



**MINISTRY OF FINANCE  
CLIMATE CHANGE SECRETARIAT**

**RESETTLEMENT POLICY FRAMEWORK**

**Great Lakes Region: Displaced Persons and Border  
Communities Project - Zambia Component  
(P152821)**

**March 2016**

# EXECUTIVE SUMMARY

The Ministry of Finance of Zambia has requested participation in the World Bank Great Lakes Region: Displaced Persons and Border Communities Project (P152821). This RPF relates to the Zambia component of the project, hereafter referred to as the Zambia Displaced Persons and Border Communities Project. The project, aiming to support the local integration of eligible former refugees, as well as the development of host communities, will be implemented in the Western Province and the Northwestern Province, respectively in Districts hosting and surrounding Mayukwayukwa and Meheba relocation areas. The core of project activities will focus on the provision of sub-grants at community, ward, and district level, both in the relocation areas, where former refugees and an equal number of Zambians will be given the opportunity to settle, and in surrounding wards.

## **RATIONALE FOR TRIGGERING OP/BP 4.12 AND PREPARING AN RPF**

While measures have been taken to avoid as much as possible involuntary resettlement, and few to potentially no cases are expected to take place, the World Bank Operational Policy OP/BP 4.12 on involuntary resettlement has been triggered as a precaution, in relation to the execution of sub-grants provided through a Community Demand Driven (CDD) process. The exact location and content of the CDD sub-projects are by nature not pre-defined or identified. For that reason, and as a precautionary measure, a Resettlement Policy Framework (RPF) has been prepared specifying the requirements for screening of sub-grants identifying possible cases for which a specific Resettlement Action Plan (RAP) would be required.

## **PURPOSE OF THE RPF**

The World Bank standards for financing development projects requires that a Resettlement Policy Framework (RPF) be prepared leading up to a Resettlement Action Plan (RAP) where land acquisition is required and/or economic displacement of people and communities is anticipated and/or where such impacts take place as a direct consequence of development. The purpose of this RPF is to review relevant policies and legislation and assess the potential implications for resettlement and compensation respectively.

The specific objectives of this RPF are to:

- i. Minimize involuntary resettlement resulting from all components of sub-projects under the Zambia Displaced Persons and Border Communities Project.
- ii. In the unlikely event that people are adversely affected by involuntary resettlement arising from sub-projects, ensure that they are fully compensated for the loss of assets, livelihoods, access rights, etc. and successfully relocated, the livelihoods of displaced people are re-established and the standard of living improved.
- iii. Ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition or acquisition of assets, for purposes of implementing sub-projects.
- iv. Ensure no impacted person is worse off as a result of the project.

- v. Assist adversely affected persons in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition.
- vi. Make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive.
- vii. Have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the sub-project implementer and the affected persons.
- viii. Provide adequate assistance in the form of transport, temporary accommodation, housing, training, capacity building, service provision etc. to project affected persons (PAPS)

This RPF does not apply to environmental issues but to involuntary resettlement, land acquisition, and restriction of access to means of livelihoods. The contents of this RPF are organized in ten chapters starting with an introduction (chapter 1) that sets the context and includes a description of the project under which the community-demand driven sub-projects will be implemented. Chapter 2 provides an assessment of potential resettlement environmental related impact. Chapters 3 and 4 present the main principles of the Resettlement Policy Framework, and describes the process through which a Resettlement Action Plan would be prepared and approved, as well as main principles government resettlement policy preparation and implementation. Chapters 5 and 6 define people affected by the project activities, and well as methods for valuing affected assets. Chapters 7 and 8 lay out arrangements for funding resettlement compensation, and compensation payments. Finally, chapters 9 and 10 describe the grievance redress mechanisms as well as the monitoring arrangements for the RPF and the RAP. This chapter includes a list of indicators that provides the basis for monitoring and subsequent evaluation.

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## ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CDD	Community Driven Development
CEEC	Citizen Economic Empowerment Commission
COR	Commissioner of Refugees
CSO	Central Statistical Office
CSO	Civil Society Organisation
DACO	District Agricultural Coordinator
DDCC	District Development Coordination Committee
DDMMU	District Disaster Mitigation and Management Unit
DIP	Decentralisation Implementation Plan
DMMU	Disaster Mitigation and Management Unit
ESMF	Environmental Social Management Framework
EIA	Environmental Impact Assessment
FAO	Food and Agricultural Organisation of the United Nations
HSI	Habitat Suitability Index
HDI	Human Development Index
IBRD	International Bank for Reconstruction and Development
LAC	Local Area Committee
MAL	Ministry of Agriculture and Livestock
MCDMCH	Ministry of Community Development Mother and Child Health
MCTI	Ministry of Commerce Trade and Industry
MLGH	Ministry of Local Government and Housing
MLNREP	Ministry of Lands Natural Resources and Environmental Protection
MMEWD	Ministry of Mines, Energy and Water Development
MSY	Ministry of Sport and Youth
MTWSC	Ministry of Transport, Works, Supply and Communications
NCCDC	National Climate Change Development Council
NCCRS	National Climate Change Response Strategy
NEAP	National Environmental Action Plan
NGO	Non-Governmental Organisation
NPE	National Policy on Environment
NRFA	National Roads Fund Agency
NTFP	Non-Timber Forestry Products
PIA	Project Impacted Areas
PAPS	Project Affected Person
PDCC	Provincial Development Coordination Committee
PPCR	Pilot Programme for Climate Resilience
RAP	Resettlement Action Plan

RPF	Resettlement Policy Framework
RDA	Road Development Agency
SESA	Strategic Environmental and Social Assessment
SNDP	Sixth National Development Plan
WB	World Bank
ZAMSIF	Zambia Social Investment Fund
ZAWA	Zambia Wildlife Authority
ZBS	Zambia Bureau of Standards
ZEMA	Zambia Environmental Management Agency
ZVAC	Zambia Vulnerability Assessment Committee

# 1. INTRODUCTION

The World Bank standards for financing development projects in the perspective of international best practice requires the preparation of a Resettlement Policy Framework outlining the conditions in which a Resettlement Action Plan (RAP) will be developed, in cases where physical displacement of people and communities is anticipated and/or where such displacement takes place on the basis of development. In the Zambia Displaced Persons and Border Communities Project, although the risks are low, and large scale forced displacement is unlikely, an RPF is prepared for possible cases where sub-projects in relation to sub-grants provided through CDD would necessitate land acquisition, or result in loss of income and livelihoods. This RPF is meant to guide the development of RAP in cases where involuntary resettlement is unavoidable.

## 1.1 RESETTLEMENT POLICY FRAMEWORK PURPOSE AND OBJECTIVES

The primary objective is to minimize land acquisition and displacement in the development of necessary infrastructure and activities. This objective is consistent with the World Bank's Operational Policy OP 4.12 Where displacement or the loss of economic assets and means of livelihood are unavoidable, the objective of this policy is to ensure that affected people can improve or at the very least recover their standard of living and livelihoods in the shortest possible time. The RPF is prepared to provide guidance and methodology in the preparation of a Resettlement Action Plan.

The specific objectives of this Resettlement Policy Framework are to:

- i) Provide the parameters and clarify responsibility for the preparation of Resettlement Action Plans.
- ii) Minimize and mitigate occurrence of involuntary resettlement resulting from all components of the Zambia Displaced Persons and Border Communities Project;
- iii) Ensure that people adversely affected by sub-projects are fully compensated for loss of assets, livelihoods, access rights, etc. and successfully relocated, the livelihoods of displaced people are re-established and the standard of living improved;
- iv) Ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition or acquisition of assets, for purposes of implementing sub-projects;
- v) Assist adversely affected persons in dealing with stresses caused by compulsory land acquisition;
- vi) Make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive;
- vii) Have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the sub-project implementer and the affected persons; and
- viii) Provide adequate assistance in form of transport, temporary accommodation, housing, training capacity building, service provision etc. to the project affected persons (PAPS).

Although this RPF describes some environmental impacts which might occur as a result of potential infrastructure and roads rehabilitation/construction, it does not apply to their environmental issues per se, but to resulting involuntary resettlement, land acquisition, and restriction of access to means of livelihood and social support networks. An Environment and Social Management Framework (ESMF) has been prepared to address those specific issues, in relation with the triggering of OP/BP4.01 on Environmental Assessments.

This RPF clarifies the principles for social impact mitigation with regards to compensation for loss of property, livelihood and relocation or resettlement. The operational framework is to provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project, in order to ensure that Project Affected Persons (PAPs) will not be impoverished by resettlement. The involuntary resettlement policy requires that PAPs should be compensated for any attendant loss of livelihood, compensated for loss of assets at replacement costs, given opportunities to share project benefits, and be assisted in case of relocation or resettlement.

One of the primary objectives of the World Bank's Policy on Involuntary Resettlement, and this Resettlement Policy Framework, is to ensure affected persons are able to improve, or at the very least maintain, their pre-project standard of living. PAPs must be no worse off than prior to resettlement. Also critical to the resettlement process is that the PAPs are involved, through appropriate consultation, in drawing up the resettlement plans that affect them. It should be noted that even where there is no physical displacement but people lose access to assets, such as land for farming, the requirements to produce and implement a RAP, in accordance with the requirements of this framework and the World Bank Policy on Involuntary Resettlement, still apply.

## **1.2 PROJECT DESCRIPTION**

The Displaced Persons and Border Communities Project supports the local integration of eligible former refugees initiated by the Government of Zambia, with the support of UNHCR. In Zambia, the Government-led local integration of former refugees includes provision of an alternative legal status, as well as an integrated resettlement program providing access to land to eligible former refugees and an equal number of Zambians from host communities. This process is implemented by the Government of Zambia (Commission for Refugees, Ministry of Home Affairs), with the support of UNHCR. The Displaced Persons and Border Communities Project supports the local integration of eligible former refugees, as well as the development of host communities, in the Western Province and in the Northwestern Province, respectively hosting Mayukwayukwa and Meheba relocation areas. Meheba refugee settlement before its division into refugee settlement and relocation scheme was approximately 720 km<sup>2</sup>. The new relocation scheme is approximately half of that. Mayukwayukwa refugee settlement before its division into refugee settlement and relocation scheme was approximately 320 km<sup>2</sup><sup>1</sup>. The new relocation scheme is approximately half of that. The total target population in the areas targeted is 357,951 persons, of which 16,800 are former refugees<sup>2</sup>

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<sup>1</sup> Zambia: Recommendations for Improved Local Integration of Former Refugees, WB-UN, (2015) p. 13

<sup>2</sup> Beneficiaries for the project include up to 16,800 eligible former refugees moving to the relocation areas from the Meheba and Mayukwayukwa refugee settlements, and a matching number of Zambians provided access to land. The project will also target the wards hosting and surrounding Mayukwayukwa (Mushawala,

The core of project activities will focus on the provision of sub-grants at community, ward, and district level, both in the relocation areas, and in surrounding wards. The land on which these sub-grants will be implemented (it is expected that these would include for instance road rehabilitation, boreholes, school, and clinic construction and/or rehabilitation) will take place on Government-owned land in the relocation areas, and on customary land in the surrounding wards. Because these sub-projects will be identified through a Community Demand Driven process, their location is not known, and a Resettlement Policy Framework is the required resettlement planning instrument.

### **1.2.1 Project Aims and Objectives**

The proposed Displaced Persons and Border Communities Project will focus on both refugees and host communities to strengthen community resilience and social cohesion, while decreasing the likelihood of instability and conflict. The project will be implemented by the Climate Change Secretariat that will be the Project Coordination Unit (PCU).

### **1.2.2 Aims and Objectives**

The development objective of the project is to *improve access to livelihoods and socio-economic infrastructure for displaced people and host communities in the targeted countries.*

### **1.2.3 Description of Project Components and Sub-Components**

#### **Component 1: Socio-economic infrastructure**

It should be noted that all activities that are expected to have a physical footprint and could have environmental or social adverse impacts, are part of component 1. This component will support: (i) the connection of the relocation areas with the surrounding wards/districts, and (ii) the local development of the relocation areas and surrounding host communities.

#### **Sub-component 1 (a): Connective Infrastructures Sub-Grants**

Subcomponent 1.a. focuses on larger infrastructure designed to connect the relocation areas with the surrounding wards/districts. Connective infrastructures will be identified through a simplified participatory process, conducted at the district and provincial level, with key stakeholders.

Infrastructures will be selected based on criteria including the following: (i) contribute to economic and social development, and ultimately to self-reliance of beneficiaries, (ii) benefit both former refugees and Zambians, (iii) the sub-project must demonstrate that it does not increase vulnerability to climate change in the short, medium, and long term. Preference will be given to sub-projects that help foster resilience to climate change, (iv) maintenance and/or staffing must be budgeted for by the relevant authority, (v) only category B and C subprojects can be funded.

Example of connective infrastructures are: main road rehabilitation, extension of electric grid, bridge rehabilitation.

#### **Sub-component 1 (b): Socio-Economic Investment Sub-Grants**

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Luambuwa, Kashamba, Kapili, Mangango, Mbanyutu, Nkenga, and Namafulo), and Meheba (Mwajimambwe, Matebo, Shilenda, Mukumbi, Kibanza, and Mumena). To date, these wards are located respectively in Kaoma district, hosting 179,326 people, Lukulu district hosting 37,231 people, and Solwezi district, hosting 107,794 people. The total target population in the three districts and 14 wards is 357,951 persons, of which 16,800 former refugees. (Source: Zambia, 2010, Census of Population and Housing, Zambia Central Statistical Office)

Social-economic investment sub-grants will be provided at three levels, namely, district, ward, and community level: District-level grants (for example construction or rehabilitation of school, clinic, market, etc), Ward level grants (boreholes, training center rehabilitation, etc), and Community level grants (hammer mill shelter, school equipment, etc), with specific resources targeted for communities in the relocation areas.

Sub-projects will be identified through a participatory process at all levels, ensured to include vulnerable groups, proposals will be reviewed and vetted by district (community and ward level), and provincial authorities (district, ward, community). The sub-grants will be channeled directly to a bank account of each level of beneficiaries once proposals have been appraised and approved by district-level planning sub-committee (this step will be done at the provincial-level for district-level sub-grants). To be approved, proposals need to meet the requisite eligibility criteria as well as requirements for safeguards, budget, technical feasibility, and operational and maintenance plans. For infrastructure-type subprojects, the funds will be provided in tranches based on satisfactory completion of agreed milestones, to be monitored and certified by District and Provincial technical staff.

### **Component 2: Support to climate resilient livelihoods**

Support to livelihoods will be supported through: (i) priority access to employment for local population, in the vicinity of the District connective infrastructure as well as socio-economic infrastructures to be funded through the project; (ii) community-level livelihood sub-grants.

*Works.* To contribute to livelihoods of local populations especially of the most vulnerable, for sub-projects that include contracting of construction companies, low skilled labor will be required to largely come from local populations, including both men and women, former refugees and Zambians, and prioritizing most vulnerable households.

*Community level livelihood sub-grants* will target up to 4 priority communities identified in the targeted wards, with a specific focus on the relocation areas. Potential subprojects to be financed under the component are expected to compliment and multiply development positive impacts of the socio-economic infrastructures constructed under the Component 1, for example to support capacity building and small materials for vulnerable women's groups to set up a kitchen garden near a market structure, or to provide agribusiness training for a new farmers' group who can benefit from a rehabilitated road to a bigger market.

### **Component 3: Social Cohesion and Conflict Prevention**

The first way to promote social cohesion through the project will through the participatory process in place for component 1, ensuring: (i) full transparency of the process through which sub-grants are allocated, (ii) the design and implementation of a widespread and clear communication strategy on the project, as well as, in collaboration with the Department of Resettlement and Commission for Refugees, on the local integration process, associated benefits and eligibility criteria.

In addition, the project will include: (i) Sensitization sessions on cohabitation and conflict mitigation, during participatory discussions at community, ward, and district levels, (ii) Support to community integration activities including both Zambians and former refugees.

### **Component 4: Project management**

This component will cover regular project management, implementation and supervision of project activities, administration of project procurement and financial management, extensive monitoring and evaluation, and safeguards compliance monitoring. This component will support both the National Climate Change Secretariat, and Provincial level Project Implementation Units, respectively in the Northwestern and Western Provinces.

