



THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

MINISTRY OF WATER, ENERGY AND MINERALS

AND

ZANZIBAR ELECTRICITY CORPORATION (ZECO)

RESETTLEMENT POLICY FRAMEWORK (RPF)

**ZANZIBAR ENERGY SECTOR TRANSFORMATION AND ACCESS PROJECT
(ZESTA)**

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List of Abbreviations

Acronyms	Description
AH	Affected Households
BESS	Battery Energy Storage System
DP	Displaced People
EMF	Electromagnetic Field
ESF	Environmental and Social Framework
ESCP	Environmental and Social Commitment Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standards
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
KV	Kilovolts
MoWEM	Ministry of Water, Energy and Minerals
NGO	Non-Governmental Organisation
OHL	Overhead Transmission Line
OIP	Other Interested Parties
PAP	Project Affected Person
PIU	Project Implementing Unit
POFP	President Office Finance and Planning
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SEP	Stakeholders Engagement Plan
WB	World Bank
ZECO	Zanzibar Electricity Corporation
ZEST	Zanzibar Energy Sector Transformation

Executive Summary

The Resettlement Policy Framework (RPF) was prepared in early (January-April) 2020 for the Zanzibar Energy Sector Transformation and Access Project (ZESTA). The approach entailed a review of the relevant literature and a thorough process of consultations with sample Local Communities stakeholders at the Shehia of Matemwe, Makunduchi, Jozani, Ubago and Stone Town. The disclosure of the RPF will be both in Zanzibar where it can be accessed by the public and at the Zanzibar Electricity Corporation (ZECO) website and website of the World Bank and the date for disclosure must precede the date for appraisal of the project.

Consistent with the World Bank Environmental and Social Standard 5 (ESS5) on involuntary resettlement this Resettlement Policy Framework establishes the resettlement and compensation principles and objectives governing resettlement of affected people which will be applied in all sub-projects and activities funded by the ZESTA Project. The ESS5 principles will be applied in conjunction with Zanzibar laws and regulation guiding compensation and resettlement. In cases where the WB policy and the Zanzibar laws are not in full accord, the higher standard and more stringent of the two will prevail as it satisfies the requirements of the lesser standards.

ZESTA Project Resettlement Impacts

A number of conditions would lead to resettlement specifically infrastructure development involving land take / land acquisition on a permanent or temporary basis: (i) new land at new location for construction of structures not existing before such as additional 132kV overhead transmission line and solar farm; (ii) additional land for modifying existing infrastructure of 33kV and 11kV will also likely affect livelihoods.

Resettlement impacts that will arise from implementation of ZESTA project will vary with subprojects ranging from physical displacement of persons, economic displacement of persons, disturbances and nuisances, health risks, conflicts over resources and food insecurity to loss of cultural, spiritual and community assets. The impacts will vary in degree depending on the nature of investment. Expansion of transmission lines both overhead and underground involving increasing accessibility of the electricity could result in total loss of land, assets and livelihood of a segment of a community leading to displacement and relocation while infrastructure already exist are likely to cause minimal or no physical displacement.

Individual Investment (Subproject) Resettlement Action Plans (RAP)

Once impact location is known, ZECO-PIU will be fully responsible for preparation of Resettlement Action Plans (RAP) with collaboration of respective individual contracted consultant and other stakeholders. The ZECO-PIU will approve the prepared RAP and ensure compliance to requirements of this RPF and ESS5. Involuntary resettlement planning and implementation will be mainstreamed in the programme of technical assistance and capacity building planned for the ZESTA project.

Prior to implementation of any activity that is likely to have resettlement / land acquisition the RAP team will undertake asset valuation and identify categories of people and groups that will be affected and their entitlement to compensation. This will be undertaken through a household census with far-reaching community participation. The methodology for valuation for land and unexhausted improvements will be replacement cost. Method for estimating various kinds of allowances will be in accordance with World Bank Standards in conjunction with the Zanzibar Land (Assessment of the Value of Land for Compensation Regulations). Forms of payments will be in cash transferred through banking system. This RPF requires compensation at full replacement cost added with allowances paid to all affected groups - regardless of the legality of land tenure - according to PAPs preference. Mechanisms available to affected people for complaints about aspects of their resettlement treatment will be through mediation and if unsuccessful, affected people will seek recourse/appeal through land tribunals and the court of law system.

The ZECO-PIU team will deliver compensation following entitlements and procedures that takes full consideration of public participation, formal/informal notification and documentation. The taking of land and civil works activities will be effective only after compensation has been paid. The Government funds through POFP will be the source of funds for resettlement related costs. The exact cost estimates will only be possible when locations are identified.

Consultations with, and participation of displaced persons in planning, implementation, and monitoring will be on-going throughout the process of preparing RAPs. Local Shehias government system shall be main channel of activities.

Evaluation and monitoring shall be fundamental components of the RAP preparation and implementation built into the overall monitoring framework of the entire ZESTA project; and the key stakeholders and independent monitoring by a mandated national agency ZEMA.

Glossary of Terms

Census	The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures, and other fixed assets to be affected by the project. The census survey also identifies characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population
Compensation	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower RGoZ will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods, subject to mitigate the negative displacement and transitional support will be provided as necessary to all economically displaced persons
Cut-off-date	Under the paragraph 20 on planning and implementation of the ESS5 states, in conjunction with the census, the Borrower will establish a cut-off date for eligibility as an essential to determine who will be eligible for compensation and assistance and to discourage ineligible persons such as opportunistic settlers, from claiming benefits.
Economic displacement	Loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood or both.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement”

	refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Land acquisition	All methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies
Land use restrictions	Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and r
Project affected persons (PAPs)	Persons affected by involuntary land acquisition and its impacts.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities, assessed as part of the overall evaluation of the project.
Physical displacement	Relocation, loss of residential land or loss of shelter.
Livelihood restoration	Provision of development assistance to mitigate impacts on livelihoods, including credit facilities, training, or job opportunities, to assist PAPs or DPs to restore their livelihoods. Livelihood refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture,

	<p>fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.</p>
<p>Replacement costs</p>	<p>A method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation</p>
<p>Resettlement Action Plan (RAP)</p>	<p>Resettlement plans are prepared for any project that results in economic or physical displacement. The scope and level of detail of the plan varies with the magnitude of displacement and complexity of the measures required to mitigate adverse impacts. In all cases, the plan describes the manner in which the objectives of ESS5 can be achieved. The resettlement plan may take a number of different forms, depending on the projects impacts. The different plans and their minimum contents are described in Annex 1 of ESS5.</p>

Stakeholder	Individuals or groups who: (a) are affected or likely to be affected by the project (project-affected parties); and (b) may have an interest in the project (other interested parties).
Vulnerable individuals	Those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Examples include widows, single mothers, child-headed households, handicapped people, HIV/AIDS victims, and the elderly persons as they require special assistance to cope with the project impacts.

INTRODUCTION

1.1 Project Background and Overall Context

This Resettlement Policy Framework (RPF) which has been prepared and will be implemented by the Project PIUs. The objective of the ZESTA project is to expand access to efficient and reliable electricity services and publicly financed solar as a utility scale renewable energy pilot for Zanzibar. The proposed project is aligned with Zanzibar's energy sector development and electrification goals of developing locally available energy resources and achieving universal access to reliable electricity by 2032. The project will increase access to electricity for households, commercial, and industrial users, and public institutions in the rural, peri-urban and urban areas through on-grid solutions.

1.2 Project Description

The project will expand access to reliable and clean electricity services and create an enabling environment for private sector participation in the Zanzibar electricity sector with the following project components.

Component 1: Renewable Energy and Storage Infrastructure. This component will finance a solar park with a 10-15MW solar PV plant and a stand-alone Battery Energy Storage System (BESS). The solar PV plant will pilot utility-scale renewable energy development in Zanzibar, and the BESS will support the grid by providing supply needed to meet the evening peak and integrate VRE onto the island grid. In addition, this component will also support the technical design and supervision consultancy for the Solar PV and BESS. The consultancy will undertake feasibility studies, associated environmental and social studies, develop procurement documents, and supervise the construction.

Component 2: Grid Modernization and Access Scale-up. This component will finance the following major activities:

- a) 132kV backbone transmission infrastructure. This will support construction of the 132kV north-south transmission line and associated substations at Makunduchi, Welezo, and Matemwe. The detailed design of the 132kV backbone transmission infrastructure is carried out by a ZECO-hired consultant.
- b) Distribution network strengthening and access scale-up. This includes: (i) refurbishment and reconfiguration of the existing 33/11kV infrastructure; (ii) modernization/replacement of 11kV network equipment around Stone Town; and (iii) grid extension & intensification and associated last-mile household connections across Zanzibar. This component will also support grid equipment installations for performance improvement and loss reduction.
- c) Supervisory Control and Data Acquisition (SCADA): Support for design and installation of a SCADA system for ZECO to improve efficiency in grid operations.
- d) Support for resettlement and compensation payments: compensation payments to project affected persons (PAPs).

COMPONENT 3: Sector Institutional Strengthening and Project Implementation Support.

This component will support the strengthening of sector institutions to improve planning frameworks and operational efficiency in the supply of electricity services in Zanzibar, including the implementation of the renewable energy generation program. The component will finance technical assistance to ZECO, MoWEM, and ZURA, including relevant technical skills strengthening. This component will also support energy efficiency development and gender mainstreaming in the Zanzibar energy sector.

1.3 Objectives

The objective of the RPF is to ensure the adequate management of land acquisition and easement required for the project in accordance to national legislation and the World Bank's Environmental and Social Framework (ESF) and also to provide guidance for the preparation and implementation of Resettlement Action Plans (RAPs) for the implementation of the project. The RPF establishes a standard approach for the treatment of land acquisition and easements, as well as livelihood restoration in all project activities. It identifies procedures and requirements to guide the implementing agencies (ZECO and the Ministry of Water, Energy and Minerals) in dealing with people who experience land and property losses or economic displacement due to the Project-related land requirements.

1.4 The objective of the RPF is to:

- Ensure adequate management of land acquisition and easement required for the project in accordance to ESS5
- To provide guidance for the preparation and implementation of RAPs for the implementation of the project.

1.5 The scope of the RPF

This RPF will cover the following elements:

- A brief description of the project components for which land acquisition and resettlement are required.
- A description of the process for preparing and approving a RAP.
- An estimate of displacement impacts and estimated numbers and categories of displaced persons to the extent feasible.
- Eligibility criteria for defining various categories of displaced persons.
- A legal framework that fit between borrower laws and regulations and the World Bank Standards and measures proposed to bridge any identified gaps between them.
- Method of valuing affected assets.
- Organisational procedures for delivery of compensation and other resettlement assistance.
- Description of the implementation process linking resettlement implementation to civil works.
- A description of Grievances Redress Mechanism (GRM).

