



Republic of Angola  
Empresa Publica de Águas de Luanda

# Bitá System IV Water Supply Scheme – TFS, ESIA and Tender Documents for the Distribution Networks of 4 CDs

## Resettlement Policy Framework

AN18058-0100D-RPT-ENV-01 REV 6

May 2019

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# CONTENTS

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EXECUTIVE SUMMARY .....	1
<b>1 INTRODUCTION .....</b>	<b>6</b>
1.1 PROJECT RATIONALE.....	6
1.2 SCOPE OF B4WSP.....	10
1.3 SCREENING FOR RESETTLEMENT AND PAP IDENTIFICATION .....	13
1.4 POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS .....	16
1.5 PURPOSE AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK.....	17
<b>2 ANGOLAN RESETTLEMENT POLICES AND PROCEDURES .....</b>	<b>19</b>
2.1 SCOPE OF RPF REVIEW .....	19
2.2 INSTITUTIONAL ARRANGEMENTS.....	19
2.2.1 THE PROJECT PROPONENT.....	19
2.2.2 SECTOR STRATEGY AND GOVERNANCE.....	19
2.2.3 ADMINISTRATIVE AREAS .....	20
2.3 REAL ESTATE, LAND OWNERSHIP AND TENURE.....	22
2.3.1 OVERALL PERCEPTION OF PROPERTY RIGHTS .....	22
2.3.2 LEGAL FRAMEWORK.....	22
2.3.3 LAND TENURE.....	23
2.3.4 FEMALE RIGHTS AND ACCESS TO LAND.....	24
2.3.5 LAND ADMINISTRATION .....	25
2.3.6 LAND MARKETS .....	25
2.3.7 LAND EXPROPRIATION .....	27
2.3.8 LAND DISPUTES.....	27
2.3.9 GOVERNMENT AND DONOR INTERVENTIONS .....	28
2.4 VULNERABLE GROUPS .....	28
2.5 EXPROPRIATION PROCEDURES AND PRACTICES .....	29
2.5.1 CURRENT ANGOLAN PRACTICE .....	29
2.5.2 CURRENT EPAL PRACTICE.....	30
2.5.3 ENTITLEMENT TO COMPENSATION.....	31
2.5.4 GRIEVANCE REDRESS MECHANISM .....	33
2.5.5 PUBLIC AND COMMUNITY CONSULTATIONS.....	34
2.6 RECORD OF RESETTLEMENT AND ACQUISITION ACTIVITIES UNDERTAKEN TO DATE .....	35

<b>3</b>	<b>WORLD BANK OP 4.12 SAFEGUARD POLICY .....</b>	<b>37</b>
3.1	POLICY PRINCIPLES AND OBJECTIVES .....	37
3.2	RESETTLEMENT INSTRUMENTS .....	38
3.3	PROJECT AFFECTED PERSONS .....	39
3.3.1	PAP DEFINITION.....	39
3.3.2	VULNERABLE GROUPS.....	39
3.3.3	ELIGIBILITY.....	40
3.4	REQUIRED MEASURES.....	40
3.5	RESETTLEMENT PLANNING, IMPLEMENTATION AND MONITORING .....	41
3.5.1	OVERVIEW.....	41
3.5.2	VALUATION OF ASSETS.....	41
3.5.3	IMPLEMENTATION PROCEDURES .....	43
3.5.4	GRIEVANCE REDRESS MECHANISM .....	43
3.5.5	BUDGET AND FUNDING .....	44
3.5.6	DISCLOSURE REQUIREMENTS .....	44
3.5.7	MONITORING AND EVALUATION.....	44
3.6	ASSISTANCE TO BORROWERS .....	45
<b>4</b>	<b>GAPS BETWEEN WORLD BANK POLICY AND ANGOLAN LEGISLATION .....</b>	<b>46</b>
4.1	THE GAPS .....	46
4.2	RECOMMENDATIONS TO FILL THE GAPS .....	47
4.3	KEY STEPS TO ADVANCE THE RECOMMENDATIONS .....	49
<b>5</b>	<b>RESETTLEMENT POLICY IMPLEMENTATION .....</b>	<b>51</b>
5.1	INTRODUCTION .....	51
5.2	OBJECTIVES OF B4WSP RESETTLEMENT POLICY .....	51
5.3	THE PROJECT IMPLEMENTATION UNIT.....	51
5.4	B4WSP RESETTLEMENT POLICY PROCEDURE .....	54
5.4.1	STAGE ONE: MOBILISATION.....	54
5.4.2	STAGE TWO: CONSOLIDATION .....	54
5.4.3	STAGE THREE: IMPLEMENTATION.....	55
5.5	PRELIMINARY INVESTIGATIONS .....	56
5.6	STAKEHOLDER ENGAGEMENT AND PUBLIC CONSULTATION .....	57
5.6.1	DURING CONCEPT DESIGN AND ESIA/RPF.....	57
5.6.2	DURING DETAILED DESIGN.....	58
5.6.3	PAP SURVEYS.....	60
5.6.4	DURING CONSTRUCTION .....	60
5.6.5	DURING OPERATION.....	60
5.7	PUBLIC DISCLOSURE .....	60
5.8	AVAILABILITY OF CADASTRAL RECORDS.....	60
5.9	RESETTLEMENT ACTION PLAN .....	61
5.10	PAP ELIGIBILITY .....	61
5.11	VULNERABLE GROUPS.....	65
5.12	ASSET AND COMPENSATION VALUATION .....	65
5.13	COMPLAINTS AND GRIEVANCES.....	67

5.13.1	LAND-BASED GRIEVANCES .....	67
5.13.2	NON-LAND-BASED GRIEVANCES .....	68
5.13.3	PERSONAL GRIEVANCES.....	69
5.13.4	THE CLO'S GRM PROCEDURE.....	70
5.14	MONITORING AND EVALUATION .....	72
5.14.1	INTRODUCTION.....	72
5.14.2	M&E MONTHLY REPORTING .....	73
5.14.3	M&E QUARTERLY REPORTING.....	73
5.14.4	RESETTLED PAP SURVEYS .....	73
5.14.5	EXTERNAL EVALUATION.....	74
5.15	POST-CONSTRUCTION OPERATIONAL ISSUES .....	74
	APPENDICES.....	75
	APPENDIX A: BITA IV 'CHANCE FIND' PROCEDURE .....	76
	APPENDIX B: LAND EXPROPRIATION FORMS .....	77
	APPENDIX C: SUGGESTED STRUCTURE FOR FUTURE ENVIRONMENTAL AND SOCIAL STUDIES 83	
	APPENDIX D: GRIEVANCE REDRESS FORMS .....	87

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## LIST OF FIGURES

---

Figure 1-1: Existing Water Supply to Greater Luanda. ....	6
Figure 1-2: Component Service Areas of the Bitá System 4 Water Supply System. ....	9
Figure 1-3: Proposed Bitá IV Transmission Network and Ultimate Distribution Areas.....	12
Figure 2-1: The Administrative Boundaries across the B4WSP Area. ....	21
Figure 2-2: Land Price Bands for Luanda (After DW, 2012). ....	26
Figure 2-3: Current Angolan Expropriation Procedure.....	30
Figure 5-1: Indicative Structure of the PIU with the CLO .....	53
Figure 5-2: Proposed B4WSP Expropriation Procedure.....	56
Figure 5-3: The B4WSP Grievance Redress Mechanism.....	70

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## LIST OF TABLES

---

Table 1-1: Existing Water Supply for Areas 1, 2 and 3.....	10
Table 1-2: Present and Future B4WSP Populations and Water Demands.....	11
Table 1-3: Working Width versus Existing Track Width for Transmission Pipelines and Parallel Distribution Lines.....	13
Table 1-4: Summary of Potential B4WSP Land Take Impacts.....	15
Table 2-1: Urban Water Supply Structure in Angola.....	20
Table 2-2: Number of Bairros within each CD service area.....	22
Table 2-3: Land Tenure in Angola.....	23
Table 2-4: Compensation Rates for Field and Tree Crops. Source: EPAL, 2018.....	31
Table 2-5: Current status of land acquisition activities for B4WSP Lots B1-B7*.....	35
Table 4-1: Addressing GRM Gaps.....	49
Table 5-1: Stakeholder Engagement and Public Consultations Relative to Project Phasing....	57
Table 5-2: Public Consultation Sessions Held during ESIA/RPF Preparation.....	58
Table 5-3: Proposed Schedule of Design Phase Consultation Activities.....	59
Table 5-4: Proposed Agenda for the Design Phase Workshops.....	59
Table 5-5: PAP Losses Eligible for Compensation.....	62
Table 5-6: Entitlement Matrix.....	63
Table 5-7: Summary of GRM.....	72
Table 5-8: Indicative Format for RAP and GRM Monthly Reporting (By Lot).....	73

## LIST OF ABBREVIATIONS

Abbreviation	Description
ARAP	Abbreviated Resettlement Action Plan
B4WSP	Bitá IV Water Supply Project
BP	Bank Procedure (World Bank)
CACS	Consultative Council
CAR	Central African Republic
CBO	Community-Based Organisation
CoC	Code of Conduct
CD	<i>Centro de Distribuição</i> (Distribution Centre)
CLO	Community Liaison Office
D&B	Design and Build
DW	Development Workshop (NGO)
EPAL	<i>Empresa Pública de Águas de Luanda</i> (Luanda Water Company)
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
E&S	Environmental and Social
GBV	Gender Based Violence
GIS	Geographical Information System
GoA	Government of Angola
GRM	Grievance Redress Mechanism
ha	hectare
HSE	Health, Safety and Environment
IEF	Index of Economic Freedom
IGCA	<i>Instituto Nacional de Geografia e Cadastro</i> (National Institute of Geography and Cadastre)
INAC	<i>Instituto Nacional da Criança</i> (National Institution for Children)
INHR	<i>Instituto Nacional de Recursos Hídricos</i> (National Institute for Hydraulic Resources)
INOTU	<i>Instituto Nacional de Ordenamento do Território e Desenvolvimento Urbano</i> (National Institute for Spatial Planning and Urban Development)
km	kilometre
km <sup>2</sup>	square kilometre
L/h/d	Litres / head / day
LRP	Livelihood Restoration Plan
m	metre



Abbreviation	Description
<b>M&amp;E</b>	Monitoring and Evaluation
<b>m<sup>3</sup></b>	cubic metre
<b>m<sup>3</sup>/d</b>	cubic metres per day
<b>m<sup>3</sup>/s</b>	cubic metres per second
<b>MINEA</b>	<i>Ministério da Energia e Aguas</i> (Ministry of Energy and Water)
<b>MIS</b>	Management Information System
<b>MINAMB</b>	<i>Ministério do Ambiente</i> (Ministry of Environment)
<b>mm</b>	millimetre
<b>Mm<sup>3</sup></b>	Million cubic metres
<b>NGO</b>	Non-Governmental Organization
<b>NHP</b>	<i>Projeto Nacional de Habitação</i> (National Housing Project)
<b>no</b>	number
<b>NRO</b>	<i>Gabinete de Reconstrução Nacional</i> (National Reconstruction Office)
<b>OP</b>	Operating Procedure (World Bank)
<b>PAP</b>	Project Affected Person
<b>PIC</b>	Project Information Centre
<b>PIU</b>	Project Implementation Unit
<b>PMC</b>	Project Management Consultant
<b>PRI</b>	Property Rights Index
<b>Q&amp;A</b>	Question and Answer
<b>RAP</b>	Resettlement Action Plan
<b>ROW</b>	Right of Way
<b>RPF</b>	Resettlement Policy Framework
<b>SEA</b>	Sexual Exploitation and Abuse
<b>SCEP</b>	Stakeholder Consultation and Engagement Plan
<b>TFS</b>	Technical Feasibility Study (Dar Al-Handasah, 2018)
<b>TIP</b>	Trafficking in Persons (Report)
<b>USAID</b>	United States of America International Development
<b>US\$</b>	United States Dollar
<b>WASH</b>	Water and Sanitation for Health
<b>WM</b>	Way mark
<b>WTP</b>	Water Treatment Plant

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# EXECUTIVE SUMMARY

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## Introduction

Luanda's exponential population growth continues to increase pressure on the province's water resources resulting in EPAL, the provincial water authority, facing major challenges to expand and improve its service provision to all parts of the province as well as to the capital. A major initiative to ease current supply problems is the *Bitá IV Water Supply Project (B4WSP)*, which aims to meet the increasing demand in the urban and peri-urban areas within the municipalities of Belas, Talatona and Viana, south and south west of Luanda City. The project involves surface water abstraction from the Rio Kwanza, treatment, transmission, storage and distribution. The initial water treatment plant (*Estação de Tratamento de Água* or ETA) capacity will be 3 m<sup>3</sup>/s, with 82 km of transmission pipelines over a distance of 56 km, taking it to four distribution centres (*Centro de Distribuição* or CD) at Bitá, Cabolombo, Mundial and Ramiros for onward distribution to consumers. Water will also be transmitted to existing CDs at Camama, Benfica II, and also benefit consumers served from Talatona, Benfica I, Futungo and Morro Bento CDs. The design horizon for the project is 2025 and is predicted to serve an expected population of 181,801 and a total demand of 316 l/s. Phase 2 of the project will increase supply to 6 m<sup>3</sup>/s and system is planned to ultimately provide 9 m<sup>3</sup>/s.

The current status of the project is that a Technical Feasibility Study (TFS) has been completed, which includes the location of the CDs, the preferred routes of the transmission mains, and the distribution networks. The present RPF and associated ESIA have been prepared based solely on the concept design and an assumed construction methodology derived from professional experience. Therefore estimations of environmental and social impacts, including resettlement, require updating once detailed design is complete.

B4WSP construction will be assessed as 13 separate Lots, although Lots BI, B3 and B7, respectively raw water transmission and treatment, CD Bitá and the processed water treatment plant, have been combined under one integrated consortium for contractual purposes. Lot B4, CD Cabolombo, has already been awarded to a Chinese contractor but construction is on hold pending further finance from GoA. EPAL/MINEA have a signed agreement with the previous Lot B4 land owners and have taken full control of this land. Although it is not included in the World Bank guarantee, Lot B4 is associated with the B4WSP and as such is covered under the present RPF. Each Lot will awarded on a Design and Build (D&B) basis. The locations of the distribution centres, the service areas, and alignments of the transmission mains foreseen by the TFS are shown in Figure ES-1.

To provide for B4WSP financing and guarantees, an *Environmental and Social Impact Assessment (ESIA)* and *Resettlement Policy Framework (RPF)* have been produced on the basis of the TFS, i.e. prior to any preliminary or detailed design. Both documents have been prepared in compliance with World Bank Operating Policies, predominantly OP 4.01 *Environmental Assessment* and OP 4.12 *Involuntary Resettlement*. Also prepared is a Stakeholder Consultation and Engagement Plan (SCEP), which is presented as Appendix D to the ESIA.

The present RPF establishes resettlement objectives and principles, organisational arrangements, funding mechanisms for any resettlement and a vigorous Grievance Redress Mechanism (GRM) that will be necessary for project implementation. When project design is complete, EPAL will appoint an Environmental and Social (E&S) consultant to revise the RPF in accordance with prevailing property/asset valuations, and, where appropriate, prepare a RAP or ARAP on the basis of the land take, resettlement, and asset loss incurred by each Lot's particular design.

All downstream environmental and social studies must be conducted in accordance with Angolan Law and World Bank standards. The studies must be completed and approved by the Angolan Ministry of Environment (MINAMB) and the World Bank before any resettlement or construction activities can commence.

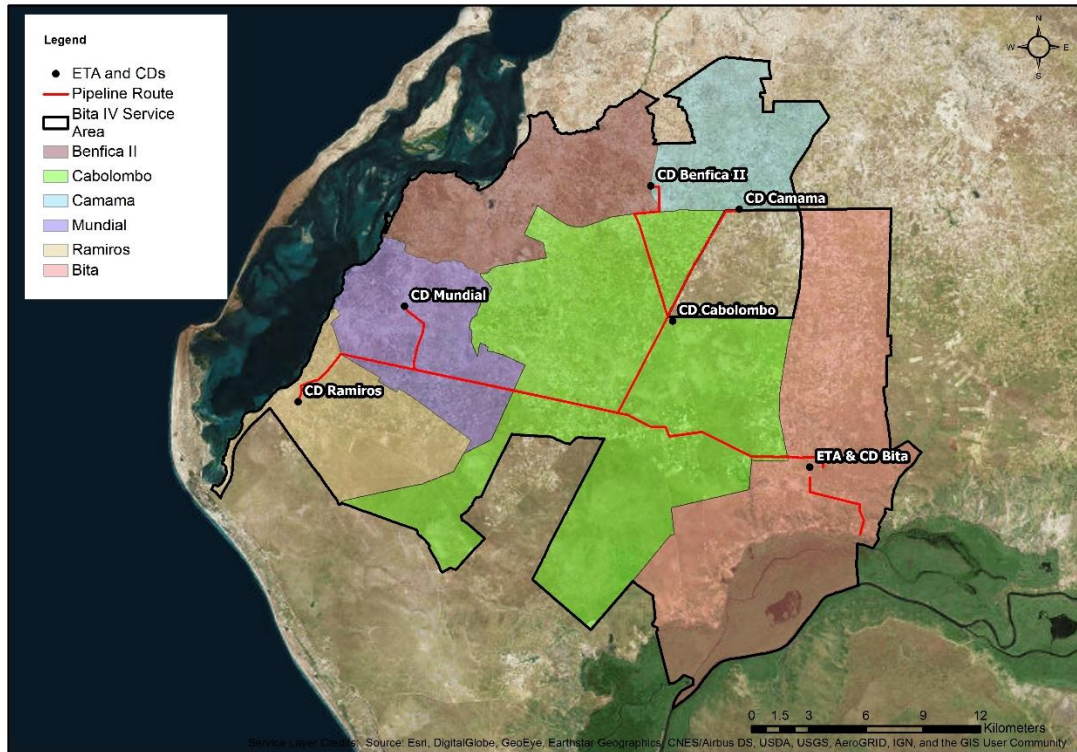


Figure ES-1: B4WSP Transmission Lines, Distribution Centres and Service Areas

### Bitá IV Resettlement Policy

The overall objective of the B4WSP Resettlement Policy is to upgrade current Angolan practice to meet World Bank OP 4.12 requirements, but also show these requirements to be fair and equitable for both the PAPs and the Project Proponent, worthy of adoption for future non-Bank financed development projects. In particular, the policy attempts to:

- Reduce the cost for all parties;
- Eliminate or at least reduce delays;
- Provide for the 100% survey of PAPs and affected fixed assets;
- Identify and protect vulnerable PAPs;
- Improve or at least retain PAPs current standards of living; and,
- Leave PAPs feeling well treated without lingering resentment towards the project proponent, EPAL.

The fundamental tenets of the policy are that:

- Involuntary resettlement and land acquisition shall be avoided wherever possible through the use of feasible alternatives;
- As soon as involuntary resettlement is triggered, a census of affected persons and communities shall be conducted and a cut-off date established in order to avoid the influx of individuals or groups to the intervention site;
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities shall be executed;

- Project Affected Persons (PAPs) shall be meaningfully consulted and given opportunities to participate in the planning, design and implementation of compensation programs; and,
- All PAPs shall be assisted to improve their living standards or at minimum to restore them to what they were prior to the commencement of the project.

### **Preliminary Estimate of Bitu IV Property and Asset Loss**

Screening for resettlement and the identification of PAPs were undertaken through reconnaissance walkover surveys along the length of the raw water pipeline and treated water transmission mains, as well as over the CD sites. Potential *pinch-points* - places where the expected pipeline Rights of Way (ROW) and construction working widths were wider than the available open space - were recorded, measured and photographed. Also considered were those sections of pipelines where the D&B contractor envisages distribution pipelines running parallel to the transmission mains, thereby requiring a wider ROW and/or working width.

From this, on the basis of the TFS, i.e., without the benefit of preliminary design nor detailed stakeholder engagement, and calculated using transmission main diameter, whether a single or twin pipeline, and whether distribution lines are to be laid in the same corridor, the overall working widths vary from 9 m to 29 m, assuming a standard method of construction with pipe stringing one side and spoil storage the other side of the corridor. From this, the likely land take for all 82 km of transmission main over 56 km of line is calculated to be 16 ha, within which there are currently 28 buildings, almost all residential, some 2.5 km of boundary walls and fences, and approximately 450 significant trees. The majority of these losses, and the loss of any other assets yet to be identified, can be avoided by the adoption of conventional mitigation measures, such as modification of pipeline alignment or changes in construction technique to minimise temporary land take.

While the areas throughout which distribution networks will be installed have also been considered, the full extent of these has not been inspected as the majority of pipes are within existing unsurfaced tracks or access corridors, and the distribution pipelines' narrower diameters' allow their alignment to be adjusted where obstacles are to be avoided in a way that the much larger diameter transmission mains do not.

**EPAL have expressly stated that they will make the effort in good faith to compensate all potentially affected parties regarding the implementation of Lots B1 to B7, and will issue a public statement inviting them to compensation entitlement in good faith.**

### **Stakeholder Engagement and Public Consultation**

As stated above, a fundamental tenet of resettlement policy is that PAPs and PAP communities shall be consulted and given meaningful opportunity to participate in the planning, design and implementation of compensation programs. To this end, the SCEP (ESIA, Appendix D) was prepared in tandem with the ESIA and shall continue to be updated as work progresses. The Plan identifies and assesses the project's stakeholders based on their dependence on and influence over the project, details the initial engagement activities and proposes a schedule of future engagement activities to be undertaken by the EPAL appointed E&S Consultants throughout project design, construction and operation.

The engagement process aims to be inclusive by targeting a variety of stakeholders using a range of engagement techniques depending on what is most appropriate given their relationship with the project; this may vary from simply informing and consulting with stakeholders to proactively seeking collaboration and facilitating their empowerment. The objective of each engagement technique and the stakeholders to which this form of engagement applies is given in Table ES-1. Table ES-2 shows the engagement techniques previously applied and proposes additional engagement methods for future project phases. The first round of Key Informant Interviews (KIIs) were undertaken for the preparation of the first revision of the present RPF and the ESIA. Four public consultation sessions were held at EPAL's HQ in Talatona, and in Kilamba, Camama and Ramiros allowing an updated revision of both documents to be completed. A total of 251 persons attended and 59 written comments were received. Full details of all engagement activities to date are given in the SCEP, Appendix D to the ESIA.

**Table ES-1: B4WSP Engagement Objectives and Prime Stakeholders**

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Objective</b>	To provide balanced objective information.	To obtain feedback.	To work directly with Stakeholders to consider concerns and aspirations.	Partner Stakeholders in decision making, impact identification and solutions.	To meaningfully involve in final decisions.
<b>Prime Stakeholders</b>	Current private water operators; World Bank; Financing Institutions.	MINEA; INRH; MAT; MINAMB; INBAC.	Development Workshop (DW); Other NGOs/CBOs.	Belas, Talatona and Viana Municipalities; EPAL; D&B contractors.	PAPs and PAP communities; Beneficiaries; Vulnerable groups.

**Table ES-2: B4WSP Stakeholder Engagement Activities**

	CONCEPT DESIGN		DETAILED DESIGN	CONSTRUCTION	OPERATION
	ESIA/ RPF REV 1	ESIA/ RPF REV 2			
<b>Completed</b>	KIIs with EPAL, INHR, MAT, DW, INBAC and MINAMB	Public Meetings at EPAL HQ, Kilamba, Camama and Ramiros			
<b>Proposed</b>			Further KIIs; Phase I Public meetings and workshops at sites near each CD; PAP household surveys.	Further KIIs; Phase I Public open house exhibitions at a suitable site near each CD; Use of GRM.	Use of the GRM to address ongoing operational issues.

### Bitu IV Resettlement Policy Implementation

The B4WSP resettlement policy will be executed in three stages:

- **Mobilisation:** On completion of design the land to be taken, the households to be resettled, and the land that they will occupy will be fully defined, a cut-off date established and the procedures of resettlement made public;
- **Consolidation:** PAP households will be surveyed, their losses of property and assets valued their entitlement to compensation calculated and, where necessary, appealed. Plots for resettlement will also be identified and allocated;
- **Implementation:** Expropriation of land and lost assets is completed, EPAL take possession of expropriated land, PAPs take possession and resettle on their new plots. Assistance with self-build and other skills training is given.

To assist implement the B4WSP, EPAL will appoint a consultant to establish a Project Implementation Unit (PIU) to provide both the engineering skills for oversight supervision and programme management, and the environmental and social expertise required for implementation of the ESMP and resettlement in accordance with World Bank safeguard policies. The RPF proposes a structure for the PIU in general and particularly for a Community Liaison Office (CLO) that will monitor land acquisition, asset take and resettlement, and operate the Grievance Redress Mechanism (GRM) that has been designed for the project.

The CLO will also monitor and evaluate the environmental and social performance of the EPAL appointed E&S consultants, via an independent supervision consultancy. Of particular social concern is

the potential for contractors to create an influx of foreign labourers that will compete with local communities for limited resources and cause social discord. To this end, a Code of Conduct has been derived to which each employee, their respective manager and employer will be a signatory.

### **Next Steps - Resettlement Action Plans**

It is the position of the World Bank that it is the responsibility of the GoA, via EPAL, to compensate the affected parties for project-induced physical and economic displacement, whether this be via cash payments, replacement of lost or damaged assets, moving allowances and/or other entitlements. To ensure that resettlement is conducted in line with B4WSP Resettlement Policy (detailed in Section 5 of the present RPF) and to World Bank standards (presented in Section 3 of the present RPF), EPAL will recruit a professional consulting firm with relevant experience and qualifications to manage the resettlement process, including the payment of compensation and other eligible resettlement-related expenditures.

The PIU CLO will be responsible for incorporating the different ESIA revisions and the RAPs for all construction lots into a final and inclusive B4WSP ESIA and RAP in full compliance with World Bank Operating Procedures OP 4.01 and OP 4.12, and any other Bank safeguard policies that may be triggered by the final proposals. At that stage, the provisional figures for land take and asset loss will be updated with the final details. Not only will this take account of design and operational changes to avoid land take and asset loss, but it will also take account of current unknowns such as the location of contractors yards, lay-down areas and labour camps.

In addition to resettlement *per se*, the Final RAP will build on the RPF and examine the nature of environmental and social impacts arising from project design, construction and operation, the socio-economic and cultural setting, the social risks, the involvement of local Community-Based Organisations (CBOs), define the performance indicators to be used to illustrate PAPs regain at least their former quality of life. Depending on the nature and extent of the data to be presented, the structure of each RAP/ARAP report will approximate that given in Appendix C. RAPs and ARAPs will be prepared, disclosed and implemented prior to the commencement of any civil works.



# 1 INTRODUCTION

## 1.1 PROJECT RATIONALE

Luanda, the capital of Angola, has expanded significantly since the 2002 peace agreement that ended 27-years of civil unrest and EPAL, the provincial water authority for the capital, has struggled to keep abreast of the growing demand for water from the rapidly growing population. Many people fled to the capital for safety during the war years and Greater Luanda currently has a population of some 6.5 million, supplied from three major water supply systems and three smaller systems. Existing supply systems S1 and S2 are sourced from intakes on the Rio Bengo and serve the capital and its northern and eastern suburbs. Existing System S3, from an intake on Rio Kwanza, serves the southern areas of the capital and its southern suburbs. Three smaller systems, each with their own intake on Rio Kwanza, serve new growth areas of Bom Jesus, Calumbo and Kilamba south and south east of the capital. The coverage of each these systems is illustrated in Figure 1-1.

Total current demand is calculated to be 750,000 m<sup>3</sup>/day, but this is an unmet demand as current daily production capacity is only 500,000 m<sup>3</sup>/day.

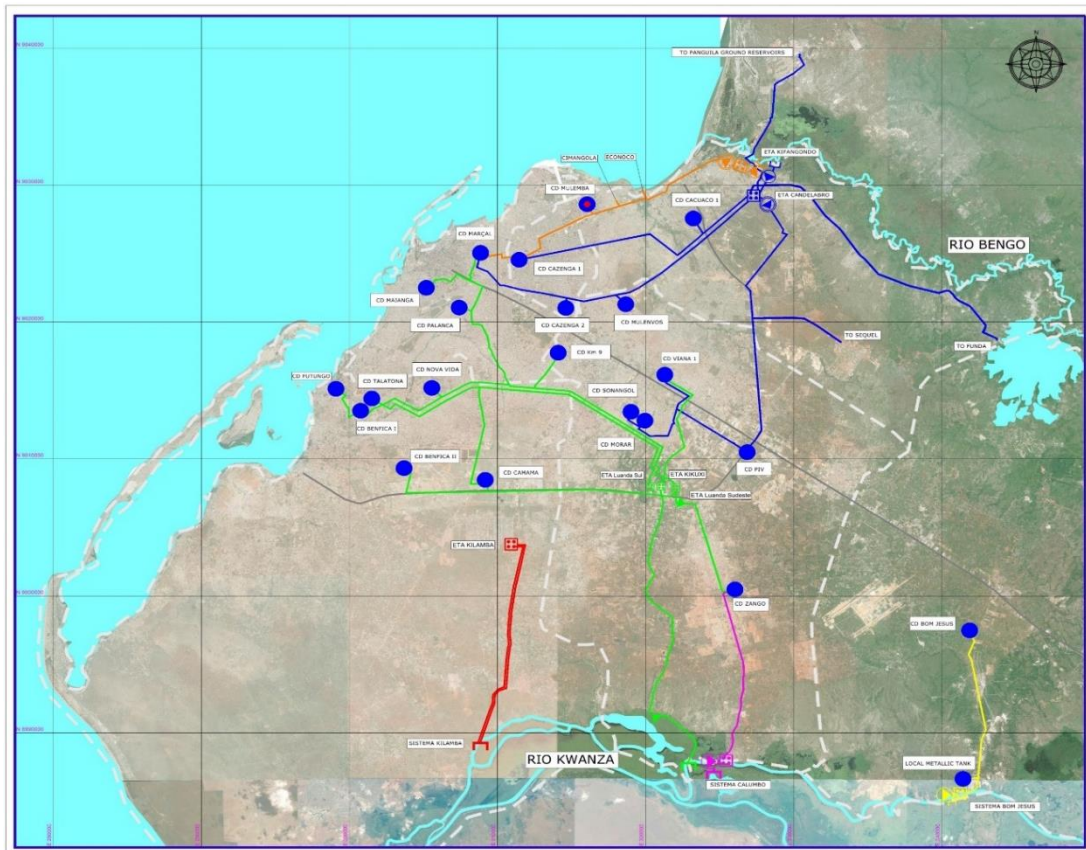


Figure 1-1: Existing Water Supply to Greater Luanda.

