



THE UNITED REPUBLIC OF TANZANIA

**MINISTRY OF LANDS, HOUSING AND HUMAN SETTLEMENTS
DEVELOPMENT**

RESETTLEMENT POLICY FRAMEWORK (RPF)

**LAND TENURE IMPROVEMENT PROJECT
(LTIP)**

DRAFT

February, 2020

DODOMA

EXECUTIVE SUMMARY

Introduction

The Government of Tanzania (GoT) through the Ministry for Lands, Housing and Human Settlements Development (MLHHSD) has requested the World Bank for financial support for Land Tenure Improvement Project (LTIP). The Project (LTIP) aims to strengthen the land administration systems and increase tenure security for men and women, and thus promote land-based investment in the Country.

Scope and Applicability of Resettlement Policy Framework

This Resettlement Policy Framework (RPF) applies to permanent or temporary involuntary land take or restrictions from land use undertaken in connection with LTIP activities implementation. The framework provides guidance in the preparation and implementation of site-specific resettlement action plans (RAPs) and any livelihood restoration activities in cases where land acquisition or change in livelihoods of the people on that land may be required in the proposed LTIP. Similarly, the Framework will ensure that Project Affected Persons (PAPs) do not suffer any negative social or financial impacts through appropriate measures contained in this RPF. Its preparation follows the World Bank Environmental and Social Framework (ESF) particular focus on ESS1, ESS5, ESS7 and ESS10 and country policy and legal requirements.

Project Description

In summary, activities under LTIP will be structured into four main components:

Component 1: Increased Tenure Security. This component will support the issuance of CCROs, CROs, Residential Licences and other related activities. The activities under this Component will be done in an inclusive and participatory way to ensure gender equity, and protection of the rights of all groups including women, youth, hunter-gatherers, pastoralists, farmers, etc. The following regions selected to be covered include but not limited to 1: Dar es Salaam, Dodoma, Arusha, Tabora, Geita, Pwani, Mwanza, Shinyanga, Tanga and Morogoro. The Districts to be covered include, but are not limited to, Dodoma (Chamwino), Simiyu (Maswa), Ruvuma (Mbinga), Katavi (Mpanda), Songwe (Songwe) and Momba Rural District. This will cover 6-7 percent of the country. This component includes the following subcomponents: -

Subcomponent 1.1: Rural mass certification and issuance of Certificates of Customary Rights of Occupancy (CCROs). This subcomponent will focus on upscaling successful pilots for the direct implementation of rural mass certification and issuance of CCROs. This requires, previous definition of the village boundaries, the planning of land uses, inclusive and participatory demarcation and adjudication processes, conflict resolution and issuance of certificates.

Subcomponent 1.2: Urban mass registration and issuance of Certificates of Rights of Occupancy (CROs) and Residential Licenses (RL). Urban land certification entails two distinct processes

with different outputs: the formalization process to produce 1 million RLs, and the regularization of unplanned settlements to produce 1 million CROs. The formalization of land parcels through the issuance of RLs includes adjudication of land parcels, preparing an urban land register and issuances of RLs. Similarly, the regularization process for unplanned settlements and issuance of CROs, involves the production of regularization schemes to ensure compliance with minimum urban standards (width of streets and pathways, availability of public spaces such as schools and other services).

Component 2: Land Information Management. This component will include the rollout of the Integrated Land Management Information System (ILMIS), improvements to the geodetic network, base mapping, generation of a property valuation database and establishment of a basis for National Spatial Data Infrastructure (NSDI) to strengthen accessibility and efficiency of land administration services. The ILMIS has been piloted and the project will improve, extend, and implement the system in the project areas in an effective way to reach all localities for maintenance of the land information. The enhanced geodetic framework and base maps will support not only the land registration operations but also a wide range of location-based applications underpinning social, economic and environmental benefits. This component entails the following subcomponents: -

Subcomponent 2.1: Upgrading and upscaling of ILMIS. This subcomponent will finance the second phase of ILMIS development by upgrading functionalities for unified management of CCROs, CROs, RLs, including first registration and subsequent transactions. The ILMIS Rollout will be implemented in 26 regions where the same number of office building will be constructed and equipped to support the ILMIS upscaling.

