

The United Republic of Tanzania
MINISTRY OF WATER



Resettlement Action Plan
for the proposed Construction of Farkwa Dam, Water
Treatment Plant and Water Conveyance System to
Chemba District Council and Dodoma City,
Dodoma Region, Tanzania

EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

1. Compensation Summary Sheet for Farkwa Dam

#	Variables	Data
A. General		
1	Region/Province/Department ...	Dodoma
2	Municipality/District...	Chemba District
3	Village/Suburb ...	Mombose and Bubutole
4	Activity(ies) that trigger resettlement	Farkwa Dam Construction/ Inundation of 79km ² .
5	Project overall cost	\$ 79 million
6	Overall resettlement cost	TZS 8.6 Billion
7	Applied cut-off date (s)	30 September 2017
8	Dates of consultation with the people affected by the project (PAP)	16 March to 04 th April 2017
9	Dates of the negotiations of the compensation rates / prices	April to September 2017
B. Specific information		
10	Number of people affected by the project (PAP)/entitlements	566 (with 2,868 entitlements)
11	Number of Physically displaced	566
12	Number of economically displaced	566
13	Number of affected households	566
14	Number of females affected	78 (13.8)
15	Number of vulnerable affected	13 widow, 90 elderly with more than 60 years, and 6 youth who are head of households
16	Number of major PAP	566
17	Number of minor PAP	63 PAPs had no structures within their farms because they permanently live outside the farm boundaries
18	Number of total right-owners and beneficiaries	566
19	Number of households losing their shelters	503 occupied residential houses
20	Total area of lost arable/productive lands (ha)	A total of 3,777.2ha (9,333.35 acres) of natural assets will be affected by the project
21	Number of households losing their crops and/or revenues	1,143 parcels of croplands
22	Total areas of farmlands lost (ha)	Total size of croplands as a class is 1,912.4 ha (4,725.4 acres)
23	Estimation of agricultural revenue lost ()	TZS 14.0 Billion
24	Number of building to demolish totally	503 occupied residential houses
25	Number of building to demolish totally at 50%	-
26	Number of building to demolish totally at 25%	-
27	Number of tree-crops lost	Total size of croplands as a class is 1,912.4 ha (4,725.4 acres)

28	Number of commercial kiosks to demolish	14 small kiosks, two small restaurants, one local brew kiosk and one milling machine which will be affected by the project
29	Number of ambulant/street sailors affected	-
30	Number of community-level service infrastructures disrupted or dismantled	3.5 km roads, 3 bridges, 1 water well, 3 churches, 2 mosque, 1 football pitches, 2 village government offices, 2 primary schools for Mombose and Bubutole and two boreholes with the water storage tanks
31	Number of households whose livelihood restoration is at risk	13 widow, 90 elderly with more than 60 years, and 6 youth who are head of households

2. Brief description of project

The Government of United Republic of Tanzania through the Ministry of Water is implementing the Water Sector Development Programme (WSDP) with the aims of improving access to water supply and sanitation services in rural and urban areas. The target of WSDP is to meet the Tanzania's Development Vision, which aims at achieving an absence of abject poverty by 2025, where several achievements are called for including increased access to safe water to be raised to 90% by 2025 in the rural areas and 100% in urban. Therefore, the Ministry of water (MoW) is coordinating the implementation of Farkwa Dam Construction Project comprising (i) Main and Saddle dam construction (ii) Water Treatment Plant (WTP) and (iii) Conveyance system to Dodoma City and Chemba District Council. Also, under this project there will be a component of catchment protection and conservation, in order to conserve the upstream catchment of the dam site.