This component will also include technical assistance to ward and district planning authorities to use the results of the above described participatory process to revise/update/annex the Ward and District Strategic Development plans, ensuring that the relocation areas are fully included in planning documents and processes.

Finally, this component will cover costs associated with inter-regional learning and knowledge exchange such as participation in the proposed regional forum and study tours.

**Table 1: Examples of potential District, Ward, Community, and Individual level sub-projects (components 1 and 2)**

<b>INDICATIVE LIST OF POSSIBLE ACTIVITIES ELIGIBLE UNDER THE DISPLACED PERSONS AND BORDER COMMUNITIES PROJECT</b>	
<b>Connective infrastructure (Sub-component 1 a)</b>	Construction/rehabilitation of roads
	Construction/rehabilitation of bridges
	Connection to electricity grid
	Provision of solar panels
<b>Socio-economic infrastructure (Sub-component 1 b)</b>  <b>Access to social services</b>	<b>WARD AND DISTRICT LEVEL</b>
	Construction/rehabilitation of school
	Construction/rehabilitation of clinic
	Construction/rehabilitation of water and sanitation facilities at clinic/ school
	Installation of solar panels for social service infrastructures
	Construction of vocational training centers
	<b>ZONE LEVEL</b>
	Support to community school (solar panels, rehabilitation/construction, provision of books)
	Construction/ rehabilitation of community hall
	Establishment of community level waste management, e.g. composting and recycling schemes
<b>Socio-economic infrastructure (Sub-component 1 b)</b>  <b>Economic opportunities</b>	<b>WARD AND DISTRICT LEVEL</b>
	Construction/rehabilitation of market
	Construction of city center to attract private services (bank, postal services)
	Construction/rehabilitation of town center commercial building
	Construction/rehabilitation of training center
	Facilitation of links to micro-finance institutions
	Construction/rehabilitation of wells and boreholes
	Construction/rehabilitation of irrigation systems
	<b>ZONE LEVEL</b>
	Construction/rehabilitation of mill shelter
Establishment of out-grower schemes	
<b>Livelihoods (Sub-component 2)</b>	Training, provision of equipment and input for sustainable and/or climate smart agriculture training

	Training, provision of equipment and input for climate-smart livestock production.
	Provision of funds and materials to participate in vocational training
	Development of saving circles
	Equipment and input provision for aquaculture production
	Equipment and input provision for commercialization of non-timber products, e.g. honey
	Commercialization of small-scale production, e.g. creation of bulking center

### 1.3 COMPONENTS FOR WHICH AN RPF IS NEEDED

The RPF is prepared as a precautionary undertaking, anticipating potential cases where Resettlement Action Plans would be necessary. Any anticipated resettlement action is expected to fall under component 1, under subcomponent 1.a. District Level Connective Infrastructures Sub-Grants, or 1.b. Socio-Economic Investment Sub-Grants. Under both components construction and rehabilitation of infrastructure is a possibility, which could lead to resettlement impacts. Similar projects using a community driven development approach in Zambia, have financed infrastructure through a similar approach, and no cases of resettlement arose.



## 2. IDENTIFIED POTENTIAL RESETTLEMENT RELATED ENVIRONMENTAL IMPACTS

### 2.1 GENERAL SOCIO-ECONOMIC CHARACTERISTICS OF THE PROJECT AREAS

The project focuses on the two main Districts, respectively in the Western and Northwestern Province that respectively host the two relocation areas of Mayukwayukwa, and Meheba. The two relocation areas fell initially under Kaoma and Solwezi Districts. However, with the recent split of the two Districts, it is unclear yet (boundaries are being confirmed), which Districts within these two initial larger Districts, the relocation areas fall. For now, the two main areas of project implementation are referred to as Kaoma and Solwezi District. The key characteristics of these areas are as follows:

**2.1.1 Traditional Villages:** These are small settlements of between 3 and 50 households. Housing in these regions is relatively modest, mainly consisting of mud and thatch houses, and access to services is limited, unless close to a larger clustering of villages or city.

**2.1.2 Human Settlements:** Both districts of focus have major cities – Solwezi district (Northwestern Province) and Kaoma district (Western Province) – and informal settlements along road sides or close to economic opportunities like mining companies.

**2.1.3 Livelihoods in Villages:** Many residents in the Project Impacted Area have to deal with depressed local economies and few opportunities for formal employment. Main sources of livelihood is small-scale agriculture and livestock, community trade. Around Solwezi, there is some employment in mining activities and support to the mines.

In general, households in communities have multiple sources of livelihood. This is in part a reflection of the presence of several potential income earners in many households (larger households would tend to have more income earners). Analyses make distinctions between monetary and non-monetary income. Non-monetary income is important because it measures production and activity that serves the household and the community without exchange of cash. Subsistence production and household consumption of food crops is accounted for under non-monetary income.

**2.1.4 Local Land Tenure and Transfer Practices:** Zambia's land tenure system is relatively well defined. The system and local practices underpinning the allocation and transfer of land for subsistence agriculture is particularly pertinent to RAP preparation. In this case, allocation and transfer is in the hands of the relevant Chiefs, as much of Zambian land is allocated as customary land, and or the government agencies (Ministry of Lands or the Local Council).

### 2.2 POTENTIAL RESETTLEMENT RELATED IMPACTS, MITIGATION MEASURES AND RESPONSIBLE AUTHORITIES

The potential resettlement related environmental impacts, mitigation measures and responsible authorities are shown in the table below.

**Table 2: The potential environmental and social impacts related to resettlement, mitigation measures and responsible authorities**

Environmental/social Impacts	Mitigation Measures	Responsible Authority
<p><b>Air and noise pollution</b> During potential infrastructure rehabilitation or construction activities under the infrastructure and CDD component there will be dust and noise from earth moving construction equipment and traffic on the infrastructure which will cause air and noise pollution which are harmful to human health. These conditions may be unsuitable for human health and force affected households to move</p>	<p>Adhering to best practice for designing infrastructure, construction, maintenance and environmental standards.</p>	<p>District Councils, Road Development Agency (RDA), Zambia Environmental Management Agency (ZEMA).</p>
<p><b>Loss of biodiversity</b> The removal of vegetation on land to give way for potential infrastructure construction would result in the loss of biodiversity. The removed vegetation could be vital for livelihoods of the local communities in terms of Non-timber forest products (firewood, medicinal plants, wild fruits and other vegetation related edibles like caterpillars). This may have a negative effect on household incomes and nutrition and lead to relocation of households to other areas</p>	<p>Environmental and social Impact Assessment (ESIA) should be carried out in affected areas to determine the extent of biodiversity that will be lost in order to construct the proposed infrastructure. The ESIA should be carried out as per the specifications of the EMA (2011) and approved by ZEMA and the World Bank before infrastructure construction commences</p>	<p>Road Development Agency (RDA), Zambia Environmental Management Agency (ZEMA), World Bank.</p>
<p><b>Soil erosion</b> Soil erosion in the area could be caused by bad infrastructure construction i.e. poor infrastructure design, implementation and removal of vegetation land cover. These conditions may render the area unsuitable for agriculture production and force affected communities to relocate to other areas</p>	<p>Following stipulated infrastructure construction standards and following an elaborate environmental and social management plan</p>	<p>Road Development Agency (RDA), Zambia Environmental Management Agency (ZEMA)</p>

<p><b>Loss of land</b></p> <p>The potential construction of infrastructure in the project areas could result in the loss of land, which will be taken away from the local community for use as infrastructure camps and quarry sites and pits for provision of infrastructure construction materials. The lost land could be currently used for various uses such as agriculture, forestry, grazing lands etc. This impact could affect communities' ability to sustain their source of livelihoods such as agriculture.</p>	<p>Environmental Impact Assessments (EIA) should be carried out and approved before infrastructure construction commences.</p> <p>Compensation of land occupiers and owners should be conducted adequately as per the Zambian Laws and World Bank safeguards</p> <p>Use consultative and participatory processes to allow communities identify and contribute land</p>	<p>Climate Change Secretariat (lead agency). Possible members of the Compensation Committee might include experts from Road Development Agency (RDA), District Councils, Traditional Authorities, Zambia Environmental Management Agency (ZEMA). Ministry of Land is an additional policy body on issues of land</p>
<p><b>Social and economic development</b></p> <p>Communications including transportation of people, goods and services will be easier if infrastructure like roads and bridges are rehabilitated. In this regard trade, commerce and overall economic development of the affected area will be promoted. Additionally communal infrastructures constructed under the CDD component will add to the social fabric and cohesion in the project areas. This will likely change the social status of households and could contribute to relocation to other places such as urban areas</p>	<p>Social and economic development is needed in the project areas. In this regard infrastructure construction which will facilitate easy communications and transportation should be facilitated.</p>	<p>Ministry of Finance, Ministry of Transport and Communications, PDCC, DDCC, RDA, World Bank</p>
<p><b>HIV/AIDS</b></p> <p>Potential infrastructure project activities are likely to expose both the locals and the workers in the area from outside to HIV/AIDS through contacts with those who are infected by the disease.</p> <p>In addition, issues of sexual exploitation might arise in remote areas, due to arrival of external construction workers. This potential issue is addressed in the ESMF. Relocation as a result of HIV/AIDS prevalence is unlikely although affected and infected individuals may be relocated to avoid stigma.</p>	<p>Sensitization of both locals and incoming infrastructure construction workers is needed to ensure that they protect themselves and those who they get in contact with HIV/AIDS as well as address stigma.</p> <p>The Government through various Agencies have embarked on HIV/AIDS campaigns nationwide and these are on-going in all the districts and chiefdoms in Zambia</p>	<p>Ministry of Health, District Councils, RDA, CBOs</p>

<p><b>Water and land pollution</b>  Water and Land pollution due to possible infrastructure construction project areas could occur due to exposure to traffic and associated fuels, lubricants and oils which contaminate the affected soils before finding their way into the river systems. Severe and irreversible contamination will render water resources unsuitable for human and livestock consumption and negatively impact on community source of livelihoods. This may force affected communities to relocate or abandon water sources</p>	<p>Environmental Impact Assessments (EIA) of the proposed infrastructure activities in relation to water and land pollution activities should be carried out and approved before commencement of the projects as per ZEMA, and other relevant local and international protocols and regulations</p>	<p>ZEMA, World Bank, RDA</p>
<p><b>Contamination from chemical fertilizers and pesticides</b>  Contamination of water and soils could result from the use of chemical fertilizers and pesticides aimed at increasing agricultural production in the area. Contaminated water could pose a health risk and households may abandon affected areas and therefore limit access to resources</p>	<p>Limiting the use of chemical fertilizers and encouragement of the use of cattle manure and other biological manuring systems.</p>	<p>MAC, PDCC, DDCCs, BRE, NGOs, CBOs and the local Communities.</p>

With the exception of the loss of land (which is explicitly addressed in this framework), additional detail is provided on the above impacts, mitigation measures, and institutional responsibilities, in the Environmental and Social Management Framework.

## 3. RESETTLEMENT ACTION PLAN PREPARATION REVIEW AND APPROVAL

### 3.1 TERMS OF PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK

In line with the World Bank's involuntary Resettlement Policy OP 4.12, the Zambian Government is required to prepare the Resettlement Policy Framework (RPF) to be disclosed before project appraisal when the resettlement impacts to be caused by potential sub-projects cannot be identified in advance of appraisal because their locations are unknown. The guidelines contained in this RPF are based on relevant Zambian legislation and World Bank policies on involuntary resettlement and land acquisition, both of which recognizes compensation for loss of assets or income as a fundamental right of all sub-project affected persons. According to the Policies of the WB, 'affected people' refers to the people who are directly affected socially and economically by Bank assisted investment projects.

The nature of the sub-project activities may in a few cases require land acquisition for the construction of infrastructure such as construction or rehabilitation of infrastructure among others resulting in the resettlement and compensation of displaced people.

#### 3.1.1 Resettlement and Compensation Guidelines

While all persons affected by the sub-projects are to be treated equally, the World Bank policy recognises that the vulnerable groups such as the elderly and women-headed households should be entitled to a special benefit package in addition to compensation entitlement.

#### **RPF**

The RPF aims at providing a guide for the preparation and implementation of a Resettlement Action Plan. This RPF establishes resettlement and compensation guidelines and design criteria to be applied to the sub-projects which will be prepared during project implementation in compliance with the Zambian law and the World Bank's on involuntary resettlement. The following are some guidelines which should be followed in the implementation of this RPF and the Resettlement Action Plans:

- The RPF is applicable to all project components, whether or not they are funded in whole or part by the Bank.
- The RPF policy applies to impacted persons regardless of the total number involved, severity of the impact, ethnicity, race or color, legal title to the land and those who may not be protected through the Zambian compensation legislation.
- Where feasible, involuntary resettlement and land acquisition should be avoided or minimized by exploring all viable alternatives.
- Where relocation or loss of shelter occurs, measures to assist displaced persons should be implemented in accordance with a plan of action for resettlement and compensation.
- The planning and implementation of the resettlement process will be conducted in a consultative manner with those to be displaced.
- Absence of legal title to land should not be a basis for lack of compensation and resettlement assistance.
- Displacement or restriction to access should not occur before necessary measures for resettlement and compensation are in place. Apart from compensation, these measures

should include provision of other assistance required for relocation, prior to displacement, and preparation and provision of settlement sites with adequate basic facilities.

- The displaced must be relocated to areas with basic amenities like schools, potable water, health facilities, etc.; and all affected persons and entrepreneurs or institutions should be assisted to restore their incomes and livelihood sources to at least pre-resettlement levels. Particular attention will be paid to the needs of the elderly, women and children, child-headed households, the physically or mentally challenged, and the landless, among other vulnerable groups.
- Wherever possible, those impacted by involuntary resettlement should be considered for employment in various project activities including construction works and provision of other services. Particular consideration of vulnerable groups.
- The total cost of the project should include the full costs of resettlement activities which are necessary to the achievement of the project's objectives.
- The PAPS improvements in their living standards resulting from resettlement should also apply to the host communities.

### **RAP**

- The scope and level of detail of the resettlement action plan, to be prepared by the Climate Change Secretariat, vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement.
- RAPs will describe all measures aimed at restoration/improvement of the livelihoods of affected persons and will include an annual budget for implementation of resettlement and other related activities.
- Resettlement activities will be a participatory process guided by informed participation.
- The resettlement action plans shall include the following aspects: (i) General description of the project and identification of the project area, (ii) Potential impacts, including the project component or activities that give rise to resettlement, the zone of impact of such component or activities, the alternatives considered to avoid or minimize resettlement; and the mechanisms established to minimize resettlement, to the extent possible, during project implementation, (iii) The main objectives of the resettlement program, (iv) The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including the results of a census survey covering current occupants of the affected area, standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods of the displaced population, the magnitude of the expected loss, information on vulnerable groups, (iv) other studies describing land tenure and transfer systems, the patterns of social interaction in the affected communities, including social networks and social support systems, public infrastructure and social services that will be affected, and social and cultural characteristics of displaced communities, (v) the legal framework, (vi) the institutional framework, (vii) a definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, (viii) The methodology to be used in

valuing losses, (ix) a description of the packages of compensation and other resettlement measures, (x) Alternative relocation sites considered and explanation of those selected, (xi) plans to provide housing, infrastructure, and social services (e.g., schools, health services), (xii) A description of the boundaries of the relocation area and an assessment of the environmental impacts of the proposed resettlement and mitigation measures, (xiii) community participation mechanisms, (xiv) Measures to mitigate the impact of resettlement on any host communities, (xv) implementation schedule, (xvi) cost and budget, (xvii) monitoring and evaluation arrangements.

- Resettlement Action Plans (RAPs) will be produced and published in the National language (English) and local national languages. The RAPs documents will be made available by the Climate Change Secretariat at the Provincial, District, and Council Offices involved in the Project activities upon request.
- All affected people will be entitled to compensation for land and lost assets. They will be paid a replacement cost agreed between themselves and the Ministry of Finance (MOF). The compensation will be based on the valuation done by the Government Valuator from the Ministry of Local Government and Housing or a Registered Valuation Firm, and will be equal to, or greater than, replacement value. Compensation will also be provided for loss of access rights, livelihoods, etc.
- Whenever possible, land for land, as close as possible to the homestead should be provided as part of compensation.
- Ownership of the compensated land/or property will be transferred to the state or sub-project beneficiaries by agreement.
- If the affected land is under tenancy, both the landowners and tenants as affected persons will be eligible for compensation and entitlements.
- Compensation for loss or potential loss of crops and trees should be calculated as annual net product value multiplied by the number of years for a new crop to start producing at the same level as when impacted.”
- The project affected people should at least be better off than they were before the project.
- Particular mechanisms will be developed to protect the economically and socially vulnerable.
- Priority for employment arising from project activities will be given to affected persons losing assets.
- RAPs will be first reviewed and cleared by the World Bank, and implemented, prior to causing impact on affected persons.
- A functional mechanism for resolving conflict arising out of the resettlement process will be established.

