

**Development Response to Displacement Impacts Project (DRDIP)  
In the Horn of Africa (P152822)**

**DRAFT RESETTLEMENT POLICY FRAMEWORK (RPF)**

**Ministry of Agriculture and Natural Resources  
Government of Federal Republic of Ethiopia**

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## ACRONYMS

AGP	Agriculture Growth Project
ARRA	Administration for Refugee and Returnee Agency
AU	Africa Union
BoANR	Bureau of Agriculture and Natural Resources
BoFEC	Bureau of Finance and economic Cooperation
BP	Bank Procedures
CBOs	Community-Based Organizations
CDD	Community Demand Driven
CFT	Community facilitation team
CIGs	Common Interest Groups
CPC	Community Procurement Committee
CPMC	Community Project Management Committee
CRC	Compensation and Resettlement Committee
CSA	Central Statistical Agency
DRDIP	Development Response to Displacement Impact Project
DRDIP-CU	Development Response to Displacement Impact Project Coordination Unit
EGRM	Ethiopian Grievance Redress Mechanism
EIO	Ethiopian Institute of Ombudsman
EPLAUA	Environmental Protection, Land Administration, and Use Agency
ESIA	Environmental Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FGD	Focus Group Discussion
FPCU	Federal Project Coordination Unit
FPs	Focal Persons
FSC	Federal Steering Committee
FTC	Federal Technical Committee
GDP	Growth Domestic Product
GEQIP	General Education Quality Improvement Program

GoE	Government of Ethiopia
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
HH	Household
HOA	Horn of Africa
IAs	Implementing Agencies
KII	Key Informant Interview
M&E	Monitoring and Evaluation
MC	Mediation Committee
MHIS	Micro and Household Irrigation Systems
MIS	Management Information System
MoA	Ministry of Agriculture
MoANR	Ministry of Agriculture and Natural Resources
MoFEC	Ministry of Finance and Economic Cooperation
MoFED	Ministry of Finance and Economic Development
NGOs	Nongovernmental Organizations
OAU	Organization for African Unity
OP	Operation Policy
PAPs	Project Affected Persons
PCDP	Pastoral Community Development Program
PCUs	Project Coordination Units
PDO	Project Development Objectives
PGHO	Public Grievance Hearing Offices
PIM	Project Implementation Manual
PSNP	Productive Safety Net Program
RAP	Resettlement Action Plan
RF	Results Framework
RPCU	Regional Project Coordination Unit
RPCUs	Regional Project Coordination Units
RPLRP	Regional Pastoral Livelihood Resilience Project

RSC	Regional Steering Committee
RTC	Regional Technical Committee
SA	Social Assessment
SACCOs	Savings and Credit Co-Operatives
SACs	Social Audit Committees
SCs	Steering Committees
SLMP	Sustainable Land Management Project
SMSs	Subject Matter Specialists
SSIs	Small Scale Irrigations
TCs	Technical Committees
ULD	Unidentified Liver Disease
UN	United Nations
UNHCR	United Nations Higher Commission for Refugee
UNICEF	United Nations Children's Fund
WA	Woreda Administrator
WaSH	Water Supply and Sanitation Program
WBG	World Bank Group
WC	Woreda Council
WOoANR	Woreda Offices of Agriculture and Natural Resources
WPACs	Woreda Project Appraisal Committees
WPCUs	Woreda Project Coordination Unit
WTCs	Woreda Technical Committees

## Executive summary

The Development Response to Displacement Impacts Project (DRDIP) in the Horn of Africa aims at improving access to basic social services, expand economic opportunities, and enhance environmental management for host communities impacted by refugee presence in the targeted areas of Djibouti, Ethiopia and Uganda. The proposed regional project will embed essential features of ensuring citizen participation and engagement in identifying and prioritizing developmental needs, including socio-economic infrastructure and livelihoods opportunities to improve self-reliance of host communities; improving social cohesion between refugees and host communities; increased citizen voice and role in development decision making; and greater demand for social accountability. It has five components, including Social and Economic Services and Infrastructure, Sustainable Environmental Management, Livelihoods Program, Project Management, and Monitoring and Evaluation and ..... In Ethiopia, the project will be implemented in five refugee hosting regions, including Afar, Benishangul-Gumuz, Ethiopian Somali, Gambella, and Tigray National Regional States. Within these five regions, fifteen woredas will be beneficiary of the proposed project.

To prepare the Resettlement Policy Framework (RPF), in the five regions, five focus group discussions (one per region), Key informant interviews (KII) and site observation was conducted. Besides, consultation with refugee hosting communities was made with the objective to orient the communities about the purposes of DRDIP, its components, and sub-complements. In addition to the primary methods of data collection, secondary materials such as land related rules and regulations of Ethiopia were reviewed, World Bank supported project documents such as GEQIP, PCDP, SLMP, WaSH, PSNP, AGP, and RPLRP as well as the concept stage project document of DRDIP were reviewed.

During the consultation, the host communities were expressed their concerns that will affect the project during its implementation. The major concerns expressed by host communities are ethnic political competition that might cause enter-ethnic conflict in Gambella region, refugees might steal materials or animals and/or damage to livelihood activities supported by the project, the existence of many commercial agricultural investors who hold huge tract of investment land in the Benishanguel-Gumuz and Gambella regions located around and a few distances of refugee hosting kebeles that could affect road construction, overflow of Baro River almost on the entire land surface during summer season in many kebeles of *Itang* woreda of Gambella region that could damage constructed social service infrastructures; the likely low participation of women being occupied by domestic chores and more prone to in house works and child rearing activities; high and continued deforestation of the environment in spite of environmental conservation activities done because of the larger number of refugees that would continue to use of trees for sale, charcoal production, and firewood unless strict measures were taken; and potential mobility of people from non-beneficiary kebele to beneficiary kebeles.

The DRDIP will not undertake any activities that will displace people. It is very unlikely that land acquisition and property losses will occur during the implementation of its subproject activities. But, small amounts of land acquisition and property losses may occur when implementing these subprojects and World Bank Operation Policy (OP/BP4.12) will be triggered. At this stage it is difficult to determine or know the exact number of PAPs. Until the

exact subproject locations are determined, it is not possible to estimate the likely number of people who may be affected. However, land acquisition, though small, for sub-projects may result in negative impacts to different categories of PAPs.

This RPF has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed assets, disturbance affecting livelihood or natural resource limitations leading to nonphysical displacement would arise as a result of the proposed project implementation. This RPF is developed based on the World Bank OP4.12 and the relevant national laws and regulations will form the basis for resettlement planning. The RPF seeks to ensure that affected communities are meaningfully consulted, participated in the planning process, adequately compensated to the extent of their pre-displacement incomes have been restored. Besides, the RPF ensures that the process of compensation has to be fair and transparent. This RPF includes the overall resettlement objectives and principles as well as organizational arrangements for any resettlement operation including the preparation, review, approval and implementation of Resettlement Action Plan (RAP).

When RAP is required as a result of land has to be acquired, such that people are displaced from land or productive resources including loss of shelter, the loss of assets or access to assets as part of the preparation of RAP, socioeconomic census and asset inventory will be conducted to determine the extent of resettlement required. The socioeconomic survey will be done by the relevant implementing agency (IA) proposing the DRDIP with the use of the sample socioeconomic survey in this RPF. It will be accompanied by a land asset inventory to determine what assets will need to be compensated for during the resettlement process.

An important part of resettlement activities will be the use of cost effective and accessible grievance handling mechanism to the host communities. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. Timeframe or schedule is defined for resolving grievances (within 10 days after the complaint is presented to the grievance redress committee), ensuring that they are addressed in proper and timely manner. In this RPF, amicable dispute settlement through the traditional system where elders play key role is given priority because the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. However, the grievance redress procedure of DRDIP does not replace existing legal processes.

The RPF and RAP implementation should be monitored and supervised to ensure the objective of the RPF is achieved and whether the project affected people have had their livelihoods restored to levels prior to project or improved.



## **1. Background**

The Horn of Africa (HOA) is one of the regions in the world which is conflict-ridden. The high prevalence of conflict, mainly caused by identity politics and regional inter-state rivalries, has resulted many of the largest refugee influxes in the region. Ethiopia hosts the largest population of refugees in Africa as a consequence of droughts, conflicts, political events and civil wars in neighboring countries, such as Somalia, Eritrea, South Sudan, and Sudan. At the end of December 2015, 733,644 refugees were distributed across the five National Regional States of - Afar, Tigray, Ethiopian Somali, Gambella and Benishangul-Gumuz; in 23 refugee camps located in 15 woredas and 23 kebeles (UNHCR 2015). The refugee-hosting woredas are characterized by harsh weather conditions, poor infrastructure, weak institutional capacity, and poverty. The presence of refugees puts strains on already weak public services and economic opportunities, jeopardizing the resilience of hosting communities.

Most Eritrean and Somali refugees in Ethiopia are living in protracted displacement. The majority of refugees live in camps situated near the borders of their respective countries of origin. The Administration for Refugee and Returnee Affairs (ARRA) administers the refugee camps, with financial and technical assistance from the United Nations High Commissioner for Refugees (UNHCR) and other aid agencies. Education, health and other services are provided by UNHCR implementing partners, including ARRA and international and local Non-Governmental Organizations (NGOs). Ethiopia is signatory to the 1951 UN refugee convention and its 1967 protocol as well as to the refugee convention endorsed in 1969 by the then Organization for African Unity (OAU); currently African Union (AU). Ethiopia has enacted refugee Proclamation No. 409/2004 that shall be implemented with no-discrimination to race, religion, nationality, membership of a particular social group, or political opinion.

The majority of refugees in Ethiopia are hosted in the five regions of Ethiopia, which are: (i) the Afar Regional State; (ii) the Benishangul-Gumuz Regional State; (iii) the Gambela Regional State; (iv) the Somali Regional State; and (v) the Tigray Regional State. These regions are among the least developed regions in the country, characterized by harsh weather conditions, poor infrastructure, extremely low capacity, high level of poverty and very poor development indicators. The arid environment in Afar and Somali regions and the small and scattered nomadic populations make it more challenging to provide services. Many parts of the five regions are inaccessible with poor or no roads. Due to their proximity to fragile and conflict-affected states of Eritrea, Somalia, South Sudan, and Sudan, these five regions are hosting over 84 percent of refugees in Ethiopia. The presence of refugees puts strains on the already weak public services and economic opportunities, jeopardizing the resilience of communities hosting the refugees. Ethiopia is the largest refugee-hosting country in Africa.

## **2. Description of the Project**

DRDIP has five main components and six sub-components intended to benefit refugee hosting communities, and are discussed hereunder.

**Component 1: Social and Economic Services and Infrastructure (approximately US\$ 86.25 million)**

Refugee hosting areas in Djibouti, Ethiopia and Uganda are characterized by huge development deficits, including low human capital, and limited access to basic social services and economic infrastructure. The service delivery capacity of local authorities in the three countries is also weak. Component 1 aims to improve access to basic social services and economic infrastructure and improve service delivery capacity of local authorities at the target subnational and local levels by financing community and strategic investments as well as capacity building initiatives. Community investments will be matched by community contributions, both cash and in-kind (materials and/or labor), and the process will follow a community-driven development approach.

***Subcomponent 1(a): Community Investment Fund (approximately US\$ 78.6 million).*** Subcomponent 1(a) seeks to improve community access to basic social services and economic infrastructure providing investment funds that, together with community contributions, will expand and improve service delivery and build infrastructure for local development. Investments will be identified, prioritized, implemented, and monitored by beneficiary communities. Potential investments (subprojects) include the construction, upgrading, rehabilitation and/or expansion of basic social services, such as education, water supply, human health, and veterinary care; and economic infrastructure such as rural roads, market structures, and storage facilities. The target community will identify and prioritize the specific social services and economic infrastructure to be funded under this subcomponent through the community-driven development approach. Only those subprojects which are currently functioning and/or have budget for staff and materials provided by the respective administration will be supported. This is to ensure the sustainability of the interventions. Subcomponent 1(a) will also support strategic investments, that are larger in scope and impact than typical community-level investments (subprojects), and that will serve a cluster of project beneficiary communities. These investments will be identified through the community prioritization process and will employ local labor, especially women and youth, during construction. Local governments will be responsible for operation and maintenance. An information and communication technologies (ICT) platform composed of a network of mobile phones/applications in the hands of beneficiaries and those managing the fund could be linked to a web-enabled dashboard, which could be used to upload data on investments and implementation status on a close to real-time basis. The process for planning, implementation and monitoring of the subcomponent 1(a) will be detailed in the Project Implementation Manual (PIM) for each participating country.

***Subcomponent 1(b): Capacity Building for Local Planning and Decentralized Service Delivery (approximately US\$ 7.65 Million).*** The objective of this subcomponent is to improve the service delivery capacity of local level government authorities. It will support capacity-building interventions for local government authorities, the local implementing institutions for the community-driven planning process, local development management, service delivery capacities enhancement, mainstreaming of project interventions with government development planning and budgeting process, coordination of potential development stakeholders at local-level and community local-level development learning. Capacity-building activities to be financed under the project, will be explained in detail in the PIMs, but will include: (i) critically needed items, such as office equipment and facilities, field gear, vehicles, and technical resources, etc.; (ii) preparation, multiplication and dissemination of technical training materials; (iii) training, and knowledge and skills development at all levels, including for technicians and host communities; (iv) experience sharing tours; and (v) short-term overseas study tours and South-South exchange programs. The project will also support technical assistance to reinforce the

capacity of specialized implementing agencies, including the recruitment of national and international technical assistants to help with planning, engineering design, procurement, construction management and technical monitoring of physical investments.

## **Component 2: Sustainable Environmental Management (approximately US\$ 32 million)**

Refugee-hosting areas face severe degradation of their environmental and natural resources, including deforestation and devastation of agricultural and range lands. The continued presence and influx of refugees exacerbates already severe environmental conditions, turning localities into fragile ecosystems. Component 2 aims to ensure that environmental and natural resources are carefully and sustainably managed so they can support current and future needs and livelihoods. The implementation of demand and supply-side interventions will be supported by the component. Supply-side interventions will support and enhance sustainable environmental and ecosystem services including integrated natural resources management and small, micro and household-scale irrigation schemes. Demand-side interventions, such as alternative energy sources, will aim to reduce unsustainable exploitation of natural resources, including risks mitigation and other challenges faced by crisis-affected host communities. Demand-side interventions will also seek to address gender issues by reducing drudgery (time and energy spent on collecting fuel wood) and exposure to risks and violence and by improving health and indoor air pollution through the use of cleaner fuels and fuel-saving cooking technologies. These aspects will be detailed in the individual country PIMs.

***Sub-component 2(a): Integrated Natural Resources Management (approximately US\$ 26.25 million)***. Subcomponent 2(a) intends to enhance the productivity of environmental and natural resources, including arresting the degradation of fragile ecosystems in forest, range and agricultural lands. It would support soil and water conservation biological and physical activities on individual farms and communal lands, including the construction of soil bunds, stone bunds, artificial waterways, cut-off drains, check dams (gully rehabilitation), bench terraces, hillside terraces, trenches, area closures, planting of multipurpose trees, and groundwater recharge interventions. The sub-component will also enhance irrigation water use and management thereby increasing irrigated land, production and productivity for host communities. Key activities to be supported include rehabilitation/improving/upgrading existing traditional and modern Small Scale, Micro and Household Irrigation schemes. The use of remote sensor technologies installed on water pumps at the farm-level could be considered to monitor water use to inform water management decisions. Capacity-building activities that enhance the implementation of Integrated Natural Resources Management and Small Scale Irrigation Development and Management will be supported in each participating country, with technical assistance to service providers at multiple levels and support to communities.

***Sub-component 2(b): Access to Energy (approximately US\$ 5.75 million)***. Subcomponent 2(b) seeks to improve access to energy by host communities, promoting the better use of energy resources and access to alternative sources of energy. Support will be given to interventions that address the host communities' energy requirements, such as domestic cooking and lighting; social services such as schools and health services; and productive activities, including lighting for small shops/businesses and manufacturing/processing. Household cooking is currently based on firewood and charcoal. To address this concern, improved cook-stoves will be introduced with appropriate community consultations about methods of cooking and baking and what types of firewood are locally available. Training would be provided on the use of the new stoves,

including the preparation of fuel wood. Attention would be given to monitoring use, regular maintenance, and repairs. Solar lanterns and lamps are among the options for meeting home and street lighting as well as mobile phone charging needs. Establishing connections to grids -where possible- and off-grid decentralized energy supplies based on renewables and diesel engines will be explored in cooperation with other projects (World Bank and other funding sources) for meeting these and other productive energy uses.

### **Component 3: Livelihoods Program (approximately US\$ 38.75 million)**

People from refugee-hosting communities derive their income either from traditional livelihoods, including agriculture, fisheries, pastoralism and/or agro-pastoralism; and/or non-traditional livelihoods, including skills-based jobs, service enterprises and small businesses. Each type of livelihood is characterized by low-level technologies and skills, leading to inherent low productivity. The lives and livelihoods of people from refugee hosting communities are impoverished and their incomes levels are low and unsustainable. Component 3 seeks to improve livelihoods and increase incomes in refugee-hosting communities based on the market system approach. It will support interventions aimed at improving the productivity of traditional and nontraditional livelihoods. Traditional livelihoods will be informed by detailed technical, behavioral and performance market assessment for increased production, improved market interconnections and adoption of best practices. Non-traditional livelihoods will be identified based on market assessment to impart skills for increased employability, enterprise development and promote other income-generating activities. The component will strengthen existing community-based organizations (CBOs) and also support formation of new ones.