- A description of mechanism for consultations with and participation of vulnerable individuals.
- An arrangement for monitoring and reporting by the Implementing Agencies.

1.6 Potential Project Impacts Mitigated through RAP

Within the context of the prevailing conditions within the scope of the project below are anticipated direct social and economic impacts relating to the project components and activities that may require land take, acquiring land and other assets or restricting access.

Nature and the level of impacts will vary from one component to another depending on the situation on the ground. Site screening could encounter various types of potential impacts/loss including social, economic, and administrative or effects on environmental equilibrium as a result of land acquisition. Likely categories of impacts/loss will be indicated in the entitlement matrix. The following types of losses due to land acquisition are identified in the initial assessment:

- Loss of shelter / relocation of people
- Loss of assets or access to assets including loss of land rights
- Loss of income sources or means of livelihood of persons using the land or assets
- Involuntary restrictions of access to resources, especially land
- Loss of house structures
- Loss of agricultural assets
- Loss of community infrastructure:
- Loss of natural resources/ assets used by communities
- Loss of income sources or means of livelihood of persons using the land or assets
- Involuntary restrictions of access to resources, property or asset
- Loss of business

1.7 Guiding principles:

The purpose of this RPF is to clarify resettlement principles, organisational arrangements, and design criteria to be applied to subcomponents during project implementation. Thus, any project activity that causes physical and/or economic displacement impacts will not commence until they have been mitigated and approved by the authorities, which is until a RAP prepared according to this RPF has been implemented.

Lastly, paragraph 15 of the ESS5 states that, the Borrower will take possession of acquired land and related assets only after compensation in accordance with this ESS has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

Principles

- Land acquisition and resettlement should be avoided or where avoidance is impossible minimized. Where resettlement is unavoidable, the procedures and requirements outlined in this Framework will be followed. Projects will be prepared to minimize adverse impacts and RAPs will be prepared to mitigate impacts.
- Project Affected Persons (PAPs) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to levels prevailing prior to the beginning of project implementation.
- All PAPs should be consulted and effectively participate in the process of preparing the Resettlement Action Plan. They should also have adequate access to GRM. Consultations will consider gender issues and take into account the needs of stakeholders who may be considered vulnerable.¹

Thus, through this RPF the Implementing Agencies, specifically ZECO through which many of the works will be undertaken, aims to reach agreements on land acquisition based on the principles set out in this Framework. Where all PAPs or (where necessary) their representatives are fairly and openly engaged and when land acquisition or restriction on land cannot be avoided, the Project will offer affected persons compensation at replacement cost and other assistance as may be necessary. Replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. All land acquisition and resettlement activities will be managed through RAPs. Other principles to be considered include:

- ✓ Involuntary resettlement should be conceived as an opportunity for improving the livelihoods of the affected people and undertaken accordingly.
- ✓ Engagement and compensation will be carried out with equal consideration of women and men.

¹ Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend.

- ✓ Particular attention should be paid to households headed by women and other vulnerable individuals, and appropriate assistance should be provided to help them improve their status.
- ✓ Land acquisition and resettlement action plan should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits.
- ✓ Compensation and resettlement measures will be fully provided prior to clearance of right of way/ ground levelling and demolition.
- ✓ Upon completion of construction, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/ lessees to resume their pre-project activities.
- ✓ All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in this RPF.
- ✓ The lack of legal title (legally documentations) should not be a bar to compensation and/or rehabilitation.

1.8 Land Acquisition requirement

As most of the land is privately owned, most projects components will require involuntary land acquisition through cash or in-kind (land for land) compensation. Activities that may require land acquisition under the ZESTA project are listed in table 1 below.

Sub-component 2.1: 132kV North-South Transmission Infrastructure. Based on screening exercise undertaken at the pre-feasibility and routing study stage, it has been concluded that construction of 132kV transmission line involves substantial new construction and some sections of it will be crossing populated areas and private plots of agricultural land. Adverse social impacts are possible if construction activities are done in populated areas.

Specifically, requirements for this subcomponent include permanent acquisition of land for the siting of two substations (at Makunduchi and Matemwe), one switch station (at Welezo), and temporary impacts on land during construction, enhancement of access roads and, mainly, marginal impacts related to transmission line easements. The government owns the land, ZECO has applied for the entitlement to be able to use the land. The application is currently under review.

The two substations and switch station will each require the permanent acquisition of up to 9,000m². The easement for the 132kV transmission lines is 15m each side (total 30m). In regards to the 132kV transmission line corridor, the line from Welezo to Ubago will run parallel to two existing 33kV lines. Because of these two existing lines, the current Right of Way is already 30m (which was acquired by ZECO in 2012).²

²Financed under JICA.

According to ZECO Act No.3 of 2006 states that “any person who construct a building or any structure within distance of 50 meters from either side of the national grid line or within a distance of 15 meters from 33kv and 11kv lines or near the works or which interferes with any work; shall be guilty of an offence and shall be liable to a fine not less than one million shillings or to imprisonment for a term not exceeding six months or both such fine and imprisonment” (Section 40). Planting seasonal crops is allowed although planting of trees is not allowed. Pole spotting work has been undertaken following the topography survey/walkover and in collaboration with the environmental and social constraints mapping. It is considered, that the land parcels for pole foundations will be acquired and will become property of ZECO.

In identification of the routes ZECO, through its Consultant, aimed to have a line route that provides the best combination of the following criteria (the selection shall be based on):

1. Safety
2. Environmental impact (less impacts) and protection of lands
3. Proximity and potential impacts of a route to land use and occupation
4. Preservation of areas of cultural and historical significance
5. Short- and long-term construction impacts
6. Expected economic and sustainability cost
7. Accessibility (to be as near as possible from the Road, to facilitate the future maintenance/services and to reduce the OHTL outage time).

Sub-component 2.2: Distribution network modernization and access scale-up. The project will also finance the following. Firstly, the refurbishment and reconfiguration of the existing 33/11kV substations on the 33kV. Secondly, the modernization/replacement of 11kV obsolete equipment around Stone Town and the distribution infrastructure – underground cable - from Mtoni 33kV substation to Kiembesamaki (Mazizini) 33kV substation via Kilimani 33/11kV substation to Stone Town. Thirdly, grid extension & intensification and associated last-mile household connections.

Requirements for this subcomponent may include acquisition of land for the 33kV/11kV substation at Kiembesamaki (Mazizini) and land acquisition for the grid extension. Other activities envisaged include right-of-way acquisition, land clearing, arrangement of access roads to the towers/poles where required, construction of foundations and towers, stringing installation of conductors, insulators, other equipment. The final design will be based on the outcomes of the routing study, geotechnical and cadastral surveys, poles spotting and the environmental and social assessment.

Table 1: Land acquisition requirements for different project components

Project Component	Investment	Land requirement Status
Component 1.1 - Enabling Infrastructure for Renewable Energy Generation	This component will support the enabling infrastructure for the proposed 10-15 MW Solar PV. This includes development of solar park infrastructure	Land is available for 30MW solar park infrastructure and owned by the Ministry of Water and Energy. The specific areas for the solar park have been identified, entitlement process to be finalized soon. The identified areas include Bambi, Matemwe and Makunduchi.
Component 1.2 - Enabling Infrastructure for Renewable Energy Generation	Battery Energy Storage System (BESS) to reduce the evening peak,	The specific site has not yet determined.
Component 1.3 Enabling Infrastructure for Renewable Energy Generation	Technical assistance and enabling environment (commercial, regulatory, legal) to support to RGoZ to design and implement a successful renewable generation program.	NA
Component 2.1 - Grid strengthening and access expansion	This will support construction of the 132kV Overhead north-south transmission line and associated substations at Makunduchi, Welezo, and Matemwe. The detailed design of the 132kV backbone transmission infrastructure is carried out by a ZECO-	The line passes at the nearby Jozani Chwaka Bay Conservation area. Therefore, land will be acquired through RAP implementation. However during planning and project design,

	hired consultant. (SHAKER).	ZECO in collaboration with consultants, design engineers and Jozani Management Authorities will select OHTL route with minimum impacts to sensitive areas (i.e. mangroves forest).
Component 2.2 - Grid strengthening and access expansion	This will fund the reconfiguration of the 33kV network within existing substation sites to improve reliability/power quality and minimize impact of fault related outages on consumers. The detailed scope and design will be carried out by a ZECO-hired consultant after project approval	Land has been acquired as most of the existing 33kV overhead line, the strengthening and access expansion will be along the RoW. However, detailed design, scope and specific sites will be determined during implementation.
Component 2.3 - Grid Strengthening and access expansion	This will involve (i) in-situ replacement of distribution equipment (switchgear/transformers/panels) within existing 11kV substation buildings and (ii) network reinforcement investments such as Mazizini substation and interconnecting cables/lines to provide supply redundancy to key loads in Stone Town. The exact scope and sites for this component will be established during the project implementation phase by ZECO-hired consultant.	Land has been acquired as this sub-component will only replace the existing underground 11kV cable. Detailed design, scope and sites will be determined during implementation.
Component 2.4 Grid Strengthening	Grid intensification and access scale up. This will involve last mile connections to households and short extensions and	Land acquisition may be required depending on the design and whether it is medium or low

and access expansion	upgrades to the MV/LV networks to reach more households in areas that already have grid coverage.	voltage. If low voltage acquisition will not be required but medium voltage in some areas acquisition will be required.
Component 2.5 Grid Strengthening and access expansion	Supervisory Control and Data Acquisition (SCADA): Support for design and installation of a SCADA system for ZECO to improve efficiency in grid operations.	NA
Component 3: Sector Institutional Strengthening and Project Implementation Support.	This component will support the strengthening of sector institutions to improve planning frameworks and operational efficiency in the supply of electricity services in Zanzibar, including the implementation of the renewable energy generation program. The component will finance technical assistance to ZECO, MoWEM, and ZURA, including relevant technical skills strengthening. This component will also support energy efficiency development and gender mainstreaming in the Zanzibar energy sector.	NA

2.0. LEGAL FRAMEWORK

Compensation policy is stipulated in Zanzibar's Acts and Regulations. In principle, a person affected by compulsory purchase of his/her land or damage to his/her property should be paid a fair compensation so that he/she is neither better off nor worse off as a result of land acquisition.

