

RESETTLEMENT POLICY FRAMEWORK (RPF)

Introduction

The Revolutionary Government of Zanzibar (RGoZ), through the Ministry of Health MoH), has requested funds from the World Bank to implement Tanzania Maternal and Child Health Investment Program (TMCHIP). The main objective of the project is to scale-up provision and improve quality of essential primary health care services with a focus on Reproductive Maternal Neonatal Child and Adolescent Health-Nutrition (RMNCAH-N) services.

The proposed activities under TMCHIP project include; strengthening infrastructure to support the provision of quality Maternal and Neonatal care services in all levels of health care delivery system by renovating and upgrading of 5 selected health facilities; establishing 2 maternal and child health centers; and rehabilitating and providing support to 28 Primary Health Care Units (PHCUs).

Project Components

The project will have two components briefly described below:

Component 1: Scale up provision of maternal and child health (MCH) services:

This component will support central level units responsible for RMNCAH-N to provide oversight, coordination, and supportive role in the delivery of the quality RMNCAH-N services. The component will support all civil works to be constructed and procurement of medical equipment.

Component 2: Enhance institutional capacity to manage project-supported activities.

This component will support management, coordination, and implementation of project-supported activities. Specifically, it will support costs related to overall project management, fiduciary activities, environmental and social management activities, monitoring and evaluation.

Overall Objectives of the RPF

The objective of this RPF is to provide a tool for the screening of Project activities, to ensure that where involuntary land take for the project activities is inevitable, resettlement and compensation activities for lost land, livelihoods and other properties should be conceived and executed in a sustainable manner and are consistent with the requirements of national law and the World Bank ESS5 on land acquisition, restriction on land use and involuntary resettlement. The RPF establishes resettlement objectives and principles, organizational arrangements, and mechanisms for any resettlement operation, and to provide guidance for implementers during the preparation and implementation of Resettlement Action Plans (RAPs) for the Project Affected Persons (PAPs). World Bank's Environmental and Social Safeguard 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) is one of the most important safeguards guiding land acquisition and related resettlement/compensation issues during project implementation.

Initial assessment and consultation done by consultants from 17th to 31st January, 2022 for 28 Shehias identified direct social and economic impacts related to land take for the improvement of PHCUs due to the following:

- (i) Some of the PHCUs are located along the road reserve; hence, land will be acquired for the new health facility, which will trigger land acquisition,
- (ii) Some of the PHCUs are surrounded by individual households limiting the privacy required for a health facility, with no additional space available for improvement and
- (iii) Some of the PHCUs should be moved to other areas due to limited space, highly congested areas, and there is no area for extension.

However, the nature, scope and the level of impacts resulting from land acquisition will vary from one PHCU to another depending on the situation on the ground.

This Resettlement Policy Framework (RPF) provides a policy, strategy, process and procedures to understand the resettlement principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project activities related to land acquisition, restrictions on land use and involuntary resettlement.

Consistent with the World Bank Environmental and Social Standard 5 (ESS5) on involuntary resettlement, this RPF establishes the resettlement and compensation principles and objectives governing resettlement of affected people, which will be applied in all activities funded by the Project. The ESS5 principles will be applied in conjunction with Zanzibar laws and regulations guiding compensation and resettlement. In cases where the WB standard 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.

Once the land requirements of individual subproject is identified and the necessary information becomes available, a site-specific Resettlement Action Plan (RAP) will be prepared proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

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 transfers through the banking system. This RPF requires compensation at full replacement cost with allowances paid to all affected groups, regardless of the legality of land tenure, according to PAP preferences. Mechanisms available to the affected people for complaints about 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.

Government funds through the Ministry of Finance and Planning will be the main source of funds for resettlement related costs. The exact cost estimates will only be possible when locations are identified. The taking of land and civil works activities will be effective only after compensation has been paid.

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

MPANGO WA SERA YA MAKAAZI(RPF)

Utangulizi

Serikali ya Mapinduzi ya Zanzibar kupitia Wizara ya Afya (WA) iko katika mchakato wa kupata mkopo wa fedha kutoka Benki ya Dunia kwa ajili ya kutekeleza Mradi wa Uwekezaji wa Afya ya Mama na Mtoto Tanzania (TMCHIP). Mradi unakusudia kuimarisha utoaji huduma bora za afya katika ngazi zote za utoaji wa huduma za afya. Kadhalika, mradi unakusudia kuimarisha utoaji wa huduma bora za Uzazi, Mama, Mtoto na Matunzo katika ngazi zote za mfumo wa utoaji wa huduma za afya. Pamoja na mambo mengine mradi utahusisha ukarabati na utanuzi wa vituo vya Afya ya Msingi 28 (PHCU na PHCU+) katika maeneo mbali mbali kisiwani Zanzibar.