***Sub-component 3 (a): Support to Traditional and Non-Traditional Livelihoods (approximately US\$ 34.3 million).*** Subcomponent 3(a) aims to increase the production and productivity of agriculture (crops and livestock), pastoralism (livestock), agro-pastoralism (crop and livestock) and fisheries; and commercialize livelihood activities for improved incomes, employment, and self-reliance. Intervention areas were identified based on key stakeholder and community consultations, but in-depth technical and market system assessment will inform implementation. Support will be provided to key activities based on the results of the market system assessment combined with the region and locality's potential and the traditional forms of livelihood practiced, including improved production practices; access to technology, equipment, storage and processing infrastructure, and finance; and access to input and output markets.

Nontraditional livelihoods will be identified based on market assessment to provide skills training for increased employability, and enterprise development and to promote other income-generating activities. Based on key stakeholder consultations, a number of livelihood options were identified, but market system assessments will inform implementation. The proposed interventions will be informed from lessons learned from existing projects, build on the experience of implementing agencies, tailored to country contexts. The subcomponent will follow a process-driven approach for systematic implementation with three phases: (i) preparatory phase, (ii) livelihood business plan subproject generation and approval phase; and (iii) livelihood business plan subproject implementation, follow-up mentoring, and commissioning phase. The subcomponent will also support innovations that could include technological, institutional and process innovations to be determined during implementation. Support programs for youth and women in technological innovations like digital commerce as well as in IT-enabled services that require computer/digital literacy could support modern and

salaried jobs. The relevant department ministry will support the implementation of the livelihoods activities.

***Sub-component 3 (b): Capacity Building of Community-Based Organizations for Livelihoods (approximately US\$ 4.45 million).*** Subcomponent 3(b) is intended to improve the service delivery capacity of farmer, pastoral, or agro-pastoral organizations, including CBOs. Establishing and building the capacity of CBOs will be supported due to the project's CDD approach, which involves CBOs being inclusively involved in the implementation and sustainability of project investments. CBOs involved in livelihoods promotion include farmer organizations, cooperatives, Savings and Credit Co-Operatives (SACCOs) and common interest groups (CIGs), will receive training in group management, savings, financial literacy, and book keeping. They will be encouraged to practice regular meetings, savings, and inter-lending; timely repayment; and up-to-date accounting. The traditional and nontraditional livelihood activities will be implemented by CIGs and will receive capacity building on Group Management, Enterprise Selection, livelihood business plans preparation, procurement management, and technical and computer/digital skills. Local administration technical committees and/or facilitators will undertake these efforts.

**Component 4: Project Management, and Monitoring and Evaluation (approximately US\$ 15 million).**

Project management and implementation will follow a decentralized approach using existing government structure at the national, subnational and local levels and community institutions to be established at the local level. The objective of this component is to ensure enhanced and effective project management, coordination, and implementation; and support the design of the project's monitoring and evaluation (M&E) system to be detailed in the M&E Manual. The component will support the establishment of institutions with different roles and responsibilities at multiple levels, including oversight, coordination, and technical bodies. Steering Committees (SCs), and Technical Committees (TCs) will be established at national, subnational and local levels. Project Coordination Units (PCUs) will be established at the National, subnational and local levels in Ethiopia and Djibouti; and a Project Implementation Support Team at the National level in Uganda; both will be adequately staffed with technical experts recruited in a competitive process. They will play a coordination and facilitation role. The project will build on existing community-level structures, such as Community Development Committees, and will establish new local-level institutions as needed, including Community Facilitation Teams, Community Project Management Committees, Community Procurement Committees, Social Audit Committees, etc.

The component will support the designing of the project Management Information System (MIS) for monitoring inputs, outputs and processes; evaluation of outcome and impacts; environmental and social safeguards monitoring; and participatory monitoring and evaluation and internal learning. M&E activities will also include regular monitoring of implementation progress and performance, independent process monitoring, including *inter alia* regular assessments of community-level planning and review of the effectiveness and quality of capacity-building efforts; outcome and impact evaluations at baseline, mid-term and end-of-project; and annual thematic studies. The project's Results Framework (RF) will be used as a basis for reporting progress against indicators, including progress towards achieving the PDO and Implementation Progress (IP). The project will consider the use of mobile technologies to increase the reach and

frequency of data capturing at local level and aggregating in a platform that could serve as a dashboard; such a tool would provide near real-time monitoring and ability to visualize and/or geo-localize activities supported by the project in the three countries.

**Component 5: Regional Support for Coordination, Capacity and Knowledge (approx. US\$ 5 million).**

The key objective of the component is to support the establishment of a Regional Secretariat on Forced Displacement and Mixed Migration primarily for the HOA but with relevant linkages with the Great Lakes Initiative that will: (i) Spearhead the advancement of the development approach to displacement in the HOA; (ii) Facilitate the creation of knowledge with partnerships with relevant think tanks and/or universities in the three project countries of Djibouti, Ethiopia and Uganda and the HOA emerging from the implementation of the DRDIP with respect to Durable Solutions to Forced Displacement; (iii) Ensure annual learning and sharing workshops for all the HOA countries; and (iv) Contribute to the better understanding of the nexus between socio-economic development, forced displacement and mixed migration in the HOA by commissioning studies and/or focused research.

The Regional Secretariat will be anchored in IGAD, a regional organization with convening and political mandate for the 8 countries of the Horn and also in a good position to initiate regional conversations around FD and MM. In addition to its role of commissioning research, generating knowledge, capturing lessons, and coordinating sharing and learning both in the project countries and at the regional level; the Regional Secretariat will host the Regional Steering Committee (RSC) to be constituted by representatives from the National Steering Committees of each project country. The RSC will play an important role of: (i) providing oversight of implementation of the Regional program, and (ii) guide, advice and support regional policy dialogue.

Finally, the Regional Secretariat will work towards building the capacities of the executing agencies in the three project countries on the development approach to displacement. This will ensure harmonization and set up some standards for future similar projects. The details of the proposed trainings, study tours as well as the other activities of the Regional Secretariat will be detailed in the PIM that will be prepared by IGAD.

### **3. Rationale for the RPF**

Project components which may result land acquisition and property losses to the local communities under the proposed project are Component 1: Social and Economic Services and Infrastructure and Component 2: Sustainable Environmental Management. The potential investments of component 1: ***Sub-component 1(a): Community Investment Fund*** which could result land acquisition include the construction, upgrading, rehabilitation and/or expansion of basic social services, including education, water supply, human health, and veterinary care, and economic infrastructure like rural roads, market structures, and storage facilities.

Under component 2, the subcomponents which could result land acquisition is subcomponent 2(a) and 2 (b). Subcomponent 2(a): ***Integrated Natural Resources Management*** aims to enhance the productivity of environmental and natural resources, including arresting the degradation of fragile ecosystems i.e. forest, range and agricultural lands. Key activities to be supported under this sub-component would include soil and water conservation (biological and physical)

activities on individual farm lands and communal lands, including construction of soil bunds, stone bunds, artificial waterways, cut-off drains, check dams (gully rehabilitation), bench terraces, hillside terraces, trenches, area closures, plantation of multipurpose trees, groundwater recharge interventions. The subcomponent also targets increased area of irrigated land for host communities and enhance irrigation water use and management thereby increasing production and productivity. Key activities include rehabilitation/improving/upgrading existing traditional and modern irrigation systems, small stream diversions; construction of ponds, hand-dug shallow wells, shallow tube wells; supply of engine and manual pumps; construction of check dams, and springs, water harvesting and micro-irrigation technologies/structures.

It is very unlikely that huge land acquisition and property losses will occur during the implementation of these subprojects. However, due to the implementation of subprojects under component 1 and 2, some forms of land acquisition and property losses might occur and OP/BP 4.12 is triggered. Hence, the Resettlement Policy Framework (RPF) is prepared for the purpose to ensure that whenever the proposed sub-project activities need to acquire land and people or property are affected as much as possible resettlement and compensation activities should be done as per this RPF. The RPF is developed based on the World Bank Operational Policy (OP/BP 4.12) and the relevant national laws and regulations, which will form the basis for resettlement planning.

This RPF addresses adverse social impacts resulting during the implementation of DRDIP. It is prepared for the purpose of establishing the principles and procedures to be applied in the events of involuntary resettlement, loss of land and other fixed assets, disturbance to the livelihoods activities of project affected persons (PAPs), or restriction to any natural resource access, and any form of physical or economic displacement during the implementation of the project.

#### **4. Objectives and Principles of the RPF**

##### **4.1 Objectives of the RPF**

This RPF serves as a guide to implementing agents (borrower organization) to ensure that prior to the implementation of DRDIP Component 1 - *Sub-component 1(a)* and Component 2: *Subcomponent 2(a)* that PAPs are properly consulted and appropriate preventive and mitigation measures are exhaustively considered and implemented.

The objectives of the RPF are to:

1. Describe the legal and institutional framework underlying Ethiopian approaches for resettlement, compensation and rehabilitation;
2. Establish the DRDIP resettlement and compensation principles and implementation arrangements;
3. Define the eligibility criteria for identification of PAPs and entitlements;
4. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
5. Outline the procedures for filing grievances and dispute settling.

##### **4.2 Principles of the RPF**

This RPF adheres to the guidance provided in the World Bank OP/BP4.12 *Involuntary Resettlement*. Hence, it is guided by the following policy principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, by exploring all viable alternatives.

- In case where involuntary resettlement and land acquisition is inevitable, the RPF seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that their pre-displacement incomes have been restored, and the process is fair and transparent. It aims to make certain that any possible adverse impacts of proposed project activities are properly addressed through appropriate mitigation measures, particularly against potential impoverishment risks. Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them.

The RPF will be complemented by Social Assessment (SA) and the Environmental and Social Management Framework (ESMF). The SA assesses key socio-economic factors; identifies vulnerable and underserved groups that may be excluded from, and adversely affected by, the project; and potential impacts and mitigating measures proposed; and determine whether the project is likely to trigger other World Bank social safeguards (OP/BP 4.10 and OP/BP 4.12). The ESMF prepared for DRDIP addresses bio-physical environment and other related social impacts that can be applied together with this RPF.

## **5. The Methods of Data Collection and Study sites of the RPF**

The RPF for DRDIP is conducted simultaneously with the SA and ESMF. The RPF was conducted with qualitative and quantitative approaches. Data for the RPF was collected using secondary and primary techniques of data collection. Review of secondary materials was made to grasp the legal and regulatory frameworks of the World Bank safeguard policies and the Ethiopian government rules and regulation related to land expropriation and compensation and refugee hosting. RPF and SA reports of World Bank supported projects such as GEQIP, PCDP, SLMP, WaSH, GSDP, PSNP, AGP, and RPLRP as well as the concept stage document of DRDIP was reviewed.

Primary data collection methods enabled to gather mainly qualitative data. To verify and validate the data obtained through triangulation, the following primary methods of data collection are used.

### **5.1 Key Informant Interview (KII)**

Government officials and/or experts from regional, zonal, and woreda bureaus and offices which are responsible to, and concerned with, refugee in the five regions were part of the interview. Hence, woreda administrations, regional level environmental protection, land administration and use bureau heads, and head of bureau of Agriculture were interviewed. KII was also conducted with refugee hosting communities and some selected stakeholders such as nongovernmental organizations (NGOs) working in the area.

The intention of having an interview with government authorities is to know the type and system of support mechanisms made for host communities; identify the type and adequacy of social services as well as assess institutional capacity in effectively implementing the project. Besides, high level interview was conducted to identify vulnerable groups, the practice of grievance redress mechanisms, land acquisition and compensation issues, etc. Local community members have shared their rich knowledge on their social service giving infrastructures, natural resource



use and deforestation, livelihood activities, vulnerable groups, traditional conflict redress systems, their relation and experience with refugees, and other relevant issues.

During the RPF, officials at woreda and kebele levels were interviewed to collect information regarding vulnerable groups, special provisions to be made for vulnerable segments of the society, land acquisition, compensation, community participation and contribution in designing and implementation of the project, ways by which grievance would be redress, and assess the livelihood activities of host community.

### **5.2 Focus Group Discussion (FGD)**

FGDs were conducted with refuge hosting local communities. A total of five FGDs (one FGD per region) were conducted. The FGD was organized in collaboration with woreda agriculture office and kebele chairperson to facilitate the inclusion of all community members particularly the vulnerable groups. The objective of FGD is to assess most important issues such as the main challenges in the area, the interest and priority areas of the community, voluntary land donation, compensation, consultation process, community participation, etc. Both men and women have taken part in the FGD mixed together. Men and women were mixed because of the time constraint the team has faced in line with the time required to deliver the report as per the Terms of Reference. In the FGD as much as possible attempt was made to include vulnerable like old aged people, women, the poor households, and women household heads. The kebeles which host a large number of refugees will be selected for FGD in consultation with local officials.

### **5.3 Public Consultation**

Public consultation was made with an intention to solicit the views and opinions of the refugee hosting communities towards the proposed development project. Consultants were undertaken with the host communities in all kebeles visited. During the community consultation participants were introduced with DRDIP objectives and its four main components. The consultation was held with men and women mixed together in Gambella, Benishangul-Gumuz, and Tigray Regions. In Somali and Afar regions since their culture relatively do not encourage women and men talking together and women are somehow less likely to talk with the men, the team has conducted the consultation with gender disaggregation. Hence, public consultation was made with men and women separately in the two regions.

### **5.4 Field Observation**

Field observation is the fourth method that was employed. The team of consultants have visited host communities' social service giving infrastructures such as schools, water points, etc to observe their situation and understand the actual situation in the spot. Observation enabled the consultants to have a clear understanding of the areas and the communities at the ground level which could help in the final writing up of the RPF.

### **5.5 Data Collection Sites**

As part of preparation for DRDIP, since the proposed project is planned to be implemented in refugee hosting areas, data for the RPF was collected in major refugee hosting five regions of Ethiopia, namely (i) the Afar Regional State; (ii) the Benishangul-Gumuz Regional State; (iii) the Gambela Regional State; (iv) the Somali Regional State; and (v) the Tigray Regional State. Woredas and kebeles for SA and RPF were selected in consultation with the Bank; and those which are hosting large number of refugees. Even though, in the five regions, a total of thirteen

woredas and twenty three kebeles were proposed to be target of the development project due to time constraint and the urgent need of the draft report (30 January, 2015) by the client, the team has visited 11 woredas. Three woredas (Tongo, Bambasi, & Sherkole) in Benishangul-Gumuz; one woreda (Asayita) in Afar; three woredas (Tahtay Adyabo, Tselemt, Asgede-Tsmbela) in Tigray; and three woredas (Abol, Gog, and Itang special woreda), in Gambella; and Dollo Ado woreda (the largest refugee hosting woreda) in Ethiopia Somali were included and studied.

## **6. DRDIP Target Areas, Environmental Conditions, and Socio-economic Context**

### **6.1 DRDIP Target Project Areas**

The DRDIP will be implemented in the five major refugee hosting regional states in Ethiopia. These five regions of Ethiopia are: (i) the Afar Regional State; (ii) the Benishangul-Gumuz Regional State; (iii) the Gambella Regional State; (iv) the Somali Regional State; and (v) the Tigray Regional State. In the five regions a total of twelve woredas two (Asayita and Berahle) woredas in Afar; three (Mao-Komo, Bambasi, and Homosha) woredas in Benishangul-Gumuz region; three (Dimma, Gog, and Abol) woredas in Gambella region; three (Dollo Ado, Awbarre, and Kebribeyah) woredas in Ethiopian Somali; and three (Tahtay Adyabo, Tselemt, Asgede-Tsimbla) woredas in Tigray region will be the beneficiaries of the project. Within each of the woredas specific kebeles where refugee camps were located will be beneficiary of the proposed project.

The DRDIP will be housed in the Ministry of Agriculture (MoA). Implementation of DRDIP activities will rely on existing government structures and existing and/or new community institutions. Thus, all levels of governments will have roles in providing oversight function; and government and community institutions in providing technical and implementation support. Implementation will follow a decentralized approach and local communities will assume the primary responsibility for executing project activities (identifying, prioritizing, and implementing). Government implementing agencies and community institutions will be supported by project teams (FPCU at the federal, RPCUs at regional, and WPCUs at woreda levels).

### **6.2 Environmental Conditions and Social Context of Project Areas**

#### **6.2.1 Bio-Physical and Ecological Condition**

Ethiopia depends principally on agriculture both for its economic growth and food security. Out of an estimated 91 million people, some 83% live in rural areas with agriculture (crop production and animal husbandry) as the main source of livelihood. Agriculture is the key pillar of the economy and the most important source of growth. It accounts for almost 48% of GDP and 85% of export earnings. Agricultural production is mostly rain-fed and dominated by small-scale farmers and enterprises that contribute to 90% of agricultural production. Although much of the agriculture remains for subsistence purposes, still smallholders provide a large part of traded commodities, including for exports and about 70 percent of the raw material requirements of agro-based domestic industries.