### **3.3 OVERVIEW OF RPF METHODOLOGY**

World Bank requires a Resettlement Action Plan if a project requires acquisition of land, and/or adversely impacts on people’s livelihoods. This Resettlement Policy Framework assigns responsibilities, and describes the process and minimum requirements for screening project activities to determine the need for a RAP, and for preparing, approving and implementing RAPs for the project.

The RPF builds on:

- I. Assembly of official documentation dealing with social and economic issues in the Project Impacted Areas (PIAs). Key material includes literature to gain insight into the World Bank and Zambian policy and legal framework, and to review similar work done both in Zambia and elsewhere in the sub-region.
- II. Socio-economic surveys, baseline studies, and other forms of quantitative and qualitative data (i.e. health statistics available at district level).
- III. Consultations with PAPs and members of PAP households, held from March 2015 to October 2015, in the two target areas of the project in the Western and Northwestern Provinces, including with former refugees and Zambians in host communities, as with focus groups of vulnerable people, including women, elderly, youth. During consultations, PAPs emphasized the importance of the project, and in particular its infrastructure component, in alleviating poverty through improving access to services and economic opportunities. PAPs also mentioned: (i) the need to ensure that an easily accessible grievance redress mechanism is in place, for them to raise grievances in case any issue emerges, (ii) the need to make sure those affected by forced displacement will receive support tailored to their specific needs, with a focus on the needs of the most vulnerable groups and people. Both aspects are addressed in the RPF.
- IV. Interviews with key informants, with a gender balance and representation of vulnerables where possible, (District Agriculture Coordinators, District Planner, Community Development Officer) in Project Impacted Area, covering areas such as the local economy, labour dynamics and employment, agriculture, mining, land administration, municipal services, health, education, business, and non-government and community-based organizations (NGOs and CBOs), and other state stakeholders like Zambia Electricity Supply Corporation (ZESCO), Road Development Agency (RDA), Zambia Environment Management Agency (ZEMA), Resettlement Department in the Office of the Vice President, Commission for Refugees, the relevant Municipal and District Councils.

### **3.4 DESCRIPTION OF THE PROCESS FOR PREPARING AND APPROVING RESETTLEMENT ACTION PLANS (RAPs)**

According to the World Bank Operational Policies on involuntary resettlement, preparation of a resettlement instrument is a condition for appraising projects involving involuntary resettlement. In case of programs/projects with sub-projects, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the sub-project is accepted for Bank financing (OP/BP 4.12)

People who are affected and are eligible will have to be compensated before causing impact on affected person, as per World Bank OP 4.12 and this RPF. The acquisition of land and the related assets may take place only after the impacted persons have been provided compensation; and resettlement sites and moving allowances, where applicable, provided. It is also a requirement of the OP/BP 4.12 policy and guidelines that measures to assist the displaced persons be implemented as per the sub-project's resettlement plan of action, where there is loss of shelter and need for relocation.



### **3.4.1 Screening Mechanism for Resettlement Action Plans**

Resettlement Action Plans which would be prepared for each sub-project involving taking of land and/or assets (involuntary resettlement) shall include measures to ensure compliance with policy directives. Furthermore, the implementation schedule of these policy measures should ensure that no land and/or assets are taken for the project before compensation is provided, and no individual or affected household would be physically displaced by sub-project's civil works activity before compensation is paid and resettlement sites with adequate facilities prepared and provided to them. See figure 1 for the steps in the screening mechanism.

### **3.4.2 Scope of Resettlement Action Plans**

Overall responsibility for preparing a resettlement action plan for each sub project will lie with the Climate Change Secretariat. They shall ensure that a Resettlement Action Plan that conforms to this RPF and to the requirements of the World Bank OP 4.12 is prepared. The RAP is a detailed time bound plan of action plan outlining the following among others: - resettlement objectives, strategic options, responsibilities, approvals, entitlements, actions; and monitoring and evaluation. The process to be followed in preparing a RAP shall involve several steps as outlined in the following sections.

### **3.4.3 Preliminary Assessments of a Sub-Project**

The proponent of a sub-project shall examine whether any environmental and social study is required for the type of sub project being proposed. The initial assessments and surveys at this stage should include (i) potential social impacts, (ii) direct consultations with individuals and groups who are expected to be directly affected by the sub-project activities; and (iii) identification of the major population groups that may be affected by the proposed project. These surveys and assessments at this preliminary stage would form the basis for preparing the terms of reference for the RAPs Social Assessment Component.

### **3.4.4 Screening if RAP is needed**

Preliminary information is required to be provided to the Climate Change Secretariat (or anybody designated by the Climate Change Secretariat, by the proponent of the sub-project on the proposed project as early as possible). The required information shall include a description of the nature, scope and location of the proposed sub project, accompanied by location maps and any other details as may be required by the Climate Change Secretariat. The Climate Change Secretariat will then verify the information provided, in collaboration with local authorities, to confirm whether the project has potential involuntary resettlement, such as involving taking of land which might result in physical displacement of persons, loss of assets, loss of livelihood or restriction of resource use, then this RPF is triggered and an RAP needs to be prepared, as indicated in the process described in the figure below.

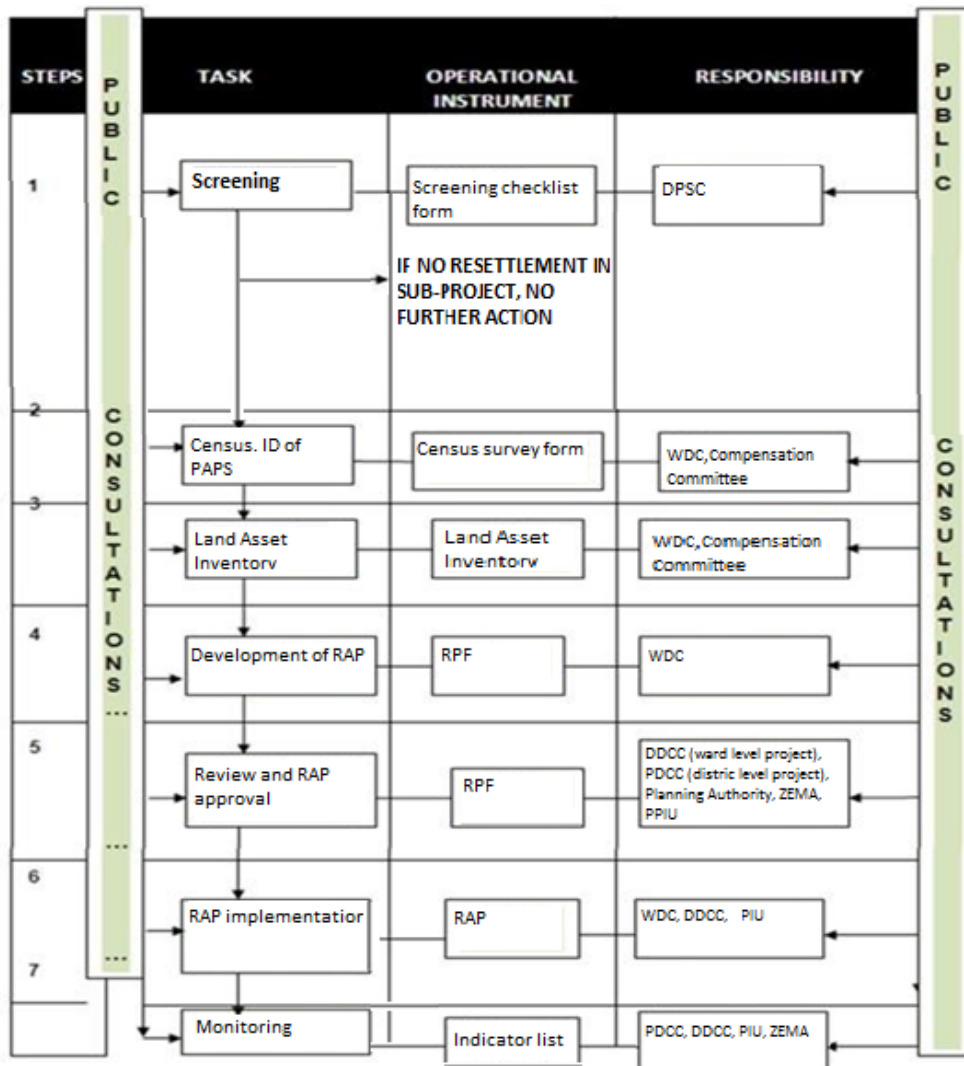
Screening for potential involuntary displacement is done as part of the environmental and social screening form (see Annex 9 in the ESMF), which includes triggers for providing a RAP. If the answer is 'yes' to any of the questions below, a RAP – or an ARAP if the impacts are minor or less than 200 people may be displaced - will be prepared:

- Require that land (public or private) be acquired (temporarily or permanently) for its development?

- Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)
- Displace individuals, families or businesses?
- Result in the temporary or permanent loss of crops, fruit trees or household infrastructure such as granaries, outside toilets and kitchens?

The diagram below outlines the process for projects in which a RAP/ARAP needs to be prepared.

**Figure 1: RAP Preparation and Approval Process**



**Acronyms**

- DDCC: District Development Coordinating Committee
- DPSC: District Planning Sub-Committee
- PIU: Project Implementation Unit
- WDC: Ward Development Committee
- ZEMA: Zambian Environmental Management Agency

Projects where involuntary displacement could be expected include projects where acquisition of land is necessary for construction, e.g. establishment of a new road clinic or school, leading to involuntary displacement of a) impacted people from land used for farming b) impacted people

from dwellings if construction take place on land not previously used for social infrastructure, c) impacted people from land used for farming and dwelling.

In cases where a community is basing a project on voluntary land donation, best practices for voluntary land donation have to be followed. <sup>1</sup>Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. “Fully informed” means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. “Free will” means that the owner can reject the possibility of giving up his or her land, because: a) there are viable alternatives available (such as rerouting of a water main if an owner refuses access to his or property), or b) where no viable alternatives are available, the donation will be to his or her benefit (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works). All voluntary land donations must follow the stated procedures.<sup>2</sup>

Where land is donated, the following safeguards need to be applied by the Climate Change Secretariat: (i) An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation; (ii) certification that the land is free of claims or encroachments from any third party; (iii) written statement of voluntary donation to the community (represented by the WDC or other applicable entities) concerned, as witnessed by the local authorities, (iv) Record of evidence that the owner was fully informed, provided full consent, and was provided enough time to make this decision.

#### **3.4.5 Socio-economic Baseline Census**

Upon identification of the need for involuntary resettlement in a sub-project, the sub-project proponent will carry out a census to identify the persons who will be affected by the sub-project. This will help the sub-project proponent to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact but who might want to take advantage and claim for assistance. The completion of the census will mark the cut off-date for eligibility for compensation. Those who will come into the area after the cut-off date will not be eligible for compensation. The form to be completed to conduct the survey is included in annex 4.

This census shall be carried out by the Climate Change Secretariat, in collaboration with local authorities, to provide baseline data on various factors including the following:-

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<sup>1</sup> World Bank, 2015, *How-to Note on Application of Social Safeguards Policies to Community-Driven Development Projects*

<sup>2</sup> All family members (including spouses) must be aware of the donation, in order to minimize the risks of women users of the land to be donated being passed over in decision-making on land donation and the risks of cross-generational conflicts.<sup>26</sup> Individuals using or occupying community or collective lands must also be aware of the donation to minimize risks of settlers or migrants being passed over in decision-making on land donation. Source: *How to Note on Application of Social Safeguards Policies to Community-Driven Development Projects* (2015) p.12

- **Identification of current occupants of the affected area**, to establish the basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- **Standard characteristics of impacted households**, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the impacted population;
- **The magnitude of the expected loss** of assets, total or partial, and the extent of displacement, physical or economic;
- **Information on vulnerable groups** or persons for whom special provisions may have to be made;
- **Land tenure and transfer systems**, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- **The patterns of social interaction** in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- **Public infrastructure and social services** that will be affected; and
- **Social and cultural characteristics of displaced communities**, including a description of formal and informal institutions (e.g., community organizations, ritual groups; NGOs that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

### 3.5 RESETTLEMENT ACTION PLAN TYPE AND CONTENTS

If the preliminary assessments (scoping and screening exercises) indicate the need for involuntary resettlement, then a RAP shall be prepared in accordance with this Resettlement Policy Framework, World Bank Safeguard Policy and the relevant Zambian legal requirements.

The preparation of the RAP may be outsourced to a specialist by the Climate Change Secretariat, who should in that case prepare the terms of reference for the preparation of the RAP.

#### 3.5.1 Comprehensive Resettlement Action Plan

This applies to any project or sub-project that involves involuntary resettlement and for which a Resettlement Policy Framework has been prepared.

If two hundred or more people are affected and project activities resulting in involuntary resettlement policy then the Comprehensive RAP will be prepared

A comprehensive Resettlement Action Plan will include:

1. Project description
2. Guiding principles for resettlement
3. Description of process followed for developing resettlement action plan

4. Overview of potentially affected population
  - Number of potentially affected people
  - Demographic and social economic profile
  - Income services and livelihood practices in the sub-project area
5. Eligibility criteria
  - People to be affected
  - Public consultation and Grievance redress procedure
6. Legal frameworks
  - Host country legal requirements
  - World Bank policies and procedures
7. Methodology for valuation of assets and potential loss of all other income opportunities and assets.
8. Inventory of Losses (physical description of assets lost)
9. Socio-Economic Assessment (of the vulnerability of the affected people, and the importance of the assets acquired to their livelihoods e.g. % contribution to household income/food production)
10. Summary of Compensation and/or asset replacement and/or rehabilitation measures
11. Alternative income generation opportunities
12. Income restoration plans
13. Organisational responsibilities for specific sub-projects
14. Public Consultation and Grievance redress mechanism/procedure
15. Schedule and responsibilities for RAP implementation
16. Funding source and cost of resettlement
17. Monitoring of resettlement

### **3.6 CONSULTATIONS DURING RESETTLEMENT ACTION PLANNING AND IMPLEMENTATION**

Consultations with the stakeholders including the affected people will be an integral part in the RAPs preparation, implementation and monitoring processes at all stages as follows:

#### **3.6.1 Consultation Mechanisms**

Consultation is a continuous process from earlier stages of the RAP and throughout the implementation. After the approval of a RAP the community, landholders and other PAPs would be informed of their involvement in resettlement, compensation, appropriation of land other aspects of RAPs implementation and monitoring.

The PIU, Provincial Administration and District Officials in which the sub-projects are being implemented would notify the PAPs and other stakeholders like Villagers or Village Headmen and the Chiefs through verbal and written notices about land acquisition matters in the sub-project areas.

There are various structures that are to be utilised for facilitating consultation and relaying information. Communication is through headmen, government extension staff (e.g. camp/block officers) who often use a range of interest groups, refugee representative and women's groups. Examples of such groups include:

- Village meetings under headmen
- Agricultural Cooperatives (including marketing associations, producer associations)
- Joint Forestry Management Committees
- Community Resources Boards,
- Resource User Groups (e.g. beekeeping groups, crafts associations)
- Water Users Associations
- Ward Development Committees
- Youth groups
- Women's clubs
- Other special interest groups, with a focus on reaching vulnerables

Some of these interest groups may be organized through NGOs, CBOs and FBOs.

Means of communication include:

- Verbal announcements/messages (including use of mobile phones) through face-to-face interactions
- Community radio/ TV (where available)
- Written notification

Regardless of the mechanism through which consultations will take place, affected people will be notified two weeks in advance of the meeting, and will also be provided with a summary of their entitlements in the local language two weeks in advance of the meeting. During the meeting, the draft RAP will be presented in the local language, and sufficient time will be given to hearing the concerns of the affected people, who will subsequently be notified on how their comments were taken into account. These meetings should be documented, with the meeting reports annexed to the final version of the resettlement action, and including evidence of how the feedback received was taken into account (and if not, why not).