Subcomponent 2.2: Production of base maps. This subcomponent will finance the outsourced production of base maps using either recent high-resolution satellite imagery or aerial photography in the project areas and additional districts that are in between project target districts to support mass land certification, land use planning and management.

Subcomponent 2.3: Enhancement of geodetic framework. This subcomponent will support the establishment of Continuously Operating Reference Stations (CORS), associated infrastructure, and geodetic control points needed for accurate and economically feasible Global Navigation Satellite System (GNSS) surveying and operation maintenance of network.

Subcomponent 2.4: Support for Valuation Systems: This subcomponent will involve mapping of land values across the country; establishing a property valuation information data base that can be used in mass appraisal of land values, taxes, compensation etc.

Component 3: Institutional Strengthening: This component will include capacity building and legal/regulatory reform activities, public awareness campaigns and other related activities to improve service delivery for land administration, including purchase of equipment and office

construction to decentralize ILMIS, efficient land administration services and support for the Land and Housing Tribunals. This component entails the following subcomponents:

Subcomponent 3.1: Legal and regulatory review and support to policy implementation. This subcomponent will update and harmonize the policy, legal and regulatory framework for efficient land administration and mass systematic registration. This will be done through backgrounds studies and analysis, workshops and consultancies as needed.

Subcomponent 3.2: Capacity building for the land sector. This subcomponent will focus on capacity building for all relevant stakeholders at the central and at the local level. It will involve training of staff on various aspects associated with land sector development and the project (LTIP). The capacity needs assessment will be carried out to inform the training needs and gaps.

Subcomponent 3.3: Support for the Land and Housing Tribunals: This sub-component is meant to support the establishment and function of the land and housing ward tribunal in terms of adding new tribunals and councils, financial and human resource support for existing bodies, clearing backlogs, development of guidelines at the village and ward level as well as training and equipment.

Subcomponent 3.4: Physical development of the land administration system. This subcomponent will support the construction of 26 Regional Land Offices and renovation of 12 District Land Offices which are ILMIS compliant. A national land archive building will also be constructed. It will also procure the necessary equipment for these buildings and ensure connection of Local Area Network to the respective offices. An archive strategy will also be developed.

Subcomponent 3.5: Public awareness: This sub-component is meant to create awareness of the broader land administration system, LTIP activities and processes, land related policy and laws requirements, and land information systems to different stakeholders. Other areas for implementation includes preparation of the communications strategy, message development and testing for confidence building in understanding of, the land administration system. Other activities include training on safeguard documents (i.e. ESMF, VGPF, SEP, RPF) to various stakeholders at different levels during project implementation. Crucial focus will be made on women's land rights and other vulnerable groups.

Component 4: Project Management: In this context, a Project Coordination Unit (PCU) has been established within the MLHHS. The key tasks to be carried out by the PCU will be general project coordination, procurement, financial management, environmental and social supervision, and monitoring and evaluation. Capacity building for the Ministry staff will be necessary as the project will be the first World Bank funded standalone project to be implemented by the MLHHS. Capacities exist within the Ministry will be strengthened to ensure successful project implementation. Likely, equipment, recruitment and training will be supported to upgrade the capacities of the Ministry.

Approach Adopted in RFP Preparation

The preparation of this RPF document was based on two main approaches: i) a review of the relevant literature, including national laws, ESS5, land acquisition processes on other projects etc. ii) Stakeholder consultations with a number of experts, officials, key informants etc. It should be clear that the RPF builds upon experiences, lessons and approaches of the past pilot projects and initiatives implemented in Tanzania (Dar es Salaam, Mwanza, Morogoro-LTSP, Property and Business Formalization Project (MKURABITA)) as well as global and regional experiences, to efficiently engage in regularization schemes preparation and implementation.