2.1. Land Acquisition Decree Cap 95

This is the principle legislation guiding land acquisition in Zanzibar enacted under the colonial British rule. This decree is used together with the Land Tenure Act. Several of its provisions are

found in the new land acts enacted from the late 1990s onwards. In general, the Land Tenure Act (12, 1992) does not cover all aspects of resettlement affecting people who are displaced from their old settlements, but certain sections in the act are still relevant to-date:

- The Act--sections 4 to 10--stipulates and emphasizes prior notification. The Act directs the District Commissioner to serve public notices and notices in the government gazette of land likely to be acquired for any public purpose or company, and the government or company to serve notice to occupiers of any property, building, garden, etc., prior to entry for purpose of survey, marking boundaries, etc. Section 2 demands payment for damages done to standing crops, trees, fences or buildings during survey, marking boundaries etc.
- Section 9 calls for compensation for acquired property by government or a company. Claims for compensation by all with interests in land should be made to the District Commissioner.
- Instead, section 56 creates a relationship of government and holder of a right of occupancy being brought to an end through termination. As land ownership in Zanzibar vests solely on the President, people are given a right to use land and they are termed under the Land Tenure Act 1992 as a 'holder' and not owners.

2.2. Land Tenure Act, No.12 of 1992; Amendment (2003); Amendment (2013).

In this Act, Section 5 subsection (2) - gives the President of Zanzibar (or the Minister on behalf of the President) powers to impose right of use of land (easements) on any parcel of land and building/construction in respect of Right of Way, installation, support and clearance necessary for the establishment, maintenance and operation of roads, drainage, electric transmission lines classified in the public interest. In this case the authority is only used if the affected people along the project route reject the areas through which the road, drainage or transmission lines will pass.

Section 5 subsection (4) requires the Government to pay compensation for the persons or communities concerned that is equal to the fair market value of any development established into the acquired land and any improvements thereon. Zanzibar land acts do not have legal provisions for grant of public land to the person entitled to compensation but take into account that land has value and should be taken into consideration affecting that interest. This means if one acquires land, one will have to compensate owners for bare land in addition to unexhausted improvements.

Section 6 demand that any land that is acquired, and there is a dispute or disagreement relating to boundaries, right of use of land,. shall be referred to the Land Adjudication Act or the Land Tribunal. The Act under Section 6B considers it an offence (and imposes penalties) by any person to destroy or misuse land by erecting structures or buildings, dumping, digging holes or changing uses of the land, giving out all or part of the grant to other persons contrary to the Act. Under this Act, the right to use land for cultivation are legally delegated to individuals thereby trees and crops

³ The 3 Acres' plots are the land allocated to individuals for the only usage rights for agricultural activities while the ownership of such pieces of land remain with the government.

are owned by them, but the everlasting land ownership right are remain for the government. Thus, there are some amendments for the Land Adjudication, Act in 2008, however it still recognizes the rights of persons/individual holding 'the land referred as 3 Acres' plots for farming for the same meaning of use rights.

Therefore, in line with this RPF in relation to the provided land (i.e. 3 acre plots), individuals have no right to sell and they will only have compensated for the development but not for land.

Right of ownership of trees: Part IV section 19(1) recognize that trees can be owned and held separately from a right of occupancy in land. The ownership interest in the trees shall be registered in the name of the owner of the interest and included as part of the registration of the land on which the trees are located. Section 22 stipulate that the right to trees in the urban areas shall belong to the Municipality in question if the trees are ornamental and to the Ministry of Agriculture, or its successor ministry, if the trees are economic unless included as a registered right of occupancy.

2.3. The Registered Land Act, 1989

This Act was designed to avoid disputes on boundaries through having a land register and a map (registry) of land in question. The Act calls for establishment of a Land Registry in each "Land Registration District" showing all land parcels and leases, whether public or private land; particulars of the Occupant or Proprietor; and conditions and duties affecting his/her Right of Occupancy.

The Act confers to the registered Proprietor of land exclusive rights of occupancy of that land, together with all rights and privileges. The rights are coupled with duties requiring the Proprietors of land to maintain in good order any fences, hedges, stone pillars, walls or other marks, which demarcate its boundaries. However, under regulations governing the land use for Investment of 2006, state that, the land adjacent to the sea—30 meters from the sea to sand foreshore, and 10 meter from the sea to the stone corals foreshores deemed public land and shall not be included in any parcel (public or private) land. This implies that, the boundaries of Rights of Way for the transmission lines along the established mangroves has to be merges with these two regulations on 15m of the 132kV RoW and the 10m of the mangrove forest buffers.

2.4. The Land Transfer Act, No. 8 of 1994; Amendment (2007)

Permanent transfer or long-term (3 years and over) lease of land takes place in Zanzibar only with approval of the Land Transfer Board. The Act is designed to prevent transactions that may result in depriving land owners of sufficient resources to support themselves, their dependents and future generations. The Act also aims at preventing improper change of uses of the land in question.

2.5. The Land Tribunal Act, No. 7, 1994; Amendment (2008)

Land Tribunal Act establishes the Land Tribunal to deal with all matters of land disputes in Zanzibar. The Act demands that the Tribunal preside over any land that is acquired and there is a dispute

or disagreement relating to any of the eighteen matters listed, (a) to (r), in the Act. Such matters relevant to the ZESTA project include:

- Action involving claims to a right of occupancy and/or possession in respect of any Land
- Demarcation of Land which is connected to activities related to the subdivision of parcels and any matter for which demarcation or surveying must be carried out
- The use, development and capacity of land
- Land valuation and issues involving compensation of land
- Removal from possession or eviction from land
- All other matters relating to land

The Land Tribunal (Amendment) Act, No.1 of 2008, allows for appeals of the decisions of the Land Tribunal to be made to the High Court.

2.6. The Land Allocations Regulations 2008.

The Land Allocations Regulations 2008 states the means through which land is allocated and way in which land is certified. According to the Land Allocations Regulations 2008 (40.b), a right of occupancy holder is, in the event of his land being declared as abandoned, eligible for fair compensation for the developments made on the land prior to the date of termination of rights to occupancy and the redistribution of the said portion.

2.7. The Land Survey Act No. 9 of 1990

The Act makes provisions for regulating and making of land surveys and for the registration and conduct of the Surveyors. Section 14(3) of the Act demands that Surveyors give reasonable notice to the owners or occupiers of the land prior to survey activities.

Compensations: Part III, Section 15 directs payments of compensation to the owner of any crops or trees cut or damaged in the survey exercise. Also Part 16(2) states that, compensation shall be payable for any damage done to any land by reason of the exercise of the powers contained in subsection (1) of this section i.e. survey activities, enter on and pass over any land whether private or public, causing as little inconvenience to the owner or occupier of such land as is necessary in the execution of his duties.

Valuation procedures: The valuation exercise will be administered by a registered Valuer with the valuation inspection form obtained from the Department of Lands and Registration. The valuer normally use the schedule of rates obtained from the Departments of Agriculture and Land. The Departments of Agriculture and Lands have schedules of rates for preparing estimates for compensation of acquired land and lost crops and trees respectively, while department of construction could provide costs for construction materials and labour, which the appointed. Resettlement Service Providers could use to undertake assessment. When applied to calculation of replacement cost, rates current for the period of actual replacement must be used.

Grievance Resolution: Section 15 states that, if any question arises as to the amount of compensation to be paid, or the right of a claimant to recover compensation, and they have failed to reach agreement (between the Director and all persons concerned); such question should be determined by a Magistrate on application made to him by the Director or any person authorized by him in that behalf, or by any person claiming to be entitled to compensation under the provisions of this section. Also Section 16(3 and 4) of this Act clarifies that, “Where a surveyor is a Government employee, compensation shall be assessed in accordance with the provisions of section 15”; and “Where the surveyor is not a Government employee, any compensation payable shall be subject to agreement between the surveyor and the aggrieved party or parties”.

Section 6 require that petitions on land disputes in relation to boundaries, right of use of land, dissatisfaction with compensation etc. to be taken to the Land Tribunal. However, under Section 6B it is an offence (and imposes penalties) for any person to destroy or misuse land by erecting structures or buildings, dumping, digging holes or changing uses of the land, giving out all or part of the grant to other persons contrary to the provisions of this Act.

2.8. Zanzibar Environmental Management Act, 2015

The Zanzibar Environmental Management Act (ZEMA) No. 3 of 2015 was enacted to replace the former Environmental Management for Sustainable Development Act of 1996. The Act was established to address the environmental management priorities set in the Zanzibar Environmental Policy of 2013. This Act also establishes Environmental Advisory committee Section 7, and Zanzibar Environmental Management Authority (ZEMA) as a government agency for all environmental aspects (section 14). Amongst the other, the Act gives to every person the general obligations to protect environment as well as right and duty to a clean, safe and a healthy environment. Part IX, Section 39 states that “A person shall not carry out or cause to be carried out; any activity which is likely to have significant impact on the environment and society without Environmental and Social Impact Assessment Certificate issued by the Authority under this Act which shall be carried out before construction phase of any activity following all procedures as specified in this Act. The Act has set criteria for determining activities which require an environmental impact Assessment certificate i.e. all activities which;

- Use major amounts of resources, either living or non-living; (b) result in the production of waste which would be in large quantity or hazardous nature;
- Modify the environment on a large scale
- Influence population shifts in major ways
- Affect environmentally sensitive areas or
- Embody such other characteristics as may prescribed under this act.

In addition to that, the Act requires ESIA to be conducted by experts or firm whose qualifications are prescribed by Regulations made under this Act. This project will conform to all requirements of this Act taking into account the environmental, socio-economic issues, and resettlement initiatives identified along with requirements for compliance throughout the project’s life cycle.

2.9. Zanzibar Local Government Authority Act of 2014

The Act specifies on establishment of the Local Government Authority structures with their jurisdictional areas, powers and functions in order to promote self-governance and enhance the participation of people and communities in maintaining law and order; and promote democratic, transparent and accountability in a local government. It covers all matters related to the social, culture, economic, and environment within the defined boundaries of the local government authorities. In the context of environment, the Act has emphasized on the local powers prevent and control public nuisance and ensure sustainable management of land and natural resources. Section 26 (1) of the Act specifies general functions of the council which include maintenance of environmental sanitation, promotion of tourism and other investment opportunities available in their areas, control environmental pollution and prevent private nuisance.

Others include supervising and ensuring measures to combat epidemic diseases; control extraction of stone, sand, wood, and other forms of natural resources, undertake afforestation and urban forestry initiatives, manage, and control and regulate the use of land as defined and allotted under the land use plan, and deal with cross cutting issues of HIV/AIDS, climate change, disaster management, and population issues. Section 63 (a) provides powers to an authorized officer of local government authority to enter any premise and check if the development has been approved with a permit. Sections 83 and 84 of the Act specify offence under nuisance and unauthorized land use, respectively. The project proponent should comply with all the requirements within the jurisdiction of the local government council in terms of land acquisition, necessary public works and permits, environmental clearance, prevention of public and private nuisance, and other activities that require certification and permits, etc.