The overall purpose of the project is to improve water supply services to beneficiaries living within Dodoma City, Chemba District, Bahi District and Chamwino District, the communities along the conveyance system by increasing the quantity of water available in the water distribution system and improving its quality to remain in compliance with Tanzanian and International standards. Increased clean and safe water availability to Dodoma City and the Chemba, Bahi and Chamwino District Councils will contribute to poverty reduction and general social well-being of the people. The present main source of water is the Makutupora well field with an upgraded supply capacity of 61,000 gross m³/day. This present source is considered not to be reliable enough for the supply of a growing population. The Ministry of Water carried out pre-feasibility studies, which identified Farkwa area as potential site for development of a Dam "Farkwa Dam" that would provide a reliable source of water supply to the Dodoma City. The Farkwa Dam is proposed to be constructed immediate downstream the confluence of Bubu and Mkinki rivers located in Mombose and Bubutole Villages of Farkwa Ward, Chemba District, Dodoma Region. The site is approximately 130 kilometres North of Dodoma on the road to Kondoa District.

The Dam consists of 25m high composite RCC and earthfill Main Dam with intake, outlet works and spillway – FSL 1,110m, 10 m high earthfill Saddle Dam and the site access roads. Other component includes the main Conveyance System consisting of 115 km long conveyance pipeline with an end connection to the Kilimani Tank N°2 in Dodoma; Conveyance System consisting of 51 km long conveyance pipeline to Chemba, water treatment plant, pump station, pumps and associated Hydro-Electrical and Mechanical (HEM) equipment located downstream of the dam on the left river bank; associated civil works and HEM equipment and the Interim tank to be located approximately 14 km from the dam site.

The proposed Construction of Farkwa Dam, Water Treatment Plant and Water Conveyance System to Chemba District Council and Dodoma City project will be carried out with extensive resettlement of people and property given about 48km² covering two villages of Bubutole and Mombose will be under water. Some property within the dam site and along the conveyance pipeline will be affected by the construction works. Section 3 (i) part "g" of the Land Act No. 4 of 1999 and the National Land Policy requires that any person with legal interest in land that is to be acquired for public interest to be compensated in full, fairly and promptly. It is in this light that this RAP has been prepared and identifies properties that will be affected by the proposed project. The Environmental and Social Impact Assessment (ESIA) for the project was conducted in 2014/2015 which led into preparation of Resettlement Action Plan (RAP) in the same year to guide the process. The socio-economic survey, census and interviews were conducted directly with project affected people in the wards and villages where the proposed project will impact. The survey was undertaken by using sets of questionnaires based on the type of properties and assets that could potentially be found on the project sites: households, farms, community structures/assets and non-fixed/mobile properties. Demographic data was compiled from basic information obtained from local leaders, key informants, community members, and survey team observations on the total of 566 PAPs owning land, farms, and/or structures within the affected area. A total of 1,143 parcels of croplands were identified belonging to identified PAPs. The valuation of the PAP was done on year 2017 and revealed that a total number of entitle/valuated for compensation under the project have increased. For example, the previous RAP identified a total of 97 households having family members buried inside the proposed project site in 231 graves at different locations. During the current exercise of transferring the grave about 1,262 were identified. Increase in number of PAPs was primarily due to the fact that some of assets and properties were overlooked during RAP preparation in 2015. With that increases of the number of affected persons there was a need to update the previous RAP.

3. Objectives of the RAP

The objective of this study was to prepare a resettlement action plan (RAP) for the project affected persons. This RAP provides an agreed plan for the resettlement of persons who will be affected by the project implementation at full operations. Moreover, the plan provides a road map for resolving displacement, resettlement and compensation issues related with the project implementation by ensuring that livelihoods of the PAPs are improved or restored to pre-displacement levels prevailing prior to the beginning of project implementation. This RAP has been prepared by involving stakeholders including Project Affected Persons (PAPs), relevant government authorities, related interest parties and developer. The plan is in line with the requirements of the AfDB Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation and relevant Tanzania national laws and policies (i.e. Land Policy and Land Acts of 1999).

