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Public Private Partnership

Public Private Partnership (PPP) Documents

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2020

# Tanzania Public-Private Partnership Project (P159192)

The United Republic of Tanzania

Ministry of Finance and Planning

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# THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF FINANCE AND PLANNING

PRESIDENTS OFFICE, REGIONAL ADMINISTRATION AND LOCAL  
GOVERNMENT



## TANZANIA PUBLIC-PRIVATE PARTNERSHIP PROJECT (P159192)

Resettlement Policy Framework (RPF)

March 2020



## EXECUTIVE SUMMARY

### *Background*

The Government of Tanzania (GoT) is implementing public-private partnerships (PPPs) to deliver infrastructure and other public services. Implementation is guided by the PPP Policy approved in 2009, the PPP Act 2010 (as amended) and the PPP Regulations 2020.

The proposed \$14 million Tanzania Public-Private Partnership Project (TPPP) financed by the World Bank (WB) will assist Ministries, Departments and Agencies (MDAs) and local government authorities (LGAs).<sup>1</sup> TPPP will support PPP units—the PPP Centre of the Ministry of Finance and Planning (MoFP) and the PPP Node of the President’s Office-Regional Administrative and Local Government (PO-RALG)—the government contracting authority (CA) responsible for each PPP, other government agencies and stakeholders engaged in PPPs. The priority for TPPP is the finalization of project preparation through the funding of feasibility studies, safeguard assessments, and advisory support for the procurement of the private partner to the PPP.

TPPP activities in support of MDA PPPs will be implemented by MoFP’s PPP Centre, while PO-RALG’s PPP Node will implement TPPP activities in support of LGA PPPs. These two PPP units are responsible for coordinating their respective PPP programs.

The initial PPPs to be supported are expected to be modern markets, bus and daladala terminals and student hostels (e.g., of the College of Business Administration under the Ministry of Industry, Trade and Investment). Some will be brownfield projects that re-develop and improve an existing public facility, while others will be greenfield projects that develop a new facility. The scope of PPPs supported is expanding but will remain limited to PPPs of similar risk profiles. Candidate projects include city parks and other basic municipal infrastructure, the operation and maintenance of water and waste-water facilities and services, the operation and maintenance of solid waste management facilities and services and small renewable energy projects. Ten LGAs are already preparing PPPs, with 22 projects having completed the prefeasibility stage. MDAs are also preparing PPPs for support by TPPP.

### *Objectives*

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying Tanzanian approaches for resettlement, compensation and rehabilitation;

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<sup>1</sup> The project forms part of the World Bank’s Tanzania PPP Support Program (P149535) funded by a £20m grant from the United Kingdom’s Department for International Development.

- Compare the Tanzanian laws and the WB Operational Policy for Resettlement (OP 4.12) and identify the gaps;
- Define the eligibility criteria for identification of project-affected persons (PAPs) and entitlements; considering Tanzanian laws and the WB OP 4.12;
- Describe the process for the preparation, implementation, monitoring and evaluation (M&E) of Resettlement Action Plans (RAPs) and Abbreviated Resettlement Action Plans (ARAPs);
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- Provide procedures for filing grievances and resolving disputes.

In parallel to this RPF, an Environment and Social Management Framework (ESMF) has also been prepared for TPPP. The ESMF establishes a mechanism to conduct environmental and social screening and develop Environmental and Social Impact Assessments (ESIAs) and the Environmental and Social Management Plans (ESMPs) they include.