2.10. The World Bank Environmental and Social Safeguard Standards (ESS5)

World Bank ESS5 recognizes that project-related land acquisition and restriction on land use can have adverse impacts on communities and persons. Involuntary resettlement under development projects, if unmitigated, can give rise to severe economic, social, and environmental risks. These risks may include; dismantling of production systems; loss of productive assets or income sources are lost thus impoverishment of people; and relocation of people to environments where their means of livelihoods are not accessible. Therefore, the guidance under ESS5 will be applied on resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The overall objectives of the ESS5 on Land acquisition, restriction on land use and involuntary resettlement are:

- To avoid involuntary resettlement or, when unavoidable, minimise involuntary resettlement by exploring project design alternative.
- To avoid forced eviction
- To mitigate unavoidable social and economic impacts from land acquisition or restrictions on land use by (a) providing timely compensation for loss of assets at

replacement and (b) assisting displaced person in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms to pre-displacement level, or to level prevailing prior to the beginning of the project implementation, whichever is higher.

- To improve living conditions of poor or vulnerable persons who are physical displaced, through provision of adequate housing, access to service and facilities and security to tenure
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure, of information, meaningful consultation, and the informed participation of those affected

This standard covers direct economic and social impacts that are caused by the involuntary taking of land resulting in relocation, loss of shelter, loss of assets or access to assets; or loss of income sources or means of livelihood. WB Environmental and Social Standard 5 (ESS5) requires that all projects screened for potential environmental and social impacts be supported/guided by an RPF where the exact sites are not known prior to project appraisal. The RPF identifies potential involuntary resettlements under the planned project, impacts i.e. severe economic, social and environmental risks and based on these guides the preparation of the Resettlement Action Plan (RAP) for affected persons.

2.11. Compensations and benefit for affected persons:

Paragraph 12 of the standards (ESS5) require that, when land acquisition or restriction on land use cannot be avoided, the Borrower will offer affected person compensation at replacement cost,⁴ and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods, subject to the provision of paragraph 26 through 36 of the ESS5 concerning the physical displacement.

2.12. Physical and Economic displacement:

The Bank standards ESS5 recognize that project related land acquisition and restriction on land use can have adverse impacts on communities and person, that may cause physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood) or both. The Borrower will develop a plan that covers, at a minimum the applicable requirements of the Bank standards regardless of the number of people affected. The plan will be designed to mitigate the negative impacts of both physical and economic displacement and as warranted to identify development opportunities. It will include a resettlement budget and implementation schedule and establish the entitlements of all categories of affected person. Particular attention will be paid

⁴ Replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement

to gender aspects and the needs of the poor and the vulnerable. The Borrower will document all transactions to acquire land rights, provision of compensation and other assistance associated with relocation activities.

2.13. Analysis of Zanzibar's Policy and Legislation and World Bank Standards

A gap analysis has been undertaken in order to measure the difference between Zanzibar laws and the World Bank requirements, with special attention to legal rights to land, improvements made on it and other property and/or title and access to other basic resources; eligibility criteria and compensation packages etc. The results indicate that some aspects of Zanzibar laws and the World Bank Environmental and Social Standard 5 are not in full accord. Any Resettlement Action Plan must be consistent with Zanzibar Laws and World Bank Standards and if there is gap the World Bank Standards will apply.

2.14. The Gaps between Zanzibar Legislation and World Bank requirements

The main difference between Zanzibar legislation and the WB policies is that under Zanzibar legislation the land is government property but the citizen and as well as investors are only given the land use permit. Section 56 creates a relationship of government and holder of a right of occupancy being brought to an end through termination. As land ownership in Zanzibar vests solely on the President, people are given a right to use land and they are termed under the Land Tenure Act 1992 as a 'holder' and not owners. As no law or provision of the law can be referred to specifically state that the Land Acquisition Decree Cap of 1909, has been repealed or amended, it is opined here that the law is still valid to put into practice.

The existing Land Tenure Act 1992 is principal law which basically regulates acquisition of land and ancillary matters thereto including procedures for acquisition, termination and compensation. In case of compensation, the valuation is fairly done by determination of the improvement attached to the particular land in terms of structure, crops and trees. While the WB policy requires both compensation of affected assets, including land, and on the livelihood restoration for PAPs. However, between the World Bank standards and local legislation recognise compensation procedures for loss of assets considering eligibility criteria and compensation packages.

The World Bank Standards (ESS5) (Paragraphs. 10.1 category c) recognizes that affected persons who have no recognizable legal right or claim to the land or assets they occupy or use are eligible for assistance under ESS5. They can also be persons occupying land in violation of applicable laws. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets.

Detailed differences between World Bank policy and Zanzibar law is shown in the Table 2 below.

Table 2: Differences between Zanzibar Laws and World Bank Requirements Regarding Land Acquisition and Resettlement

Theme	Zanzibar Laws	WB (ESS) Requirements	Evaluation for the gaps	Recommendations to address the Gap
Compensation Approach	<p>The Zanzibar Land Tenure Act, No.12 of 1992; Amendment, Act No. 15 of 2003 entrenches several rights such as (i) Section 5(4) requires the Government to pay compensation for the persons or communities concerned that is equal to the fair market value of land and any improvements thereon. (ii) Zanzibar land acts do not have legal provisions for grant of public land to the person entitled to compensation but consider that land has value and should be taken into consideration affecting that interest.</p>	<p>The overall objective of the WB Standards (ESS5) on involuntary resettlement are to avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives; to avoid forced eviction; to mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards in real terms, to pre-displacement levels or to levels prevailing</p>	<p>While the WB Standards (ESS5) objectives are not word for word written into the Zanzibari legislatives related to land acquisition and tenure, the overall shared picture and objective is the same when the enumerated rights and jurisprudence thereon are seen against the objectives of the WB Standards.</p> <p>Under s. 5(4), the land tenure act is the legal instrument setting out the broad aspirations of the people and the government of Zanzibar in all aspects related to land acquisition. Directs the developers to ensure person compensations to replace the impacted land.</p>	<p>Ensure that resettlement issues are fully recognised and dealt with at the project planning and design stages in order to avoid or minimize displacement.</p> <p>Ensure that levels of compensation, assistance and benefits are in line with ESS5 notably replacement value prior to displacement.</p>

Theme	Zanzibar Laws	WB (ESS) Requirements	Evaluation for the gaps	Recommendations to address the Gap
Eligibility for compensation	<p>The Land related legislation and policy objectives column above are reinforced by Land Acquisition Decree Cap 95 Section 2 that demands payment for damages done to standing crops, trees, fences or buildings during survey, marking boundaries etc. It prohibits discrimination of any person in any form. The legal rights themselves are therefore available to all persons affected by the project</p>	<p>prior to the beginning of project implementation, whichever is higher; to improve living conditions of poor or vulnerable persons and who are physically and economically displaced.</p> <p>According to the WB Standards ESS5 paragraph 12, when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods, subject to the provisions of paragraphs 26 through 36 of this ESS 5.</p>	<p>Eligibility for compensation under the project can fall within the legal parameters for acquisition of land and compensation under Zanzibar's Law. Under ESS5 paragraph 12 – GN 12.2 describing that rates of compensation for land, trees, and crops that have economic value should be equal to replacement cost, either because compensation schedule under the local laws they do not reflect market values or are not updated on a regular basis. Where the Borrower uses such rates as the basis for assessing value, additional measures may be</p>	<p>Ensure that all users of affected land (including unauthorised occupant or users, labourers or person affected by the loss of access to resources) are included as affected parties in the census survey. Implement cut-off procedures based upon the date of the census survey.</p>

Theme	Zanzibar Laws	WB (ESS) Requirements	Evaluation for the gaps	Recommendations to address the Gap
Support to Vulnerable Groups including poor	<p>The women and children's right to full and equal protection by law and have the right not to be discriminated against on the basis of their gender or marital status (on the part of women) or on account of their circumstances of their birth (on the part of children).</p> <p>The Zanzibar Disability Policy (2004) on Equalization of Opportunities for Persons with Disabilities is to promote the rights of people with disabilities to enable them play a full and participatory role in society.</p>	<p>ESS5 calls for special attention for vulnerable individuals in the case of physical displacement. The plan will be in place to mitigate the negative impacts of displacement. The place will include the budget for compensation of the affected communities including vulnerable individuals.</p>	<p>necessary to ensure that the compensation paid meets the requirements of replacement value as set out in ESS5</p> <p>Zanzibari law makes special recognition for women and children. It is to be noted that the kind of recognition does not give higher rights than the standard rights to equality or to property. Perhaps, the special emphasis in ss. 23 and 24 of the Constitution reflects a history of the people of Zanzibar and needs to be properly regarded in the management of the project although it does not have to create rights which did not hitherto exist.</p>	<p>RAP should calculate and allocate special assistance to be provided to vulnerable persons. ZESTA project will make provision to support severely affected and vulnerable individuals in accordance with RAP recommendations</p>
Grievance Redress Mechanism	<p>National legislation such as the Land Tenure Act (1992), and Land Tribunal Act (1994), set out requirements and</p>	<p>By project effectiveness, a Grievance Redress Mechanism for the project will be in place</p>	<p>There is a GRM that has been design for the project that will address project related</p>	<p>All affected people are aware of the established grievance redress mechanism. Including the</p>

Theme	Zanzibar Laws	WB (ESS) Requirements	Evaluation for the gaps	Recommendations to address the Gap
	<p>authority for dispute resolution. These laws set out the dispute resolution structure starting from the local level to the highest courts of law in Zanzibar.</p> <p>The community involvement and grievance mechanism requirement criteria accord s.43 and s. 44(4) Constitution due processes. The Act demands that the Tribunal preside over any land that is acquired and there is a dispute or disagreement relating to any of the matters listed the Act.</p> <p>Complaints are reviewed in compliance with the formal procedures (rules) established by the Administrative Code of ZECO.</p>	<p>to address specific concerns about compensation, relocation or livelihood restoration measures. Where possible, a GRM will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.</p>	<p>compensation and will be in place by the project effectiveness.</p>	<p>processes and procedures of filing various types of grievances such as GBV, land issues, etc.</p>

ELIGIBILITY AND ENTITLEMENTS

3.1 Compensation Eligibility and Entitlements

According to World Bank policy, displaced persons who have formal legal rights to land or other affected assets (including customary and traditional rights to the use of land or other assets), as well as those with no formal legal rights to land or other assets at the time of the census, but who have claim to such legal rights by virtue of occupation or use of those assets, are entitled to compensation for loss. ***i.e. absence of legal title to land or other assets is not, in itself, (and should not) be a factor to deny someone from being compensated or other resettlement assistance for lost assets.***

Therefore, this section identifies categories of PAPs and their respective eligibility and entitlements criteria. The primary criterion for PAP eligibility is that the person or the asset must have been located within a project area before the cut-off date, established when the census/inventory is completed.⁵ The cut-off date should not prevent any PAP who were not physically present (could be he/she is out of the country) in the project area during the time of the census from being considered as eligible for compensation for resettlement assistances for loss of property. The PAP's association with the location and the asset must be registered or recognized in the local community. The record of the PAPs and the affected properties should be verified by local authorities.