In addition to enhancing the availability of water to existing networks, notably System S3, which serves parts of Luanda city centre, the Bitá IV Water Supply Project (hereafter B4WSP), will serve the extensive areas of expanding urban development further south, in the municipalities of Belas, Talatona and Viana, that currently have insufficient or no potable water distribution. The project will also provide for the increase in per capita supply throughout the service area to 150 l/h/d by 2025.

As with System S3 and the three smaller systems discussed above, B4WSP will also source its water from the Lower Rio Kwanza Basin, Angola's largest drainage basin, with a catchment area of some 155,000 km<sup>2</sup>. There are currently three hydroelectric dams on the river; Capanda, Luaca and Cambambe, respectively some 250 km, 210 km and 150 km upstream of the area of the expected Bitá intake<sup>1</sup>.

The dam closest to the proposed intake, Cambambe, is 132 m high and has a designated release of 500 m<sup>3</sup>/sec, although the spillway capacity is 4,500 m<sup>3</sup>/sec. The average annual minimum flow in the Lower Kwanza is 130 m<sup>3</sup>/s. The main gauging section is at Bom Jesus, some 30 km upstream of the area of the Bitá intake, where the lowest recorded flow is 122 m<sup>3</sup>/s. The National Institute for Hydraulic Resources (INRH) recommend taking 14% of the 500 m<sup>3</sup> release, i.e., 70 m<sup>3</sup>/s, to be the base flow required to maintain fisheries, navigation and the downstream aquatic environment. While this should not compromise the ultimate take of 9 m<sup>3</sup>/sec for the B4WSP, 14% is the figure used to calculate base flow across many Southern African rivers and is specific to neither Angola nor the Rio Kwanza. There are however a number of existing intakes (some of which may be illegal abstractions), planned intakes and the predicted impacts of climate change, to be accounted for before the final location and security of the B4WSP intake can be established. The B4WSP is divided into the four supply areas described below and shown, together with the proposed transmission mains and existing and proposed distribution centres (CDs - *Centro de Distribuição*), in Figure 1.2. The work proposed for Area 1 is essentially a new water supply system utilising two existing and two new CDs, while that planned for Areas 2 and 3 will reinforce Supply System S3. The existing systems in Area 4 are expected to become part of the Bitá IV system after 2030. A fifth area (Area 5) not shown on Figure 1-2, comprises additional areas of System S3 that the 2018 TFS<sup>2</sup> determined could be reinforced from B4WSP at some time in the future if water is available.

The design horizon for the B4WSP World Bank Guarantee is 2025 and covers the works proposed for Areas 1, 2 and 3, as described below.

### Area 1

Area 1 comprises the service areas of Ramiros, Cabolombo, Bitá and Mundial. The existing (2017) population is estimated at 430,000 but few of these have access to a potable water network. Ramiros is partly served via an existing distribution network from the existing CD Ramiros. Network length is around 17 km and includes 5 fountains and 199 house connections. Cabolombo is partly served by an existing network from CD Benfica II. Under B4WSP, new CDs will be constructed at Bitá and Mundial. The construction of CD Cabolombo is currently on hold pending the release of further GoA funding. Network length is around 97 km and includes just 2,755 house connections. The estimated 2025 population is 600,000.

### Area 2

Area 2 comprises the service areas of Camama and Benfica II, where there are existing CDs and the installation of networks and service connections is already well advanced. The current population of 750,000 is served from System S3 via two networks, one 467 km in length from Camama, the second 678 km from Benfica II, but many customers do not receive a secure supply. In both, only about 50% of the connections are metered. The estimated 2025 population is 1.1 million and once B4WSP is complete, responsibility for supplying this area will be transferred to the Bitá system.

### Area 3

Area 3 comprises the service areas of Talatona, Benfica I, Futungo and Morro Bento, where the installation of networks and service connections to the existing population of 130,000 is well advanced, with the length of the new network approaching 190 km. This area is also supplied from System S3 and once B4WSP construction is completed, responsibility for supplying the 2025 population of 180,000 will again be transferred.

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<sup>1</sup> The exact location of the Bitá IV intake remains to be determined following hydrological and associated studies by the D&B contractor.

<sup>2</sup> Dar Al-Handasah, 2018. Bitá Water Supply System Guarantee Preparation: Technical Feasibility Study. EPAL, 73pp.



A major benefit of the B4WSP is that it will reduce the pressure on System S3 that supplies the rapidly expanding population of Luanda city center. Those communities not served by existing networks are supplied from insecure sources such as fountains or by tanker. Table 1-1 illustrates the present lack of water security throughout Areas 1, 2 and 3 as recorded in the 2014 national census. Overall, some 77% of the Bitá 4 population presently depend on tankered water, while less than 10% have access to a tap at or near their house.

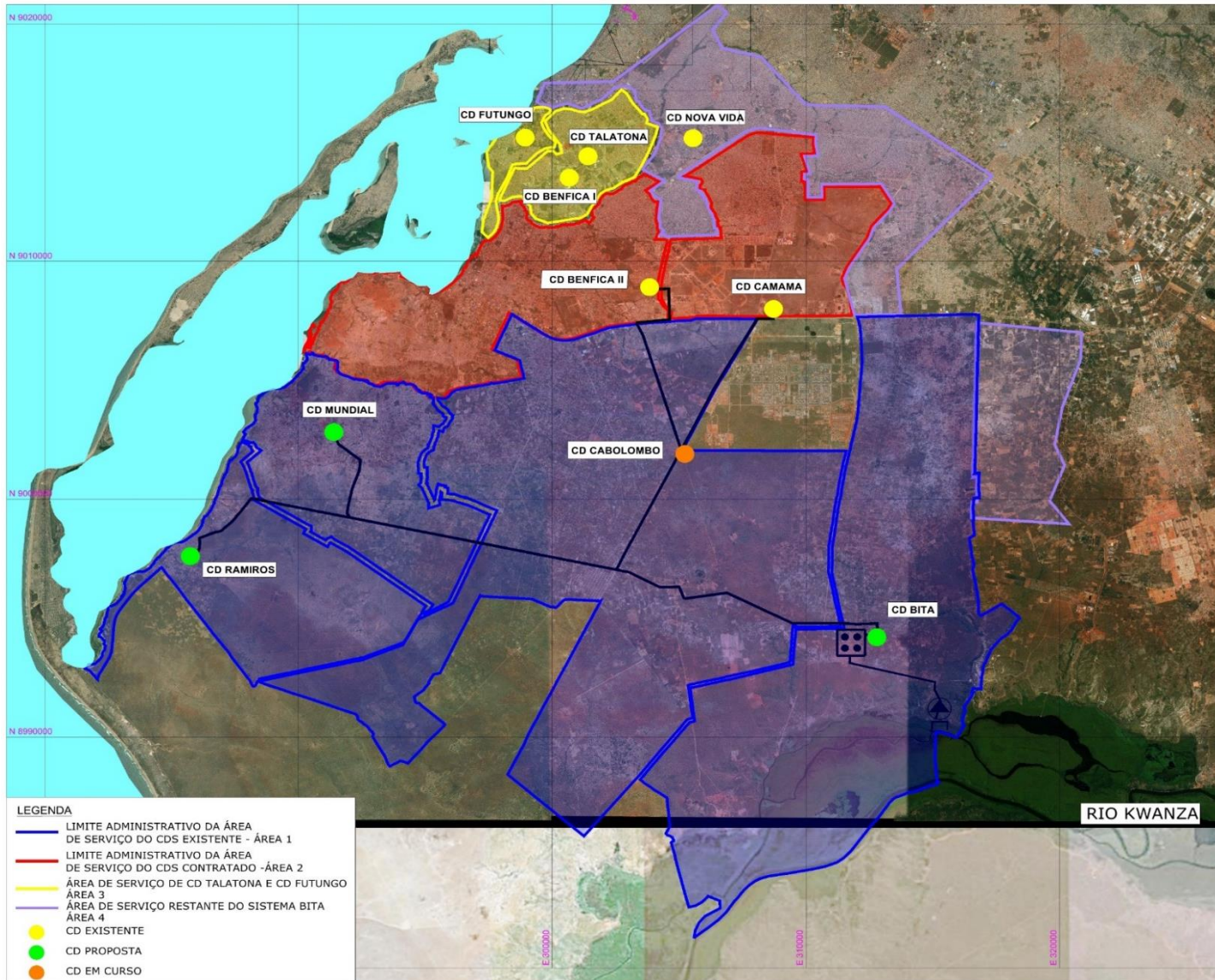


Figure 1-2: Component Service Areas of the Bitá System 4 Water Supply System.

**Table 1-1: Existing Water Supply for Areas 1, 2 and 3<sup>3</sup>.**

CD	Communa	Area Percentage	House Connections	Quintal Connections	Fountains	Well with Pump	Tankers
<b>Area 1</b>							
<b>Bitá</b>	Zango	23%	0	0	510	35	3,147
	Barra de Kwanza	20%	0	0	46	2	51
	Camama	14%	0	0	3,296	55	9,596
<b>Cabolombo</b>	Camama	10%	1,871	971	2,345	39	6,828
	Benfica	56%	6,311	1,198	1,788	178	22,706
<b>Ramiro</b> s	Ramiros	60%	10	25	21	2	3,032
<b>Mundial</b>	Ramiros	10%	0	0	4	1	505
	Benfica	12%	0	0	383	38	4,866
<b>Total</b>			<b>8,193</b>	<b>2,194</b>	<b>8,392</b>	<b>349</b>	<b>50,733</b>
<b>Area 2</b>							
<b>Camama</b>	Camama	38%	75,946	3,661	8,841	146	25,740
<b>Benfica II</b>	Benfica	18%	24,881	0	560	56	7,108
<b>Total</b>			<b>100,827</b>	<b>3,661</b>	<b>9,400</b>	<b>202</b>	<b>32,848</b>
<b>Area 3</b>							
<b>Talatona, Morro Bento, Futungo, etc.</b>	Futungo Belas	100%	2,740	425	762	45	10,423
	Samba	48%	3,604	2,268	620	81	8,093
<b>Total</b>			<b>6,344</b>	<b>2,693</b>	<b>1,382</b>	<b>126</b>	<b>18,516</b>

## 1.2 SCOPE OF B4WSP

Design and Construction of the B4WSP source, treatment and transmission works is currently divided between 13 separate lots as follows:

- **Lot B1:** the water intake structure and open channel from the Rio Kwanza, the raw water pumping station, raw water force main and Bitá raw water treatment plant, buildings and ancillary facilities;
- **Lot B2:** the treated water transmission pipelines from the Bitá elevated tank to CD Cabolombo, CD Camama and CD Benfica II northwards, and to CD Ramiro
s and CD Mundial westwards;
- **Lot B3:** CD Bitá with a capacity of 50,000 m<sup>3</sup>/day, adjacent to the raw water treatment plant;
- **Lot B4:** CD Cabolombo with a capacity of 30,000 m<sup>3</sup>/day (not included in IBRD guarantee);
- **Lot B5:** CD Ramiro
s with a capacity of 10,000 m<sup>3</sup>/day;
- **Lot B6:** CD Mundial with a capacity of 10,000 m<sup>3</sup>/day;
- **Lot B7:** Construct the Bitá processed water treatment plant on the B4WSP Lot B3 site;

<sup>3</sup> National Institute of Statistics, 2015. *Recenseamento Geral da População e Habitação* (Angola Population and Housing Census) May 2014

- **Lot B8:** Bitá distribution network and metered connections;
- **Lot B9:** Cabolombo distribution network and metered connections;
- **Lot B10:** Ramiros distribution network and metered connections;
- **Lot B11:** Mundial distribution network and metered connections;
- **Lot B12:** Upgrade to CD Camama and retrofits to existing distribution networks; and,
- **Lot B13:** Upgrade of CD Benfca II and retrofits to existing distribution networks.

Since the project was initiated construction on Lot B4, CD Cabolombo, began with an advanced from the GoA, works have stopped temporarily pending further GoA funding. Even though Lot B4 is not included in the World Bank (IBRD) Guarantee it is considered to be associated with the B4WSP and as such is covered by the present RPF and the associated ESIA.

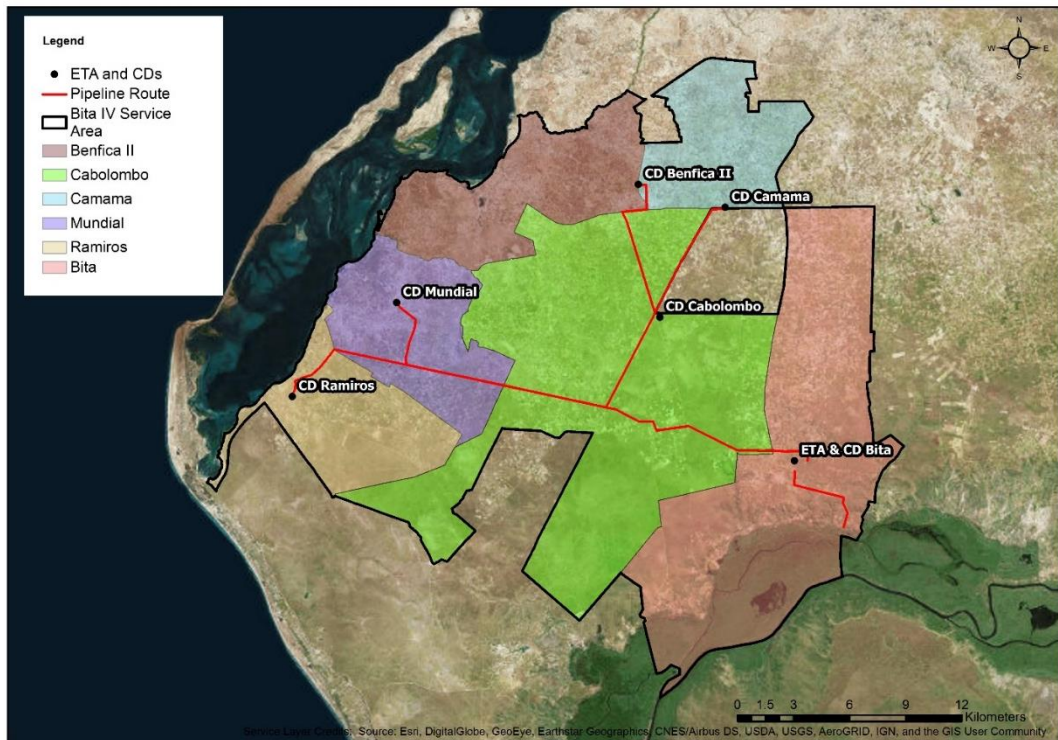
It is noteworthy to clarify that the present RPF and associated ESIA have been prepared based solely on the concept design and an assumed construction methodology derived from professional experience. Therefore estimations of environmental and social impacts, including resettlement, require updating once detailed design is complete.

The current population (2017) and 2030 together with their respective water demands are listed in Table 1-2. A map showing the proposed transmission mains serving the CDs and their ultimate distribution areas are shown in Figure 1-3.

**Table 1-2: Present and Future B4WSP Populations and Water Demands**

	Description	CD	Area (ha)	Estimated 2017/18 Population	2017/18 Total Demand (l/s)	Estimated 2030 Population	2030 Total Demand (l/s)
<b>Area 1</b>	Contracted CDs	Ramiros	7,768	26,791	19	45,866	79
		Cabolombo	23,274	136,276	167	233,309	405
		Bitá	16,581	98,936	51	169,382	237
		Mundial	6,303	164,356	205	281,383	464
<b>Area 2</b>	Existing CDs	Camama	4,948	353,812	471	605,738	1,273
		Benfca II	6,741	401,431	534	687,263	1,193
<b>Area 3</b>	Indirect beneficiaries served from Benfca II	Talatona, Benfca I, Futungo, Morro Bento	2,434	128,577	171	220,128	382
<b>Total</b>			<b>68,049</b>	<b>1,310,179</b>	<b>1,618</b>	<b>2,243,069</b>	<b>4,659</b>
<b>Population estimates based on the 2014 national census. Growth rate 2014-2020 4.3% p.a., 2020-2030 4.5% p.a. Figures exclude Non-Revenue Water.</b>							





**Figure 1-3: Proposed Bitá IV Transmission Network and Ultimate Distribution Areas**

The present RPF is one of three prime deliverables of B4WSP Phase One, the other two being:

- Technical Feasibility Report;
- Environmental and Social Impact Assessment;

The ESIA is prepared in accordance with the structure and guidelines of World Bank Operating Policy 4.01 *Environmental Impact Assessment* for a Category B Project and all other relevant World Bank safeguard policies, as well as with the local requirements of the Ministry of Environment (*Ministério do Ambiente*). The RPF complies with the requirements of World Bank operating Policy OP 4.12, *Involuntary Resettlement*.

In addition, a detailed Stakeholder Consultation and Engagement Plan (SCEP) has been prepared and is presented as Appendix B to the ESIA Report.

Adequate quantities of potable quality water are a fundamental requirement for the sustenance of life. The consequences of not commissioning a new source in the Lower Kwanza Basin, its treatment, and distribution throughout the project area will have grave cumulative impacts for many thousands of residents, these impacts potentially including but not limited to:

- Further reduction in the access to adequate water;
- Increased pumping from illegal, unlicensed wells;
- Increased household expenditure on potable water;
- Increased reliance on poor quality water for bathing, washing clothes and food preparation;
- Increased dependence on tankered supplies, often from non-potable sources;
- Increased prevalence of water-borne disease;

- Social discord within families<sup>4</sup>; and,
- Conflict between those with access to potable water and those without.

### 1.3 SCREENING FOR RESETTLEMENT AND PAP IDENTIFICATION

At the outset of the ESIA study and RPF preparation, the Bitu IV E&S team undertook reconnaissance walkover surveys along the length of the raw water pipeline and treated water transmission mains, as well as across the CD sites, were undertaken to identify affected land and buildings, and the width of the available corridor through which to lay pipes without encroaching on fenced and/or boundary-marked land, or on obviously tilled and/or cropped land.

Potential ‘pinch-points’ - places where the proposed pipeline widths were wider than the available width - were recorded, measured and photographed. Also considered were those sections of pipelines where the D&B contractor envisages distribution pipelines running parallel to the transmission mains, thereby requiring a wider overall working width. These surveys did not have the benefit of land use or cadastral mapping, and it is to be expected that some land considered to be vacant may already be designated for a specific use and/or the rights to it already assigned. This will be fully defined when the CD sites and pipeline routes are surveyed by the D&B contractor for each construction lot.

The results of these surveys are summarised in Tables 1-3 and 1-4, and satellite images illustrating them are given in Appendix A of the ESIA. For present purposes, Table 1-3 lists (i) the different sections of pipeline expected to be laid as part of the Phase 1 works, i.e. with capacity for 6 m<sup>3</sup>/s, even though only 3m<sup>3</sup>/s will be supplied in Phase 1, (ii) the expected working width for the ultimate (9m<sup>3</sup>/s), the ‘worst-case’ scenario, and (iii) the present widths available from the existing tracks. Further details will be presented in the B4WSP ESIA. The main areas of the intake works are within the Kwanza floodplain and hence under government control. The data gleaned has also been highlighted in the Stakeholder Consultation and Engagement Plan (SCEP) as requiring special attention including specific one-to-one interviews with Project-Affected Persons (PAPs).

In addition to the working widths cited, thrust blocks at the large diameter pipe bends will be extensive and may require additional land take, as may storm drains from the CD sites, and outfalls from washout chambers to the nearest watercourse or drainage ditch. Air-release valve chambers are deemed to be adequately provided for in the working widths cited.

In respect of land take and resettlement, this is considered the ‘worst-case’ scenario. Any reduction in the volumes of water supplied will result in reduced pipeline diameter, reduced land-take, reduced asset loss and less resettlement than is presently suggested. Even if the ultimate aspiration is realised, contractors will take the opportunity to mitigate the impacts of land take and resettlement, primarily by varying pipeline alignment, but also through the other measures described in the B4WSP ESIA.

On completion of the detailed design, the D&B contractors will report their land take requirements for both 6 m<sup>3</sup>/s (Phase 1 and Phase 2 supply) and for 9 m<sup>3</sup>/s (ultimate requirement) and EPAL will decide what should be acquired immediately and what can be delayed until the future system upgrade.

**Table 1-3: Working Width versus Existing Track Width for Transmission Pipelines and Parallel Distribution Lines.**

Transmission Line Section		Transmission Pipelines		Distribution Pipelines		Working Width (m)	Existing Track (m)
		Diameter (mm)	Distance (km)	Diameter (mm)	Distance (km)		
0	Raw Water: Intake to Julio	2 x 1600	1.7	None	None	16	3
1	Raw Water: Julio to Bitu East	2 x 1600	2.9	60 mm	2.9	18	4-6
2	Raw Water: Bitu East to CD Bitu	2 x 1600	0.8	110	0.8	18	12
3	North from CD Bitu	2 x 1400	0.5	600	0.5	17.5	8-10
4	West from 1st Corner to WM 493	2 x 1400	1.1	None	None	15	3-5

<sup>4</sup> It is well documented that in communities with adequate potable quality water where food can be prepared healthily and premises and persons cleaned hygienically, children have improved educational attainment, adults are motivated to optimise their employment potential, and there is less social unrest and family breakdown.

Transmission Line Section		Transmission Pipelines		Distribution Pipelines		Working Width (m)	Existing Track (m)
		Diameter (mm)	Distance (km)	Diameter (mm)	Distance (km)		
4A	West from WM 493 to SS	2 x 1400	1.85	75	1.85	17	3-5
5	West from SS to turn for Quenguela	2 x 1400	4.6	200	4.6	17	3-5
5A	North from 8.05 km on Pipeline 1 to Quenguela	2 x 1400	0.55	200	0.55	15	3-5
6	West from Quenguela to right fork	2 x 1400	1.3	250	1.3	17.5	10-15
7	NW from right fork to left fork	2 x 1400	1.4	75	1.4	17	12-15
8	West from left fork to Node 1	2 x 1400	0.5	350	0.5	17.5	20
9	North from Node 1 to Node 2	2 x 1400	5.6	250	5.6	17.5	15-25, pp 8-10
10	Node 2 into CD Cabolombo	1 x 1400	0.1	600	0.1	29	20
11	CD Cabolombo to Gov. Building	1 x 1000	2.0	350	2.0	7.5	20-25
12	Gov Building to Via Expresso	1 x 1000	4.3	200	4.3	7.5	20-25
12 A+B	Via Expresso to CD Camama	1 x 1000	0.7	None	None	7.5	No Track
13	West from Node 1 to WM519	1 x 700	2.6	350	2.6	10	10-12
14	West from WM 519 to between WM 521/522	1 x 700	2.9	300	2.9	10	10-15
15	WM 521/522 to between WM 523/524.	1 x 700	3.4	400	3.4	10	10-12 with pp 8
16	Point between WM 523/524 to Node 3	1 x 700	1.8	600	1.8	10	10-12
17	Node 3 north to WM 525.	1 x 600	1.5	600	1.5	10	7
18	WM 525 to CD Mundial	1 x 600	2.2	400	2.2	10	7
19	Into CD Mundial	1 x 600	0,2	600	0.2	10	10-12 m
20	Node 3/WM 524 west to WM 529	1 x 300	4.0	110	4.0	9	8-10, with pp 4-6
21	WM 529 south-west to CD Ramiros	1 x 300	3.5	300	3.5	9.5	12-15, with pp 8-10
22	Into CD Ramiros	1 x 300	1.8	110	0.1	9	6.5
23	Node 2 to junction of distribution line	2 x 1200	1.8	350	1.8	17	20-30
24	To next junction of distribution line	2 x 1200	2.3	300	2.3	17	20-25
25	Junction of distribution line to Via Expresso	2 x 1200	1.5	200	1.5	16.5	20
26	East on south side of Via Expresso	2 x 1200	1.3	200	1.3	16.5	15

Transmission Line Section		Transmission Pipelines		Distribution Pipelines		Working Width (m)	Existing Track (m)
		Diameter (mm)	Distance (km)	Diameter (mm)	Distance (km)		
27	Beneath Via Expreso to CD Benfica II	2 x 1200	2.0	None	None	14.5	20

**Working width includes for pipe stringing and access one side of the trench, spoil storage the other. For part of Section 5/5A, the working width is not available without significant demolition, An open land alternative is available, The RPF assumes this is acceptable.**

Photographs of typical situations within which the available working width is less than the expected pipe laying corridor are shown in Appendix B of the ESIA. Adopting the same transmission main sections as used in Table 1-3, Table 1-4 presents results of the initial assessment of potential land, building and asset take. Many of these impacts can be avoided and it is the responsibility of the D&B contractor to design his installations and organize his methods of working so that these provisionally anticipated losses are minimized.

**Table 1-4: Summary of Potential B4WSP Land Take Impacts.**

Section	Land Take (ha)	Buildings (no)	Walls & Fences (m)	Significant Trees (no)
0	Raw Water: Intake to Julio	0.23	0	20
1	Raw Water: Julio to Bitá East	3.19	10	71
2	Raw Water: Bitá East to CD Bitá	0.90	0	17
3	North from CD Bitá	0.42	0	19
4	West from 1st Corner to WM 493	0.88	3	29
4A	West from WM 493 to SS	1.85	0	62
5	West from SS to turn for Quenguela	5.40	0	31
5A	North from 8.05 km on Pipe 1 to Quenguela	0.64	5	22
6	West from Quenguela to right fork	0.05	0	1
7	NW from right fork to left fork	0.30	0	7
8	West from left fork to Node 1	0	0	0
9	North from Node 1 to Node 2	0	7	35
10	Node 2 into CD Cabolombo	0	0	0
11	CD Cabolombo to Gov. Building	0	0	0
12	Gov Building to Via Expreso	0	0	0
12 A/B	Via Expreso to CD Camama	0.38	0	0
13	West from Node 1 to WM519	0	0	3
14	West from WM 519 to between WM 521/522	0	2	14
15	WM 521/522 to between WM 523/524.	0.20	0	28
16	Point between WM 523/524 to Node 3	0.15	0	2
17	Node 3 north to WM 525.	0.45	0	8
18	WM 525 to near CD Mundial	0.66	0	5
19	Into CD Mundial	0	0	0
20	Node 3/WM 524 west to WM 529	0.10	0	47
21	WM 529 south-west to CD Ramiros	0.15	1	1
22	Into CD Ramiros	0	0	0
23	Node 2 to junction of distribution line	0	0	0
24	To next junction of distribution line	0	0	0
25	Junction of distribution line to Via Expreso	0	0	0
26	East on south side of Via Expreso	0	0	0



Section		Land Take (ha)	Buildings (no)	Walls & Fences (m)	Significant Trees (no)
27	Beneath Via Expresso to CD Benfica II	0	0	0	0
<b>Totals</b>		<b>16 ha</b>	<b>28 no</b>	<b>2,450 m</b>	<b>452 no</b>

As the project is presently conceived, i.e., prior to determination of the raw water intake site, the length of the raw water pipeline from pumping station to the Bitá WTP has been assumed to be 5.4 km. The total length of treated water transmission main to serve the CDs is some 82 km laid over a distance of 56 km the vast majority of it within existing unsurfaced tracks.

The working widths cited in Table 1-3 vary from 7.5 m to 29 m, calculated on the diameter of the transmission main, whether a single or twin pipeline, and additional allowance where distribution lines are to be laid in the same corridor. Using this as the basis for the preliminary assessment, the likely land take is calculated to be some 16 ha. Within these widths there are currently 28 buildings, most but not all houses, some 2.5 km of boundary walls and fences, and some 450 significant trees<sup>5</sup>. The majority of these losses, and others still to be evaluated, can mostly be avoided by conventional mitigation measures, such as the modification of pipeline alignment and changes in construction technique to minimise temporary land take during construction.

## 1.4 POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS

The ESIA for the project includes the identification and evaluation of all potential environmental and social impacts that may accrue from the project location, design, construction or operation. For every impact, measures for its avoidance or mitigation, and where necessary, the management of residual and/or cumulative impacts, will be defined in the Environmental and Social Management Plan (ESMP), an integral element of the ESIA.

Pre-construction impacts primarily result from inappropriate project location and/or design and are generally considered to be permanent. Although impacts accruing from the operation and maintenance of the completed project will only be suffered subsequent to commissioning, the majority are best avoided or mitigated during design, leaving minimal residual impact to be managed throughout the life of the project.