### *Process*

All PPPs will be screened for involuntary resettlement impacts such as displacement of structures, crops and/or restrictions of access to resources and livelihoods. The screening will be undertaken using the Environment and Social Screening Form in the ESMF. Depending on the results of the screening, the PPP's CA will prepare a RAP or ARAP to resettle and compensate the affected people before project implementation. An ARAP is a simplified RAP that may be prepared where the impacts of the PPP on the entire displaced population are minor, or fewer than 200 people are displaced.<sup>2</sup>

PPPs supported by TPPP will be located on land that the CA already owns. PPPs requiring land acquisition will be excluded from TPPP support. The TPPP screening will include legacy land acquisition issues, as the CAs will need to provide documentation on the process and timing involved in acquiring the land. TPPP activities will only take place in larger urban and peri-urban areas and will not operate in areas where vulnerable groups are present.<sup>3</sup>

Some PPPs supported by TPPP will involve little if any involuntary resettlement and/or restrictions of access to resources and livelihoods. Others will involve significant economic displacement through temporary relocation from existing facilities while they are rebuilt (e.g. relocation of small-scale vendors from an old market into a temporary facility then into a new market constructed under the PPP).

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<sup>2</sup> WB's Safeguards Policy OP 4.12 - Involuntary Resettlement states that "where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower....Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost."

<sup>3</sup> On the mainland, TPPP will only operate in the cities (urban and peri-urban areas) of Arusha, Dar es Salaam, Dodoma, Geita, Ilemela, Iringa, Kahama, Mbeya, Moshi, Morogoro, Mtwara, Mwanza, Shinyanga and Tanga.

In some cases, the PPP may affect persons that have leased, or rented land held by the CA or squatters that have encroached on land held by the CA.

For PPPs that will relocate small traders, businesses or other economic activities, the RAP/ARAP will set out actions to be followed in the temporary relocation from one site to another. Most actions recommended by a RAP/ARAP will typically take place before construction. Activities likely to take place prior to construction include ensuring clear access to a site by relocating squatters that have encroached on a CA's land and the relocation of traders to a temporary site. Some actions likely to be recommended by a RAP/ARAP, such as bringing traders back to a site following reconstruction, can only take place after construction is complete.

The CA will be responsible for ensuring the RPF is applied to each PPP, including preparation and approval of a RAP/ARAP prior to the procurement of a private partner to a PPP. The RAP/ARAP and its proposed actions will be reviewed prior to finalization by the relevant PPP unit and the WB to ensure compliance with the RPF, and only approved with concurrence of the relevant PPP unit and the WB.

RAP/ARAPs will be prepared prior to procurement of the private partner to a PPP. They will normally be prepared jointly with conduct of the feasibility study and the PPP's ESIA. The terms of reference (ToR) for the RAP/ARAP will be prepared drawing on the environmental and social screening of the PPP, as described in the ESMF. The ToR for a RAP will follow the template ToR for a RAP provided in this RPF. The ToR for an ARAP will be a simplified version of this tailored to the impacts of the PPP. The feasibility study will often be preceded by a prefeasibility study that includes an environmental and social due diligence, in which case the ToR for the RAP/ARAP will draw on the findings of a prefeasibility study.

Prior to procurement of the private partner to PPP with TPPP assistance, the CA will be required to demonstrate to the PPP unit and WB a firm budget for any resettlement assistance or livelihood rehabilitation. TPPP assistance for procurement of the private partner will only be provided where this firm budget is demonstrated.

All PPPs supported by TPPP will prepare an ESIA. The CA will prepare the ToR for the ESIA concurrently with the ToR for the ARAP/RAP in accordance with the requirements of the ESMF, in order to ensure an integrated approach to environmental and social management of the PPP. Preparation and implementation of the ESIA will then follow the requirements of the ESMF.

PPP advisors and other consultants providing PPP-specific advice will only assist on PPPs eligible for TPPP support. They will for example not advise on PPPs rated Category A under WB Safeguard Policies. PPPs will be subject to the environmental and social screening process described in the ESMF in assessing their eligibility.

### ***Grievance Redress Mechanism***

The RPF sets out the establishment of a Grievance Redress Mechanism (GRM). This is an essential tool for facilitating PAPs to voice their concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. The GRM provides the procedure for handling and resolving all grievances about the environmental and social management of a PPP, including

involuntary resettlement-related complaints. Such a mechanism is fundamental to achieving transparency in the resettlement processes. The GRM is to contain specific procedures for gender-based violence (GBV) including confidential reporting with safe and ethical documenting of GBV cases.

