and institutional framework for management of social issues related to land and property acquisition and compensation enshrined in the National Constitution, the Land Policy and Land Acts as well as supporting local laws and by-laws. However the operation of the proposed project will follow the Tanzania existing laws and regulations as well as JICA guidelines as far as involuntary settlement is concerned. This chapter presents an overview of Tanzania policy, legal and institutional framework of relevance to RPF. Though currently there is no specific “resettlement policy” in Tanzania. These laws and policies should form the basis of the RAP or ARAP to inform the practice.

5.1. Overview of Policies and Laws Governing Land

The following relevant policies and legal instruments provide guidance for acquisition of land and associated properties and compensation and resettlement procedures in Tanzania.

Constitution of the United Republic of Tanzania (1977 - as amended)

The Constitution also provides for the protection of the rights and interest of citizens in matters concerning their property and acquisition. Under article 24 (1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub-article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.

National Land Policy (1996)

The overall aim of the National Land Policy among other things is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for all its citizens.

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The National Human Settlements Development Policy (2000)

The policy promotes the development of human settlement that is sustainable. Among others, the policy objective that is relevant to the HFP is to make serviced land available for shelter and human settlements development in general to all sections of the communities.

The Land Acquisition Act, 1967 (Act No 47/1967)

The Act stipulates the power and procedures for acquiring land and the required degree of compensation. Section 3 and 4 of the Act gives the President of Tanzania powers to acquire any land where such land is required for public purpose such as general public use, any government scheme or development of social services. The act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. This act also sets out the legal process for payment of compensation.

The Land Act, 1999 (Act No 4/1999)

The Land Act is the principle land legislation on all land matters. The Land Act signifies that land in Tanzania is public land and remain vested in the President as trustee for and on behalf of all citizens of Tanzania. The Act specifies that an interest in land has a value and that value is taken into consideration in any transaction affecting that interest. The recognized land ownership is the granted right of occupancy and customary ownership. The act states that where persons with a right of occupancy (including land which is occupied by persons under customary law) are to be moved or relocated, they must be compensated for loss of interest in the land and for other losses.

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

These regulations were made under section 179 of Land Act no. 4 of 1999. Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation. The full and fair compensation is assessed by including all components of land quality and the market value should be used as basis for valuation of land and properties. Presently in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price which the said improvements can fetch if sold in the open market.

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According to the regulation, the valuation of the affected properties must be done by a qualified and authorized valuer.

The Land (Compensation Claims) Regulations, 2001

The regulations apply to all application or claims for compensation against the government or Local authority or any public body or Institution and they also cover compensation which may be claimed by occupier.

The Land Disputes Court Act. 2002 (Act No.2/2002)

This act provides the respective courts and their functions. Before implementation of sub projects, any land conflicts existing in the areas shall be resolved through the appropriate land courts to ensure that harmony prevails in the intended undertaking. Project beneficiaries will therefore be bounded by these Acts.

The Graveyard Removal Act (No. 9 of 1969)

An Act to provide for the removal of graves from land required for public purposes. 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”. The Act specifies, among other things, that graves shall be relocated, after official notice is given to interested parties and published in the Gazette:

- With due regard to the views of the persons interested and the religious susceptibilities of the members of the religious community to which the person belonged whose grave or dead body it is;
- In a manner which is not injurious to public health;
- In accordance with such directions as may be given by the public officer appointed by the Minister to supervise the undertaking; and
- Accompanied by such religious rites or ceremonies as are appropriate to the religious community to which the person belonged whose dead body is removed.

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Section 9 of the Act, provides for compensation to be paid to an interested person, who undertakes the removal, transportation, reinstatement and re-interment of a grave or dead body on behalf of the Government.

5.2 Institutional Framework

Tanzania has no policy on involuntary resettlement, but has elaborate policies and acts on acquisition of land, access, use and management of public resources. The acts stipulate the various actors in land and natural resources administration and management. Taking this and requirement of the JICA guidelines into consideration, three institutional frameworks comes into play in the development and implementation of the RPF, these include

- Central Government Ministries – Ministry of Finance, Ministry of Energy and minerals and Ministry of Lands, Housing and Human Settlement Development
- Department and Agencies- TANESCO
- Local Government Authorities- Kinondoni Municipal Council and Ilala Municipal Council

The Ministry of Lands and Human Settlement Development 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 at the Ministry. The Ministry of Finance is responsible in managing all financial issues in the Country that will include financial resources for resettlement and compensation implementation while the Ministry of Energy is the overall responsible ministry for matters related to implementation of Energy projects in the Country which for electricity related projects TANESCO is the responsible Agency.