With its soil fragility, undulating terrain, and highly erosive rainfall, Ethiopia has continually faced challenges in conserving its soil fertility. Coupled with these natural constraints, the environmentally destructive farming methods that many farmers practice make the country highly vulnerable to soil erosion. Moreover, some sources estimate that close to one-third of the

agricultural land is moderately to strongly acidic because of long neglect in soil conservation and destructive farming practices.

All DRDIP target woredas and kebeles are located in the lowland parts of Ethiopia. The lowlands have low elevation with hot temperature. It is arid and semi-arid areas in the country. Most of the regions are arid areas in Afar, Ethiopian Somali, Benishangul-Gumuz, Gambella, and the western parts of Tigray where the project will be located (**Note:** since this RPF is prepared in parallel with SA, detailed description of selected woredas and social services available in the region can be referred from the SA document of DRDIP. Hence, these two documents can read together and give better baseline information for the project and can be used together).

**Afar Region:** Afar Regional State is located in the northeastern part of Ethiopia. The region shares boundaries with Eritrea in the northeast, Tigray in the northwest, Amhara in the southwest, with Oromiya in the south, Ethiopian Somalia in the southeast and with the Republic of Djibouti in the east. The total geographical area of the region is estimated to be 270,000 km<sup>2</sup>. The majority of the land is rocky and the annual precipitation is low which makes crop cultivation unsuitable. The mean annual rainfall of the region is below 500 mm in the semi-arid western escarpments and decreasing to 150 mm in the arid zones to the east. Afar land is mainly semiarid and extremely inhospitable and its ability to support the pastoral populations is largely dependent on the Awash River, which is a key resource to the areas. The Awash Valley was mainly used by semi-nomadic Afar for extensive livestock production.

According to CSA (2007) Afar Region has a total population of about 1.5 million. The region is one of the four major pastoral regions in Ethiopia. The region is divided into five administrative zones, which are further subdivided into 32 *woredas*. People in the region therefore depend mainly on livestock production for their livelihood. 90% are pastoralists who depend on livestock production for their subsistence and 10% agro-pastoralists. The region is inhabited by Afar ethnic group (90.03%) and reside in most of the middle and almost all of the lower Awash Valley. Besides there are other ethnic groups residing in the region; among others are Amhara, Argoba, Tigray, Oromo, Wolayita, and Hadiya.

**Ethiopian Somali Region:** The Ethiopian Somali regional state is located in the eastern and south eastern part of Ethiopia with an estimated area of approximately 279,000 km<sup>2</sup>. It borders with Djibouti in the north, Somalia in the east and northeast, Kenya in the south, Oromiya Region in the west and Afar Region in the northwest. 80% of the region is classified as lowlands ("Kolla"), 5% highland ("Dega"), and 15% of the area falls under temperate ("WoynaDega") category. The region is predominately pastoral; and the main livelihood activity of the people is livestock rearing. However, their livelihood is subject to numerous shocks and stresses, including recurrent drought, livestock marketing constraints and mobility due to conflict and insecurity. There are nine administrative zones (Shinile, Jijiga, Fik, Degahbur, Korahe, Warder, Gode, Afderand Liban) and 67 *woredas*.

The population is approximately 4.5 million according to CSA 2007. The dominant ethnic groups in the region are the Somali accounting to 97.2%. In addition, there are Amhara, Oromo, and Gurage ethnic groups which are residing mainly in urban areas of the region.

**Benishangul-Gumuz Region:** The region is located in the western part (western lowlands) of Ethiopia with a total land coverage of 50,380 km<sup>2</sup>. It is about 750 kilometers away from Addis Ababa, bordering with Sudan. It shares boundaries with *Oromia* region in the east and south, *Amhara* region in the north and northeast, and has international boundary with Sudan in the west. Topographically, the region ranges from 600 (areas bordering the Sudan) to 2,731 meters above sea level with an average monthly temperature of 20.6 – 35.2<sup>0</sup>C. Most of the region is lowland ("Kolla") accounting 70 percent while the midlands ("WoynaDega") and highlands ("Dega") cover 25 percent and 5 percent, respectively. Normally, the region receives rainfall from April to the end of October. The amount and distribution of rain was erratic varying within and across each *woreda*.

According to CSA (2007), the total population of the region was estimated to be 784,345 of which males accounted for 50.8 percent and females 49.2 percent. The population density of the region is 15.6 persons per square kilometer. Currently, the region has three administrative zones and 20 *woredas* (having only one special *woreda*, namely *Mao-komo*). There are many ethnic groups residing in the region. While the most dominant ones are indigenous ethnic groups making up 56.55 percent, namely Berta, *Gumuz*, *Shinasha*, *Mao*, and *Komo* and other ethnic groups represent 33.55 percent, of which the dominant ones are Oromo and Amhara.

**Tigray Region:** Tigray Region is located in the northern part of Ethiopia, some 1,200 kms away from Addis Ababa. The region is bordered by Eritrea in the north, Sudan in the west, the Afar Region in the east, and the Amhara Region in the south and southwest. It has an estimated area of 84,721.77 km<sup>2</sup>. The climate of the region is characterized as "Kolla" (semi-arid) 39%, "Woynadega" (warm temperate) 49%, and "Dega" (temperate) 12%. Thus, Tigray has diversified agro-ecological zones and niches each with distinct soil, geology, vegetation cover and other natural resources. The climate is generally sub-tropical with an extended dry period of nine to ten months.

Based on the 2007 Census conducted by CSA, Tigray Region has a population of 4,316,988, of whom 2,126,465 are men and 2,190,523 women. The region is predominantly inhabited by the Tigrinya speaking Tigray ethnic groups accounting to 96.55%. There are also minority of Nilo-Saharan-speaking Kunama ethnic groups. Besides, there are the Amhara, Irob, Afar, etc ethnic groups mainly residing in the urban areas. Like other regions in Ethiopia, administratively, Tigray is subdivided into administrative zones: Central Tigray, East Tigray, North West Tigray, South Tigray, South East Tigray, West Tigray and Mekele city administration; which again are subdivide into 34 administrative *woredas*.

**Gambella Region:** The region has a land area of 29,782.82 km<sup>2</sup>, with total population of 307,096 (male 159,787, female 147,309) according to the 2007 census. Agro-ecologically, The Regional State is characterized by different climatic features; divided into three agro-climatic zones namely, Woina-dega, Kolla and Bereha. Godere and part of Dimma *woredas* falls in Woina-dega zones while Gambella town, Abol, Abobo, Itang and Gog *Woredas* falls in Kolla zone. Jor, Lare, Jikawo and Akobo *Woredas* are found in the Bereha climatic zones. Hence, the region is predominantly lowland (*kolla*), with a few midlands (*weynadega*).

The region's economy is predominantly agriculture. The region is endowed with abundant natural resources of vast arable land and water. Land and water are the main source of

livelihoods of the people. In terms of land use, cultivated land is estimated to be 7,251.1 hectares (5516.3 hectares using rain-fed, 66 hectares using irrigation from Baro River, and 1,668 hectares using the recession of Baro River). The main ethnic groups in the region are the Nuer (46.7%), Anuak (21.16%), Amhara (8.4%), Kafficho (5.0%), Oromo (4.8%), Majanger (4%), and the remaining are other ethnic groups such as Shakacho, Kambata, etc. Administratively, Gambella region is divided into three zones (Agnuak, Majanger, and Nuer zones) and 13 woredas. Each of the ethnic groups have their language.

### **6.2.2 Socio-economic Conditions of the Project Area**

In the five regions, refugee hosting communities are located in the border area of the country with arid and semi-arid temperature conditions. Almost all areas have erratic rainfall and prone to the risk of nature. Hence, the host communities are mainly farmers, agro-pastoralists, and pastoralists. Farmers are dominating in Tigray, Gambella, and Benishangul-Gumuz Regions. Agro-pastoralists and pastoralists are mainly found in Ethiopia Somali and Afar regions. Compared with pastoralists, in these two regions, agro-pastoralists are less in number. In the regions where farming is the dominant economic activity, the community members are also involved in animal husbandry to supplement their income as their secondary means of livelihood.

Host communities in the five regions also practice fishing, engaged in traditional mining, and handcraft works. The fishing activity was practiced in Baro River in Gambella, Dabus River in Benishangul-Gumuz region, Tekezi River in Tigray region, and Genale and Dabus Rivers in Somali Region and sometime in Awash River in Afar Region. Handcraft works are mainly the dominate activity of pastoral women. In the course of the discussions with potential beneficiaries of DRDIP, certain project ideas were suggested in line with their major livelihood strategy as well as prior experiences and anticipated results to their respective livelihoods.

### **6.2.3 Vulnerable and Underserved Groups in the Project Areas**

Vulnerable groups identified in the five regions are older people who do not have supporters and caregivers; and usually they depend on support from their relatives and farming from nearby farmlands. Most of the older people keep small ruminates such as goats and hens to get income. Women and women headed household were also categorized under the vulnerable groups. In all areas women are subordinate to their husbands and do all the domestic chores, child rearing, many of the farming activities, house construction (in pastoral areas of Afar and Somali), etc. Youths were vulnerable in refugee host communities. Most youths, particularly those who completed their high school and fail to get pass mark to join government universities and TEVET were unemployed and involved in some deviant acts such as chewing chat, alcoholism, gambling, and illegal ways of getting income.

People with disabilities (PWDs), though not large in number, are among the vulnerable groups. PWDs are more in number in Tigray region because the area is the past battle ground of the Derg regime. In Tigray region of Tselemt and Tahetay Adiyabo, there are a large number of veterans, after the fall of Derg regime, were reintegrated to the community and still were being supported by the community and the government. People with Unidentified Liver Disease (ULD) are found Tigray region and are among the vulnerable groups. The cause of the disease is a wild plant, locally called “Kech Arem”. Since abdomen of victims of ULD get bulged and become unproportional to size of their head and leg. They are weak and cannot walk.

All project target areas are dominated by underserved ethnic groups or ethnic minorities. The two Woredas in Gambella region is inhabited the Nuer, Agnuah, and Opo ethnic groups. Berta, Mao, and Komo are residents in Benishanguel-Gumuz which are ethnic minorities. The Somali ethnic group dominate the Ethiopia Somali region; and Afar ethnic group in Afar region. The Somali and Afar ethnic groups are divided by clan. Besides the Tigray ethnic groups there are ethnic minorities such as Kunama and Irob ethnic groups in project target areas in Tigray region.

## **7. Community Consultations on DRDIP and the RPF**

### **7.1 Community Consultation Objective**

Community consultation in each woredas was conducted with the objective of orienting DRDIP to the refugee hosting communities and understanding their views and opinions towards the proposed project and its sub-components. Besides, during the consultation, the hosting communities were oriented about the RPF and to work accordingly following the set procedure during project implementation.

### **7.2 Community Consultation Process**

In all the five regions, community consultation was facilitated by the consultants in collaboration with the regional and woreda agriculture offices and woreda administrators. Initially, the team of consultants has met with each regional Bureaus of Agriculture (except for Somali and Tigray regions where the team has directly contacted with woreda agriculture offices). The woreda agriculture offices and the woreda administrators have informed chairpersons of the specific kebeles selected for consultation and mobilized the community and facilitate the consultation process. In all the kebeles, community members including men and women, youths and elderly, have taken part in the consultation. In the five regions, the consultation was conducted from 26 December 2015 to 21 January, 2016. The consultation was carried out in a total of 11 Woredas and 17 kebeles hosting refugees in Ethiopia. A total of 501 (349 male and 148 female) people have participated in the public consultation in the five regions (see table 7.1 below).

All consultation participants were encouraged and allowed to reflect on and give their views regarding the project sub-component activities and encouraged to give their opinions whether or not the project would address their pressing problems they faced as a result of hosting refugees. Besides, during the consultation community members were allowed to reveal their pressing problems and the suffrage they encounter and the benefit they acquired including their concerns and worries during the implementation of the proposed project and summarized in the sections hereunder.

### **7.3 Major Challenges of Host Communities**

In three woredas which refugees were hosted, broader community consultation was made with refugee hosting communities to understand their views on the project in addressing their challenges. Discussion participants indicated that the major problems they encountered as a result of hosting refugees were the following:

#### **1. Shortage of basic social service giving infrastructures**

Host communities use of the social services constructed for the refugees varies from region to region and within the same region from woreda to woreda. Relatively, in Benishanguel-Gumuz and Somali regions, the host communities have better access to service prepared for the refugees.

For instance, in Homosha woreda local communities use health centers, schools, and water points of the refugees. Besides, in Wamba kebele of Bambasi woreda school building having four classes (for grade 9) was constructed for the sake of children of the host community. In the same kebele, water point was built and community members can access health centers of the refugee in the camps. In Jewe kebele of Abol woreda in Gambella region solar lights were put in the middle of the kebele and two water tankers (rotos with 20,000 liters capacity) were constructed; though host communities in the two regions complained that the benefits were not enough.

Vice-versa, refugees use social services of host communities. In Gambella and Benishanguel-Gumuz regions, the refugees have used and are using the social services infrastructures of the host communities such as schools and health centers like hospitals on referral basis. For instance, in *Itang* Woreda of Gambella region, due to a high student boom in grade five and six, students were forced to attend their classes in temporal shelter made of plastics. In Benishanguel-Gumuz region, refugee students attend government high schools found in woreda towns and regional town; Assosa.

The existence and adequacy of social services for the local host community was raised during community consultation. According to the discussants social services were adequate for them before the refugee were brought and settled in their kebeles. But, after housing refugees, social service giving infrastructures such as schools, health facilities, etc, has become inadequate because of increase in the number of users. There is shortage of classes causing children to attend class in plastic shelters and “*Dass*<sup>1</sup>”, health posts get congested and running with low supply of medicines, some water points get damaged. They complained that the arrival of refugees has resulted in shortage of, and low quality of social services in their kebeles.

Hosting communities demanded the expansions and upgrading of service giving infrastructures in their kebeles. Refugees’ use of local communities’ schools and health centers were prevalent in almost kebeles (though the degree of its use varies). Class shortage is observed in Ukedi and Pulkod kebeles in Gambella, Mai Kullie kebele in Tigray, Hinellie kebele in Afar, Bura-Amino in Somali, and Serkole and Tongo kebeles in Benishanguel-Gumuz regions. During the fieldwork the team has observed provision of class for students in plastic made shelters and locally constructed ‘*Dass*’ in Pulkod and Mai Kullie kebeles and snap shot of the pictures was depicted in the SA report.

There are restrictions imposed on the host communities to use social services constructed for the refugees. Consultation participants indicated that entry into camps and access of services such as medical treatment, school, etc, is strict and identification card issued by UNHCR and ARRA is required. A person who does not have the card is not liable to enter to the camp sites and get access to social services. In some areas even though host communities are allowed to access medical treatment, there are restriction on the number of users per day. For instance, in Pugndo kebele of Gambella region, per day up to five local community members were allowed to have medical treatment in refugee health centers. Besides, in some areas such as Bura-Amino in Somali, Homosha in Beneshanguel-Gumuz, and Mai Ayini in Tigray all host community members in one kebele or nearby kebeles were not allowed to use refugee social services. Only

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<sup>1</sup> Room like shelters made of wood covered with grasses without cement

those within the camp sites and much closer to them were allowed to use it. Hence, social services constructed for refugees were not free and equally accessible by the host community.

In many woredas refugees were found about 4 or 5 kilometers away from the hosting local community residence places. However, in some areas such as Gog, Abol, Itang Special, Homosha, Aseged Tsembla, Asayita, Tongo, were located within 1 or 2 kilometers radius of the residence areas of host communities. Hence, refugees can easily use host communities' social services. Besides, the communities indicated that even though the refugees are located in the distant areas away from their residence place, they expressed their incidence of theft by refugee particularly of their fresh maize and other crops and reaching them to collect firewood and produce charcoal. Such incidence was reported in Ukedi and Pulkod kebeles local communities. They expressed that they do not feel secured of their crops until they harvest and put inside their granary located at home.

## **2. Theft crops and small ruminants**

Host community consultation participants have indicated that some members of the refugees have been involved in stealing their crops and small ruminates. Discussants in all kebeles of Benishanguel-Gumuz, Somali, and Gambella, indicated that some refugees were always stealing their crops that were situated around refugee camps. For instance, participants in *Abol* and *Itang* special woredas indicated that the refugee move in-group to rob and cut their banana including the seedlings. Highly victims of theft were the vulnerable groups of the community such as elderly and women. Since, vulnerable groups such as old aged and women headed households are harvesting their crops such as maize, sorghum, vegetables like tomato, onions, and cabbage nearby their houses and a few distances from their houses, the refugees steal their produces and affect them highly. Hence, the vulnerable segments of the population are suffering a lot as a result of the refugee unethical behaviors. Theft of local community's crops and animals were frequently raised during broader community consultation. Informants are seriously complained about the issue.