Shughuli zinazopendekezwa chini ya mradi huo ni pamoja na kuimarisha miundombinu ili kusaidia utoaji wa huduma bora za Mama na Mtoto katika ngazi zote za mfumo wa utoaji huduma za afya. Lengo hili litafikiwa kwa kukarabati na kuboresha vituo vya afya nane (8) vilivyochaguliwa; kuanzisha vituo 2 vya afya ya mama na mtoto; kukarabati miundombinu ya kutoa huduma za Maji safi na Usafi wa Mazingira (WASH), ujenzi wa matangi ya maji, uchimbaji wa visima, kujenga uzio kuzunguka vituo vya afya, ujenzi wa nyumba za watumishi na ununuzi wa vifaa muhimu vya kutoa huduma zinazohitajika vituo vya afya 28 (PHCU)/PHCU+.

Sehemu kuu za Mradi

Mradi utakuwa na sehemu mbili kama inavyoeleza hapa chini.

Sehemu ya kwanza: Kuongeza utoaji wa huduma za afya ya uzazi na mtoto (MCH).

Kipengele hiki kitasaidia kutoa huduma za Afya- Lishe ya Mama wajawazito na Uzazi (RMNCH-N) ili kutoa huduma bora za mama na mtoto. Kipengele hiki kitasaidia katika kazi za ujenzi kuboresha vituo vya afya na ununuzi wa vifaa vya matibabu.

Sehemu ya pili: Kuongeza uwezo wa kitaasisi wa kusimamia shughuli za mradi.

Kipengele hiki kitasaidia usimamizi, uratibu, na utekelezaji wa shughuli za mradi. Pia, kipengele hiki kitasaidia gharama zinazohusiana na usimamizi wa mradi kwa ujumla, usimamizi wa fedha, shughuli za usimamizi wa mazingira na kijamii pamoja na ufuatiliaji na tathmini.

Madhumuni ya Mpango wa Sera ya Makaazi

Madhumuni ya Mpango wa Sera ya Makaazi ni kutoa muongozo wa kuchunguza shughuli za Mradi, ili kuhakikisha kwamba pale ardhi inapochukuliwa bila hiari kwa ajili ya shughuli za mradi, utaratibu wa kulipa fidia kutokana na kutwaa ardhi unafuatwa kulingana na Sheria za kitaifa na Kanuni ya Benki ya Dunia. Tathmini ya awali na mashauriano yaliyofanywa na washauri elekezi kuanzia tarehe 17 hadi 31 Januari, 2022 kwa Shehia 28 ilibaini athari za moja kwa moja za kijamii na kiuchumi zinazohusiana na uchukuaji ardhi kwa ajili ya uboreshaji wa PHCUs kutokana na mambo yafuatayo:

(i) Baadhi ya vituo vya afya zimejengwa ndani ya hifadhi ya barabara; hivyo basi, ardhi itachukuliwa kwa ajili ya kituo kipya cha afya, jambo ambalo litachochea utwaaji wa ardhi,

(ii) Baadhi ya vituo vya afya wamezungukwa na kaya binafsi, hivyo kukosekana kwa faragha inayohitajika katika kutoa huduma kwa ufanisi.

(iii) Baadhi ya vituo vya afya lazima zihamishiwe maeneo mengine kutokana na ufinyu wa nafasi, zimejengwa kwenye maeneo yenye msongamano mkubwa wa nyumba za watu na hakuna eneo la kufanya upanuzi.

Hata hivyo, kiwango cha athari zinazotokana na utwaaji wa ardhi zitatofautiana kutoka kituo kimoja hadi kingine kulingana na uhalisia wa eneo husika.

Mpango wa Sera ya Makaazi (RPF) unatoa sera, mkakati, mchakato, taratibu na kanuni zinazotakiwa kufuatwa wakati wa kutwaa ardhi kwa ajili ya mradi, na jinis ya kuwafidia watu walioathirika na mradi.

