

TANDII INVESTMENTS (PTY) AND NCF ENERGY (PTY)

Final Report



RESETTLEMENT ACTION PLAN

NCF 5MW SOLAR ENERGY PLANT AND TANDII 5MW SOLAR ENERGY PLANT—ENGOYI VILLAGE - NAMIBIA

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ACRONYMS:

✓ KV KiloVolt	✓ ECB Electricity Control Board
✓ KWh Kilowatt per hour	✓ ECC Environmental Clearance Certificate
✓ LC Least Concern	✓ EIA Environmental Impact Assessment
✓ LTD Limited	✓ EMA Environmental Management Act
✓ MAWF Ministry of Agriculture, Water and Forestry	✓ EMP Environmental Management Plan
✓ MAWRD Ministry of Agriculture, Water and Rural Development	✓ EWP Energy White Paper
✓ MET Ministry of Environment and Tourism	✓ F Forestry Protected
✓ MME Ministry of Mine and Energy	✓ GPS Global Position Systems
✓ Ministry of Land Reform	✓ Ha Hectares
✓ MW Mega Watt	✓ I & APs Interested and Affected Parties
✓ NAMPOWER Namibia Power Corporation	✓ IPPs Independent Power Producers
✓ NamWater Namibia Water Corporation	✓ IPP Independent Power Producer
✓ NORED Northern Regional Electricity Distributors	✓ Km Kilometre
✓ OEC Office of the Environmental Commissioner	✓ Km ² Kilometre squares
✓ PPA Power Purchase Agreement	✓ ARCP African Renewable Clean Power
✓ PPE Personal Protective Equipment	✓ BRAMS Botanical Research and Herbarium Management Systems
✓ PTY Proprietary	✓ CdTe Cadmium Telluride
✓ PV Photovoltaic	✓ CIS Copper Indium Selenium
✓ REDs Regional Electricity Distributors	✓ CuInSe Copper Indium Diselenide
✓ REFIT Renewable Energy Feed In Tariff	✓ DC Direct Current
✓ W Watt	✓ DEA Directorate of Environmental Affairs
✓ WIND Windhoek Herbarium	✓ DSR Draft Scoping Report
✓ HH Households	✓ DWA Directorate of Water Affairs
✓ AP Affected Persons	✓ EA Environmental Assessment
	✓ LC Land Consultant
	✓ CPR Common Property Rights

1. EXECUTIVE SUMMARY:

1.1 Introduction

The Independent Power Producers (IPPs) Companies, NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd have embarked upon Establishing of two 5 MW Photovoltaic (PV) Solar Energy Plants in Engoyi Village near Nampower Substation situated at Okatope District in Oshikoto Region.

The solar project for NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd are one of the 14 Prioritized Renewable Energy Projects licensed by the Electricity Control Board for implementation under the national Renewable Energy Feed In Tariff (REFIT) Programme which is currently implemented in corroboration with the Government of the Republic of Namibia [Specifically Ministry of Mines and Energy, NamPower and Electricity Control Board of Namibia (ECB)].

The two Solar PV Projects are expected to promote awareness about alternative environmental friendly energy sources, reducing carbon emission and the impacts of vulnerability of community to the effects of climate change and consequently improve socio-economic development in the project area of Engoyi Village and Namibia at large.

The Land Consultant, Business Success Consulting Corporation (BSC) is commissioned by NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd to develop a Resettlement Action Plan (RAP) for NCF and Tandii Solar Projects currently under construction at Okatope NamPower Substation.

The Consultant facilitated the Land Acquisition, Compensation and Resettlement Process for both NCF and Tandii Projects. The scope of this consultancy contract is therefore for BSC to prepare a RAP based on resettlement process undertaken and mitigation measures adopted by the Project Companies of NCF and Tandii in restoring the socioeconomic conditions and livelihood of the people displaced by the project.

Upon approval of the Resettlement Action Plan, NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd will need to engage and appoint a RAP Implementing Agency (IA) for the project. The IA will implement the RAP, Conduct the Socio-Economic Surveys and facilitate the RAP Implementation M&E Process in order to ensure adherence and compliance.

The Resettlement Action Plan (RAP) has been formulated in line with the national guidelines on Compensation and Resettlement within the law framework of the Republic of Namibia (Cabinet Compensation Policy Guidelines of 2009, Communal Land Reform Act No. 5 of 2002 as amended and the Traditional Authority Act No. 25 of 2000). This is the law framework that guides the resettlement process in communal areas in Namibia.

Besides the national policy on compensation and resettlement in the Republic of Namibia, policy framework consideration was also provisioned for the International Finance Corporation (IFC) Performance Standards with particular emphasis on IFC's Performance Standard 5 (IFC PS5) which deals with Land Acquisition and Involuntary Resettlement. The World Bank through its Private Sector investment umbrella of International Finance Corporation has developed 8 Performance Standards on Environmental and Social Sustainability that clients of the IFC should comply with throughout the life investment by the IFC.

In the case of NCF and Tandii, land was expropriated from the affected people through negotiated compensation and in the process the affected people were relocated and lost their shelters and livelihoods. However, the project companies of NCF and Tandii have made efforts to reduce the impact of displacement by implementing mitigation measures such as fair and reasonable compensation as well improvements to the living conditions of the affected people. This is in line with the IFC PS 5 which sets a standard for businesses to avoid involuntary resettlement as much as possible and minimize the impact on the displaced communities and individuals through mitigation measures as well as adopting an approach of active and consistent community engagement throughout the process (Resettlement Planning, Implementation and Monitoring).

Project Land Acquisition and Impact

1.2.1 Project Land Acquisition:

A total size of **13.89 Ha** and **12.8 Ha** of land in extent is acquired for the Construction of the 5 MW NCF Solar PV Plant and the 5 MW Tandii Solar PV Plant respectively. An additional Portion of 2.5 Ha was also acquired for the site establishment facilities, storage and equipment during the construction of both projects.

1.2.2 Type of Land Ownership and Land Rights:

The identified land for the Construction of two 5 MW Projects is situated in a Communal Land (Engoyi Village, Uukwanambwa Traditional Community), which land ownership is vested in the State (Government of the Republic of Namibia).

The Communal Land is administered and allocated by the Traditional Authority in accordance with Traditional Authority Act No. 25 of 2000. The Engoyi Village is under the jurisdiction of Ondonga Traditional Authority. The inhabitants are provided with Customary Land Rights Certificates and have security of land tenure through occupational land rights. Businesses and commercial entities such as

NCF Energy and Tandii are afforded with much more secure land tenure through the issue of Leasehold Land Rights Certificates as proof of legal occupation. The customary certificates are approved by the Communal Land Board and whereas Leasehold Certificates for commercial enterprises are recommended by the Communal Board and approved by the Minister of Land Reform.

1.2.3 Resettlement and Relocation:

The solar projects' land acquisition processes have affected and displaced a total of **6 Traditional Homesteads /Houses (NCF =4 and Tandii = 2)**. The affected land occupants have been in occupation of the affected portions of land in accordance with both government and customary laws (Traditional Authority Act No. 25 of 2000 and Communal Land Reform Act No. 5 of 2002), applicable in communal land administration. It is noted that all affected people had legal land occupation papers that secures their land tenure.

The Government Compensation Policy Guidelines of 2009 in terms of land expropriation in communal areas provide for the compensation of the affected land, improvement on the land, assistance in identifying alternate land and relocation of the affected persons (APs). All the 6 households lost their agricultural land, assets, improvement on land as well as their homesteads through the displacement process.

Both NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd complied with the government compensation policy guidelines of 2009. The companies assumed the responsibility of compensating the affected occupants for their land, improvement on the land (assets), acquiring alternate land for the relocation and also facilitated resettlement process involved. The occupants have already been resettled to new locations within the vicinity (village/traditional community).

1.3 Demographic Profile of the Affected Persons

1.3.1 NCF Solar Project:

A total number of **18 people** from the 4 homesteads have been identified to be affected by NCF solar project. This total comprises of 60% male and 40% female. The NCF project area yielded an average

household size of 4.5 people which is slightly lower when compared to the constituency average of 5 people per household. Refer to table hereunder;

Household No.	Project Name	Total Number of People Per Household
		No.
HH1	NCF	5
HH2	NCF	4
HH3	NCF	5
HH4	NCF	4
Total		18

Source: Socio-economic survey

The study indicates that one (1) of the six (6) of household heads is illiterate (Cannot read nor write). In term of gender, male head of households are more educated as compared to the female head of households.

1.3.1 Tandii Solar Project:

A total number of 9 people from the 2 homesteads have been relocated by Tandii solar project. This total comprises of 2 males and 7 females. This also implies that there is an average household size of 4.5 people per homestead which is slightly lower when compared to the constituency average of 5 people per household.

Household No.	Project Name	Total
		No.
HH5	Tandii	5
HH6	Tandii	4
Total		9

The project for Tandii has only affected two (2) homesteads that are both headed by women in their senior age. The study further indicates that both heads of households are literate (Can read and write).

1.4 Social Environment

1.4.1 Displacement

According to the IFC PS5, displaced people may be clarified as persons: i) who have formal legal rights to the land they occupies; ii) who do not have formal legal rights to the land, but have a claim on the land that is recognized under the law; iii) who have no recognizable legal rights or claim to the land they occupy.

- ✓ The IFC PS5 further suggest that a survey with appropriate socio-economic baseline data be conducted to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance and to discourage inflow of people who are ineligible for these benefits.
- ✓ There was no socio-economic survey conducted to obtain most of the baseline information before the displacement. However, there was a land identification and verification process conducted to obtain information on the people to be displaced.
- ✓ The obtained information indicates that the six homesteads with a combined population of 27 people will be affected. Each homestead is headed by a single Head of Household and who take responsibility of his/her households and providing all the needs of that homestead.
- ✓ Both physical and economic displacement of people was considered for the NCF and Tandii Projects as indicated in the subsequent subsections. It is also worth mentioning that the Project Companies have complied with the International Standards particularly the IFC Performance Standards in mitigating the impacts of both physical and economic displacement.

1.4.1.1 Physical Displacement

It is noted that the affected people who were living in the project areas had to another location, which connotes physical displacement. It was therefore expected of NCF and Tandii Project Companies in line with the IFC PS5 that the project companies provide the affected people with: 1) adequate resettlement housing or cash compensation where appropriate; 2) provide relocation assistance suited to each group of displaced persons, with particular attention to the needs of the people and the vulnerable.

- ✓ The land acquisition process by NCF and Tandii was done through negotiated agreements with the affected involving physical displacement of people. This RAP, although not developed from inception, aims to establish the process undertaken by the Project Companies in complying with the minimum requirements of the IFC Performance Standards on Land Acquisition and Involuntary Resettlement.
- ✓ During the land identification process, it was identified that all the six (6) homesteads were classified to be under deprivation and poverty before the displacement as per the Namibia Statistics Agency's measure of poverty which is based on Household Income and Expenditure Survey. The project companies based on this statistic developed measures and entitlements based on the needs of the poor and vulnerable people including the host communities as per the IFC Performance Standard 1, paragraph 12.
- ✓ Each occupant had a reasonable size of agricultural land (refer to annexed table) as well as a traditional setup dwelling made of mostly temporary structures (Huts, mud bricks/sticks, corrugated structures) and few contemporary conventional buildings (cement bricks).
- ✓ The status quo on deprivation among the affected people, compelled the project companies to implement the following mitigation measures to mitigate all negative impacts of the displacement;
 - a) NCF and Tandii Constructed houses of higher value for all the affected occupants. Consideration was given to provide the affected people with location advantages by building the houses within the same community the occupant lived before the displacement. The project companies also provided the affected with security of tenure by facilitating with the land administration authority in acquiring land for relocation and issuing of legal occupation papers to the occupants.
 - b) Cash compensation at full replacement value was also provided as negotiated between NCF and Tandii and the affected occupants. These compensation packages are valued on the replacement value approach and bearing in mind the inflation rate and current market replacement values of the land and others assets and improvements on the land such as dwellings, wells, and fruit bearing trees among others. It is noted that the

IFC PS5 suggests that compensation in kind should be opted for in lieu of cash compensation; however the project companies first considered it any option considering the companies constructed adequate housing for the occupants and hence it was perceived that cash compensation at replacement value of the occupants' properties/ dwellings that has already been restored will have a great impact in improving their living standards.

- c) NCF and Tandii further provided sufficient relocation assistance to the affected people by paying for the transportation of the occupants' properties, removal and installations of the same at the new adequate alternative. The alternative site is considered adequate and reasonable if it suitable to erect a dwelling, of similar or better size when compared to the occupants' land before displacement and suitable for such socio-economic activities that the occupant was engaged in before displacement (crop production and animal husbandry). ***Refer to the available fotos taken in process of displacement:***

Foto 1.4 A: During Relocation Process: Saara Kalomo Homestead



Source: BSC

Foto 1.4 B: After displacement: Saara Kalomo House



Source: BSC

Foto 1.4 C: During Relocation // Veronika Hamwenye Homestead



Source: BSC

Foto 1.4 D: After displacement // Veronika Hamwenye Homestead



Source: BSC

- d) NCF and Tandii is in the process of constructing a new sport stadium for the community which is of better standard and quality when compared with the sport field affected by the project.
- e) In addition, NCF and Tandii also looked into other social aspects of the project host community of Engoyi Village and constructed a community hall for the community.