The main purpose of this updated RAP is to provide an agreed plan for the resettlement of persons who are/will be affected by the project implementation. Moreover, the plan provides a road map for resolving displacement, resettlement and compensation issues related with the project implementation by ensuring that livelihoods of the Project Affected Persons (PAPs) are improved or restored to pre-displacement levels prevailing prior to the beginning of project implementation.

4. Main socio-economic characteristics

The socio-economic survey, census and interviews were conducted directly with project affected people in the wards and villages where the proposed project will impact. The objective was to obtain data on baseline socio-economic conditions (demographic data) of the PAPs; the various categories of affected people and their properties, and information to enable well-informed resettlement assistance, future monitoring and measurement of the achievement of the project objective. Also was to obtain data on

physical relocation extent and impacts on PAPs; and the various options on compensation, new alternative relocation sites and /or livelihoods and PAPs resettlement preferences on the same. The survey was undertaken by using sets of questionnaires based on the type of properties and assets that could potentially be found on the project sites: households, farms, community structures/assets and non-fixed/mobile properties. Demographic data was compiled from basic information obtained from local leaders, key informants, community members, and survey team observations on the total of 566 PAPs owning land, farms, and/or structures within the affected area. According to the valuation conducted by the Dodoma City Council a total number of entitlement /valuated properties for compensation were 2,868. This include residential house, undeveloped land, farms, and/or structures within the affected area. More detailed information was gathered through interviews with property owners whose homes or other asset are to be relocated or demolished. All reasonable efforts were made to locate the remaining property owners who were not present on the site during the survey and could not be found.

This baseline information includes personal information of each affected party and their household members or enterprise dependants; site location and standard characteristics and information for monitoring their future situation; total holdings and inventory of assets affected; and preference of resettlement package. Value of assets as determined by valuation for compensation exercise; and the description of land allocated to/chosen by the PAP from the various resettlement options will be added onto the list when made available from the Government Valuer. The PAPs in their entirety are taken to include the 566 PAPs at the inundation area (271 Mombose village and 295 Bubutole village) and 73 along the project route. Most of the PAPs (52.1%) live within the Bubutole village and 47.9%% live within the Mombose village. The higher numbers of PAPs within the Bubutole village is due to the presence of many farms around the village centre. At lower level basically six hamlets (sub villages) of Mombose and Bubutole villages will be affected. Most of the PAPs (88.9%) within the project area own farms and settlements (houses) while 11.1%% have only farms without house. Many (86.2%) of households are headed by males; and few (13.8%) are headed by women. Based on local traditions, men are generally considered to be the heads of households. This implies that decisions regarding the well-being of individual members, ownership, use, and management of resources for the majority of households are usually made by men with little or no input from women.

The age spectrum of interviewed PAP property occupiers was found to be wide 65.9% were adult (aged between 31 - 60 years) 18.2 % were youth (aged between 11 - 30years) and 15.9% are elderly (60years or over). Most individuals in rural areas enter married life at an early age and very few remain single. All of the interviewed PAPs were either married (76%). Widows constitute 12.9% of all interviewed PAPs single constitutes 3.5% and divorced constitute 3.2%. The religious characteristics of interviewed PAPs are either Christian or Islamic. 58.5% of interviewed PAPs are Christian 28.3% are Muslim and few paganism (13.3%). The highest education level attained by the majority of PAPs is primary schools (59.9%), illiterate (32.7%), adult (4.4%), secondary (2.7%) and college (0.4%). The main activities in rural area are small scale enterprises and farming activities. A large number of PAPs (93%) have informal employment i.e. small scale business and agricultural activities.

The economic base of the Mombose and Bubutole people is mainly small-scale / subsistence agriculture and livestock keeping. More than 98% of people living in area depend largely on these two economic activities. Sub-sectors like employment in public institutions (Teachers etc), trade and commerce, and some other small enterprises play an insignificant role in the economy of the area. Due to low agricultural production, sometime annual yields are insufficient to feed the villages population and, hence, depend on the government donation of maize.