Sambamba na Kanuni namba 5 ya Mazingira na Jamii ya Benki ya Dunia (ESS5) juu ya uhamishaji mtu bila ya kukusudia, mfumo huu wa Sera ya Makaazi unaanzisha kanuni za makaazi na fidia kwa watu walioathirika, ambazo zitatumika katika sehemu za mradi. Kanuni hizi zitatumika pamoja na sheria na kanuni za Zanzibar zinazotoa miongozo ya fidia na makaazi mapya. Endapo ikitokezea kuwa kanuni na sheria za Zanzibar haziwiani na kanuni za sera za Benki ya Dunia, kanuni zitakazokuwa na viwango vya juu zaidi vya manufaa na zenye kukidhi mahitaji ya waathirika ndizo zitakazotumika katika ulipaji wa fidia.

Athari za Mradi kwa Makaazi

Mradi huu una shughuli kadhaa ambazo zitasababisha watu kuhamishwa katika makaazi yao ili kupisha shughuli za maendeleo ya miundombinu yanayojumuisha utumiaji wa ardhi hiyo kwa muda mrefu au muda mfupi

Athari zitakazotokea kutokana na hatua hii ya uhamishaji wa watu katika makazi yao chini ya mradi zitatofautiana na miradi mingine kuanzia kwenye makazi ya watu, kuhamishiwa shughuli zao za kiuchumi, hatari za kiafya, migogoro ya rasilimali na upotevu wa mali za kitamaduni, kidini na kijamii kulingana na uwekezaji huo.

Pindi mahitaji ya ardhi ya mradi yanapotambuliwa na taarifa muhimu kupatikana, utekelezaji wa Mpango wa Sera ya Makaazi utatayarishwa kulingana na athari zinazoweza kutokea. Shughuli za mradi ambazo zitasababisha watu kuhama hazitaanza hadi mipango hiyo maalum ikamilishwe na kuidhinishwa na Benki. Kabla ya kuanza utekelezaji wa shughuli yoyote ya mradi, ambayo inaweza kusababisha kuhamisha watu au kupunguza njia ya kupata kipato kwa waathirika, watalam watafanya uthamini wa mali na kutambua aina za watu na vikundi ambavyo vitaathirika na kuandaa mchakato wa kuwalipa fidia kulingana na taratibu zilizowekwa.

Hii itafanywa kupitia sensa ya kaya kwa njia ya kushikisha jamiii. Mbinu ya uthamini wa ardhi na uboreshaji ambao haujaisha itakuwa gharama ya uingizwaji. Mbinu ya kukadiria posho za aina mbalimbali itazingatia Viwango vya Benki ya Dunia kwa kushirikiana na Sheria ya fidia ya Ardhi ya Zanzibar (Tathmini ya Thamani ya Ardhi kwa Kanuni za Fidia). Njia za malipo zitakuwa katika fedha taslimu kupitia akaunti za benki za waathirika. Mpango wa Sera ya Makaazi inahitaji kufanyika fidia kamili pamoja na posho zitakazolipwa kwa makundi yote yaliyoathirika, bila kujali uhalali wa umiliki wa ardhi, kulingana na mapendekezo ya PAP. Taratibu za malalamiko kuhusu fidia itakuwa kwa njia ya upatanishi na ikiwa haitafanikiwa, watu walioathirika watatafuta njia/rufaa kupitia mabaraza ya ardhi na mfumo wa sheria wa mahakama.

Chanzo kikuu cha fedha kwa ajili ya gharama zinazohusiana na kulipa fidia kwa walioathirika ni kutoka Wizara ya Fedha na Mipango. Makadirio halisi ya gharama ya fidia yatafahamika mara baada ya kutambua maeneo yatakayochukuliwa kwa ajili ya shughuli za mradi. Uchukuaji wa ardhi na utekelezaji wa kazi za ujenzi utanza tu baada ya fidia kulipwa.

3.0Jedwali la stahiki za fidia kwa waathirika

Jadweli hili linaainisha na kuelezea athari za mradi na kutoa maelezo ya haki wanazostahiki watu watakaoathiriwa na shughuli zamradi. Kwa athari zingine zinazohusiana na mazingira zinazosababishwa wakati wowote wa mradi, rejea Mpango wa utekelezaji wa maswala ya Mazingira na Kijamii (ESMF) iliyoandaliwa kwa mradi.