1.4.1.2 Economic Displacement

The IFC PS5 recommends that mitigation measures be implemented if land acquisition causes loss of income or livelihood, regardless of the status of physical displacement. The project companies met the following requirements of the IFC Performance Standard 5 in this respect of economic displacement;

- ✓ The IFC PS5 requires that compensation be paid to the economically displaced persons for the loss of assets or access to assets at full replacement cost. The Both projects of NCF and Tandii did not displace any persons in terms of disturbance to the earning /income opportunities neither affecting assets that derives economic benefits to the people and community.
- ✓ The IFC PS5 further suggests that in case where land acquisition affects commercial structures, the business owner should be compensated for the cost of re-establishing commercial activities elsewhere. NCF and Tandii did not affect any commercial properties and therefore did not compensate for any commercial properties. It is noted that the displaced people were subsistence farmers who depended on their land for livelihood and although they are not engage their land in commercial agricultural production; it was considered essential by NCF and Tandii to restore the occupants livelihood through; i) NCF and Tandii acquired alternative agricultural land for the occupant to continue with their agricultural activities and ii) Cash compensation for both cultivated and grazing land for the occupants to maintain and invest in agricultural production and thereby enhanced food security and improved living standards.
- ✓ The economic profiles of the six (6) Heads of Households (HoHs) indicate that 4 HOHs are retired, 1 working as truck driver and 1 unemployed. NCF and Tandii further deemed it essential that the affected occupants be economically capacitated through targeted training programmes and employment preference. In this regard, employment preference and on-job skill training was provided to the households from these 6 homesteads to during the construction phase of NCF and Tandii Projects. It was further recommended to the O&M Contractor by the owners to consider employing the 1 unemployed HoHs as part of the security team offering services to NCF and Tandii Solar Projects.
- ✓ All these efforts were committed in order to improve and restore the income earnings capacity and standard of living for the economically displaced persons whose livelihoods are adversely affected.

1.4.2. Income & Livelihood

It is observed through SES that the 4 out of 6 HOHs are retired, 1 working is a truck driver and 1 unemployed. This implies that the majority of the affected homesteads are headed by economically inactive Head of Households, which entitles them to sufficient relocation assistance.

It is also confirmed that the affected occupants mostly depends on subsistence farming to make a living. The affected households' level of income and source is as follows;

- i) The 4 retired Heads of Households receive a monthly pension allowance of N\$1200 as old age pension grant from the government. This is in exception of 1 retired HoH who also derives income from her liquor selling business (bar).
- ii) The 1 employed Head of Household earns a basic salary of N\$50,400.00 annually
- iii) The unemployed Head of Household does not earn an income.
- iv) None of the relatives living with the affected HoHs is earning an income.

1.4.3 Landscape

The projects acquired land is owned by the Government of the Republic of Namibia, of rural nature and is privately occupied. 90% of both projects land is classified as agriculture land, about 2% was previously occupied by homesteads and about 8% comprised of community commonage (sport field 7.8% and cemetery 0.2 %) also known as Common Property Resources (CRS). The accordance with the Communal Land Reform Act, Cemeteries and sport facilities are classified as commonage and are reserved to be used by all individuals in the community.

The projects land acquisition process has not affected community roads, water resources and community social infrastructures.

1.4.2 Land Use and Utilization of Local Resources:

As indicated in the subsequent section, the land acquired for the project was previously primarily utilized for agricultural purpose, Commonage and to a small extent for the occupants' homesteads. A small portion measuring about 2.42 Ha was also previously utilized as a sport field for the Engoyi Community Soccer Team. Part of the agricultural land was also covered by trees and shrubs of which few were fruit bearing as can be seen on the aerial photos hereunder taken before the displacement.

a) Affected Farming Land

- The occupants’ farming land has been affected by NCF and Tandii Projects. A total of 6 portions for each occupant are currently occupied by the projects. Only the 6 affected occupants’ agricultural land is affected by the projects.

- At the time of land identification, the occupants were utilizing their agricultural land for subsistence farming; producing crops (Mahangu, beans and sorghum) and livestock (cattle and goats) for own household consumption.

- The occupants were not engaged in commercial farming as they did not produce excess for the markets. However their land was very important to them all as they depend on the land to produce food for their families.

Figure 1.1: Tandii Aerial photos:

a) Tandii Aerial photo before displacement



Source: BSC

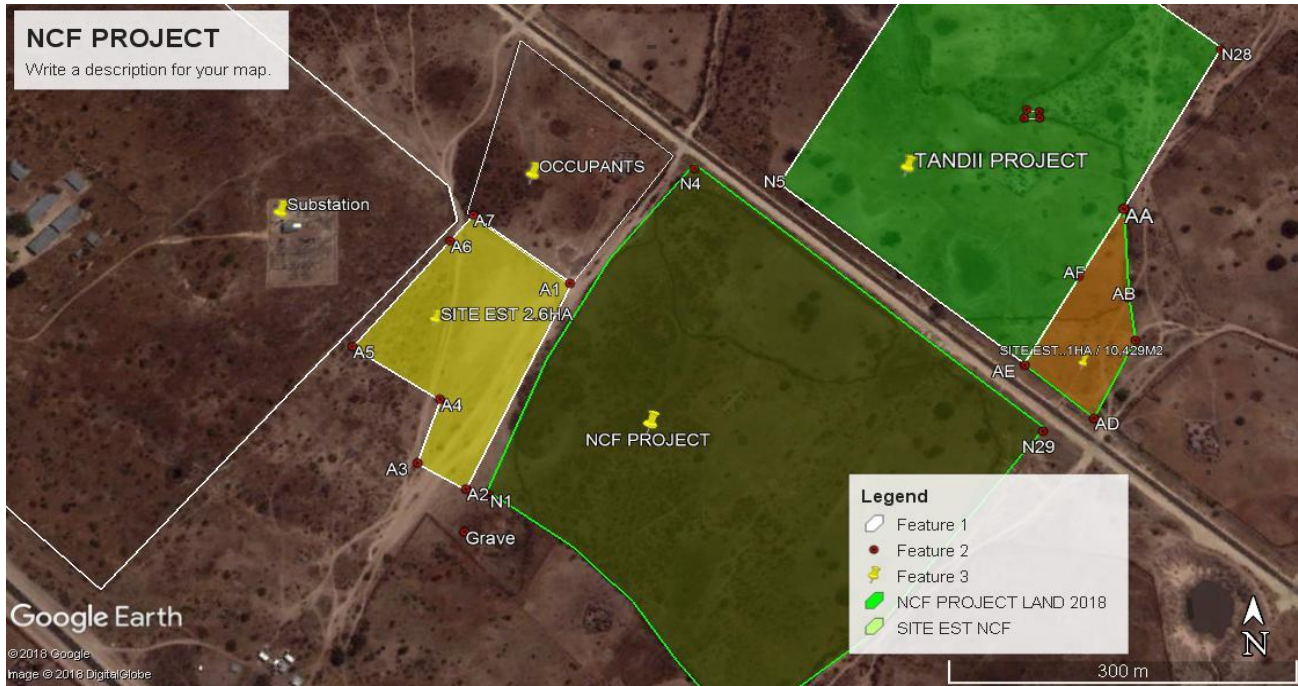
b) Tandii Aerial photo after displacement;



Source: Jabil Energy

Figure 1.2: NCF Aerial Photos:

a) NCF Aerial photo before displacement;



Source: BSC

b) NCF Aerial photo after displacement;



Source: Jabil Energy

All compensation valuations were done by a professional valuer and reflective of the current market values in line with international standards (IFC). All affected properties, land, structures and fruit bearing trees have been compensated for before the displacement and site clearance.

1.4.3 Ethnic Minorities and Indigenous People

In Namibia, ethnic minorities refer to indigenous people who have distinct social origins and cultural lifestyles such as the San and the Himba people. These communities are the most vulnerable and marginalized as compared to the rest of the ethnic groups in the country. The term indigenous people is a generic term which make reference of different cultural categories such as tribal groups, ethnicity etc.

The Engoyi Community (Projects Area) mostly comprises of people of Oshindonga Tribe. 100% of the community members are Christians by religious belief. Although there are no ethnic minority groups in the project areas, there are clear traces of poverty in the area.

1.4.4 Water usage

The local occupants within the projects area use pipeline water supplied by the Namibian Water Corporation (NamWater). All affected occupants had portable water connection at their homesteads and new connections were also restored by the project companies respectively after the displacement and relocation process.

The project companies have the responsibility of restoring affected services infrastructure such as water and electricity services infrastructure of the affected persons as well as those of the general populace that might be damaged in the process of projects construction.

1.4.5 Local Economies

The project area is located about 400m from a growth center of small businesses called Osipita Growth Center. The people gather and buy their basic commodities from this business hub. None of the Head of Households affected by NCF Solar Project is involved in undertaking business operations. 50% of the Heads of Households affected by NCF Solar Project are retired senior citizens who depend on government monthly old age pension fund of N\$1200; 25% of HoHs are unemployed and 25% are employed in the logistics sectors in Windhoek. The project has not affected the operation of any business nor acquired any land which was previously used for business activities before the displacement.

On the other hand, 50% of the head of households affected by Tandii Solar Project though retired are running small informal businesses (bar business/selling liquor) at the Osipita Growth Centre. Preference was given to all affected people affected by both projects to be resettled within the same vicinity to prevent social disruption and loss of income.

1.4.6 The Poor People

A large number of inhabitants in Engoyi Village live in deprivation. The Namibian Government relies on a measure of poverty based on the proportion of household expenditure that is spent on food. Households that spend more than 60% of their expenditure on food are deemed to be “poor” and those that spend 80% of their expenditure on food are deemed to be “severely poor”.

Considering the economic condition of the project area, the affected households were considered as poor. This is because they rely on subsistence farming supplemented by an average expenditure proportion of 64.8% and 64.35% spending on food for NCF and Tandii Projects respectively.

In cognizance of this poverty statistics in mind, all affected households have been accorded special assistance in relocation process, provided with new houses, members of the households have been trained to participate in the construction process of their own houses in order to earn an income and provided preferential treatment in the recruitment process in order to participate in the solar project construction process.

1.4.7 Vulnerability and Gender

The socio-economic survey identified a total of four (6) vulnerable head of households in both NCF and Tandii project areas, whose economic status is classified as “poor”.

Moreover, 25% of the affected households are headed by female on NCF Project Land and while 100% of the affected households at Tandii Project land are headed by female. The 50% of NCF affected households are headed by elderly persons and the remaining 50% are headed by youthful male persons but who lives under the under the poverty line.

Special assistance was provided by NCF and Tandii to help the AHs with additional compensation, provided relocation assistance, training opportunities and job opportunities in construction civil work.

1.4.8 Existing Social Infrastructures and Services

The project area resides under the administrative jurisdiction of the Ondonga Traditional Authority in terms of land administration and under the Oshikoto Regional Council as part of the Regional Government responsible for social infrastructures and services to the community.

There are no bulk social infrastructures and services infrastructures that have been affected by the project, in exception of the water pipelines for the affected occupants that were damaged during the process of construction. NCF and Tandii compensated the affected households for the rerouting of the water pipelines and reconnection at their new homesteads.

The society in Engoyi village is a traditional society that shares few Common Property Resources such as social institutions. **A sport stadium measuring about 2.42 Ha was affected on the side of NCF project land** and the project company is currently constructing and upgrading the displaced community field in another area but within the same traditional community (within 2km radius).

In addition, **two grave stones of unknown war liberation struggle militants have also been identified within Tandii Project Land.** Mitigation measures were taken in consultation with the Traditional Authority and community to encircle them with a palisade fence with provision for access in case their where about and family are identified in future. Refer to the photo hereunder;

Figure 1.3: Pictures of Graves before displacement



Source: BSC

1.4.9 Local Conflicts of Interest

The local conflicts and problems are mainly resolved through the community informal and formal structures with the assistance of the Ondonga Traditional Authority, Regional Constituency Councilor and the Regional Government.

1.4.10 Distribution of Benefits and Damages

- ✚ The project has the following benefits that are evenly distributed to the community but the Affected Households will benefit the most.

- i. Solar energy feed in into the grid for the benefit of all
- ii. Employment opportunities in construction phase
- iii. On-job training for the local community
- iv. Construction of community hall
- v. Construction of the community sport stadium
- vi. Local Economic Growth

- ✚ The damages will mostly affect the Affected People who lost their assets and livelihood due to the displacement process. It is noted that the affected people including the most vulnerable have recovered their damages through receiving compensation, sufficient relocation assistance, training and income opportunities provided during the ongoing implementation of the project.
- ✚ In addition, replacement land for agriculture has also been provided to the affected occupants by NCF and Tandii as well as legal occupational land right documents for security of land tenure. The replacement land was identified at the same time of identifying the project land. NCF and Tandii compensated for the acquisition of replacement agricultural land for the occupants and facilitated the transfer into the affected occupants' names.