The built structures consist of small two to three room's houses mainly thatched by grass, walls made of poles and mud, and earth floors. The houses in the project area are mainly used as residential by owners and their families. Very little business is conducted. The housing characteristic of the people living along the water conveyance area is not different from those living in proposed project area. In proposed project area most of the houses roofing were by corrugated iron, thatch and sticks. The houses along the water conveyance area where the water pipe will pass are roofed with corrugated iron, the floor is of mud (80%) and some especially public infrastructure are of cement (20%) and in case of compensation they must be compensated according to the state of their house.

Among household /community members are people regarded as vulnerable due to their inability to perform or meet their basic needs and thus require special treatment or considerations. These individuals will need support during/after the relocation process to enable them maintain/improve on their pre-project conditions. The vulnerable PAPs among those interviewed were 12 widows (both heads of HH), 90 elderly persons over 60 years and six youth with age below 20 years. The widows support themselves, their children and other relatives on income from a livestock keeping and farming activities. Vulnerable groups obtain services like other community members - from village centre. The government clinic provides general health services and specific Maternal and Child (MHC) health care. There is a primary school at each village however the only secondary school is located in the Farkwa Village. Consultation and counselling for widows and persons living with HIV/AIDS is provided by government/NGO centers located at Farkwa village. Health and primary education are government subsidized while other requirements are free.

The occupation and use of land around the project site is based on customary laws and practices for land transaction and inheritance. Typical of rural villages the land is un-surveyed and un-demarcated. The land owners do not have title documents but a deemed right of occupancy for indefinite period. Land transactions are made informally between individuals with no or minimal official knowledge or involvement. About 90% of PAPs obtained land they own through village allocation, 9% through purchase from previous owners and 1% through inheritance.

Nineteen public utilities were mapped in Mombose and Bubutole (figure 5.2 to 5.10). These included public service structures such as 3.5 km roads, 3 bridges, 2 water tanks and 1 water well. Others are cultural, religious and recreational including graveyards, 3 churches and 2 mosques, 1 football pitches and two village government offices. It should be noted that most of these are found mostly on the western side of the villages where the main road and homesteads are concentrated.

5. Social and economic impacts of the project on the affected people

PAP according to AfDB Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation include all those people who are directly affected socially and economically as a result of project activities that cause their displacement from land, assets or access to resources. Property owners are taken to include rightful property owners and those without legal rights, who were present before a specified cut-off-date. Thus upon the involuntary removal from the Farkwa dam project sites, 566 household people would suffer loss of rights to use pieces of land, and/or un-exhausted improvements on the land i.e. built structures and crops. Most of the PAPs (52.1%) live within the Bubutole village and 47.9% live within the Mombose village. The built structures consist of one to two rooms mainly thatched by grass, walls made of poles and mud, and earth floors. The households are primarily used for residential purposes.

Current users/occupiers of that land will be eligible for compensation for land which currently is under cultivations, crops and other improvements on land such as fences etc. A total of 1,143 parcels of croplands were identified belonging to identified PAPs. Their size ranges from less than an acre to 14.2 acres for each cropland. The mean size is 0.4 acres. The total size of croplands as a class is 4,725.4 acres. Majority of affected households will be lightly affected in terms of relative cultivated land loss and shall be able to maintain their livelihoods on at least the same level with the three acres of land that will be provided by the proponent. Among household /community members are people regarded as vulnerable due to their inability to perform or meet their basic needs and thus require special treatment or considerations.

Village's suitability for resettlement was investigated, in order to determine (1) the socio-economic comparability of host community and resettlement-affected households (important with regard to any potential for social conflict as a result of resettlement) and (2) the capacity of the sites to sustain livelihoods and quality of life of resettlement-affected households. The present planning is for the PAP to be resettled in their familiar vicinity, i.e. within the boundaries of their Village (i.e. Farkwa and Sankwaeto resettlement area for Mombose Village PAPs – not more than 5 kms from current location) and Kichangani sub Village (not more than 8km for Bubutole Village PAPs). Survey data indicate that almost all of the PAPs preferred to live within their current settlements in the same village as the only small part of the village will be occupied by the project.