## **3. Restriction of access to resources**

In the refuge Benishanguel-Gumuz and Gambella regions, some farmers who have farmland closer to the refugee camps indicated that they are abandoning their lands because when the crop rips the refugee were frequently taking their crops. In addition, the cattle, goats and donkey of refugee stray into their crops and demolish their farmland. Here is how one informant in Wamba kebele of Bambasi woreda stated:

*My farmland is located near the refugee camp. I am always quarreling with them. Always the refugee and their animals move in and destroyed the maize and sorghum. I informed to the kebele and woreda administrators but no solution still now. My family members are now at risk. Sometimes the refugees frustrate me using knives and spear. They want to kill me. I do not know whether I die today or tomorrow.*

In Benishanguel-Gumuz region, host communities were also restricted from using their irrigation land they have been using for generation. For instance, discussants in *Bambasi* and *Homesha* woredas reported that previously they were using the irrigation to produce vegetables and fruits like Banana, perennial crops like coffee and “*gesho*”. However, gradually, the refugees were



restricting them from using their irrigation land by intentionally destroying their crops. Thus, most community members have abandoned the land and now the refugees are using it. Participants indicated that when they report to the concerned body at woreda level and the refugee administrator (ARRA), they were simply informed to tolerate them because hosting refugee is national agenda. In Somali region, host communities were restricted from producing some important minerals such as Opal in Asayitta woreda. Government officials revealed that some refugees were involved in mining the Opal located in the mountain near their camp and using it to earn income.

#### **4. Environmental Deforestation**

In the refugee hosting areas, the environment is highly degraded. Particularly, the cutting of trees for firewood, house building, sell, and charcoal production has created deforestation as well as tensions between refugees and host communities. Consultation participants in all the five regions have indicated that refugees are destroying the environment both during day and night time luring inside the forest and moving in groups. Not be detected and minimize noise while cutting trees, they use soundless saw rather than traditional axes. Particularly, in Gambella, Benishanguel-Gumuz, and Tigray (Tahtay Adiyabo woreda) regions where refugee camps are found nearby urban and semi-urban areas, they are involved in sale of charcoal and firewood in nearby market centers. This is mainly because the movement of refugees is not strictly restricted as per the regulation of refugees.

The most dangerous part of deforestation was the cutting of tree by refugees together with its roots. Besides, in some areas such as Tongo, Bambasi, and Tselemt woredas the refugees, not to be identified while carrying and transporting, chop and cut both dried and wet trees putting into their sacks (madaberia) and took to their houses to use for fuel.

#### **5. Competition over Resources**

Host communities and refugees compete for different resources. In Ethiopian Somali, Afar, Benishanguel-Gumuz, and Tigray regions refugees keep livestock. Hence there is grazing land competition because of the existence of larger number of refugees having large flocks of livestock particularly in Pastoral areas of Afar and Somali regions. Discussants indicated that animals of refugees are much higher than that of the local people own. The refugees keep their animals in the grazing land of host communities and in some areas such as Bambasi in Benishanguel-Gumuz region became a cause of conflict. The competition over the grazing land is due to shortage of pasture for animals as a result of overpopulation of the livestock in the area.

Host communities and refugees also compete for firewood, grasses used for house construction (in Gambella and Benishanguel-Gumuz regions), and water for animals and human. Host communities in Gambella and Benishanguel-Gumuz have been using forests and forest products to supplement their livelihoods as well as for house construction and firewood. They reside and move inside the forests and dig root crops, collect fruits and vegetables to make a living. The coming refugees have created pressures up on the host community because they were also involved in the same activities creating competition over the resource. For instance, many refugees in Gambella and Benishanguel-Gumuz regions were from south Sudan, they have similar livelihood activities with the host communities. They engaged in digging the wild roots and collect wild plants that local communities have used to cope with food shortage. Discussants indicated that when refugees dig wild roots such as ‘desert *kocho*’, they do not perform activities

that make the plant to regenerate. They simply took the root to be consumed and leave the plant to dry. But, the locales, after digging the root, they properly return the soil and make possible ways to help the plant regenerate.

Besides, the refugees are mowing the local communities' grass to construct their houses and to sell in the market, as well as cut bamboo tress for firewood and sell. Hence, the refugee and local communities are now competing over resources which could lead to depletion of the resources and conflict. For instance, due to completions over the grass, consultation participants said, the refugees have started mowing the grass early before it rips. This again causes the grass not to produce seed to regenerate by itself following the natural cycle. Participants expressed their worries that they may not get grass foe the construction of houses and for feeding their animals in the coming two or three years.

Besides, since local communities knew that they will be imprisoned if they were detained while lodging forest and producing charcoal, some of them hire the refugees to do lodging for them and produce charcoal. Then, they also make the refuge sell these forest products for them on benefit sharing bases. This act is clearly evident in *Homosha* woreda of Benishanguel-Gumuz and this was confirmed by key informant government officials at woreda levels.

## **6. Security threat**

In the five regions, community discussants indicated that they face security problems as a result of the refugees. They reported that refugees move in group at night in to hunt wild animals, cut trees and some also travel to their homeland. When they encounter community members in their way, in some kebeles such as Homosha woreda in Benishanguel-Gumuz, they beat host communities and take whatever they get. Besides, government officials at woreda level indicated that they were unable to ensure peace and security of their woreda because the existence of large number of refugees. They reported that they are in fear of the occurrence of unlawful acts such as theft, rape, robbery, stealing of crops in granary, etc. to be committed against the host community. Besides, in Afar region, government officials reported that the police force is busy of settling disputes happening in the refugee camps.

### **7.4 Concerns of Host Communities During the Implementation of the Project**

Each sub-component activities of the project were put on board for discussion with the community. The community members were inquired to give their opinions regarding the objective of the project and each of the sub-components including its contribution to their way of life. Host communities have listed the following concerns which they identified will

- In Gambella region the likely occurrence if enter-ethnic, particularly between the Nuer and Agnuak ethnic groups, is indicated that might deter at some point the timely implementation of the project as well as the collective use of the social service giving infrastructures after its completion. The main cause of the conflict is political interest and in some places such as Itang special woreda due to competition over land or boundary issues. As remedy participants suggested concerned officials of the two ethnic groups should promote unity and inter-ethnic relationship.
- In some regions such as Gambella and Benishangule-Gumuz Regions, host communities expressed their worries about the theft of that has been happening in their areas. They indicated that their crops that they will produce using SSIs, their animals they will keep supported by the project as a means of livelihood will be stolen by the refugees.

- In Benishanguel-Gumuz and Gambella regions, officials express their concerns related to land access and utilization for the proposed project. This is related to the existence of many commercial agricultural investors in the two regions located around and a few distances of refugee hosting kebeles. The investors were given a huge tract of investment land which they have been using for cultivation. The risk is related to the construction of rural feeder roads to connect one kebele with another within the lands of investors. Investors might not let and unwilling to pass the roads through their investment land during the implementation of project activities; or they might demand a substitute land for their investment in adjacent areas. The team has faced the difficulty to get investors to further explore alternative measures that must be used to address the issue because during the consultation period most investors were finalized their harvests and moved to their residence places. As a remedy to this threat, regional, zonal and woreda leaders should make continuous discussion with investors whose lands are to be impacted by project activities and try to find solution early before the time of specific activity implementation.
- In *Itang* woreda of Gambella region, during summer season, the water flows over and engulfs almost the entire land surface in many kebeles. Hence, this might ruin social service infrastructures constructed by the project unless the specific sites where project activities will be implemented shall be carefully identified in consultation with the local community members.
- In some regions, such as Gambella, Afar, and Benishanguel-Gumuz, less likely participation of women is reported mainly as a result of less interested to participate because they are highly tied to domestic chores and more prone to in-house work and child rearing activities. Frequent community mobilization and establishment of women advocacy committee is suggested.
- Participants indicated that due to the larger number of refugees found in their locality, whatever environmental conservation activities were done, the refugees would continue deforesting the trees and grasses unless strict measures were taken to prevent their acts such as restricting their movement, establishing strong watch-men or keepers, restriction of refugees sell of firewood and charcoal, and not only distribution of alternative energy sources but also restricting the refugees against selling these alter native energy sources to other community members in the market.
- Competitions over grazing land due to the existence of a large flock of refugee livestock in the five regions. The refugees keep cows, sheep and goats as a means of livelihood in the woredas visited five regions of the country.
- In some woredas community consultation participants indicated that unless some activities has to be done such as the construction of some service giving infrastructures in refugee hosting adjacent kebeles, targeting refugee hosting kebeles could lead to complaint and claims from non-beneficiary kebeles to the woreda administration and to some extent the movement or migration of people to the beneficiary kebeles to access the services. This is because kebeles adjacent to refuge hosting kebeles experience the negative impact of refugees on the environment and their livelihood activities.
- Due to the assignment of political posts at regional and woreda levels on the bases of ethnic representation, some communities express that project activities might be catered to few kebeles or villages where ethnic members of the one in position were located. They indicated that this is what happened in projects that were implemented in their

woredas. Hence, they suggested the identification of the project areas to be done not centrally by woreda administration or kebele chairman but with the participation of delegates from all sub-kebeles or villages in the kebele.

- Consulted community members also expressed their concerns regarding the implementation of the project saying: this project will not be implemented in their kebeles. They raised this because (i) some NGOs came in similarly and asked their and discussed with them but still the NGOs did not implemented the project; and (i) previously when refugees were to be hosted in their areas government officials have promised them to construct basic service giving infrastructures such as schools, health centers, schools, and water point. They said that they will get about 25% of services rendered to the refuges but no service was given as they were promised and in some areas not at all. The team has replied that DRDIP is a national project that will be implemented by MoA in five refuge hosting regions of Ethiopia and the mission of the team is to develop guidelines (RPF) that will be used during implementation as well as to orient about the project and knew the views of the community on the project components.

### **7.5 Views of Host Communities Regarding the contribution of DRDIP**

On the basis of the consultation, we understand that almost all consulted woredas and kebeles have serious shortage social service giving infrastructures. They have shortage of classes where students attend their educated seated under sheds and trees; there is lack of potable water for humans, and in others, host communities face shortage of water for their animals. They highly requested the construction of new classes for their schools, water points, and animal health centers, the construction of toilets. They also demanded the upgrading of the health posts to the level of health centers and fulfillment by equipments to overcome the shortage of medical equipments in health posts and health centers.

In some regions such Benishanguel-Gumuz (in Bambasi woreda), Gambella (all refugee camps) and Tigray (in Mai Kule kebele), the refugees were settled in areas of dense forest cover, there is high deforestation due to the use of forests for house construction, firewood and in some areas charcoal production. Irresponsible cutting of trees by refugees (that is cutting the tree with all its roots at night) was reported by host communities in Benishangul-Gumuz, Somali, and Tigray regions. The community members demanded for the introduction of energy saving stoves, solar, and seedlings to be planted, and the construction of soil conservation activities. The host communities also need livelihood diversification activities particularly small scale irrigations, poultry, sheep and goat fattening, beekeeping, petty trading such as shops. In all the five regions, women strongly needed flourmills. They travel along distance particularly to the woreda towns and refugee camps (where it was allowed to use such as Bura-Amino in Somali Region) to get flourmills that wasted their time and make them tiered.

Host communities in Tigray and Benishanguel-Gumuz indicated that they want to open shops in areas near to refugee camps but they were denied by the local administers and ARRA. This is an issue frequently raised by discussants in Tslemt woreda of Tigray region and Homosha woreda of BGRS. Besides, the host communities need to be employed in some activities in refugee camps located in their kebeles.

Discussants in Tigray and Afar indicated that they have been questioning the construction of basic service giving infrastructures particularly water points and class for their children, but their

questions were left aside by ARRA and UNHCR. They reported that they never get the services as they expected. The benefits that refugee gets from the local communities exceeds the benefits they gain as a result of hosting the refugees. In some areas, the discussants said “rather than the refugees, we, (the host communities) are refugees”. This is because, said participants, the refugee get better services such as school, health centers, piped water, etc; they are freely keep their animals; they cut tress and sale charcoal as they like; etc. On the contrary, the host communities have poor schools, lack teaching aid materials, lack health posts, face shortage of pure water for human and livestock, and were restricted from cutting trees and producing charcoal. Overall the refugee have better service giving infrastructures such as schools, water points, health centers, lightning, and they are given more privileges than the host communities.

In all the five regions, the host communities indicated that DRDIP will ease their problems. They noted that no one has ever supported them for hosting the refugees. Bogus promises were made by the concerned government bodies to support them but no support was made to them. They said this project, if implemented would properly address their challenges and help them gain better income, protect their environment, and access to better education, and medical treatment like the refugees around them.

#### **7.6 Reflection of Host Communities on Land and Compensation Issues**

During the broader community consultation, land acquisition by DRDIP and related compensation issues were raised and discussed as important agenda of the public consultation. In all the five regions, land belongs to the public and the government administers on behalf of its people. However, the farming land is held privately. In Tigray region and some woredas in Benishanguel-Gumuz region including some farmers in Asayita woreda of Afar region, land certification and registration was started. Grazing land, in the five regions, was communally administered and used. All the open land, forest land, and unused lands belong to the public and the government administers it; and falls within the public tenure system.

In all woreda in the five regions host communities reported that land is not a concern for the proposed project activities. Discussants in Benishanguel-Gumuz, Somali, Afar, and Gambella regions indicated that there is excess land in their locality. They do not have shortage of land (both grazing and farming land). Participants said that they will voluntarily donate their privately held farmland in case where the project sub-components activities are subjected to be implemented on and pass through their land. They pointed that their problem is not lack of land, rather lack of development projects. Some discussants expressed that they will demolish their home with no compensation if the land where their house was built was needed to the project implementation. Here is how one discussant narrated in Gambella as follows:

*Our problem is not land, but lack of support to help us do additional businesses, build water points, health centers, and additional schools. Many people came, ask us our problems, and promise to do schools and water points for us but they never did it. Every community member, if consulted to give their land for the sake of the project, no one would deny. Land is not a problem. We have huge land seating idle that the local communities did not use it.*

Interviewed government officials in BGRS, Afar, Somali, and Gambella regions also indicated that land belongs to the State; and they indicated that the presences of excess land under public

ownership. They also revealed the existence of unoccupied/vacant land reserved for the development/ construction of public infrastructure such as schools, water points, animal health clinics, and human health centers. In woredas and kebeles where there are no land reservations for development aims, they indicated that land can easily be acquired in consultation with the local community without additional cost. Officials also suggested existence of ample arable land that will be used to be given as compensation for those farmers whose farmland might be used for the purpose of the project activities on the basis of their consent. However, officials stressed that compensations need to be paid for perennial trees which were planted by the local communities that have economic values such as eucalyptus, mango, banana, etc.

However, in Tigray region, since there is shortage of farming land and every community member have land certification, in case where the project will be implemented in the privately held farmlands, land compensation is mandatory. Besides, in Somali region of Dolo Ado woreda, for irrigable lands around Genale and Dawa Rivers, if privately held farmland was to be used for the project activity, cash compensation is must because the woreda did not have reserves of irrigable land to be given as compensation.

**Table 7.1: Number of Public Consultation Meetings Participants**

Regions	# of Woreda	# of Kebeles	# of Public Consultation Participants		Total
			Female	Male	
Tigray	3	3	31	123	154
Afar	1	1	15	19	34
Benishangul-Gumuz	3	3	24	85	109
Somali	1	3	32	61	93
Gambella	3	5	50	61	111
<b>Total</b>	<b>11</b>	<b>15</b>	<b>152</b>	<b>349</b>	<b>501</b>

## **8. Legal and Institutional Framework Central to the RPF**

This part presents the laws, regulations, and conventions governing refugees that Ethiopia has ratified and legislation regarding the use of land and other assets in Ethiopia. It mainly describes the *political economy and governance in Ethiopia; institutional arrangements; property and land rights; acquisition of land and other assets; human rights and compensation; grievance redresses mechanism and its procedures, and comparison of Ethiopia laws with World Bank OP4.12 and the gaps identified.*

### **8.1 Conventions and Protocol of Refugees**

#### **8.1.1 International Refugee Conventions and Protocol**

Ethiopia is a signatory to other international and regional human rights conventions (UNHCR, 2010). The country has accepted and is a party to the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951, the Protocol Relating to the Status of Refugees of 31

January 1967 and the OAU Convention Governing the Specific Aspects of Refugee Problem in Africa, done at Addis Ababa on 10 September 1969.

Grounded in Article 14 of the 1948 Universal Declaration of human rights which recognizes the right of persons to seek asylum from persecution in other countries, in 1951, the UN adopted a Convention relating to the Status of Refugees and international refugee protection. The 1967 Protocol removed the geographic and temporal limits<sup>2</sup> of the 1951 Convention and thus gave the Convention a universal coverage. The general Obligations of Refugees stated in the convention is that “Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order” (Article 2).

The 1951 Convention has declaration regarding movable and immovable property of refugees. Under Article 13, it states:

*The Contracting States shall accord to a refugee treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.*

The Convention also noted rights of refugees to access courts Contracting States. It states “A refugee shall have free access to the courts of law on the territory of all Contracting States” and they “shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*” (Article 14).

The Convention has declaration regarding gainful employment such as wage-earning employment and self-employment under Article 17 and 18. Article 17 (wage-earning employment): “The Contracting State shall accord to refugees lawfully staying in their territory the most favorable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.” Further explaining under Paragraph 2 of the same Article states: In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labor market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

- (a) He has completed three years’ residence in the country;
- (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse;
- (c) He has one or more children possessing the nationality of the country of residence.

Article 18 also talks about self-employment rights of refugees. “The Contracting States shall accord to a refugee lawfully in their territory chapter iii: Gainful Employment treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

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<sup>2</sup> Originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe

As per the Convention, refugees have also the right to public education. The Convention states: “the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education” (Article 22).

OAU, currently called AU, has promulgated the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa noting with concern the constantly increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering as well as providing them with a better life and future.