1.4.11 Infectious Diseases

The movement of people through Projects Labour Mobility normally comes with the danger of spreading infectious diseases such as HIV/AIDS and its deadly consequences to the community. The HIV Prevalence rate in Oshikoto Region currently stands at 17.3 percent.

Consequently, during the implementation of the project especially during construction, the Oshikoto Regional Council's Regional Aids Coordination Committee (RACOC) has raised awareness through prevention campaigns especially at the nearest schools, growth centers and the project area to create awareness and sensitize the local people about the danger of HIV/AIDS infections. This is part of the support provided by the Ministry of Health and Social Services in terms of the National Strategic Framework for HIV/AIDS.

1.4.12 Children's Rights

There are no cases of children labor reported at the project sites. The contractors are well aware of the children rights as well as the International Labour Organization (ILO) requirements.

1.4.13 Working Conditions

Occupational Health and Safety is strictly enforced and adhered to at both project sites.

1.5 Compensation and Entitlements

NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd have paid compensation to the Affected Heads of Households (AHHs) as cash compensation in accordance with the IFC PS5. The package of compensation is based on entitlements basis of the followings:

i. Compensation for Land, Improvements and Trees:

Market related compensation was paid to the affected occupants as per agreements reached between the occupants and the project companies before the displacement. A compensation valuation card was developed for each occupant highlighting the land and improvement on the land to be compensated. The valuation determination was based on a replacement approach and makes provision for inflation to determine current market values of compensation packages. The land consultant's assets valuation is confirmed and verified by the respective occupant as well as by the Ministry of Land Reform before displacement and payout of compensation benefits to the occupants' accounts.

ii. All occupants were entitled to receive houses. NCF and Tandii constructed dwelling of better quality for the six (6) affected occupants. The project companies procured building materials, trained the occupants' households to participate in the process of building their houses in order to receive additional income.

iii. Sufficient resettlement assistance during relocation was also provided by NCF and Tandii. The transportation, removal and re-installation dwellings, moveable properties, structures of all the affected occupants' were paid for by NCF and Tandii project companies.

The affected people have been extensively consulted throughout the entire process of RAP development including the compensation process, resettlement procedures and determining the entitlements and eligibility criteria.

1.6 Cost Estimate and Budget

The total estimated cost for the implementation of the RAP includes compensation for land, Structures, fruit bearing trees, relocation assistance, services charges and land application fees. The budget expended by NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd in respect of compensation and resettlement is estimated at a total of **REDACTED** respectively.

2. PROJECT DESCRIPTION

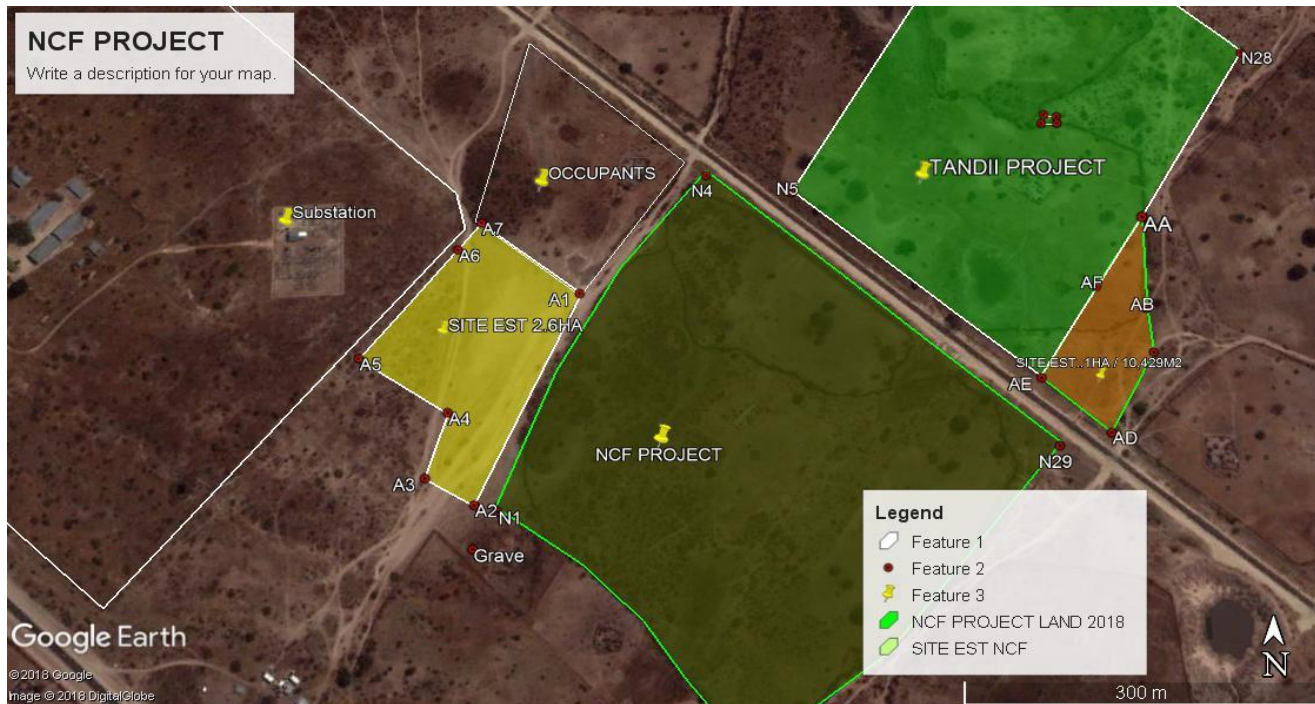
2.1 Background of the Projects

The Independent Power Producers (IPPs) Companies, NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd have embarked upon Establishing of two 5 MW Photovoltaic (PV) Solar Energy Plants in Engoyi Village near Nampower Substation situated at Okatope District in Oshikoto Region.

The solar project for NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd are one of the 14 Prioritized Renewable Energy Projects licensed by the Electricity Control Board for implementation under the national Renewable Energy Feed In Tariff (REFIT) Programme which is currently implemented in corroboration with the Government of the Republic of Namibia [Specifically Ministry of Mines and Energy, NamPower and Electricity Control Board of Namibia (ECB)].

The two Solar PV Projects are expected to promote awareness about alternative environmental friendly energy sources, reducing carbon emission and the impacts of vulnerability of community to the effects of climate change and consequently improve socio-economic development in the project area of Engoyi Village and Namibia at large. The project area for NCF covers an area of **13.89 Ha** while that of Tandii covers an area of 12.8 Ha as depicted by figures and tables below;

Figure 2.1: Map showing location for NCF



Source: NCF Land Identification Report

Table 2.1: GPS Coordinates, NCF

GPS	LATITUDE	LONGITUDE
AA	18° 6'29.61"S	16°17'50.04"E
AB	18° 6'32.60"S	16°17'49.90"E
AD	18° 6'34.00"S	16°17'50.00"E
AC	18° 6'36.50"S	16°17'48.50"E
AE	18° 6'34.80"S	16°17'46.50"E
AF	18° 6'31.90"S	16°17'48.40"E

Source: Land Identification Report, NCF

Figure 2.2: Map showing location for NCF



Source: BSC

Table 2.2: GPS Coordinates, Tandii

GPS	LATITUDE	LONGITUDE	GPS	LATITUDE	LONGITUDE
AA	18° 6'29.61"S	16°17'50.04"E	G1	18° 6'29.61"S	16°17'50.04"E
AB	18° 6'32.60"S	16°17'49.90"E	G2	18° 6'32.60"S	16°17'49.90"E
AD	18° 6'34.00"S	16°17'50.00"E	G3	18° 6'34.00"S	16°17'50.00"E
AC	18° 6'36.50"S	16°17'48.50"E	G4	18° 6'36.50"S	16°17'48.50"E
AF	18° 6'31.90"S	16°17'48.40"E			

Source: Tandii Land Identification Report

The Resettlement Action Plan (RAP) has been formulated in line with the national guidelines on Compensation and Resettlement within law framework of the Republic of Namibia (Cabinet

Compensation Policy Guidelines of 2009, Communal Land Reform Act No. 5 of 2002 as amended, Traditional Authority Act No. 25 of 2000) and aligned with IFC Performance Standards.

This Resettlement Action Plan (RAP) is prepared to document how the project company assisted and how it further plans to assist the project affected people to restore their livelihoods and socio-economic conditions to their pre-project condition.

2.2 Projects Objectives

2.2.1 Impacts

The NCF and Tandii Solar projects had to acquire **13.89 Ha** and **12.80 respectively** of communal land for the construction of a solar plant near the NamPower substation at Okatope in Oshikoto Region. This land acquisition process has affected a combined total of **27 people** displaced from the affected 6 residential homesteads.

Both identified projects' land measuring **13.89 Ha** and **12.8 Ha** have already been acquired by **NCF Energy (Pty) Ltd** and **Tandii Investment (Pty) Ltd** respectively through the consultancy service of Business Success Consulting Corporation. It is noted that the acquisition of the project land has affected people who have been making livelihood on the land. The project activities which are already being implemented have adverse resettlement impacts through displacement of households. The Project Affected Units (PAUs) include owners of land who depend on subsistence farming for a living. It is observed that the project activities have not affected any businesses or commercial entities. The fruit bearing trees on the affected land were also cleared.

However, despite the losses of land and improvements (assets) on the land by the affected households, the impacts on the affected people were mitigated in accordance with the IFC PS 5.

2.2.2 NCF Solar Project:

A total number of **18 people** from the 4 homesteads have been identified to be affected by NCF solar project. This total comprises of 9 males and 9 females. The NCF project area yielded an average household size of 4.5 people which is slightly lower when compared to the constituency average of 5 people per household. Refer to table hereunder;

Table 2.2.2: NCF Project Land Affected Occupants

Project Name	Total Households	Male	Female	Affected Population	Total
NCF	4	9	9	18	
Total	4	9	9	18	

Source: Socio-economic survey

The study indicates that one (1) of the six (6) of household heads is illiterate (Cannot read nor write). In term of gender, male head of households are more educated as compared to the female head of households.

2.2.3 Tandii Solar Project:

A total number of **9 people from the 2 homesteads have been displaced by Tandii solar project**. This total comprises of 2 males and 7 females. This also implies that there is an average household size of 4.5 people per homestead which is slightly lower when compared to the constituency average of 5 people per household. Refer to the size details of affected land Tandii Solar Project hereunder;

Table 2.4: Tandii Project Land Affected Occupants

Project Name	Total Households	Male	Female	Affected Population	Total
Tandii	2	2	7	9	
Total	2	2	7	9	

2.3 Objective of the Resettlement Action Plan

The legal framework of the Government of the Republic of Namibia directs that projects implementation by the state and private entities should adhere to the Compensation Policy Guidelines and provides the affected people with relocation options in order to ensure sustainable development in communal areas. In addition, consideration was also given in regard of IFC PS 5, which requires that the Resettlement Action Plan be developed if the social assessment identifies resettlement impacts. It is against this abridged background that this RAP was developed to address the following aspects;

- a) Highlight land acquisition and resettlement issues
- b) Impact mitigation to the affected peoples
- c) Income Generation of the affected unities/ families
- d) Livelihood restoration
- e) Poverty reduction

The law requires that a plan be developed indicating how compensation and resettlement support will be provided to the eligible individual, family or household, provided;

- a) The standard of living of such person, family or household has been adversely affected
- b) The income earning opportunities, business, occupation, residence or habitat of such person, family or household is adversely affected;
- c) The occupational right, title or interest, right to the land including premises, agricultural, grazing land, commercial property, tenancy, right to fixed or moveable assets, acquired or possessed temporarily or permanently by such person, family or household is adversely affected
- d) Social and cultural activities and relationships and other losses to the person, family or household that may be identified during the process of resettlement planning.

The objective of the RAP is to provide a strategy for providing the Project Affected People with replacement value of land, structure, trees and other physical assets and restoration of living standards either through a compensation and rehabilitation package that ensures that PAUs are not left in position where they are worse off with the project than without it.

The purpose and objectives of the project as well as the RAP have been communicated to the affected communities through stakeholders' consultation meetings, socioeconomic surveys and interviews. Compensation and resettlement assistance was paid and rendered to the APs prior to displacement or dispossession of assets.

2.3.1 Methodology for the Preparation of the Resettlement Action Plan

Business Success Consulting conducted interviews with the affected heads of households, census and socioeconomic surveys in sets of series of processes of land acquisition in order to obtain information necessary for the preparation of this Resettlement Action Plan. The process also comprised of the

process of stakeholders' consultation, affected people's focused group discussions and property valuations. Series of affected property assessments and valuations were conducted in December 2015, June 2017, August 2018 as well as a socioeconomic survey in January 2018.

The survey indicates that the households have been affected through adverse impacts of land acquisition and displacement of houses. The purpose of conducting a socioeconomic survey is to take stock of households and physical assets affected by the project, to develop a socioeconomic profile of the affected households and affected persons and establish benchmarking information for monitoring and evaluation. The RAP is subject to be reviewed during the implementation stage and updated accordingly in future.