Jedwali la Fidia			
Ardhi na mali	Aina ya athari	Waathirika	Fidia/Stahiki/Faida
1.Ardhi ya kilimo	Ardhi ya kilimo	Mkulima	Fidia kwa ardhi iliyoathirika na posho ya usumbufu
	Ardhi bado inafaa kiuchumi.	Mapangaji	Fidia kwa mavuno au bidhaa kutokana na ardhi au mali iliyoathirika kwa thamani ya soko
	Kukodisha	Mpangaji	Fidia kulingana na thamani ya soko la mazao ya kudumu yaliyoathirika au thamani ya soko ya mazao ikiwa mazao yatalazimika kuvunwa kabla ya kukomaa.
2.Ardhi ya makaazi	Ardhi inayotumika kwa makazi iliyoathirika kwa kiasi ndogo	Mmiliki wa ardhi kisheria	Fidia kwa ardhi iliyoathirika kwa kiwango cha soko
	Ardhi na mali zinazotumika kwa makazi iliyoathirika vibaya Eneo lililobaki halitoshi	Mmiliki wa kukodisha	Marejesho ya ada yoyote ya kukodisha / matumizi baada ya tarehe ya kuondolewa Fidia sawa na miezi 3 ya ada ya kukodisha

Jedwali la Fidia			
Ardhi na mali	Aina ya athari	Waathirika	Fidia/Stahiki/Faida
	kwa matumizi endelevu au linakuwa dogo kuliko linalokubalika chini ya sheria		Msaada wa gharama za pango/ ukodishaji wa ardhi/ mali mbadala Msaada wa kuhamishwa (gharama za kuhama + posho)
3. Rasilimali za jamii (shule, vituo vya soko, taasisi za kidini na mali nyingine za jamii)	Upotevu wa rasilimali za jamii Upotevu wa vitu vyenye thamani mfano muonekano wa eneo, urahisi wa kufikika	Jamii zilizoathirika	Rasilimali za kawaida kama vile miundombinu ya kidini, makaburi, vituo vya maji, njia za ufikiaji, mabwawa, na mali zingine kama hizo zitabadilishwa / kujengwa upya na / au kuongezwa kwa kushauriana na jamii ya eneo hilo
4. Majengo	Jengo limeathirika kwa kiasi fulani Jengo lililobaki linafaa kwa matumizi fulani	Mmiliki	fidia kwa jengo lililoathirika na mali nyingine zisizohamishika msaada wa kufidia gharama za kukarabati miundombinu iliyobaki
		Mpangaji	Fidia kwa mali zilizoathirika kwa uthibitisho wa mpangaji Fidia ya usumbufu sawa na gharama za kukodisha kwa muda wa miezi miwili
	Sehemu ya jengo limeathirika Miundombinu ya jengo iliyobaki haifai kwa matumizi.	Mmiliki	Fidia kwa jengo zima na mali nyingine zisizohamishika bila kushuka thamani, au jengo mbadala wa ukubwa sawa au bora Zaidi katika eneo linalopatikana, ambalo linakubalika kwa mwaarika wa mradi. Haki ya kuokoa vifaa bila makato kutokana na fidia

Jedwali la Fidia			
Ardhi na mali	Aina ya athari	Waathirika	Fidia/Stahiki/Faida
			<p>Msaada wa kuhamishwa (gharama za kuhama + posho)</p> <p>Msaada wa ukarabati ikiwa unahitajika (msaada kupata kazi, mafunzo ya ujuzi)</p>
		Mpangaji	<p>Fidia kwa mali zilizoathirika (Maboresho yathibitishwe na mpangaji)</p> <p>Msaada wa uhamisho (gharama za kuhama + posho sawa na gharama za kukodi nyuma kwa miezi minne)</p> <p>Msaada wa kupata mipango mbadala ya kukodi</p> <p>Msaada wa ukarabati ikiwa unahitajika (msaada wa kupatiwa kazi, mafunzo ya ujuzi)</p>
		Mkazi asiye rasmi	<p>Fidia kwa muundombinu ulioathirika bila kushuka thamani</p> <p>Haki ya kuokoa vifaa bila makato kutokana na fidia</p> <p>Msaada wa uhamisho (gharama za kuhama + msaada wa kupata makazi mbadala salama)</p> <p>Vinginevyo, msaada wa kupata malazi katika nyumba za kupanga au katika nyuma za Serikali ikiwa inapatikana</p> <p>Msaada wa ukarabati ikiwa unahitajika pamoja msaada wa kazi, mafunzo ya ujuzi)</p>