The Local Government system in Tanzania is based on the decentralization policy and administratively, Tanzania is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning. The three levels are: District /Municipal / City Councils; Town Councils and Ward; and Village/”Mtaa” Councils. Municipal Councils are subdivided into Municipal Wards followed by sub-wards or “Mtaa”.

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The Municipal Councils are body Corporate responsible for planning, financing and implementing development programmes within their areas of jurisdiction. Within a Municipal there are Land Department with sections /units valuation, Community Development for communities mobilization and sensitization and Land Tribunals (District, Ward levels) for handling and resolving land-related disputes and grievances;

5.3 JICA Guidelines

JICA guidelines stipulates that for Environmental review of for projects that will result in large-scale involuntary resettlement, a Resettlement Action Plan (RAP) must be submitted to JICA (category A projects)

It should also be noted that JICA confirms that projects do not deviate significantly from the World Bank's Safeguard Policies and therefore on issues related to compensation JICA stipulates that compensation should be based on legal systems of the host countries and at full replacement cost of assets affected (houses, land etc). With regard to resettlement assistance, JICA guidelines takes this as an additional measure to fill gaps between target level and country system level for example JICA guidelines recognizes squatters and encroaches and that they also do require some kind of assistance.

5.4 Comparison between Land Law in Tanzania and JICA Guidelines

Whereas the law relating to land administration in Tanzania is wide and varied (section 4.1 above), entitlements for payment of compensation are essentially based on the right of ownership. The JICA Guidelines is fundamentally different from this, and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a specified cut-off date. In this regard, JICA Guidelines which is the higher of the two standards will be followed in this policy framework, since its procedure also satisfies the requirements of the Tanzania standards.

Below is a table which provides a clear comparison of the two, specify the gap and what will be relevant for the Resettlement Policy under this project.

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Table 3: Gap between Tanzania and JICA Guidelines

No.	JICA Guidelines	Laws of Tanzania	Gap between JICA Guidelines and Laws of Tanzania	Resettlement Policy for this project
1.	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	No specific provisions on avoiding involuntary resettlement and loss of means of livelihood although these can come from Environmental and Social Impact Assessment (ESIA)	Avoiding involuntary resettlement is not mentioned in Tanzania land laws	Consider alternative alignment to avoid unnecessary loss of livelihoods
2.	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)	When displacement is unavoidable, compensation will be given as follows (Land Act, 1999 – Cap 113, Part II Section 3 (1) (g) , Section 34 and 156) Market value of unexhausted improvement ¹ , disturbance allowance, transport allowance, accommodation allowance and loss of profits, although depreciated replacement value is given and valuation is often not done properly because some aspects that need to be included are not taken into account – for example, using market values is sometimes ignored and information to affected persons is not sufficiently provided	Full replacement value (market value) plus transaction costs are not mentioned in Tanzania laws Measures to minimize impacts are not explicit in Tanzania laws	Consider full replacement value (market value plus transaction cost into compensation package)
3.	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and	Livelihood restoration is not addressed although, sometimes done through provision of alternative affected social services- for example, providing an alternative health facility or a school are cases in point.	Livelihood restoration is not explicit in Tanzania laws	Prepare a livelihood restoration plan, including transitional support (for example putting in place deliberate policies to employ affected persons between the transition period so that they can have some work and earn

¹ Land Act, 1999 interprets unexhausted improvement as anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labor by an occupier or any person acting in his behalf and increasing the productive capacity, the utility, the sustainability of its environmental quality and includes trees standing crops and growing produce whether of an agricultural or horticulture nature. This condition has been amended by the Land (Amendment) Act, 2004 by replacing Subsection 8 and 9 of the Land Act 1999 to allow for sale land without unexhausted improvements. For development purposes or as joint venture.