2.4 Minimizing Land Acquisition and Displacement

2.4.1 *Project Alternatives*

The IFC PS 5 requires that the NCF and Tandii should consider feasible alternative project designs to avoid and or to minimize the physical and economic displacement while balancing environmental, social and financial costs and benefits. NCF and Tandii project companies have made efforts to minimize the displacement of people through the following efforts

2.4.1.1 Project Design:

- NCF and Tandii have opted to make use of high –yielding solar photovoltaic panels (325kWp) which produces maximum energy per square meter. This implies that the projects would have occupied a much larger portion of land if normal power yielding solar panels technology was used.
- In addition, NCF and Tandii have also making use of tracking system to move the panels around to follow the sun in order to extract maximum energy. Using the fixed – tilt structures would have resulted in much larger land requirement.

2.4.1.2 Land Identification Efforts

- NCF and Tandii conducted both spatial and ground land surveys to establish whether there was suitable land in the area of the substation which is not occupied with an attempt to minimize displacement. However, it was much more feasible to identify land in the close proximity of the substation considering that the properties in this area are sparsely located and reduce the impacts of displacement by displacing only a few houses.
- The process of land identification and acquisition was done in two phases in order to try to minimize the impact of land acquisition and displacement.
- The project companies further provided sufficient time in relocating the affected households in order to avoid at all costs the displacement of any businesses that sustain the livelihood of the inhabitants in the area. No business structures were affected. The IPPs acquired a total of **13.89 Ha and 12.8 Ha** for the NCF and Tandii projects respectively.

Chapter 3

3. SOCIO-ECONOMIC CHARACTERISTICS OF AFFECTED HOUSEHOLDS

3.1 Methodology for Census and Socio-Economic Survey

The census and socioeconomic was conducted covering both projects area to provide socioeconomic profile details on the Projects' Affected People (PAPs) and subsequently assess the magnitude and likely impacts of implementing the projects as well as devising measures for mitigation of adverse impacts. The surveys made use of the following data collection tools; (1) structured questionnaire, (2) property valuation cards, (3) Interviews with Affected Heads of Households and (4) Stakeholders Consultation Meetings.

The information collected includes data on affected assets, demography, age/sex distribution, education, occupation, ownership status, income and poverty and nature of affected structures and fruit bearing trees.

3.2 The Project Area

3.2.1 NCF Project Area

The project area for NCF Project covers an area of **13.89 Ha** in extent about 100m on the eastern side of NamPower Substation in Engoyi village, Okatope in Oshikoto Region and affects a total of 4 Project Affected Units/Homesteads as well as land under the Ondonga Traditional Authority. Only the six (6) affected people make use of the affected land. Refer to the table hereunder;

Table 3.1: NCF Project Land Affected Occupants

#	Project Name	Land Acquisition Phase	NAME OF OCCUPANT	LOCATION	LAND SIZE (HA)
1	NCF	Phase 1	SELMA ANGULA	ENGOYI VILLAGE	1.7
2	NCF	Phase 1	VILHO JASON	ENGOYI VILLAGE	3.74
3	NCF	Phase 1	ONDONGA TRADITIONAL AUTHORITY – SPORT STADIUM	ENGOYI VILLAGE	2.4
1	NCF	Phase 2	LENGA JASON	ENGOYI VILLAGE	4.6
2	NCF	Phase 2	VILHO JASON	ENGOYI VILLAGE	3.07

3	NCF	Phase 2	FILLEMOM MALIMA	ENGOYI VILLAGE	2.48
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3.2.2 Tandii Project Area

The project area for Tandii covers an area of 12.8 Ha in extent and is located further out about 600m on the north-eastern side of the NamPower Substation in Engoyi village, Okatope. The project has affected a total of 2 Project Affected Units/Homesteads and a portion of land under the Ondonga Traditional Authority. Refer to the table hereunder;

Table 3.2: Tandii Project Land Affected Occupants

#	Project Name	Land Acquisition Phase	LEGAL OCCUPANTS	LOCATION	LAND SIZE (HA)
1	Tandii	Phase 1	SAARA KALOMO	ENGOYI VILLAGE	8.01
1	Tandii	Phase 2	VERONIKA HAMWENYE	ENGOYI VILLAGE	3.09
5	Tandii	Phase 2	SAARA KALOMO	ENGOYI VILLAGE	1.61
6	Tandii	Phase 2	ONDONGA TRADITIONAL AUTH	ENGOYI VILLAGE	2.42

3.3 Profile of Affected Households

3.3.1 Population

The process has identified a total of **27 people from the affected four (6) households (NCF 4 and Tandii 2)** who have lost their residential homesteads, fruit bearing trees, structures, and other assets. A population of 27 people has been displaced by the two projects, yielding an average household size of 4.5 persons per household, which is slightly lower than the constituency average of 5 people per households. The affected population of 27 people comprises of 11 males (40.7%) and 16 females (59.3%) as indicated in the table hereunder;

Table 3.3: Affected Population, NCF and Tandii

Project Name	Total Households	Male	Female	Affected Population	Total
NCF	4	9	9	18	
Tandii	2	2	7	9	
Total	6	11	16	27	

Source: Socioeconomic survey, January 2019

No losses of businesses properties are identified. The population is calculated based on the total number of people from the affected Households. No population is calculated for the affected Common Property Resource (CPR) of the community sport field.

3.3.2 Ethnicity Religion and Gender

The two projects have affected a total of **27 people**, of which **all 27 are Christians** in terms of religious beliefs. **50%** of the 6 affected households are headed by women. There is no ethnic minority in the project area.

3.3.3 Level of Education

Only 25% of the heads of households are literate; who attained education up-to the academic level of grade 12. None of households' heads are graduates.

Table 3.4: Level of Education for Affected Household Heads

Household No.	Project Name	Illiterate	Grade 6	Grade 12	Tertiary Education
HH1	NCF	0	0	1	0
HH2	NCF	1	0	0	0
HH3	NCF	1	0	0	0
HH4	NCF	1	0	0	0
HH5	Tandii	1	0	0	0
HH6	Tandii	1	0	0	0
Total		5	0	1	0

Source: Socioeconomic survey, January 2019

The government of the Republic of Namibia's Ministry of Education, Arts and Culture has introduced free education up to the level of 12. This policy approach towards education has improved access to education and as a result the number of school going children has increased.

3.3.4 Age and Occupation

3.3.4.1 Age Groups

There are more children in the projects area, with the largest proportion of population in the age group of 0 – 17 years, representing 40.7% of the total affected population. The survey further indicates that the population within the age group of 18 – 34 is more than 22.2 %, which represent the marginal population of the young people. The elderly population with the age category above 60 years yielded a total of 4 people which is more than 14.8% of the total affected population of 27 people. Refer to the table hereunder for details:

Table 3.5: Age Distribution of Affected People, NCF and Tandii

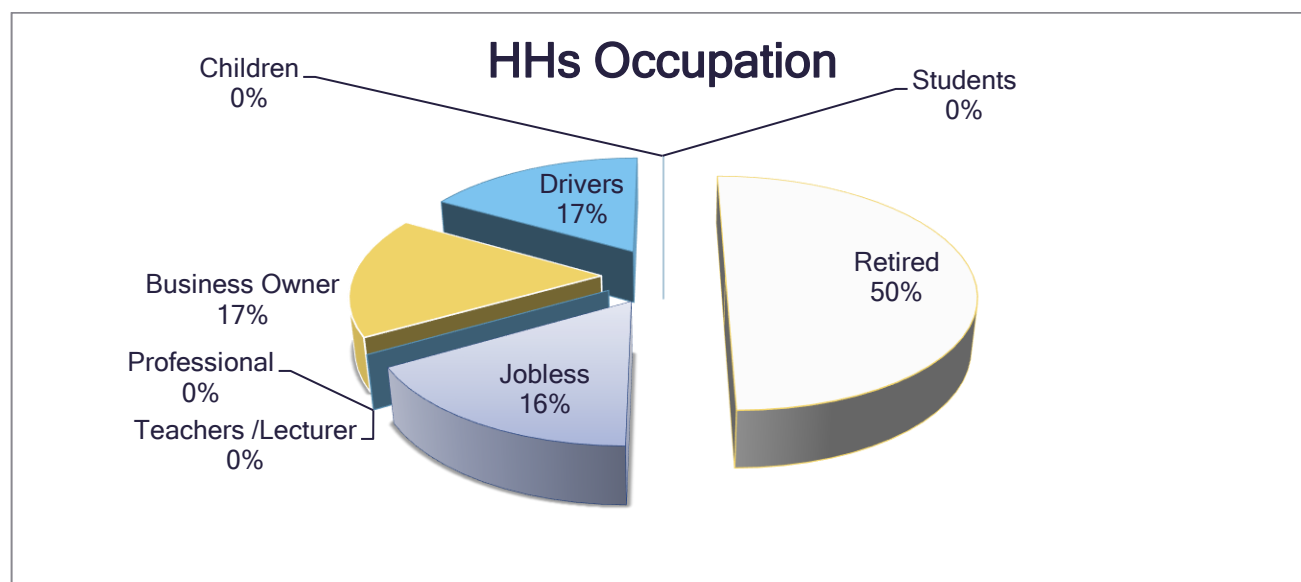
Household No.	Project Name	Age Groups					Total	
		Upto -17	18-34	35-44	45-59	60 & above	No.	%
HH1	NCF	2	0	3	0	0	5	18.5%
HH2	NCF	1	1	2	0	0	4	14.8%
HH3	NCF	2	1	1	0	1	5	18.5%
HH4	NCF	2	1	0	0	1	4	14.8%
HH5	Tandii	2	2	0	0	1	5	18.5%
HH6	Tandii	2	1	0	0	1	4	14.8%
Total		11 (40.7%)	6 (22.2%)	6 (22.2%)	0 (0%)	4 (14.8%)	27	100%

Source: Socioeconomic survey, January 2019

3.3.4.2 Occupations (NCF and Tandii)

It is found that 1 of the 6 heads of households is unemployed, 4 are retired and 1 is employed by a logistic company as a truck driver based in Windhoek. The pie chart below depicts the occupations of the respective HoHs;

Figure 3.1: Occupation of Households’ Heads (NCF & Tandii)



Source: Socioeconomic survey, January 2019

3.3.5 Income & Poverty Dimensions

A large number of inhabitants in Engoyi Village live in deprivation. The Namibian Government relies on a measure of poverty based on the proportion for household expenditure that is spending on food. Statistics was only collected on the average proportion in percentage of the household’s income spent on food. This national measure of poverty is in line with the Namibia Statistics Agency’s methodology of measuring poverty based on the Household Income and Expenditure.

According to this approach the households that spend more than 60% of their expenditure on food are deemed to be “poor” and those that spend 80% of their expenditure on food are deemed to be “severely poor”.

It is confirmed that the affected occupants mostly depends on subsistence farming to make a living. The affected households’ level of income and source is as follows;

- i) The 4 retired Heads of Households receive a monthly pension allowance of N\$1200 as old age pension grant from the government. This is in exception of 1 retired HoH who also derives income from her liquor selling business (bar).
- ii) The 1 employed Head of Household earns a basic salary of N\$50,400.00 annually

- iii) The unemployed Head of Household does not earn an income.
- iv) None of the relatives living with the affected HoHs in respect of the six homesteads is earning an income.

Considering the economic condition of the people within project area, the affected households maybe considered as poor. This is because they rely on subsistence farming supplemented by an average expenditure proportion of 64.8% and 64.35% spent on food for NCF and Tandii Affected Households respectively.

In cognizance of this poverty statistics, all affected households have been accorded special assistance in relocation process, provided with new house, members of the households trained to participate in the construction process of their own house in order to earn an income and priority to employment was given to members of the affected households to participate in the solar project construction process. Refer to the table hereunder;

Table 3.6: Affected Households Expenditure Proportion on Food	
Household No.	PERCENTAGE (%) EXPENDITURE ON FOOD – NCF
HH1	50%
HH2	68%
HH3	72%
HH4	69%
AVERAGE NCF	64.8%
Household No.	PERCENTAGE (%) EXPENDITURE ON FOOD – TANDII
HH5	64%
HH6	70%
AVERAGE TANDII	64.35%

Source: SES, BSCs

3.3.6 Gender Impacts and Mitigation Measures

The socio-economic survey identified a total of six (6) vulnerable households in both project areas, whose economic status is classified as “poor”. Among the 6 affected homesteads, 3 are headed by women and 4 are headed by elderly persons.

Sufficient assistance and other benefits assistance were provided by NCF and Tandii to help the AHs in terms additional compensation allowance, relocation, training opportunities and job opportunities in construction civil work.

It is noted that 50% of Heads of Households affected by the project are women, who are considered most vulnerable because they are also widows and fall within the elderly age group. The Namibian laws encourage entities to empower vulnerable women in order to ensure gender equity. However, it is equally considered that all the affected Heads of Households live under deprivation and poverty and therefore measures have been taken to ensure that not only women are provided sufficient relocation assistance, but that all the affected heads of household are given sufficient assistance during the resettlement process. The measures included in the Resettlement Action Plan to address gender impacts and other imbalances comprised of:

- a) Identification of the socio-economic condition, needs, and priorities of women, elderly and poor heads of households, and monitor and evaluate the impact of land acquisition and resettlement on these vulnerable groups separately
- b) Identification of the female headed households to be affected and setting of entitlement criteria to recognize female-headed households;
- c) Preferential employment of affected women in civil construction (where possible).