The GRM to be employed by TPPP will build on the existing legal grievance procedures and processes. It does not intend to replace existing legal processes but will be based on consensus, seek to resolve the issues quickly to expedite the receipt of compensation, without resorting to expensive and time-consuming legal actions. GRM contained in the RPF is the main process applicable to and informing the ESIA and RAP/ARAP. The mechanism provides a way to promote mutually constructive community relationships which serve to implement the laws relating to the involuntary loss of property rights of Tanzania Mainland and requirements of WB Operational Policy 4.12 on Involuntary Resettlement.

For LGA PPPs, the LGA Community Development and Welfare Department or the Public Relations Unit will be responsible for establishing and implementing the GRM. For MDA PPPs, a project specific Grievance Committee will be established by the PPP's CA. Being responsible for the implementation of the GRM includes responsibility for: disclosure, reception, management and monitoring of complaints, providing feedback to local communities and persons with complaints, and coordination of complaints analysis. These steps will assist the development of recommendations for continued improvement of TPPP processes related to environmental and social management.

### ***Capacity building***

The RPF makes provisions for the PPP units, CAs, and staff at MoFP and PO-RALG to develop their capacity on environmental and social matters. A training needs assessment (TNA) will be carried out in the CAs covered by TPPP. The TNA will be conducted prior to the initiation of an ESIA and the RAP/ARAP. The TNA for environmental and social management will form part of the broad capacity development plan to be put in place for a CA under TPPP.

### ***Disclosure and Stakeholder Engagement***

The ESMF the RPF and other subsequent safeguards instruments such as the individual project ESIA reports, ESMPs, RAPs and ARAPs will be cleared by the Government of Tanzania and the WB and disclosed locally at public and easily accessible sites (e.g. the site of the PPP and the offices and websites of the CA) with a translation of summaries into the local language in a culturally appropriate manner. They will also be disclosed at the websites of the relevant PPP unit and the WB. For any changes to these instruments the same clearance and disclosure protocols will be followed.

Stakeholders were consulted to obtain their views and concerns regarding the ESMF and RPF. This was undertaken in two steps. Stakeholders were consulted on a sample of PPPs being considered for support under TPPP during preparation of the prefeasibility studies of an initial 22 LGA PPPs. Several rounds of consultation were undertaken to progressively discuss and address key issues over June 2017 to July