### **8.1.2 Refugee Proclamation of Ethiopia**

Ethiopia has enacted the national legislation for the effective implementation of the aforesaid international legal instruments, establish a legislative and management framework for the reception of refugees, ensure their protection, and promote durable solutions whenever condition permit. Hence, the country has promulgated Refugee Proclamation No. 409/2004. The Refugee Proclamation No. 409/2004 outlines Ethiopia's legal framework for refugees and respects key protection principles. The refugee Proclamation stipulates the treatment of refugees with no-discrimination as to race, religion, nationality, membership of a particular social group, or political opinion.

The Proclamation is a derivative of the international and regional refugee conventions and protocol discussed above and adapted to the objective realities of the country. It is designed with a commitment for safe reception, promote peaceful coexistence, mutual respect, and return refugee when conditions in countries of origin is safe. The proclamation promotes relationship between refugees, hosting communities, and peoples of neighboring countries.

The Proclamation does not have sections regarding movable and immovable properties of refugees. However, it clearly noted while explaining the rights and obligations of recognized Refugees: “Every recognized refugee shall be entitled to other rights and be subject to the duties contained in the Refugee Convention and the OAU Refugee Convention” (Article 21 Sub-article 1(d)). Under sub-article 2 of Article 21 of the Proclamation states:

Notwithstanding the provisions of Sub-Article (1) (d) of this Article [Article 21], Every recognized refugee and family members thereof shall, in respect to wage earning employment and education, be entitled to the same rights and be subjected to the same restrictions as are conferred or imposed generally by the relevant laws on persons who are not citizens of Ethiopia.

The Proclamation provides special protection to the vulnerable groups of refugees. It states “The Authority shall take measures to ensure the protection of women refugees, refugee children, elderly refugees and handicap who needs special protection” (Article 22).

### **8.2 Political Economy and Governance in Ethiopia**

In Ethiopia, after the Derg regime’s Proclamations No. 31/1975, ownership of land was vested in the hands of State, and Ethiopian citizens were given use-rights (usufruct) over land and other resources. Then after, and citizens do not have the right of private ownership of, and the right to sale, land. The 1995 Constitution Article 40(3) recognizes land as a common property of the Nations, Nationalities, and Peoples of Ethiopia and prohibits sale or any other exchange of land.



However, users of land have the right to develop properties over the land and ownership of his/her possessions which are the fruits of his/her labour. This includes crops, perennial crops, trees for timber, etc developed on the land or any other permanent fixtures such as residential house, business installations, stores and fences, amongst others (*Proclamations No. 31/1975 and 47/1975*). The *1995 Constitution Article 40(7)* reiterates and furthers this right. It states “every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right to use expires, to remove his property, transfer his title, or claim compensation for it.”

Regional states are given with the power and responsible to administer land, enacting their respective regional laws that go in line with the federal Constitutions and the provisions on environmental protection and federal utilization policies (*Proclamation No. 89/1997 and Proclamation No. 456/2005 Article 17(1)*). Besides, *Zikre Hig Regulation No. 6/2002* provides for the lease holding of urban land for a specific period of time, and also regulates the lease period for different functions, grade of land and payment of lease. The law also regulates manners of expropriation of land and designates land that can be expropriated for public use without payment of compensation.

The use rights over “holding land” are open and no time limit on this usufruct as long as the subject to a proof of permanent physical property, ability to farm continuously and meet administrative dues and obligations (*1995 Constitution Article 40(3)*). Furthermore, *Proclamation No. 89/1997* confirms and details the Constitutional principle that holding rights on land can be assigned to peasants and pastoralists. The Constitution protects against unlawful seizure of property, stating “Everyone shall have the right to his privacy and physical integrity. This right shall include protection from searches of his person, his home, his property and protection from seizure of property under his possession” (*1995 Constitution Article 26*).

The *1995 Constitutions Articles 40(4) and 40(5)* provide for free land without payment for farmers and pastoralists. Ethiopian law allows companies to attain access to land through auction, allocation, or lottery, similar to individuals. “Landholder” means an “individual, government, or private organization or any...other...organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon” (*Proclamation No. 455/2005 Article 2(3)*).

In Ethiopia, the key institutional actors involved in resettlement are the local governments at the *Woreda* and *Kebele* levels<sup>3</sup>. This keeps in line with the Government’s policy of decentralization. The responsibilities of the federal and regional governments are confined to the actual project’s implementation. Agencies that tend to be included are the federal and regional ministries of Finance and Economic Development and the ministries associated with the sector of the project like the Ministry of Agriculture in this case. For the detail of the responsibility of the CRCs, see section 5.2 (RAP/ implementing agencies) of this RPF.

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<sup>3</sup> Woreda Compensation and Resettlement Committee ( CRC) and Kebele CRC

### **8.3 Property and Land Rights of Ethiopia**

The 1995 Constitution of Ethiopia, and up holds the right of users not to be forcefully evicted and displaced from their landholding. Article 40(2), 40(4), 40(5) and 40(8) of the Constitution include provisions that protect citizen's rights to private property and set conditions for expropriation of such property for public interest. For immovable properties on land, the Constitution states that "Every Ethiopian shall have the full right to the immovable property he builds on the land and to the improvements he brings about on the land by his labour or capital." According to Article 40(8) of the Constitution, the state may expropriate private rights over land "without prejudice to the right to private property, the government may expropriate private property for public purpose" with prior payment of adequate compensation. Again, Article 44(2) of the 1995 Constitution stipulates that all people who have been displaced or whose livelihoods have been adversely affected as a result of State programs shall have the right to receive adequate monetary or other alternative compensation, including transfer with assistance to another locality.

The power to expropriate landholdings for a development project belongs to a Woreda (rural local government) or urban administration (Proclamation No. 455/2005 Article 3). The IA is required to provide written notification, with details of timing and compensation, which cannot be less than 90 days from notification (Proclamation No. 455/2005 Article 4). Any entitled landholder who has been served with an expropriation order shall hand over the land to the local Woreda or urban administration within 90 days from the date of payment of compensation should the leaseholder accept payment. Furthermore, where there is no crop or other properties on the expropriated land, the titleholder shall hand over the land within 30 days of receipt of expropriation order. Lastly, Article 4 (3) gives power to use police force if a landholder is unwilling to hand over land.

The IA is responsible for gathering data on the land needed and works, and sending this to the appropriate officials for permission. It is also required to compensate affected landholders (Proclamation No. 455/2005 Article 5). For example, regarding the removal of utility lines, the relevant government body must give a written request to the affected landholder, and this body must determine a fair compensation within 30 days (Proclamation No. 455/2005 Article 6). Compensation must be paid within 30 days of the receipt of the valuation, and the landholder must vacate the land within 60 days of receipt of compensation.

### **8.4 Acquisition and Valuation of Land and Other Assets**

Land valuations are often done at the Woreda levels. The local governments establish valuation committees to value private properties (Proclamation No. 455/2005). The landholder is entitled to be compensated for the property on the basis of replacement cost based on current market price. Permanent improvements to the land, equal to the value of capital and labour expended (Proclamation No. 455/2005 Article 7), are specified as valid basis for determining replacement value. However, the law does not take into account depreciation values. Where property is on urban land, the law specifies that compensation "may not be less than constructing a single room in low cost house as per the region in which it is located." It is also required that the cost of removal, transportation, and erection be paid as compensation for a relocated property, continuing its service as before. Compensation will also be based on current cost, cost of demolishing, lifting, and reinstalling. Valuation formulae are to be provided by regulations (Proclamation No. 455/2005 Article 7).

Assets will be broken down into components to calculate the value of the asset (Directive No. 135/2007). Crops are subdivided into crops and perennial crops, and calculated based on yield per square meter of land multiplied by price per kilogram. Components for building costs include cost per square meter. Trees could be cut and used by owner plus payment of compensation for loss of continued income. The cost of machinery, labour for improvement, and any infrastructure as part of the improvement will be compensated based on current costs in the market. Property relocation is based on the cost to relocate it given that it is not damaged while being moved. The amount of compensation for loss of land that is used for grazing or production of grass is based on the area of land and the current price per square meter. Detailed instructions for compensation are included within Directive No. 135/2007 of GoE.

Proclamation No. 455/2005 classified assets as movable and immovable. For movable assets, compensation will be paid for inconvenience and other transition costs (Article 7(2)). Urban immovable assets include residential houses, business installations, institutional structures, stores, fences and public service providing installation. In rural areas, they include seasonal crops, perennial fruit trees, timber trees and other cash crops.

For losses that cannot be easily valued or compensated in monetary terms (for instance, access to public services, grazing areas, etc.), an attempt will be made to establish access to equivalent and culturally acceptable resources and earning opportunities (Proclamation No. 455/2005 Article 7(2)).

In addition to compensation, according to Proclamation No. 455/2005 Article 7, displacement compensation shall be paid equivalent to ten times the average annual income he/she secured during the five years preceding the expropriation of the land. Compensation will be in an amount sufficient to reinstate displaced people to their economic position prior to displacement. The same proclamation mandates the relevant local administration is required to give land as compensation to any person who lost his land in favour of a public project.

The assessment of compensation does not include the value of the land itself because land is a public property and not subject to sale in Ethiopia. In general, valuation of property is to be carried out by a certified private or public institution or private consultants as per the valuation formulae (Proclamation No. 455/2005 Article 9). Article 9 of this proclamation proclaims that the property situated on a land to be expropriated shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the respective woreda and urban administration where the land is located.

The local and federal governments have different roles in compensation. The Woreda and urban administrations are responsible that compensation is paid and giving rehabilitation support to the extent possible, and maintain data regarding properties removed from expropriated landholdings (Proclamation No. 455/2005 Article 13). The Ministry of Agriculture with coordination of concerned Regional Bureau has a duty to ensure there is compliance with Proclamation No. 455/2005 at the regional level, to provide technical and capacity building support in implementation at the regional level, and prepare the valuation formulae (Proclamation No. 455/2005 Article 12).

### **8.5 Entitlement for Compensation**

The 1995 Constitution of Ethiopia under Articles 43 sub-article 1 & 2 has given the people the right to improved living standards and sustainable development as well the right to be consulted with respect to policies and projects affecting their communities. Additionally, all international agreements and relations by the State must protect and ensure Ethiopia's right to sustainable development (1995 Constitution Article 43(3)). Lastly, the same Constitution guarantees the right to a clean and healthy environment (Article 44).

Eligibility for compensation is discussed in Article 44(2) of the Constitution and Proclamation No 455/2005. These give entitlement only to those who have formal legal use rights over their land holdings (properties). Proclamation No 455/2005, Article 2 sub-article 3 stipulates that "Landholder means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon." According to Article 7 sub article 1& 2, "a landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements he made to the land". "The amount of compensation for property situated on the expropriated land shall be determined on the basis of the replacement cost of the property".

Article 40 (sub-article 8) of the 1995 Constitution gives the State the power to expropriate private property for public use with prior payment of compensation. It states "without prejudice to the right to private property, the State may expropriate private property for public use with the prior payment of adequate compensation." The words "prior" and "adequate" are in line with the Universal Declaration of Human Rights. This manifests rights to citizens for basic services and programs, including facilities to guarantee education, health, and housing.

### **8.6 Procedures for Resettlement According to the World Bank OP 4.12**

The World Bank's Safeguard Policy OP 4.12 applies mainly to component 1 and 2 of DRDIP and to all economically and /or physically affected persons regardless of the number of people affected, the severity of impact and the legality of landholding. The OP 4.12 further requires particular attention to be given to the needs of vulnerable groups such as those who are below the poverty line, landless, elderly, women and children, underserved/indigenous groups, ethnic minorities and other disadvantaged persons.

The World Bank's Policy requires that a RAP shall be prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

### **8.7 Gaps between Legislation of Ethiopia and the World Bank OP 4.12**

There are some gaps between Ethiopian laws and regulations and the requirements for resettlement as laid out in OP/BP 4.12. In some cases, the Ethiopian laws and regulations are not compatible with the Bank's OP/BP 4.12 provisions as discussed hereunder.

While OP/BP4.12 requires that compensation be completed prior to the start of the project, there are no similar timetables set out in Ethiopian laws or regulations. According to the Proclamation 455/2005, the landholder whose land to be expropriated shall handover the land within 90 days from the date of payment of compensation. Additionally, Ethiopian law does not make any specific accommodation for squatters or illegal settlers, other than recognition of some use-rights, such as when settlers can claim rights to the land. OP/BP4.12 requires that affected communities be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement. However, Ethiopian law states that, when it is determined that a right of way must be established, the expropriation rights of the State take precedence, although the Constitution protects the individual's use-rights.

However, no specific provision is made in the Ethiopian laws (Proclamation 455/2005 and Regulation 135/2007) to accommodate the potential adverse impacts of development projects for the vulnerable groups such as women, children, the elderly, historically disadvantaged ethnic groups/ minorities, the landless, and those living under the poverty line. According to the Bank's Policy, these groups are at highest risk to experience negative effects due to resettlement, and should receive special consideration during the preparation of a resettlement policy framework to assure that they can maintain at least the same standard of living after displacement takes place. Finally, there is also no provision in the law that the State should attempt to minimize involuntary resettlement. However, this appears to be implicit in the country's Constitution.

To ensure the interest of PAPs and mitigating the negative impacts of the subprojects, this RPF will be based on the existing national laws on expropriation and compensation payments and World Bank's OP on land acquisition. To bridge the gaps mentioned above and address the negative impacts of the resettlement activities on these groups, the following strategies will be followed:

- Capacity building training on different technologies, and technical support to participate/engage on different livelihood activities;
- Participate on different income generating/livelihood activities that DRDIP will create;
- Create access to finance/credit to participate/engage on different livelihood activities;
- Follow up and monitoring of the resettlement and livelihood restoration activities.

The Table 8.1 below presents comparative analysis of Ethiopian law on land acquisition and World Bank's OP/BP and recommended measures to address the gaps.

**Table: 8.1: Comparison of Ethiopian Legislation and World Bank’s Operational Policy**

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
<b>Policy Objectives</b>	<p>World bank OP/BP4.12 has overall policy objectives, requiring:                      Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.</p> <p>Resettlement program should be sustainable, include meaningful consultation with affected parties and provide benefits to the affected parties.</p> <p>Displaced persons should be assisted in improving livelihoods etc or at least restoring them to previous levels.</p>	<p>Proclamation No 455/2005 (Article 3(1)) gives power to Woreda or urban administrations to “expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development...” This is supported by Article 51(5) and Article 40(8) of the 1995 Constitution.</p> <p>Proclamation No 455/2005 (Article 7(5) states that” the cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue to serves as before.”</p>	<p>The World Bank requirement for avoidance or minimization of involuntary resettlement is not written into Ethiopian legislation. Proclamation No 455/2005 does not indicate consultation with displaced persons throughout the resettlement process, rather only allows for a complaints and grievance process. Although Proclamation No 455/2005 allows for some form of support to the displaced persons, it does not explicitly state that livelihoods should be restored to previous levels or improved.</p>	<p>World Band OP/BP4.12 overall objectives shall be applied to avoiding or minimizing involuntary resettlement to ensure resettlement program is sustainable and includes meaningful consultation.</p>

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
<b>Notification period /timing of displacement</b>	Article 10 of World Bank OP/BP4.12 requires that the resettlement activities associated with a sub - projects are linked to the implementation of development program to ensure displacement or restriction of access does not occur before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons.	Article 4 of Proclamation No 455/2005 requires notification in writing, with details of timing and compensation, which cannot be less than 90 days from notification. It requires that land should be handed over within 90 days of payment of compensation payments. If there is no crop or other property on the land, it must be handed over within 30 days of notice of expropriation. It further gives power to seize the land through police force should the landholder be unwilling to hand over the land.	There is a gap in Proclamation No 455/2005 to allow land to be expropriated before necessary measures for resettlement take place, particularly before the displaced person has been paid. This can have serious consequences for those affected, as they may be displaced without shelter or livelihood.	Displaced person should always be paid compensation and support before the land is handed over, as per World Bank OP/BP4.12.
<b>Eligibility for Compensation</b>	World Bank OP/BP4.12 gives eligibility to: Those who have formal legal rights to the land; Those who do not have formal legal rights to land, but have a claim to such land; and  Those who do not have recognizable legal right or claim to the land.	Proclamation No 455/2005, Article 7(1) allows 'landholders' to be eligible for compensation, where the term "landholder" (Article2(3) means" and individual, government or private organization or any other organ which has legal personality and have lawful possession over the land to be expropriated and owns property situated thereon"	According to World Bank OP4.12, eligibility for compensation is granted to "affected parties". Ethiopian Legislation only grants compensation to those with lawful possession of the land, and as per Proclamation No 456, those with traditional possession i.e. Communal lands. It therefore does not recognize those without a legal right or claim as eligible	The requirements of World Bank OP/BP4.12, as described in Column 1 of this table, expected to be applied

Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
			for compensation.	
<b>Compensation</b>	World Bank OP/BP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and /or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In term of valuing assets. If the residual of the asset being taken is not economically viable,	Article 7 of Proclamation No. 455/2005 entitles the landholder to compensation for the property on the land on the basis of replacement cost; and permanent improvements to the land, equal to the value of capital and labour expended.  Where property is on urban land, compensation may not be less than constructing a single room low cost house as per the region in which it is located. It also requires that the cost of removal, transportation and erection will be paid as compensation for a relocated property continuing its service as before. Valuation formula are provided in Regulation No. 135/2007	The World Bank requirement for compensation and valuation of assets it that compensation and relocation must result in the affected person must have property and a livelihood returned to them to at least equivalent standards as before. This is not clearly stated in local Proclamations. It is expected that the regulations and directives will provide more clarity and clearer guidance in this regard.	The World Bank requirements for compensation must be followed, as per OP/BP4.12 footnote 1, which states, “Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard”



Theme	World Bank OP 4.12	Ethiopian Legislation	Comparison	Recommendations to Address Gaps
<b>Responsibilities of the project proponent</b>	<p>According to OP/BP4.12, Article 14 and 18), the borrower is responsible for conducting a census and preparing, implementing, and monitoring the appropriate resettlement instrument. Article 24 states that the borrower is also responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. In addition, upon completion of the project, the borrower must undertake an assessment to determine whether the objectives of the resettlement instrument have been achieved. This must all be done according to the requirements of OP/BP4.12. Article 19 requires that the borrower inform potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.</p>	<p>Article 5 of Proclamation No 455/2005 sets out the responsibilities of the implementing agency, requiring them to gather data on the land needed and works, and to send this to the appropriate officials for permission. It also requires them to pay compensation to affected landholders.</p>	<p>The process required for the project proponent IA lacks descriptive processes in local legislations...</p>	<p>As per the World Bank requirements, project processes included screening, a census, the development of a plan, management of compensation payments and monitoring and evaluation of success. It must also include proper consultation with the affected parties throughout the process.</p>

### **9. Entitlement Matrix for Various Categories of PAPs**

Based on the comparison between Ethiopian Land Law and Bank OP/BP4.12, an entitlement matrix has been designed (Table 4.2). This bridges the gaps between the requirements under Ethiopian Law and the World Bank OP/BP4.12 and ensures that the higher of the two standards is followed, since the requirements of the lesser standard are also satisfied. The missing values in the entitlement matrix will be determined at the time the resettlement plans for RAPs are being negotiated and prepared.