Chapter 4

4. LAND ACQUISITION AND RESETTLEMENT IMPACTS

4.1 Scope of Land Acquisition

Two portion of land measuring **13.89 Ha and 12.80** in extent were acquired exclusively for the construction of NCF and Tandii Solar Projects respectively. The land is located within communal land and is rural in nature. The project land acquisition has mostly affected subsistence farming land, followed commonage /Common Property Resources (sport stadium and cemetery) as well as small pockets for the affected occupants' homesteads.

The sport stadium was initially developed for the community sport development and was being used by the Engoyi community before the displacement. NCF and Tandii have identified and developed a similar sized portion of land that is currently being used for sport events.

4.2.1 *Type of displacement*

4.1.1.1 Physical Displacement

It is noted that the affected people who were living in the project areas had to another location, which connotes physical displacement. It was therefore expected of NCF and Tandii Project Companies in line with the IFC PS5 that the project companies provide the affected people with: 1) adequate resettlement housing or cash compensation where appropriate; 2) provide relocation assistance suited to each group of displaced persons, with particular attention to the needs of the people and the vulnerable.

- ✓ The land acquisition process by NCF and Tandii was done through negotiated agreements with the affected involving physical displacement of people. This RAP, although not developed from inception, aims to establish the process undertaken by the Project Companies in complying with the minimum requirements of the IFC Performance Standards on Land Acquisition and Involuntary Resettlement.
- ✓ During the land identification process, it was identified that all the six (6) homesteads were classified to be under deprivation and poverty before the displacement as per the Namibia Statistics Agency's measure of poverty which is based on Household Income and Expenditure

Survey. The project companies based on this statistic developed measures and entitlements based on the needs of the poor and vulnerable people including the host communities as per the IFC Performance Standard 1, paragraph 12.

- ✓ Each occupant had a reasonable size of agricultural land (refer to annexed table) as well as a traditional setup dwelling made of mostly temporary structures (Huts, mud bricks/sticks, corrugated structures) and few contemporary conventional buildings (cement bricks).
- ✓ The status quo on deprivation among the affected people, compelled the project companies to implement the following mitigation measures to mitigate all negative impacts of the displacement;
 - f) NCF and Tandii Constructed houses of higher value for all the affected occupants. Consideration was given to provide the affected people with location advantages by building the houses within the same community the occupant lived before the displacement. The project companies also provided the affected with security of tenure by facilitating with the land administration authority in acquiring land for relocation and issuing of legal occupation papers to the occupants.
 - g) Cash compensation at full replacement value was also provided as negotiated between NCF and Tandii and the affected occupants. These compensation packages are valued on the replacement value approach and bearing in mind the inflation rate and current market replacement values of the land and others assets and improvements on the land such as dwellings, wells, and fruit bearing trees among others. It is noted that the IFC PS5 suggests that compensation in kind should be opted for in lieu of cash compensation; however the project companies first considered it any option considering the companies constructed adequate housing for the occupants and hence it was perceived that cash compensation at replacement value of the occupants' properties/ dwellings that has already been restored will have a great impact in improving their living standards.
 - h) NCF and Tandii further provided sufficient relocation assistance to the affected people by paying for the transportation of the occupants' properties, removal and installations of the same at the new adequate alternative. The alternative site is considered

adequate and reasonable if it suitable to erect a dwelling, of similar or better size when compared to the occupants' land before displacement and suitable for such socio-economic activities that the occupant was engaged in before displacement (crop production and animal husbandry).

- i) NCF and Tandii is in the process of constructing a new sport stadium for the community which is of better standard and quality when compared with the sport field affected by the project.
- j) In addition, NCF and Tandii also looked into other social aspects of the project host community of Engoyi Village and constructed a community hall for the community.

4.1.1.2 Economic Displacement

The IFC PS5 recommends that mitigation measures be implemented if land acquisition causes loss of income or livelihood, regardless of the status of physical displacement. The project companies met the following requirements of the IFC Performance Standard 5 in this respect of economic displacement;

- ✓ The IFC PS5 requires that compensation be paid to the economically displaced persons for the loss of assets or access to assets at full replacement cost. The Both projects of NCF and Tandii did not displace any persons in terms of disturbance to the earning /income opportunities neither affecting assets that derives economic benefits to the people and community.
- ✓ The IFC PS5 further suggests that in case where land acquisition affects commercial structures, the business owner should be compensated for the cost of re-establishing commercial activities elsewhere. NCF and Tandii did not affect any commercial properties and therefore did not compensate for any commercial properties. It is noted that the displaced people were subsistence farmers who depended on their land for livelihood and although they are not engage their land in commercial agricultural production; it was considered essential by NCF and Tandii to restore the occupants livelihood through; i) NCF and Tandii acquired alternative agricultural land for the occupant to continue with their agricultural activities and ii) Cash compensation for both cultivated and grazing land for the

occupants to maintain and invest in agricultural production and thereby enhanced food security and improved living standards.

- ✓ The economic profiles of the six (6) Heads of Households (HoHs) indicate that 4 HOHs are retired, 1 working as truck driver and 1 unemployed. NCF and Tandii further deemed it essential that the affected occupants be economically capacitated through targeted training programmes and employment preference. In this regard, employment preference and on-job skill training was provided to the households from these 6 homesteads to during the construction phase of NCF and Tandii Projects. It was further recommended to the O&M Contractor by the owners to consider employing the 1 unemployed HoHs as part of the security team offering services to NCF and Tandii Solar Projects.
- ✓ All these efforts were committed in order to improve and restore the income earnings capacity and standard of living for the economically displaced persons whose livelihoods are adversely affected.

4.2 Displacement and Other Impacts

The two projects have affected a total of 6 homesteads for residential purpose as well as other improvements or assets such as kraal, walls, sanitation toilets, fences, water pipelines, thrashing pans and trees among others.

The ownership of land in communal areas is vested in the state (Government of the Republic of Namibia) and the inhabitants are issued with Customary Land Right Certificates. all the affected heads of households were in possession of customary land certificates that gives them occupational land rights as legal occupants.

All the affected occupants were legal occupants with proper land documentation and after land acquisition the respective occupants' land rights were transferred to NCF and Tandii on a Leasehold basis signed for 50 years with the Government of the Republic of Namibia // Ministry of Land Reform.

4.3 Asset Inventory and Assessment of Losses

4.3.1 *Affected Households (NCF and Tandii)*

A total of 6 homesteads with a total of **27 occupants** have been affected and displaced by the project. The RAP has made provision for mitigating all households displacement related impacts by applying a systematic compensation and resettlement assistance process. The compensation and resettlement process comprised of the following stages

- a) **Resettlement planning (Land Identification):** In this case the resettlement planning process was limited to consultations with the potential occupants to be affected, the Ondonga Traditional Authority, Ministry of Land Reform among other key stakeholders. The ongoing stakeholder consultations led to the land identification process which was undertaken by the land consultant, projects' companies and the traditional authority. The SES with the socio-economic baseline data could only be conducted later on during the development of the RAP.
- b) **Assessment of assets / Property Compensation Valuation:** There was no detailed assets survey conducted to obtain comprehensive information for the purpose of RAP development prior to displacement. However, assets and property valuation process was undertaken to evaluate the market values of affected properties of the affected occupants and compile valuation cards for compensation benefits purpose. All prices are market related and have made provision for inflation to reflect current market values. Compensation was calculated on a current replacement value approach.
- c) **RAP Implementation and M&E**

The RAP development process is disclosed to all the stakeholders and once approved final will be disclosed to the stakeholders for effective implementation particularly in terms of monitoring and evaluation.

4.3.2 *Business Enterprises*

No business enterprises were affected.

4.3.3 Physical Structures Affected

A number of conventional and traditional structures have been affected and compensated for in terms of the government compensation policy guidelines. The attached approved compensation valuation cards list all affected properties and improvements for each affected homestead. **Please refer to the assets inventory list attached in appendices.**

3.3.6.1 Trees Affected

A number of fruit bearing trees of different sizes have been affected, compensated for in line with IFC FS 5 was concluded before the displacement. Timber trees have also been cleared. All fruit bearing trees have been compensated and are all recorded in the approved valuation cards for each homesteads. The rates of valuations are market related as determined at the time of valuation in line with IFC FS 5.

There are no special trees found in the area. In Namibia, **the Forest Act No. 12 of 2001** protects special protected trees such as *Welwitschia Mirabilis* that cannot be cut down. Please see assets inventory list appended (Appendices).

3.3.6.2 Common Property Resources

The Common Property Resources (CPRs) affected by NCF project include a community sport field. The community sport field was developed for the purpose of sport development. The project company has undertaken to relocate and improve the sport field to another area in the project vicinity. The process of relocating the sport field is currently ongoing. CPRs are classified as commonage in the Communal Land Reform Act No. 5 of 2002.

4.4 Significance of Impacts

The projects have adversely impacted on the status of the affected people. A total 6 homesteads are directly affected by NCF and Tandii Project Land Acquisitions through displacement, affecting a total of 27 people occupying the affected homesteads and one Common Property Resources. The list of affected homesteads is indicated hereunder:

- i. Homestead of Mr. Malima Shinyongolo
- ii. Homestead of Mr. Vilho Jason
- iii. Homestead of Mr. Lenga Jason
- iv. Homestead of Ms. Selma Angula
- v. Homestead of Saara Kalomo
- vi. Homestead of Veronika Hamwenye

4.5 Special Measures for Vulnerable Groups

The following measures have been introduced to define the various vulnerable groups listed hereunder. All the affected households were classified as poor and therefore vulnerable. Extra assistance and support was provided to all the affected households in terms of additional compensation as well as resettlement assistance.

- a) Households headed by poor women
- b) Households headed by poor man
- c) Households headed by elderly people

4.6 Loss of Business Enterprises & Employment

The project has not affected and displaced any commercial and business enterprises and hence the study has not identified any occupants who lost their income due to displacement.

Chapter 5

5. LEGAL AND POLICY FRAMEWORK

5.1 Purpose and objectives of Land Acquisition and Resettlement

Two portions of land measuring **13.89 Ha and 12.8 Ha** in extent were acquired by NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd for the purpose of constructing two 5 MW Photovoltaic Solar Plants for NCF and Tandii respectively, at Okatope for power generation to supply to NamPower Substation at Okatope in Oshikoto Region. Land closest to the power station was more feasible for the projects to be implemented and hence land acquisition and consequent resettlement affected more of the inhabitants residing near the substation.

The acquisition of land has displaced households who have been legal occupants on the land for a very long time. All APs had legal occupational certificates before the land was transferred to the project and therefore it was easy to determine legal ownership and occupation. The Resettlement Action Plan process was formulated to document issues related to the systematic processes of land acquisition, displacement, restoration, resettlement assistance and mitigation of possible impacts to the affected community as result of land acquisition and displacement. **The following aspects are covered by the RAP;**

- (i) land acquisition and resettlement issues;
- (ii) impact mitigation with special attention to the poor, women, ethnic minority and vulnerable groups
- (iii) Income generating support to the members of the AHs especially through employment opportunities and on job training

The main principles of the RAP are to:

- (i) Minimize the negative impacts through comprehensive consultations with the project team and the Affected Persons.
- (ii) Engage the affected persons on RAP, compensation policy and procedures, needs assessment, poverty and restoration aspects.

- (iii) Carry out resettlement activities to improve or at least restore the pre-project living standards of the affected persons;
- (iv) Provide compensation for affected property at market price prior to relocation and mainstream the poor and vulnerable APs with the available resettlement support and income generation opportunities.

5.2 Legal Framework for Land Acquisition in Namibia

The projects land for NCF and Tandii under review is within communal land. Therefore, the government legislation that directs the processes of land acquisition in communal area is the **Communal Land Reform Act No. 5 of 2002** as amended. The Communal Land Reform Act makes provision for the transfer of land rights between the occupants and businesses provided that occupants have legal occupation land rights certificates from the Ministry of Land Reform through the Communal Land Board. The Communal Land Reform Act No. 5 of 2002 is the legal tool used in transferring land from the Affected Persons to the Project Companies of NCF and Tandii, used together with the **Traditional Authority Act No. 25 of 2000**, which mandates the Traditional Authorities to administer communal land including land allocation on behalf of the State (Government Republic of Namibia).

The second equally important legislation is the government compensation policy guidelines of 2009, which requires that compensation be paid for (i) land and assets/improvement on the land/ assets acquired (fruit bearing trees, houses other structures); and (ii) any other damages in the compensation policy caused by such land acquisition. The Ministry of Land Reform through its department of valuation determines the value of minimal compensation to be compensated for each affected structure or asset from time to time and such unit value rates for each type of assets are contained in the compensation policy for reference by all stakeholders. The assessment approach is based on the replacement value approach and does makes provision for inflation and disturbance allowance.