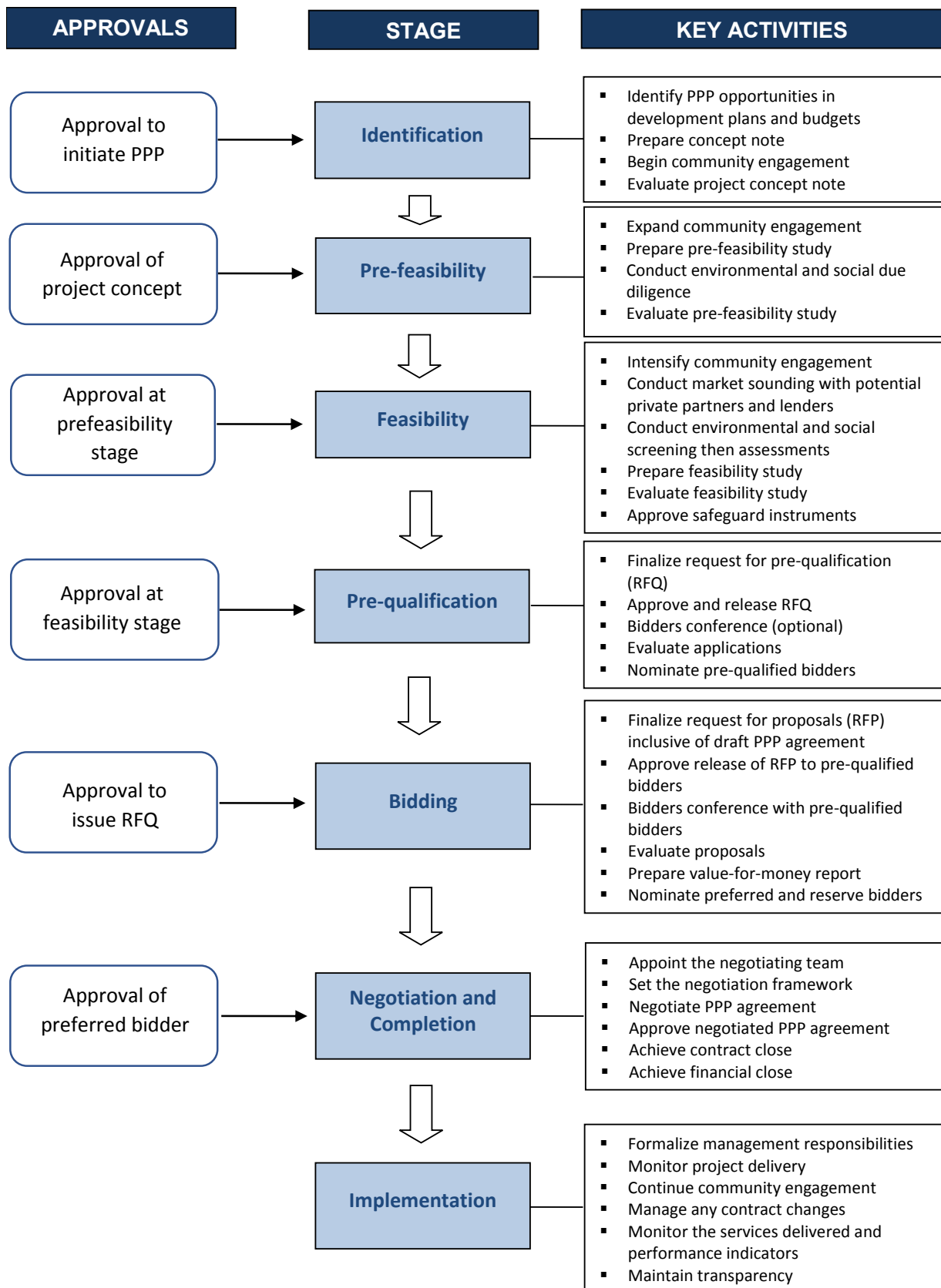
2018. The field work covered environmental and social conditions in the CAs, institutional arrangements, the capacity for environmental and social management, and PPP-specific environmental and social matters. The consultation also addressed the need for the PPP, its mode of operation, willingness to pay, physical design, location-specific issues, temporary relocation, and challenges that are facing existing facilities. Details of stakeholders consulted is in Annex A. Stakeholder workshops were held to review the ESMF and RPF in Dodoma November 5-9, 2018 and 20-21 February 2019. Stakeholders were encouraged to share comments in open discussion with their peers, facilitated by PO-RALG staff responsible for safeguards, and to seek the views of safeguard managers within the relevant CA (e.g., their LGA). Stakeholder engagement will continue through the project cycle of the PPP supported by TPPP.

### *PPP Project Cycle*

The PPP project cycle is at the figure below. The project cycle complies with the PPP Act and Regulations and good practices for PPPs. TPPP support ends at financial close and excludes the implementation stage.

*Figure 1.1: PPP Project Cycle*





The RPF is now being disclosed to the public and will be available at the following places below. A detailed description of the Resettlement Policy Framework will be posted at the Ministry of Finance and Planning (MOFP) website ([www.mof.go.tz](http://www.mof.go.tz)) and Presidents Office Regional and Local Government (PO-RALG) ([www.tamisemi.go.tz](http://www.tamisemi.go.tz))

Further information may be obtained on the following address:

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