At the present time, the most significant environmental and social impacts are expected to include but not necessarily limited to, the following:

- **Land Take** – land take and way-leaves for the intake works, raw water transmission main and treated water transmission pipelines (The land for CD Cabolombo has already been acquired and is under EPAL control. Methods of acquisition are described in Section 2.6);
- **Upper Watershed Management** – the adequacy or otherwise of the releases of water from the nearest dam on the Rio Kwanza at Cambambe, to satisfy not only the Bitá intake but also all other intakes, legal and illegal, between the dam and the yet-to-be determined location of the Bitá IV intake;
- **Lower Watershed Management** – derogation of surface water flow downstream by the Bitá IV intake, any reduction in flow at existing intakes;
- **Biodiversity and Habitats** – derogation of designated environmental flows for the maintenance of fisheries and wetland ecology, the reduced dilution of agricultural residues, increased sedimentation, and greater tidal reach. Depending upon the final intake location and the length of the open raw water channel, there may be loss of natural vegetation, riverine and/or wetland habitat, and the area may become more accessible to fishermen, hunters, egg collectors and those engaged in the trade in live-species;
- **Involuntary Resettlement** – potentially impacting households and businesses within the pipelines’ Rights of Way, resulting in the disaggregation of communities, social conflict

<sup>5</sup> Most of the trees are mango or cashew. No baobab (*Adansonia sp.*) trees will be felled.

between existing residents and resettled PAPs, competition for alternative land resources, and particular impacts on vulnerable groups;

In addition to the assessment of these and other issues identified by the Consultant, the ESIA will also assess the comments and concerns of stakeholders raised during public consultations. A Stakeholder Engagement Plan (SEP) has been prepared for the project. In assessing B4WSP impacts, the effects of climate change – sea level rise, changes in rainfall patterns and the enhancement of climatic extremes - on the flow regime of the Rio Kwanza will also be considered.

Construction impacts resulting from the activities of the D&B contractors, such as the use of machinery, the noise and dust that routinely accompany any construction work, the generation of surplus spoil, and interruption of normal traffic flow, are most commonly of a temporary nature but will also be evaluated. The social impacts of construction can include conflict between workers and their host communities if the majority are not Angolan.

Although B4WSP was conceived some years ago, concept design has only recently been completed. During its inception, a number of layout and other alternatives were proposed, of which some were rejected and some accepted. Further changes may be expected during preliminary and detailed design. The ESIA will, as necessary, propose amendments to reduce prime impacts such as land take and resettlement. Each of these alternatives, whatever their origin, are discussed in the ESIA and the reasons for their rejection or acceptance explained. As is standard in all ESIA studies, the 'Do Nothing' or 'Without Project' alternative will also be assessed.

The provision of adequate quantities of potable quality water will induce further, as yet unplanned, residential, commercial and industrial development – commonly referred to as 'Induced Development' - throughout the areas served. Whether such development is viewed positively or negatively depends on the degree to which it is undertaken in compliance with a pre-determined land use plan, with strict planning and building control, or if it is allowed to develop piecemeal without planning control.

All land in the Province of Luanda is designated as urban. Although there is much that remains essentially rural, many areas are inhabited by people who work in the inner city or outer suburbs of Luanda, and the rural areas are rapidly becoming urbanised.

## 1.5 PURPOSE AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

National personnel assigned to World Bank-funded projects often lack a thorough understanding of the Bank's safeguard policy for Involuntary Resettlement embodied in OP 4.12, and Bank staff may have limited working knowledge of the prevailing national policy and legislation for land acquisition, expropriation, displacement, compensation and resettlement. Projects for which OP 4.12 may be triggered are therefore required to prepare a Resettlement Framework Policy (RPF) to provide both national and Bank staff with practical and readily available relevant information on resettlement activities and to broadly contribute to the harmonization of Bank and national environmental and social safeguards.

The fundamental tenets of the RPF are that:

- Involuntary resettlement and land acquisition will be avoided wherever possible through the use of feasible alternatives;
- As soon as involuntary resettlement is triggered, a census of affected persons and communities will be conducted and a cut-off date set in order to avoid the influx of individuals or groups to project sites;
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be executed;

- Project-Affected Persons (PAPs)<sup>6</sup> will be meaningfully consulted and given opportunities to participate in the planning, design and implementation of compensation programs; and,
- All PAPs will be assisted to improve their living standards; at minimum to restore them to what they were prior to the commencement of the project.

The objective of the Bank's Policy is to ensure that throughout its life, the project fully complies with the principle that any involuntary loss of assets or relocation of economic activities or residence are minimized and fully compensated, that adequate procedures exist for the prior consultation of all PAPs, the assessment of loss and entitlement, the handling complaints and disputes, and the monitoring of outcomes. In particular, OP 4.12 provides that the outcomes conform to the principles of full and prior compensation for any loss and that standards of living are fully restored. It is a major tenet of the Policy that those who lack legal tenure of affected assets are also entitled to fair compensation and other forms of assistance offered to those with legal tenure.

The Resettlement Policy Framework establishes resettlement objectives and principles, organizational arrangements, and funding mechanisms for any resettlement that will ultimately be necessary during project implementation. When the extent of resettlement is determined and OP 4.12 is triggered, a Resettlement Action Plan (RAP) or Abbreviated Resettlement Action Plan <sup>7</sup> (ARAP) is prepared.

Together, the RPF and RAP/ARAP will optimise the extent to which the adverse impacts arising from involuntary resettlement on Bank-funded projects are avoided, mitigated and managed. Client countries are hence encouraged to adopt and implement legal and regulatory framework that equate to Bank's *Involuntary Resettlement Policy*. In the absence of equivalency, the Bank requires client countries to prepare and align their policy with OP 4.12.

For present purposes, the B4WSP RPF comprises four subsequent sections:

**Section 2** highlights the legislative and institutional framework of relevance to resettlement and land acquisition currently applicable in Angola;

**Section 3** explains the requirements of World Bank Operational Policy OP 4.12;

**Section 4** identifies the discrepancies between current Angolan practice and World Bank requirements, with recommendations on how these may be resolved; and,

**Section 5** addresses the implementation of involuntary resettlement for the Bitá IV Water Supply Project.

***While this RPF provides a considered summary of both Angolan legislation and World Bank requirements, the details presented are necessarily abbreviated and those responsible for executing land acquisition and/or involuntary resettlement for the implementation and the preparation of RAPs for the Bitá IV Water Supply Project are advised to refer to the official publications of Angolan legislation and to the full text of World Bank Operational Policy OP 4.12 and Bank Procedure BP 4.12.***

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<sup>6</sup> In the context of the present document, a Project-Affected Person (PAP) is anyone who, as result of project implementation, incurs temporary or permanent loss of, or access to, land, shelter, assets, income or means of livelihood, and consequentially suffers reduced living standards or productivity.

<sup>7</sup> Where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an Abbreviated RAP (ARAP) may be agreed with the Borrower.

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## 2 ANGOLAN RESETTLEMENT POLICES AND PROCEDURES

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### 2.1 SCOPE OF RPF REVIEW

This section of the RPF reviews the policies and procedures under which land expropriation and resettlement issues are currently dealt with for Government-sponsored public infrastructure projects.

The scope of review includes identification of applicable legislative instruments, to the legal basis for tenure and transfer, the procedure through which land is expropriated in accordance with Angolan law, and the expropriation procedure in common use. Finally, institutional arrangements and responsibilities for expropriation and resettlement issues are described insofar as they affect the Bitá Water Supply Project (B4WSP).

### 2.2 INSTITUTIONAL ARRANGEMENTS

#### 2.2.1 THE PROJECT PROPONENT

The Project Proponent for B4WSP is the Government of Angola (GoA) represented by *Empresa Pública de Águas de Luanda* (EPAL), the responsible authority for public water supply across the Province of Luanda, which processes water from Rio Kwanza and Rio Bengo at 14 collection and treatment plants, and distributes it through 26 distribution centres. The potable water system in Luanda had in 2013 an installed treatment capacity of 730,250 m<sup>3</sup>/day but only 354,180 m<sup>3</sup>/day distribution capacity. The system is constrained by obsolete equipment and facilities, and an estimated 40% of water in the distribution networks is lost due to technical and commercial causes – ‘unaccounted for’ water.

EPAL is in effect the provincial water department - a professional public utility - that works to policy formulated by the Ministry of Energy and Water (MINEA), within which it is a functioning entity.

#### 2.2.2 SECTOR STRATEGY AND GOVERNANCE

Sector reform since the end of the civil war has been guided by the 2002 National Water Law, the 2003 Strategy for Water Sector Development and the 2004 Water Sector Development Program (PDSA). With assistance from the World Bank, GoA is seeking institutional restructuring through the Water Sector Institutional Development Project (PDISA), whereby new institutions have included Autonomous Provincial Water and Sanitation Utilities, a regulatory agency and a National Institute for Water Resources. These reforms are occurring in the context of decentralization guided by the 2007 Law of Local State Administrative Units.

Each of the 18 provincial governments, 164 municipalities and 557 *communas* have some level of responsibility for water supply and sanitation. Each province, through its Department of Water, is responsible for sector planning and implementation. In Luanda, EPAL, is this department. Municipal governments maintain existing public water and drainage systems, while the *communas*, funded by the municipalities, manage designated piped water distribution systems.

The hierarchical administrative structure for urban water supply in respect of the capital is illustrated in Table 2-1.

**Table 2-1: Urban Water Supply Structure in Angola.**

Policy	National Directorate for Water Supply and Sanitation
Strategy	Ministry of Energy and Water
Regulation	Regulator Institute for Services of Electricity, Water Supply and Waste Water Sanitation (HIRSEA).
Service Provision	EPAL (for Luanda) Municipalities <i>Communas</i> Small-Scale Independent Providers

Other government stakeholders in the water sector include:

- National Institute for Hydraulic Resources;
- National Institute for Territorial Planning;
- National Reconstruction Office;
- Office of Special Works;
- National Development Fund;
- Ministry of Public Works;
- Ministry of Environment;
- Ministry of Health;
- Municipal Department of Territorial Management; and,
- Social Support Fund.

Non-governmental stakeholders include aid partners, national and international NGOs, CBOs and private sector entities, but GoA remains the primary driver of implementation. Outside partners provide technical assistance in urban service provision and specialist technologies.

In respect of local water management, Development Workshop (DW), a Canadian NGO that has worked for many years in Angola, in land administration reform, WASH and other sectors, have been establishing neighbourhood water committees with a variety of tasks including the management of water availability and access, the maintenance of fountains and, on behalf of EPAL, the collection of water fees and subscriptions. DW have also produced the seminal work on community water management in Angola<sup>8</sup>, the methodologies described having not been approved by MINEA.

### 2.2.3 ADMINISTRATIVE AREAS

B4WSP construction will take place in three separate Administrative Municipalities within the Province of Luanda; Belas, Viana and Talatona. Within these municipalities are 18 urban districts (*distrito urbano*) of which 11, together with one commune (*communa*), are covered by the six B4WSP (4 new, 2 upgraded) distribution centres (CDs). At EPAL’s request, the distribution networks from each CD are designed to cover specific locally-administered area, *bairros de influência*, as illustrated in Figure 2-1. The number of *bairros* covered by B4WSP is 61 divided among the CDs as shown in Table 2-2.

<sup>8</sup> Ministry of Energy and Water, National Directorate of Water Supply and Sanitation, Undated. *Modelo de Gestão Comunitária de Água*. Development Workshop, Occasional Paper No. 11, pp. 420.



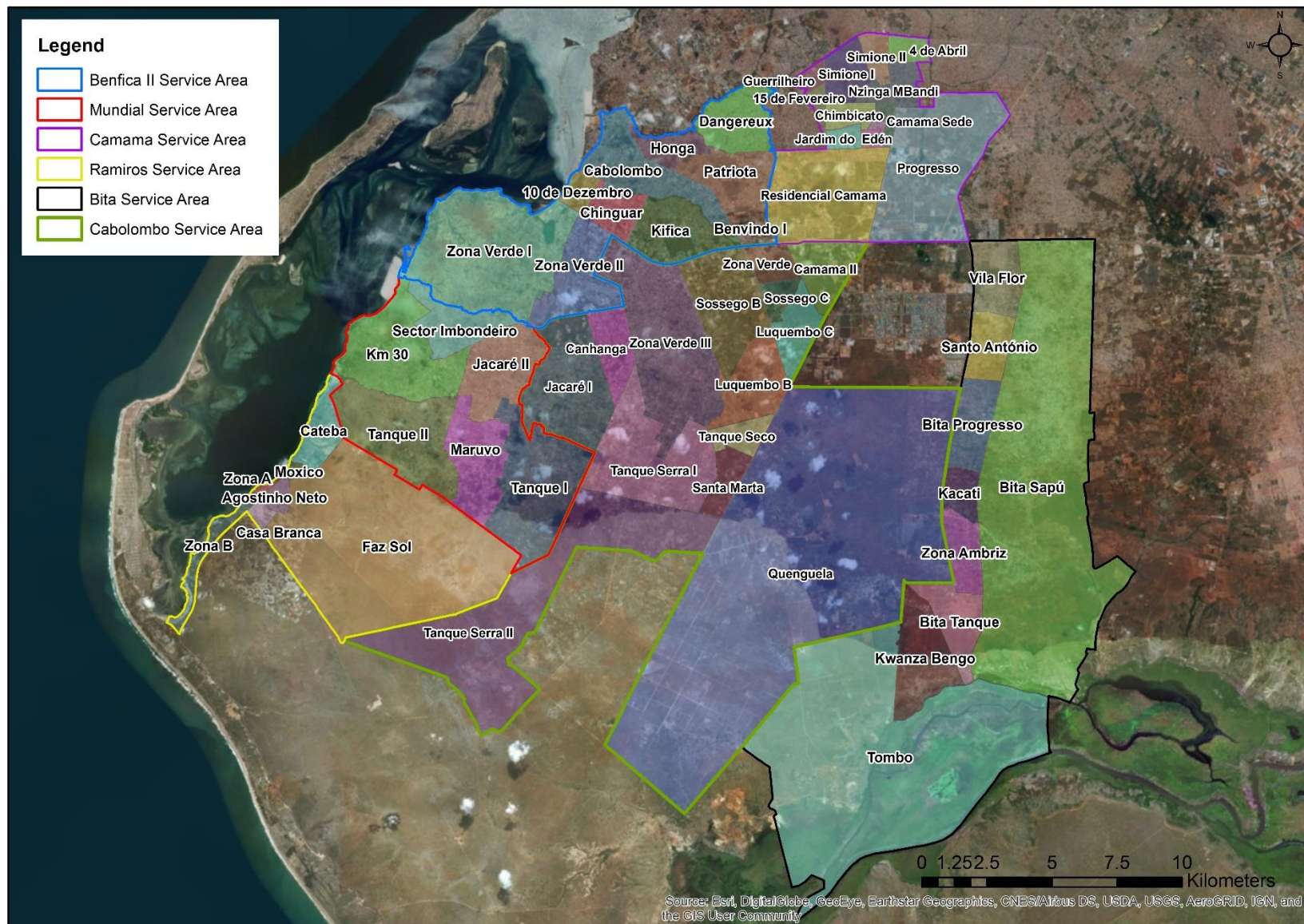


Figure 2-1: The Administrative Boundaries across the B4WSP Area.

**Table 2-2: Number of Bairros within each CD service area**

CD Bitá	CD Cabolombo	CD Camama	CD Benfica II	CD Mundial	CD Ramiros
9	15	14	10	6	7

## 2.3 REAL ESTATE, LAND OWNERSHIP AND TENURE

### 2.3.1 OVERALL PERCEPTION OF PROPERTY RIGHTS

A commonly applied metric in determining financial stability is the *Index of Economic Freedom*<sup>9</sup> (IEF), a sub-component of which is the *Property Rights Index* (PRI), which reflects:

- the degree to which a nation’s laws protect private property rights;
- the degree to which the government enforces those laws;
- the likelihood that private property will be expropriated;
- the independence of the judiciary;
- the existence of a judiciary free from corruption; and,
- the ability of individuals and businesses to enforce contracts.

The IEF scores countries from 0 to 100, with the 2018 results showing Hong Kong and North Korea respectively top and bottom of the 171 countries for which the index is calculated. With a score of 48.6 the Republic of Angola is ranked 164th, between CAR (163rd) and Ecuador (165th). Of 47 sub-Saharan countries, Angola ranks 40th.

The PRI for 2018 assigns Angola a score of 36.0. In the latter years of the civil war the country recorded a PRI of 30, but in the aftermath this fell to 20 (2007-2012) and to 15 (2013-2016), but has steadily increased since.

The United Nations classifies both economic freedom and property rights in Angola as ‘*Repressed*’.

### 2.3.2 LEGAL FRAMEWORK

The 1992 Constitution of the Republic of Angola (law No. 23/92 dated 25 August 1992) gives the government ultimate authority over all land, water, air, soil, and all other natural resources. The legal framework is derived from Portuguese Civil Code, which does not readily accommodate traditional African land tenure practices.

The primary legislative instrument for land is the 2004 Land Law (*Lei de Terras de Angola* – Law No. 09/04 dated 09 November 2004), the objectives of which include environmental protection and the assurance of sustainable and economically-efficient use of land. Applicable to all urban and rural land, this allows the state to confer private property rights over urban land, and reintroduces the concept of customary domain over rural land that was lost in the Portuguese civil code. The state can confer transferable rights, and notably provides for the transformation of customary rights into legal rights to provide security of tenure and protection from the evictions that were common throughout both colonial times and the civil war. The law does not extend to private land, such as that of the Catholic Church and foreign embassies. Foreigners are permitted to hold land in Angola. For issues that fall outside the remit of the Land Law, such as the inheritance of property, deference is made to the Angolan Civil Code (*Código Civil* – Law No. 61/08 dated 31 October 2008). Under the 2001 Council of Minister’s Decree on the Resettlement of Displaced People (Decree 01/01 dated 5 January 2001) the rights of displaced people to housing and provision for additional land allocation, is recognised.

Institutional responsibility for the assignment of land is divided between three entities. Concessions of urban land up to 1,000 m<sup>2</sup> may be authorised by the Municipality Administrator, while the approval of

<sup>9</sup> A series of 10 economic measurements created by the Heritage Foundation and the Wall Street Journal.

the Provincial Governor is required for areas up to 50,000 m<sup>2</sup>. Areas greater than 50,000 m<sup>2</sup> may only be assigned by the Minister of Urban Planning and Housing.

Under the auspices of the Ministry of Agriculture and Rural Development, the Land Law identifies acceptable uses of land to be four-fold:

- for shelter and homes;
- for natural resources and mining, for agriculture;
- for forestry and land planning; and,
- for economic and industrial activities.

Also passed in 2004, the Law of Territorial Planning and Urbanisation (*Lei do Ordenamento do Território e do Urbanismo* – Law No. 03/04 dated 25 June 2004) requires territorial development plans to be developed for all rural and urban land at central, provincial and municipal levels, and empowers municipalities to expropriate land for development.

Notwithstanding this legislative provision, many argue the Land Law has not been fully implemented and land administration and management remain weak. The majority of people are unfamiliar with land and property legislation and the majority of land users remain without documented proof of tenure or entitlement. Customary law still governs issues such as land access, the control of land and its production, land transfer and land use. Customary law principles and practices can be highly localized, but most are applied on the basis that land is owned by a universal deity, the ancestors of living occupants, the community, or by individuals within a community, and are administered for the benefit of the community by the traditional leader or village elder (*soba*)<sup>10</sup>.

### 2.3.3 LAND TENURE

Under the 1992 Constitution, *the state holds the ‘direct domain’ of land and has the authority to confer or transfer the ‘useful domain’ to individuals and entities*. Land tenure under formal law is based on its classification as urban or rural, the land use, and duration of such use. The different categories of land tenure are described in Table 2-3. In all aspects of land holding in Angola, men and women have equal rights.

**Table 2-3: Land Tenure in Angola.**

Tenure Type	Provision
<b>Ownership</b>	The Land Law authorises private rights to urban land that have the quality of freehold title under which the landholder has the perpetual right of occupation and use, transfer, mortgage and sale. However, purchase and sale of urban land must be by public auction, with prices fixed by price indices and municipal rules. Private property rights can only be transferred with the consent of the local authority, and only after five years of effective use.
<b>Useful Customary Domain</b>	Rural communities, i.e., groups of neighbouring families that have collective rights of possession and administration, and use the land in a useful and effective manner according to custom, can obtain a perpetual right of Useful Customary Domain. Such a right cannot be transferred or seized unless by foreclosed mortgage, or if subjected to a concession.
<b>Useful Civil Domain</b>	Useful Civil Domain over rural and urban land is granted by means of a concession contract or lease, and is a perpetual right that may be mortgaged.
<b>Surface Rights</b>	Surface Rights to rural and urban land are granted to individuals and entities for the construction of buildings or to make or maintain plantations. Provisionally granted for 5-years, they can be extended to 70-years
<b>Precarious Occupation Rights/Temporary Leaseholds</b>	Temporary Occupation Rights are granted on rural and urban land for up to one year, subject to renewal, for the purposes of construction, mining, scientific investigation or other permitted activities.

<sup>10</sup> Nowadays, Sobas are more than traditional village heads. They represent administrative interests and are salaried for doing so.



Tenure Type	Provision
<b>Customary Rights and Former Land Owners</b>	The vast majority of Angolan land is held under Customary Law that asserts rights based on principles such as, the first clearer of the land, inheritance, and informal transaction. Some former landholders, such as Portuguese holders of large farms, claim <i>de facto</i> rights based on their former ownership and continued occupancy. In some areas, local government classifies the rights of these farmers as akin to perpetual leaseholds.

All formal land grants and transfers are subject to useful and effective use, and the state cannot grant a household an area greater than one-third of that for which it has the capacity to work, and the granted rights are liable to forfeit if the land is not used for the purpose intended for three consecutive years or six non-consecutive years.

Inheritance of land through customary processes is the main source of rural land in most communities, followed by arrangements for leasing, borrowing, and sharecropping. Everyone who is deemed trustworthy is entitled to have the use of a parcel of land, its size and location determined by the traditional leader (*soba*) based on household size and planned use.

In urban and peri-urban areas, land access is more dependent on its value. Individuals and households often begin by sharecropping, then renting and finally purchasing their land on the informal market. In the more populated areas, *bairro* commissioners and residential committees are also a source of land access. Where municipal offices function, a coordinating commission may handle land requests with the provincial department of the Ministry of Public Works and INOTU.

Official statistics suggest 85–90% of land in Angola is not held under formal title and is unregistered. The Land Law provides for the registration of land rights, concessions, surface rights, and rights of useful civil and customary domain. However, the registration procedure is cumbersome, typically takes up to one year, and requires a down-payment of 11% of the property value. Few if any of the cadastral offices needed to administer the process are functioning, and in some areas the Ministry of Justice will file documents giving evidence of land rights.

### 2.3.4 FEMALE RIGHTS AND ACCESS TO LAND

Angola’s Constitution established the right of non-discrimination on the basis of gender and subsequent laws support equal right to household assets. The 1988 Family Code (*Codigo da Familia – Law No. 01/88 dated 20 February 1988*) provides for the equality of women and men within marriage, the recognition of registered and common law marriage, spousal rights to separate and community property, and the obligations of spouses in the event of separation and divorce. During the years of war, women generated the family income, provided household food, clothing and facilities, raised and often educated children, and cared for the sick and elderly. More than 30% of present households are headed by a woman, yet only 20% are literate, compared to 30% for men. Women comprise the majority of those living in extreme poverty.

The succession provisions of the 2008 Civil Code allow for testamentary disposition of property in accordance with the testator’s wishes. Intestate provision grants property to surviving spouses and children equally. As a matter of practice, however, daughters may either not inherit land, or may only inherit a smaller amount than sons. In some areas, families divide their land based on the theory that daughters will receive land when they marry while sons will be required to provide land to support a wife and children and care for elderly parents.

Regardless of the source of land (e.g., inheritance, lease, purchase), and although Angolan women have equal right to land, they may not have equal access to it. Women in rural areas generally move to their husbands’ villages upon marriage and often live on and cultivate land owned by the husband’s family, or granted by the family or *soba* to the husband. If a woman is subsequently widowed, abandoned, or divorced, the former husband or his relatives may force her from her husband’s land. Whether these women are welcomed back in their natal villages is far from assured.

Women are less likely to have the assets necessary to lease or purchase land in urban and peri-urban areas, and most of those seeking land are often forced to resort to the most insecure and least lucrative arrangements, i.e., borrow land, sharecrop, or squat on former commercial farms, making sporadic payments to landlords. In many cases, the land women are able to access is of poor quality.

Overall, a woman’s right to land is generally less than her rights under the Angolan Family Code, although in land dealings with the government, her rights are equal to those of men.

## 2.3.5 LAND ADMINISTRATION

The National Institute for Territorial Administration sets the rules for the division of land between districts and other administrative entities. The National Institute for Territorial Planning, on behalf of the Ministry of Territorial Planning and Housing, is the executing authority for the 2008 Land Law and sets the policy for municipal land management. In 2016, Angola signed up to the United Nations Urban Agenda containing a range of social and economic rights and human rights with which the Land Law does not comply. To resolve this, a new land law is being drafted.

The Ministry of Agriculture is responsible for the administration of rural land; the Ministry of Urban Affairs and Housing for urban land and urban planning. The National Institute of Geography and Cadastre (IGCA) is responsible for creating and maintaining a cadastral database, while INOTU sets planning and development standards. Provincial governments initiate the process for recognising customary useful domain for rural communities.

Much effort is being expended in development a comprehensive GIS-based cadastre but the present situation remains confused. Records are in any case only available for those plots for which title, full or provisional, has been assigned. Some of these records have been transferred to the GIS database but the majority remain in paper format.

Under the National Housing Project (NHP) initiated at the end of the civil war, the National Reconstruction Office (NRO) constructs new urban and peri-urban housing. The beneficiaries and the extent of housing provided are poorly documented, and national and international NGOs have claimed NRO evicts residents from informal settlements and destroys homes without appropriate notice and/or compensation. NHP is now the responsibility of the Ministry of Urban Affairs and Housing.

Problems attributed to Angola's land administration system include:

- incomplete forward planning legislation and regulation;
- incomplete or non-existent data on landholdings;
- cumbersome, time-consuming, and imperfectly understood transaction processes;
- high transactions costs, often including bribes to government officials;
- lack of information and processes to fairly determine land values; and,
- lack of institutional capacity to create and maintain records, and to manage and supervise transfers.

Traditionally, the *soba* was, in many areas still is, responsible for managing community land, allocating land, establishing areas for common use, setting rules for the use of communal land and its resources (in some circumstances, the use of land allotted to individuals), and adjudicating land disputes. In peri-urban areas, the local (*communa*) administrator fills this role or shares authority with the *soba*. *Bairro*-level authorities and *Comissões de Moradores* – neighbourhood bodies that operate informally without government sanction – provide access to land and regularise encroachments.

GoA plans to devolve land administration and management to locally elected councils (*autarquias locais*) that will operate as the lowest level of formal government. These bodies have yet to be established, and it remains uncertain what authority they will have or how effective they will be.

## 2.3.6 LAND MARKETS

With the exception of high-value urban land and large parcels of agricultural land, most land transactions are conducted informally. Customary law allows landholders to alienate communal land temporarily through a variety of means, including leases, rental agreements, borrowing arrangements, and loans. Historically, customary law prohibited permanent transfers because the land was deemed to be held in trust for ancestors and unborn generations and could not, be permanently transferred. But as communal land systems evolved to include individual tenure, permanent transfers became recognised. In urban areas and regions with rich agricultural land, the majority of landholders have individual rights, and such areas support active informal land markets.

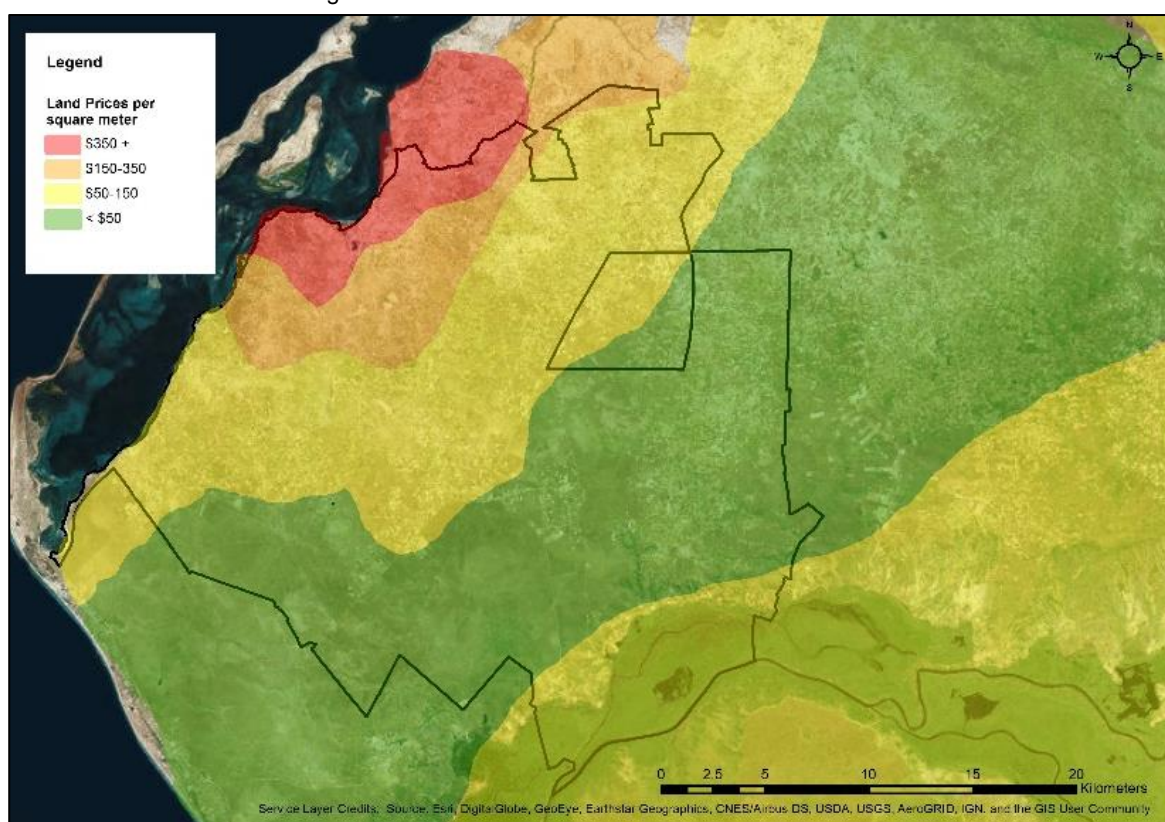
As new housing in urban and peri-urban areas is constructed so the market for plots expands. Prices tend to be high and purchasers tend to be expatriates, companies, and professionals. Recent

international surveys have repeatedly ranked Luanda as either the most or one of the most expensive city in the world for expatriates to live.