The Namibian legislation on resettlement and compensation is very silent on various aspects of income restoration for affected commercial properties. It does not support compensation for illegal occupants who have not been in occupation of the land in accordance with customary laws and does not require land acquiring parties to prepare RAP and/ any other systematic impact mitigation procedures plans.

It is noted that additional compensation was paid to the affected occupants; which made the companies compensation payments to the occupants significantly higher than the prescribed compensation ceilings of government. Other benefits provided to the affected persons and the general community are as follows;

1. Additional compensation to all the affected persons
2. Resettlement assistance to all the affected Persons
3. Job opportunities and training for the affected people
4. Free houses (conventional dwelling) for relocation for all affected HHs.
5. Improvement of sport stadium (under construction)
6. Renovation and extension of the community meeting hall (under construction)
7. Construction of pre-primary school for the community

5.3 IFC PS 5 on Resettlement and Involuntary Resettlement and Namibia Compensation Policy Framework

In accordance with the IFC FS 5 stakeholders should at all-time recognize and address the R&R impacts of all the affected persons irrespective of their titles and requires that a RAP be prepared in every instance where Involuntary resettlement occurs. This study recognizes that there are policy gaps between the Namibian Compensation and Resettlement Laws and the IFC Performance Standards (IFC PS 5). Unlike the Namibian Compensation Policy guidelines, the IFC requirements are as follows:

- Avoid or minimize impacts where possible;
- Consultation with the local stakeholders people or group (including illegal dwellers), local NGOs, etc. who have views about cooperation projects.
- Payments of compensation for acquired assets at the replacement value;
- Ensure that no one is worse off as a result of resettlement and would maintain their original standard of living.
- Resettlement assistance to affected persons, including non-titled persons; and
- Special attention to vulnerable people/groups and ethnic minorities.

The Namibia Compensation Policy guidelines provide for two resettlement options that only the legal occupant can make independently. The occupant may opt to stay or vacate. The Namibian

compensation policy does not recognize any other land claims other than from legal occupants with occupational land rights and no cut off – date, less consultation and no eligibility criteria is provisioned for within the law framework. This is opposed to the IFC PS 5 standards above and that of placing emphasizes on consultation during the entire spectrum of RAP processes.

5.4 Eligibility Policy and Entitlement:

5.4.1 Eligibility Criteria

All the Affected Persons whose land rights have been affected by the project are entitled to compensation. All the APs within the two projects land are classified as poor in terms of the Namibia’s measure of poverty and hence they have all been accorded sufficient relocation assistance and additional compensation. The IFC standards criteria include the fact that;

- People with legal ownership or occupation land papers are considered
- People without land right paper or title deeds can also be considered (squatters and illegal occupants)
- People with land claims on the land that is recognized by the national laws are also considered
- The cut –off date is provided for to prevent ineligible people from flocking to the affected area and claim for compensation unfairly.

5.4.2 Compensation and Entitlement Policy

NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd have paid compensation to the Affected Heads of Households (AHHs) firstly in kind through housing restoration/replacement, farming land replacement, as well as cash compensation at replacement value. This is in line with the International Standards of IFC FS 5, which encourages compensation kind in lieu of cash compensation. The package of compensation is based on entitlements in terms of:

- iv. Replacement value for land
- v. Replacement value for structures and fruit bearing trees as determined at market replacement value

- vi. Sufficient resettlement assistance as required by the IFC PS 1 standards emphasis on the poor and vulnerable people.

5.4.3 Compensation and Resettlement Assistances

The Ministry of Land Reform made sure through verification of property valuation cards that the land and property (structure, tree, crops and non-structure assets) to be acquired for NCF and Tandii projects land interest are compensated at their full replacement cost as determined by an independent valuator and agreed by both parties.

Resettlement assistance which is not a policy requirement in Namibia was also provided in term of relocating the affected structures from the acquired land to the affected people's new relocation area as per the IFC PS 5. All the APs were considered by the company for resettlement assistance because of their socioeconomic status and classification as poor inhabitants.

5.4.4 Compensation Payment Procedures to Land Certificate Holders

The systematic procedure for Compensation Payment which was followed by NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd in compensating the Affected Occupants is as follows;

- Step 1: Land identification by the land consultant and project companies
- Step 2: Individual Consultation between the Affected Head of Households and the Developer
- Step 3: Property valuation reflecting market values of compensation at the time of compensation
- Step 4: Consultation on property valuation cards, verification of assets valuation cards and negotiations between the project companies and the legal occupant.
- Step 5: Consultation and Land Allocation by the Traditional Authority to NCF and Tandii
- Step 6: Signing of compensation contract and compensation valuation card between NCF and Tandii, and the legal occupant
- Step 7: Payment of compensation packages as per the signed compensation contract by the project companies. Proof of payment and receipt is appended on all compensation contracts.

5.4.5 Compensation Procedure for APs without Occupational Land Rights Certificates

No Non-Land Certificate Holders were identified at these projects of NCF and Tandii. But in case there was any, they were to be considered for eligibility as per the IFC FS 5.

5.4.6 Assistance from Relevant Government Departments

The following authorities and government departments played different roles in the land acquisition and resettlement process;

- a) Ministry of Environment and Tourism have assessed the Environmental Impact Assessment (EIA) Report and Environmental Management Plan (EMP) for NCF and approved them
- b) The Ondonga Traditional Authority played a role of allocating land to the project
- c) The Oshikoto Communal Land Board also approved the leasehold land application for the project
- d) The Ministry of Land Reform has approved the leasehold application for 50 years and 25 years respectively.

Chapter 6

6. CONSULTATION, PARTICIPATION AND DISCLOSURE

6.1 Project Stakeholders

The main stakeholders of the project include the Affected household (AHs), Ondonga Traditional Authority, Oshikoto Regional Council, Constituency Office, NamPower, ECB, Ministry of Land Reform, Nored, NamWater, Ministry of Environment and Tourism, Ministry of Safety and Security, Ministry Labour Relations, NGOs, Contractors, Sub-contractors and the community people. The stakeholders welcomed the project with both hands as it has positive impacts on Local Economic Development.

This Chapter of the Resettlement Action Plan has been prepared based on the findings of consultation meetings with stakeholders and the participatory census and Socio-economic Survey. A Consulting Firm will be commissioned by NCF Energy (Pty) Ltd to implement the RAP, conduct impact surveys and at the same time to facilitate the RAP Implementation M&E process.

6.2 Consultation

The IFC PS 5 place emphasis on consultation at all levels of project implementation. Firstly all relevant information was disclosed to the stakeholders and the project companies have taken a stand to ensure that consultation is ongoing to facilitate an informed participation of the affected of the affected people and communities in decision making process related to the resettlement.

In order to comply with the IFC Standards, consultation will continue during the implementation, monitoring and evaluation of compensation payment and resettlement in order to realize the objectives of IFC 5th Performance Standards.

6.3 Grievance Mechanism

The project companies have developed grievance mechanism in line with the IFC PS 1 to receive and address specific concerns about compensation and relocation that are raised by the displaced persons or the members of host communities. It is also integrated with a recourse mechanism designed to resolve disputes in an impartial manner.

The grievance mechanism for NCF and Tandii is as follows;

<p>Step 1:</p> <p>All concerns are received by the Land Consultants and Traditional Authority</p> <p><i>All raised concerns are submitted in writing</i></p>
<p>Step 2:</p> <p>Concerns are presented to the project companies of NCF and Tandii</p> <p><i>NCF and Tandii responds to the community concerns in writing within 30 days</i></p>
<p>Step 3:</p> <p>Feedback is presented to the complainants by the Land Consultants, NCF and Tandii and Ondonga Traditional Authority</p>
<p>Step 4:</p> <p>If the concern is not addressed, meeting is arranged for the project companies, land consultant/IA, Ondonga Traditional Authority to meet with the complainant and resolve the matter.</p>
<p>Step 5:</p> <p>Unresolved matters will be recorded as disputes and forwarded to the dispute tribunal (dispute committee comprising of the Community Leader, NCF and Tandii, Traditional Authority and the Regional Council to resolve the dispute.</p> <p>If the dispute is not resolved, the complainant is requested to approach the Magistrate Court, Tsumeb</p>

6.4 Information Disclosure and Public Consultation

The main objectives of NCF and Tandii solar projects have been disclosed to the affected people and other stakeholders through community based stakeholders’ consultation meetings and focus group discussions. The objectives of consultation meetings and focus group discussions were to disclose the information about the project to the stakeholders as well as to get feedback and suggestion from the stakeholders’ participation.

Information disclosed:

- i. The information about the project in terms of type, nature, size and objectives of establishing the project

- ii. Project implementation schedule and specific project activities
- iii. Information on how the affected people will be affected and impacted
- iv. Compensation Policy, procedures, entitlement and eligibility information directly with the affected occupants
- v. RAP Development, Implementation, Monitoring and Evaluation

6.3 Stakeholders Meetings

The Government of the Republic of Namibia encourages public consultation and participation at all levels of projects implementation. The compensation policy further directs that the compensation policy and relocation processes be extensively explained to the affected occupants in order for them to make informed decisions on applicable compensation options. In this regard, the affected people were informed about the compensation packages determination, entitlement and eligibility information as required by both the Namibian Compensation Policy of 2009 and IFC FS 5.

It is worth noting that for both projects, land was acquired in two phases (initial and additional land) and for each phase Stakeholders' Consultation Meetings were respectively conducted as follows;

1st SCM: Land Identification

The first consultation meeting was held with the Ondonga Traditional Authority Leaders (Senior Headman, Village Headman and District Secretary) at the Uukwanambwa Traditional Community Office, Engoyi village in September 2015. The purpose of the meeting was for the project owners to engage the traditional leaders in the process of NCF and Tandii project land identification.

According to the **Traditional Authority Act No. 25 of 2000**, it is a requirement that the concerned traditional authority is first consulted as the communal land administrator before any negotiation to acquire land is done with any potentially affected persons. The project owners explained the nature of the project, magnitude, project components as well as the details of potential land acquisition requirements. The meeting agreed to identify the project land in unison and prepared the list of potentially affected people for further consultations.

2nd SCM: Affected Occupants

During the second SCM conducted in November 2015, the project owners together with project land consultant engaged the affected people individually with the consent from the village headman of Engoyi Village. In this meeting the Land Consultant explained the due process to be followed for the Project Company (NCF) to acquire the project land from the current owners.

The meeting also aimed at sensitizing the affected persons about the possibility of displacement and explained the occupants' right to take up compensation offers or decline the offers through a comprehensive negotiation process. All affected occupants agreed and proceeded with compensation process and negotiations with the project companies of NCF and Tandii. In this meeting both parties agreed to proceed with the compensation valuations and resettlement assistance applicable to each occupant.

3rd SCM: Compensation Policy Sensitization Meeting

The purpose of this meeting was conducted on the 26th November 2015 to educate the occupants about the compensation policy and procedures and the accruing benefits to the occupants. The Land Consultant explained the compensation policy, resettlement and relocation assistances and procedures to the occupants in order to be able to make informed decisions. The consultants also disclosed the procedure of receiving the compensation payments, rights and procedures of participation by the affected stakeholders in the process of compensation assessment, assets verification and payments as well as objection redress processes.

At the end of the sensitization meetings, stakeholders were asked for their views on the project overall as well as more specific discussion about their perception on land acquisition process, compensation process, relocation requirements, and views on alternative options. The poor, women and vulnerable groups were also consulted by the consultant on the specific project impacts and their livelihood aspects.

The feedback and inputs from the meetings with the affected people have been used to develop measures and principles for mitigation of loss on APs. It was instantly decided by the project companies of NCF and Tandii to ensure that all the affected persons be accorded with special resettlement assistance packages due to their poor economic status before displacement.

The process of land valuation was done by the consultant together with the affected persons in accordance with compensation policy. The occupants were afforded sufficient time of not less than one month to acquaint themselves and verify the compensation valuation cards. Additional compensation was provided for on top of the normal compensation packages. Additional compensations were suggested and proposed by each respective affected occupant individually and approved by the project companies of NCF and Tandii respectively.

4th SCM: Compensation Negotiations (Project Owners and APs)

At least 2 compensation negotiation meetings were conducted on the 21st December 2015 and 17th January 2016 between the project owners of NCF and Tandii and the affected occupants individually during each phase of land acquisition. This is to ensure that the affected occupants are indeed happy with the process of compensation determination and their respective compensation packages. The compensation contracts between the affected occupants and projects have always been treated with utmost confidentiality as agreed between the respective parties and the grievance mechanism is disclosed and explained to the affected persons and stakeholders.

The affected persons expressed their positive views on the compensation packages and resettlement assistances provided by the company. Their inputs also included their request to the company for the relocation period to be not less than 6 months considering that most were senior citizens. The company therefore assisted the affected occupants with the process of relocation and afforded the occupants' sufficient time as requested.