Jedwali la Fidia			
Ardhi na mali	Aina ya athari	Waathirika	Fidia/Stahiki/Faida
		Muuzaji wa bidhaa mtaani	<p>Gharama ya fidia sawa na mapato halisi ya miezi 2 kulingana na rekodi za kodi kwa mwaka uliopita (au rekodi za kodi kutoka kwa biashara inayofanana, au makadirio), au posho ya kuhamishwa, yoyote ambayo ni ya juu.</p> <p>Msaada wa kuhamishwa (gharama za kuhama)</p> <p>Msaada wa kupata eneo mbadala ya kuanzisha tena biashara.</p>
5.Mazao yalioko shambani	Mazao yaliyoathiriwa baada ya upatikanaji wa ardhi	watu walioathirikana mradi (iwe ni mmiliki au mpangaji)	<p>Fidia ya fedha sawa na wastani wa thamani ya soko la miaka 3 iliyopita kwa mazao yaliyokomaa na kuvunwa.</p> <p>Itolewe notisi ya miezi mitatu ya kuvuna mazao yaliyomo shambani. Hata hivyo, kama notisi haiwezi kutolewa, fidia ya mazao haya italipwa kwa thamani ya soko.</p> <p>Kaya zilizoathirika kwa kupoteza ardhi ya kilimo zitapokea fidia ya ziada ya mazao sawa na mavuno ya mazao ya miaka miwili au posho ya kujikimu ya miezi mitatu ikiwa kaya husika haina sifa ya kulipwa fidia ya mazao</p>
6.Miti	Upotevu wa miti	Mmiliki wa shamba la miti	<p>Fidia ya fedha kulingana na aina, umri na thamani ya miti iliyoathirika pamoja na posho ya usumbufu.</p> <p>Uthamini wa miti ya matunda utazingatia muda kati ya kupanda na kuzaa matunda</p>

Jedwali la Fidia			
Ardhi na mali	Aina ya athari	Waathirika	Fidia/Stahiki/Faida
			<p>Uthamini utategemea bidhaa baaya ya mavuno, kipindi kati ya kupanda na kuzaa matunda na bei ya soko.</p> <p>Fidia ya fedha taslimu kutokana na notisi kwenye Gazeti la Serikali kuhusu mazao ya Misitu/Kilimo</p>
7.Njia za muda za kupata kipato	Upotevu wa njia za kupata kipato	watu walioathirikana mradi (iwe ni mmiliki au mpangaji)	Fidia ya fedha taslimu kwa upotevu wowote wa mapato ikiwa ni pamoja na gharama za pango
8. Kupoteza Riziki (Kupoteza biashara uvuvi na maeneo ya kazi)	Upotevu wa njia ya kuingizi riziki	Mmiliki wa biashara, wanaopata mishahara, (wafanyakazi, wafanyakazi ndani ya duka/ biashara) au mpoteza riziki	<p>Kuandaa eneo mbadala la kufanyia biashara ikiwa ni pamoja na gharama za usafiri wa bidhaa zilizoathirika.</p> <p>Watu walioathirika na mradi kuandaliwa Mipango maalum wa kurejesha njia za kupata kipato ili kukabiliana na hasara kulingana na ESS5 ya Benki ya Dunia</p> <p>Upendeleo katika utoaji wa fursa za kazi katika mradi wakati wa ujenzi kulingana na viwango vya ujuzi / elimu alivyo navyo.</p> <p>Posho ya kujikimu: Kiasi kitalipwa kwa TSh/kwa siku kwa kibarua na TSh/mwezi kwa mwenye ujuzi kw amuda wa miezi mitatu kulingana na kanuni za Idara ya Kazi</p>
9. Msaada wa ziada kwa makundi maalum	Upotevu wa njia za kuingiza kipato kwa makundi maalum.	Watu walioathirika na mradi	Msaada wa ziada wa kifedha wa 20% ya kiasi cha fidia kinacholipwa