3.2 Eligibility

PAPs will be eligible for compensation provided they were present in a project area prior to the cut-off date. Consideration for eligibility for compensation will be limited by a cut-off date which will be set by the project at the beginning of the PAP Census; after that, no individual settled in the project area will be eligible for compensation. Individuals who settle in the project area after the cut-off date will be given adequate advance notice requesting them to dismantle affected structures and vacate the project area prior to the start of civil works. They will be allowed to take materials from their dismantled structures without any payment, fine or suffer any sanction.

Absentee PAPs will also be eligible for compensation if they are not physically in the project area at the time of RAP implementation. Efforts should be undertaken to find them and inform them about the RAP and its implementation. This could include reaching them through their neighbours or publication in radio and newspapers. In case they are not found, the amount allocated for their compensation must be set aside until they are found. The respective RAP will provide details on how the compensation will be set aside and the provision of any contingency amounts in case the amount to be paid exceeds what was in the RAP. In cases where prohibited crops (e.g. marijuana, mirungi) are present the owners shall not be considered eligible for compensation for the crop.

⁵"The date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as project affected persons".

The following Categories of PAPs are eligible for compensation by project as described in paragraph 10 of ESS5:

- Those who have formal legal rights to land or assets;
- Those who do not have formal legal rights to land or assets but have a claim to land or assets that is recognised or recognisable under national law where customary or traditional tenure arrangements are considered.
- Those who have no recognisable legal right or claim to the land or assets they occupy or use will not be eligible for compensation for the land, but they will benefit only for the asset on the land and other impacts that are not land related.

The identification of eligible persons will be done during the RAP census to establish an inventory of land and assets to be affected.

During the registration of inventory of the affected assets along the project area, all categories of a Project Affected Persons (PAPs) should be recognized by the project and their legal statuses be delineated. This will help in estimating proper compensation packages for the losses concerning land acquisition, restriction on land use and involuntary resettlements. The census survey will be carried out to identify and determine the number of PAPs in accordance with the procedures, satisfactory to the national regulations and the World Bank Environmental and Social Framework.

In the case of a common complication encountered with respect to cut-off dates where they are established when a project was ready for development but which, due to project delays, has become outdated. In such situations, and if there will be a significant time lag between the completion of the census and implementation of the resettlement or livelihood restoration plan (such as more than two years), a repeat census, assets inventory and evaluation will be undertaken and the resettlement plan be updated accordingly.

Therefore, the resettlement of PAPs is necessary with the following categories and associated type of losses should be considered for determining eligibility for compensation, resettlement assistance for their livelihoods restorations:

Table 3: PAPs Category and Associated Type of Loss

PAPs Category	Type of Loses
Owners of plots without buildings in the right of way (RoW);	Loss of Land Loss of productive crop land Loss of standing crops, both perennial and seasonal Loss of natural resources Loss of Trees Loss of intrinsic value (e.g. location conveniences)
Owners of plots with houses and other buildings in the right of way	Loss of land and houses in which they are living, Loss of other buildings and structures, such as sheds for domesticated animals, food grain storehouses, etc. Loss of productive crop land, Loss of standing crops, both perennial and seasonal, Loss of natural resources Loss of Trees Loss of intrinsic value (e.g. location conveniences) Loss of livelihoods/business (source of earning, income)
Owners of plots with non-residential buildings in the project areas (i.e. RoW)	Loss of Land Loss of buildings Loss of intrinsic values e.g. location convenience, patronage of customers, connectivity to water or electricity etc. Loss of livelihoods/business (source of earnings and income)

<p>Owner of land for agriculture /horticulture/shelters for crafts with their land/structures (as source of income) in the right of way</p>	<p>Loss of land</p> <p>Loss of structures or buildings</p> <p>Loss of yield</p> <p>Loss of intrinsic values e.g. location convenience, patronage of customers,</p> <p>Owners of commercial structures, such as shops (as source of income) in the way-leave</p> <p>Loss of livelihood– source of earning, income.</p> <p>Loss of business and livelihoods (source of income etc.)</p>
<p>Community assets: schools, market centres, religious institutions mosques etc.</p>	<p>Loss of land</p> <p>Loss of structure</p> <p>Economic losses – e.g. market centres</p> <p>Loss of intrinsic values e.g. location convenience, connectivity to water or electricity etc</p>

3.2 ENTITLEMENT MATRIX

The Entitlement Matrix in Table below provides measures for different categories of impacts and project affected persons. For other environment related impacts caused during any stage of the project, refer to the Environment and Social Impact Assessment (ESIA) prepared for the ZESTA project.

Table 3: Entitlement Matrix

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
Loss of land	<ul style="list-style-type: none"> • Agricultural (leased & freehold) • Customary 	Owner PAP	<p>Cash compensation for the land at replacement cost (with market value determined by the prevailing market prices of the land at the affected areas).</p> <p>b) Disturbance allowance of 30% of the value of land lost will be provided to those who do not get land for land, irrespective of the size of land</p>	<p>The payment of replacement cost shall consider:</p> <ul style="list-style-type: none"> • To arrive at a full replacement cost of land value • The labour cost will be calculated on what it would cost a farmer to prepare the land. • Administrative.,

Type of Loss		Category of PAPs	of Eligibility	Entitlement	Entitlements details
				<p>c) the value of labour invested in preparing agricultural land will be compensated</p> <p>d) In case of severance of cultivable land by access roads an additional grant of 10% shall be paid over and above the amount paid for acquisition</p>	<p>registration, and transfer costs to meet replacement cost</p>
		<ul style="list-style-type: none"> • Tenants 	Tenant / renter	<p>a) Compensation for standing crops shall be paid at market price</p> <p>b) Cost of clearing and preparing land.</p>	<ul style="list-style-type: none"> • Compensation for the standing crops/ damaged during the construction period shall be paid at market value

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
Loss of structure	<ul style="list-style-type: none"> • Residential • Dwelling owners • Structure owner • Encroachers or squatters 	PAP households	<p>a) Cash compensation of structure at replacement costs</p> <p>b) Lump-sum shifting allowance of 10% of the value of the impacted structure.</p> <p>c) Right to salvage materials from the existing structure, even if compensated</p>	<p>Cash compensation will be payable for those losing main dwelling houses or parts of residential structure such as toilet, kitchen, shed and storage</p> <ul style="list-style-type: none"> • Encroachers will be paid the development on the land and have the right to salvage the materials. If the encroacher is vulnerable other assistances provided to vulnerable PAPs will apply. • Valuation of structures should consider the size and construction materials used • The depreciation of the

Type of Loss		Category of PAPs	Eligibility	Entitlement	Entitlements details
					asset and salvage value of materials shall not be included
•		•	All affected PAPs	When any damage is caused to any person in the power of ZECO under section 28, 29 and 31 such person shall be entitled to compensation therefore subject to the provision under the ZECO Act No. 3 of 2006.	After giving reasonable notice to the owner or occupier of the land, ZECO shall do as little damage as possible and the owner be entitled to compensation.
		• Renter	PAP households	a) In a project areas, reimbursement for unexpired tenancy/ lease period or the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation b) Lump-sum transport allowance of 10%	• In a project areas tenancy agreement has to be provided. In the absence of a formal agreement, a month rent will be provided

Type of Loss	Category of PAPs	of Eligibility	Entitlement	Entitlements details
			of the value of the compensation sum.	
	<ul style="list-style-type: none"> House registered as poor 		c) allowance equivalent to three months of minimum subsistence income	<ul style="list-style-type: none"> Formal agreement will be provided to those entitled to an allowance equivalent to three months of minimum subsistence income and employment priority in project-related jobs
Structure	Structure Owner/ Unauthorized Occupant (Encroacher or Squatter)	PAP/ Affected Entity	a) Cash compensation at replacement cost. b) Right to salvage materials from the demolished structure	<ul style="list-style-type: none"> In kind compensation will be payable for those losing main dwelling houses or parts of residential structure such as toilet, kitchen, shed and

Type of Loss		Category of PAPs	of Eligibility	Entitlement	Entitlements details
					storage
Commercial (Loss of Business Structure)		Structure Owner	PAP Business entity	a) Cash compensation of structure replacement cost. b) Lump-sum shifting allowance of 10% of the value for the impacted structure. c) Right to salvage materials from the existing structure.	
		Tenant/ Renter who is also a business owner	Tenant/ Renter with proof of tenancy/ Leasing or in	a) Reimbursement for unexpired tenancy/ lease period or the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the	<ul style="list-style-type: none"> • Proof of a formal rental agreement has to be provided. • Note: Amount for the unexpired tenancy only will be deducted from the

Type of Loss	Category of PAPs	Category of Eligibility	Entitlement	Entitlements details
		absence of formal agreement, identification through premises owner	<p>a) time of expropriation.</p> <p>b) Allowance: three months' profit for the transition period.</p> <p>c) Lump-sum shifting allowance of 10% of the compensation sum.</p> <p>d) Allowance for loss of profit will be determined by an independent valuer during RAP</p>	<p>compensation payable to land owners.</p>
Profit	Commercial entities		<p>a) Allowance for loss of profit per month (between 1-3 months by type of structure and nature of business, amounts should be determined by an independent valuer during RAP process.</p>	<ul style="list-style-type: none"> Given that the business profit margins vary according to the location and time; RAP developer will capture the proper information during RAP preparation. Proof of accrued monthly

Type of Loss	Category of PAPs	of Eligibility	Entitlement	Entitlements details
Crops and Trees	Fruits, trees and perennial crops	Crop owner	Owner PAP, a) The valuation of perennial crops will be based on the product of their average yield (kg/tree/year). b) The valuation of fruit trees will consider the time between planting and bearing of fruits c) Valuation will be based on the product of yield, period between planting and bearing of fruits and market price. d) Input costs. e) Affected households losing agricultural land will receive an additional crop compensation equivalent two-years crop	profits through tax and business licenses) must be provided. • The highest market price/kg and expected life span plus establishment cost will be considered.