For urban land transactions, *bairro* coordinators and residential committees often serve as a source of land for middle and low income households. Potential purchasers inquire about land availability and the coordinators and/or committees facilitate the transactions and maintain records. Many of these entities arose from political parties in the years after Independence and, as such, remain informal, despite many having the qualities of traditional authorities.

The only recent study undertaken into land prices was prepared by Development Workshop in 2012<sup>11</sup>, at the height of the ‘property price bubble’, since when prices have fallen 30-50%, and are not expected to return to 2012-levels in the foreseeable future. However, the study is of interest as it showed relative price bands, with prices rapidly declining away from urban centres. The DW land price map updated by the present ESIA study to more realistically reflect current prices, is shown in Figure 2-2.

It has to be of some concern that the same study found that 61% land transactions involved cash payments, that while these transactions were well documented they remained ‘off-register’, that 85% of buyers believed these transactions to be legitimate and secure, yet the vast majority were legally insecure, with just 7% validated by official documentation. Inevitably, it is the poor and the vulnerable who are at most risk of losing their land.



**Figure 2-2: Land Price Bands for Luanda (After DW, 2012).**

The influx of people into Luanda during the civil war for reasons of safety and security continued on cessation of hostilities and to a lesser extent, for reasons of employment and access public services, continues today. In the late war and immediate post war years, the population of the municipality of Viana increased from 34,592 in 1998 to 63,591 in 2000, and to 1.06 million in 2008. It is therefore not surprising that there is a vibrant real estate market for land occupied both formally and informally and that land prices in Luanda and its environs are determined by the same criteria as they are in capital cities around the world, including but not limited to:

- population density – a reflection of popularity;

<sup>11</sup> Development Workshop Angola, 2012. *Urban land markets for housing in Luanda, Angola*. World Bank Conference on Land and Poverty, Washington, April 2012.

- access to employment opportunities;
- presence of infrastructure services;
- availability of right of tenure;
- access to social services (education, health); and,
- access to roads and public transport.

The manner in which land is transacted demonstrates the informality of the real estate market. 90% of transactions are made directly between buyers and former owners, while 8% were transacted through local government administrators or recognised neighbourhood coordinators. Only 2% involved payment via an agent or intermediary.

### 2.3.7 LAND EXPROPRIATION

The Constitution, the Land Law together with the Land Law Regulations give the state broad powers to take land for public benefit, including land over which a private property right is asserted. Under the Constitution, Article 15, all land acquisitions by the state are deemed to be inherently valid and irreversible if expropriation is in the public interest, but, Article 27, requires fair compensation to be made to the title holder and any other affected rights' holders. More broadly, the Civil Code, Article 1308, provides for adequate compensation with regard to real rights affected.

Since the end of the civil war land expropriation for development has been common. Municipal governments and the NRO have expropriated informally-settled land for new residential construction and infrastructure development. In some cases, the state has not given appropriate notice and/or has not paid compensation, although in some cases it has provided those evicted with alternative housing.

The state can also expropriate land held by rural communities with payment of compensation; also land leased or under concession, with concession holders entitled to six months' notice of expropriation. The state should pay for the value of improvements and may afford the use of a similar property.

### 2.3.8 LAND DISPUTES

Land disputes are common in areas where there is a mix of land rights, where the population is in flux, and where the area is near an urban or peri-urban centre. The most common causes of dispute are:

- Government expropriation and eviction;
- Boundary disputes;
- Third party (non-local) assertions of rights to land;
- Access by marginalized groups (e.g., widows, divorced women, ex-combatants, pastoralists);
- Ambiguity in the nature of the rights held;
- Encroachment, commonly between the occupants of former commercial farms and new owners taking possession under government concession;
- Land speculation and land-grabs; and,
- Land-transfer disputes.

Angola's land-dispute resolution framework includes both formal and customary procedures. Land cases brought to the civil court are long and costly - an average case in a provincial court may run for two years, but four or more years is not unusual. While appeal is a right, it may take several more years to be heard, and the status quo condition will be maintained for that period. The Land Law provides for mandatory mediation and arbitration before a provincial tribunal, organised by the provincial governor. Disputes involving rights of possession, management, use, and production of rural community land, and issues related to the useful domain of rural community land, are decided within those communities by prevailing customs, with the right of appeal by any party to the process.



In conjunction with village elders and local councils, *sobas* traditionally handle a multitude of local governance matters, land issues, and conflict resolution. In peri-urban and urban areas, *sobas* are often not present or may have limited power, and *bairro* coordinators and *comissoes de moradores* fill the role. In areas where the capacity and resources of local government are limited, these customary and community institutions often carry more authority than formal governmental institutions. Traditional village-based systems applying customary law generally offer participatory, conciliatory methods of dispute resolution.

The DW (2012) study of urban land markets found that 60% of land disputes were resolved by provincial governments or local administrators; 33% by family, friends, neighbours or previous owners, and 7% by the police or court. This notwithstanding, recent discussions suggest that as the population has become more mobile, the position of the *soba* has reduced. Rather than the traditional 'head-man', a font of wisdom and knowledge within their community, they are now more often seen as representing the prevailing political administration, especially by newcomers after and since the war. As a result, the formal appeals procedure as envisaged by the Land Law is often weak and outcomes are more often the result of informal negotiation in which those with money and influence do well, those without, the poor, the vulnerable and minority groups do less well.

General advice from those with a good understanding of the land expropriation process is to avoid disputes and settle with additional compensation payments. Not to do so risks the project being embroiled in long drawn out legal proceedings while the majority of the population wait for new infrastructure services.

### 2.3.9 GOVERNMENT AND DONOR INTERVENTIONS

Despite the presence of the Law on Territorial Planning and Urbanisation, the Land Law, and the Land Law Regulations, GoA has not yet developed the high level institutional support necessary for land administration reform. In many cases, provincial government officials are reluctant to act on land matters in the absence of direction from central government and those that do may resort to superseded laws and out-of-date forms.

The Social Action Fund (*Fundo Apoio Socia*), the government agency for social and economic reconstruction, works on a legal framework for environmental law, and on projects that support small-scale agriculture and local institutional development.

The Youth Housing Programme, initiated in 2009, provides housing to citizens between 23 and 35 years of age who have lived in an area for at least two years, have a paid job, but still no home of their own.

USAID supports the formulation of land rights. It provided technical assistance for the development of the 2007 Land Regulations and funded pilot projects to formalize land rights. Through the Property Rights and Natural Resource Governance Program, the Agency is supporting the strengthening of land tenure and property rights.

USAID's Economic Opportunity program aims to increase access to and productive use of resources such as property rights to directly benefit micro-, small- and medium-sized enterprises in both rural and urban areas. Program activities include technical assistance to build institutional capacity, to facilitate the availability of financial services to entrepreneurs, and to encourage productive uses of financial resources.

The NGO, Development Workshop, for many years an advocate on the land-rights of the urban and peri-urban poor, partner's the Government's decentralization program in municipal participatory planning, and has partnered USAID in land-rights formalisation. DW has also promoted the development of a GIS-based Cadastre and trained many of IGCA's GIS operators. As stated above, DW has developed a model for community water management that has now been adopted by MINEA.

Through *Projecto Terra Angola*, FAO has been successful in registering the rights of some customary communities, and offers land-rights workshops, institutional capacity-building, public awareness, and support to further formalise land-rights.

## 2.4 VULNERABLE GROUPS

While access to land and the rights over it, be it agricultural land or a house, are critical considerations in the lives of all BP4WSP beneficiaries, and it is important to ensure land take, asset loss and resettlement are appropriately compensated, it is also within the remit of the RPF and the later

RAP/ARAP, developed by the EPAL appointed E&S consultants, to identify other social issues, primarily those that impact the more vulnerable groups and individuals within the affected communities.

Vulnerable groups include those that have traditionally lacked the economic or social capital to fully participate in and benefit from projects such as Bitá IV. IFC PS 1 states that “this disadvantaged or vulnerable status may stem from an individual’s or group’s race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Consideration should also be given to factors such as gender, age, ethnicity, culture, literacy, sickness, physical or mental disability, poverty or economic disadvantage, and dependence on unique natural resources”<sup>12</sup>. In this instance vulnerable groups are likely to include: single mothers, widows, unemployed youths, children from poor households, the disabled and aged. As a result of the civil war, a large number of ex-combatants are disabled or otherwise injured to an extent that limits their ability to undertake paid employment. Such groups are relatively well treated under the Civil Code but are not afforded special treatment under the Land Law in respect of land expropriation.

## 2.5 EXPROPRIATION PROCEDURES AND PRACTICES

### 2.5.1 CURRENT ANGOLAN PRACTICE

As stated previously, expropriation for the common good, such as the sourcing, treatment and distribution of communal water supply, is provided for under both the Constitution and the Land Law. The basic procedure is illustrated in Figure 2-3.

Once projects are accepted by the National Institute of Territorial Planning, the project proponent, in this case EPAL, asks the Department of Urban Management in each of the concerned municipalities to identify potential PAPs. The Department collects the names and contact details of PAPs with formal title to their land from IGCA. For any formal land holders not on IGCA’s records, as well as those with informal tenure or who occupy and/or use land with no tenure, contact details are obtained from the *soba* in each of the concerned settlements.

With PAPs identified, the procedure follows different paths depending on the type of tenure. For those with formal title, the system works fairly well. For small projects, consultations with individual PAPs are organised through the *soba*. In addition to explaining that their land is to be taken, an evaluation of their property may be offered then and there. For larger projects, the municipality administrator will contact the government-appointed Consultative Council (CAC) to organise public meetings and explain the government’s intended action. Government-appointed, CACs are not particularly representative of PAP communities or of PAP interests, and are in any case not established in all areas.

For those PAPs without formal title or no title at all, consultation, sometimes at the behest of the CAC, is undertaken by Community Forums that are more representative of PAP interests and include civil society organisation such as NGOs and CBOs.

The value of compensation payments are dictated by GoA. The basis on which valuations are made is not defined but prices do not reflect the full cost of replacement nor the full commercial value. Despite the low base of valuations, the *soba*, representing the municipal administrator, will always try to negotiate a further reduction. Also determined by GoA through the Ministry of Agriculture and Forests are fixed prices for a range of agricultural produce, field crops and trees. Compensation for fixed assets including houses are negotiated on a case-by-case basis.

For PAPs that are to be resettled, size-for-size land as an alternative to cash payment is usually offered. However, this land is almost invariably on the outskirts of the peri-urban area, often many kilometres from the original plot, and does not afford the same earnings potential, access to water, markets or public services such as schools, health facilities, places of worship, nor to friends and family. There is no compensation for the value added to the previous plot through the PAPs years’ of tillage and land management.

On receipt of the first compensation offer, formal rights holders have the right of appeal to the municipal administrator, but if thereafter they remain aggrieved their only recourse is to the courts. There is no

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<sup>12</sup> International Finance Corporation (IFC), 2012. *IFC Performance Standards on Environment and Social Sustainability*. 1<sup>st</sup> ed. [pdf] Available from: [https://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC\\_Performance\\_Standards.pdf?MO D=AJPERES](https://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC_Performance_Standards.pdf?MO D=AJPERES) [Accessed 23.07.18].

second level of grievance redress. PAPs with only provisional title to their land have no right of appeal and must vacate the property by the agreed date or face eviction. PAPs with no title to the land they occupy and/or use are considered ‘squatters’, may be offered an ad-hoc payment or none at all, and must vacate their land on demand or be forcibly evicted by the police or army.

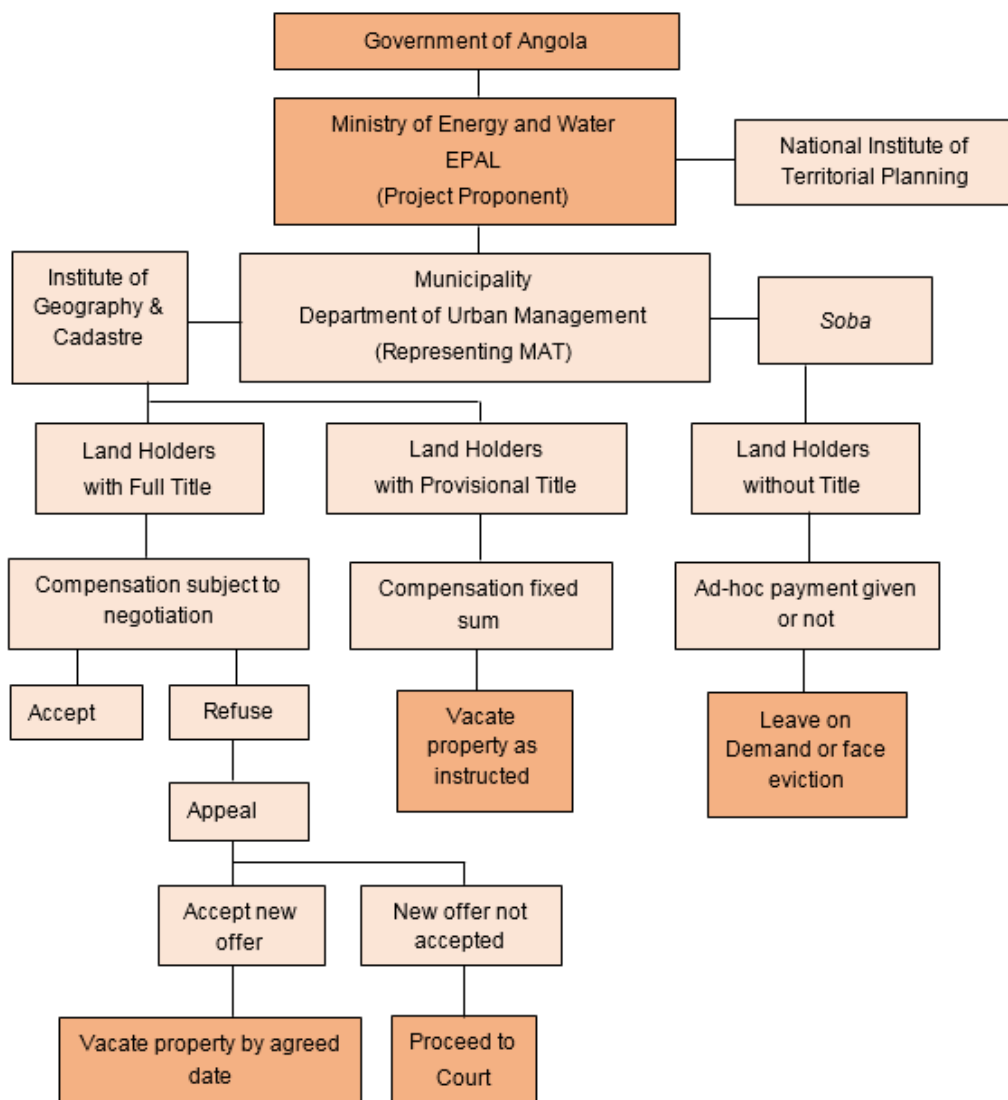


Figure 2-3: Current Angolan Expropriation Procedure.

## 2.5.2 CURRENT EPAL PRACTICE

Because 75% of Angola’s urban and peri-urban population have limited or no legal land tenure and the administration of land remains poorly controlled, EPAL and other government-sponsored project proponents have developed modified procedures for securing land for their projects without the delays inherent in the formal procedure. For recent EPAL projects, the following has been used:

- A walkover survey of the site and/or routes to see where land needs to be taken. If the owner can be identified then and there, the EPAL team is authorised to commence acquisition negotiations;
- For land where the owner is not present the team will ask neighbours or the *soba* for the owner’s name and contact them subsequently;
- For agricultural land and plots with well-defined markers or fences, EPAL will, after speaking to the owner, contact the municipality to assist with acquisition formalities in accordance with current legal procedures.

- For holders of limited or no tenure of their land, EPAL negotiates the most advantageous price for itself.

At the time of the survey, a short one-page form is filled with details of the land holding and the owners or occupants contact details. To this is attached a copy of his/her Identification Card and a photograph. That is all the documentation that is necessary for compensation to be determined.

While EPAL’s representative typically negotiates compensation, the formal procedure requires this to be undertaken by a representative of either the Ministry of Agriculture or the Ministry of Construction and Public Works, depending on the type of land to be acquired.

In almost all cases where a PAP refuses to move because his ancestors are buried beneath the land, the proposed pipeline is realigned to avoid disturbance.

### 2.5.3 ENTITLEMENT TO COMPENSATION

Three different types of land holders are recognised:

1. Those ‘owners’ with the highest rights to their land, essentially a long leasehold, that have paid the government and have the formal papers to prove so. They can sell their land on the official real estate market, and after resettlement, their new land can be sold with the same rights as the vacated site;
2. Those that have a concession or provisional title that gives them the right to use the land but pay no rent. They have no legal right to sell the land but are able to do so on the unofficial real estate market; and,
3. Those who occupy and/or use land without paying rent and having no legal status to do so.

EPAL claim to use the official government prices given below. These are many times less than the prices given in the DW (2012) study, and also much less than those figures amended to take account of recent real estate price falls cited in Section 2.3.6 and shown in Figure 2-2 above.

- ‘Owners’, as in 1 above, are free to negotiate compensation, and EPAL has recently paid up US\$ 40-50/m<sup>2</sup>;
- Holders of provisional title, as in 2 above, were paid a standard rate of US\$ 14/m<sup>2</sup>; and,
- Untitled occupants, as in 3 above, received up to US\$ 14/m<sup>2</sup>, but usually significantly less.

A recent EPAL list giving the compensation paid to ‘peasants and other farmers’ for a 600 mm water pipeline (location, date and other details not known) indicated the price paid for productive agricultural land along the entire line to have been US\$ 10/m<sup>2</sup>.

Almost all compensation is paid in cash. Alternatives, such a land-for-land swaps, are available but cash is usually the owner’s preference. EPAL will also pay for a new house to be built on the new land if one has been demolished. If a house is constructed of metal sheets and/or timber, the PAP will be allowed to remove these materials for self-build erection on the new land.

The rates of compensation for agricultural products, field and tree crops, as provided by EPAL (2018) are listed in Table 2-4. These are believed to be the prices currently in force, but neither reflect full replacement cost nor the full commercial value, and it is expected that the *soba*, representing the municipal administrator, will try to negotiate even lower payments. As stated previously, compensation for fixed assets including houses are negotiated on a case-by-case basis. **The provisional figures presented in Table 2-4 will be reassessed downstream by the PIU CLO to reflect actual market value and full replacement cost.**

**Table 2-4: Compensation Rates for Field and Tree Crops. Source: EPAL, 2018.**

Crop (Portuguese)	Crop (English)	Unit Rate (US\$)
<i>Mangueira Viveire</i>	Mango Small	5 each
<i>Mangueira Média</i>	Mango Medium	20 each
<i>Mangueira Grande</i>	Mango Large	50 each
<i>Cajueiro Grande</i>	Cashew Large	25 each



Crop (Portuguese)	Crop (English)	Unit Rate (US\$)
<b>Cajueiro Médio</b>	Cashew Medium	10 each
<b>Cajueiro Viveiro</b>	Cashew Large	5 each
<b>Bananeira Grande</b>	Banana Large	30 each
<b>Bananeira Viveiro</b>	Banana Small	5 each
<b>Mandioca</b>	Cassava	0.10 per m <sup>2</sup>
<b>Moita de Cana Grande</b>		3 each
<b>Moita de Cana Pequena</b>		2 each
<b>Batata Doce</b>	Sweet Potato	0.07 per m <sup>2</sup>
<b>Fruta Pinha</b>	Pine fruit	20 each
<b>Sape-Sapeiro</b>		20 each
<b>Mamoeiro Grande</b>	Papaya Large	20 each
<b>Mamoeiro Médio</b>	Papaya Medium	10 each
<b>Mamoeiro Viveiro</b>	Papaya Small	5 each
<b>Milho com Espiga</b>	Corn with cob	0.07 per m <sup>2</sup>
<b>Milho sem Espiga</b>	Corn without cob	0.05 per m <sup>2</sup>
<b>Abóbora por cada Pé</b>	Pumpkin by each foot	2 each
<b>Goiabeira Grande</b>	Guava Large	2 each
<b>Goiabeira Média</b>	Guava Medium	10 each
<b>Goiabeira Viveiro</b>	Guava Small	5 each
<b>Maracujeira</b>	Passion Fruit	10.00 per m <sup>2</sup>
<b>Abacateiro Grande</b>	Avocado Large	40 each
<b>Abacateiro Médio</b>	Avocado Medium	20 each
<b>Abacateiro Viveiro</b>	Avocado Small	10 each
<b>Tambarineiro</b>	Mandarin	20 each
<b>Limoeiro com Fruto</b>	Lemon with fruit	30 each
<b>Limoeiro sem Fruto</b>	Lemon without fruit	15 each
<b>Laranjeira Grande</b>	Orange Large	50 each
<b>Laranjeira Média</b>	Orange Medium	25 each
<b>Laranjeira Viveiro</b>	Orange Small	10 each
<b>Coqueiro</b>	Coconut tree	100 each
<b>Árvore de Sombra Grande</b>	Shadow Tree Large	20 each
<b>Árvore de Sombra Média</b>	Shadow Tree Medium	10 each
<b>Árvore de Sombra Viveiro</b>	Shadow Tree Small	5 each
<b>Ananaseiro com Fruto</b>	Pineapple with Fruit	10 each
<b>Ananaseiro Viveiro</b>	Pineapple Small	5 each
<b>Videira Média</b>	Vine Medium	25 each
<b>Videira com Frutos</b>	Vine with Fruits	50 each
<b>Mandioqueiras</b>	Trees used for firewood	10 per m <sup>2</sup>

EPAL will also pay for unharvested crops, but at different and undefined rates from those used for the loss of whole plants or trees. There is no allowance to cover additional distances to travel to work and/or

school, no allowance to restart agriculture, such as the clearance of new land or the additional tillage necessary to make it fit for the first planting, and no assistance with the mechanics of moving, e.g. transport of chattels.

Renters do very badly under Angolan law. All compensation is paid to the land or building title holder. A PAP renting part of the plot with or without a house, will get no compensation from the government and has to rely upon the largesse of the title holder, who will only have been paid on the basis of his or her title with no additional payment in lieu of his tenants. Even if the tenant builds a house on land that is rented, or he improves that land through tillage, he has no designated entitlement to compensation.

For Bitá IV, resettlement will be avoided whenever possible and it is standard practice for structures such as reservoirs and pumping stations to be relocated, and pipelines realigned, to avoid it. Land holding, formally or informally, is a sensitive issue in Angola, not least because it is common practice to inter ones deceased relatives within the compound and sometimes beneath the floor of the house.

There is no special treatment for woman land holders, veterans, the disabled, or other vulnerable groups.

## 2.5.4 GRIEVANCE REDRESS MECHANISM

An inclusive and transparent Grievance Redress Mechanism (GRM) ensures land and/or assets are given up voluntarily, and that formal land holders and tenants, informal occupants and users are not coerced with the threat of eviction and that the project maintains a positive relationship with the community. Sadly, the current Angolan GRM procedure falls short of World Bank requirements.

General grievances are initially directed to local or traditional leaders, the *sobas*, and if not satisfactorily resolved the complainant appeals to the municipal administration. There is therefore significant potential for conflict-of-interest. If the grievance is still not resolved, the complainant's only higher recourse is to the Courts, a process that is both slow and expensive.

In respect of grievances involving land, there are both formal and customary procedures as laid down in the 2004 Land Law and previously summarised in Section 2.3.8 above. The procedure was outlined by EPAL's expropriation department as follows:

1. Publication of the list of owners, tenants, residents, workers and occupants, with information on compensation options, and the assistance available;
2. One month after publication of the list, municipal staff will undertake household visits, during which an offer of compensation will be made. This can be accepted or questions, concerns and complaints raised;
3. Within three months of list publication the municipal administrator will reply.

The types of questions, concerns and complaints raised are:

- Informal complaints, anxieties and doubts requiring further information, usually dealt with verbally during the household visit or later by the *soba*;
- Formal complaints requiring a response in writing, perhaps following a site visit;
- Complaints specific to a household that require case-by-case management;
- Collective complaints by several members of the community, often related to land, crops, trees, and the process of expropriation; valuation, negotiation, compensation and payment;
- Complaints about the process of resettlement; preparation, implementation, information dissemination, payment, and completion;
- Complaints regarding the project construction; impacts and their mitigation, including damage to third parties and impacts resulting from the influx of foreign workers, and project time schedule.

The Land Law provides for arbitration before a provincial tribunal, organized by the Provincial Governor. Those grievances involving rights of possession, management, use, and production of rural community land, and issues related to the useful domain of rural community land, are decided within those communities by prevailing customs, with the right of appeal by any party to the process.

While there is a process of evaluation and grievance redress for land loss and asset take, there is no process by which the government's decision to expropriate can be challenged except through the Courts.

Notwithstanding the formal process, discussions with involved NGOs suggest that the existing GRM does not function particularly well and that the police are involved more than they should be. Given the dilution of the original pre-war ethnic mix in urban and peri-urban areas in and around post-war Luanda, few people now have any connection to their *soba* and will often bypass them to go to the *bairro*, the urban district or the municipal administrator, wherever they feel they can find a sympathetic ear.

As standard there is no formal redress procedure for particularly sensitive issues such as Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA).

Please note this section only outlines current practice in Angola; Section 3.5.4 summarises the World Bank requirements for GRM and Section 5.13 proposes an action plan for the B4WSP GRM.

## 2.5.5 PUBLIC AND COMMUNITY CONSULTATIONS

Many people believe there is no public consultation in Angola. This is wrong. There is a documented consultation procedure but like other issues, it is poorly managed and executed. Effectively, there is no stakeholder engagement or public consultation that compares well to the terms of the Bank's requirements.

As mentioned in Section 2.4.1 above, the municipality administrator engages the government-appointed CAC to organise public meetings and explain the governments intended action. For those with formal tenure there may be one-to-one meetings, but for PAPs without formal title or no title at all, consultations may be undertaken by Community Forums, which unlike the CACs are not government-sponsored, and hence more representative of PAP interests as the Forums include civil society organisation such as NGOs and CBOs.

Because by far the greater proportion of people have no formal land holding, as soon as a site for any large structure, or a route for a road, power line or pipeline is announced, people from the immediate vicinity and from further afield move onto the land and squat in the hope they may be compensated. The idea of having a cut-off date, such as the day of the initial survey, has been tried, but given the poor management procedures, and the knowledge that GoA's overriding wish is to improve the lot of its citizens, illegal occupation of project land still occurs and is generally compensated with *ad-hoc* payments.

It has therefore become common practice to make no public pronouncements of a project until the design has been completed and the construction contractor appointed. At that time, the relevant ministry holds a large gathering with the public, press and hierarchy of concerned local authorities. Speeches are given and political statements made, and very shortly afterwards, perhaps no more than a few days, the contractor moves onto site with no subsequent participatory involvement of PAPs or PAP communities.

The time between public announcement and commencement of construction does not allow properly constructed household surveys. If they are carried out at all, they do not provide an equitable base for assessment. The negative outcome of surveys undertaken under these conditions frequently include:

- No real definition of fixed assets, hence compensation varies widely between households;
- Households have the incentive to add temporary structures to maximise compensation;
- Households that 'are in the know' and understand the urgency of expropriation can hold out for compensation far in excess of what their property is really worth;
- PAPs not present when the surveyor calls may not have their interests recorded;
- The areas required for a project may not be accurately defined at the outset. Hence those whose land is taken later tend to receive lower compensation than those included in the original expropriation budget; and,
- Lack of prior consultation results in PAP confusion and resistance to resettlement.

Almost invariably, rushed surveys and consultations have a greater significance on vulnerable groups, who are unable to take advice of friends, relatives or community leaders. There are frequently examples where negotiations carried out on site solely with the head of household have resulted in lower living standards or difficulties, e.g., reduced access to educational and health facilities, for other members of the family.

## 2.6 RECORD OF RESETTLEMENT AND ACQUISITION ACTIVITIES UNDERTAKEN TO DATE

In discussion with EPAL the ESIA team found that land for EPAL operations had, in the past been acquired in a number of ways depending on the ownership status of the previous occupant. For land held by formal rights holders, EPAL negotiated directly with the land holder. For public land, or land with less than formal title or with no title at all, EPAL negotiated with the local administration, who depending on the size of the land may in turn discuss with the Provincial Governor.