5th SCM: General Community Meeting

A community meeting was invited for 12th January 2018 with the assistance of the Ondonga Traditional Authority to inform and invite the general public about the meeting. The meeting took place at Engoyi village community meeting hall. The Stakeholders (Engoyi and surrounding communities, Traditional Leaders, Constituency Councilors and other stakeholders) were informed about the meeting time and location well in advance through traditional leaders and village committees. The purpose of the meeting was to inform the public about the projects (NCF and Tandii) that will be constructed in the area for the community to give support and cooperate. The

community support was overwhelming. This consultation meeting was part of the land acquisition process and shared information was very crucial for the RAP development process, although the RAP development process only started later on.

6th SCM: Project Commencement Meeting

The purpose of this meeting was to introduce the Project Construction Managers from the Contractor (AEC) by the Project Owners to the Traditional Leaders and inform the concerned community about the commencement of the project. Information was provided to the community in terms of safety regarding equipment movement at the site and procedures for submission of CVs for employment opportunities. The meeting took place in April 2018.

7th SCM: RAP Development Consultations

The Consultant, Business Success Consulting cc was commissioned by NCF Energy (Pty) Ltd to develop a Resettlement Action Plan for NCF. The Consultant having facilitated the process of land acquisition is well acquainted with the undertaken processes and essential information obtained from the affected occupants. In addition and for the purpose of the RAP, the consultants engaged the affected occupants to obtain further imperative data that can assist with the formulation process. Both group interview consultations and telephonic interviews were conducted on the **01st – 04th February 2019 with the affected occupants**. The consultant indicated during consultation the goal and objective of obtaining the information including the underlying factors of IFC FS 5 requirements that necessitates the need for developing a Resettlement Action Plan.

6.4 Stakeholders Participation Mechanism

- ✚ The process of stakeholders' participation is an integral part of all stages of establishing the projects, from the initial process of RAP development, project land identification, SES, technical project designs, actual project implementation, updating and monitoring of the RAP.
- ✚ The project company will appoint a RAP Implementing Agency (IA) which the stakeholders and affected persons can approach with ease to present their grievances and complains to the project companies of NCF and Tandii. It is further expected that all lodged complains must be addressed accordingly within a period of 30 days from the date of receiving the complaint. All

complaints should be addressed in consultation with the Ondonga Traditional Authorities and the RAP's IA.

✚ The stakeholders may participate in the following areas of engagements;

- i. Identification of alternatives to avoid or minimize resettlement;
- ii. Assist in verification of compensation valuations and assessment of losses;
- iii. Recommend options for relocation
- iv. Identify relocation sites for displaced households
- v. Provide inputs for entitlement provisions
- vi. Identification of likely conflict areas with resettlers

6.5 Disclosure of the RAP

The project technical design, impact and policies for mitigation of adverse social and environmental impacts have already been disclosed to the affected community through consultation meeting held on 26th January 2019 and 28th January 2019. **In addition to the stakeholders' meetings, a copy of the approved RAP Report will be disclosed to the affected persons, community leaders and primary stakeholders during the RAP Implementation process as per the RAP Implementation Schedule.** The need for translation in the vernacular languages if required by the stakeholders should be considered by NCF and Tandii.

Changes in project design and scope that may follow the SES to be conducted shall cause the RAP to be updated and disclosed to the applicable stakeholders.

6.6 Strategy for Community Consultation and Participation during implementation

The RAP Implementation Agency and the project company will ensure that information materials is distributed to the affected persons and main stakeholders and further take charge to;

- ✓ Keep the affected people informed about potential additional land acquisition plan, compensation policies and payments, resettlement plan, schedules and processes,

- ✓ Ensure that project-affected persons are involved in making decisions concerning their relocation and implementation of the RAP. The consultation and participation will be instrumented through individual contacts,
- ✓ The larger goal of this plan is to ensure that adequate and timely information is made available to the project affected people and ensure that issues discussed and outcomes and subsequent follow-up actions will be recorded for future verification.

Chapter 7

7. RELOCATION, RESETTLEMENT AND INCOME RESTORATION

7.1 Scope of Displacement and Relocation Process

This study has identified 6 homesteads (NCF 4 and Tandii 2) that have been displaced as a result of implementing NCF and Tandii projects. A total of 27 people are affected, displaced and relocated. A number of structures and assets have also been affected by the displacement process. A number of fruit bearing trees and non-fruit bearing trees have also been cleared from the projects' land of 13.89 Ha and 12.8 Ha of NCF and Tandii respectively.

7.1.2 *Type of displacement*

7.1.2.1 Physical Displacement

It is noted that the affected people who were living in the project areas had move to another location, which connotes physical displacement. It was therefore expected of NCF and Tandii Project Companies in line with the IFC PS5 that the project companies provide the affected people with: 1) adequate resettlement housing or cash compensation where appropriate; 2) provide relocation assistance suited to each group of displaced persons, with particular attention to the needs of the people and the vulnerable. **The following mitigation measures were implemented by NCF and Tandii:**

- i. NCF and Tandii Constructed houses of higher value for all the affected occupants. NCF and Tandii procured materials and employed the local people including the affected households to participate in the construction process. This is in line with the IFC PS 5 which advocates for compensation in kind in this case by replacing a house with another. Consideration was given to provide the affected people with location advantages by building the houses within the same community the occupant lived before the displacement.
- ii. The project companies bought replacement land for agricultural production for the affected occupants and also provided the affected people with security of tenure through issuing of legal occupational land papers to the occupants.
- iii. Cash compensation at full replacement value was also provided as negotiated between NCF and Tandii and the affected occupants. These compensation packages are valued on the replacement value approach and bearing in mind the inflation rate and current market replacement values of the land and others assets and improvements on the land such as dwellings, wells, and fruit bearing trees among others. It is noted that the IFC PS5 suggests that compensation in kind should be opted for in lieu of cash compensation; however the project companies first considered it an option considering the companies constructed adequate housing for the occupants and hence it was perceived that cash compensation at replacement value of the occupants' properties/ dwellings that has already been restored will have a great impact in improving their living standards.
- iv. NCF and Tandii further provided sufficient relocation assistance to the affected people by paying for the transportation of the occupants' properties, removal and installations of the same at the new adequate alternative sites. The alternative site is considered adequate and reasonable as it was suitable to erect a dwelling, of similar or better size when compared to the occupants' land before displacement and suitable for such socio-economic activities that the occupant was engaged in before displacement (crop production and animal husbandry).

4.1.1.2 Economic Displacement

The IFC PS5 recommends that mitigation measures be implemented if land acquisition causes loss of income or livelihood, regardless of the status of physical displacement. The project companies met the following requirements of the IFC Performance Standard 5 in this respect of economic displacement;

- ✓ The IFC PS5 requires that compensation be paid to the economically displaced persons for the loss of assets or access to assets at full replacement cost. The Both projects of NCF and Tandii did not displace any persons in terms of disturbance to the earning /income opportunities nor affected assets that derives economic benefits to the people and community.
- ✓ The IFC PS5 further suggests that in case where land acquisition affects commercial structures, the business owner should be compensated for the cost of re-establishing commercial activities elsewhere. NCF and Tandii did not affect any commercial properties and therefore did not compensate for any commercial properties.
- ✓ It is noted that the displaced people were subsistence farmers who depended on their land for livelihood and although they are not engage their land in commercial agricultural production; it was considered essential by NCF and Tandii to restore the occupants livelihood through; i) NCF and Tandii acquired alternative agricultural land for the occupant to continue with their agricultural activities and ii) Cash compensation for both cultivated and grazing land for the occupants to maintain and invest in agricultural production and thereby enhanced food security and improved living standards.
- ✓ NCF and Tandii further deemed it essential that the affected occupants be economically capacitated through targeted training programmes and employment preference. In this regard, employment preference and on-job skill training was provided to the households from these 6 homesteads to during the construction phase of NCF and Tandii Projects. It was further recommended to the O&M Contractor by the owners to consider employing the 1 unemployed HoHs as part of the security team offering services to NCF and Tandii Solar Projects.

- ✓ All these efforts were committed in order to improve and restore the income earnings capacity and standard of living for the economically displaced persons whose livelihoods are adversely affected.

7.2.1 AP Preference, Relocation of housing and other establishment

The Project companies of NCF and Tandii made provision to move the 6 traditional homesteads together with the associated 27 affected households. Although the company has paid a disturbance allowance on top of compensation valuation costs to the affected persons, preference was given to the Head of Households to choose their preferred relocation destinations in order to minimize social disruption in the resettlement process and to allow people to remain together within their tribal community for mutual support.

All 6 homesteads have been relocated to a portion of land nearby their initial land and therefore remain within the same traditional community and continue to enjoy social circles with their old neighbors. This study has found that the affected persons who preferred to remain in the adjoining area of the project location to continue with their livelihood. All affected persons have received assistance from the project company during the relocation process.

However, alternative agricultural land was found and acquired in other villages further out from Engoyi village. This was for the purpose of acquiring a similar sized portion of agricultural land as the one displaced from the affected person. The project company had the responsibility of acquiring alternative agricultural land with the identification assistance from the traditional community leaders representing the APs'. NCF and Tandii paid for the replacement land for the affected people.

7.1.3 Changing School

All the affected homesteads are relocated to new locations within the same vicinity of 1km radius. Hence it is implied that the children can continue their education at the same local schools.

7.2 Replacement of Agricultural Land

The six (6) affected homesteads will lose both agricultural and nonagricultural land. The project companies of NCF and Tandii have bought alternate land to replace the occupants' land (land for land). The affected person has also been paid compensation at replacement cost approach of the current market value of their initial agricultural land before displacement. Compensation cash payment to the affected occupants is anticipated to restore their livelihood better in terms of acquiring commercial agricultural assets, increased production and income.

The government compensation policy of 2009 does not dictate the project company to acquire alternate agricultural land for the APs but rather encourages the project company to work together with the traditional authority in order facilitate the allocation of land to the affected persons. Hence, NCF and Tandii replaced the land for the affected to comply with the IFC PS 5 and improve the living standards of the affected people.

Hence, it is noted that the project companies of NCF and Tandii have done exceptionally well beyond the policy requirements in restoring and better improving the standard of living for the affected people as compared to previous status of pre-project.

7.3 Income and Livelihood Restoration Strategy

The mitigation of loss of assets and livelihood is the main focus of the Resettlement Action Plan. Additional measures were taken by NCF and Tandii to provide appropriate support to the livelihood restoration aspects of AHs. The following implemented measures are expected to improve the livelihood of the people and are measurable;

1. NCF and Tandii provided better housing for the occupant to improve their living conditions in terms shelters and improved sanitation
2. NCF and Tandii provided occupants with better replacement agricultural land to improve **agricultural productivity**
3. Additional cash compensation is paid to the occupants to improve their livelihood in terms better living conditions through investment on the replacement land since they depend on

the land for their livelihood. Since they received adequate and capital investment in form of market related compensation, their gross annual income should improve

4. Resettlement assistance provided to all the affected occupants during relocation to ease the burden of resettlement
5. NCF and Tandii recommended that the unemployed occupant should be employed as a security officer on the project by the A&O contractor.
6. Employment and job training preference provided to the households of affected homesteads and as a result household earning should improve during the project implementation phase. It is further anticipated that the acquired skills and training will help the affected households to get jobs elsewhere after the civil construction phase and eradicate poverty. Household Expenditure levels could determine if the restoration strategy has worked effectively.

7.4 Capital Support

No capital support is considered in this RAP as there are no commercial and business enterprises have been affected by NCF and Tandii projects. However, sufficient compensation was provided to the occupants to restore their livelihood better.

7.5 Employment in Construction

Local people whose livelihood is impacted by the project received preference in securing jobs associated with NCF and Tandii projects civil construction, starting with those from affected homesteads.

7.6 Re-Establishment of Common Property Resources

Only one Common Property Resource of a community sport stadium has been affected. The project company is currently busy establishing a new community sport stadium at the location selected by the community.

Chapter 8

8. IMPLEMENTATION ARRANGEMENTS

The RAP development process is belated and hence only upon approval implementation shall commence. The following arrangements need to be in place in preparation for RAP implementation once the final RAP is completed, adopted and disclosed.

8.1 NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd

NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd and their contractors will be responsible for planning and designing of the project as well as the responsibility for implementation of the project.

8.2 Implementing Agency (IA)

- ✚ The Project Companies will recruit and appoint an experienced Consulting Firm with experience on social issues, which will be appointed as the Implementing Agency (IA) as required for implementation of resettlement activities.
- ✚ Ideally, the Implementing Agency (IA) will continue with consultation and RAP disclosure through the involvement of the affected persons and host communities in the implementation process from the very beginning.
- ✚ In this case, the IA will implement the approved RAP, conduct periodic SES and facilitate the RAP implementation M&S processes.

8.3 Terms of Reference for the Implementing Agency

The Project Company will contract out clearly defined tasks of the RAP with detailed Terms of Reference.

8.4 Community Participation in RAP Implementation

During the implementation of the RAP, APs and their communities will be informed, closely consulted, and encouraged to participate in the process. This process will be continued until the completion of the implementation and monitoring stages of the RAP. This process has not yet started.

Chapter 9

9 RESETTLEMENT AND COMPENSATION COSTS AND BUDGET

9.1 Budgeting and Financial Planning

The compensation budget was provided by the project company NCF based on the financing plan for Land acquisition compensation and relocation costs. The land consultant has assessed the quantity of losses and the eligible persons for resettlement benefits and produced a compensation budget to NCF for approval and payment. The property valuations and losses of assets are verified by the project companies together with the affected people.