6. Legal and institutional framework for resettlement

The Constitution of the United Republic of Tanzania (1977 - as amended) 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. Also the Tanzanian government has set out three overriding objectives to guide resettlement planning and implementation, i.e. avoidance, compensation and replacement. The basic premise is that the affected people should not be left in a worse position than they were before the project implementation. Resettlement planning is required to follow the legal provisions contained in the following, together with their associated Regulations: (a) Land Acquisition Act (No. 47 of 1967); (b) Land Acts (No. 4 and No.5 of 1999); and (c) AfDB Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation. This RAP compares laws, entitlements, eligibility and practices of the government with those required under the AfDB Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation.

The major issue in land acquisition and resettlement implementation and management is the appropriate institutional framework for all concerned parties including the project developer. It is important to ensure timely establishment and effective functioning of appropriate organizations mandated to plan and implement land acquisition, compensation, relocation, income restoration and livelihood programs. In Tanzania there is no agency with key oversight of all resettlement activities. The Land related Acts and sectoral regulatory legislations sets out the rules for land taking and other resolution of land disputes, but leave administration of the Acts to local and central governments and the courts. An institutional framework is suggested for this project so that the successful implementation of the project can be accomplished. Three levels of institutional frameworks come into play in the development and implementation of the RAP and these include:

- The Ministry of Land, Housing and Human Settlements Development
- The Vice President's Office (National Environment Management Council (NEMC) and Division of Environment (DOE)
- The developer (The Ministry of Water).
- Regional Secretariat,
- District Government Authorities,
- Ward and Village Authorities

The Ministry of Lands, Housing and Human Settlements Development is responsible for policy, regulation and coordinate matters pertaining to land in Tanzania Mainland. The village land Act, 1999, Cap 114 R.E. 2019 which kept village land under central and administration of Village Council and the land Act where the Ministry of Land and Human Settlement afford control and management. With the Land Act, 1999, Cap 113 R.E. 2019, the Land Commissioner is the in-charge of holding and managing all Government Land and the Minister shall be responsible for policy formulation and ensuring the execution of the function concerned with the implementation of the National Land Policy.

NEMC is vested with overall responsibility for screening (allocating the appropriate level of the impact assessment) and reviewing major investments and projects of national significance. NEMC constitutes multi-disciplinary, multi-sectoral Technical Review Committees to review adequacies of environmental impact statements (incl. Environmental Social Management Plans/ Environmental Social Monitoring Plans). NEMC issues recommendations to the government for approval of the project. DoE issue approval (EIA Certificates) for the project to proceed. Mitigation of impacts arising from land acquisition and fulfilment of compensation procedures constitute key project approval criteria. NEMC will have the responsibility for assessment and monitoring of compliance with the RAP with the environmental and social requirements.

The Ministry of Water will be responsible for minimizing land acquisition and resettlement by making appropriate alignment modifications through Ministry experts and hired consultants; budget, allocation and disburse funds for land acquisition and resettlement; ensure that a detailed census survey of PAP in collaboration with village government is conducted; ensure the co-ordination of the implementation of land acquisition and resettlement activities; provide necessary assistance to affected persons during the resettlement process and ensure that vulnerable people are appropriately compensated; formulate measures and plans for the income and livelihood rehabilitation of the affected persons etc.

The primary responsibility of the Local Government (Regional and District) will be to review the progress of the land acquisition and resettlement implementation and make decisions regarding actions to solve the problems and designate officers to carry out these actions.

Village committees will be formed to manage and deal with resettlement issues at village level. The committees will be responsible for the coordination and monitoring of the land acquisition and resettlement activities. Villages, Communities, affected groups as the final owner of land, landed properties and assets to be acquired or affected and the beneficiaries of the encumbrances will be the participants and responsible for the implementation of the RAPs.