EPAL has informed the Consultant that upon acquiring the land for Lot B4, no ESIA was conducted, however, the contractors issued an Environmental Management Plan (EMP), Health and Safety (H&S) Report, and a Health and Safety Development Plan (HSDP) which have been subject to monitoring; and issuance of a Monitoring Report for the EMP and HSMP with recommendations EPAL has further stated that no resettlement instruments, such as an RPF or a RAP, have been prepared or implemented for the Lot B4 site. However, EPAL/MINEA have a signed agreement with the previous land owners and have taken full control of this land. Furthermore, **EPAL is reaching out to the PAPs to inform them that they may avail themselves of the grievance redress mechanism if they have any complaints regarding their economic and/or physical displacement from any of the Bitá Lot sites. EPAL have expressly stated that they will make the effort in good faith to compensate all potentially affected parties regarding the implementation of Lots B1 to B7, and will issue a public statement inviting them to compensation entitlement in good faith.**

At the time of writing the status of land acquisition activities in relation to Lots B1- B7 is as stated in Table 2-5.

**Table 2-5: Current status of land acquisition activities for B4WSP Lots B1-B7\*.**

Lot	Lot Name	Existing Area (m <sup>2</sup> )	Planned Area (m <sup>2</sup> )	Land Status	Observation
B1	Intake, open channel, pumping station and raw water transmission pipelines and raw water treatment plant	14 000 + 60 000	14.00 + 72 000	Occupied	EPAL and the current owner(s) are in the process of negotiating the purchase of this land.
B2	Treated water transmission pipelines	-	-	-	The majority of land to be taken will be within the existing highways right of way (RoW). Additional land required either side of RoW, will be purchased and land-owners compensated.
B3	CD Bitá	70 000	26 000	Occupied	On the same plot as raw water treatment plant included in Lot B1, and processed water treatment plant (B7)
B4	CD Cabolombo	60 000	20 000	Provided by previous occupants	EPAL/MINEA have a signed agreement with the previous occupants and have taken full control of this land.
B5	CD Ramiros	15 744	7 000	Land occupied by previous, but now non-functional CD Ramiros.	-
B6	CD Mundial	14 000	7 000	Occupied	Awaiting response from current occupant

Lot	Lot Name	Existing Area (m <sup>2</sup> )	Planned Area (m <sup>2</sup> )	Land Status	Observation
<b>B7</b>	ETA Bitá	-	18 000	Occupied	On the same plot as raw water treatment plant included in Lot B1, and B3 (CD Bitá).

\*Information presented in Table 2-5 is sourced from EPAL-issued document *Ponto de Situação dos Espaços Para Implementação do Projecto*, dated April 2019.



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## 3 WORLD BANK OP 4.12 SAFEGUARD POLICY<sup>13</sup>

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### 3.1 POLICY PRINCIPLES AND OBJECTIVES

Any land expropriation and involuntary resettlement resulting from the Bitu IV Water Supply Project (B4WSP) may, if left unmitigated, give rise to difficult economic, social, and environmental risks that can result in a range of unacceptable impacts including:

- Demolition of homes and businesses,
- Dismantling of production systems;
- Impoverishment of people whose productive assets or sources of income are lost;
- Relocation of displaced persons to environments where their productive skills may be less appropriate and the competition for resources greater;
- Weakening, including severance, of community institutions and social networks;
- Dispersion of extended families and kin groups; and,
- Loss of cultural identity, traditional authority, and the potential for mutual help.

Conversely, well-designed and well-implemented land expropriation and resettlement programmes afford good development opportunities<sup>14</sup>. By providing proactive and participatory mitigation measures, adherence to World Bank Operational Policy 4.12 ensures Project Affected Persons (PAPs) will not be negatively affected by construction and subsequent operation. The Policy provides the mechanism for project identification, preparation and implementation to focus on minimizing negative social and economic impacts on individuals and communities.

The overall objectives of the Bank's policy are that:

- Involuntary resettlement should, where feasible, be avoided or minimised by exploring all viable alternative project designs;
- Where not feasibly avoided, resettlement should be conceived and executed as a means to sustainable development, with sufficient investment and resources to enable displaced persons to share the project benefits. Displaced persons should be meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes and compensation measures; and,

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<sup>13</sup> World Bank Operating Policy OP 4.12 *Involuntary Resettlement*

<sup>14</sup> In formulating approaches to resettlement on Bank-assisted projects, other policies, e.g. OP 4.01 *Environmental Assessment*, OP 4.04 *Natural Habitats*, OP 4.10 *Indigenous Peoples* and OP 4.11 *Cultural Resources*, should also be considered.

- Displaced persons should be assisted to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to project implementation, whichever is higher.

These objectives cover direct economic and social impacts that result from Bank-assisted projects<sup>15</sup> and are caused by:

- The involuntary taking of land<sup>16</sup> resulting in relocation or loss of shelter, loss of or access to productive assets, or loss of sources of income or means of livelihood, whether or not the affected persons must move to another location; or,
- The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

This policy will be applied to all B4WSP components regardless of the source of financing. It will also be applied to other activities that in the judgment of the Bank are directly and significantly related to the project, are necessary to achieve the objectives set forth in the project documents, or are carried out or planned to be carried out, concurrently with it.

## 3.2 RESETTLEMENT INSTRUMENTS

Once OP 4.12 is triggered, the Project Proponent must decide which of the three resettlement instruments is appropriate to the proposed interventions:

- A Resettlement Policy Framework;
- A Resettlement Action Plan or Abbreviated Resettlement Action Plan; or,
- A Process Framework.

A *Resettlement Policy Framework* (RPF) is prepared when the extent and location of resettlement and/or land expropriation cannot be fully defined at appraisal. The B4WSP RPF (the present document) is being prepared concurrently with the Environmental and Social Impact Assessment (ESIA) and follows on from completion of the Technical Feasibility Study (TFS).

A *Resettlement Action Plan* (RAP) based on a survey of affected households, business enterprises, and other impacted premises and persons will also be prepared for B4WSP. An *Abbreviated Resettlement Action Plan* (ARAP) is prepared for projects where less than 200 individuals are affected and severity of impacts is limited. At the present time, the resettlement expected to arise from B4WSP design construction and operation is expected to be less than 200 and the severity of impact limited. An ARAP may therefore be appropriate, but this remains to be confirmed.

A *Process Framework* (PF) is applied to conservation projects that restrict access to legally designated parks or protected areas without acquiring the land outright. This is not the case for B4WSP and hence a PF is not being prepared.

The ESIA and RPF must be approved by the Bank prior to the project being accepted for funding.

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<sup>15</sup> Other environmental, social, and economic impacts not resulting from land take may be identified and addressed through environmental assessments and other project instruments.

<sup>16</sup> 'Land' includes anything growing on or permanently affixed to land, such as buildings and crops. The Policy does not apply to national or regional natural resources to promote sustainability, such as watershed and groundwater management. It also does not apply to title disputes between private parties, although it is good practice to implement measures to mitigate adverse social impacts, especially those affecting poor and vulnerable groups.

### 3.3 PROJECT AFFECTED PERSONS

#### 3.3.1 PAP DEFINITION

Project Affected Persons (PAPs) eligible for support will be classified in one of three groups<sup>17</sup>:

- A. Those who have formal rights to land, including customary and traditional rights, recognised under Angolan law;
- B. Those who have no formal rights to land but have a claim to such land or assets<sup>18</sup>, provided such claims are recognised under Angolan law or become recognized through a process identified in the RAP; and,
- C. Those who have no legal right or claim to the land they occupy.

Specific attention will be paid to the needs of vulnerable groups, including:

- Those living below the poverty line, and the landless;
- Elderly, women and children, and ethnic minorities; and,
- PAPs not protected through Angolan legislation.

#### 3.3.2 VULNERABLE GROUPS

Vulnerable groups and individuals will be identified from socio-economic survey and the preparation of the RAP will provide for the following:

- The identification of vulnerable people and of the causes and impacts of their vulnerability through direct interviews by the RAP team;
- The identification of required assistance at the various stages of the process: negotiation, compensation and relocation;
- The implementation of measures necessary to assist vulnerable persons; and,
- Continued monitoring and evaluation by relevant NGOs/CBOs after resettlement and/or compensation has taken place.

Assistance may take the following forms, depending upon vulnerable PAPs' requests and needs:

- Assistance with the compensation payment procedure (e.g., going to the local bank with the person to cash the compensation check);
- Assistance during the post-payment period to secure the compensation money and reduce the risk of misuse and/or robbery;
- Assistance during moving; providing a vehicle, a driver and assistance in moving;
- Assistance during building; providing materials, labour, or building houses; and,
- Assistance with health care during the moving and transition periods.

Under Angolan law, with specific exceptions such as the church, all land is owned by the State, although those with title to their land often have *de facto* rights as long leaseholders. Vulnerable groups within the vicinity of B4WSP construction will therefore include all those who live on or work land to which they have no right or concession, or pay no rent. Angolan law also provides for all compensation for land and

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<sup>17</sup> World Bank OP 4.12 Paragraph 15 (a), (b) and (c) refer.

<sup>18</sup> Such claims may derive from adverse possession, continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), customary and traditional law and usage, etc.

asset loss to be paid to the rights' holder. If a rights' holder rents all or part of his land, the renter is not compensated other than through the largesse of the rights holder. It is currently considered that the majority of B4WSP PAPs will not have 'Right of Area' entitlement and will therefore be vulnerable.

### 3.3.3 ELIGIBILITY

Once OP 4.12 is triggered, a procedure satisfactory to the Bank will be established to determine those eligible for compensation and other resettlement assistance. This will include provision for meaningful consultations with PAPs and PAP-communities, local authorities and relevant NGOs, and for grievance redress.

Consistent with paragraph 16 of OP 4.12, the following will qualify for compensation:

- Persons covered under paragraph 15(a) and (b) (A and B above) shall be provided compensation for the land they lose, and other assistance in accordance with paragraph 6;
- Persons covered under paragraph 15(c) (C above) shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance as necessary to achieve the policy objectives, providing they occupied the project area prior to the cut-off date established by the Borrower and acceptable to the Bank<sup>19</sup>; and,
- All persons included in paragraph 15(a), (b), or (c) (A, B and C above) are provided compensation for loss of assets other than land.

In accordance with OP 4.12 paragraph 16, persons who encroach onto the project area after the cut-off date will not be entitled to compensation or any other form of resettlement assistance. Nevertheless their expropriation should be handled sensitively.

## 3.4 REQUIRED MEASURES

To address the impacts of resettlement that are eligible for support through the project, EPAL's appointed E&S consultant will prepare a RAP/ARAP that encompasses the following measures to ensure displaced persons are:

- Informed about their options and rights;
- Consulted on, provided with and offered choices from technically and economically feasible resettlement alternatives;
- Provided with prompt and effective compensation at full replacement cost for all losses directly attributable to the project;
- Provided with assistance (such as moving allowances) during relocation; and,
- Provided with housing or housing sites, or, as appropriate, agricultural sites for which a combination of productive potential, location advantage and other factors are at least equivalent to those of the old site.

And where necessary to achieve the objectives of the policy:

- Offered support after displacement for a transitional period that is a reasonable estimate of the time needed to restore livelihood and standards of living; and,
- Provided with development assistance in addition to other eligible compensation, for land preparation, credit facilities, training, and similar requirements.

Particular attention will be paid to the needs of vulnerable groups, especially those living below the poverty line, the landless, the elderly, women and children, ethnic minorities, or others who may not be

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<sup>19</sup> Normally, the cut-off date is the date the census begins. It could also be the date the project area was delineated, prior to the census, provided that there has been effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

protected through national land compensation legislation. The implementation of resettlement activities will be linked to the implementation of B4WSP investment components, to ensure displacement does not occur before the necessary measures for resettlement are in place. These measures will include, as appropriate, compensation for other assistance required for relocation prior to displacement, and preparation and provision of resettlement sites with adequate facilities. As a matter of principle, the taking of land and related assets will occur **only after** compensation has been paid in full, appropriate resettlement sites identified and established and moving allowances have been provided.

Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based, including resettlement on public or private land acquired for resettlement. If land is not the preferred option of those displaced, or sufficient land is not available at a reasonable price, non-land-based options, built around opportunities for employment or self-employment, will be provided in addition to cash compensation for land and other assets lost.

Provision will also be made for:

- Displaced persons and their communities and any host communities receiving them to be provided with timely and relevant information, consulted on resettlement options, offered opportunities to participate in planning, implementing, and monitoring resettlement, and afforded recourse to grievance procedures;
- In new resettlement sites or host communities, infrastructure and public services to be provided to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources; and,
- Patterns of community organization appropriate to the new circumstances to be based on the choices of the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities will be preserved and resettlers' preferences with respect to relocating in pre-existing communities and groups honoured.

## **3.5 RESETTLEMENT PLANNING, IMPLEMENTATION AND MONITORING**

### **3.5.1 OVERVIEW**

It is the position of the World Bank that it is the responsibility of the GoA, via EPAL, to compensate the affected parties for project-induced physical and economic displacement, whether this be via cash payments, replacement of lost or damaged assets, moving allowances and/or other entitlements. To ensure that resettlement is conducted in line with B4WSP Resettlement Policy (detailed in Section 5 of the present RPF) and to World Bank standards (presented in Section 3 of the present RPF) EPAL will recruit a professional consulting firm with relevant experience and qualifications to manage the resettlement process, including the payment of compensation and other eligible resettlement-related expenditures. In addition, the GoA, via EPAL, shall also be responsible for establishing secure compensation payment mechanisms. The full costs of resettlement activities to achieve the objectives of the project will be included in the total project costs. These costs, like those of other project activities, will be treated as a charge against the economic benefits to EPAL, and any net benefits to resettlers, as compared to the *Without-Project* situation, will be added to the project benefits stream. Resettlement components or free-standing resettlement projects may not be economically viable on their own, but they will be cost-effective.

### **3.5.2 VALUATION OF ASSETS**

In implementing the RAP/ARAP the valuation process will include:

- Measures to ensure PAPs are:
  - Informed about their options and rights;
  - Consulted on, provided with and offered choices from technically and economically feasible resettlement alternatives; and,



- Provided with prompt and effective compensation at full replacement cost<sup>20</sup> for losses of assets attributable directly to the project.
- If the impacts include physical relocation, the project will ensure PAPs are:
  - Provided with assistance, such as moving allowances, during relocation; and,
  - Provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors are at least equivalent to the advantages of the old site.
- Where necessary to achieve the objectives of this policy, the RAP/ARAP will also include measures to ensure PAPs are:
  - Offered support after displacement, for a transition period, based on a reasonable estimate of the time needed to restore their livelihood and standards of living;
  - Provided with development assistance in addition to compensation measures;
  - Provided with land preparation, credit facilities, training, or job opportunities.

Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. Thus valuation will include:

- Resettlement on public or private land acquired for resettlement;
- Where replacement land is offered, it must provide a combination of productive potential, location advantage, and other factors at least equivalent to those of the land taken; or,
- If land is not the PAP's preferred option or sufficient land is not available at a reasonable price, non-land-based options giving opportunities for employment or self-employment will be provided as well as cash compensation for land and other assets lost. The lack of adequate land shall be demonstrated to the Bank.

Payment of cash compensation for lost assets may be appropriate where:

- Livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable;
- Active markets for land, housing, and labour exist, PAPs use such markets, and there is sufficient supply of land and housing; and,
- Where livelihoods are not land-based. Cash compensation levels will be sufficient to replace lost land and other assets at full replacement cost in local markets.

In a situation where PAPs incur losses of income from business, the compensation calculation will include:

- Estimation of net monthly profit based on records or operator's statements and cross-checked by an assessment of visible stocks and activity;
- Application of this monthly profit to the period during which the business is prevented from operating; and,

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<sup>20</sup> Replacement cost is the method of valuation that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets are not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g. access to public services, customers and suppliers), attempts will be made to establish access to equivalent and culturally-acceptable resources and opportunities. Where domestic law does not provide compensation at full replacement cost, it is supplemented by additional measures to meet the replacement cost standard. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset was taken. Alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites can be offset against compensation for the corresponding asset lost.

- A disturbance allowance of 10% of total compensation.

### 3.5.3 IMPLEMENTATION PROCEDURES

The project will identify all PAPs; not only those living on construction sites and ROWs, but also those in close proximity to these sites and to any others that project activities may adversely impact.

Upon completion of valuation, each eligible PAP will sign a compensation certificate together with the authorized representative of GoA. The compensation certificate will clarify mutual commitments as follows:

- For GoA, through EPAL; commitment to pay the agreed compensation, including all its components (resettlement package, in-kind and cash compensation) and managing the resettlement process via a suitably qualified consultant,
- For PAPs; commitment to vacate the land by the agreed date.

The format of payment certificates must be easily understandable to PAPs. Compensation will be paid prior to the PAP vacating the land. Actual vacation will be monitored by the project.

Several stakeholders may be involved in the implementation process, although their role will vary from leading an assigned task to subsidiary involvement. The financial resources to deal with resettlement will be determined from the detailed project plans. However, both the World Bank and GoA will allocate the necessary resources to carry out this task as and when needed.

### 3.5.4 GRIEVANCE REDRESS MECHANISM

The World Bank's approach to GRM is not discussed at length in OP 4.12, this is instead outlined in other documents such as *How-To Notes on Designing Effective Grievance Redress Mechanisms for Bank-Financed Projects* and their GRM Guidance Note (2014)<sup>21</sup>. In this note it is explained that the three key steps to the development of an adequate GRM are:

- **Step 1: Assessment of Risks and Potential Grievances and Disputes.** As discussed in Section 2.5.4, EPAL's expropriation department outlined that many grievances originate from misunderstandings of project policy or result from neighbour conflicts, and can usually be resolved through adequate mediation using customary rules. However, the review of EPAL's current GRM highlighted some areas of weakness including:
  - Lack of clarity or formal process for minor complaints meaning many are unnecessarily escalated to the slow and expensive Angolan courts which do not yield positive outcomes;
  - Ways of accessing the GRM are not widely advertised or known among PAPs;
  - Limited, if any, monitoring and evaluation of the GRM process and its outcomes to confirm compliance;
  - PAPs are ill-informed of their rights;
  - At present the GRM is mainly used for land-based issued so there is no procedure for other, non-land based complaints; and.
  - No redress procedure for sensitive issues such as GBV/SEA.
- **Step 2: Capacity Assessment.** Based on conversations with EPAL's expropriation department and given the scale of the B4WSP, in its current state, the department does not have the technical or financial capacity to implement a GRM of World Bank standard.

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<sup>21</sup> World Bank. 2014. The World Bank's Approach to Grievance Redress in Projects. Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/20119> License: CC BY 3.0 IGO.

- **Step 3: Action Plan.** As such a Project Implementation Unit (PIU) has been suggested which includes a GRM Secretariat (see Section 5.3 for details) to oversee the implementation of a GRM which is acceptable to the Bank (see Section 5.13 for details).

### 3.5.5 BUDGET AND FUNDING

Based on the provisional quantitative estimate of PAPs and affected assets, a budget for resettlement activities necessitated by project construction and operation shall be prepared.

Compensation for land acquisition, asset loss and resettlement sites will be awarded through a secure compensation payment mechanism, designed by EPAL, on behalf of the GoA, specifically for that purpose. **It is the responsibility of the GoA to compensate for project-induced physical or economic displacement as appropriate (i.e. in-kind, moving allowances, cash payments or other entitlements).**

A preliminary assessment of land expropriation costs in respect of the raw water pipeline, the transmission mains and the CDs is given in Section 5 herein.

### 3.5.6 DISCLOSURE REQUIREMENTS

In accordance with the World Bank's Public Consultation and Information Disclosure Policy OP 17.50, Portuguese versions of the present RPF and associated ESIA, conducted by Dar, shall be disclosed to the public. Furthermore, any downstream studies including detailed, lot-specific ESIA's and RAPs/ARAPs shall also be disclosed to the public prior to the commencement of any civil works. The documents will be made available on the Project Proponents website as well as on the World Bank's *InfoShop* website. In addition, the present RPF shall be circulated to relevant institutions for comment. These institutions should include at least:

- Ministry of Energy and Water;
- Ministry of Public Works;
- Ministry of Environment;
- National Institute of Spatial Planning and Urban Development;
- Institute of Planning and Urban Management of Luanda
- Ministry of Agriculture;
- Ministry of Finance;
- Development Workshop;
- Belas Municipal Administration;
- Talatona Municipal Administration; and,
- Viana Municipal Administration.

### 3.5.7 MONITORING AND EVALUATION

Internal and external monitoring and evaluation (M&E) are key components of the present RPF and the subsequent RAP/ARAP to be prepared by the EPAL appointed E&S consultants with the following aims:

- To monitor specific situations or difficulties arising from implementation and of the compliance of implementation with the objectives and methods set out in the RPF and RAP/ARAP; and,
- To evaluate medium and long-term impacts of resettlement on affected households' livelihood, environment, local capacities and economic development.

### 3.6 ASSISTANCE TO BORROWERS

In meeting the objectives of the Bank's policy on Involuntary Resettlement, the Bank may at the Borrower's request support concerned entities by providing:

- Assistance to strengthen resettlement policies;
- Financing technical assistance to strengthen the capacity of agencies responsible for resettlement, or funding PAPs to participate effectively in resettlement operations;
- Financing technical assistance in developing resettlement plans, and in the implementation, monitoring, and evaluation of resettlement activities; and,
- Financing the investment cost of resettlement.

The Bank does not disburse against cash compensation and other resettlement assistance paid in cash or kind, including compensation for land acquisition. However, it may finance the cost of land improvement associated with resettlement activities.

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## 4 GAPS BETWEEN WORLD BANK POLICY AND ANGOLAN LEGISLATION

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### 4.1 THE GAPS

From a comparative analysis of Angolan resettlement policies and procedures (Section 2 above) and World Bank OP 4.12 safeguard policy on Involuntary Resettlement (Section 3 above) the most significant issues upon which current local practice deviates from Bank requirements are the following:

1. Angolan law does not require a 100% survey of PAPs and PAP communities to assess prevailing socio-economic conditions;
2. The mechanism for stakeholder engagement and public consultation is limited and it is common practice to announce projects publically a very short time before construction commences in order to reduce the illegal occupation of project sites;
3. There is no formal mechanism through which PAPs can participate in the resettlement process;
4. For agricultural crops and trees, valuations are made on the basis of government issued tables of prices, which may not reflect true market value;
5. For houses and other fixed assets, valuation is based on a process of direct negotiation between the PAP and the project proponent, and may not reflect full market value;
6. Much depends on informal meetings, often undertaken in the field, and with the involvement of government appointees such as CACs and *sobas*. There is therefore the potential for 'Conflict of Interest';
7. PAPs losing land or assets or being resettled are compensated at different rates depending upon the formality or informality of their land holding;
8. All compensation payments are made to land holders. No compensation is payable to tenants;
9. While all PAPs are treated equally, there is no special provision for vulnerable groups such as women, the elderly, or those otherwise unable to manage compensation procedures for themselves;
10. Valuation of land lost may assume value is added to the residual land as a result of the project;
11. Access of aggrieved PAPs to a formal and impartial grievance redress procedure is ill defined;
12. In neighbourhoods such as those served by B4WSP, many of the affected residents are subsistence farmers or those who otherwise survive on subsistence incomes, and the Angolan expropriation procedures does not promote opportunities for cost-effective livelihood improvement;
13. There is no provision for the monitoring and evaluation of compensation or resettlement outcomes; and,
14. There is a general lack of 'transparency of process'.

Given the complexity of B4WSP construction, with 12 separate lots (B1-B13 excluding B4 already under construction – see Section 1.2. above), EPAL will establish a Project Implementation Unit (PIU) to coordinate construction activities and monitor the activities of the different D&B contracted companies and E&S consultants.

PIU will essentially be the 'Programme Manager' and will incorporate a Community Liaison Office (CLO) that will coordinate implementation of all environmental and social instruments, including land acquisition and resettlement across all construction lots, manage a Grievance Redress mechanism, and monitor and evaluate the outcomes to ensure they conform to World Bank expectations. The CLO at PIU will be the primary means by which the gaps between Angolan practice and World Bank requirements, listed above and discussed below, will be filled.



Further details of the proposed structure of the PIU and its roles in environmental and social compliance is given in Section 5.

## 4.2 RECOMMENDATIONS TO FILL THE GAPS

Following the identification above of the gaps between Angolan practice and World Bank requirements, the following are the measures proposed to bring Angolan practice up to the standards of the Bank. The measures proposed allow for the equitable treatment of all PAPs and in the case of those without title to land, promote livelihood improvement, a tenet of World Bank social policy.

These measures are thereafter taken forward and incorporated into the procedures for addressing B4WSP resettlement in Section 5.

### 1. Survey of conditions in PAP communities

No full social survey of PAPs and PAP communities have been undertaken. Given the short time-frame in which the ESIA and RPF have to be prepared, there is not the opportunity to do so. A small-scale high-level survey was undertaken by the E&S team, the results of which are presented in Section 6 of the ESIA.

Since water supply projects, of which B4WSP is not unusual, are perceived to have a major beneficial impact on living conditions, livelihoods, health and general wellbeing, the detailed social survey will be limited to those PAPs who will have some or all of their land expropriated, or otherwise lose assets, livelihoods, or are resettled.

Responsibility for implementing the ESMP and RPF, and for producing a RAP/ARAP, including the PAP surveys, for their areas of responsibility rests with EPAL and their appointed environmental and social consultants. Adequate time should be given to conduct a full PAP survey ensuring all those who live in the area, including seasonal workers and vulnerable groups, are properly surveyed and consulted with. Coordination and production of the Final ESIA and RAP/ARAP will be the responsibility of the Project Implementation Unit at EPAL.

### 2. Extent of stakeholder consultations

In the absence of a local requirement for stakeholder consultation, the Bank required that an initial round of meetings be undertaken during the preparation of the ESIA and RPF.

As part of the preparation of resettlement instruments, a Stakeholder Consultation and Engagement Plan (SCEP) was prepared and is included as Appendix D in the ESIA. Initial consultations with consumers and project beneficiaries were held in June 2018, and four formal public consultation sessions held in September 2018.

In addition, the EPAL appointed E&S consultants will undertake at least the following:

- Meetings to address the Urban District Administrators held at each Municipality;
- Meetings with the *soba* of each community where land will be taken, assets lost, households resettled or business relocated, with each given an information pack detailing the project, the assessment process, contact details for comments and/or complaints, the expropriation process and the grievance redress procedure, together with a map or diagram showing how each community will be affected;
- A poster campaign in the affected villages to inform residents that the documents lodged with their *soba* are available for consultation; and,
- The information circulated to *sobas* shall also be uploaded onto the B4WSP page of the EPAL website ([www.minea.gov.ac/EPAL](http://www.minea.gov.ac/EPAL)).

### 3. Participation of PAPs in the resettlement process

PAPs shall be given options on the nature and form of compensation, in cash or in kind, they prefer to receive, and also asked about their need for additional assistance, such as the transportation of chattels to their new land.

### 4/5. Compensation payments to reflect full market value

All compensation payments for land and assets shall be made **prior to** resettlement and any construction activity and shall be made at the full market value.

## **6. Conflict-of Interest over Evaluation**

The lists of rates and prices used in the valuation process shall be included in the *sobas* information packs;

On completion of expropriation, the EPAL PIU shall prepare a RAP Monitoring and Evaluation (M&E) report detailing the land taken, the assets lost and the households resettled, the calculation of compensation for each, and confirmation that each PAP has received his or her entitlement.

Notwithstanding this, M&E will continue throughout the period of construction and after commissioning.

## **7. Different treatments afforded different types of land holders**

To address this issue, and to promote GoA's policy to extend land holding to a wider cross-section of its citizens, it is proposed that land taken from PAPs with formal title or with provisional title shall be compensated at the same rates. PAPs with no title to the land they occupy and/or work shall be compensated on a land-for-land basis and shall be given a provisional title for that land. To be eligible for compensation, PAPs must have occupied the land and/or worked it for a period of at least six-years prior to the date of expropriation<sup>22</sup>. Refer also to Item 12 below.

## **8. Treatment of rented property and tenants**

In addition to the compensation paid to the owner, PAPs who have rented land and/or property from an owner for a period of six years or more shall be afforded compensation at the rates applicable as if they were the owner, or compensated with a land-for-land swap, the ex-tenant to be given provisional title over the new land<sup>22</sup>.

## **9. Assistance given to vulnerable PAPs**

Upon the request of vulnerable PAPs, EPAL will assist with:

- Accessing and managing compensation payments;
- Post-payment security to reduce the risk of misuse and/or robbery;
- Facilitating women land holders entitled to receive compensation to access their money without recourse to a male relative;
- Assistance during moving, e.g. provision of a vehicle and driver; and,
- Where a PAP is self-building a dismantled and resettled home, EPAL shall assist with the provision of transport, labour and materials.

The additional assistance available shall be included in the information posted on the B4WSP page of the EPAL web site.

## **10. Mechanism for the payment of compensation**

Compensation payments will be made on 100% of the expropriated property, with no reduction on the assumption that value will be added to residual land because of the availability of a piped water supply.

Where the non-expropriated portion of the land holding is too small or otherwise insufficient to sustain the previous livelihood, the whole of the land holding shall be expropriated and the PAP compensated accordingly.