**Table 10.1: Entitlement Matrix**

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	<ul style="list-style-type: none"> <li>• Cash compensation for affected land equivalent to market value</li> <li>• Less than 20% of land holding affected</li> <li>• Land remains economically viable.</li> </ul>	<ul style="list-style-type: none"> <li>• Title holder</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation for affected land equivalent to replacement value</li> </ul>
		<ul style="list-style-type: none"> <li>• Tenant/ lease holder</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation for the harvest or product from the affected land or asset, equivalent to ten times the average annual income s/he secured during the five years preceding the expropriation of the land.</li> </ul>
	<ul style="list-style-type: none"> <li>• Greater than 20% of land holding lost</li> <li>• Land does not become economically viable.</li> </ul>	<ul style="list-style-type: none"> <li>• Farmer/ Title holder</li> </ul>	<ul style="list-style-type: none"> <li>• Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice.</li> <li>• Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</li> <li>• Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</li> </ul>
		<ul style="list-style-type: none"> <li>• Tenant/Lease holder</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to ten times the average annual income s/he secured during the five years preceding the expropriation of the land.</li> <li>• Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature</li> <li>• Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</li> <li>• Relocation assistance (costs of shifting + allowance).</li> </ul>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Commercial land	<ul style="list-style-type: none"> <li>Land used for business partially affected</li> <li>Limited loss</li> </ul>	<ul style="list-style-type: none"> <li>Title holder/business owner</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected land</li> <li>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</li> </ul>
		<ul style="list-style-type: none"> <li>Business owner is lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)</li> </ul>
	<ul style="list-style-type: none"> <li>Assets used for business severely affected</li> <li>If partially affected, the remaining assets become insufficient for business purposes</li> </ul>	<ul style="list-style-type: none"> <li>Title holder/business owner</li> </ul>	<ul style="list-style-type: none"> <li>Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.</li> <li>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>Relocation assistance (costs of shifting + allowance)</li> <li>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</li> </ul>
		<ul style="list-style-type: none"> <li>Business person is lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</li> <li>Relocation assistance (costs of shifting)</li> <li>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.</li> </ul>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Residential land	<ul style="list-style-type: none"> <li>Land used for residence partially affected, limited loss</li> <li>Remaining land viable for present use.</li> </ul>	<ul style="list-style-type: none"> <li>Title holder</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected land</li> </ul>
		<ul style="list-style-type: none"> <li>Rental/lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)</li> </ul>
		<ul style="list-style-type: none"> <li>Title holder</li> </ul>	<ul style="list-style-type: none"> <li>Land for land replacement or compensation in cash according to PAP's choice.</li> <li>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</li> <li>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</li> <li>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>Relocation assistance (costs of shifting + allowance)</li> </ul>
	<ul style="list-style-type: none"> <li>Land and assets used for residence severely affected</li> <li>Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</li> </ul>	<ul style="list-style-type: none"> <li>Rental/lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Refund of any lease/ rental fees paid for time/ use after date of removal</li> <li>Cash compensation equivalent to 3 months of lease/ rental fee</li> <li>Assistance in rental/ lease of alternative land/ property</li> <li>Relocation assistance (costs of shifting + allowance)</li> </ul>
Buildings and structures	<ul style="list-style-type: none"> <li>Structures are partially affected</li> <li>Remaining structures viable for continued use</li> </ul>	<ul style="list-style-type: none"> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected building and other fixed assets</li> <li>Cash assistance to cover costs of restoration of the remaining structure</li> </ul>
		<ul style="list-style-type: none"> <li>Rental/lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</li> <li>Disturbance compensation equivalent to two months rental costs</li> </ul>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	<ul style="list-style-type: none"> <li>Entire structures are affected or partially affected</li> <li>Remaining structures not suitable for continued use</li> </ul>	<ul style="list-style-type: none"> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</li> <li>Right to salvage materials without deduction from compensation</li> <li>Relocation assistance (costs of shifting + allowance)</li> <li>Rehabilitation assistance if required (assistance with job placement, skills training)</li> </ul>
		<ul style="list-style-type: none"> <li>Rental/lease holder</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</li> <li>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</li> <li>Assistance to help find alternative rental arrangements</li> <li>Rehabilitation assistance if required (assistance with job placement, skills training)</li> </ul>
		<ul style="list-style-type: none"> <li>Squatter/informal dweller</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for affected structure without depreciation</li> <li>Right to salvage materials without deduction from compensation</li> <li>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</li> <li>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</li> <li>Rehabilitation assistance if required assistance with job placement, skills training)</li> </ul>
		<ul style="list-style-type: none"> <li>Street vendor (informal without title or lease to the stall or shop)</li> </ul>	<ul style="list-style-type: none"> <li>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</li> <li>Relocation assistance (costs of shifting)</li> <li>Assistance to obtain alternative site to re-establish the business.</li> </ul>
Standing crops	<ul style="list-style-type: none"> <li>Crops affected by land acquisition or temporary acquisition or</li> </ul>	<ul style="list-style-type: none"> <li>PAP (whether owner, tenant, or</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to ten times the average annual income s/he secured during the five years preceding the</li> </ul>

<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
	easement	squatter)	expropriation of the land.
Trees	<ul style="list-style-type: none"> <li>• Trees lost</li> </ul>	<ul style="list-style-type: none"> <li>• Title holder</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation based on type, age and productive value of affected trees plus 10% premium</li> </ul>
Temporary acquisition	<ul style="list-style-type: none"> <li>• Temporary acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• PAP (whether owner, tenant, or squatter)</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)</li> </ul>

## **Category of Project Affected Peoples (PAPs) and Eligibility for Compensation**

### **9.1 Project Affected Persons (PAPs)**

This RPF considers PAPs as those who stand to lose as a consequence of the project, all or part of their physical and non-physical assets, including homes, productive lands, resources such as perennial and non-perennial crops, forests, commercial properties, and income-earning opportunities. Such impacts may be permanent or temporary. This might occur through land expropriation and restricted or reduced access to important livelihood resources.

The policy framework applies to all economically and/or physically displaced persons regardless of the total number of affected, the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children or other economically and/or physically displaced persons who may not be protected through Ethiopian's legislation related to land exploration.

### **9.2 Categories of Project Affected Peoples (PAPs)**

Land acquisition for sub-projects may result in negative impacts to different categories of PAPs. Until the exact sub-project locations are determined, it is not possible to estimate the likely number of people who may be affected. However, the likely displaced (economically or physically) persons can be categorized into three groups namely:

#### ***1. Affected individuals***

These are individuals who risks losing assets, investments, land, property and/or access to natural and/or economic resources as a result of a sub-project.

#### ***2. Project affected households***

These are groups of PAPs in one household and where one or more of its members are directly affected by DRDIP. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

#### ***3. Vulnerable groups of people***

From these households, DRDIP will separately identify the vulnerable members, such as those who are too old or too ill; children including orphans; families affected and/or infected by HIV/AIDS; vulnerable women; unemployed youth; people with disability; etc. Households headed by women that depend on sons, brothers, and others for supports are especially vulnerable.

### **9.3 Eligibility Criteria for Various Categories of PAPs**

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance.



Both Article 44 sub-article 2 of the 1995 Constitution and Proclamation No 455/2005 present Ethiopian legal framework for eligibility for compensation. These two legal documents give entitlement only to those who have formal legal rights over their holdings (properties). They will only qualify for the compensation if they occupied the project area prior to a cut-off date established by the Compensation and Resettlement Committees.

#### **9.4 Eligibility for Land**

According to Proclamation No. 455/2005, article 8 sub-articles 3 and 4, land for land compensation will be applied to PAPs who might lose their land. This is done only for those who have formal legal rights over the land. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

PAPs who are entitled for compensation under the Ethiopian legislation will be compensated for the land they lose, and other assistance ensuring that they are (i) informed about their options and rights pertaining to resettlement, (ii) consulted and provided with technically and economically feasible resettlement and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

#### **9.5 Eligibility for Community Compensation**

It is important to note that the eligibility may also be claimed collectively, for example, as a community or religious group, when the assets lost are of communal property or use. Individuals or families can claim individual eligibility for loss of assets of a private nature to that individual or household. Communities on communal land that permanently lose land and/or access to assets and/or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, schools buildings and health centres, religious centres, or access to alternative source of natural resources to restore their livelihoods. The rationale for this is to ensure that the pre-DRDIP socio-economic status of communities where adversely impacted, is also restored.

Most sub-projects of DRDIP do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. The compensation will be in the form of reconstruction of the facility (in case of damages) or replacement of at least the same standard or equivalent or better standard required by local planning regulation.

#### **9.6 Eligibility for Loss of Property/Assets**

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. PAPs that lose their property or assets will be compensated as per the following national legislations:

1. Proclamation No 455/2005: Expropriation of Landholdings for Public Purposes and Payment of Compensation which establishes the legal principles and framework for expropriation and compensation.

2. Council of Ministers Regulations No. 135/2007: On the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes which provide the procedures for application of Proclamation No 455/2005.

According to Proclamation No. 455/2005, for PAPs who lose their property, they will be compensated for the property they lost including for permanent improvements he made to such land. The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property. The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before. Displacement cost will also be compensated for the property situated on the expropriated land.

**Displaced Persons without Legal Title:** In order to ensure that displaced persons who do not have legal title are not adversely affected by DRDIP investments, they will be enabled to maintain their livelihood and assisted to secure accommodation as described below:

- i. Capacity building training on different technologies, and technical support to participate/engage on different livelihood activities;
- ii. Participate on different income generating/ livelihood activities that DRDIP will create;
- iii. Create access to finance/credit to participate/engage on different livelihood activities.

### **9.7 Compensation for temporary losses**

According to Proclamation 455/2005, Article 8 (2), a rural landholder or holders of common land whose landholding has been provisionally expropriated, shall be paid until repossession of the land, compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land.

### **9.8 Method to Determine Cut-Off Dates**

The cut-off date is the time when the affected persons and their properties are assessed. Once the sub-project has been legally approved and a permit provided, a RAP will be prepared (if required) for the sub-project that may result in Involuntary Resettlement. As part of the RAP, a census will be undertaken to identify cutoff date for eligibility for resettlement and compensation. Therefore, it is key that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the Census. The Woreda CRC will set cut-off dates.

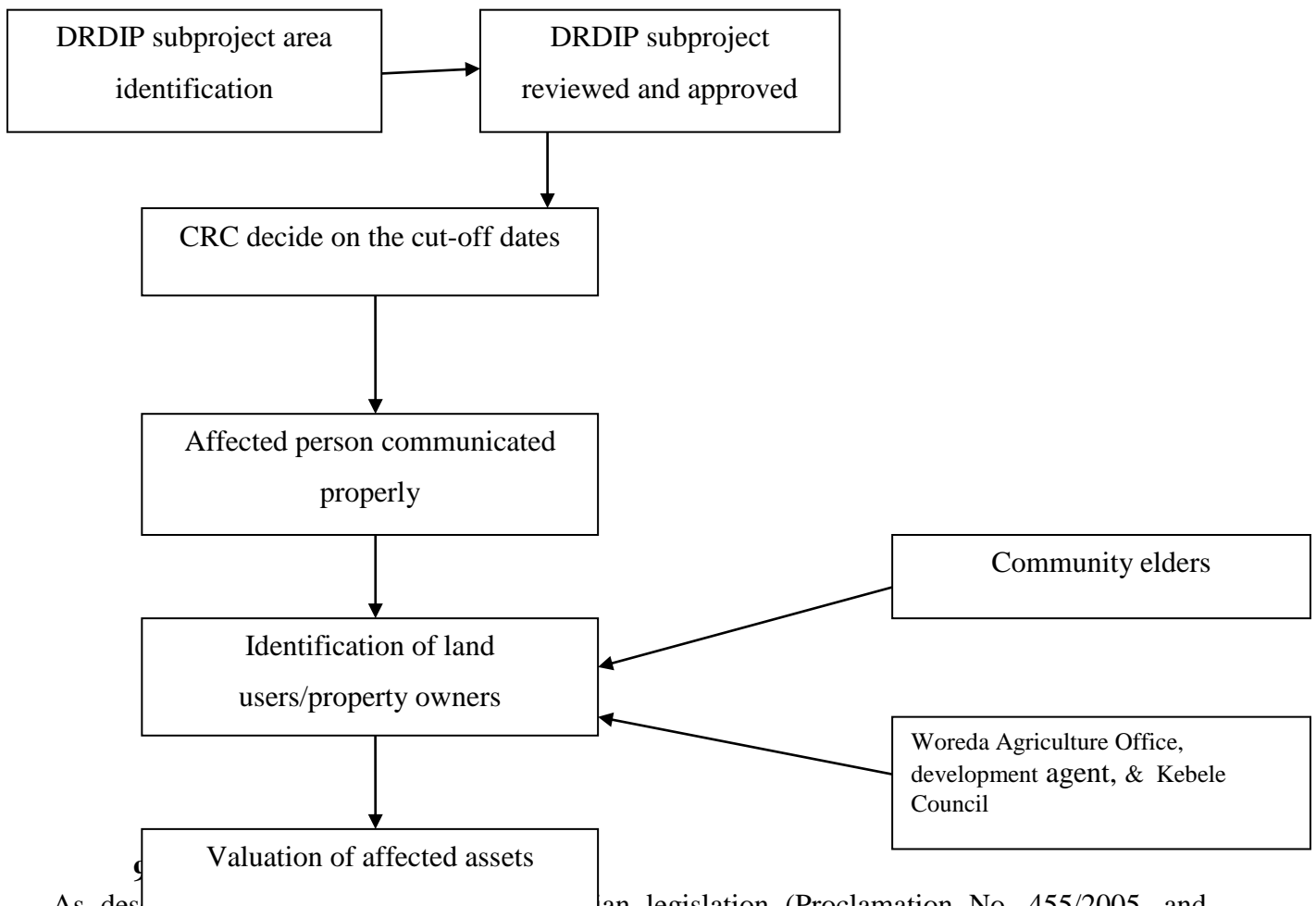
Kebele level CRC will also be charged with the responsibility to notify PAPs about the established cut-off date and its significance. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives. The local community leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local authorities and leaders.

Once the census had been undertaken, the lists will be verified physically and will then be reviewed and approved by the Woreda Environmental Protection, Land Administration, and Use

Agency (EPLAUA). Once these lists have been approved, thereafter, no new cases of affected people will be considered.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the subproject. Therefore, establishment of a cut-off date is of critical importance. A brief procedure for setting cut-off dates is given in Fig. 9.1 below.

**Fig. 9.1: Procedure for determining cut-off dates and property valuation**



As described in section above, the Ethiopian legislation (Proclamation No. 455/2005, and Regulation No. 135/2007) clearly indicated the method for inventorying and valuing of those assets that deems eligible for compensation through proclamations and regulations.

According to these legislations, valuation of property is to be carried out by a certified private or public institution or private consultants as per the valuation formulae (Proclamation No. 455/2005 Article 9). The property situated on a land to be expropriated shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the woreda and urban administration if the land is located in a rural and urban area respectively

(Proclamation No. 455/2005 Article 10). A specialized committee of experts may also be set up separately by the same organization (Woreda and urban administration) if required.