Policy and Legal Framework

Land use planning and management are a key variable for unlocking the potential for growth by making land accessible for productive uses in rural and urban areas. Land policy, as governed by the two Acts, namely, the Land Act 1999 and Village Land Act 1999, provides the legislative framework for facilitating land administration and tenure security in Tanzania.

Access to Land and Land Use

Access to land in Tanzania is either through a granted Right of Occupancy (CRO) or Certificate of Customary Right of Occupancy (CCRO). Granted Right of Occupancy is issued to surveyed urban areas where it is known as general land. In rural areas Certificate of Customary Right of Occupancy (CCRO) are issued on the village land. However, more than 70 percent of urban land is unplanned and thus its pattern of urban development has resulted in the dominance of unplanned settlements and neighbourhoods without basic social services and infrastructure. In rural areas, the limited number of villages with village land use plans and clear village boundaries are among the main sources of land use conflicts some of which have resulted into loss of property and life.

Causes of Resettlement

Land acquisition, restriction of land use or involuntary displacement may result from the following activities:

- i) Construction of New Office Buildings: Construction of 26 Regional Land Offices and an National Land Archive Building will require land. It is anticipated that the land for these offices will be on government and currently owned by the Region. As such compensation for the land will not be required and MoU will be signed between the Ministry and LGAs. However, the existing land ownership and any existing land uses, including informal livelihood activities, will need to be verified and should there be displacement compensation will need to be provided in line with the entitlement's matrix.
- ii) Land regularization: Regularization functions may involve land take to establish community roads and right of way/ passage between existing land plots. The extent of land take will be minimised to the extent possible by limiting the width of these rights of

passage in both rural and urban areas. Such land take will be provided via Voluntary Land Donation procedures or will need to be compensated in line with the entitlements matrix as outlined in this document.

Method of Valuing Affected Assets and Compensation Payments

The law and practice advocate for market, cost and income as bases for valuation depending on the nature of the asset and geographical location. The appropriate method of valuation for any given displacement will be determined based on these factors and presented in the RAP. The Market Value of affected property/asset may be arrived at using different methods and any additional assumptions and forms the basis for determining replacement cost. The Valuation and Valuers Registration Act 2016 and its Regulations, Valuation and Valuers (General) Regulations, 2018 and Part I - III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation in Mainland Tanzania.

The compensation for loss of interests in land shall include value of land, unexhausted improvements permanently affixed to land, transaction costs, disturbance allowance, accommodation allowance and loss of profit to achieve replacement cost. Project affected land users, households and individuals regarded as the apparent land owners shall be compensated either in kind or via cash compensation at replacement cost. The method of compensation used shall depend on the nature and extent of any losses, the potential for in kind compensation and the preferences of the PAP.

Eligibility and Impacts

In principle, the LTIP does not expect to undertake any land acquisition as it is expected that much of the land will be provided through Voluntary Land Donation. It is important that all categories of Project Affected Persons are identified and understand their options in relation to land take. Project Affected Persons (PAPs) are individuals or groups whose assets may be lost, through involuntary land take or/and restriction on land use and involuntary resettlement. In this context, based on the nature and locations of project activities the eligibility criteria for PAPs is defined as those:

- a) Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).
- b) Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim over development to such land or assets that is recognized or recognizable under national law.
- c) Those who have no recognizable legal right or claim to land or assets they occupy or use.

As a result of the construction of office buildings (26 Regional Land Offices and Archive Building) the following impacts could occur include loss of land-based livelihoods, in particular

loss of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot. Others include physical displacement of households (houses and other structures such as stores, kitchens, toilets etc) informally living on the land and Loss of economic immovable assets/ businesses and incomes including business structures such as shops and stalls which are located on the land plot. As a result of regularization the following impacts may occur include loss of land-based livelihoods, in particular loss of small areas of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot and loss of immovable assets such as fencing, small structures (stores, toilets) etc.