## **11. Recourse to formal and impartial grievance redress**

Sections 2.5.4 and 3.5.4 identify a number of gaps in EPAL's current GRM procedure which falls short of World Bank expectations in a number of areas. Measures to address these gaps and ensure that all PAPs will have recourse to impartial grievance redress are shown in Table 4-1. Please note this section and the table below provide an outline of how gaps in the present GRM procedure shall be addressed, a detailed explanation of the grievance redress procedure is given in Section 5.13.

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<sup>22</sup> Six year period was communicated to Dar by EPAL's expropriation department.

**Table 4-1: Addressing GRM Gaps**

Gap Identified	Measure(s) to Address the Gap
Minor Complaints	<p>Most grievances can be settled at the local level with some additional explanation and mediation. Therefore each <i>soba</i> or <i>bairro</i> coordinator (whichever is present) will be given an information pack on the project and answers to potentially Frequently Asked Questions (FAQs).</p> <p>Given that Angolan court proceedings are onerous, time consuming and expensive, particularly for families living on or below the minimum monthly wage, a second level of grievance redress in the form of an Appeals Committee shall be established so that only the most complex cases involving the largest land holders proceed to court.</p>
GRM Access	<p>Suggested GRM procedure will be discussed at the next phase of Public Consultations and suggestions for improvements taken on board.</p> <p>Each <i>soba</i> or <i>bairro</i> coordinator (whichever is present) will be given an information pack which includes details of how the GRM works and asked to circulate to peoples within their jurisdiction.</p> <p>A poster campaign in the affected <i>bairros</i> to inform PAPs of the GRM and how it may be accessed.</p> <p>Information on the GRM and how to access it shall also be publicised.</p>
Limited monitoring and evaluation of the GRM process	The EPAL PIU will organise a secretariat for the committee, i.e., organise meetings, circulate papers, keep minutes, undertake M&E activities, report progress and verify compliance.
PAPs are ill-informed of their rights	EPAL shall encourage NGOs and CBOs to provide <i>pro bono</i> legal advice and prepare claims documentation.
No GRM for non-land issues	The grievance redress mechanism shall cover non-land issues, such as damage done to persons or property, or social conflict, during the period of construction and thereafter.
No redress procedure for GBV/SEA	A separate system will be set up to address these sensitive issues in an appropriate manner.

## 12. Livelihood Improvement

In order to improve the livelihoods of PAPs, those losing land with provisional title shall have the option of being compensated with an equivalent plot of land with full title. Similarly, those losing land they occupy with no title, shall be compensated with an equivalent plot with provisional title. Refer also to Item 7 above.

## 13. Monitoring and evaluation of resettlement outcomes

One month after completion of expropriation, the PIU CLO shall visit all affected PAPs to record that expropriation was completed as agreed, and that the concerned PAPs remain satisfied with their terms of compensation. One year after completion of expropriation, the PIU CLO will visit all PAPs that accepted land-for-land compensation to record the progress in reinstating or improving their previous standard of living.

## 14. Overall Transparency of Process.

Taken together in the spirit in which they are intended will greatly improve the transparency of Angolan land expropriation and resettlement process.

## 4.3 KEY STEPS TO ADVANCE THE RECOMMENDATIONS

The key steps to advancing the recommendations given in Section 4.2 to implementation in pursuance of rectifying Angolan expropriation procedures to comply with the requirements of World Bank safeguard policies, particularly OP 4.12 Involuntary Resettlement, are as follows:

- A procedure based on the recommendations given above to be agreed between the Bank and EPAL:
- Identify and survey all PAPs that will lose land or assets or will be resettled;
- Build these recommendations into the ESIA and subsequent RAPs;

- Implement the Stakeholder Consultation and Engagement Plan (SCEP) given in the ESIA; and,
- Incorporate the revised procedures, including but not limited to those for grievance redress and for monitoring and evaluation, into the GoA/World Bank B4WSP Guarantee Agreement.

The proposed procedure for implementation is described in the following Section. This, including the other recommendations listed above for PAP survey, completion of the final ESIA (ESMP) and RAPs, and the implementation of the SCEP are the responsibility of EPAL and their appointed E&S consultants .

Integrating the ESMP and RAP data into a conclusive ESIA and RAP for the project, and RPF/RAP M&E activities, will be the responsibility of the CLO at PIU.

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## 5 RESETTLEMENT POLICY IMPLEMENTATION

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### 5.1 INTRODUCTION

In this, the concluding section of Resettlement Policy Framework, the recommendations arising from the comparisons of existing Angolan policy and World Bank required resettlement procedures are further developed into an effective but compliant procedures for implementation on the Bitá IV Water Supply Project. In all aspects of the RFP and subsequent RAPs/ARAPs, the requirements of the World Bank take priority over the provisions of Angolan law.

The development and implementation of detailed Resettlement Action Plans will be the responsibility of EPAL's E&S consultants. Notwithstanding the data given in Tables 1.3 and 1.4 above, pipeline sizes and route alignments have yet to be finalised and the extent of land take, asset loss and resettlement assessed. While the present RPF recommends improvements to current procedures, their formal adoption and execution will therefore be left to others.

### 5.2 OBJECTIVES OF B4WSP RESETTLEMENT POLICY

The overall objective of the B4WSP resettlement policy is that it should not only upgrade current Angolan practice to meet World Bank OP 4.12 requirements but also show these requirements to be fair and equitable for both the PAPs and the project proponent, and worthy of adoption for future non-Bank financed development projects.

In particular, implementation of the B4WSP resettlement policy will attempt to:

- Reduce costs to all parties;
- Eliminate or at least reduce delays to construction;
- Survey 100% of PAPs and affected fixed assets;
- Identify and protect vulnerable PAPs;
- Improve or at worst retain PAPs current standards of living; and,
- Leave PAPs feeling well treated and not harbouring lingering resentment towards the government.

### 5.3 THE PROJECT IMPLEMENTATION UNIT

To assist in the implementation of B4WSP, EPAL will establish a Project Implementation Unit (PIU) which shall appoint:

- one (1) full-time **environmental safeguards focal point**;
- one (1) full-time **social safeguards focal point**; and,

- one (1) full-time **community relations specialist** responsible for the Grievance Redress Mechanisms (GRM).

All three focal points shall be dedicated to the B4WSP throughout the project life cycle. As EPAL lacks experience with WB safeguards requirements, training and capacity building is required to ensure proper implementation of Environmental and Social Safeguards instruments in compliance with the WB safeguard policies.

The role of the PIU will be to have oversight of all construction activities across all the B4WSP Lots and ensure that they are undertaken in accordance with the project Environmental and Social Management and Monitoring Plan included in the Bitu IV ESIA and the individual contractors' CEMPs.

In addition, a resettlement specialist firm, hired as a sub-consultant by the GoA, via EPAL, will ensure land acquisition is undertaken in accordance with the requirements of the present RPF and the subsequent RAPs/ARAPs, prepared by EPAL's appointed E&S consultants. The resettlement specialists shall further manage the resettlement process, including the payment of any compensation due to PAPs.

Similarly, an Environmental and Social (E&S) specialist shall also form part of the PIU. It shall be the role of the E&S specialists to oversee the ESIA process and ensure compliance with World Bank standards and those of the GoA. Once the Lot-specific RAPs/ARAPs and ESIA are completed they shall be compiled into one consolidated RAP and one consolidated ESIA document; these documents shall also be publically disclosed.

It is recommended that PIU specialisms be shadowed by EPAL staff to build capacity within the organisation to manage E&S issues for future projects. The basic structure of the PIU is likely to be as shown in Figure 5-1, although the final structure will be determined by EPAL in coordination with World Bank. The engineering disciplines shown are indicative for present purposes.



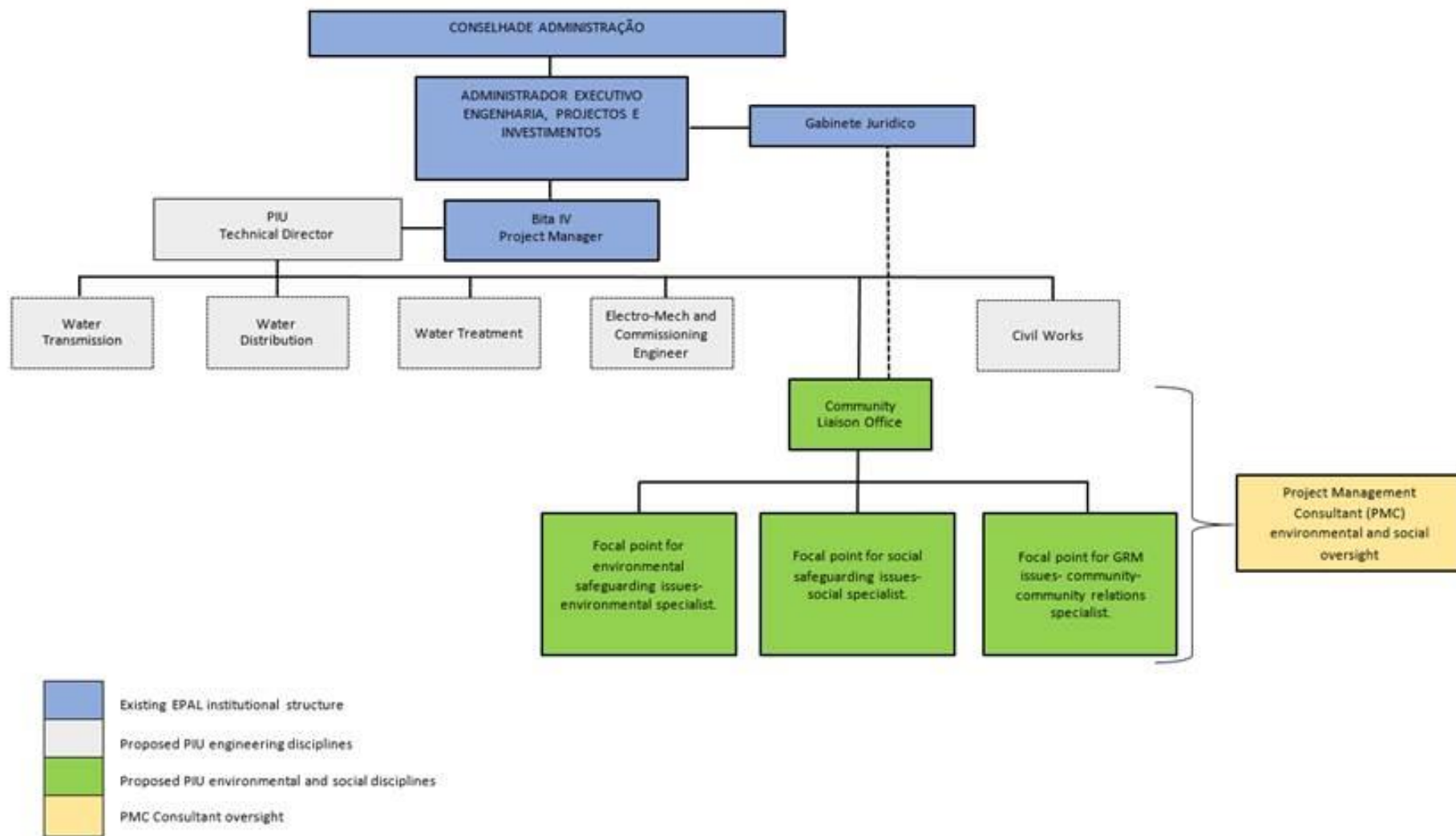


Figure 5-1: Indicative Structure of the PIU with the CLO

It is noteworthy to mention that all subsequent E&S updates shall be overseen by the Community Liaison Office (CLO). The CLO shall handle in a sympathetic, inclusive and transparent manner, all dealings with the local communities that will be impacted by B4WSP construction activities and ultimately be the project beneficiaries. The CLO will have the following major objectives:

- To oversee implementation of the project ESIA, ESMP, and SCEP and the contractors' CEMPs;
- Provide a focal point of contact and coordination for safeguarding issues including those relating to the project's environment impacts, social impacts (including resettlement) and its Grievance Redress Mechanism (GRM);
- Via the appointed sub-consultants who shall be overseen by the CLO (as shown in Figure 5-1), produce Lot-specific RAP/ARAPs and ESIA reports as necessary once the final design work for each Lot is complete. These studies will be compliant with the requirements of the present RPF, the associated ESIA, World Bank standards and those of the GoA;
- Compile all Lot-specific RAP/ARAPs into one project-wide RAP suitable for public disclosure;
- Compile all Lot-specific ESIAs into one project-wide ESIA suitable for public disclosure;
- Undertake monitoring and evaluation of ESIA and RAP/ARAP implementation to verify they comply with World Bank and Angolan requirements; and,
- Manage the project's Grievance Redress Mechanism, in particular, providing the GRM Secretariat, receiving and recording submitted grievances, putting them before the Grievance Committee and if necessary, the Appeals Committee, and coordinating with concerned NGOs and CBOs for additional PAP support where necessary. Further details of the role and operation of the GRM Secretariat are given in Section 5.14 below.

## 5.4 B4WSP RESETTLEMENT POLICY PROCEDURE

This section sets out the B4WSP resettlement policy procedure which will be implemented by the EPAL CLO in close coordination with their environmental and social consultants. While some small adjustments may need to be made to the procedure described in the below subsections and illustrated in

Figure 5-2 it is important that the same methodology is applied across all Lots in determining cut-off dates and compensation rates so that all PAPs are treated equitably across the B4WSP. The B4WSP Policy Procedure comprises three stages: mobilisation, consolidation and implementation.

### 5.4.1 STAGE ONE: MOBILISATION

During stage one the land to be taken, areas to be resettled and peoples to be either physically or economically displaced will be determined. In the majority of cases only a small portion of land may be required to meet the estimated pipeline working width. In this case the property boundary requires a minor shift or, if the land adjacent to the affected plot is not available, then cash or another form of resettlement assistance may be agreed upon. In the rare case where entire plots of land will need to be expropriated it is recommended that those PAP households are resettled within their existing community to minimise social disruption. A site walkover survey will be conducted to identify available plots.

Also at this stage land and crop values (as presented in this RPF) will be updated in order to more accurately estimate the budget for resettlement as it pertains to that Lot and/or Phase.

### 5.4.2 STAGE TWO: CONSOLIDATION

To reduce the extent of speculative in-migration a cut-off date shall be established after which people who move onto the land or build structures on the land earmarked for expropriation shall not be eligible for compensation. OP 4.12 recommends that this be the date upon which the PAPs census begins. However, due to the scale of the B4WSP and the linear nature of the pipeline this cut-off date will be different across the project Lots and the Lot Phases. To discourage speculative in-migration it is recommended that a rapid video survey of the pipeline route is taken, marking the cut-off date and

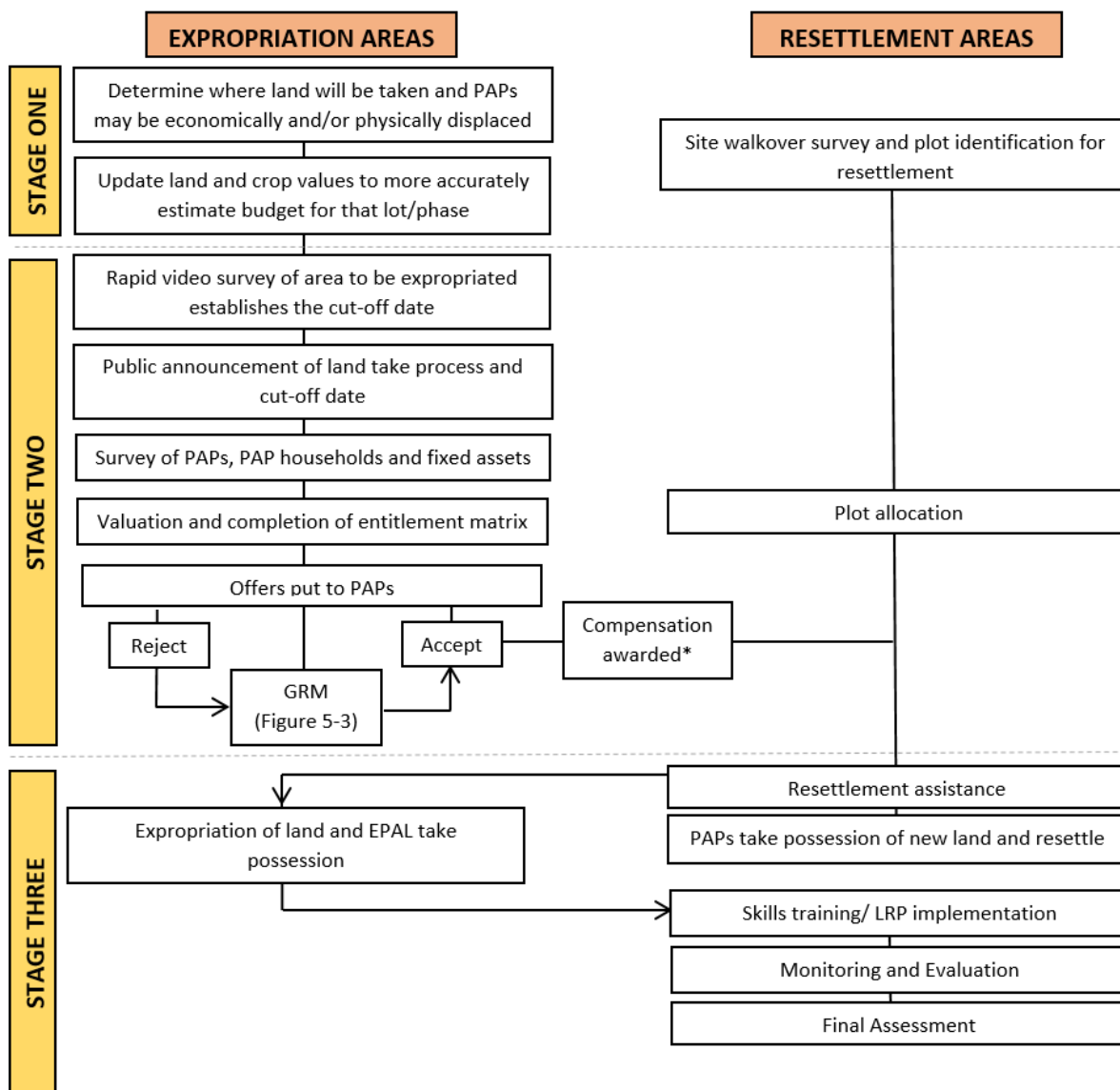
providing evidence of land use. On the first day of PAP surveys, on any particular Lot, that day will be identified and announced as the cut-off date. This shall then be widely publicised via circulars to *sobas*, *bairro* coordinators and urban district administrators, posted on the EPAL B4WSP web page and subject to a poster campaign throughout the project area.

On the day of the rapid video survey and public announcement of resettlement a full PAP household survey shall commence for that particular Lot. Valuation of losses is the next step which shall be based on land and crop prices determined in stage one and full replacement cost of any fixed assets. Based on this valuation, the completion of the entitlement matrix and the site walkover survey of potential resettlement areas a new plot shall be allocated of a similar size and quality.

This information will allow the entitlement matrix presented in Section 5.10 to be updated and offers of compensation, in kind or in cash, will be made to the PAPs. The PAPs may then either accept the offer, in which case the agreed upon compensation (whatever form this may take) is awarded, or reject it, in which case they shall be redirected through the GRM process as detailed in Section 5.13.

### **5.4.3 STAGE THREE: IMPLEMENTATION**

Once compensation has been agreed upon, expropriation will be completed and PAPs will take possession and resettle on their new plots. Similarly, EPAL will take possession of the expropriated plots. Where necessary, skills training and a Livelihood Restoration Plan (LRP) may be implemented. The process and its outcomes will be monitored and evaluated. The forms the PIU CLO will use to record and monitor expropriation procedures are in Appendix B.



\*In this instance the term compensation encompasses land, cash, moving assistance, moving allowances and any other agreed upon reparation.

Figure 5-2: Proposed B4WSP Expropriation Procedure

## 5.5 PRELIMINARY INVESTIGATIONS

Preliminary investigations during the initial stages of the B4WSP ESIA and RPF have included:

1. Review of the Technical Feasibility Report prepared for EPAL in June 2018;
2. Visits to ongoing CD construction and pipeline installation sites in the Luanda area;
3. Walkover reconnaissance of potential intake sites, transmission main routes, each of the CD sites and the distribution areas;
4. Initial and informal meetings with EPAL, ministries and other institutional stakeholders;
5. Informal yet structured site meetings with potential PAPs and beneficiaries in Cabolombo, Quenguela, Mundial and Ramiros; and,
6. Public consultation presentation and Q&A sessions at four locations, as discussed below.

The walkover surveys provided the first indications of the likely impact of creating the intake channel and pipe laying corridors through natural landscape, agricultural activities, commercial and residential premises, and identified the location of ROW 'pinch-points' where the available space may be less than the ideally required corridor.

The public consultation sessions attracted some 250 attendees. The project was widely welcomed and the majority of questions we aimed at existing EPAL service shortfalls rather than the likely impacts of Bitá IV design, construction and operation.

## 5.6 STAKEHOLDER ENGAGEMENT AND PUBLIC CONSULTATION

Shortly after initiation of the B4WSP ESIA, and in parallel with the preparation of the present RPF, the Consultant prepared a Stakeholder Consultation and Engagement Plan (SCEP)<sup>23</sup>. This document identifies and assesses the different project stakeholders, gives details of the initial engagement activities and details the Schedule of Engagement Activities throughout, the period of project design construction and into operation. This SCEP is a live document that has been developed and updated as the project progresses. The full document is presented in Appendix D of the ESIA.

Stakeholder engagement activities have been subdivided into project phases in Table 5-1. All concept design engagement activities have been completed.

**Table 5-1: Stakeholder Engagement and Public Consultations Relative to Project Phasing.**

Project Phase	Engagement Activities	Responsibility
<b>Concept Design</b>	<ul style="list-style-type: none"> <li>• First round of formal meetings with key informants, at this stage these include: EPAL, World Bank, INRH (MINEA), MINAMB, Centro Cerro, MAT, Development Workshop, and IBAC</li> <li>• High level social surveys in Cabolombo, Mundial, Camama and Benfica II (to match the HL surveys in Bitá and Ramiros undertaken for the 2014 SEIA;</li> <li>• Public consultation sessions in Talatona, Cabolombo, Ramiros and Camama.</li> </ul>	ESIA Consultant and EPAL
<b>Detailed Design</b>	<ul style="list-style-type: none"> <li>• Second round of formal meetings with key informants. These will include but not be limited to:                             <ul style="list-style-type: none"> <li>– Belas municipality administrators</li> <li>– Viana municipality administrators</li> <li>– Talatona municipality administrators; and,</li> <li>– Community leaders.</li> </ul> </li> <li>• Public Consultations: workshops in all distribution areas; and,</li> <li>• PAP surveys.</li> </ul>	EPAL and E&S Consultant
<b>Construction</b>	<ul style="list-style-type: none"> <li>• Third round of formal meetings with key informants. These will include but not be limited to:                             <ul style="list-style-type: none"> <li>– Belas municipality administrators</li> <li>– Viana municipality administrators</li> <li>– Talatona municipality administrators; and,</li> <li>– Community leaders.</li> </ul> </li> <li>• Public Consultations: three open house exhibitions within each distribution area i.e. 18 exhibitions in all.</li> </ul>	EPAL and E&S Consultant
<b>Operation</b>	Use of grievance redress mechanism and opportunity for iterative follow up.	EPAL

### 5.6.1 DURING CONCEPT DESIGN AND ESIAR/PF

The high level surveys undertaken during the Concept Design phase, the period of ESIA and RPF preparation, had three main objectives:

- To better understand prevailing socio-economic conditions with regard to water provision;
- To investigate the need for new water supplies in Cabolombo and Mundial; and,

<sup>23</sup> Dar Al-Handasah, 2018. *Bitá Water Supply Guarantee Preparation Project Environmental and Social Impact Assessment: Stakeholder Consultation and Engagement Plan*

- To investigate the need for an improved water source in Benfica II and Camama.

The four public consultation held during this period were as shown in Table 5-2.

**Table 5-2: Public Consultation Sessions Held during ESIA/RPF Preparation**

Date	Venue	Total Attendees	Written Comments Received
Thursday 6th September	EPAL Headquarters, Talatona	68	20
Wednesday 12th September	Instituto de Gestao do Kilamba	99	12
Thursday 13th September	Centro Comunitario Juvenil dos Ramiros	57	9
Friday 14th September	Munistração do Distrito Urbano da Camama	27	18
<b>Totals</b>		251	59

At these meetings attendees were given an Executive Summary of the draft ESIA document thus initiating a conversation between the project team, project beneficiaries and potential PAPs. Attendees that asked questions or raised comments were also asked to give them in writing. In addition to the verbal responses given on the day, those received in writing and relevant to B4WSP are summarised and given a written response in Section 5.1.3 of the SCEP.

Full details of the meetings and sessions held for the concept design, and further information of future stakeholder engagement activities are given in Section 5 of the SCEP.

## 5.6.2 DURING DETAILED DESIGN

During the detailed design phase of B4WSP the D&B contractors will fully identify the layouts of their sites and the alignments of both transition main and distribution network pipelines. With this information, EPAL appointed E&S consultants will update the ESIA and complete a Resettlement Action Plan prepared on the basis of (i) the RPF and (ii) the final requirement for land take. To achieve this, the E&S consultants will undertake Key Informant Interviews (KIIs), public consultations and PAP surveys. Given the large number of construction lots it will be important for the PIU CLO to coordinate activities to prevent stakeholder fatigue, particularly among government agencies, local administrations and NGOs/CBOs.

In addition to eliciting information, KIIs will also provide the opportunity to present a more detailed analysis of the project proposals. Particular key informants will be the administrators of the three municipalities of Belas, Talatona and Viana, together with various other community leaders.

Once the World Bank guarantee the project and the detailed design phase commences EPAL will appoint an independent E&S consultant to update the ESIA based on the final designs. The E&S consultant will also, where necessary, prepare a RAP/ARAP. The public consultations outlined in the SCEP will be designed to satisfy CLO, EPAL and MINAMB requirements. All studies will need to be conducted in accordance with MINAMB standards and, because the project will ultimately be funded by an International Finance Institution (IFI), World Bank or IFC Performance Standards.

It is suggested that this phase of public consultations take the form of workshops, so public participation can influence final design. This will also identify any potentially vulnerable groups who may require special consideration in order to have equal opportunity to participate. Each workshop will be held in an accessible, public space on a weekend so that those who commute into Luanda city during the week can attend. Extra care should be taken to ensure these workshops are particularly accessible to PAPs. As such it is suggested that workshops be held in PAP communities to ensure all those who may be physically or economically displaced by the project have a forum in which to ask questions, raise concerns and discuss with members of the project team.

One workshop should be held in each of the distribution areas: Benfica II, Camama, Ramiros, Mundial, Cabolombo, and Bitá. An effective platform for such engagement would be the CACs or, even better Community Forum meetings, which are more representative of the community. NGOs such as DW should also be asked to participate. The workshops will be hosted by EPAL and may be expected to last 1-1½ hours and target attendees drawn from all PAP bairros. Letters of invitation from EPAL and a supply of A5 'flyers' will be sent to each *soba*, CAC and Forum for dissemination among the populous. The meeting details, (date, time, venue and purpose) will be advertised on EPAL's B4WSP web page at least seven days before the meetings. This information may also be disseminated via newspapers



and radio stations. The schedule of design phase engagements and consultations, and the proposed agenda for the workshops are given in Table 5-3 and Table 5-4 respectively.

**Table 5-3: Proposed Schedule of Design Phase Consultation Activities**

Activity No.	Activity	Parties Responsible
1	Find and hire suitable venues in Benfca II, Camama, Ramiros, Mundial, Cabolombo and Bitá.	EPAL
2	Advertise the time, date and location of the workshops on EPAL's website, inform <i>sobas</i> , CACS and community forums of the meeting and request that they share this information with their respective communities.	EPAL
3	Prepare materials for workshop meetings.	EPAL and E&S Consultant
4	Ramiros meeting	EPAL and E&S Consultant
5	Mundial meeting	EPAL and E&S Consultant
6	Bitá meeting	EPAL and E&S Consultant
7	Cabolombo meeting	EPAL and E&S Consultant
8	Benfca II meeting	EPAL and E&S Consultant
9	Camama meeting	EPAL and E&S Consultant

**Table 5-4: Proposed Agenda for the Design Phase Workshops**

Agenda Item	Discussion
1	Upon arrival attendees will be asked to sign in and will be given a non-technical summary of the draft ESIA/RAP executive summary in the local language. Open the meeting by introducing the team present and thanking the attendees for coming.
2	Present maps showing where the distribution centres will be located and where the distribution networks will cover.
3	Present a timeline of Project implementation, if possible specific to that distribution area.
4	Explain the Grievance Redress Mechanism (GRM) to the attendees. <i>NB: There will also be grievance forms (as shown in Appendix D2) at the workshops sessions so attendees may start to use the GRM immediately.</i>
5	<b>Exercise One:</b> Attendees will be asked to get into groups, ideally each group representing one <i>bairro</i> within that distribution area. They will then be asked to rank the following attributes associated with water in order of importance to them: <ul style="list-style-type: none"> <li>- Clean;</li> <li>- Affordable;</li> <li>- Reliable;</li> <li>- Close by; and</li> <li>- Other.</li> </ul> This exercise will shed some light on what their priorities are regarding water and its supply. This exercise also highlights differences between social groups. For example, women who are typically charged with collecting the water, may say it is more important that their water supply is close by.
6	One group will be asked what order they ranked their cards in and why, other groups will then be asked to explain how and why their cards differed. <i>NB: Pictures will be taken of the exercise and its results.</i>
7	<b>Exercise Two:</b> Now that attendees have more information on the Project they will be asked what they see as its advantages and disadvantages, i.e. how they see it impacting their day-to-day lives. Each group will be given small pieces of paper and asked to write either one advantage or one disadvantage on each and create two lists of advantages and disadvantages, ranking in them in order of significance. <i>NB: Pictures will be taken of the exercise and its results.</i>
8	One representative from each group will be invited to read out one main advantage and one main disadvantage. Each group will be asked to do the same until there is a list of the three advantages and three disadvantages of the Project.
9	After this attendees will be given the opportunity to ask further questions regarding the Project.