### **3.6 RESETTLEMENT ACTION PLAN APPROVAL PROCESS**

MOF through the Climate Change Secretariat or its delegated agency shall ensure that the draft RAP is made available at a place accessible to displaced persons, local NGOs, and other interested parties in a form, manner and language that are understandable to them once a draft RAP has been prepared.

The draft RAP shall be transmitted to the World Bank for appraisal and review at the same time. The World Bank shall also make the RAP available to the public through its Info-Shop. The World Bank and MOF shall disclose the RAP again in the same manner following revision and feedback from the consultation process. RAP implementation will commence once the World Bank is satisfied with the public disclosures and has deemed the RAP to be acceptable.

### **3.7 RESETTLEMENT ACTION PLAN'S IMPLEMENTING AGENCIES**

The overall responsibility of monitoring and evaluating the RAP activities shall lie with the Climate Change Secretariat, while the World Bank shall periodically supervise the Resettlement Action Plan activities to ensure compliance with the RAP provisions.

The Resettlement Specialist or assigned Environmentalist shall be responsible for the overall smooth implementation of the RAPs, while Human Settlements Planners based at the Provincial level and District Council Office at District level shall be responsible for the smooth implementation of RAP's in their areas.

#### **3.7.1 Screening and Preliminary Assessments**

People affected will be consulted and participate in the required assessments once the proponent of a sub-project has identified the need to prepare a resettlement action plan. In this regard meetings will be held with stakeholders including affected groups to discuss potential resettlement issues.

#### **3.7.2 Preparation and Implementation of Resettlement Action Plans**

In the process of preparing and implementing the RAPs, representatives of the affected people will input their concerns in the processes through discussions on the potential costs of implementing the planned activities, enforcing the RPF provisions, mitigating impacts, rescheduling where necessary, and timing of RAP activities. Special attention will be paid to the inclusion of women and vulnerable groups in the preparation.

### **3.8 RAP IMPLEMENTATION SCHEDULE**

Resettlement Action Plans should have their time-frames aligned to those of the overall project in order to ensure that resettlement sites are provided with adequate facilities and compensation prior to impacting PAPs. For successful implementation and as agreed between the Resettlement and Compensation Committee the DDCC, the relevant Council and the Project Management Team; each RAP schedule should include the following:

- Time-frames for transfer of completed civil works to relevant agencies,
- Target dates for starting and completion of civil works
- Dates for possession of land which the PAPs are using, after payment of compensation and other necessary assistance and before any resettlement activity commences; and
- Linkages between RAPs and the sub-projects, overall activities and implementation.

### **3.9 RESETTLEMENT ACTION PLANS MONITORING**

There shall be both internal and external monitoring of the RAP activities. Internal monitoring of the day-to-day operations of the resettlement program shall be done by the implementing agency whilst external monitoring shall be done by the monitoring agency designated under the Displaced Persons and Border Communities Project to carry out external monitoring of RAP activities. The implementing agency will be responsible to provide progress reports to the World Bank on the implementation of the RAP including the achievement of key milestones such as the :

- completion of consultation (with notification material and meeting reports used as evidence)
- completion of impact assessment (with draft RAPs as evidence)
- number of households with land title; access to services such as schools, clinics, water. When titles are given the name of both the man and woman in a couple must be on the title
- completion of disclosure (with web-links, and press notifications as evidence)
- completion of negotiation (with signed compensation agreements as evidence)
- completion of resettlement (with the reparation of a resettlement implementation report, which includes feedback from the affected people, as evidence)



## 4. PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

This section of the RPF reviews the national legislation that is relevant to the Zambia Displaced Persons and Border Communities Project's activities and sub-projects, and assesses the adequacy of national legislation in terms of the policy principles of this RPF. The legal framework relating to resettlement issues consists of the various pieces of Zambian legislation and World Bank safeguard policy. This section presents both aspects and identifies overlaps and gaps between the two and outlines measures to close the gaps.

### 4.1 THE ZAMBIAN LEGAL FRAMEWORK

Zambia's legal framework for matters related to the compulsory acquisition of property, in particular land and the alienation of land is provided for in the Constitution, Land Act, and the Land Acquisition Act. While these three Acts provide the basis for land acquisition, various other national laws of Zambia define the authority and responsibility of specific sectoral agencies.

However, there is currently no specific law or policy pertaining to involuntary resettlement in Zambia. The existing policies and arrangements only deal with voluntary resettlement. What exist are various pieces of legislation that provide guidance regarding legal provisions for resettlement. Below are legal statutes that have provisions pertaining to resettlement.

#### 4.1.1 Constitution of Zambia

Zambia's legal framework regulating the taking of land and other assets by the State has its basis in the Constitution of Zambia, Chapter 1; Article 16 of the Constitution of Zambia provides for the fundamental right to property and protects persons from the deprivation of property. It states that a person cannot be deprived of property compulsorily except under the authority of an Act of Parliament, which provides for adequate payment of compensation. The Article further provides that the Act of Parliament under reference shall provide that, in default of agreement on the amount of compensation payable, a Court of competent jurisdiction shall determine the amount of compensation.

The Constitution further provides that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the clause which requires that authority be obtained under an Act of Parliament which provides for payment of adequate compensation to the extent that it is shown that such law provides for the taking possession or acquisition of any property or interest on the land or right over the land.

#### 4.1.2 The Land Act, Chapter 184

The Act controls the alienation of land and shall govern the acquisition of land for the activities and sub-projects. It shall also give guidance in procedures for the conversion of land from customary tenure to statutory.

The Act empowers the President of the Republic to compulsorily acquire property. The principles of compensation are pivoted on the basis that the value of property for the purpose of compensation shall be the value of the amount which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of notice to yield possession of the property.

#### **4.1.3 Land Tenure System in Zambia**

As land alienation might be a part in the implementation of project activities, it is useful to outline the Zambian land tenure system in order to appreciate the alternative ways in which land can be accessed for project purposes.

Land tenure is the way in which rights in land are held and in Zambia tenure is categorised into two tenure systems namely, statutory tenure and customary.

#### **4.1.3 Statutory tenure**

Statutory tenure refers to state Land which is administered by the Lands Commissioner through Local Authorities on behalf of the President since all land in the Country is vested in the Republican President on behalf of the Zambian people.

The President of Zambia holds the Country's land in perpetuity on behalf of the Zambian people. The President has delegated his powers to make and execute grants and disposition of land to the Commissioner of Lands. The Commissioner has agents who plan the land into plots and thereafter select and recommend suitable candidates to him/her for issuance of a certificate of title. The Commissioner's Agents in this regard, are the District, Municipal, and City Councils. These agents use the Town and Country Planning Act to plan the land in their areas in their capacities as Planning Authorities under the Act.

#### **4.1.5 The Customary Tenure**

Customary Tenure applies in areas under the jurisdiction of Traditional Authorities (chiefs/chieftainesses). The Traditional System of tenure is the most prevalent among the majority of Zambians who live in the rural areas of the Country.

Approximately 94% of Zambia's land is officially designated as customary Area. The area is home to 73 Tribes, headed by 240 chiefs, 8 Senior Chiefs and 4 Paramount Chiefs.

Tenure under customary lands does not allow for exclusive rights in land. No single person can claim to own land as usually the whole land belongs to the Community. In this regard Land is deemed as belonging to Members of the Community for their own use (Republic of Zambia, 1995). In Zambia land is considered a valuable heritage for the whole Community. As is the case in many African Countries, in Zambia Communal lands have sprung from the concept of ancestral trust committed to the living for their own interest and for the interest of the unborn. This is embedded in a common West African dictum which says:

“I conceive of land as belonging to a vast family of whom many are dead, a few are living and Countless are still unborn. People holding land are thus doing so in trust for ancestors and for those who are not yet born and also the community as a whole”. (Nigerian herder) (Lane, 1998)

It is the duty of Traditional Rulers to ensure that every Member of his or her Country capable of owning land is allocated land. The issue of access, as in State land, is tied to capability. However, being capable is entirely up to the discretion of the Chief. This has often led to dissatisfaction among the members of the Community, the most vulnerable groups being women, youths and the disabled (Zambia Land Alliance, 2005).

Customary Land ordinarily cannot be used as collateral, as in many cases there are no legal defined physical boundaries, as required under the Land Survey Act. Thus Customary Lands are prone to encroachments which often result in land disputes. Customary land in Zambia which accounts for over 70% is now very much in demand for the Country's development.

The following 2 sections outline the processes for acquiring title to land from State land and from customary land. These guidelines will be useful for land access at some sites of the project activities.

#### **4.1.6 State land**

The system to acquire titled land from state land is as follows:

- The District, Municipal or City Council identifies an area for which a layout plan is made, subdividing the identified land into several plots. In the case of agricultural land, the relevant Departments in the Ministry of Agriculture and Cooperatives and the Resettlement Department under the Vice President's Office are responsible.
- The layout plan is endorsed and stamped by the appropriate Planning Authority that later transmits the endorsed plan to the Lands Department for scrutiny and verification of the planned land's availability.
- If the planned land is available, the plan is approved and transmitted to the Survey Department for surveying and numbering as per the Land Survey Act.
- Upon receipt of numbered and surveyed plots, the relevant Authorities advertise them to the public after which applicants are interviewed.
- Selected applicants are recommended for further consideration and approval by the Office of the Commissioner of Lands, who is the final authority to grant title to land.

#### **4.1.7 Customary land**

The customary land delivery system is as follows:

- The prospective developer approaches the Chief or Chieftains of the area for consent to hold land on leasehold tenure and obtain certificate of title.
- Where the Chief or Chieftainess is satisfied that the land being requested for is available (unoccupied), s/he writes a consent letter to the office of the Council Secretary, with the land's location site plan, drawn by the local planning authority attached.
- The Chief's consent letter and attached site plan are taken to the relevant Council Secretary who endorses and stamps the document(s).
- The Council Secretary arranges for the land in question to be inspected by a committee which deals with land matters in the area.
- The committee interviews the applicant.
- If the applicant is successful, the Council Secretary brings the application to the full council for consideration.

- If the council approves the application, they will recommend to the Commissioner of Lands the allocation of the unnumbered plot to the applicant.

The application forms, site plans and council minutes are attached to the recommendation letter which certifies that the recommended plot is free of settlement by other subjects in the jurisdiction of the Chief/ Chieftainess.

If satisfied, the Commissioner of Lands approves the application. For land in excess of 250 hectares, the Commissioner of Lands is required to seek clearance from the Minister of Lands before approval.

#### **4.1.8 Lands Acquisition Act Chapter 189 of the Laws of Zambia**

Section three of the Lands Acquisition Act empowers the President of the Republic to compulsorily acquire property. Sections 5 to 7 of the Act provides for the issuing of notices to show the intention to acquire, notice to yield up property and to take up possession.

Section 10 of the Act provides for compensation as consisting of such moneys as may be agreed from moneys appropriated for the purpose by Parliament. Furthermore, this section provides that where the property to be compulsorily acquired is land, the President, with the consent of the person entitled to compensation shall in lieu or in addition to any compensation payable under the section, grant other land not exceeding the value of the land acquired.

Under the Lands Acquisition Act, the value of the property for purposes of compensation shall be the value of the amount which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of the notice to yield up possession of the property. Section 11 of the Lands Acquisition Act provides for the settlement of the disputes relating to the amount of compensation in the High Court.

Part VI of the Lands Acquisition Act (Cap. 189) provides for the establishment of Compensation Advisory Board to advise and assist the Minister in the assessment of any compensation payable under the Act. Other functions of the board, its operations and constitution are also prescribed in the Act.

#### **4.1.9 The Local Government Act Chapter 281**

The Act provides for the System of local government administration in Zambia at city, municipality and district council levels. Each level has delegated statutory functions with respect to development planning and participatory democracy.

Therefore the Act shall guide in the distinguishing of the project site with regard to their location. The laid procedure in the acquisition of land for sub-projects shall be determined by the provisions of both this Act and the Lands Act.

#### **4.1.10 Urban and Regional Planning Act, 2015**

An Act to provide for development, planning and administration principles, standards and requirements for urban and regional planning processes and systems; provide for a framework for administering and managing urban and regional planning; provide for a planning framework, guidelines, systems and processes for urban and regional planning; establish a democratic,

accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development; ensure functional efficiency and socio-economic integration by providing for integration of activities, uses and facilities; establish procedures for integrated urban and regional planning in a devolved system of governance so as to ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning; ensure sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning; ensure uniformity of law and policy with respect to urban and regional planning; repeal the Town and Country Planning Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975; and provide for matters connected with, or incidental to, the foregoing.

#### **4.1.11 The Public Roads Act (2002)**

Section 18(3) of the Public Roads Act gives authority to the Road Development Agency to enter upon any land for the purpose of extraction of material for road function. It further provides for compensation to be paid to the affected if such land owner / occupier of such land is on title. In 2003, the Environmental Management Unit in the Roads Development Agency (RDA) developed “Involuntary Resettlement Framework Guidelines” for the Road Sector. The guidelines provide institutional framework for responding to involuntary resettlement in Zambia arising from road sector operations in the Country. It specifies that the RDA will play a leading role in the District roads, the Agency will be the lead agency and will play the role of carrying out social survey and related assessments and ensuring the participation of other stakeholders such as the project affected communities, individuals and Non-Governmental Organizations. Under the Guidelines RDA is supposed to be responsible for overseeing the implementation process and ensuring the compensation and rehabilitation mechanism is implemented adequately”. The Agency also notes livelihood assessments and enumeration of affected persons (Environmental Management Unit, 2003).

Section 18 (5) of the Act allows the land/owner occupier to submit some written request to the Agency for any expense or loss that may be incurred if such land is appropriated. Section 18 (6) states that in the event of failure to agree upon the amount of compensation the matter shall be decided by arbitration in accordance with the Arbitration Act. The Act under section 18 (7) provides a number of conditions which shall form the basis for assessment of properties or envisaged losses that are the subject of disagreements.

#### **4.1.12 Department of Resettlement:**

The Department of Resettlement in the Vice President’s Office is charged with the responsibility for actual resettlement process by carrying out the following functions:

- Identification and acquisition of land for resettlement.
- Demarcation of farm plots.
- Processing of applications for resettlement.
- Allocation of settlement farm plots to suitable applicants.

- Recommending deserving settlers to acquire certificate of titles to their farm plots from the Commissioner of Lands
- Co-coordinating provision of infrastructure in resettlement programme schemes.

#### **4.1.13 The Agricultural Lands Act**

This Act provides for the establishment of the Agricultural Lands Board and for tenant farming schemes. The act empowers the Minister, by statutory notice, to declare any state land and, with the consent of the registered owner as Subsection 5 of section 21 provides that such a lessee shall use his holding primarily for agricultural purposes, for purposes ancillary thereto and for the personal residence of himself and his family and necessary staff and for no other purpose.

Subsection 1 of section 40 permits a tenant who obtains approval from the Agricultural Lands Board to make improvements to a holding at his own expense. Improvements which are permitted are those which are reasonably required for the management, improvement or development of the holding. Only improvements which are approved by the Agricultural Lands Boards qualify for compensation.

Section 43 provides that, if any dispute shall arise relating to:-

- (a) The amount of any compensation, not being an ex gratia payment;
- (b) Any valuation for an option to purchase a holding; and
- (c) Any valuation for a state grant; such dispute may be referred to arbitration under the provisions of the Arbitration Act.

#### **4.1.14 Arbitration Act No. 19 of 2000**

This Act provides for arbitration in cases where the land owner/occupier does not agree with the amount of compensation being offered. Under section 12 (2) of the Act, the parties to arbitration are free to determine the procedure for appointing the arbitrator or arbitrators. Section 12 (3) (b) states that if the parties are unable to agree on the arbitration, another arbitrator shall be appointed, upon request of a party, by an arbitral institution.

#### **4.1.15 Environmental Impact Assessment Regulations of 1997**

Environmental Impact Assessment Regulations (1997) are promulgated under the Zambia Environmental Management Agency (ZEMA) Act 2010. The First Schedule of Regulation 3 specifies which type of developments requires a project brief. It specifies that all major roads outside the urban areas, the construction of new roads and major improvements over 10km in length or over 1 km in length, if the road passes through a National Park or Game Management Area, requires a project brief and/or an environmental impact statement.