The project company ensured that the land acquisition and resettlement budgets are delivered on time directly to the affected Head of Households' accounts or to the Land Consultant account, for payment of compensation and resettlement packages. Payments are made directly into the head of households' bank account and proof of payment and receipt are filed as appendices to the land compensation and benefits contracts.

The RAP budgets for compensation of land, structures, other improvements / assets, fruit bearing trees, and special assistance was calculated using the replacement cost approach reflecting the current replacement cost at the time of dispossession. The total estimated cost for the implementation of the RAP includes compensation for land, Structures, fruit bearing trees, relocation assistance, services charges and land application fees. The **budget expended by NCF Energy (Pty) Ltd and Tandii Investment (Pty) Ltd in respect of compensation and resettlement is REDACTED respectively.** Please refer to **table 5 below for details;**

***Table 9.1: Summary Expenditure of Compensation and Resettlement:
REDACTED***

9.2 Assessment of Unit Value for Compensation

The final rates per unit for land, structures, trees and other affected properties are determined in line with the IFC PS 5 and efforts have been made to make use of current market rates. It is on the basis of the unit rates and adopted IFC PS 5 that final compensation and resettlement budget was prepared and approved by the project company companies of NCF and Tandii respectively.

9.3 Approval of the Resettlement Budget

Land acquisition and compensation budget included in the RAP was approved NCF and Tandii respectively. The total compensation and benefit payout as well as resettlement costs payable to AHs is calculated based on the prevailing inflation rate.

9.4 Management of Compensation and Flow of Awards

The compensation funds for the affected people are expended directly into the account of the affected Head of Households. Only the Head of Households are eligible to receive their own respective compensation funds.

Chapter 10

10 RAP IMPLEMENTATION SCHEDULE

- ✚ The Land Consultant assisted the APs in the process of relocation and resettlement. Individual entitlements on household basis was processed by the Land Consultant and submitted to the project company for approval. It is worth noting that the Project Land was identified in two different prolonged phases and which only at this stage the Project Company found it befitting to consider development and implementation of the RAP.
- ✚ A time-bound implementation schedule reflecting this abridged background and in line with the estimated project construction program is prepared hereunder. The overall schedule of the RAP implementation will be based on the principle that people affected by the project are paid their due compensation benefits prior to displacement and relocation, which is thus far concluded to the satisfactions of the respective parties.
- ✚ The Implementation of RAP is supposed to be started before starting of the construction works and will continue up to one year after completion of the construction work for entertaining claims /grievances of the EPs regarding additional payment of compensation and other compensation issues. That is why most activities have already been completed as per the below RAP schedule despite the finalization of the RAP document.

- ✚ Upon approval the RAP will be updated according with the current status quo information on the resettlement process.

Figure 10.1: RAP Implementation Schedule

Chapter 11

11 MONITORING AND EVALUATION

11.1 Monitoring and Evaluation

The Project Companies NCF & Tandii will establish a monitoring system for collection, analysis, reporting and use of information about the progress of Compensation and resettlement, based on the RAP for NCF Solar Project. This process will include IA, NCF, Tandii and APs.

The RAP IA, NCF, Tandii and the affected people will be responsible to monitor the progress of all aspects of land acquisition, compensation and resettlement. A RAP implementation monitoring format is enclosed in the appendices. The RAP implementation monitoring will be done both internally and externally to provide feedback and to assess the effectiveness. There is need for mid-term reviews of the resettlement activities drawing upon monitoring and evaluation reports and other relevant data to identify any action needed to improve resettlement performance or respond to the changing circumstances.

Evaluation of the resettlement activities will be resorted to during and after implementation of the RAP to assess whether the resettlement objectives were appropriate and whether they were met. It also serves to determine whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future compensation and resettlement planning.

11.2 Internal Monitoring

The internal monitoring process will be undertaken by NCF and Tandii with assistance from the IA. The IA will gather information on RAP implementation covering relevant activities as per schedule. All activities listed will be illustrated in Gantt Charts showing the target dates for completing resettlement activities. **The internal monitoring will cover Key Performance Indicators (KPI) that aims to determine if there was an increase in personal or business income, Household Expenditure, standard of living in terms of asset values, eradication or improvement in poverty levels as well as agricultural productivity among other KPIs.**

The internal monitoring reports on RAP implementation will be included in the quarterly Project Progress Report (PPR) to be prepared by the project company. The report of the project company will contain: (a) accomplishment to-date, (b) objectives attained (c) challenges encountered and (d) targets for the next quarter. The internal monitoring report will then be integrated by the project company with the overall PPR.

Table 12: Potential Monitoring Indicators

No.	Monitoring Issues	Monitoring Indicators
1	Budget and Timeframe	<ul style="list-style-type: none"> (i) Have all land acquisition and resettlement staff been appointed and mobilized for field and office work on schedule? (ii) Are resettlement implementation activities being achieved against agreed implementation plan? (iii) Are funds for resettlement being allocated to resettlement agencies on time? (iv) Have resettlement offices, LC received the scheduled funds? (v) Have funds been disbursed according to RAP and/Plans? (vi) Has all land been acquired and occupied in time for project implementation?
2	Delivery of AP Entitlements	<ul style="list-style-type: none"> (i) Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix? (ii) How many affected households have received land titles? (iii) How many affected households relocated and built their new structure at new location? (iv) Are income and livelihood restoration activities being implemented as planned? <i>These will be monitored on the basis of KPIs under Internal Monitoring.</i> (v) Have the APs losing their eroded land received proper compensation?

3	Consultation, Grievances and Special Issues	<ul style="list-style-type: none"> (i) Have resettlement information brochures/leaflets been prepared and distributed? (ii) Have consultations taken place as scheduled including meetings, groups, community activities? (iii) Have any APs used the grievance redress procedures? What were the outcomes? (iv) Have conflicts been resolved?
4	Benefit Monitoring	<ul style="list-style-type: none"> (i) What changes have occurred in patterns of occupation compared to the pre-project situation? (ii) What changes have occurred in income and expenditure patterns compared to pre-project situation? (iii) Have APs income kept pace with these changes? (iv) What changes have occurred for vulnerable groups?

11.3 External Monitoring and Evaluation

NCF will monitor the project activities through an external monitor. NCF will as per their set guideline monitor land acquisition/resettlement activities in timely manner. External monitoring will be in two phases: compliance monitoring and social impact evaluation.

11.3.1 Compliance Monitoring

Compliance monitoring of RAP implementation will cover (i) Project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the RAP, (iii) restoration of APs

incomes, (v) settling complaints and grievances, and (v) provisions for adequate budgetary support by NCF for implementing the RAP. The External Monitor will assess if the AP and (i) have reestablished their houses in new location

11.3.2 Social Impact Evaluation

NCF and Tandii will engage a consulting firm, IA to conduct a one-time social impact evaluation, at least six months following the completion of resettlement. It will use appropriate investigative and analytical techniques in assessing the post-project socio-economic conditions of the APs in relation to the baseline socio-economic data generated before undertaking of the resettlement implementation. The social impact evaluation will be conducted within six (6) of completing the project.

11.4 Reporting Requirements

During the implementation phase, the IA will prepare quarterly report on the progress of resettlement activities.

The IA will during the implementation stage be conduct review and report to NCF and Tandii on the progress of all aspects of land acquisition and resettlement activities.

A post-resettlement impact evaluation will be carried out by the NCF and Tandii to assess whether adverse impacts of the projects have been mitigated adequately and APs have been able to restore and/or improve their pre-project standard of living as a result of resettlement and development. A standard reporting format will be used in line with the approved IFC PS 5.

Chapter 12

12. CONCLUSION AND RECOMMENDATION

12.1 Conclusion

- I. The projects of NCF and Tandii acquired a total of 13.89 hectare and 12.8 hectare of communal land respectively of which mostly agriculture and a small quantity is split between CPR and homestead category. In total the Project displaced and resettled Project Affected Units (PAUs) of which a total 27 people are directly affected.

- II. Compensation budget for land has been prepared based on the market rates as provided for in the IFC PS 5 Guidance Notes. The project affected persons received compensation for lost assets at replacement cost and other resettlement benefits.

- III. The project companies complied with the IFC PS 5 on Land Acquisition and Involuntary Resettlement. NCF and Tandii is committed align all its activities to the International Standards in order to improve the socio-economic conditions of the affected people, for environmental and social sustainability.

- IV. NCF and Tandii will continue to monitor the RAP implementation process in order to mitigate any potential adverse effects in respect of the environment and inhabitants' socioeconomic conditions.

12.2 Recommendations:

- a) The RAP implementing agency is to be appointed upon approval of Resettlement Action Plan
- b) Continuous SES to be conducted for the updating of the RAP
- c) RAP Implementation, Internal Monitoring, Compliance Evaluation, Social Impact Assessment and other M&E recommended
- d) That NCF and Tandii should recommend to the O&M Contractors to consider employing the affected Head of Household of the security team

13. REFERENCES

1. Cabinet Compensation Policy Guidelines, 2009, Republic of Namibia
2. Constitution of the Republic of Namibia
3. Communal Land Reform Act No. 5 of 2002, Republic of Namibia
4. International Finance Corporation Performance Standards on Environmental and Social Sustainability, Jan 2012
5. International Finance Corporation's Guidance Notes, Jan, 2012
6. Traditional Authority Act No. 25 of 2000, Republic of Namibia
7. Environmental Management Act No. Republic of Namibia
8. Regional Council Act No. 22 of 1992, Republic of Namibia
9. Local Authority Act No. 23 of 1992, Republic of Namibia
10. National HIV/AIDS Strategic Framework, Republic of Namibia
11. Decentralization Enabling Act No.33 of 2000 // Public Participation, Republic of Namibia
12. NCF and Tandii Affected Households, Survey Information and Compensation Files, BSC 2019

14. APPENDICES:

14.1 Socioeconomic Survey Q-Forms

<p>SOCIOECONOMIC SURVEY</p> <p>FEBRUARY 2019</p> <p>CONSTRUCTION OF NCF AND TANDII SOLAR PROJECTS – OKATOP – NAMIBIA</p>								
<p><i>Conducted by: Business Success Consulting cc</i></p>								
							<p>NCF AND TANDII</p>	
							<p>HH NO: NCF - 00.....</p> <p>HH NO:TANDII - 00.....</p>	
A) HOUSEHOLDS INFORMATION								
1.	i) Name of Head of HHs:							
	ii) DoB:							
2.	Contact No:							
3.	Spouse's Name							
4.	Sex (Male/Female)							
5.	Village Name, District:							
6.	Date of land occupation:							
7.	Occupation (s):							
8.	Gross Annual Income:							
9.	% of Monthly Expenditure on Food:							
10.	Level of Education:							
11.	Type of Loss:							
B) INFORMATION ON HOUSEHOLD MEMBERS								
No.	Full Name	Age	Sex	Education Level	Occupation	Job location	Gross Annual Income	Relationship to Head of HH
1.								
2.								
3.								
4.								
5.								
6.								

C)	LAND INFORMATION:	
1.	Freehold or occupational land rights:	
2.	i) Land Size Affected ii) GPS Coordinates: iii) List Land Use:	
3.	Title deed No: Certificate No: No land papers:	
4.	Land Address:	

<p>Field Official's Name:</p> <p>Signature:</p> <p>Date:</p>
<p>Verification Official's Name:</p> <p>Signature:</p> <p>Date:</p>

14.2 Adopted Grievances Redress Procedures

Table 13.1 Grievances Redress Procedures:

Stages	Option 1 Procedures:	Option 2 Procedures:
	<p><i>Land Consultant (LC) verifies the valuation card of assets and losses together with the Affected Head of Households.</i></p> <p>Agreement,</p>	<p><i>Land Consultant (LC) verifies the valuation card of assets and losses together with the Affected Head of Households.</i></p> <p>No agreement,</p>
S1	<p><i>APS sign compensation cards and contract with project owners.</i></p>	<p><i>Clarification and field verification meeting is requested between LC, Affected HHs</i></p>
S2	<p><i>Claim is submitted for payment to Affected HHs</i></p>	<p>If agreed,</p>
S3	<p><i>Compensation payment and benefits processing affected HHs' account</i></p>	<p><i>Claim is submitted for payment to APs</i></p>
S4	<p><i>Proof of Payment submitted and receipt of funds confirmation</i></p>	<p>1.1.1.1 If not agreed, APs complaints /claim forwarded to Project Owners for perusal against RAP provisions</p> <p>1.1.1.2 Joint meeting held for clarifications or adjustments between Project Owners, Affected HHs, LC and Traditional Authority</p> <p>1.1.1.3 If agreed, APS sign compensation cards and contract with project owners.</p> <p>1.1.1.4 Compensation payment and benefits processing affected HHs' account</p> <p>1.1.1.5 Proof of Payment submitted and receipt of funds confirmation</p>

14.3 List of Affected Occupants

REDACTED

14.4 Inventory of Assets & Losses

REDACTED

END