### **5.6.3 PAP SURVEYS**

All project-affected persons (PAPs) and households will be subject to a semi-structured socio-economic survey in which the household and their loss, be it land, buildings or assets, temporary or permanent, will be defined, for the subsequent determination of the value of compensation payable for those PAPs eligible to receive it. Adequate time should be given to conduct a full PAP survey ensuring all those who live in the area, including seasonal workers and vulnerable groups, are properly surveyed and accounted for. These surveys will also provide another opportunity to provide PAPs with information on the system for land and asset valuation, payment in cash or kind, on the grievance redress mechanism should they feel ill-treated, and the additional support that may be available, all in accordance with World Bank requirements for the project.

### **5.6.4 DURING CONSTRUCTION**

Throughout the period of construction and post-construction defects liability period the contractor will maintain contact with key informants to keep PAPs updated about (i) design changes, (ii) the schedule of activities for each area, (iii) likely significant impacts and the measures required to avoid or mitigate them and the management of residual impacts, (iv) the continued availability and activity of the Grievance Redress Mechanism, and (v) obtain feedback on any public disquiet caused by activities to date.

### **5.6.5 DURING OPERATION**

On completion of construction, PIU CLO shall continue to maintain liaison with the benefitted communities and resettled PAPs during the Defects Liability Period to ensure that access to water is improved as expected and those that suffered loss of land or assets have not suffered a consequential reduction in living standards.

After the final hand-over of the Bitá IV scheme, all responsibility for operation and maintenance, and for community liaison, will pass to EPAL.

## **5.7 PUBLIC DISCLOSURE**

As mentioned in, Section 5.6 a Portuguese version of the Executive Summary of the draft ESIA was issued to attendees at the concept design public consultations, thus initiating the process of public disclosure of project information. Once the ESIA and the RPF have been approved, in accordance with the World Bank's Public Consultation and Information Disclosure Policy OP 17.50, a Portuguese version of the documents will be uploaded to EPAL's web page and the World Bank's *InfoShop* platform for further scrutiny. In addition, and as stated in Section 3.5.6, the B4WSP ESIA and RPF, excluding details of monetary awards, shall be made publicly available at locations accessible to PAP-communities. These shall include but not be limited to: the administrative offices of each affected municipality and urban district as well as construction site offices. The ESIA and RAP/ARAP must be approved by the Bank prior to the commencement of any activity that triggers OP 4.12.

## **5.8 AVAILABILITY OF CADASTRAL RECORDS**

As discussed previously, the availability of cadastral records is incomplete and split between those uploaded onto GIS and those remaining on paper. In both cases they record the details of some but not all of those who have formal title to their land holding. No records, paper or electronic, are available for those who do not have formal title, which is by far the greater proportion of the total land holding.

Notwithstanding this, land holders will be expected to have a variety of informal documents, such as receipts of purchase, that while they show entitlement are not recognised in law.

Prior to the commencement of the PAP surveys, the EPAL appointed E&S consultants will discuss with IGCA and the affected municipalities the availability of whatever cadastral data they may hold. During the survey, whatever documentation is proffered by land holders will be photographed and incorporated in a detailed record together with photos of the holder(s) themselves, their land, house and all significant fixed assets.

## 5.9 RESETTLEMENT ACTION PLAN

From the preliminary assessment of likely land take and asset loss, the indications are that while there will be a significant numbers of impacted plots, many will have only a small proportion expropriated, and the majority may be avoided or mitigated by either changes to pipeline alignment and/or alternative methods of pipe-laying requiring a reduced ROW. From present knowledge of project design, the total number of PAPs to be resettled will be far less than 200; this is the threshold which, if exceeded, a full RAP is required. The Bank may therefore consider an *Abbreviated Resettlement Action Plan (ARAP)*, as defined in Section 3.2 above, as an alternative to a full RAP. However, this will need to be agreed between the E&S consultant employed by EPAL and the World Bank once the detailed design and construction methodologies are confirmed.

In addition to resettlement *per se*, the RAP/ARAP will examine the nature of the impacts, the socio-economic and cultural setting, local organisations, and social risks, as well as the performance indicators to be used to ensure PAPs regain at least their former quality of life and preferably are enabled to improve it. The RAP/ARAP will also include:

- Details of the proposed construction;
- Environmental and social baseline conditions;
- Plans and photographs detailing the full extent of land expropriation and asset loss;
- Official enumeration of PAPs and their eligibility;
- Information on Vulnerable Groups and PAPs lacking legal rights;
- Details of compensation and entitlement policy;
- Verification that resources for compensation are available, including details of land to be used for resettlement;
- Proposals for additional livelihood restoration and improvement;
- Information on PAP choices, with arrangements for PAP consultation;
- Details of institutional responsibilities and procedures for grievance redress and appeal;
- Proposals for monitoring and evaluating the compensatory measures;
- The timetable for completion of land acquisition and resettlement; and,
- Provision to update information on resettlement, livelihoods and standards of living before, during and after implementation.

A suggested structure for both a full RAP and an ARAP, compliant with OP 4.12, is given in Appendix C. Note this report structure can be used for individual construction Lots and the B4WSP in its entirety.

RAPs and ARAPs will be prepared, disclosed and implemented prior to the commencement of any civil works.

## 5.10 PAP ELIGIBILITY

As described in Section 5.4 a video survey in a slow moving vehicle will mark the start of the PAP surveys and establish the cut-off date, after which those people occupying project sites and right of ways, including temporary working or laydown areas, work spaces will be informed that no construction or permanent improvements, nor burials, can take place. Establishing a cut-off date will prevent people invading the area after that date from obtaining compensation or any other form of resettlement assistance for which they are not eligible.

The Project will maintain close relations with the affect communities through regular updates of project schedule so as to encourage acceptance of the project activities. This will also avoid rumours and complaints.

Persons affected by resettlement receive compensation for losses or the necessary assistance for their reinstallation. Losses eligible for compensation will include but not necessarily limited to those shown in Table 5-5.

**Table 5-5: PAP Losses Eligible for Compensation**

Loss	Severity	Description
<b>Land</b>	Total	Demolition of all structures
	Unrecoverable	Partial loss but sufficient to render the residual area non-viable for its former use at pre-project productivity
	Partial	Some land lost but residual sufficient to maintain livelihood at pre-project income
<b>Productive Assets</b>	Field crops	Loss of plants and of unharvested produce
	Fruit trees	
	Other trees	Loss of shade and shelter, loss of source of firewood
<b>Buildings and Infrastructure</b>	Total	Demolition of buildings and infrastructure; homes, stock sheds, outbuildings, enclosures, walls and fences, roads, wells, irrigation networks
	Partial	Loss of some buildings but those remaining offer sufficient accommodation to continue to maintain activities at pre-project levels
<b>Income</b>	Total	Permanent loss of income due to total loss of land and buildings
	Partial	Income reduction due to partial permanent loss of income-generating land and/or buildings
	Temporary	Temporary land take, e.g., laydown areas, loss of access while pipe trench passes property entrance
<b>Rights</b>	Temporary	Loss of access to premises necessary for his/her wellbeing, e.g., schools, health clinics, churches

Losses of land and/or assets on B4WSP are expected to be minor given the large project area and the benefits that will accrue to residents. Of more significance will be the temporary loss of access to land and property as pipe-laying operations proceed along access tracks, within roads and roadside verges. In most cases, loss of access will be suffered for a few hours, in exceptional cases, a day.

PAPs in all categories will be compensated for the loss of assets other than land, and any persons suffering adverse impacts from any project activity shall be eligible for compensation depending on the type of impact suffered. All payments for land, crops and other rights will be made at full commercial value.

Table 5-6 is an Entitlement Matrix which shows the various entitlements for the different losses that may accrue from the project.

**Table 5-6: Entitlement Matrix**

PAP Categories	Loss	Compensation for Structures	Compensation for Assets	Additional Support
<b>PAPs living on a project area with formal or customary land rights</b>	Loss of physical assets and sources of livelihood	Replacement of all structures through support for construction, or construction by the project.	Loss of established crops and unharvested produce. Provision of alternative farmland. Monetary compensation for loss of property, at the non-depreciated cost of replacement.	Assistance with food or employment subsidies, until income is restored. Assistance with transfer to new residence; seeds and fruit trees. Support following resettlement. Monetary compensation while income interrupted. Support for livelihood and income generation.
<b>PAPs that farm in the project area</b>	Loss of productive land, established crops and unharvested produce		Monetary compensation for loss of established crops and unharvested produce. Provision of alternative farmland	If alternative land not provided in time to ensure next harvest and the ensuing loss is over 50% of the family's source of livelihood, a food subsidy will be paid.
<b>PAPs that rent their home</b>	Loss of living accommodation and rented assets.		Monetary compensation for loss of assets, at non-depreciated cost of replacement.	If the new rent is the same or less than the old, compensation of 3-months rent. If new rent is higher, the difference will be compensated for 12-months.
<b>PAPs whose house, or shop is their source of income</b>	Loss of structure and interruption of income.	Replacement of structure, provision of building materials or monetary award.	Monetary compensation for loss of assets at non-depreciated cost of replacement.	Monetary compensation during the period that business is interrupted. Support for development of alternative income-generating activities.
<b>PAPs who may be otherwise economically displaced</b>	Loss of access to natural resources needed to sustain livelihoods			This is likely to be ensuring that the PAP has access to said natural resources or another reasonable alternative. If necessary a Livelihood Restoration Plan (LRP) could be drawn up but this isn't anticipated to be necessary. The basic requirements of a LRP are included in Appendix C.
<b>PAPs whose property is rented or used by others</b>	Loss of property.	Replacement of structure, provision of building materials or monetary award.	Monetary compensation for loss of assets at non-depreciated cost of replacement.	
<b>PAPs living adjacent to a construction site</b>	Damage to physical assets and sources of livelihood (agricultural resources).	Compensation paid by the contractor at non-depreciated cost of replacement.	Monetary compensation paid by the contractor for loss of established crops and unharvested produce, and damage to property and fixed assets to make-good or replaced with new.	
<b>Employee of a PAP or PAP household</b>	Loss of salary income.			Monetary compensation at prevailing salary throughout the period of interruption due to the project.

PAP Categories	Loss	Compensation for Structures	Compensation for Assets	Additional Support
<b>PAPs with assets in the project area</b>	Various depending on nature of assets.	Monetary compensation or building materials	Monetary compensation for the loss of established and unharvested produce. Provision of alternative farmland. Monetary compensation for loss of income.	Assistance in preparing and adopting an alternative means of income.
<b>PAPs living on a project area with no formal or customary land rights</b>	Loss of physical assets and sources of livelihood	Right to salvage structures	Loss of established crops and unharvested produce. Monetary compensation for loss of property that cannot be salvaged, at the non-depreciated cost of replacement.	Assistance with relocating to a place where PAPs can work and live legally; assistance with food or employment subsidies, until income is restored. Assistance with transfer to new residence; seeds and fruit trees. Support following resettlement, including livelihood and income generation.
<b>Commercial developers with formal rights to land</b>	Loss of investment. Loss of use of land for commercial development.	Monetary compensation on a case-by-case basis. Less if construction not yet started.	Monetary compensation on a case-by-case basis.	
<b>Interruption of public services.</b>	Temporary loss of public services.			Provision of alternative services or temporary accommodation elsewhere until original service restored.



## 5.11 VULNERABLE GROUPS

The identification of vulnerable people, together with the cause and impact of their vulnerability, is a critical element of the PAPs surveys because such people often do not participate in community activities. For B4WSP, vulnerable groups may be expected to include:

- Persons living below the poverty line and the landless;
- Civil war veterans and ex-combatants;
- The elderly and infirm;
- Women and children;
- Those suffering albinism;
- Tenants of land owners with rights of tenure; and,
- PAPs not otherwise protected through national legislation.

Such persons may require assistance at all stages of the expropriation process, including negotiation, compensation payment and physically moving to new accommodation. Assistance measures additional to compensation payments will be determined case-by-case as the nature of their vulnerability is known.

The treatment of vulnerable persons will be a Key Performance Indicator for expropriation monitoring and evaluation.

Vulnerability on the basis of ethnicity is not expected to be a significant issue.

## 5.12 ASSET AND COMPENSATION VALUATION

World Bank OP 4.12 requires resettlement to provide for the prompt and effective compensation at full replacement cost for losses of assets attributable to Bank-supported project, with replacement cost defined as the amount sufficient to replace lost assets and cover transaction costs, without reduction for depreciation.

In accordance with World Bank policy, land-for-land compensation and resettlement strategies are the preferred option. In a large proportion of cases only a small portion of land may need to be expropriated, in which case the property boundary requires a minor adjustment and land adjacent to the existing plot shall be given as compensation. Where land-for-land adjacent to the plot is not possible, yet the overall land plot remains viable, then compensation for the minor land loss will be the pragmatic approach. Cash-for-land compensation strategies are a last resort. Furthermore, it is possible that land prices will fluctuate between the issuing of the present RPF and project implementation, possibly because news of the project and its distribution of water to the area will increase the value of the land. It is therefore important that land prices be revaluated before compensation offers are made.

In addition, B4WSP compensation shall be paid at full replacement costs. For losses that cannot easily be valued, such as access to public services, to customers and/or suppliers, resettlement must provide for access to equivalent and culturally acceptable resources and earning opportunities.

Bank-supported projects are also expected to compensate for the loss of assets and investments such as un-harvested crops at full market prices determined by the Ministry of Agriculture. PAPs deprived of farmland occupied under customary tenure may be provided an equivalent plot, if available. Since OP. 4.12 makes no distinction between statutory and customary rights, a customary land user of state-owned land shall also be compensated for land, assets and investments, including loss of access, at full replacement cost.

In determining the replacement cost of lost assets for which compensation should be paid, reference may be made to one or more of the following:

- Plans of individual buildings, related structures and support services;

- Average replacement costs of different types of buildings and structures based on the quantity and type of materials used for construction;
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to the replacement land; and,
- Estimates of construction of new buildings, including labour.

It is normal procedure, as has happened for B4WSP, for the RPF well before the RAP.

The RAP will contain detailed project-specific information on the calculation of compensation for all the types of assets affected by B4WSP design, construction and operation, including the value and floor areas of expropriated residential and business accommodation and of that with which it is replaced. All compensations will be calculated and paid in Angolan Kwanza.

Compensation sums should include, and the transfer of new land should be rendered free of Real Estate Transfer Tax (SISA), currently levied at 2% of the property value levied on the buyer.

The procedure for evaluation commences with the preparation of a detailed inventory of all land and assets that will be affected. This inventory will include for each household, quantified details of houses, latrines, stalls for the sale of goods, shops, workshops, storehouses, wells, walls and fences, areas of productive land, activities and trees, identifying those that contribute to the generation of income or sustenance of livelihood. It will be important to determine the total income of each household and the portion that will be interrupted or lost as a result of project activities.

The procedures for calculating the compensation values will involve:

- Identifying all residences so they may be substituted by homes of better quality, in locations chosen by the families being resettled;
- Assigning monetary value to shelters used for farming or other business, or to the materials for their rebuilding, to each type of crop using rates provided by the Ministry of Agriculture and agreed by the affected families;
- Costing the assistance to be provided to tenants to assist them find alternative accommodation;
- Costing the likely need to compensate PAPs for the interruption to income.

All compensation agreements shall be registered with CLO and signed in the presence of witnesses and signatures verified by local authorities. All areas of productive land shall be substituted land for land, with the new land having equivalent or better productive capacity. This area of land should be in an area of the PAP's preference, as close as possible to the original area. This area must be clearly identified before resettlement occurs. Compensation for land that originally contained established crops shall be made with land that has been cleared and is ready for sowing.

If it is foreseeable that resettlement will significantly destabilise the lives of PAPs. Hence, as far as possible, those people who are to be relocated should be provided with options or alternative sources of subsistence; for example opportunities to learn about new, suitable ways of generating income. Employment opportunities in the gift of the project might include staffing of the new CDs, meter readers and subscription collectors across the areas covered by the new distribution networks.

Commercial enterprises will be assessed together with the owners, based on replacement costs and with provision for loss of commercial activity. Agreement with the owner or concessionaire will be reached by private negotiation.

In respect of actual compensation rates payable for B4WSP land and assets, these will be assessed at the time of the PAP surveys. CLO will ensure all Lot contracts abide by the same prices for like-by-like items. For guidance, the value of land calculated by DW, updated for recent post-boom falls in the property market were previously presented in Figure 2-2 above. Recent National Average Crop Prices determined by the Ministry of Agriculture used on recent projects by EPAL to compensate growers were presented in Table 2-4 above.

## 5.13 COMPLAINTS AND GRIEVANCES

The handling of complaints and grievances is one of the prime issues for which there is a significant difference between current Angolan practice and World Bank policy, as discussed in Sections 2.5.4 and 3.5.4 respectively. It is therefore incumbent upon EPAL to develop a grievance mechanism that both complies with Bank policy and can be expedited under existing Angolan law. The mechanism proposed in this section will both strengthen current Angolan practice and satisfy OP 4.12 requirements. The priority when handling disputes is to resolve them fairly and amicably, with the result that the individual PAP or PAP household are not worse off than they were pre-project.

On the basis of 'full replacement cost' (as defined in footnote 20), many B4WSP PAPs will find the initial offers of compensation made by GoA/EPAL to be acceptable. For those that do not, the Grievance Redress Mechanism (GRM) proposed for the project draws upon existing Land Law provision and Customary procedures, and only subsequently refers PAP claims to amended procedures that will ensure compliance with World Bank requirements.

### 5.13.1 LAND-BASED GRIEVANCES

The GRM for land-based grievances is illustrated in light green boxes in Figure 5-3.

#### 5.13.1.1 Formal Title Holders

In respect of land take, asset loss and resettlement, the procedure begins with the offer of compensation from GoA/EPAL to the PAP. If this is acceptable, expropriation proceeds and the land is subsequently vacated for the project.

If the offer is not acceptable, those land holders with formal title (represented in Figure 5-3 as box 1), usually only the largest landholders, will appeal through the existing legal procedures via a Provincial Tribunal as described in Section 2.5.2 above. However, if this does not resolve the grievance and the landholder still rejects the offer of compensation, then the claim is passed to the Grievance Committee. The Grievance Committee is structured to balance the interests of the project proponent with those of the PAP, and is suggested to comprise the following persons or their equally-qualified, nominated representative:

- Head of PIU's Community Liaison Office (Chair);
- Minister of Social Action, Family and Women's Protection;
- Concerned Urban District Administrators;
- EPAL's Legal Advisor;
- Development Workshop (NGO);
- Luanda Urban Poverty Network (NGO Umbrella Group); and,
- PIU's Community Liaison Office (Secretariat).

The Grievance Committee shall collaborate with the PAP and the project proponent to work toward an amicable solution to the grievance within a reasonable timeframe set out by the Committee and communicated clearly to the complainants. This may require a different amount or form of compensation or, in some cases, negotiations with the appointed D&B contractor about how the pipeline may be routed, or construction processes altered to minimize the land and assets which need to be taken. In most cases the Grievance Committee's offer shall be accepted by the PAP in question and the grievance is resolved. If this is not the case and the PAP rejects the proposed grievance resolution, the grievance is then passed to the Appeals Committee. The Appeals Committee is suggested to comprise the following persons or their equally-qualified, nominated representative:

- The Minister of Energy and Water (Chair);
- Concerned Municipal Administrators;
- The Institute of Geography and Cadastre;

- The Country Director of Development Workshop;
- Organisation of Angolan Women (NGO);
- League of Angolan Women (NGO); and,
- PIU's Community Liaison Office (Secretariat).

The Appeals Committee will facilitate a renegotiation of terms between the PAP and the project proponent within a reasonable timeframe set out by the Appeals Committee and communicated clearly to the appellant. If this fails then the grievance must proceed to the Angolan Court as illustrated in Figure 5-3. However this is a last resort, the Appeals Committee is established so the numbers of PAPs continuing to court are as few as possible.

### 5.13.1.2 Provisional and Non-title Holders

Those land users with provisional or no title (represented by box 2 in Figure 5-3) will appeal to their local *soba* or *bairro* coordinator who will consider the case through Customary Procedures. As reported previously, these procedures do not work with the clarity and transparency of World Bank requirements and there is no subsequent appeal other than through the Courts, which for financial reasons is not available to most PAPs.

Many grievances may be resolved through providing the *soba* or *bairro* coordinator (whichever is present) with an information pack on the project and its related activities, as discussed in Section 4.2. However, if the *soba* or *bairro* coordinator is not sufficiently equipped to resolve any grievances these shall be escalated to the Grievance Committee but the *soba* or *bairro* coordinator may still act as an intermediary between the PAP and the committee. The Grievance Committee (the composition of which is described in Section 5.13.1.1) will facilitate further negotiations between the PAP and the project proponent which may require:

- A different amount of compensation;
- A different form of compensation;
- Assistance from NGOs and CBOs;
- The D&B contractor agreeing to alter their construction methodology to minimize the land and/or assets which need to be taken; or, as a last resort;
- The D&B contractor agreeing to alter the pipeline route to avoid the PAP's land and/or assets.

Because of its close involvement with land take, expropriation and resettlement, the Community Liaison Office (CLO) at PIU will know of each of these cases and monitor the outcome of all settlements against World Bank OP 4.12 requirements. If landholders, whatever their title, are still dissatisfied, they may make written representation through the *soba* or *bairro* coordinator, through a family member or direct to CLO's GRM Secretariat (shown in yellow in Figure 5-3), where the submission will be registered and given a Case Reference Number.

## 5.13.2 NON-LAND-BASED GRIEVANCES

Similarly, grievances during the period of construction, e.g., damage to property by contractors' staff or vehicles, vandalism or theft of property by construction crews, verbal abuse, violent assault, excessive noise or dust, etc., will also be accepted. Grievances of this nature are represented in Figure 5-3 by box 3.

Most of these grievances are likely to relate to minor incidents, such as accidental damage, and complainants may also make initial contact with an EPAL-representative at the nearest new CD site. For many accidental occurrences, the contractor will admit liability and the issue will be resolved without going as far as the Grievance Committee. Nevertheless, the case should still be registered and included in the Secretariat's records for statistical analysis. It is not uncommon for most of these types of grievances to be settled in 2-3 days.

The GRM for non-land-based grievances is illustrated in light blue boxes in Figure 5-3.

## 5.13.3 PERSONAL GRIEVANCES

### 5.13.3.1 Gender-Based Violence

Angola's Constitution enshrines in law the country's commitment to the equal treatment of men and women; "however, laws and policies do not guarantee that social norms are supportive and that women's rights are in fact realised"<sup>24</sup>. As discussed in Section 6.7 of the ESIA, GBV is still very much an issue in Angola. A survey conducted in 2010 found that among married or partnered women aged 15–49, 26% reported ever having experienced physical violence, 8% of which reported this to be a regular occurrence. Of women who had ever been pregnant, 7% reported experiencing physical violence during the pregnancy. Among married women who had experienced physical violence, 58% reported that the perpetrator was their current partner or husband; 31% said it was a previous partner or husband. In their Good Practice Note on Addressing GBV<sup>25</sup> the World Bank states that "major civil works can exacerbate the risk of GBV in both public and private spaces by a range of perpetrators and in a number of ways". This could include labour influx, changes to patriarchal power dynamics, issues surrounding resettlement and social tensions created by new employment opportunities. A more detailed explanation of the issues relating to GBV, the impact the B4WSP will have on the baseline and proposed mitigation measures are included in Sections 6, 8 and 11 of the ESIA. Furthermore, Appendix C of the present RPF and Appendix G of the accompanying ESIA, show suggested ToRs for future E&S studies, among which is a GBV Action Plan.

The GRM proposed in Figure 5-3 shows that where any acts of GBV are attributed to B4WSP construction crews, project engineers or other persons associated with the project the grievance (represented by box 4) shall be directed to a GBV/SEA subcommittee. This subcommittee shall deal with GBV/SEA grievances attributed to B4WSP construction crews, project engineers or other persons associated with the project sympathetically and in a manner that keeps victim's identity confidential. Written submissions to the GRM Secretariat may be made by the victim, by friends or relatives, or through a GBV/SEA NGO or CBO. Within the Secretariat, these submissions will be steered through the procedure by a female member of the Grievance Committee, on which sit representatives of female-interest NGOs and others with an overriding interest in social concerns.

### 5.13.3.2 Sexual Exploitation and Abuse

In Angola as in other countries, stigma attaches to the victims of sexual exploitation and abuse, such that they often suffer in silence, not sharing their experience with the police, relatives or friends. While most assume victims of SEA are usually female, men and boys may also be sexually exploited and abused and the GRM should be equipped to deal with this scenario. Where any SEA is attributed to B4WSP construction crews, project engineers or other persons associated with the project the complainant will be treated sympathetically and in a manner that keeps victims' identity confidential. Written submissions to the GRM Secretariat may be made by the victim, by friends or relatives, or through a GBV/SEA NGO or CBO. Within the Secretariat, these submissions will be steered through the procedure by a member of the Grievance Committee agreed by the complainant in advanced. Representatives from GBV/SEA NGOs and CBOs will sit on the Grievance Committee along with others with an overriding interest in social concerns.

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<sup>24</sup> Sloan, N.L., Verani, F., Shannon, C. and Jarvis, L. (2014) The Effects of a Gender-Based Violence Awareness Campaign in Luanda, Angola: A Quasi-Experimental Study. [pdf]. Available at: [http://www.respond-project.org/pages/files/6\\_pubs/research-reports/Study17-GBV-Angola-Endline-Report-September2014.pdf](http://www.respond-project.org/pages/files/6_pubs/research-reports/Study17-GBV-Angola-Endline-Report-September2014.pdf) [Accessed 13/03/2019].

<sup>25</sup> World Bank (2018) Good Practice Note: Addressing Gender-Based Violence in Investment Project Financing involving Major Civil Works. [pdf]. Available at: <http://pubdocs.worldbank.org/en/399881538336159607/Good-Practice-Note-Addressing-Gender-Based-Violencev2.pdf> [Accessed 13/03/19].

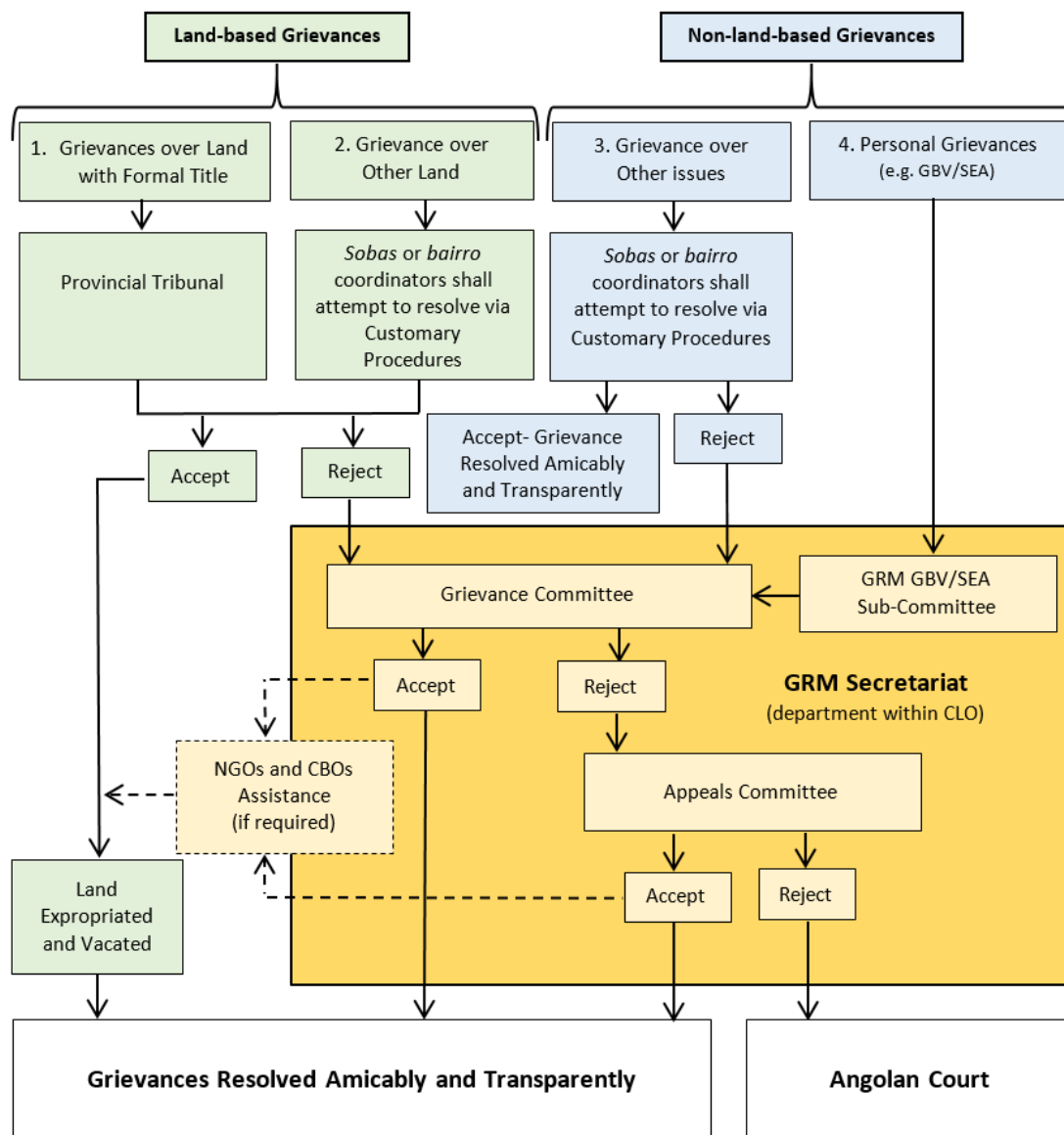


Figure 5-3: The B4WSP Grievance Redress Mechanism

### 5.13.4 THE CLO'S GRM PROCEDURE

The forms the GRM Secretariat will use to document grievance redress and its outcomes are given in Appendix D.