Regulation 10 provides for public consultation by the developer before submitting the environmental impact statement to the Council. The developer should seek the views of the people in the communities which will be affected by the project. The developer shall:

Publicize the intended project, its effects and benefits in the mass media in a language understood by the community for a period of not less than fifteen days and, thereafter, at regular intervals throughout the project implementation schedule.

After the expiration of fifteen days referred to above, hold meetings with affected communities in order to present information on the project and obtain views of those concerned.

Regulation 11 provides for the contents of environmental impact statements to include:

- The social and economic impact of the project, such as resettlement of affected people;
- Socio-economic and cultural considerations such as effects on generation or reduction of employment in the area, social cohesion or resettlement and local economic impacts; and
- Effect on land uses and land potential in the project area and surrounding areas.

#### **4.1.16 The Zambia Wildlife Act No. 12 of 1998**

Section 32 of the Zambia Wildlife Act provides that any activity or plan which is likely to have an adverse effect on any wildlife species or community in a National Park, Game Management Area or Open Area shall be subjected to a wildlife impact assessment as required by the Zambia Wildlife Authority (ZAWA) Act. Where resettlement would have or is likely to have an impact on wildlife, a wildlife impact assessment would be required under this Act.

#### **4.1.17 Land Survey Act**

The Land Survey Act provides for the surveying of lands and properties before they are numbered, allocated and registered.

#### **4.1.18 Land Conversion of Title Act**

This Act provides for the alienation, transfer, disposition, and change of use of land. The Act also provides for compulsory acquisition of land by the President wherever he is of the opinion that it is desirable or expedient to do so in the public's interest.

#### **4.1.19 The Forest Act of 1973**

This Act provides for the establishment and management of National and Local forests, conservation and protection of forests and trees; and licensing and sale of forest products. The Act also provides for the involvement of local communities and the private sector in the planning, management and utilization of forest resources and the sharing of costs and benefits obtained from the open and forest reserves.

#### **4.1.20 The Valuation Surveyors Act Cap 207**

This Act provides guidance for the valuation practice in Zambia and the requirement that for one to practice as a Valuer he is supposed to be registered under the provisions of this Act by the Valuation Registration Board.

#### **4.1.21 Lands Tribunal**

The Tribunal was established in Zambia in order to speed up the Settlement or prevent land disputes in the Country.

## **4.2 WORLD BANK POLICY RESETTLEMENT REQUIREMENTS**

The World Bank safeguard policy OP 4.12 relates to the administration of resettlement issues in the event of project activities inducing displacement of people and disrupting their livelihoods. The policies might apply to some sub-project activities or the district connective infrastructure activities.

### **4.2.1 World Bank OP 4.12**

According to the World Bank's safeguard policy OP 4.12 particular attention should be given to the needs of vulnerable groups such as the poverty stricken, the landless, the elderly, widows, child-headed households and other disadvantaged persons. It is also a requirement of the policies that provision of compensation and other assistance be effected prior to people's displacement. This implies that acquisition of land for project activities can only take place after those affected have been compensated.

In this regard, resettlement sites, new homes and related public infrastructure, public services and moving allowances will be provided to the affected persons and incorporated in all displacement action plans. In addition, the Banks' policies offer the impacted persons an opportunity to improve their livelihoods and living standards through the participation in the planning preparation and implementation of RAPs.

The World Bank policy states:

- Resettlement or displacement should be avoided wherever possible or minimized in this regard all viable alternative project designs should be considered before finally deciding on displacement.
- Resettlement or displacement activities should be conceived as sustainable development programmes, providing sufficient investment resources to enable the person displaced by the project activities to share in project benefits.
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore them, in real terms to pre-displacement levels or to those prevailing prior to the beginning of project implementation whichever is higher.

The World Bank OP 4.12 also stipulates that the RPF and RAPs should include measures to ensure that the displaced persons are safeguarded as follows:-

- They should be informed about their options and rights pertaining to resettlement or displacement.
- They should be consulted, offered choices and provided with technically and economically feasible resettlement alternatives.
- They should be provided with prompt and effective compensation at full replacement cost for loss of assets attributed directly to the project. The resettlement plan or resettlement policy framework should include measures to assure that the displaced persons are:
  - Provided with assistance, such as transport and other allowances during relocation.
  - Provided with residential housing or housing sites or as required agricultural sites for which a combination of productive potential, location advantages and other factors are at least equivalent to the advantages of the old site.



- Offered support after displacement, for a transition period, based on a reasonable estimate of time likely to be needed to restore their livelihood and standards of living.
- Provided with development assistance in addition to compensation measures such as land preparation, credit facilities or job opportunities.

### 4.3 OVERLAPS AND GAPS FOR ZAMBIAN LEGISLATION AND WORLD BANK POLICY 4.12

#### 4.3.1 Overlaps

There are many similarities between the Zambian law and the World Bank's OP 4.12. The overlaps include:

- the requirement to pay compensation in advance where land is compulsorily acquired
- compensation based on full market value or through grant of another plot of land or building of equal quality, size and value,
- avoidance, wherever possible, of impacts on forest reserves, national parks and other fragile ecosystems,
- the requirement to compensate for losses whether temporary or permanent in production or damage to productive assets and crops; and
- provision for the rights of appeal and other judicial avenues for resolution of disputes.

#### 4.3.2 Gaps

The following gaps exist between the World Bank Op 4.12 and the Zambian legislation:

- Comprehensive resettlement planning. There is no requirement under the Zambian law for the preparation of a comprehensive formal resettlement action plan (RAP) including carrying out a census, social economic survey, consultations with project affected people, monitoring, reporting, etc. The Town and Country Planning legislation which deals with issues of human settlements and development in Zambia does not refer to involuntary settlement, but only to the removal of squatters on state lands needed for urban expansion and development.
- Compensation eligibility in Zambia. Under the Zambian law, only people and entities with title deeds are entitled to compensation e.g. those with registered third party rights or those who have legally obtained the right to register but have not yet completed registration.
- Under World Bank's OP 4.12 illegal land users without title to the land are entitled to compensation for land use and affected structures on it (but not compensated for land). In some cases of illegal development, compensation is provided on discretionary basis on case by case basis.
- Compensation and resettlement assistance. The current Zambian law provides for the payment of compensation at market value for losses of land, buildings, crops and other damages arising from the acquisition of land for project activities. Under the Zambian law, moving costs or rehabilitation support to restore previous levels of livelihoods or living standard are not recognized, and there is no government agency charged with that responsibility.
- Property measurement. Under the Zambian law, compensation is equal to the market value of the property without reference to depreciation. On the contrary, under the World Bank Safeguards compensation for lost properties will be calculated on the basis of full

replacement cost i.e. equal to what enables the project affected people (PAP) to restore their livelihoods at the level prior to resettlement/ displacement.

- Income restoration. The current Zambian law does not recognize compensation for lost income contrary to the World Bank's OP 4.12 which requires that lost income due to project activity should be compensated.

#### **4.3.3 Measures to close the Gaps**

The following are proposed measures to close the GAPS: (see Appendix 1 for details) .

As noted, the RPF requirements are based on the policies of the World Bank and Zambian national legislation. Whenever there are discrepancies between the requirements of World Bank OP 4.12 and the Zambian requirements are , the requirements and guidelines of the World Bank will be followed during the implementation of the sub-projects.

The Government of Zambia, and the MoF as the Government of the Republic of Zambia implementing Agency agrees to implement the policy principles of this RPF as stated and consistent with World Bank OP 4.12. Harmonisation of the legal provisions is a cardinal measure as the primary aim of this RPF is to improve the livelihoods of the PAPs beyond the original status of their economic, social and cultural well-being as provided for under WB's OP 4.12 guidelines on compensation.

## 5. DEFINING PEOPLE AFFECTED BY THE PROJECT ACTIVITIES

### 5.1 DEFINITION OF AFFECTED PERSONS

Persons affected include:

- Involuntary taking of land;
- Relocation or loss of shelter;
- Loss of assets, or impact on assets, or access to assets;
- Loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

Affected persons, therefore, are those persons who, as a direct consequence of an activity or sub-project would, without their informed consent or power of choice either: (a) physically relocate or lose their shelter, (b) lose their assets or access to assets, or (c) lose a source of income or means of livelihood, whether or not they physically relocate to another place.

### 5.2 ELIGIBILITY CRITERIA

Upon identification of the need for involuntary resettlement in a sub-project, the Climate Change Secretariat will be responsible, in collaboration with local authorities, to carry out a census to identify the persons who will be affected by the sub-project. This will help the sub-project proponent to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact but who might want to take advantage and claim for assistance. The form to be completed to conduct the survey is included in annex 4.

The completion of the census will mark the cut off-date for eligibility for compensation. Those who will come into the area after the cut-off date will not be eligible for compensation. For purposes of determining eligibility criteria, displaced persons may be classified in one of the following three groups, depending on the type of right they have to the land they occupy:

- Any person(s) with formal legal rights to land. According to Zambia's land tenure system; this group consists of two types of people. Firstly, there are those with a 99-year renewable leasehold of state land. These have title deeds and the land they own has legally recognizable commercial value. Secondly, there are those who occupy land under the customary land tenure system.

This land is controlled and allocated to them by traditional authorities (chiefs). The owners do not have title deeds but they have a 'customary' legal claim to it. They may not involve themselves in land transactions without the consent of the chief.

- Any person(s) who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets. This group of people mostly comprises those who have

bought land or other immovable property, but have not yet completed the process of acquiring title deeds. The other group consists of those in legally established voluntary relocation areas who have not yet reached the retirement age at which point they become eligible for title deeds.

- Those who have no recognizable legal right or claim to the land they are occupying prior to the cut-off date

These are mostly encroachers into state land or those who may or may not occupy customary land without permission or recognition by the local authority (chief).

### **5.3 ELIGIBILITY CRITERIA**

The sub-project proponent is required to develop a Resettlement Action Plan (RAP) , satisfactory to Climate Change Secretariat and the World Bank, including detailed criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. In developing such a RAP, the sub-project proponent should follow the principles set forth in the RPF, including:

- The process of developing the RAP must include meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations (NGOs), and stakeholders. A continuous stakeholder consultation must also be established to guide the RAP preparation and implementation stages.
- Those who have formal legal rights (including customary rights) to land and those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets must be provided compensation for the land they lose, and other assistance, where necessary, such as: support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and; development assistance such as land preparation, credit facilities, training, or job opportunities in addition to compensation measures.
- Those who have no recognizable legal right or claim to the land they are occupying, or where their assets such as shelter or crops are located, should be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off date established by the project proponent and acceptable to Climate Change Secretariat and the World Bank. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
- All persons included who qualify for compensation must be provided compensation for loss of assets other than land, such as shelter and crops
- Furthermore, project affected persons should be:
  - Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be taken to restore their livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements; and
  - Provided with development assistance in addition to compensation measures described above, such as land preparation, credit facilities, training, or job opportunities.

- Finally, special attention should be paid to vulnerable groups and persons, and they should receive tailored support, adapted to their specific needs.

## 6. METHODS OF INVENTORYING AND VALUING AFFECTED ASSETS

### 6.1 BASIS OF VALUATION

The law and practice in Zambia advocate Market Value as Basis for Valuation. This RPF describes valuations of natural and physical assets.

### 6.2 METHODS FOR INVENTORYING ASSETS

Inventorying refers to the listing of assets in order to determine the value of each asset item and, consequently, the total value of assets. Inventorying requires that each asset item is expressed in an appropriate unit of measure. Examples of unit of measure include *hectare* for agricultural land, *acre* or *square meter* for residential plots and *item count* (each) for buildings and structures. The requirement to express assets in appropriate units for valuation purposes also entails that compound assets are separated and counted or added using appropriate units. An example of a compound asset is a piece of land on which a crop, such as maize, is still standing on it unharvested. Proper inventorying requires that quantity of land is counted and expressed in its appropriate unit (i.e. hectare) and the quantity of maize crop (expected to be harvested) is also expressed in an appropriated unit (e.g. 50-kilogram bag).

Once the asset listing has been produced, which is done as part of the census, the replacement cost of each unit of asset category is then determined. The unit replacement cost for each asset category is the one that is multiplied by the quantity of asset holding in each category.

### 6.3 ASSET VALUATION PRINCIPLES

In considering asset valuation, it is important to first agree on what is to be considered an asset. In this RPF, the term asset is being used in the sense of an advantage or resource that is available to an individual or household. As such, assets can be divided into five categories:

- **Natural assets** such as land and water;
- **Material assets** like household assets, including trees, crops, and grazing areas;
- **Financial / business assets**, such as main income, peripheral income and informal and formal credit and business enterprise;
- **Human assets** such as labour availability, and access to education and skills;
- **Social asset**, which include informal support networks, support and interest groups and ability to participate in grassroots democracy.

### 6.4 METHODS OF VALUING ASSETS

The following methods of valuing assets will be used under the project. The value (cost) reached by these methods would be equivalent to replacement value (cost). There are four major valuation methods used in Zambia (investment method, direct comparison method, replacement cost approach, residual method); however these methods are not meeting the standard of OP 4.12 and therefore, in the project, the World Bank OP 4.12 shall be followed.

## 6.7 OVERVIEW OF WB REQUIRED VALUATION METHOD

The World Bank Operational Policy 4.12 requires the use of replacement cost method of valuation of assets. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

The policy further states that "in determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset and where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. **“ A comparison between Zambia's valuation methods and the World Bank's recommended method brings out the following differences: Firstly, World Bank's replacement cost does not take into account the depreciation of the asset whilst the replacement cost method used in Zambia takes depreciation into account. Secondly, Zambian practice does not take into account transaction costs whilst the World Bank does. For the purposes of this project, the World Bank approach to valuation shall be applied.**

# 7. ARRANGEMENTS FOR FUNDING RESETTLEMENT COMPENSATION

## 7.1 OPERATIONAL PROCEDURES

The Compensation Committee is the body responsible for the oversight and implementation of the compensation process. This committee will be convened by the implementing agency, in and when resettlement cases arise, and will be comprised of expert representatives from local government and relevant line ministries (e.g. Ministry of Agriculture). The Compensation Committee must have the following: (a) at least 30% women, (b) 30% members from vulnerable groups. The Compensation Committee can establish Task Teams and Sub-Committees as required for defined tasks. These groups must be specifically mandated by the Committee, with a clear brief and reporting structure. Discussions about compensation must include both the husband and wife, when a male-headed household is impacted.

The Compensation Committee members might also consider the allocation of portfolios, ensuring clear management and reporting lines. Monitoring could be one of the portfolios. The Compensation Committee will receive operational support from the Climate Change Secretariat.

## **7.2 SOURCES OF FUNDING**

Although no displacement of populations is envisaged at this stage, any compensation for resettlement or loss of assets will be funded through Government funds.

It is estimated that given the very limited number of cases expected, if any, the cost of compensations necessary would not exceed 1% of the project cost (US\$200,000).

In addition, the cost of implementing and monitoring the RPF are included in project cost, in particular through a safeguards expert in the Climate Change Secretariat office, social cohesion and safeguards officers in the Provincial Project Coordination Units in the two Provinces targeted by the project, as well as allocation of funds to support local authorities with monitoring and verification tasks. These costs are estimated at about US\$700,000 for the 5 years of the project.

Since detailed inventories and compensation costing are undertaken in a phased manner matching project phases, an overall budget for the RAP has not been determined. Instead, the project will use the budget item for contingencies to finance RAP preparation, implementation and compensation should the need arise.



## 8. COMPENSATION PAYMENTS

In Zambian law, the basic principle with respect to compensation is that the sum awarded should, as far as possible, place the claimant in the same financial position as they would have been, had there been no question of the land being compulsorily acquired. In addition to assessing the value of the land acquired, assessments for severance, injurious affection and disturbance should be made, where applicable.

Severance refers to reduced value of the land used by the owner in the event that part of it is taken away. Injurious affection refers to depreciation caused by what is done on the land taken by the acquiring authority. The amount of disturbance payment shall be equal to:

- The reasonable expense of the person entitled to the payment in removing them from the land from which they are displaced;
- Compensation for land and all immovable assets valued at market value or full replacement value, (whichever is the higher rate) and
- If they were carrying out trade or business on the land the loss they will incur by reason of the disturbance of that trade or business consequent upon their having to quit the land.