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
			yield from affected land or three months' minimum subsistence allowance income in case the respective household is not qualified for crop compensation	
Other trees			<p>a) Cash compensation will be based on the provision of the Forestry/Agriculture Gazette, Government of Zanzibar (2018) or the most recent schedule from the Department of Forestry under the Ministry of Agriculture.</p> <p>b) Replacement of the public cleared/trimmed trees along the project RoW.</p>	<ul style="list-style-type: none"> • Size of trees being lost will be considered in the valuation as the bigger trees will attract high rates. • The price for the cleared trees will be based on the updated schedule from the Department of Forestry under the Ministry of Agriculture. • In consultation with forest Departments the PAPs

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
				will be provided with cash compensation to replace the cleared/trimmed trees
Annual crops			<p>a) Compensation will be based on the average market unit price of the crop over a period of the past three years multiplied by the yield per unit area and multiplied again by the land size.</p> <p>OR</p> <p>a) Three months' notice to harvest standing crops shall be given. However, if notice cannot be given, compensation for these crops shall be paid at market value</p>	<ul style="list-style-type: none"> The yield shall be the highest yield of that particular crop as determined by Ministry of Agriculture.
Loss of	Wage earners	Worker PAP	a) Livelihood restoration plans will be	Minimum wages for

Type of Loss		Category of PAPs	Eligibility	Entitlement	Entitlements details
Livelihood (losing commercial unit, fishing and working areas)		(workers employees within shop/ business) Livelihood loser		<p>prepared by specific RAPs to respond to site-specific livelihood losses and in line with the World Bank's ESS5.</p> <p>AND</p> <p>a) Preference in provision of Work/Labor, opportunities in the project during construction stage and later if any available commensurate to his/her existing skill/education levels.</p> <p>b) Transition Allowance: Lump-sum amount at the rate of TSH /day in case of unskilled labor and TSH /month as per skill category to cover the period of transition for 3 months (at 30 days/month) as provided by Department of Labour.</p>	<ul style="list-style-type: none"> Unskilled labor – TSH /day (prevailing rates in the Department of Labor, Gazette,) Apprentices, craftsmen, tradesmen (Department of Labor, Gazette, prevailing month): o TSH /month

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
5. Additional support to vulnerable groups	All affected PAPs	PAP or Head of households	<p>c) TSH. /- towards vocational/skill improvement as per choice (to cover all related costs such as, transportation, per diem for number of days). The amount will be determined during RAP preparation based on the context.</p> <p>a) An additional financial assistance of 20% of the compensation amount payable</p>	<p>This amount will be in addition to other compensation and assistance amounts given above per type of loss</p> <ul style="list-style-type: none"> • If Head of the Household is not fit to avail of the entitlement, then some other able-bodied member can be nominated. • Additional measures

Type of Loss	Category of PAPs	Eligibility	Entitlement	Entitlements details
				may be detailed in individual RAPS depending on type of vulnerability.
6. Loss of Common Property Resources (Hand-pump, dug- wells, Structures, etc.)	Affected Community or Host Community Location Area	Affected areas	Replacement of community resources.	<ul style="list-style-type: none"> Replacement of existing infrastructure based on identified need and to sustain pressure of community services (schools, religious structure, water resources etc.)
7. Loss of Access due to construction works	Communities (Urban dwellers and villagers)	Village and Urban Community	Provision of alternate access.	<ul style="list-style-type: none"> Provision of access path(s), wooden planks, etc. not exceeding 100 meters. at identified locations in consultations with community

Type of Loss		Category of PAPs	of Eligibility	Entitlement	Entitlements details
8. Damage to standing crops during construction due to movement of machinery, stringing of wires damage to frontages (footpaths) during excavation for cable replacement		<ul style="list-style-type: none"> • PAPs • Village community • Urban dwellers 	<ul style="list-style-type: none"> • PAP village community • Structures owner 	To be undertaken on a case by case basis and in line with the entitlement matrix	<ul style="list-style-type: none"> • Resettlement Grievance Management Committees at Shehia/village level to resolve issues. • Cost shall be determined based on the requirement quantity of concrete for rebuilding the damaged structures including footpath.

3.3 Consideration for Vulnerable Individuals

World Bank financed project requires a socio-economic baseline survey which includes the identification of vulnerable individuals. This may include; poor households, female headed households, the elderly and people with disabilities. In Zanzibar context the households with following characteristics may be considered as poor.

The household living below poverty line (official threshold of average income below which the household is considered poor). Most head of these household are over 70 years old and have been registered in Social Welfare Fund which pay Twenty Thousand Tanzanian shillings (TZS 20,000/-) per head of household per month.

Vulnerable individuals may face disproportionate impacts such as:

- Elderly person may not be equipped to be able to engage in fair negotiation on replacement cost for compensation for their affected assets.
- Women may not have as many livelihood options as compared to men, therefore, it would be difficult to keep or save the money received as compensation payments or re-establish livelihoods. Women may also feel pressured to spend the compensation they receive for food or for the care of the sick.
- Women and children could be denied from benefiting the money received as compensation for the household's lost/damaged assets.
- Women head of the household and elderly may not have enough time for building replacement houses because of other household responsibilities.
- Vulnerable households could face difficulties in managing/supervising their contractual arrangements with local builders.

It is very important to establish during socioeconomic survey gender disparity in terms of vulnerability and ownership of assets that require the development of specific and targeted approach to locally accepted solution such as offering in-kind replacement as a realistic alternative to cash compensation. In this case, during RAP preparation there should be serious community consultation (as describe in ESS10) to identify need and needs and potential solutions that can meet the needs of vulnerable PAPs that might emerge in the process of identifying and listing the inventory of affected assets,

Special care should be taken for women because they play important economic roles in project areas. Women also engage in a very wide range of livelihood activities particularly in the agricultural and marketing sector. They should be the recipients of the compensation pertaining to their activities. Among others, the following should be taken so as to ensure that women who are PAPs are not excluded in the compensation and rehabilitation proceedings under the loan:

- Include women in the impact enumerators.
- Use gender disaggregated data for all key parameters and pinpoint number of women who are likely to be affected by the Project and establish their pre-Project conditions.

- Women should also be invited and fully participate in all the stakeholder consultation processes including those intended for compensation.
- The monitoring and evaluation of the ZESTA project should have adequate focus on the impact of resettlement on women and other vulnerable groups

Where necessary smaller focus group discussions or individual interviews may be required to ensure that women and other vulnerable groups are able to provide inputs

Affected households losing agricultural land will receive an additional crop compensation equivalent two-years crop yield from affected land or three months' minimum subsistence allowance income in case the respective household is not qualified for crop compensation.

4.0. METHODS OF ASSETS VALUATION

Valuation of the impact related to land acquisition or affected assets/properties to determine compensation value shall be done by an independent professional valuer who will be recruited by ZESTA project. The exact valuation process will follow the following methodologies:

4.1 Replacement Cost

The replacement costs of land and structures will be calculated based on market value at the time of dispossession and will include transaction/legalization costs, other taxes and fees and re-establishment costs. The criteria for replacement cost during valuation shall include:

- The labour cost to prepare the land to a level similar to that of the affected land,
- The cost of land registration, (including any applicable taxes, administration and transfer costs),
- Valuation of structures should consider the size and construction materials used, and
- The depreciation of the asset and salvage value of materials shall not be included.

4.2 Assets Valuation

Valuation of land and assets shall consider the following Principles:

- Applicable current regional schedules for land values from the Chief Government valuer
- Applicable current schedules for valuing structures, crops, and trees from the Chief Government valuer
- Existing market prices of affected assets. This is particularly important because the value is required to replace the land and lost assets with the current market costs. etc.
- Loss of future income from fruits trees or other productive assets.

An experienced and registered independent local company shall be employed to do the valuation of land, structures, buildings, trees, crops etc. in the process of valuation, the valuers should treat each land/ assets by type location. The affected plots should be surveyed and demarked by a qualified surveyor. This should be followed by site visits for physical verification of each category of the losses/damages. The valuation may take reference from previous valuation and use latest

release of market survey to determine unit rate for the affected assets. The methodology for determining unit compensation values of specific affected properties is as follows.

4.3 Structures

The valuation of residential dwellings, commercial structures, and other affected structures will consider replacement cost based on construction type, cost of materials, type of construction, labour, transport and other construction related costs with no consideration for depreciation, salvaged materials and transaction costs. Valuation of replacement residential houses for compensation shall include the cost for sanitation facilities, cost related access to water supply (if applicable). For damaged residential houses which are still under construction, the valuation will only be based on the replacement cost of damaged materials and only received monetary compensation for such asset.

4.4 Land

Compensation on land acquisition will consider market value and transaction costs with associated registration fees, income taxes and VAT if applicable in order to meet replacement cost. Valuation for compensation of agricultural land will consider replacement cost of the acquired land. The compensation will include market value as established by the Government.

Since easement agreements allows future use of land for cultivation of short crops less than one metre height (that will not disturb power line or inhibit workers' movement along the power line when servicing it), the compensation shall only be for any trees or other crops that would be destroyed by initial use for construction which would be compensated at full value.

4.5 Annual Crops:

Unlike cultivation of permanent crops, most of annual crops are relatively shorter, therefore growing these crops along the intended power would not cause any harm to power line as well as ZECO workers. However, construction of substations and solar parks will restrict cultivation of all categories of crops. In this case, annual crops shall be valued at net market rates at the farm gate for the first year crop. ZESTA project will hire an independent third-party specialist (individual hired valuer) in land valuator establish market rates and value.

4.6 Trees

Trees will be valued by the independent valuer at market valuer, also taking into consideration the most recent schedule from the Department of Forestry. Wood trees will be valued based on their age (a. seedling; b. medium growth and c. full growth) and timber value and volume. Fruit trees will be valued based on their growth stages (a. seedling; b. adult-not fruit bearing; and c. fruit bearing).

Both fruit tree seedlings and grown tree but not at fruits bearing stages will be compensated based on the value of the investment made; However, trees at fruits bearing stage will be compensated

at net market value of 1-year income and a number of years needed to grow a new fully productive tree.

The compensation rates for different categories of trees will be assessed by the authorized independent evaluator using clear and transparent methodologies. The compensation rates will be verified by the project Social specialist to make sure that everything is in order.

4.7 Stakeholder Engagement

This section presents a summary of consultations held in parallel to this RPF but in a separate consultancy task with the Provision of World Bank Standards ESS 10, with the purpose to develop and implement a project (ZESTA) Stakeholder Engagement Plan SEP describing the timing and methods of engagement with stakeholders throughout the life cycle of the project as agreed between Bank and Borrower, communicated to all project-affected parties and other interested parties. The objectives were to:

- establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties
- assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance
- Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them
- Ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.
- Provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances.

However, in references to this RPF, It was noted, that specific guidelines for resettlement community consultations during surveys and census has to be developed and followed to guide RAP developers on the principles of stakeholder consultations as well as step by step guide for community consultations as indicated into the SEP.