As soon as practically possible after an event that causes the grievance, the complainant should complete a Grievance Form for submission to the GRM Secretariat at the CLO. Forms will be widely distributed to *sobas* and *bairro* coordinators, urban district and municipality offices, residents' committees, community forums, construction site gate offices and elsewhere. Posters in prominent positions in each affected settlement will indicate the nearest source of forms and also give the CLO telephone number and email address. The form can also be downloaded from EPAL's B4WSP web page.

Completed forms may be returned via the same channels, or the claimant may submit it themselves to the Secretariat. Submissions may be made by email, with the completed form scanned and attached, or the relevant details provided in the email text. At each CD site, a post box at the site entrance may also be used. They may also be made verbally in person at PIU offices or by telephone, where someone will write the details on a Grievance Form as they are given.

On receipt by the Secretariat, each grievance will be given a unique case-file number and the basic details entered onto a Grievance Log to facilitate tracking and subsequent monitoring and evaluation.



The information the case file will need to contain will vary between land and non-land grievances. This is expected to include:

- Name and contact details of complainant;
- A photograph of the complainant;
- A copy or photograph of the complainant's Civil Identity Card;
- Date complaint received;
- Details of complaint;
- Name of person receiving the complaint;
- A table tracking the progress of the complaint; and,
- Outcome and date of complaint resolution.

For grievances in respect of land take and asset loss, a copy of any 'right of tenure' agreement shall also be submitted.

For appealing a decision of the Provincial Tribunal or Customary procedures, full details and supporting documents of the information they considered and any supporting documents shall be submitted.

All land-based and the more serious non-land base grievances, with the exception of GBV/SEA grievances, will be submitted through the Secretariat to open meetings of the Grievance Committee. For land-based grievances that have previously been reviewed by existing local procedures, this Committee will simply confirm there is a valid grievance to consider and pass the case file to the Appeals Committee. At the outset of the project, EPAL should try to publicise the project and the GRM on radio and in *Jornal de Angola*.

The Grievance Committee will give due consideration to all other grievances on the basis of the submissions made. Those concerning GBV or SEA will be pre-reviewed by a small sub-group of committee members appointed from NGOs with special concern for women's interests and gender equality. This sub-group will then share their findings with the full committee, giving only those details considered pertinent, and will in particular, avoid victim identification.

During the main period of land expropriation at the start of the project, both the Grievance Committee and the Appeals Committee will meet every two weeks, the former during the first and third week of the month, the latter during the second and fourth week. When the level of grievances generated is known, these periods may be shortened or lengthened. It is to be expected that as land expropriation is completed, the Appeals Committee will need to meet less frequently.

Appeals against decisions made by local traditional procedures must be submitted to the Secretariat within 10 working days of the decision being received. Applications in respect of non-land grievances should be submitted within 5 working days of the incident to which the grievance refers. For GBV and SEA grievances, no time limit is set, but victims should bear in mind that the Bitá IV construction contracts are time limited and a lengthy delay may mean the perpetrator has left Angola before the case can be resolved.

Grievances and Appeals will be put before the next committee meeting after the relevant secretariat receive the file. Most will be resolved at that meeting. Where clarification or further information is required, this will be completed before the next committee meeting. Where grievances are not going to be resolved within 25 working days, the complainant will be informed of progress, the reason for the delay, and the time frame within in which a decision will be made.

The decisions of the committees will be notified to the complainant in writing, and also by telephone. If the complaint was made by email, an emailed response will be provided. If the complainant cannot be located, a message will be sent through the urban district administrator to the relevant *soba* to ask that the complainant contacts the Secretariat. Decision letters will be handed to the complainant in person and he will sign to confirm receipt. Letters will not be left, for instance with, for example, *sobas*, to await collection.

Once decisions are accepted, additional assistance, if required, may be sought from NGOs and CBOs.

Grievances that go through Appeal without being resolved to the complainant’s satisfaction have the freedom to pursue the matter through the Angolan Courts.

A summary of the B4WSP Grievance Redress Mechanism is given in Table 5-7.

**Table 5-7: Summary of GRM**

Grievance	Method of Application	Time Frame for Application	Documentation	Time Frame for Resolution
<b>Land or Asset Loss Grievance</b> e.g. compensation offered not acceptable	Either: a. In writing via appropriate representative. Delivered to site offices or CLO offices in EPAL HQ; or, b. Over the phone to CLO offices in EPAL HQ.	Within 10 working days of receipt of final offer.	Details of land and assets in dispute, copies of previous offers, and reasons for requesting review.	Between 10 and 25 working days.
<b>Non-Land Grievance</b> e.g. accidental damage, excessive dust		Within 5 working days of incident.	Details of incidents and evidence of losses (material or physical) suffered.	Maximum of 10 working days.
<b>GBV/SEA Grievance</b>	In writing by the complainant or via written testimony from a relative, friend or NGO. Direct to CLO.	No time limit, other than within the time frame for project completion.	Details of the violence/abuse, with dates, times, descriptions of perpetrators, injuries suffered, with medical report if available.	Assessment within 10 working days. Final outcome dependent on case.

## 5.14 MONITORING AND EVALUATION

### 5.14.1 INTRODUCTION

The Monitoring and Evaluation of land take, asset loss and resettlement activities will be undertaken by EPAL through the PIU, working closely with the affected urban district and municipality administrators, and the results reported to the World Bank. The purpose of monitoring land take, asset loss and resettlement, and the payment of compensation in cash or kind is to evaluate the progress of RAP implementation, thus ensuring that PAPs’ standards of living are maintained, or preferably improved. In particular, the evaluation determines:

- Whether PAPs were duly consulted and compensated in full prior to the commencement of construction;
- Whether PAPs have a higher standard of living than before, have the same quality of life or are worse off than before; and,
- Whether there are any compensation payments still owed or grievances still to be resolved.

The communities will collaborate in identifying RAP indicators that will allow vulnerable individuals, families or wider groups to be identified in advance so any required additional assistance can be provided. The communities will also participate in the external evaluation of the results of the resettlement.

Evaluation indicators will be simple yet robust while also being visible and verifiable in respect of the nature of impacts. Generally, they will be based upon a comparison of land and assets lost with those with which they have been replaced. For households, this will include location, size and quality of accommodation, availability of community and social facilities, distance travelled to work, residual impacts on women, on children and their schooling, on the elderly and infirm, and on household income. For business enterprises, indicators will include relocation in relation to customer base, suppliers, residual impact on labour and turnover. For agricultural holdings it will include area of tillable land, soil fertility, access to water, irrigation systems and to markets. For all types of PAPs land prices shall be monitored to measure and mitigate the impact of land speculation.

## 5.14.2 M&E MONTHLY REPORTING

CLO's GRM Secretariat will keep records of the RAP implementation and progress and submit short tabulated reports to each B4WSP Monthly Progress Meeting. These reports will take the form of Tables 5-7 and 5-8.

**Table 5-8: Indicative Format for RAP and GRM Monthly Reporting (By Lot)**

Issue	Indicator
<b>Land Take and Asset Loss:</b>	<ul style="list-style-type: none"> <li>• No. total plots to be acquired;</li> <li>• No. plots involving resettlement;</li> <li>• No. heads of household and family numbers;</li> <li>• No. special needs cases;</li> <li>• Summary of nos. of houses, other buildings, different assets, etc</li> <li>• No. acquired to end of reporting period;</li> <li>• No. awaiting EPAL valuation;</li> <li>• No. EPAL's offer accepted, pending, rejected and offer;</li> <li>• No. appealed via formal Angolan procedures, accepted, pending, refused;</li> <li>• No. appealed to Customary procedures, accepted, pending, refused;</li> <li>• No. submissions to CLO, pending;</li> <li>• No. sent to Grievance Committee, accepted, pending, refused;</li> <li>• No. passed to Appeals Committee, accepted, pending, refused;</li> <li>• Details of priority sites – those that are or may delay construction; and,</li> <li>• Details of corrective actions and outcomes.</li> </ul>
<b>Non-Land Grievances:</b>	<ul style="list-style-type: none"> <li>• No. total grievance submissions received;</li> <li>• No. plots involving resettlement;</li> <li>• Summary of nos. by different categories, e.g., damage, noise, dust, theft, etc;</li> <li>• No. inventoried and acknowledged;</li> <li>• No. investigated/ awaiting investigation or additional information;</li> <li>• No. sent to Grievance Committee, accepted, pending, refused;</li> <li>• No. passed to Appeals Committee, accepted, pending, refused; and,</li> <li>• Details of corrective actions and outcomes.</li> </ul>

GBV and SEA cases will be reported in summary under separate cover with restricted circulation.

## 5.14.3 M&E QUARTERLY REPORTING

In addition there will be a Quarterly RAP Implementation Report that will:

- Summarise the four progress report for the reporting period;
- Discuss the degree to which targets are being met;
- Summarise payments to date of compensation for different purposes;
- Discuss long-pending issues and those that are or may delay construction;
- Assess the efficacy of the resettlement exercise;
- Report on the involvement of the community in decision making and the implementation of the project; and,
- Recommendations for changes to current resettlement and GRM procedures.

## 5.14.4 RESETTLED PAP SURVEYS

Last but not least will be post-resettlement surveys of resettled PAPs in order to determine:

- Whether the compensation sums and any additional non-monetary assistance were delivered as agreed within the agreed time frame;
- PAP and PAP household satisfaction with the compensation and assistance;
- Any need to deal with any unforeseen needs requiring involving additional compensation or other resettlement measures;

- Satisfaction with the resettlement process; and
- Efficacy of treatment of grievances and other issues raised by PAPs.

These surveys should be undertaken on three occasions; 3-months, 12-months and 24-months after resettlement, by an independent team, e.g. a local such as Development Workshop, using a previously defined questionnaire. Where corrective actions are required, a follow-up survey to ensure they were adequate should also be carried out.

At 12- and 24-months, the team should also evaluate the positive and negative changes in the standard of living of the PAP households resulting from the project. The study should gather information on the viability and suitability of the homes, health and education, access to services such as water, public transport, schools and health centres.

#### 5.14.5 EXTERNAL EVALUATION

The external evaluation should be done by a World Bank mission, sent to monitor and evaluate the overall performance of B4WSP.

#### 5.15 POST-CONSTRUCTION OPERATIONAL ISSUES

As was stated previously, it is to be hoped that EPAL will adopt the resettlement instruments established by the PIU CLO so that both the project proponent and Bita IV can beneficiaries realise the opportunities for improved lifestyle that result from well organised, clean and readily accessible supplies of potable quality water.

There are two areas of concern, one under EPAL's direct control, the other not, which will need to be addressed if the Bita IV benefits are to be sustained; community water management and community waste management.

In rural communities such as those that occupy much of the Bita IV service area it will be vital to engage residents in the operation, maintenance and management of the resource and its supply networks. Angola, specifically MINEA, has recently adopted the MoGeCa procedure<sup>26</sup> developed by the Canadian NGO Development Workshop (DW) whereby the community elects a 'water forum' and 'water committees' that themselves and through others, operate water supply networks, secure and maintains, public fountains and collects fees on behalf of EPAL. As the community grows and coverage of piped networks expands, increase, water committees go on to manage house connections and to collect both the installation fees and the recurrent water charges on behalf of EPAL. In informal and/or unstructured communities, the fee collection rate of local water committees is often far greater than a government agency such as EPAL can manage on their own.

The MoGeCa model is now operating in several communities within the province of Luanda and is well suited to the Bita service area. EPAL through the Bita IV PIU and CLO, and with the help of DW and other NGOs and CBOs should be charged with spreading awareness of the benefits of community water management with the aim of having a MoGeCa system or systems in place before the various elements of Bita IV are commissioned and formally handed over.

The second issue is community waste management, in which through social networking everyone shares responsibility to gather and sort items the household or others might use, to develop innovative solutions for waste recycling, and to ensure all residual waste is ultimately deposited in a location and in a manner that does least harm.

Community effort will also be needed to manage liquid wastes. With 80% of domestic water discharged as wastewater, and a high proportion of the population already suffering waterborne diseases, communities must effectively contain wastewater until it can be disposed of without risk to human health or further environmental and social degradation. Addressing both community water and community waste management in areas where these services while these remain in their infancy will greatly enhance social capital - the value of social interaction that increases with co-operation in community projects.

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<sup>26</sup> Development Workshop Occasional Paper No. 11. *Modelo de Gestão Comunitária de Água (MoGeCa)* (available from the DW website – <http://www.dw.angonet.org>)

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# APPENDICES

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## APPENDIX A: BITA IV 'CHANCE FIND' PROCEDURE

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All Contractors shall take note that the Ministry of Culture (MoC) and the National Institute for Cultural Heritage (NICH) is to be afforded the opportunity to monitor work in the vicinity of known and suspected archaeological sites. As such, Contractors shall grant access for MoC/NICH representatives to all parts of their Bita IV sites throughout the period of construction. In this respect, the term *archaeological site* shall be taken to encompass all sites of an archaeological, historic or cultural heritage nature of interest to MoC/NICH.

MoC shall be considered the Utility Owner of all the sites having declared or suspected archaeological value whether they are found on private or on public property, within or outside the Right of Way.

Prior to commencing work, Contractors shall prepare a checklist of actions that their engineers, foremen and workers shall follow in the event they unearth unrecorded archaeological remains. This list will include contact details for the local MoC/NICH Inspector and relevant construction management staff including EPAL PIU. Copies of the list will be circulated to all discipline managers, shift leaders and foremen, and posted in places such as site offices, time keepers offices and messes.

Prior to any work on or in the vicinity of known archaeological sites, the Contractor shall coordinate with the PIU and MoC/NICH representatives to ensure adequate measures as specified by MoC are taken to protect these sites.

All known or newly discovered archaeological sites shall be 'off-limits' to construction crews, whether on or off duty, except with the express permission of the PIU. Such permission will only be given where access is needed for site protection or to ensure public and/or worker's safety.

Contractors shall consider in his programme of work the presence of any known archaeological sites and the need for MoC/NICH to inspect them during construction.

If new archaeological remains are discovered during execution for the Works, the Contractor shall immediately inform MoC and PIU. In all such cases, the Contractor shall adjust and/or reschedule his activities in the vicinity of such sites, and/or use other sources of materials if the site falls within a borrow area or quarry, to allow MoC/NICH to carry out surveys and emergency salvage excavations. Work in the vicinity of remains so investigated shall not recommence until written permission to do so has been granted by MoC.

With regard to the relevant clauses of the Conditions of Contract, no extension of time or payment of costs will be granted for adjusting the sequence of work. PIU will only grant an extension where work is suspended as a result of archaeological investigation.

Contractors' liabilities in respect of archaeological sites extends to damage by construction workers, on or off duty, the reparation of which shall be undertaken at the Contractor's cost. Repeated violation of sites by workers shall render the Contractor liable to be instructed to fence the site at his own cost.



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## APPENDIX B: LAND EXPROPRIATION FORMS

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B1	Compensation Registration Form
B2	Agreement for Access to the Construction Site
B3	Compensation Agreement Form
B4	Agreement Form and Undertaking for Future Access
B5	Post-Resettlement Survey Form



CLO Case No.

Appendix B2: Agreement of Access to Construction Site

Name....., at..... (location), .....(urban district), Civil ID no. ....

Agrees that:

- 1. They have knowledge of the abovementioned project;
2. By giving access laying to the contractor and other project officials for the activities of clearing, excavation, pipe and other activities necessary to carry out the project along a Right-of-Way where the EPAL (e.g. mains pipeline) will pass;
3. Should there be crops or assets in this area, it is possible that the project will need to remove them to enable the works to be execute. In this context the project undertakes to:
a. Carry out a survey of the affected crops and assets together with the owner;
b. Register the affected assets for compensation using procedures and rates determines together with EPAL; and,
4. Inspections and maintenance of the pipeline will be required after construction, for which access to this area will be necessary for future operations. In this case your collaboration is required to guarantee free access to the location. To this end, an Agreement Form and Understanding will be signed with EPAL that will detail the conditions agreed.

Being true, I sign this document, which will also be signed by the EPAL representative.

EPAL Representative

Affected Party

Name: .....

Name: .....

Signature: .....

Signature: .....

Date: .....

Date: .....



CLO Case No.

Appendix B4:

Agreement Form and Undertaking for Future Access

Name....., at..... (location), .....(urban district), Civil ID no. .... being affected by the abovementioned project, willingly accept that as compensation for the loss of crops and/or infrastructure, agree that I will be paid the amount of AKZ....., that is: ..... (amount in words).

Furthermore, I agree that:

- 1. Following payment of the compensation by EPAL, I will assume termination of the entire process and will not make any further claim, conceding the ..... metre wide Right- of-Way of..... metres width for the EPAL pipeline.
2. I will not install any structure on top of the EPAL pipeline, I will not plant any trees on top of the EPAL pipeline and will not execute any excavation above or the below the EPAL pipeline wiothin the ..... metre Right-of-Way.
3. I will give EPAL access for maintenance interventions within the Right-of -Way whenever necessary and I agree that EPAL will not be liable for any damages occuring within the Right-of-Way as a consequence of these;
4. The payment of compensation refers to permanent/total loss of the area that includes the pipeline's Right-of-Way.

Being true, I sign this document, which will also be signed by the Local Authority representative and by the EPAL representative.

Affected Party

Name: ..... Signature: ..... Date: .....

EPAL Representative

Name: ..... Signature: ..... Date: .....

Local Authority Representative

Name: ..... Signature: ..... Date: .....

CLO Case No.
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**Appendix B5:  
Post-Resettlement Survey Form**

Name: .....
of..... (location) ..... (urban district).
Civil ID No. ....
Has the PAP re-establishment his/her income level, equal to or greater than before resettlement? Yes..... No.....
Has the PAP re-established hos/her standard of living, equal to or greater than before resettlement? Yes..... No.....
Was the PAP transported with assets to the new place of residence? Yes..... No.....
Was the PAP rehoused in a physical space with infrastructure and social equipment? Yes..... No.....
Does the PAP have space to carry out subsistence activities? Yes..... No.....
If no is selected for any of the above, an enquiry should be opened. Enquiry no. ....

PAP opinion of entire resettlement process
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*To finalise the survey a statistical analysis of all completed survey forms will be subsequently published.*



## APPENDIX C: SUGGESTED STRUCTURE FOR FUTURE ENVIRONMENTAL AND SOCIAL STUDIES

As discussed in Section 5.9 of the RPF the World Bank may consider using either a full or an abbreviated Resettlement Action Plan for each of the individual Lots and for the B4WSP in its entirety. The contents of both, as shown in Annex A of World Bank Operational Policy 4.12, are given below. In addition, the suggested ToC for a Livelihood Restoration Plan is also given below although it is considered unlikely that one will be required to the B4WSP.

SECTION	REQUIREMENT
<b>FULL RESETTLEMENT ACTION PLAN</b>	
<b>1 Description of the Project</b>	General description of the project and identification of the project area.
<b>2 Potential Impacts, Management and Mitigation</b>	Identification of: <ol style="list-style-type: none"> <li>a. the project component or activities that give rise to resettlement;</li> <li>b. the zone of impact of such component or activities;</li> <li>c. the alternatives considered to avoid or minimize resettlement; and,</li> <li>d. the mechanisms established to minimize resettlement, to the extent possible, during project implementation.</li> </ol>
<b>3 Objectives</b>	The main objectives of the resettlement programme.
<b>4 Socioeconomic studies</b>	The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including: <ol style="list-style-type: none"> <li>a. the results of a census survey covering:                             <ol style="list-style-type: none"> <li>i. current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;</li> <li>ii. standard 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;</li> <li>iii. the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;</li> <li>iv. information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and,</li> <li>v. provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.</li> </ol> </li> <li>b. Other studies describing the following:                             <ol style="list-style-type: none"> <li>i. land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;</li> <li>ii. the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;</li> <li>iii. public infrastructure and social services that will be affected; and,</li> <li>iv. social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.</li> </ol> </li> </ol>
<b>5 Legal Framework</b>	The findings of an analysis of the legal framework, covering:

SECTION	REQUIREMENT
	<ul style="list-style-type: none"> <li>a. the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;</li> <li>b. the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;</li> <li>c. relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;</li> <li>d. laws and regulations relating to the agencies responsible for implementing resettlement activities;</li> <li>e. gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and,</li> <li>f. any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage (see OP 4.12, para.15 b).</li> </ul>
<b>6 Institutional Framework</b>	<p>The findings of an analysis of the institutional framework covering:</p> <ul style="list-style-type: none"> <li>a. the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;</li> <li>b. an assessment of the institutional capacity of such agencies and NGOs; and,</li> <li>c. any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.</li> </ul>
<b>7 Eligibility</b>	<p>Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.</p>
<b>8 Valuation of and compensation for losses</b>	<p>The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.</p>
<b>9 Resettlement measures</b>	<p>A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy. In addition to be technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.</p>
<b>10 Site selection, site preparation and relocation</b>	<p>Alternative relocation sites considered and explanation of those selected, covering:</p> <ul style="list-style-type: none"> <li>a. institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;</li> <li>b. any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;</li> <li>c. procedures for physical relocation under the project, including timetables for site preparation and transfer; and,</li> <li>d. legal arrangements for regularizing tenure and transferring titles to resettlers.</li> </ul>
<b>11 Housing, infrastructure and social services</b>	<p>Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.</p>
<b>12 Environmental Management</b>	<p>A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).</p>
<b>13 Community Participation</b>	<p>Measures to mitigate the impact of resettlement on any host communities, including:</p> <ul style="list-style-type: none"> <li>a. consultations with host communities and local governments;</li> <li>b. arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;</li> <li>c. arrangements for addressing any conflict that may arise between resettlers and host communities; and,</li> <li>d. any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.</li> </ul>
<b>14 Integration with Host Populations</b>	<p>Measures to mitigate the impact of resettlement on any host communities, including:</p> <ul style="list-style-type: none"> <li>a. consultations with host communities and local governments;</li> <li>b. arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;</li> </ul>

SECTION	REQUIREMENT
	<ul style="list-style-type: none"> <li>c. arrangements for addressing any conflict that may arise between resettlers and host communities; and,</li> <li>d. any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.</li> </ul>
<b>15 Grievance Procedures</b>	Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
<b>16 Organisational Responsibilities</b>	The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
<b>17 Implementation Schedule</b>	An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
<b>18 Costs and Budget</b>	Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
<b>19 Monitoring and Evaluation</b>	Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
<b>ABBREVIATED RESETTLEMENT ACTION PLAN</b>	
<b>1 Introduction</b>	General description of the project and identification of the project area.
<b>2 Project Description</b>	Identification of: <ul style="list-style-type: none"> <li>a. the project component or activities that give rise to resettlement;</li> <li>b. the zone of impact of such component or activities;</li> <li>c. the alternatives considered to avoid or minimize resettlement; and,</li> <li>d. the mechanisms established to minimize resettlement, to the extent possible, during project implementation.</li> </ul>
<b>3 Socioeconomic studies</b>	A census survey of displaced persons and valuation of assets.
<b>4 Valuation of and compensation for losses</b>	Description of compensation and other resettlement assistance to be provided.
<b>5 Community Participation</b>	Consultations with displaced people about acceptable alternatives.
<b>6 Institutional Arrangements for Implementation and GRM</b>	Institutional responsibility for implementation and procedures for grievance redress.
<b>8 Monitoring and Evaluation</b>	Arrangements for monitoring and implementation.
<b>9 Costs and Budget</b>	A timetable and budget.
<b>LIVELIHOOD RESTORATION PLAN</b>	
<b>1 Introduction</b>	General description of the project and identification of the project area.
<b>2 Project Description</b>	Identification of: <ul style="list-style-type: none"> <li>a. the project component or activities that give rise to resettlement;</li> <li>b. the zone of impact of such component or activities;</li> <li>c. the alternatives considered to avoid or minimize resettlement; and,</li> </ul>

SECTION	REQUIREMENT
	d. the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
<b>3 Legal Framework for Social Policies</b>	Describe and explain international social policies, namely OP 4.12, and other best practice guidance on the LRPs. Discuss and highlight any national social support mechanisms for vulnerable groups and their activity in the project area.
<b>4 Overview of Project Affected Persons</b>	This section shall present: <ol style="list-style-type: none"> <li>a. introduction;</li> <li>b. methodology including a desktop study, a field study and the limitations and constraints of an LRP;</li> <li>c. Identification and assessment of vulnerable groups;</li> <li>d. Eligibility criteria for Livelihood restoration assistance packages; and,</li> <li>e. Proof of eligibility.</li> </ol>
<b>5 Livelihood Restoration Strategy</b>	Present: <ol style="list-style-type: none"> <li>a. the LRP's intended beneficiaries;</li> <li>b. Package implementation strategy;</li> <li>c. Livelihood restoration packages;</li> <li>d. Implementation steps and responsibilities; and,</li> <li>e. Budget for LRP implementation.</li> </ol>
<b>6 Implementation Arrangements and Budget</b>	Describe implementation steps of the LRP and associated timeframes. Further detail the budget required to effectively implement the LRP.
<b>7 Community Engagement</b>	Describe and detail any stakeholder engagement planning, public consultations, information disclosure and how and when PAPs can access the GRM.
<b>8 Monitoring and Evaluation</b>	Internal and external monitoring procedures and timelines. Monitoring methodology and indicators. Provision for auditing.
<b>Gender-Based Violence Action Plan</b>	
<b>1 Introduction and Project Context</b>	Introduce the project, explain what project features require a GBV Action Plan to be produced and how the GBV Action Plan fits into the wider Environmental and Social Management Plan.
<b>2 Risk Assessment</b>	In line with World Bank guidance provided in their <a href="#">Good Practice Note on GBV</a> , present the methodology and results of a GBV risk assessment.
<b>3 Mitigation and Awareness Raising Strategies</b>	This chapter shall present: <ul style="list-style-type: none"> <li>• Awareness Raising Strategy, which describes how workers and local communities will be sensitized to GBV risks, and the workers' responsibilities under the Code of Conduct (CoC);</li> <li>• GBV Services Providers to which GBV survivors will be referred, and the services which will be available; and,</li> <li>• GBV Allegation Procedures: How the project will provide information to employees and the community on how to report cases of GBV CoC breaches to the GRM.</li> </ul>
<b>4 Accountability and Response Framework</b>	As a minimum this should include: <ul style="list-style-type: none"> <li>• GBV Allegation Procedures to report GBV issues to service providers, and internally for case accountability procedures which should clearly lay out confidentiality requirements for dealing with cases; and,</li> <li>• Response Framework which has:                             <ul style="list-style-type: none"> <li>- Mechanisms to hold accountable alleged perpetrators associated to the project;</li> <li>- The GRM process for capturing disclosure of GBV; and,</li> <li>- A referral pathway to refer survivors to appropriate support services.</li> </ul> </li> </ul> The 'Response Framework' also outlines the disciplinary action for violation of the CoC by workers. It is essential that such actions be determined and carried out in a manner that is consistent with local labour legislation and applicable industrial agreements.
<b>5 Monitoring and Reporting</b>	This section shall present a plan, designed by the supervising consultant, for the monitoring and reporting on the effectiveness of the implementation of the GBV Action Plan to prevent and mitigate GBV risks associated with the project. Reporting should be done on a monthly basis.

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## APPENDIX D: GRIEVANCE REDRESS FORMS

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- D1 Grievance Registration Form
- D2 Grievance Resolution Form

**Appendix D1: Grievance Registration Form**

CLO Grievance Number	Name	Civil ID Number	Date Grievance Registered	Nature of Grievance	Resolution	Date Resolved



### Appendix D2: Grievance Form Resolution

Date: .....

**GRIEVANCE**

Name of complaint: ....., Civil ID No. ....

Address: .....

Location: .....

Contact Details: .....

**DESCRIPTION OF GRIEVANCE:**

.....

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Location: ..... Date: .....

Signature.....

EPAL representative informed on (date): .....  
and undertakes to respond by (date): .....

If this is not possible the claimant will receive notification of postponement of the decision before this date: .....

**EPAL'S COMMENTS:** .....

.....

Signature: ..... Date: .....

**CLO OPINION (COMPLIANCE WITH WORLD BANK OP 4.12 AND RPF):** .....

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Signature: ..... Date: .....

**CLAIMANT'S RESPONSE:** .....

.....

Signature: ..... Date: .....

**DECISION:**

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Signature: ..... Date: .....

Signature of head of Bitá IV Community Liaison Office: .....

Date: .....

Notes used in the resolution process. Fuller details maybe in the CLO Grievance Redress File

Date: / /

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Date: / /

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Date: / /

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Date: / /

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