Regulation No. 135/2007 clearly puts methods for inventorying and valuing different type of assets. The regulation also established a formula to calculate the amount of compensation payable. The Property Valuation Committee uses these provisions to value the affected assets. The committee will enumerate each asset and inscribe on a register included in Annex 7 of this RPF. Each asset enumerated by the committee should be given value. All compensation options and types must be clearly and plainly explained to the affected individual or household or the community. The Woreda Compensation and Resettlement Committee (CRC) lists all property and surrender land and the types of compensation (cash and/or in-kind) sought. The compensation contract will be read aloud in the presence of the affected party and all others prior to signing it. The inventory and valuation will be signed and a copy will be given on the spot to the PAPs. This copy is not official until it is reviewed and approved by the Woreda EPLAUA, and returned to the PAPs.

### **9.10 Livelihood Restoration**

The World Bank's OP/BP 4.12 requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. 'Livelihood' refers to the capacity to gain a sustainable living – a flow of income and wealth accumulation – from a wide range of natural and social resources. Livelihood improvement, therefore, is not accomplished by compensation for lost assets. The policies clearly state that the displaced should become net beneficiaries of the project that is displacing them, over and above any general benefits accruing to the nation or overall community from the project. DRDIP will implement the following strategies to assist PAPs, in addition to compensation for their asset losses, to improve/restore their livelihood because of implementation of subprojects of DRDIP:

- ✓ Capacity building training on businesses which they want to engage;
- ✓ Technical support in Business Plan Preparation, and implementation of the businesses; and
- ✓ Follow up, supervision and monitoring of the implementation of business.

#### ***Special Livelihood Restoration for Vulnerable Groups***

The income restoration measures will also target the vulnerable persons to ensure that they are reasonably assisted to overcome potential economic shock from the project, and maintain the quality of life not less than their pre-project state because; they are at higher risk than others based on their vulnerability status. The type of livelihood restoration suitable to each PAP will be identified by the resettlement committee in consultation with PAP.

## **10. RAP Preparation Procedures and Institutional and Implementation Arrangement**

### **10.1 Processes for RAP Preparation, Review and Approval**

RAP is required if land needs to be acquired, such that people are displaced from land or productive resources and the displacement results in relocation, the loss of shelter, the loss of assets or access to assets important to production; the loss of income sources or means of livelihood; or the loss of access to locations that provide higher income or lower expenditure to

business or persons. When a subproject is expected to cause physical and economic resettlement, RAP must be prepared.

As part of the preparation of RAP, socio-economic census and asset inventory will be conducted to determine the extent of resettlement required. An important aspect of preparing a RAP is to establish appropriate data to identify the persons/household/community and their assets who will be affected by the individual subproject, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In essence, the census will achieve the following:

- Provide initial information on the scale of resettlement to be undertaken;
- Identifies gaps in information and gives an indication of further socio economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- Establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic survey will be undertaken by the relevant IA that is proposing the DRDIP investment subprojects with the use of the sample socio-economic survey indicated in Annex 2 of this RPF. It will be accompanied by a land asset inventory to determine what assets will need to be compensated for during the resettlement process. The land and asset inventory will be done under close supervision of the sub-project CRCs. A sample inventory form can also be found in Annex 2.

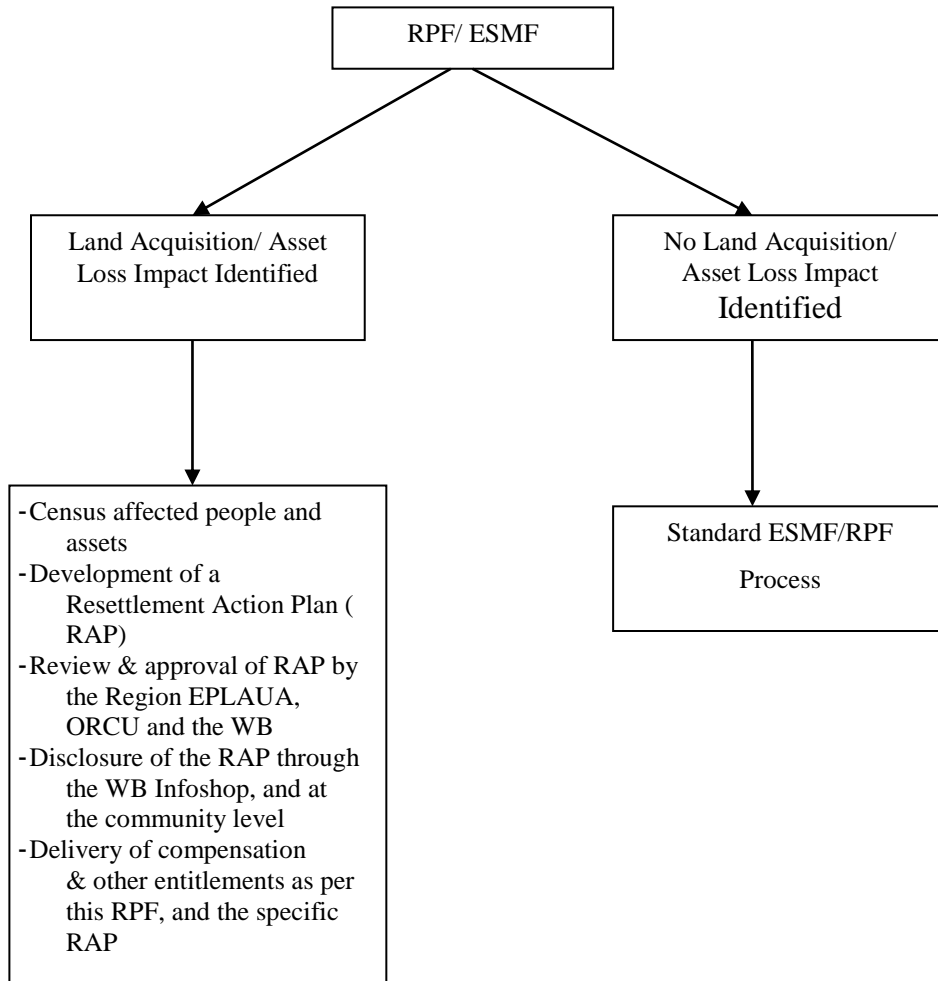
Where relocation or loss of shelter occurs and following the socio-economic survey, a RAP will be developed as structured in the Figure 11.1 below and Box 11.1 under section 11.2), and the RAP preparation guideline (see Annex 3 of this RPF).

## **10.2 Preparation of a Resettlement Action Plan (RAP)**

The preparation of a RAP will be done by the relevant implementing agencies proposing the DRDIP investment subprojects, hiring independent consultant, in consultation with the affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

The basic elements of a RAP are provided in summary Boxes 11.1 as indicated below. The full description of the RAP is attached in this RPF in Annex 3. In order that this is not an unnecessarily difficult process, the level of detail and extent of the RAP must be related to the extent of the resettlement impact. If the resettlement activities are minor (example, a very small percentage (less than 20%) of a person's land and livelihood is being required and less than 200 individuals affected), a relatively simple RAP will be prepared. Where the resettlement impact is major (example, the physical displacement of 200 or more individuals, requiring more than 20%), an extensive and detailed RAP will be required. The crucial aspect of a RAP process is that a specific, auditable process has been followed, that is appropriate to the impacts and that allows for consultation throughout the process. The content of the RAP is presented in the box 11.1 below.

**Figure 11.1: Structure for RAP Development**



**Box 11.1: Contents of RAP**

1. Identification of project impacts and affected populations;
2. Legal framework for land acquisition and compensation;
3. Compensation framework;
4. Description of resettlement assistance and restoration of livelihood activities;
5. Detailed budget; Implementation schedule;
6. Description of organizational responsibilities;
7. Framework for public consultation, participation, and development planning;
8. Description of provisions for complaints and appeals; and
9. Framework for monitoring, evaluation, and reporting

**10.3 Review and Submission to Woreda or Regional EPLAUA**

Following completion of the RAP or for DRDIP investment subprojects, the Woreda relevant DRDIP implementing agent together with the Woreda CRC will submit the RAP to the Woreda

EPLAUA or Regional EPLAUA (if the scale of the impact is major) for approval and ensuring compliance with the RPF and the Ethiopian law. Capacity for RAP review and approval will be developed at Woreda level through training and technical assistance to ensure that all implementing agencies and other stakeholders involved discharge their different responsibilities effectively.

#### **10.4 DRDIP Institutional and Implementation Arrangements**

DRDIP will be hosted under the Ministry of Agriculture and Natural Resources (MoANR) and MoANR will be the lead IA. Implementation of DRDIP activities will rely on existing government structures and existing and/or new community institutions. Thus, all levels of governments will have roles in providing oversight function; and government and community institutions in providing technical and implementation support. Implementation will follow a decentralized approach and local communities will assume the primary responsibility for executing project activities, including identifying, prioritizing and implementing community investments.

Government implementing agencies and community institutions will be supported by project teams, i.e., FPCU at the federal, RPCUs at regional, and WPCUs at woreda levels. Project teams will also be responsible for coordinating implementation of the project, managing fund flows, ensuring fiduciary and safeguards obligations, monitoring performance, maintaining timely and regular physical and financial reports, and documenting best practices/lessons learnt.

At the federal level, Federal Steering Committee (FSC) will be established and chaired by the Minister of MoANR or his/her designee. FSC will compose Heads of relevant implementing agencies and Directors of relevant Directorates within the MoANR but also of other relevant ministries and federal level implementing agencies, including from MoFEC. The main responsibility of the FSC is to provide strategic guidance and oversight to project management, coordination and implementation, including approving annual work plans and budget

Federal Technical Committee (FTC) chaired by the Director of Emerging Regions Coordination Directorate of the MoANR and constituted by technical experts drawn from relevant Directorates within the MoANR but also from other relevant ministries and agencies will be established and give technical backstopping to the FSC.

Similarly, at regional levels, a Regional Steering Committee (RSC) will be established and be chaired by each regions respective the Head of Bureau of Agriculture and Natural Resources (BoANR) and/or Bureaus/Commissions of Pastoral Development or his/her designee and constituted by Heads of relevant (project implementing) sector offices (Bureaus), including Bureau of Finance and economic Cooperation (BoFEC) will be established. The RSC is to provide strategic guidance and oversight to project management, coordination and implementation at a regional level, including approving annual work plans and budget.

Like the federal FTC, Regional Technical Committee (RTC) will be established and be chaired by the Process Owner of relevant Process and constituted by technical experts drawn from relevant Processes within the BoANR and/or Bureau/Commission of Pastoral Development but also from Processes of other sector offices. The main responsibility of the RTC is to provide technical support to the RSC. Regional Project Coordination Unit (RPCU) will be established

under the regional the Bureau of Agriculture and Natural Resources (BoANR) and/or Bureau/Commission of Pastoral Development to support project implementation.

At woreda level, project oversight will be provided by the Woreda Council (WC), which will serve as woreda level Steering Committee (WSC). The WC, chaired by the Woreda Administrator (WA) or his/her Deputy comprises of heads of various sector offices, including pastoral development and/or agriculture, water, education, health, rural roads, small and micro enterprises agency, cooperative promotion, finance, and representatives of NGOs active in the woredas as well as representative from microfinance institutions, if available. The WC is ultimately responsible for all woreda level project activities, including approval of woreda level Annual Work Plan and Budget.

Technical backstopping will be provided by Woreda Technical Committee (WTC) to be established by drawing/assigning dedicated technical staff (Focal Persons (FPs)) from the various sector offices responsible for project implementation at woreda level. Each woreda will also establish a Woreda Project Appraisal Team (WPAT) with membership from the various sectoral offices, including from woreda offices of finance. The WPAT is separate from the WTC (so that its members have no facilitation responsibilities under the project and can maintain a certain measure of independence). The Woreda Offices of Pastoral or Development or Woreda Offices of Agriculture and Natural Resources (WOoANR) will support project implementation through a Woreda Project Coordination Unit (WPCU) to be established.

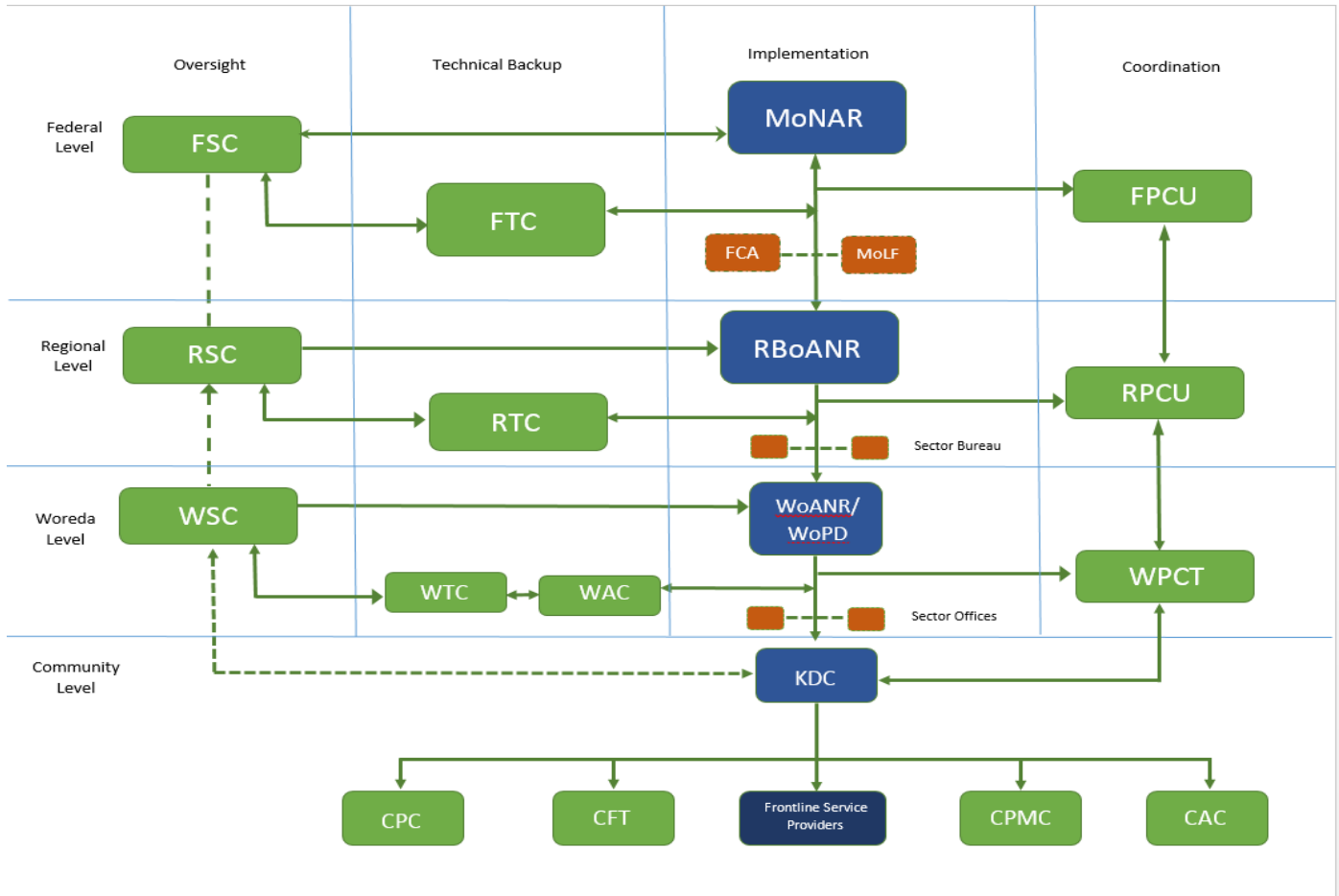
Since DRDIP follows Community Driven Development (CDD) approach, most of project's implementation will be implemented at community level, with beneficiary communities assuming primary responsibility for executing many project activities. However, a few activities will be implemented at the woreda level, e.g., strategic investments and capacity building activities of sector offices; support to advisory services, including strengthening Farmers/Pastoralists Training Centers, animal health clinics, etc.; and support to the promotion of SACCOs and micro enterprise development (if available). These supports will be handled by relevant sector offices under the guidance of the WC.

The Kebele Development Committee (KDC), as the developmental arm of the GoE's lowest level administration structure, will provide general implementation oversight and will liaise with and coordinate support from WPCU but also woreda sector offices or implementing agencies. The Project will not establish a parallel KDC structure for its purposes but rather provide support to strengthen existing KDCs. Technical backstopping will be provided to community institutions by experts (Subject Matter Specialists (SMSs)) of the various woreda sector offices; Woreda Technical Committees (WTCs) as well as Woreda Project Appraisal Committees (WPACs).

Implementation of project activities at the community level will be supported by community institutions, including existing but also new institutions to be established. Such community institutions as Community Procurement Committee (CPC), Community Project Management Committee (CPMC); Social/Community Audit Committee (SAC), Community facilitation team (CFT); and others, as deemed necessary, will be established to support project implementation.



**Fig 11.1: DRDIP Implementation Institutional Arrangement**



### 10.5 RAP Implementation Agencies

In line with the general DRDIP institutional arrangements and the national legislation, different government institutions at different level will play a role in the implementation of the RPF and individual RAPs. The development and implementation of the RAP will be the responsibility of Woreda relevant implementing agencies that is proposing DRDIP on the ground investment activities for financing. In this regard, the role of Woreda and Kebele level CRC is crucial. Woreda EPLAUA, Woreda administration and Kebele Council are mainly responsible for implementation of RAP. Federal and regional levels DRDIP coordination offices also play a key role for the implementation of the RAP by providing technical supports and capacity building works. Woreda EPLAUA is the main responsible body in reviewing and approving the RAP. If the level of resettlement impact is relatively major, regional level implementing agencies with the support of independent consultant will prepare the RAP, and the regional EPLAUA, federal DRDIP coordination unit (and the World Bank) are responsible for the review and approval of the same. For the detail of responsibilities of DRDIP IAs, see table 11.1 below.