5.0. INSTITUTIONAL ARRANGEMENTS

5.1. Project Implementation

ZECO and MoWEM will be the implementing agencies (IAs) under the proposed project. ZECO will implement Component 1, Component 2, and sub-component 3.1, while the MoWEM will implement sub-component 3.2, 3.3 and 3.4 (capacity building, EE, and gender). Each implementing

agency will have a project implementation unit (PIU), that will be headed by a project manager. An Overall Project Coordinator (OPC) will sit in MoWEM and will be responsible for the monitoring and coordination of both PIUs. MoWEM will be supported by a procurement specialist, a project accountant, an environmental and social (E&S) specialist, and a monitoring and evaluation (M&E) specialist. ZECO's PIU will be supported by a Social Specialist together with two staff from the Public Relations Unit: the Communication Officer (CO) and Communication and Customer Care Manager (CCCM). The CO and CCCM will provide half of their time (50% of their time) to support ZESTA and will work under the direction of the Social Specialist. The environmental and OHS staff in the ZECO-PIU and the Social Specialist from MoWEM will also support RPF implementation where necessary.

Since this is the first World Bank project being undertaken by ZECO and other sector agencies, substantial capacity building support is included in the project design and implementation support, including a safeguards support consultancy that will build safeguards capacity and sustainable systems in ZECO for safeguards implementation. The necessary mitigation of any assessed gaps in implementation capacity will be included as a part of project support through a combination of training, capacity building, and hiring of embedded project staff/consultants.

5.2 Land Acquisition and Resettlement

The ZECO PIU will have the primary responsibility of designing, land acquisition and resettlement, construction, construction monitoring and supervision of the respective works including the overhead line and the construction of three substations. This will include facilitating and ensuring the completion of all resettlement-related activities including the application process and completion of any land-for-land compensation.

The ZECO PIU Social Specialist will, among other things, support the implementation of the RPF. The Social Specialist will work together with the Communications Officer and CCCM as needed and will also work closely with ZECO PIU project manager.⁶ Other arrangements are as follows:

Component 2.1 (132-kV) ZECO will hire a firm consultant before project approval to prepare a RAP. Implementation of the RAP will be undertaken by ZECO PIU in collaboration with the Ministry of Finance and Planning PIU.

Components 2.2 (distribution & access) The project will hire a design, procurement and supervision consultant to complete technical design of grid strengthening projects, undertake necessary E&S studies (such as the preparation of the RAP), support ZECO PIU in procurement of works contractors, and support regular supervisions of procured contractors under the sub-component. Supervision consultant and contractors will include needed E&S experts to prepare and implement safeguards measures.

⁶ Draft Terms of Reference for these staff are annexed to the Environmental and Social Management Framework.

The project will also include trainings to relevant project staff, and where relevant contractor staff, government (including agencies such as ZEMA), and other involved entities early in project implementation. Trainings will include general environmental and social standards training for the two PIUs, training on stakeholder engagement and grievance management for the social and environmental staff, and training on environmental and social standards for community officers and other entities. Additional issues covered will include a sensitization to gender-based violence risks, inclusiveness of vulnerable individuals, and participatory approaches. In the first years of project implementation a firm will be recruited to support capacity building efforts including on-the-job training and workshops.

5.3. Project Social Safeguards Management

The ZECO PIU social team (Social specialist, CO, and CCCM) will support Social implementation engagement with other stakeholders will manage all social safeguards issues including management of grievances, provide technical support in preparation of RAPs, screen and appraise and monitor the implementation of RAPs through:

- Communities, Shehia/village government, affected groups as the final owner of land, landed properties and assets to be acquired or affected will be the participants in the process;
- An independent NGO will be engaged to support monitoring of the RAP implementation and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGOs will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, to facilitate the completion and implementation of RAP;
- There will be a RAP completion report prepared which would include an evaluation of the implementation of the RAPs. Without undue restrictions, the audits may include assessment of:
 - a) Resettlement conditions where relevant;
 - b) Consultation on compensation options, process and procedures; and
 - c) Adequacy of compensation.

Other key tasks of the ZEST PIU safeguard team related to the implementation of the RPF are:

- Advise on RAP preparation and update RAP as appropriate.
- Improve the capacity to manage land acquisition and resettlement issues within ZECO.
- Ensure proper internal monitoring of project resettlement issues.
- Ensure provision of all necessary documentation to ensure the prompt allocation of land acquisition and resettlement issues to the PAPs.
- Coordinate all land acquisition and resettlement related activities.
- Ensure that an independent agency/company for RAP monitoring and supervision is engaged.

- Identify and develop collaborative relationships with communities and other key stakeholders in government, civil society who are working in land related programs.
- Identify impacts on land acquisition in different components and develop the plan for resettlement as agreed.
- Assist the PIU on matters related to land acquisition and resettlement.

The ZECO-PIU will also need to work closely with the independent valuer and Government valuer in the preparation of the RAP to ensure that the gap between the Zanzibar law and World Bank ESS5 are bridged in the documentation. District authorities through its Shehia/village leaders will assist in identifying PAPs, defining the boundaries of land parcels, obtaining data on ownership, engaging with PAPs, settling disputes in an informal way, and even initiating legalization of legalizable land plots. This will assist project in the preparation and implementation of the RAP.

The ZECO PIU will have the primary responsibility for delivery of entitlements and where relevant will collaborate with overall project coordinator. In the case ZESTA project need to work closely with district community officers which are the crucial links between the project affected persons (PAPs) and the project. It is imperative to warrant that the RAP must be implemented before the start of civil works.

As noted above, RAP will be prepared by a consultant, RAPs will be reviewed and confirmed by the ZECO PIU- Social Specialist and MoWEM Social Specialist. Then they submit to overall project coordinator for his/ her review and then formally submit to the Bank for approval. After Bank approval, the RAP will be disclosed on the MoWEM and ZECO websites and physically available at the district level through community officers. Once the RAP is disclosed by the project, the Bank will disclose the RAP on its website. Notices of documents disclosure will be posted in newspapers and other media.

Upon approval of a RAP by all stakeholders, the ZECO PIU will embark on the process of RAP implementation. This process will be conducted prior to the commencement of any civil works. PAPs will be allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation. However, the processing of registration documents for new pieces of land is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase of 12 months beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP.

The schedule for implementation of RAP will be detailed in the specific site-specific RAPs. The preparation and implementation of a RAP will be as summarized in the table 3 below:

Table 5: Summarised steps for preparation and implementation of a Land Acquisition and RAP

Step	Action	Responsibility
A	RAP PREPARATION	
1	Setting up the Grievance Redress Mechanism at all levels	ZECO PIU and MoWEM PIU
2	Assessment of Project's Impacts including the establishment of cut-off date and marking, deliver notices, awareness creation and consultations with all PAPs	RAP Consultant, CCCM, CO
3	Finalization of Detailed design	Design consultants
4	Prepare surveys forms for Census, inventories, and socio-economic data. Train local Census and Survey teams.	RAP Consultant
5	Establish coordination with relevant local government agencies.	Social Specialist, RAP Consultant
6	Valuation of losses & damages at replacement value, determine the compensation values for each household/user/owner/affected person and submit to RAP consultant to incorporate into the RAP	independent valuer
7	Collection of cadastral and land parcel maps of the project area	RAP Consultants
8	Verify land records in affected areas, update cadastral maps and carry out impacts and valuation surveys – Detailed Measurement Survey (DMS)	RAP Consultant, Social Specialist
9	Conduct ongoing public consultations	RAP consultant, Social Specialist, Communications Officer, CCCM
10	Documentation and preparation of RAP and Integrate data from Census into RAP.	RAP Consultant
11	Submission of RAP to and WB for approval.	Overall Project Coordinator

Step	Action	Responsibility
13	WB Approval	WB
12	Disclosure: the RAP will be disclosed as detailed on the websites and physically available at the districts level to community officers. Once the RAP is disclosed by the project, the Bank will disclose the RAP on its website. notices of documents disclosure will be posted in newspapers and other media.	Social Specialist, ZECO PIU, Environment and Social specialist at the MoWEM WB
B	RAP IMPLEMENTATION	
1	Livelihood restoration activities begin as early as agreed-upon with relevant PAPs (detailed in individual RAPs)	Social Specialist
2	Distribution of Relocation or acquisition Notices to PAPs	Social Specialist
3	Award of cash through bank transfers or alternative arrangements for Compensation & Assistance/ Rehabilitation	ZECO PIU and MoWEM PIU ZECO General Manager
4	Demolishing/ Relocation of Affected Structures/Assets	PAPs and Contractor
5	Review of RAP Implementation through a compliance report	ZECO social specialist and assistant project manager
7	If RAP Implementation found satisfactory, Notice to proceed for Civil works is issued	ZECO project manager
C	POST-IMPLEMENTATION TASKS	
1	Completion report	Social Safeguard Consultant
D	CYCLICAL/CONTINUOUS TASKS	
1	Internal monitoring. Quarterly reporting to WB	ZECO project manager, Overall Project Coordinator, Social

Step	Action	Responsibility
		Specialist – ZECO-PIU
2	Ongoing stakeholders consultations activities	Social Specialist, Community Officer, CCCM, RAP Consultant
3	Internal Monitoring and Reporting. Semi-annual reporting to WB	Overall Project Coordinator and ZECO project manager
4	Grievances Redress	Overall project Coordinator, ZECO project manager, Social Specialist, Communications Officer, CCCM
5	Inter-agency coordination and Communication with AP	Social Specialist

5.4. Civil Works Contractor

A Civil Works Contractor will be contracted by ZESTA project to undertake the actual construction activities of all project components with all substations will be responsible for mitigating impacts resulting from the construction activities. Based on the RAP and the Technical Design, the parcel of land that will be identified and acquired will be clearly demarcated from the non-acquired parts. The construction activities shall be monitored closely by the by ZECO so as to ensure compliance to the RPF.

5.5 Linking Resettlement Implementation to Civil Works

For each relevant component, the resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Resettlement Action Plan. In other words, no individual or affected household should be displaced due to civil works activity before they receive their compensation measures.

The land acquisition (both construction and relocation) and demolition of houses should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works.

In the situation where there are disputes between PAPs particularly with respect to land ownership or demarcation of the PAPs land plots/boarders disputes between the plots, the Land Commission have the final confirmation of the actual owner of the plots, to confirm the actual size and other issues related to land ownership in Zanzibar.

The schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;

- Have been adequately consulted about the project, its impacts and compensation entitlements;
- Have received compensation entitlements in a timely manner;
- Have been provided with means to establishing livelihoods.