21. RESETTLEMENT POLICY FRAMEWORK (簡易住民移転計画の作成及び実施に係る方針)

No.	JICA Guidelines	Laws of Tanzania	Gap between JICA Guidelines and Laws of Tanzania	Resettlement Policy for this project
	production levels to pre-project levels. (JICA GL)			income as well as providing alternative services points while new social services are being developed for them etc.) to ensure standards of living are restored and improved
4.	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	Market values but usually in practice provide with depreciated replacement values (although the law does not direct the use of depreciated values)	Full replacement cost not paid	Consider adopting full replacement value (market values plus transaction costs)
5.	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	Compensation must be provided prior to displacement (Land Acquisition Act, 1967 (15-(1)) and Land Act 1999-Cap 113)	Tanzania laws does not have consideration of other assistance to project affected persons	Consider provision of other assistance (for example affirmative policies to employ affected persons, provision of support on land acquisition, payment of land and related fees, and power or water utilities , provision of temporary social services etc. to ease the burden on affected persons) beside statutory compensation
6.	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL)	For large scale involuntary resettlement compensation must be provided (Land Acquisition Act 1967 Part II Section 11 and Land Cap 113, Part II Section 3 (1) (g))	Tanzania Law does not consider Resettlement Action Plan as mandatory	Using JICA GL, consider RAP as mandatory tool to manage impacts
7.	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	Prior to conducting valuation affected people and local authorities are informed about the project, its effect, valuation and compensation process(Land Act Cap. 113 Section 34 (6), 35 (3))	The level of consultation in Tanzania laws is not as detailed as in others including JICA GL and WB	Consider adopting detailed and sufficient consultations and information sharing with affected persons
8.	When consultations are held, explanations must be given in a form, manner,	Prior to conducting valuation affected people and local authorities are	The level of consultation in Tanzania laws is not	Consider adopting detailed and sufficient consultations and

21. RESETTLEMENT POLICY FRAMEWORK (簡易住民移転計画の作成及び実施に係る方針)

No.	JICA Guidelines	Laws of Tanzania	Gap between JICA Guidelines and Laws of Tanzania	Resettlement Policy for this project
	and language that are understandable to the affected people. (JICA GL)	informed about the project, its effect, valuation and compensation process(Land Act Cap. 113 Section 34 (6), 35 (3) and Part XIV Section 168 (1) and 169 (1) and (2). And Land Acquisition Act Part II Section 7(1))	as detailed as in others including JICA GL and WB	information sharing with affected persons
9.	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	In Tanzania land laws, Resettlement Action Plan is not mandatory, although compensation is required	There is no sufficient participation of affected persons in planning, implementation and monitoring of Resettlement Action Plan	Consider ensuring effective and appropriate participation of affected persons in planning, implementation and monitoring of RAP
10.	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	Tanzania land laws provide a mechanism for dealing with grievances including lodging complaints to the courts (Land Acquisition Act 1967, Section 13 (1) and (2) and Land Act, Cap 113. Part XIII Section 167 (1))	Tanzania grievance mechanism is not easily accessible to affected persons	Provide an easily accessible grievance mechanism procedures to all affected persons
11.	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits. (WB OP4.12 Para.6)	Affected People are identified during the valuation exercise and the valuation date is the eligible cut-off date ²	Socio-Economic baseline survey is not undertaken as part of the valuation exercise	Undertake socio-economic baseline data collection as part of the valuation exercise
12.	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary	Tanzania Law does not recognize encroachers	Consider compensating informal settlers who have been using the

² This is adopted as best practice but not provided in any land law in Tanzania

21. RESETTLEMENT POLICY FRAMEWORK (簡易住民移転計画の作成及び実施に係る方針)

No.	JICA Guidelines	Laws of Tanzania	Gap between JICA Guidelines and Laws of Tanzania	Resettlement Policy for this project
	and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of valuation but have <u>invested</u> on land will be eligible for compensation of assets but not land (recognized as tenants) Land Act Cap 133		way leave for their livelihoods for crops, businesses, and shelter
13.	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	Compensation for land can either be in form of cash or land based) Land Act Cap 113 Section 49 (3) for cash transactions and Land Acquisition Act , 1967 Section 11 (2)	There is no preference to land based resettlement strategies	Where appropriate preference to land based resettlement strategies should be adopted, especially taking into account land scarcity in Dar es Salaam
14.	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	-	The law is silent about provision of support during transition and for livelihood restoration	Consider providing support during transition (for example for acquiring new lands, paying for land registration as well as temporary social services) and for livelihood restoration
15.	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP4.12 Para.8)	-	There is no attention for particular group of project affected persons in Tanzania land laws, all PAPs are treated in equally in the compensation process	Assess existence of such groups during socio-economic survey in the proposed site and pay particular attention to their needs if found to be available, especially, women, children and elderly person.
16.	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25)	For projects that affect a large size of people, a Land Use Plan is required to accommodate the project. (Land Use Planning Act, 2007. Section 23, 32 and 35 and Village Land Use Guidelines on 2002)	ARAP is not mandatory in the Tanzania law	Adopt ARAP for this project as part of best practice to manage impacts