### 8.1 COMPENSATION GUIDELINES

Compensation rates will be at market rates as at the date and time that the replacement is to be provided. The current prices of cash crops would have to be determined.

Homestead such as bush is community property. Only structures on the site belong to individuals, while permanent loss of any homestead site will be covered by community compensation which will be in-kind only. However, all persons losing land as a direct consequence of the project or sub-projects will be entitled to land of equal amount and of similar standard which will be located as close to the current site as possible.

Compensation for land is intended to provide the affected person whose land is acquired and used for sub-project purposes with compensation for land, labour and crops loss. Where land acquired has a standing crop, the farmer will be compensated in full for the expected market value of the crop plus the loss of investment of labour and purchased inputs for the production year/season in question.

### 8.1.1 Types of Compensation

The types of Compensation recommended for use in the implementation of RAPs include cash payment and in-kind compensation.

- a. Cash payment:** Cash payment compensation will be calculated and paid in Zambian Kwacha (ZMK). Rates will be based on market value of land when known or estimated when unknown plus compensation of the value of standing crops. The cash payment will be equal to, or greater than the replacement value for the impacted asset.
- b. In-kind compensation:** In-kind compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credit for equipment, while assistance to affected persons would include moving allowances, transportation and labour.

It is recommended that cash payments to beneficiaries be provided through financial institutions like banks in order to reduce chances of theft and loss of livelihoods. The project implementation unit and the compensation and resettlement committees at Ward and District level and the beneficiaries will decide upon the time and place for in-kind compensation payments.

- Training
- Transport
- Capacity building
- Services, schools, clinics, roads, wells, meeting places, education facilities
- Employment opportunities
- Housing
- Electricity

### 8.2 COMPENSATION COMPUTATION

This RPF recommends the following compensation rates for land, crops, labour, buildings and structures, vegetables, horticultural, floricultural and fruit trees.

Distinction in compensation will be made between a land owner versus a land user; land owner and owner of the crop which may not be the household head; and if the land owner differs from the user, then compensation must be calculated and provided to each person separately.

For each payment, compensation will be calculated in Zambian Kwacha currency adjusted for inflation.

#### 8.2.1 Compensation for Land

Compensation for land is aimed at providing for loss of land or crops and the labour used to cultivate the crops, and will cover the market value of the land, the cost of the labour invested as well as the replacement cost of crops lost.

### **8.2.2 Crop Compensation Rates**

Prevailing prices for cash crops and fodder would have to be determined. Each type of crop is to be paid for, using the same rate, incorporating the value of the crop and that of the labour to be invested in preparing new land.

### **8.2.3 Labour Cost Compensation Rates**

The value of labour invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The calculation of labour cost for preparing replacement land based on what it would cost a farmer to create replacement farm land.

### **8.2.4 Compensation Rates for Buildings and Structures**

Compensation for structures and buildings will be paid at replacement cost of labour and construction materials for these structures including fences, water and sanitation facilities, etc.

The applicable replacement cost of construction materials, taking into account market values for the structures and materials, will be used to calculate compensation value, where part of the compensation is to be paid in cash.

Alternatively, compensation will be paid in-kind at replacement cost without depreciation of the structure.

### **8.2.5 Compensation Rates for Vegetables**

Affected families will be compensated at the purchase prices of these items in the local market.

### **8.2.6 Fruit Trees**

Fruit trees will be compensated at replacement value based on historical production statistics given their significance to the local economy.

## **8.3 COMPENSATION PAYMENT PRINCIPLES**

Payment of compensation and other entitlements and assistance will be made to PAPs according to the following principles:

- Compensation shall be paid prior to being impacted by project activities;
- Compensation will be at least full replacement value and the compensation policy and its processes shall be perceived by the PAPs as being full, fair and prompt;
- Preference will be given to persons whose livelihoods are land-based;
- Where sufficient land is not available at reasonable price, non-land based options centred on opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost;
- Taking of land and related assets may take place only after compensation has been paid; and resettlement sites, new houses, related infrastructure, public services and moving allowances have been provided to impacted persons;
- In addition to these entitlements, households who are found to be in difficult situations, and are at greater risk of impoverishment such as widow/ widower headed households,

households without employment, single parent households etc., as identified by the census, will be provided with appropriate assistance by the project;

- Assistance may be in the form of food, temporary accommodation, medical assistance, employment referrals or priority employment in project activities. This assistance is meant to help PAPs cope with the displacement caused by the programme; and Compensation and other assistance should be provided prior to displacement, and Preparation and provision of resettlement sites with adequate facilities.

#### 8.4 ENTITLEMENTS AND COMPENSATION MATRIX

For ease of reference, a matrix of entitlements and compensation showing a summary of assets the loss of which a PAP is entitled to be compensated for shall be prepared by the proponents of sub-projects, and that as a minimum shall meet the standards of this RPF. The entitlements and compensation matrix follows the eligibility criteria outlined in this RPF for compensation and/or resettlement/rehabilitation assistance and for losses of different types of assets and for various categories of PAPs as shown in the table below.

Table 3: Entitlements and Compensation Matrix

Types of Losses	Category of PAP	Entitlement	Responsible Agency
Farmlands (including structures and improvements to land)	Land owners, Commercial farmers, tenants, subsistence farmers, former and current refugees, squatters	-Alternative land of equivalent quality (verified by soil tests and expert inspection) to be provided; -Compensation for improvements to land, crops and farm implements, e.g lime, fertilizer, tools and seeds,; restoration of livelihoods at new sites through access to livelihoods sub-projects and training -Voucher for clearing new land for vulnerables/restarting farming of new land	Project management, Resettlement and Compensation Committees, DDCCs, PACO, DACO, Commissioner of Lands, Provincial Resettlement Officer, Local Authorities, Valuation
Structures	Land owners, Commercial farmers, tenants, subsistence farmers, former and current refugees, squatters	- compensation for replacement of buildings, structures, - relocation allowances sufficient to cover the cost of moving equipment, furniture and personal effects (transport and labor) ;	Project management, Resettlement and Compensation Committees, DDCCs, PACO, DACO, Commissioner of Lands, Provincial Resettlement Officer, Local Authorities, Valuation
Agricultural crops (including fodder)	Subsistence & small scale farmers, tenants, squatters, encroachers, former and current refugees	-Cash compensation equal to crop rates in scarce season	Project Management, Resettlement and Compensation Committees, DACO and Project Staff, Valuation Department

Rental property	Tenant farmers, residential and commercial renters	-compensation for 6 months rental, compensation for improvements on the land; assistance in form of transport and settling in allowance; restoration of livelihoods at new sites	DACO & Project Staff, Resettlement and Compensation Committees, Commissioner of Lands, Councils, Valuation department, Survey Department, Department of Physical Planning and Housing
Loss of community services such as: schools, churches, grazing fields, dip tanks etc.	Local communities, teachers, school children, subsistence farmers, former and current refugees	-Re-construct or reestablish lost community resources like churches and other cultural structures or provide alternatives in consultation with affected communities	Project Management & DACO, DDCC, Relevant Ministries, Councils, Traditional Authorities, Survey Department, resettlement and Compensation Committees, NGOs and CBOs in the area
Loss of structures, shelter and improvements to land	Tenants, squatters, encroachers, former and current refugees	Compensation for buildings, structures, and improvements to land; payments in lieu of wages while building, for squatters, assistance in the form of allowance and transport,	Project Management, Resettlement and Compensation Committees, DACO and Project Staff, Valuation Department
Loss of Income	Any PAP losing income as a result of sub- project activities.	Compensation for days of business closed, business relocation allowance, facilitation of alternative job training and other incentives	All PAPs should benefit from some kind of income (restoration to at least pre-project)

Operational budgeting will be part of the overall budgeting process for sub-projects.

Once calculated, The RAP budget will be ring-fenced to ensure transparency and reporting. Against this background, it may be divided into various cost centers.

### 8.5 Compensation Procedures

The Zambian legislation, and WB Operational Policy 4.12 clearly establish the right to compensation for property that is acquired in public interest. Although the Zambian Government recognizes both statutory and customary land tenure, and people who lose their assets receive the same indemnification as those who have formal title, the specific procedures for valuing assets are not detailed in the Zambian law.

It is in this regard that this RPF spells out the following valuation and compensation procedures which will be followed for any resettlement related operations that will take place under the project activities in regards to land, agricultural fields, Residential and business structures; Crops, Trees and fruit trees

### **8.5.1 Land**

House or Business Plots: Same size in nearby location, replaced in-kind. The project will pay all the administrative fees. While all public utilities will be provided to all PAPs as appropriate. For businesses, particular attention should be paid to the type of clientele of the business. Agricultural fields will be replaced in kind by the Project.

### **8.5.2 Agricultural Fields**

Same size and with same soil type and water availability, all administrative fees and costs by the project. In the case of new agricultural lands, the costs of preparing the land for production will also be compensated fees in case of preparing new lands. If no unoccupied land is available, the search for suitable replacement must be carefully documented, and, if accepted, compensation will be at the current rate for informal land sales over the past three years; the project will monitor that the PAP actually replaces the land.

### **8.5.3 Residential Structures**

The valuation of losses will be determined at their new or the un-depreciated or replacement cost will be the determinant factor in the compensation of the loss. Either replacement in-kind; or, at the option of the PAP, compensation will be in and calculated at the new cost of a building of the same size made of similar or better materials. Any administrative fees will be paid by the project. All public utilities will be provided as appropriate for the locality. Cost of physical transfer to new residence will be covered by the project.

### **8.5.4 Businesses Structures**

As above (residential structures). In addition to land and structures, reimburse lost employee wages and business profit for the period of the relocation.

### **8.5.5 Infrastructure (e.g., fences, latrines, wells)**

Replacement in-kind or compensation at current cost of replacing infrastructure

### **8.5.6 Crops**

Value of amount of production lost, priced at local market price at mid-point between harvests.

### **8.5.7 Trees**

*Timber trees:* Value of lumber where tree to be sold and sawn, if not salvaged.

**8-50-8 Fruit trees:** Value of production lost during period while seedling comes into production; provide replacement seedlings.

A description of the proposed types and levels of compensation under the law or customary practice, and such supplementary measures as are necessary to achieve replacement cost for lost assets, will be provided in each RAP.

In order to ensure that during the project implementation any person impacted by land acquisition will be provided full replacement cost of lost structures and is able to rebuild or replace his or her house without difficulty, the Community Development Committee will ensure that estimated building compensation rates are based on full replacement cost without depreciation. The CDC will

also be responsible for ensuring that (or arranging to provide) alternative residential plots are provided to the displaced persons. Once individual project impacts are identified and valuation of individual structures is completed, detailed compensation rates for different structures will be included in the resettlement plan, and the plan will be submitted to, and reviewed for a no-objection by the World Bank or its designated representative prior to the start of any physical works.

## 9. DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS

### 9.1 POTENTIAL GRIEVANCE/DISPUTES

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation programme may for example be related to the following issues:

1. Inventory mistakes made during census survey as well as inadequate valuation of properties;
  2. Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
  3. Disagreements on plot/asset valuation;
  4. Divorces, successor and family issues resulting into ownership dispute or disputes shared between heirs or family;
  5. Disputed ownership of a given assets (two or more affected individual(s) claim the same); and
  6. Where affected individual(s) opt for are settlement-based option, disagreement on the resettlement package (the location of the resettlement site does not suit them).
- 
7. Dispute of alledged voluntary donation of land

### 9.2 PROCEDURE

Despite best efforts with regard to the public consultation and community relations, there will be times when the project sponsor and stakeholders disagree. All project affected persons will be informed of their rights to raise grievances via RAP information sharing initiatives.

Mechanisms have been put in place to ensure that grievances are recorded and considered fairly and appropriately. These include:

- i. A register of grievances which is held by the Community Liaison Officer or any appointed mechanism by the Climate Change Secretariat.
- ii. Receipt of grievances will be acknowledged as soon as possible, by letter or verbal means.
- iii. The grievance will be reviewed by the Compensation Committee and appropriate action will be implemented. The preferred course of action will be discussed with the person bringing the grievance. Wherever possible, grievances will be resolved at this level.
- iv. Relevant details of grievances, with outcomes, will be made available to the affected parties through personal notification of the Climate Change Secretariat The Climate Change Secretariat should develop a communication strategy for grievance redress mechanism for the project which should include an explanation on the methods used in carrying out the project's activities and such compensation payments etc.



### 9.3 UNRESOLVED GRIEVANCES AND DISPUTES

Unresolved issues will be referred to a credible and independent person or body for arbitration. Other RAP processes where disagreements are deep may opt to involve community recognized local institutions such as senior church officials, or other respected civil society figures.

There are three ways in which grievances shall be resolved. These are:

1. **Arbitration:** The Arbitration Act (chapter 40, Laws of Zambia) makes provisions for aggrieved parties to agree to settle disputes out of court through arbitration. In order to use arbitration in the settlement of disputes, the parties ought to make a written agreement to submit a present dispute, or future disputes to arbitration. The parties are at liberty whether or not to name an arbitrator in the agreement. Where an arbitrator is not named in the agreement, the agreement should designate a person who would appoint an arbitrator.
2. **Courts of Law:** It should be noted that arbitration only works where the parties to a dispute agree to resolve a difference through arbitration. Where there is no consent, then a court of jurisdiction may be used to resolve a dispute.
3. **Grievance Redress Committee:** The project will set up a grievance redress mechanism (GRM) building on both traditional conflict-resolution flows as well as administrative and project-based steps to ensure community members or any stakeholders have an opportunity and means to raise their concerns or to provide suggestions regarding project-related activities. From the community to the national level, there will be focal persons to receive, record and address grievances, queries and suggestions. A reporting line of received (and addressed) grievances is also clearly defined, so that the Climate Change Secretariat (national level PIU) will have a full set of data. Complaints will be categorized and recorded at each level of the structure, and consolidated periodically in a national-level grievance database. The database will also be an effective management tool to monitor progress and detect potential obstacles in the project implementation. During the participatory assessment process for sub-project preparation (Component 1 and 2) and sensitization sessions (Component 3), the project's GRM ("communication steps" for beneficiaries) will be explained so that all stakeholders will be aware and encouraged to use the mechanism for transparency and better project implementation. To better inform stakeholders, the project will prepare materials (e.g., posters, leaflets) in a widely spoken local language and displayed in public accessed areas as part of the communication activities. More detailed plans on the GRM will be explained in the PIM.

The illustration in Annex 9 summarizes the procedure for grievances redress and outlines the entry points and decision-making at respective levels:

## 10. RPF/RAP MONITORING ARRANGEMENTS

This RPF proposes the following RPF and RAP monitoring arrangements:

### 10.1 RPF monitoring

The Climate Change Secretariat will carry out the monitoring of the RPF to ensure compliance to its provisions by stakeholders. In this regard the Climate Change Secretariat should design and put in place the programme's monitoring mechanism which should include the following:

- Monitoring resettlement activities such as compensation valuation and compliance with the World Bank involuntary resettlement policy

### 10.2 INTERNAL MONITORING

To enable the sub-project proponents to measure progress against set targets, performance monitoring will be carried out as an internal function by the organization(s) responsible for implementing the RAPs. In this regard performance monitoring reports will be prepared at monthly, quarterly, half yearly and yearly intervals depending on the issues to be monitored. Performance targets in this regard will include:

- Public meetings held,
- Compensation disbursed,
- Census surveys completed,
- Assets inventories and socio-economic studies completed,
- Compensation agreements signed
- Number of people impacted
- Number of people with land title, amount of land available for crops
- Proportion of displaced people relocated; and
- Income restoration and development activities initiated.
- Feedback from affected people (presented in resettlement implementation report)

If the volume of work involved in performance monitoring is beyond the capacity of the RAP's implementing organization to carry out, then the monitoring function could be sub-contracted to a consultant.

### 10.3 IMPACT MONITORING

Impact monitoring to be undertaken by the sub-project proponent, or an independent agency, will provide assessments of the effectiveness of the RAP strategies in meeting the affected populations needs. Quantitative and qualitative indicators will be used to compare the effects of the RAPs activities with the baseline conditions of the affected populations before and after the resettlement exercises. The satisfaction of the affected population with the resettlement initiatives will be assessed for their adequacy or deficiency, while the census assets inventories and socio-economic studies will constitute the baseline for the affected population, for the purpose of evaluating impact assessment.