6.0 GRIEVANCE MANAGEMENT

6.1 Purpose

A grievance is a concern or complaint raised by an individual or group affected by project's components on construction or operational activities. Both concerns and complaints can result from either real or perceived impacts of a project operations and may be filed in the same manner and handled with the same procedure.

The Grievance Mechanism (GM) will consist of a number of levels starting with a Shehia Grievance Committees at the lowest level, a project grievance committee, a District Grievance Committee, and a Ministerial Grievance Committee. The Land Tribunal is also available for land-related matters. Complainants can always go to the judicial system. The structure of grievance committees are detailed in the following section.

6.2 Grievance Committees:

6.2.1 Shehia Grievance committee

- Local Leader (respective Sheha)
- Influenced (Elderly/Religious) Personnel at Shehia
- Local/shehia land representative Officer
- Local/shehia lawyer representative
- ZECO site engineer

6.2.2 Project Grievance Committee (ZECO-PIU and MOWEM-PIU)

Participants will depend on the complaint under discussion. Others may also be included as agreed by the PIU:

- ZECO site engineers
- ZECO-PIU Project Manager
- Overall Project Coordinator
- Contractors and subcontractors
- Government Valuer
- Sheha
- CCCM
- Head of M&E unit
- ZECO-PIU Social Specialist
- ZECO-PIU Environment specialist

- MoWEM Social Specialist
- Heritage Engineer from (STCDA)

6.2.3 District Grievance Committee

- District Commissioner
- LGA Directors
- Shehas
- Overall Project Coordinator
- ZECO Engineer
- Government Valuer
- District Land Officer
- District Environmental Officer

6.2.4 Ministerial (MoWEM) Grievance Committee

- Principal Secretary MoWEM
- ZECO General Manager
- Overall Project Coordinator
- Executive Director – Commission for Land

6.2.5 Grievance at land Tribunal Court

- As Land Zanzibar Tribunal Court Procedure

6.2.6 High Court

- As Court Procedure

6.3 Objectives

- To provide stakeholders with a clear process for providing comment and raising grievances;
- To allow stakeholders the opportunity to raise comments/concerns anonymously through using the Shehia Forum to communicate;
- To structure and manage the handling of comments, responses and grievances, and allow monitoring of effectiveness of the mechanism; and
- To ensure that comments, responses and grievances are handled in a fair and transparent manner, in line with the Projects policies.

6.4 Project Roles and Responsibilities

Individuals and communities can report any comment response, and grievance to the Project using a variety of means (see below for details). The Project staff charged with managing the GRM are the ZECO PIU Social Specialist, the Communication and Customer Care Manager (CCCM), and the Communication Officer (CO). Specifically, they are responsible for receiving comments responses, and handling grievances and ensuring that they are correctly documented. The CO and CCCM in

collaboration with ZECO-PIU social specialist will coordinate the investigation and response to grievances. They are also responsible for on-going monitoring and review of the effectiveness and efficacy of the Grievance Mechanism.

After effectiveness, the Project will organise launch meetings in each of the 5 Districts. As part of the preparation of the launch meetings, the Project will engage with the districts to ensure that District Community Officers are aware of the project and can play a role in information sharing and engagement with communities. From then on, the District Community Officers will help organize community meetings/sensitization sessions in the 22 Shehia/villages on a quarterly basis throughout the project's lifecycle. The costs related to community meetings will be covered by the Project.

6.5. Gender Based Violence (GBV) and Sexual Exploitation and Abuse Grievances

The Project may result in incidences of Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) affecting workers and the community. GBV cases are different from other complaints that are typically handled through the grievance redress mechanisms. GBV mapping for service providers will be conducted to provide necessary support to victims and will be modified accordingly. At the Shehia level, Shehia's secretary will be trained on how to receive GBV related grievances including matters of confidentiality, treating survivors with empathy and what non-identifiable data should be collected and how to refer the case to service providers. In addition, members of the Shehia committee will also be trained on how to receive and manage this information. However, the Shihia committee will not be involved in resolving GBV related cases as this will be determined by the survivor with support from the appropriate service providers based on their needs.

6.6. Procedure for Grievances

The steps taken by the company for receiving and handling any such concerns are outlined below.

STEP 1: Submitting a grievance to ZECO

A grievance can be submitted to the Project in a number of ways.

- During regular meetings held between communities and the Project;
- Through the consultations at Shehia level established in the affected villages;
- During informal meetings with ZECO and contractors/subcontractors;
- Through communication directly with management – for example a letter addressed to site management, ZECO, Ministry of Finance and Planning, or other operational offices;
- Directly by e-mail to ZECO-PIU web and emails zest@zeco.co.tz or info@zeco.co.tz
- A telephone through ZECO hotline numbers; +255 (0) 772 877 879 Currently ZECO Emergency number
- Placing a comment in the comment box at ZECO
- Through Shehia committee. For grievances which will be submitted through Shehia

committees, they will be registered and the social specialist will be informed within 24 hours.

STEP 2: Logging the grievance

Once a grievance has been received it must first be logged in the grievance database register. Registers will be available at the Shehia level and at ZECO. The Sheha will transmit the grievance details to the Project, the Social Specialist, within 24 hours.

STEP 3: Providing the initial response

The person/community/stakeholder that lodged the initial grievance will then be contacted within 5 days to acknowledge that the Project has logged the complaint. The Project or Shehia grievance committee will determine whether the grievance is related to the project or not. The project grievance mechanism will be used for complaints that are related to the project and for those which are not related to the project they will be channelled to relevant departments or institutions.

The acknowledgement form will be provided as an initial response and will include details of the next steps for investigation of the grievance, including the person/department responsible for the case.

STEP 4: Investigating the grievance

Then the grievance should be investigated ZECO under the direction of the Social Specialist, will aim to complete investigation within two weeks of the grievance first being logged. Depending on the nature of the grievance, the approach and personnel involved in the investigation will vary. A complex problem may involve external experts for example. A more simple case may be easier, and quicker to investigate. The ZECO-PIU Social Specialist will lead the investigation of the grievances, together with the CCCM and CO, with support from local administration and other entities as necessary. The Project will regularly update the complainant on the progress of the investigation and the timeline for resolution.

STEP 5: Concluding/resolving the grievance

The grievance should then be concluded the Project will outline the steps taken to ensure that the grievance does not re-occur. Consultation with aggrieved parties will be undertaken and views sought about Project recommendations. If complainant is satisfied, then Communication Officer should seek their sign off from the ZECO-PIU social specialist.

STEP 6: Taking further steps if the grievance remains open

If, however the grievance cannot be resolved then the Social Specialist, together with the CCCM and CO will initiate further investigation as relevant. Protracted grievances will be discussed with the Project Manager/Project Coordinators and together with the Overall Project Coordinator will determine the steps for future action.

6.7. Record Keeping

All comment responses and, grievances are to be recorded using the grievance resolution form attached in appendix 2. This includes details of the comments/grievance, the commenter/aggrieved, and ultimately the steps taken to resolve the grievance. Hard copies of the form are to be forwarded to the Project offices. Any accompanying documentation e.g. written statements, photographic evidence, or investigation reports are to be filed along with the grievance log both in hard and soft copies.

A master database will be maintained by the M&E Unit to record and track management of all comments and grievances. This will serve to help monitor and improve performance of the Comment Response and, Grievance Mechanism.

6.8 Comment Response and, Grievance Mechanism Log

A sample format for logging summary details of each comment response and, grievance is provided in appendix 1. As noted above hard and soft copies should be kept on file.

Note:

- If it is a comment, the commented will receive a copy if he/she requests one
- If it is a Grievance, the aggrieved shall always receive a copy once complete for their own records.

6.9. Initial Response Template

The template in Appendix 1 is an example of what should be used for providing the initial response to the aggrieved only in the case of Grievances. This should be written on headed paper. This response must be sent within 7 days of the grievance being entered into the logbook.

7.0. MONITORING AND EVALUATION

It is vitally important to monitor the effectiveness of the comment response and, grievance mechanism. Appropriate measures and key performance indicators for this include monthly reporting on the number of grievances received, resolved and outstanding. This will be undertaken by ZECO PIU Social Specialist, Communication and Customer Care Manager, and Communication Officer. As part of the review process, reporting and analysing the trends and time taken for grievance resolution will help to evaluate the efficacy of the comment response and, grievance mechanism. As part of stakeholder engagement and consultation, involving the views of the stakeholders for whom the Comment Response and, Grievance Mechanism is designed in this monitoring and review will help to improve effectiveness and stakeholder buy-in.

The M&E objective will be to make a final evaluation to determine:

- If PAP have been compensated in full before implementation of subproject activities; and
- If PAP are now living at a higher standard than before subproject implementation, living at the same standard, or if they are poorer.

A number of socioeconomic indicators will be used to determine the status of affected people (compared to pre-project, land being used, standard of house, and level of participation in project activities, how many children in school, health standards, and others). Therefore, RAPs will set three major socioeconomic goals by which to evaluate success:

- Affected individuals, households, and communities are able to maintain their subproject standard of living, and even improve on it;
- Local communities remain supportive of the project; and
- Absence or prevalence of conflicts.

Indicators will be established to monitor and evaluate the implementation of resettlement and compensation plans under the Social Safeguards Unit.

8.0. ESTIMATED BUDGET

An itemized budget is required for the implementation of resettlement activities including compensation. Thus the specific RAPs prepared for the two projects must provide a budget as this will be crucial for planning and implementation purposes. Since the specific locations of the sub-projects are not yet determined, the number of PAPs not yet determined and the technical designs have not been completed, it is not possible to provide an estimated budget for the total costs of resettlement that will be associated with the implementation of the ZESTA Projects. Thus this RPF only provides the contents of the expected budget for each RAP that will be prepared.

The budgets will give itemized budgets for the different categories of compensation packages, community development activities, income restoration strategies, and provisions for inflation, administrative costs, estimated implementing costs, inflation and any contingencies. Once the budgets for the respective projects are finalized, they will be subject to approval by the World Bank, if the World Bank is to finance any of the project implementation. Table below shows an indicative outline of a RAP budget.

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Table 6: Indicative Outline of a RAP Budget compensation

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Livelihood Restoration			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

Under the ZESTA project, all that can be reasonably and meaningfully prepared is an indicative budget for the RPF, highlighting key features that the budget must contain, inter alia, as follows:

Table 7: Tentative budget

Budget item	Amount (USD)
Administrative costs	
Cost of independent audit	
Cost for NGOs (monitoring)	
Completion Report	
Contingencies	
Total estimated budget	

Annex 1: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

PAP ID Number: _____

Contact Information: _____ (Shehia & mobile phone)

Nature of Grievance or Complaint:

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

Signature _____

Date: _____