Stakeholder Engagement

The engagement process during implementation stage will start with an introduction of the contractors, private firms and implementation teams to the regional and local government authorities. This will involve project introduction. At the national level, via the Stakeholder Engagement Forum the PCU will facilitate meetings with key permanent secretaries (i.e. Ministry of Land, Housing and Human Settlements Development, Presidents' Office, Regional Administration and Local Government (PO –RALG), and Ministry of Finance and Planning) to discuss project progress, policy issues and other matters related to the project implementation. At these meetings the Project Coordinating Unit (PCU) will share project progress reports, discuss the way forward and suggestions for improvement. This meeting will be held annually. However, extraordinary meetings may be held as the case may be.

The Project will facilitate sensitization and awareness meetings at the District level involving consultants, contractors, Participatory Land Use Management Team (PLUM), and Civil Society Organizations (CSOs) at the district level. The MSG at the district level, will amongst other issues, discuss project success, challenges and related matters. At the village level sensitization will be undertaken with all community members through village meetings and focus group discussions to ensure that all members of the community are aware of the Project and the requirements of the RPF.

Requirements for Voluntary Land Donation

Households may choose to voluntarily contribute land or assets without compensation. The following requirements will need to be met for voluntary land donation to be considered as per ESS5:

- a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
- b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
- d) no household relocation is involved;
- e) donor is expected to benefit directly from the project; and
- f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.

The village/ mtaa will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation at replacement cost and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost in line with the entitlements matrix. They will be fully informed of their rights and access to grievance mechanisms described in this RPF.

Procedure for Voluntary Land Donation

The process for voluntary land donation associated with land registration and certification are presented in the table below.

Step	Activity Description
1	Conduct project awareness meeting with the Regional and Local Authorities. This will set a base for public awareness, processes, outcomes, benefits and shared responsibilities of different actors. The process will help the leaders at regional and district level to own the project process and understand the principles of resettlement and voluntary land donations.
2	Conduct meeting in the project sites. These will include call for Village Assembly (VA) and Mtaa meetings aiming to sensitize communities to make them aware of the Project components, design elements, scope and benefits. These meetings will also be used to sensitise the Village/Mtaa leadership and the community on the principles of resettlement, compensation and voluntary land donation in line with this RPF. In particular communities will need to be informed about the planning process, the need to create roads and access ways and the potential for land take as a result. The requirements for Voluntary Land Donation will be explained including that affected people have the right to refuse to donate land, options for compensation and that they will not be excluded from receiving certificates if they refuse to donate land. Minutes of the meeting must be taken along with registers of participants.
3	<p>Members of the Mtaa and Village Communities to undertake Community Based Participatory Planning (CBPP) to develop village land use plans or town plans. This will be based on available information from the basemap that will be developed.</p> <p>During this process roads, tracks and paths needed to access plots as well as land for infrastructure, services, grazing etc will need to be developed. At this stage it will be possible to identify potential land take by the project and impacted households/ land owners.</p> <p>During the meetings the community will be reminded about the resettlement and voluntary land donation processes.</p>
4	Identified affected land owners and users will be invited to a separate meeting during