#### 10.4 EXTERNAL COMPLETION AUDIT

Completion audit(s) shall be carried out after the completion of all RAP inputs. The main aim of the completion audit or external monitoring is to assess how far the sub-project proponents' efforts have gone in the restoration of the living standards of the affected population; and also assess whether the strategies for the restoration for the living standards of the affected people have been properly conceived and implemented.

The following are some of the several issues which need to be verified in the external monitoring:

- Physical inputs committed in the RAPs
- Delivery of services provided in the RAPs
- The effects of mitigation measures prescribed in the RAPs
- The affected populations and host populations social economic status after project impacts measured against the baseline conditions after the exercise.

#### 10.5 DEVELOPMENT OF VERIFIABLE INDICATORS

In order to ensure that monitoring the impacts of the compensation and resettlement activities for the project are done successfully, a number of objectively verifiable indicators (OVI's) shall be used. These indicators will be targeted at quantitatively measuring the physical and socioeconomic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, the following table provides a set of indicators which can be used.

Table 4: Types of Variable Indicators

MONITORING	EVALUATION
Outstanding compensation or resettlement contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre-project production and income (year before land used) versus present production and income of resettlers, off farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.

Pre-project production versus present production (crop for crop, land for land).	Equal or improved production per household.
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### 10.5.1 Indicators to determine status of affected people

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc.). Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

### 10.5.2 Indicators to measure RAP performances

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- The Local Governments, with support from the PIU, will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages
- Number of individuals receiving cash or a combination of cash and in-kind compensation,
- Number of payments made in a month/ year.
- The number of contentious cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish their livelihood (activities, land and crops or other alternative incomes) to the same level as prior to pre-project level or better.
- Mining and agricultural productivity of new lands
- Number of impacted locals employed by the project activities

### 10.5.3 Indicators to monitor and evaluate implementation of RAPs

Financial records will be maintained by the Local Governments and the executing agencies to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing;

- Individual bio-data information,
- Number of people s/he claims as household dependents
- Amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement/compensation:

- Level of income and of production
- Inventory of material assets and improvements in land, and Debts

## 11. APPENDICES

**APPENDIX 1: LEGAL FRAMEWORK**

Comparison between Zambian Legislation and the World Banks OP4.12

Subject	World Bank OP 4.12	Zambian Legislation	Comparison	Conclusion
Notification period/timing of project impacts	<p>The World Bank (Bank) requires that activities associated with a sub-project ensures that impacts or restriction of access or the taking of land and assets does not for occur before putting in place measures resettlement e.g. compensation</p> <ul style="list-style-type: none"> <li>• Provision of resettlement sites and payment of morning allowances to displaced persons.</li> </ul>	<p>Section 5 to 7 of the Zambian Lands Acquisition Act provides for the issuance of notices to show:</p> <ul style="list-style-type: none"> <li>• The state’s intention to acquire property.</li> <li>• The landowner/occupant to yield up property.</li> <li>• The State to take up possession.</li> </ul>	<p>Both the Bank and Zambian Legislation agrees that impacted persons should be compensated before land and related assets are taken away.</p>	<p>Compensation and necessary support shall be paid and provided for before land is handed over as per the Bank resettlement policy</p>
Eligibility for compensation	<p>The following are eligible according to the Bank :</p> <ul style="list-style-type: none"> <li>• Those with formal rights to the land.</li> <li>• Those who have claim to the land but without formal legal rights; and.</li> <li>• Those without recognizable legal right or claim to the land.</li> </ul>	<p>Section 10 of the Lands Acquisition Act of the Zambian Laws provides for compensation of persons whose land has been acquired compulsorily under the Act.</p>	<p>The Bank grants eligibility for compensation to all affected parties whereas the Zambian Law provides for compensation only to those with lawful possession of the land.</p>	<p>Application of the Bank Safeguard policy provisions as outlined in this tables column 2</p>

<p>Compensation</p>	<p>Bank policy requires that:</p> <ul style="list-style-type: none"> <li>Displaced persons are promptly provided with effective compensation at <i>full replacement cost</i> for loss of assets attributed to the project directly.</li> <li>Displaced persons are provided with assistance during relocation and residential housing, housing sites and agricultural sites of at least equivalent standard as the provision site, if physical</li> </ul>	<p>Section 10 of the Lands Acquisition Act Chapter 189 of the Laws of Zambia provides for compensation consisting of money, agreed as per the Act. Where the property to be acquired compulsorily is land, the President, with the consent of the person entitled to compensation shall in view or in addition to any compensation payable under the section grant others land not exceeding the value of the land acquired.</p>	<p>Compensation and valuation of assets states that:</p> <ul style="list-style-type: none"> <li>Compensation and relocation must culminate in the affected persons property and livelihood restored to at least equivalent standards prior to relocation.</li> </ul>	<p>Bank policy requirements will be followed because the Zambian Law does not meet the standards of full compensation at full replacement cost.</p>
<p>Valuation and amount of displacement compensation</p>	<p>Bank defines replacement “cost” with regard to land and structures as follows :</p> <p><b>Agricultural Land:</b> pre-projector pre-displacement whichever is higher, market value of land of equal productive value or use located in the vicinity of the affected land to levels similar to those of affected land, plus the cost of any registration and transfer costs.</p> <p><b>Urban Land:</b> pre displacement market value of land of equal size and use with similar or improved public infrastructure facilities and services located in</p>	<p>Chapter 1 Article 16 of the Laws of Zambia provides for fundamental right to property and protects persons from its deprivation. The Act stipulates that no person can be deprived of his property compulsorily without adequate compensation. The level of compensation amount shall be determined by agreement of the relevant parties and that in default of the agreement on the amount payable, a court of competent jurisdiction shall determine the amount of compensation. Qualified valuation professionals will undertake valuation of assets. On traditional land assets are valued at replacement cost separate from the land. As traditional land has no recognizable market value it is not appropriate to value it using replacement cost value.</p>	<p>According to the Bank, compensation is broader and ensures that all property and inputs to livelihoods are taken into account including the costs associated with developing new livelihoods at the same or better standards than those prior to displacement. The Zambian legislation is narrower than the Bank’s, as provisions does not ensure that all property inputs are taken into account in the valuation and compensation for displacements</p>	<p>Bank policy provisions will be applied for valuation and compensation purposes. Zambian Law does not meet the standards of compensation at full replacement cost.</p>



	<p>the vicinity of affected land, plus the cost of any registration and transfer taxes. For Houses and other <u>Structures</u>:-the market cost of the materials to build a replacement structure with an area and quality similar or better than those of the affected structure plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors fees plus the cost of any registration and thoughtful taxes.</p>			
<p>Project proponents responsibilities</p>	<p>According to Articles 14 and 18 of the World Bank' OP 4.12, the borrower is responsible for conducting census, preparing implementing and monitoring the appropriate instrument for resettlement. In addition, Article 24 requires that the borrower be responsible for monitoring and evaluation of sub-project activities in the resettlement instrument. Article 19 requires the borrower to inform potentially displaced persons at an early stage about the resettlement aspects of the project. It</p>	<p>The Environmental Protection and Pollution Control Act, Chapter 204 of the Laws of Zambia's Air Regulation schedule No.3, specifies the type of developments which require a project brief, while regulation 10 provides for public consultation by the developer before submitting the project to the Environmental Council of Zambia for approval. The developer is also required to seek the views of the project affected committees. In addition, the developer shall publicize the intended project, its effects and benefits in the media and using local language. Regulation II provides for the contents of the EIS to include:</p> <ul style="list-style-type: none"> <li>• Social and economic impacts of the project uses in the areas. According to the Town and Country Planning Act, if resettlement is to be undertaken, then a development plan in that regard has to be prepared and approved by the relevant planning authority under the MLGH. If more than 2,000 people are to be</li> </ul>	<p>According to the Zambian legislation, the process required for the project proponent/ implementing agency is long and involves many organizations.</p>	<p>As per the Zambian law, the environmental and planning process outlined might be followed together with the Bank's requirements including:</p> <ul style="list-style-type: none"> <li>• Screening Census i.e. development of a plan</li> <li>• Management of compensation payments.</li> <li>• Proper consultation with affected persons.</li> </ul> <p>Monitoring and evaluation of the project</p>

	<p>requires the project to take their views into account in project design. Upon completion, the borrower must undertake an assessment to determine whether the objectives of the resettlement have been realized.</p>	<p>resettled, then a relocation scheme for that purpose has to be prepared and implemented by The Resettlement Department of the Office of the Vice President in the Province.</p> <p>If project land is under traditional authority, there will be a need to convert the land from traditional to state land as per the requirements of the land conversion legislation, while the Land Survey Act will apply in areas where the project relates to their uses in the areas. According to the Town and Country Planning Act, if resettlement is to be undertaken, then a development plan in that regard has to be prepared and approved by the relevant planning authority under the MLGH. If more than 2,000 people are to be resettled, then a relocation scheme for that purpose has to be prepared and implemented by The Resettlement Department of the Office of the Vice President in the Province. If project land is under traditional authority, there will be need to convert the land from traditional to state land as per the requirements of the land conversion legislation, while the Land Survey Act will apply in areas where the project relates to their mandates e.g. Public Roads, Agricultural Lands, Local Government, Forestry, Water, Zambia Wildlife, etc.</p>		
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**APPENDIX 2: ENVIRONMENTAL AND SOCIAL SCREENING FORM**

The below form is designed to be completed by local authorities and communities implementing subprojects, to record environmental and social aspects of the subprojects. These forms will then be reviewed by the Climate Change Secretariat.

Sub-project name:			
Sub-project Location (e.g. region,)			
(Include map/Sketch):			
Type of activity:(e.g. new construction, rehabilitation, periodic maintenance)			
Estimated Cost( \$ USD)			
Proposed Date of			
Commencement of Work:			
Technical Drawing/Specifications  Reviewed:	Circle Answer	Yes	No

Issues	Low	Site Sensitivity Medium	High	Rating
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present	
Water quality and Water resource availability and use.				
Natural hazards vulnerability, floods, soil stability/erosion				
Cultural Property				

<b>Involuntary resettlement</b> (including loss of land, assets affixed to land such buildings, productive crops and trees, access to commercial operating space)				
<b>Indigenous Peoples</b>				

**2. Checklist questions:**

<b>Physical data:</b>	<b>Yes/ No answers and bullet lists preferred except where descriptive detail is essential.</b>
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project.	
Any plans for new construction	

**Refer to project application for this information**

<b>Preliminary Environmental Information:</b>	<b>Yes/No answers and bullet lists preferred except where descriptive detail is essential</b>
State the source of information available at this stage (proponents report, Environmental Impact Assessment or other environmental study).	
Has there been litigation or complaints of any environmental nature directed against the proponent or sub-project	

**Refer to application and/or relevant environmental authority for this information.**

<b>Identify type of activities and likely environmental impacts:</b>	<b>Yes/No answers and bullet lists preferred except where descriptive detail is essential</b>
What are the likely environmental impacts, opportunities, risks and liabilities associated with the sub-project?	

**Impact, Mitigation and Monitoring Guidelines**

<b>Determine environmental screening category:</b>	<b>Yes/No answers and bullet lists preferred except where descriptive detail is essential</b>
After compiling the above, determine which category the sub-project falls under based on the environmental categories schedule 1,2or3	

**Screening and Review Process**

<b>Mitigation of Potential Pollution</b>	<b>Yes /No answers and bullet lists preferred except where descriptive detail is essential.</b>
Does the sub-project have the potential to pollute the environment, or contravene any environmental laws and regulations?	
Will the sub-project require pesticide use?	
If so, then the proposal must detail the methodology and equipment incorporated in the design to constrain pollution within the laws and regulations and to address pesticide use, storage and handling.	
Does the design adequately detail mitigation measures?	

**Mitigation and Monitoring Guidelines**

<b>Environmental Assessment Report or Environmental studies required:</b>	<b>Yes /No answers and bullet lists preferred except where descriptive detail is essential.</b>
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If screening identifies environmental issues that require an EIA or study, does the proposal include the EIA or study?	
Indicate the scope and time frame of any outstanding environmental study.	
Required environmental Monitoring Plan:	
If the screening identifies environmental issues that require long term or intermittent monitoring (effluent, gaseous discharges, water quality, soil quality, air quality, noise etc.), does the proposal detail adequate monitoring requirements?	

**Impact, Mitigation and Monitoring Guidelines**

<b>Public participation/ information requirements:</b>	<b>Yes /No answers and bullet lists preferred except where descriptive detail is essential.</b>
Does the proposal require, under national or local laws, the public to be informed, consulted or involved?	
Has consultation been completed?	
Indicate the time frame of any outstanding consultation process.	
Land and resettlement:	<b>Yes /No answers and bullet lists preferred except where descriptive detail is essential.</b>
What is the likelihood of land purchase for the sub- project?	
How will the proponent go about land purchase?	
What level of type of compensation is planned?	
Who will monitor actual payments?	

<b>Actions:</b>	
List outstanding actions to be cleared before sub- project appraisal.	
Approval/rejection	<b>Yes /No answers and bullet lists preferred except where descriptive detail is essential.</b>
If proposal is rejected for environmental reasons, should the sub-project be reconsidered, and what additional data would be required for reconsideration?	

**Recommendations:**

Requires an EIA and/or RAP, to be submitted on date: \_\_\_\_\_

Requires EMP, to be submitted on date: \_\_\_\_\_

Does not require further environmental studies: \_\_\_\_\_

Reviewer: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX 3: ENVIRONMENTAL AND SOCIAL SCREENING CHECKLIST**

**A. NAME, DEPARTMENT, JOB TITLE, AND CONTACT DETAILS FOR  
THE PERSON WHO IS RESPONSIBLE FOR FILLING OUT THIS FORM:**

Completed by

(Name): \_\_\_\_\_ Contact

details: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**B. PROJECT DESCRIPTION**

Name of Project: \_\_\_\_\_

Name of Project Execution Organization: \_\_\_\_\_

Location of the Project: \_\_\_\_\_

Type and scale of the Project: \_\_\_\_\_

Approximate size of the Project in land area the location of the project: \_\_\_\_\_

Estimated Cost: \_\_\_\_\_

**C. THE CHECKLIST**

Please fill in the checklist below:



**PROJECT SITING:**

1. Are there any environmentally sensitive areas (intact natural forests, Rivers or wetlands etc.,) or threatened species (specify below) that could be adversely affected by the project?: Yes \_\_\_\_\_ No \_\_\_\_\_

2. Does the project occur within/adjacent to any protected areas designated by government (national park, national reserve, etc.): Yes \_\_\_\_\_ No \_\_\_\_\_

3. Based upon visual inspection or available literature, are there areas of possible geologic or soil instability (erosion prone, landslide prone, subsidence-prone): Yes \_\_\_\_\_ No \_\_\_\_\_

4. Is the project located near to water sources used for domestic consumption such as boreholes, water wells or springs?: Yes \_\_\_\_\_ No \_\_\_\_\_

5. Based on available sources, consultation with local authorities, local knowledge and/or observations, could the project alter any historical, archaeological or cultural heritage site?: Yes \_\_\_\_\_ No \_\_\_\_\_

6. Will the project result in displacement, loss of assets, or access to assets?: Yes \_\_\_\_\_ No \_\_\_\_\_

7. Will the project result in the permanent or temporary loss of crops, fruit trees and household infra-structure (such as granaries, outside toilets and kitchens, etc): Yes \_\_\_\_\_ No \_\_\_\_\_

**CONSTRUCTION RELATED ACTIVITIES**

Will construction or operation of the Project use large amounts of local natural resources such as water, timber, gravel from river beds, stones especially any resources which are non-renewable or in short supply?: Yes \_\_\_ No \_\_\_\_\_

Will the Project involve use, storage, transport or handling of substances or materials which could be harmful to human health or the environment?: Yes \_\_\_ No \_\_\_\_\_

Will the Project produce solid wastes during construction or decommissioning? Yes \_\_\_ No \_\_\_\_\_

Will construction require the use of heavy machinery or equipment?: Yes \_\_\_ No \_\_\_\_\_

#### **Operational Phase**

Will the Project result in the production of solid wastes during the operational phase? Yes \_\_\_ No \_\_\_\_\_

Will the Project result in hazardous wastes during the operational phase? Yes \_\_\_ No \_\_\_\_\_

Will the Project produce waste water that require drainage?: Yes \_\_\_ No \_\_\_\_\_

Will the Project require community management of the services?: Yes \_\_\_ No \_\_\_\_\_

#### **D. PROPOSED ACTION**

All the above answers are 'NO'

If all the above answers are 'NO' there is no need for further action. The CDL and VDA will sign this form, and attach it to the project proposal before forwarding it to the RO for further processing.