7. Compensation Plan

Affected people generally eligible for compensation are property owners recognized in the Tanzania law. In the project coverage area all people hold land and structures based on Customary Rights of

Occupancy. In this RAP, 566 property owners with 2,868 entitlements with or without officially recognized rights of occupancy – are to be paid. There is a strong preference among the affected households for cash compensation irrespective of the size and type of loss they will be experiencing. This undoubtedly presents a problem as cash compensation will not guarantee income and livelihood security in the future as there is a relatively large risk that the cash compensation will be quickly consumed. Further, the majority of PAPs do not hold bank accounts.

Cash compensation can only be an option for the lightly affected households where income restoration support can manage to re-establish and increase household production and income from the remaining land. For the Construction of Farkwa Dam and Water Conveyance System project, PAPs will lose entire land and some will lose houses, so in-kind compensation and resettlement solutions should be negotiated and agreed to the largest possible extent. Care will also be taken to find good individual solutions for each affected household so that none of them are forced to accept uniform standard solutions that they are unsatisfied with. This may entail combinations of in-kind and cash compensation as well as the MoW acting on the behalf of the households to acquire new properties and assets of their preference and choice. After completion of the compensation valuations the owner's names of the affected properties, their eligibility for compensation and assessed value of the property will be made available to the MoW office for crosschecking and endorsement. Thereafter, a second round consultation with individual PAPs or household will be made to clearly explain types of compensation and payment options, how compensation will be provided and obtain signed agreement from each PAP.

8. Arbitration / Grievance Redress Mechanism

This RAP for the construction of Farkwa Dam and Water Conveyance system advocates that all attempts would be made to settle all grievances concerning non-fulfilment of contract, level of compensation or seizure of assets without compensation. The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs. At the time that the resettlement and compensation plans are approved and individual compensation contracts are signed, affected individuals will have been informed of the following process for expressing dissatisfaction and how to seek redress.

Those seeking redress and wishing to state grievances would do so by reporting to the established Grievance Redress Committee (GRC). If not solved the matter will be reported to the Village offices and the matter will be referred to Village Social Services Committee (established under Section 35 of the Local Government (District) Authorities Act of 1982) for resolution depending on the matter also notifying Ward Offices and/or Councillor. If unresolved, from the lower government levels the matter will be addressed to the respective District Commissioner (DC) Office in Chemba District. And if the complaint is not satisfied with the judgement of the DC Office, the complaint may utilize the court system for further complaint.

9. Monitoring and evaluation of the execution

Monitoring and evaluation of overall RAP is intended to provide information in order to track implementation progress and to ensure measures undertaken will result in intended objectives and targets. The objective is to determine whether execution of resettlement actions and measures follow and have achieved AfDB Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation and relevant Tanzania legal requirements. A set of simple verifiable indicators will be adopted to monitor and evaluate the implementation of resettlement and compensation activities. Monitoring will cover other standard project parameters i.e. performance of planned activities,

schedules, budgets and disbursement of funds. Monitoring will be carried out through internal monitoring process by the Project management at MoW and through external monitoring involving other agencies.

10. Total cost for the full implementation of the RAP

MOW is the overall project funding agency and the final authority in all financial matters and is the overall project implementing agency and is responsible for all financial arrangements related to project supervision, management and other administrative expenses. Main Consultants, Contractors and other service providers who receive funds directly from MOW are responsible for down-stream payments, procurements and process facilitation; i.e. replacement of structures; cash payments were made by cheques directly to PAPs.

By august 2021 a total of 2,779 entitlements have been compensated and 89 entitlements are expected to be compensated and acquired in the financial year 2021/2022. The sum of estimated costs for building, land, crops, transport allowance, accommodation allowance, disturbance allowance and RAP implementation, monitoring and evaluation will be 8,628,059,493.