	<p>which the need to take land they own or use for public use will be discussed. The affected people will be advised in detail on the criteria and procedures for voluntary land donation, their right to refuse and the options available to them.</p> <p>During this meeting the affected people will be asked to indicate if they would be willing to donate this land voluntarily or not. This will be non-binding. Both women and men from the household affected must be present at the meeting and must agree on their willingness to donate.</p>
5	<p>One on one consultations and negotiation will be undertaken with the land owner during the systematic adjudication process. At this time the land owner(s) can:</p> <ol style="list-style-type: none"> i. Indicate they are willing to proceed with Voluntary Land Donation and the relevant documentation can be produced. ii. Refuse to donate land to the project and request compensation in line with the resettlement procedures iii. Agree in principle to donate some or all of the required land, subject to certain measures. This may require negotiation with neighbours to adjust the amount of land each needs to donate, commitment from the community to support in rebuilding ancillary structures (chicken sheds, toilets etc) or to clear additional land for garden plots.
6	<p>Documentation will be produced indicating the amount of land being donated, the overall amount of land owned by the household, the % of land to be donated, if the household has any of the vulnerability characteristics that would exclude them from donating land and that no household relocation is involved and any other requirements agreed with the household.</p> <p>For Privately owned land, a land donation form will be completed, this must be signed by all land owners (husbands and wives). This will comprise a formal statement of donation, establishing informed consent, confirming with signatories of neighbours that there is no boundary disputed and that there are no claims by renters, users, squatters, or encroachers, and signed by each owner or user involved.</p> <p>The form will be filled, signed and stamped by the responsible authorities. The form should be witnessed by representatives of the land owner (family member), representative of the Village Council, and attested by the District Legal Officer</p>

Preparation of Resettlement Action Plan (RAP)

The need for a RAP will be determined based on the nature and extent of any displacement impacts associated with the construction of offices or regularisation. In most cases RAPs will be developed at a community level for the area undergoing regularisation. A participatory approach

will be used in accomplishing this task. It is the best way of ensuring a successful completion and acceptance of the RAPs and addressing issues related to the RAPs. Once the RAP has been prepared, it will be shared with the Ministry to ensure alignment with this RPF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation.

Entitlement Matrix

The affected households will be eligible for the following entitlements associated with the potential impacts of resettlement due to LTIP. As part of individual RAP preparation the eligibility and entitlements will be updated to address specific project resettlement impacts. Valuation of assets will be undertaken using a range of methods outlined in Tanzanian law but will be compatible with the principle of replacement cost (without depreciation).

Resettlement Implementation

The Project will develop individual household compensation packages which will be agreed with the PAP and signed off by the PAP/ the households (men and women). During implementation, PAP should be provided with the measures outlined in their compensation packages including:-

- a) compensation payments/ in kind compensation;
- b) physical relocation including transitional support (as needed); and
- c) implementation of livelihood restoration measures (as needed).
- d) Compensation for tenants/ land users will be paid directly to these individuals as the owners of the asset or affected parties.

Monitoring and Evaluation

The Project will establish a monitoring system involving PCU staff at national and district levels, as well as communities to ensure effective implementation of RPF. In this context a set of monitoring indicators have been developed during implementation. For a project activities found to have potential negative impacts on land, PAAs experts, Ward Extension Staffs and the Village Council will be engaged to verify information including specific documentation status and land acquisition agreements. If there will be a land dispute a corrective action which may include preparation of new agreement or updating the agreements clauses will be undertaken.

The RPF will be monitored through a number of indicators as mentioned below. The established GRM will assist in tracking the implementation of RPF by assessing land reported incidences and respective actions applied to resolve them. The GRM register will incorporate reported land grievances and set for amicable solution.

Resettlement Planning Framework Implementation Arrangements

The RPF is one among the safeguard documents to be implemented in the LTIP. The implementation will be guided by the Environmental and Social Management Unit (ESMU) in particular oversight of the RPF will be undertaken by the Social Officer who will be hired by

LTIP. The Social Officer will work with the Districts and the Training Officer to assist local level stakeholders to identify the presence of vulnerable groups and the need to develop RAP in line with this RPF. Similarly, the stakeholders Engagement Plan provides for identification, means and methods applied to approach and engage each group into the Project activities and monitoring of level of engagement through continuous consultation in entire project implementation period following World Bank ESF and thus addressing ESS10.

**THIS PRESENTS A SUMMARY DOCUMENT OF RESETTLEMENT PLANNING
FRAMEWORK**

FULL DOCUMENTS ARE FOUND THROUGH:-

Website: www.lands.go.tz

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