There is at least one 'YES'

If there is at least one 'YES' describe your recommended course of action in the space below. If more space is needed, attach a separate sheet to the checklist. If there will be land acquisition, please follow the outline provided in Annex A of this RPF in completing this form.

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Signed: \_\_\_\_\_

Chairman, CDL

\_\_\_\_\_

Member, CDL

\_\_\_\_\_

Member, CDL



Member, CDC

**E. RECOMMENDATION OF head of the project coordination unit**

Circle one of the following screening recommendations:

1. All answers to the questions in Section D above are **“No,”** and there is no need for further action, circle the ‘NO’ below and sign this form

**NO**

Signed: \_\_\_\_\_

\_\_\_\_\_

Head of Project Coordination Unit

2. For all issues indicated by **“Yes”** answers to the questions in Section D above, the proponent has included adequate mitigation measures in the project design. While no further planning action is required, implementation of the mitigation measures will require supervision by the appropriate agency.

**YES**

Signed: \_\_\_\_\_

\_\_\_\_\_

PIU Coordinator

3. For all checklist questions with **“Yes”** answers in Section D above (specify questions numbers), specify whether or not the proponent has provided adequate mitigation measures. Where measures are deemed inadequate, the proponent must **revise** the proposed project plan to provide adequate mitigation.

Also note whether specialist advice may be required in the following areas:

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4. For all checklist questions with “Yes” answers in Section D above (specify question numbers), indicate whether or not the proponent must prepare an **environmental assessment** of the proposed project, and revise the project plan according to the results of that assessment.

Also note whether specialist advice will be required in the following areas:

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**Signature:** \_\_\_\_\_

Head of Project Coordination Unit

**Date :** \_\_\_\_\_

## APPENDIX 4: RESETTLEMENT SUMMARY DATA SHEETS

The form below is the form to be used as a basis to conduct the census survey, to be conducted by the Climate Change Secretariat, in collaboration with local authorities (see chapters 3 and 5).

### POPULATION CENSUS, ASSET INVENTORY AND SOCIO-ECONOMIC SURVEY

Number of families who live on the parcel of land to be taken: \_\_\_\_\_

#### CURRENT HOUSING

FAMILY	HOUSE PLOT SIZE (M <sup>2</sup> )	HOUSE DIMENSIONS (M <sup>2</sup> ); (Number of Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS
PAP 1.					
PAP 2					
PAP 3					
...					

Observations on Housing:

PAP 1: \_\_\_\_\_

PAP 2: \_\_\_\_\_

PAP 3: \_\_\_\_\_

#### REPLACEMENT HOUSING COST

FAMILY	HOUSE PLOT COMPENSATION (M <sup>2</sup> )		HOUSE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			TOTAL
	Replace	Cash Comp	m <sup>2</sup>	Kwacha /	Total	Item	Kwacha/	Total	

	in-Kind	Kwacha/ m <sup>2</sup>	Total		m <sub>2</sub>  (same building material s)			/ per		
PAP 1										
PAP 2										
PAP 3										
...										
Totals										

Number of businesses on the parcel of land to be taken : \_\_\_\_\_

**CURRENT BUSINESSES**

BUSINESS TYPE  (E.G., TAILOR, HARDWARE STORE, GRAIN SELLER)	PLOT SIZE (M <sup>2</sup> )	BUSINESS  DIMENSIONS (Note (M <sup>2</sup> ); structure, or table kiosk ; structure, number Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE  (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS  (E.G., AMOUNT OF INVENTORY, NUMBER OF EMPLOYEES, MONTHLY PROFITS)
1.					
2.					
3.					
...					

Observations on Businesses :

1 : \_\_\_\_\_

2 : \_\_\_\_\_



3: \_\_\_\_\_

**REPLACEMENT COSTS**

BUSI-NESS	PLOT COMPENSATION (M <sub>2</sub> )			STRUCTURE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			LOST WAGES, PROFITS (PER MO.)		TOTAL
	Replace in-Kind	Cash Comp		m <sup>2</sup>	Kwacha/m <sup>2</sup>  (same building materials)	Total	Item	Kwacha/ / per	Tot	Employee		
Kwacha/ m <sup>2</sup>		Tot	No.							Wage		
PAP 1												
PAP 2												
PAP 3												
...												
Totals												

Number of Agricultural Plots Taken: \_\_\_\_\_

FARMER PAP	LAND			CROPS			TREES					OTHER INFRASTRUCTURE.		TOTAL
	m <sub>2</sub>	In-kind	Cash Total (and Kwacha/ m <sup>2</sup> )	Crop (kg/ha)	Value (Kwacha /ha)	Total (Prod ha x Kwacha /ha)	Timber		Fruit			Item	Value	
							Species	Value	Species	Yield (Kwacha/ kg)	Value			
1.														

2.														
3.														
...														
Totals														

**APPENDIX 5: GRIEVANCE PROCESS**

**GRIEVANCE REGISTRATION FORM**

**Plaintiff:** \_\_\_\_\_

**ID Number :** \_\_\_\_\_

**Contact Information :** \_\_\_\_\_

(Village ; mobile phone)

**Property Contested :** \_\_\_\_\_

(Type, e.g. land, house)

**Location :** \_\_\_\_\_

**Description of Property :** \_\_\_\_\_

\_\_\_\_\_ **Nature**  
**of Complaint :**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Record of Prior Contacts and Discussions of Issues to Date:**

Date	Individuals Contacted	Summary of Discussions

Signed (Plaintiff); \_\_\_\_\_ Date \_\_\_\_\_ :  
 \_\_\_\_\_

Signed \_\_\_\_\_ (Filer \_\_\_\_\_ of \_\_\_\_\_ Complaint):  
 \_\_\_\_\_

Name \_\_\_\_\_ of \_\_\_\_\_ Person \_\_\_\_\_ Filling \_\_\_\_\_ in  
 Complaint : \_\_\_\_\_

(if different from Plaintiff)

Position \_\_\_\_\_ or \_\_\_\_\_ Relationship to Plaintiff : \_\_\_\_\_  
 Date : \_\_\_\_\_

**Review of Complaint**

**by**

Community Development Committee

Date of Conciliation Session : \_\_\_\_\_

Was Plaintiff Present ? : Yes No

Topic \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Was field verification of complaint conducted ? : Yes No

Findings of field investigation :  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of Conciliation Session Discussion :

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :

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Was agreement reached on the issues?:                                  Yes                                  No

If agreement was reached, detail the agreement below :

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If agreement was not reached, specify the points of disagreement below :

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Signed :                                  \_\_\_\_\_                                  Signed :                                  \_\_\_\_\_  
                                Chairperson, CDC  
                                Plaintiff

Signed :                                  \_\_\_\_\_                                  Signed :                                  \_\_\_\_\_  
                                Member, CDC

Signed :                                  \_\_\_\_\_                                  Signed :                                  \_\_\_\_\_  
                                Member, CDC

Signed :                                  \_\_\_\_\_                                  Signed :                                  \_\_\_\_\_  
                                Member, CDC

Date :                                  \_\_\_\_\_

**Grievance Registration Form**

**Review of Complaint**

by

**Project Management Unit**

Date of Conciliation Session : \_\_\_\_\_

Was Plaintiff Present ? : Yes No

Topic \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Was field verification of complaint conducted ? : Yes No

Findings of field investigation :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of Conciliation Session Discussion :

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :

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Was agreement reached on the issues ?:

Yes

No

If agreement was reached, detail the agreement below :

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If agreement was not reached, specify the points of disagreement below :

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Signed : \_\_\_\_\_

Signed : \_\_\_\_\_

PMU Coordinator

Plaintiff

Signed : \_\_\_\_\_

PMU Member

Date : \_\_\_\_\_



**APPENDIX 7: MONITORING FORMATS**

The monthly (or periodic) field report from each village development group should recount the progress to date and in the immediately prior month. It is necessary to report only on those aspects of land and asset acquisition that are relevant in the specific project (i.e., land, houses, businesses, crops, and/or trees, whatever is in fact taken). In that context, the following summary tables should be of use in organizing the reporting of project information.

When the resettlement operation is completed, a PAP satisfaction survey (last matrix) should be added.

Village: \_\_\_\_\_ Region: \_\_\_\_\_

Project Name: \_\_\_\_\_

Month Covered: \_\_\_\_\_ PAP: \_\_\_\_\_ (for satisfaction survey)

**LAND**

PAP	IN-KIND COMPENSATION (REPLACEMENT PLOT) [ENTER NUMBER OF CASES]				CASH COMPENSATION [ENTER NUMBER OF CASES]				
	IDENTIFIED	AGREED TO BY PAP	TITLE TRANSFERRED	IN PRODUCTION	COMPENSATION AGREEMENT	COMPENSATION PAID	NEW PLOT IDENTIFIED BY PAP	NEW PLOT ACQUIRED BY PAP	IN PRODUCTION
1									
2									
3									
...									
Total									

**HOUSES/BUSINESS LOCALES: IN-KIND COMPENSATION**

PAP	IN-KIND COMPENSATION	SUPPLEMENTARY PAYMENTS
-----	----------------------	------------------------

	HOUSE/SHOP UNDER CONSTRUCTION	HOUSE/ SHOP READY	PAP RELOCATED	BUSINESS OPEN AGAIN	ITEM	PAID	RE-PLACED
1.							
2.							
3.							
...							
Totals							

**HOUSES/BUSINESS LOCALES: CASH COMPENSATION**

PAP	CASH COMPENSATION						SUPPLEMENTARY PAYMENTS			
	AMOUNT	PAID	FOUNDA TION/ WALLS UP	HOUSE/ SHOP READY FOR OCCUPATION	PAP RELOCAT ED	BUSINESS OPEN AGAIN	ITEM	AM T	PAID	RE-PLACED
1.										
2.										
3.										
....										
Totals										

**CROPS, TREES**

PAP	CROP OR TREE SPECIES	VALUATION AMOUNT	PAID (AMOUNT)	TREE SEEDLINGS PROVIDED (YES/NO)
1.				
2.				
3				
....				
Totals				

**PAP SATISFACTION WITH RESETTLEMENT PROGRAM**

	Fully Satisfied	Partly Satisfied	Partly Dissatisfied	Wholly Dissatisfied	Extent of Information Provided (1-5, where 5 represents fully informed)
Project information provided					
Usefulness of public meetings					
Individual consultations					
Individual negotiations					
Compensation amount					
Timeliness of compensation					
Handling of any grievance					

(Enumerator: Please inquire into the cause for any dissatisfaction):

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Signed: \_\_\_\_\_

Position: \_\_\_\_\_

(Responsible Officer of Monitoring Agency)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Position: PIU Coordinator

Date: \_\_\_\_\_

[NOTE: Report can include tables for last month, for month previous to last, and the comparison, which is progress last month. Table for last (i.e., most current full month) is also the table for progress to date.]



## **APPENDIX 8: OUTLINE FOR A RESETTLEMENT ACTION PLAN**

A Resettlement Action will include the following elements

- Section A: Project description (and alternatives considered to minimize resettlement)
  - Section B: Project impacts regarding resettlement (including those identified during the census and socio-economic survey)
  - Section D: Population census, asset inventory and baseline socio-economic survey
  - Section E: Type and extent of losses incurred by each PAP
  - Section F: Compensation for each loss, including valuation procedures
  - Section G: Resettlement site preparation (if any, including institutional arrangements for the physical transfer of relocates)
  - Section H: Economic rehabilitation measures required (if any)
  - Section I: Implementation timetable for resettlement and construction activities
  - Section J: Detailed budget, by activity, with sources of funds identified.
- 
- Annex A: Matrix of losses
  - Annex B: Photographs of properties to be acquired (optional)
  - Annex C: Map of resettlement site (if any)
  - Annex D: Construction plan for replacement structures (if any)

## ANNEX 9: DRAFT GRIEVANCE REDRESS MECHANISM

Figure: Grievance Redress Mechanism for the Project

	<u>Focal Point Unit/Organizations</u>	<u>Focal Persons</u>	<u>When a complaint is submitted...</u>	<u>Recording complaints</u>
<b>National</b>	<ul style="list-style-type: none"> <li>○ National Project Coordination Unit (PCU)</li> </ul>	<ul style="list-style-type: none"> <li>○ National Coordinator</li> <li>○ M&amp;E Officer</li> <li>○ Independent Auditor</li> </ul>	<p>The PCU (or an independent auditor) will try to address it.</p> <ul style="list-style-type: none"> <li>➤ When resolved, the person who raised the issue will be informed.</li> <li>➤ If not resolved, the complaint will be reported to the World Bank, by the Climate Change Secretariat, within two weeks</li> </ul>	<ol style="list-style-type: none"> <li>1. Record the complaint submitted in the national-level grievance database.</li> <li>2. Review monthly monitoring submitted by the district/provincial-level, and enter all complaints with the status will be recorded in the national-level grievance database.</li> <li>3. M&amp;E officer will periodically review the grievance database and follow-up with focal persons to ensure all cases will be addressed.</li> </ol>
				
<b>Provincial</b>	<ul style="list-style-type: none"> <li>○ Provincial Planning Sub-Committee</li> <li>○ Provincial Project Implementation Unit</li> </ul>	<ul style="list-style-type: none"> <li>○ Provincial Planner</li> <li>○ Provincial Project Manager</li> <li>○ M&amp;E Officer</li> </ul>	<p>The planner and the project manager will discuss the issue and try to address it at the provincial level.</p> <ul style="list-style-type: none"> <li>➤ When resolved, the person who raised the issue will be informed.</li> <li>➤ If not resolved, the complaint will be reported to the National Coordinator (or if the complaint regards the Coordinator, submit to the Independent auditor).</li> </ul>	<ol style="list-style-type: none"> <li>1. Record the complaint submitted in the monitoring form.</li> <li>2. Submit the project's monthly monitoring form including a record on complaints to the national-level PIU.</li> </ol>
				
<b>District</b>	<ul style="list-style-type: none"> <li>○ District Planning Sub-Committee</li> </ul>	<ul style="list-style-type: none"> <li>○ District Planner</li> </ul>	<p>The planner will try to address it at the district level.</p> <ul style="list-style-type: none"> <li>➤ When resolved, the person who raised the issue will be informed.</li> </ul>	<ol style="list-style-type: none"> <li>1. Record the complaint submitted in a monitoring form.</li> <li>2. Submit the project's monthly monitoring form including a record on complaints to the Provincial PIU</li> </ol>

		➤ If not resolved, the complaint will be reported to the Provincial Planner.	
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**Ward**

<ul style="list-style-type: none"> <li>○ Ward Development Committee</li> </ul>	<ul style="list-style-type: none"> <li>○ Ward Development Committee Chairperson</li> </ul>	<p>The chairperson will try to address it at the ward level.</p> <ul style="list-style-type: none"> <li>➤ When resolved, the person who raised the issue will be informed.</li> <li>➤ If not resolved, the complaint will be reported to the District Planner.</li> </ul>	<ol style="list-style-type: none"> <li>1. Record the complaint submitted in a simple form.</li> <li>2. Submit the record of complaints to the District Planning Sub-Committee</li> </ol>
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**Zone/  
Community**

<ul style="list-style-type: none"> <li>○ Project Committee</li> <li>○ Maintenance Committee</li> <li>○ Traditional Structure</li> <li>○ Facilitator</li> </ul>	<ul style="list-style-type: none"> <li>○ Project Committee Chairperson</li> <li>○ Village head/Area Induna</li> <li>○ Facilitator</li> </ul>	<p>The focal persons at the community level will discuss and try to address it within the community</p> <ul style="list-style-type: none"> <li>➤ When resolved, the person who raised the issue will be informed.</li> <li>➤ If not resolved, the complaint will be reported to the Ward Development Committee Chairperson.</li> </ul>	<ol style="list-style-type: none"> <li>1. Record the complaint submitted in a simple form.</li> <li>2. Submit the record of complaints to the Ward Development Chair Committee.</li> </ol>
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