As indicated above, the role of the Woreda and Kebele level CRC is crucial. The composition and responsibilities of each CRC is indicated as follows: The Woreda level CRC includes: Woreda Administrator; Woreda Office of Finance and Economic Development; Woreda Office for Agriculture; Woreda Office of Rural Road if the subproject that lead to involuntary resettlement is road construction; Woreda office of Trade and Marketing (or other structure related to market center development and management) if the subproject that lead to involuntary resettlement is market center construction; Woreda Office for Water/Irrigation Development if the subproject that lead to involuntary resettlement is irrigation development subproject; Woreda Office for Women, Children and Youth; Woreda EPLAUA; Community Representative; and Representative from local NGO or CBO.

**Table 11.1: Woreda and Kebele Compensation and Resettlement Committee Composition and Responsibility**

<b>Woreda Compensation and Resettlement Committee Members</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• Woreda Administrator</li> <li>• Woreda Agriculture Office</li> <li>• Woreda Water, Mining and Energy Office</li> <li>• Woreda Women, Children and Youth Office</li> <li>• Woreda Health Office</li> <li>• Woreda Education Office</li> <li>• Woreda Rural Land and Environmental Protection Office</li> <li>• Representative from local NGO or CBO</li> <li>• Community Representative/PAPs representative</li> <li>• EPLAUA representative</li> <li>• Women representative</li> </ul>	<ul style="list-style-type: none"> <li>✓ Evaluating the projects and determining if a RAP is necessary, establishing Kebele level CRCs;</li> <li>✓ Clarifying the policies to the Kebele CRCs;</li> <li>✓ Establishing standards to unit rates of affected assets and compensation estimates according to the guidelines in the RPF;</li> <li>✓ Coordinating and supervising implementation by Kebele CRCs as stipulated in the RPF;</li> <li>✓ Ensuring that appropriate compensation procedures are followed; and</li> <li>✓ Overseeing the project's requirements related to social impacts included resettlement and compensation.</li> </ul>
<b>Kebele Compensation and Implementing Committee (Rural) Members</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• Kebele Administrator (Chairperson);</li> <li>• Kebele Development Agent (Natural Resources extension worker);</li> <li>• Representative of PAPs;</li> <li>• Village elder / leader (rotating position with one leader representing a number of villages and attending in rotation, depending on the village and affected party being dealt with);</li> <li>• Representative from local NGO or CBO</li> </ul>	<ul style="list-style-type: none"> <li>✓ Validating inventories of PAPs and affected assets;</li> <li>✓ Allocating land where required to permanently affected households;</li> <li>✓ Monitoring the disbursement of funds;</li> <li>✓ Guiding and monitoring the implementation of relocation;</li> <li>✓ Coordinating activities between the various organizations involved in relocation;</li> <li>✓ Facilitating conflict resolution and addressing grievances; and</li> <li>✓ Providing support and assistance to vulnerable groups.</li> </ul>

## **11. RAP Implementation Procedure and Schedule**

### **11.1 RAP Implementation Procedures**

Following the approval of subproject RAP, the process of implementation must take place. This will involve:

- *Consultation* (a continuation of the process entered into during the site selection, screening and RAP development process)
- *Notification* to affected parties
- *Documentation* of assets
- *Agreement* on compensation
- *Disclose locally and internationally*
- *Preparation of contracts*, compensation payments and provision of assistance in resettlement

#### **1. Consultation**

An essential element in the RAP implementation process is consultation and public participation. This will be a continuation of the process entered into during the site selection, screening, census and RAP development process, and will depend on the extent of the resettlement impact. The community and landholder would be informed of the approval of the RAP and implications for all PAPs, as well as the likely implications in terms of resettlement, expropriation, and compensation. Essentially, this would need to be part of an ongoing process, to ensure that no affected individual/household is simply "notified" one day that they are affected in this way. Instead, this process seeks their involvement and wishes to inform communities in a participatory approach about the project, from the beginning. Public consultations and participation take place through individual, group, or community meetings, and are adopted as on-going strategy throughout the entire project cycle.

The role of traditional political and cultural leaders, including community elders, clan leaders (in Somali and Afar regions), in the participation strategy will be important. The CRC should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. During implementation, PAPs will be informed about their rights and options.

During public consultation, there is the need to negotiate compensation and resolve conflicts. Cost effective and accessible grievance redress (see section 14 of this RPF) is a very important process to ensure success of implementation of RAP.

#### **2. Notification**

Where a Woreda or an urban administration decides to expropriate a landholding in accordance with Proclamation No. 455/2005, it shall notify the landholder (PAPs), in writing, indicating the time when the land has to be vacated and the amount of compensation to be paid. In special cases where there are no clearly identifiable owners or users of the land or asset, Woreda relevant DRDIP implementing agent and CRC at Woreda and Kebele must notify the respective local authorities and leaders. According to Article 4 (2) of Proclamation No. 455/2005, the period of notification may not, in any way, less than ninety days.

### **3. Documentation**

The relevant DRDIP implementing agencies together with Woreda and Kebele CRC will arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household or community affected, a compensation dossier containing the following information will be filled. These are:

- required personal information on the affected party and those that s/he claims as household members (community information if it is a community land/asset);
- total landholdings PAP have and will lose;
- inventory of assets affected;
- the concerns, worries, and issues of the PAPs related with the resettlement process; and
- required information for monitoring purposes.

This information is confirmed and witnessed by the Kebele CRC. Dossiers will be kept current and will include documentation of lands surrendered and assets lost. Each concerned individual/household/community will be provided with a copy of the dossier at the time of negotiations. All claims and assets will be documented in writing. This is necessary so that the resettlement process for each individual PAP can be monitored over time.

### **4. Agreement on compensation and preparation of contracts**

All compensation options and types must be clearly and plainly explained to the affected individual or household or community. The Woreda DRDIP implementing agent lists all property and surrendered land and the types of compensation (cash and/or in-kind) sought. The compensation contract will be read aloud in the presence of the affected party and all others prior to signing it.

### **5. Compensation Payments and Development Initiatives**

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the Kebele CRC. The Committee is also responsible in ensuring that development initiatives that are part of the resettlement package are implemented in an inclusive and participatory manner and to the benefit of the affected households.

## **11.2 RAP Implementation Schedule**

It is essential that the timeframes and action plans associated with the RAP are linked to the DRDIP implementation schedule. Provisions must be made for compensation and assistance prior to loss of access to the asset or resource. The assistance includes provision and preparation of resettlement sites with adequate facilities. For DRDIP subproject activities requiring relocation or resulting in loss of assets, this RPF further requires that measures to assist the project affected persons are implemented in accordance with the individual RAP. In the implementation schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Woreda and Kebele CRC, Woreda DRDIP IA and PAPs must include:

- Target dates for start and completion of subproject implementation
- Timetables for transfers of compensation (cash or kind) to PAPs
- Timetables for start of the development initiative or income generating activity
- Dates of possession of land that PAPs are using (this date must be after transfer date for completed subproject to PAPs and for payments of all compensation)

- Link between RAP activities to the implementation of the overall DRDIP subproject.

## 12. RPF Implementation Budget and Funding Arrangement

In the case of DRDIP, any required physical resettlement will be financed through counterpart funds from the government of Ethiopia. At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of DRDIP. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. An indicative RAP budget outline can be found in Table 13.1 below.

**Table 13.1: Indicative Outline of RAP Budget**

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

#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ethiopian average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ethiopian market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ethiopian market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP per capita in Ethiopia
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

### 13. DRDIP Grievance Redress Mechanisms

A key element of resettlement activities will be the development and implementation of cost effective and accessible grievance handling mechanism. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented, if appropriate the complainant being informed of the outcome. Grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria, (ii) community planning and resettlement measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

### **13.1 World Bank Group (WBG) Grievance Redress Service**

Communities and individuals who believe that they are adversely affected by a WBG supported program, may submit complaints to existing program-level grievance redress mechanisms or the WBG's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address program-related concerns. Program affected communities and individuals may submit their complaint to the WBG's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WBG non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WBG's attention, and WBG Management has been given an opportunity to respond. For information on how to submit complaints to the WBG's corporate GRS, please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the WBG Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

### **13.2 DRDIP Grievance Redress Procedure**

The grievance redress procedure of DRDIP does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

As part of risk mitigation measures, the DRDIP would support citizen's complaints or grievances in a formalized, transparent, cost-effective, and time bound manner. All PAPs would be informed about how to register grievances or complaints, including specific concerns on any DRDIP activities. Resolution of different types of grievances can be addressed at different levels. The overall process of grievance is as follows:

1. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.
2. The project will use a local mechanism, which includes CRC, peers, local leaders of the affected people, and 2 representatives from the PAPs. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
3. The response time will depend on the issue to be addressed but it should be addressed with efficiency.
4. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

Resolution of different types of grievances regarding land acquisition and or resettlement will be attempted at different levels:

- Arbitration by appropriate local institutions such as local authorities, community leaders is encouraged. The Program would make use of the existing Kebele, Woreda, Zonal and Regional Public Grievance Hearing Offices (PGHO) and build on the successes of those regional offices.
- The Ethiopian Institute of Ombudsman (EIO), which reports directly to parliament and is independent of government agencies, is now implementing the Ethiopian GRM with six branches at present, and is responsible for ensuring that the constitutional rights of citizens are not violated by executive organs. It receives and investigates complaints in

respect of maladministration; conducts supervision to ensure the executive carries out its functions according to the law; and seeks remedies in case of maladministration. DRDIP would use the EIO regional branches in DRDIP implementation areas.

- A complainant has the option to lodge his/her complaint to the nearby EIO branch or the respective PGHO in person, through his/her representative, orally, in writing, by fax, telephone or in any other manner. Complaints are examined; investigated and remedial actions are taken to settle them. If not satisfied with the decision of the lower level of the Ethiopian GRM system, the complainant has the right to escalate his/her case to the next higher level of administration. The Protection of Basic Services Project (being financed by the WB) is supporting GRM system strengthening including the opening of new EIO branches.
- Where satisfactory solutions to grievances cannot be achieved, the aggrieved party may take the matter before the courts.

***First Instance – Amicable Dispute Settlement:*** While there are courts of law for handling grievances, local communities may often be reluctant to expose family members to courts of law, which could trigger the separation of families or worsen conflicts between neighbors. Also, courts of law may be viewed as slow and involving somewhat complicated procedures. People may prefer such matters to be first handled by a “first instance” mechanism, on the model of traditional dispute-resolution mechanisms.

In such compensation and resettlement operations, it usually appears that many grievances have roots in misunderstandings, or result from neighbor conflicts, which usually can be solved through adequate mediation using customary traditional rules. Most grievances can be settled with additional explanation efforts and some mediation. This is why a first instance of dispute handling will be set up with the aim of settling disputes amicably, in the form of a locally selected Mediation Committee (MC). The MC will consist of the following members:

- Implementation agency;
- Local NGO (chairperson),
- Local representatives of PAPs (2 to 5).

When a grievance/dispute is recorded as per above-mentioned registration procedures, mediation meetings will be organized with interested parties. Minutes of meetings will be recorded. Solutions to grievances related to compensation amounts, delays in compensation payments or provision of different types of resettlement assistance should be pursued directly by the designated RAP team through liaison with the relevant actors. The sub-project RAP team will ensure that community members (in particular PAPs) are informed about the avenues for grievance redress, and will maintain a record of grievances received, and the result of attempts to resolve these. It should be noted that complainants may also resort to the court system if they are not satisfied with the grievance redress process.

### **13.3 Recommended Grievance Redress Timeframe**

The following are the recommended grievance redress timeframe for issues related to compensation payment/resettlement in the DRDIP. Any person who is aggrieved by the amount of compensation shall lodge his/her complaint to the grievance redress committee or a concerned administrative organ or a court of law, as the case may be and as it may be appropriate, within 15



days from the date on which he/she is notified of the amount of compensation. The appropriate organ which received the complaint shall give its decision, after reviewing the complaint on the amount of compensation, within 10 days.

- Any person whose land has been expropriated is aggrieved with the process of expropriation of land and any maladministration related with expropriation can lodge his/her grievance to the Woreda grievance redress committee within 15 days from the date of expropriation decision.
- The Woreda grievance redress committee after examining all the relevant legal and other documents and by consulting the key stakeholders shall give its decision within 10 days from the date of the receipt of the complaint.
- A person who is aggrieved by the decision of the grievance redress committee can appeal to the Woreda regular court within 30 days from the date of the decision by the Woreda grievance redress committee.

## **14. Supervision and Monitoring Arrangement**

### **14.1 Monitoring and Evaluation**

It is important that the objective of the policy on Involuntary Resettlement is achieved and therefore monitoring whether the project affected people have had their livelihoods restored to levels prior to project or improved is critical.

This M&E procedures for the RAP has been designed to establish the effectiveness of all the resettlement activities. With this, it is possible to readily identify problems and successes as early as possible. Monitoring involves period checking to ascertain whether activities are going according to the plan. It provides the feedback necessary for the project management to keep the performance as per the schedule. By contrast, evaluation is essentially a summing up, the end of the project assessment of whether those activities actually achieved their intended aims.

The purpose of monitoring is to provide project management, and directly project affected persons with timely, concise, indicative information on whether compensation, resettlement and other impact mitigation measures are on track to achieve sustainable restoration and improvement in the welfare of the affected people, or that adjustments are needed.

Monitoring verifies:

- ✓ Actions and commitment for compensation, resettlement, land access, and development in the RAP are implemented fully and on time;
- ✓ Eligible project affected people receive their full compensation on time, prior to the start of the main project activities on the corridors;
- ✓ RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;
- ✓ Compensation and livelihood investments are achieving sustainable restoration and improvement in the welfare of the PAPs and communities;

- ✓ Compliant and grievances are followed up with appropriate corrective action and, where necessary, appropriate corrective actions are taken; if necessary, changes in RAP/ procedure are made to improve delivery of entitlements to project affected people;
- ✓ Vulnerable persons are tracked and assisted as necessary.

#### **14.2 Monitoring and Evaluation Framework (Internal and External)**

Monitoring will consist of internal monitoring by the DRDIP-CU as an integral part of its management, working with the impacted communities; and external monitoring by the DRDIP-CU appointed consultants, working with the impacted communities.

##### **14.2.1 Internal Monitoring**

The internal monitoring, carried out by the DRDIP - CU itself, is conventional monitoring related factors such as, numbers of persons affected, resettled, assistance extended, and other financial aspects, such as, compensation paid, etc. The internal monitoring must be carried out simultaneously with the implementation of the RAP.

The objectives of internal monitoring are: (i) Daily Operations Planning; (ii) Management and Implementation; (iii) Operational Trouble Shooting and Feedback. The periodicity of internal monitoring could be daily or weekly depending on the issues and level.

All aspects of internal M&E shall be supervised by the regional and federal DRDIP-CU teams and will provide high level evaluation of internal performance and impact monitoring and other reports. The DRDIP-CU teams will be supplemented by staff with appropriate skills to carry out:

- RAP resettlement requirements as defined by RAP to be prepared for each subprojects;
- Gathering and presentation of monitoring indicators to be used;
- Design and implementation of basic technique to be used for collecting information and feedback from PAPs; and reporting requirements and formats.

Regular process report will be prepared and submitted using reporting formant in Table 15.2 below. The internal monitoring will look at inputs, processes, and outcome of compensation/ resettlement/ other impact mitigation measures.

Input monitoring will establish if staff, organization, finance, equipment, supplies and other inputs are on schedule, in the requisite quantity and quality.

Process monitoring will:

- ✓ Assess program implementation strategies and methodologies and the capacity and capability of program management personnel to effectively implement and manage the programs; and
- ✓ Document lesson learned and best practices and provide recommendations to strengthen the design and implementation of RAP.

Outcome monitoring will establish if agreed outputs are realized on time for:

- Communication with the affected communities;
- Agreed resettlement and compensation policies, procedures and rates;
- Compensation for crops, buildings, and lost business;

- Construction and occupation of infrastructure and housing;
- Livelihood program delivery and uptake;
- Grievance resolution;
- Attention to vulnerable people.

#### **14.2.2 External Monitoring and Evaluation**

This should be seen in the eye of compliance and impact monitoring. For compliance monitoring, federal DRDIP-CU will appoint a consultant to work closely with the PAPs to track the progress of RAP/ implementation. The consultant (s) will be a person (s) with deep experience in the conduct of resettlement, hands on experience in monitoring and evaluation, no previous involvement in this project, and proven ability to identify actions that improve implementation and mitigate negative impact of resettlement.

The consultant will provide support in the proper implementation of resettlement program. It should also bring the difficulties faced by the PAPs to the notice of DRDIP- CU so as to help in formulating corrective measures. As a feedback to the DRDIP-CU and others concerned, the external consultant should submit quarterly report on progress made relating to different aspects of resettlement and livelihood restoration activities.

Compliance monitoring will:

- Determine compliance of RAP implementation with RAP objectives and procedures;
- Determine compliance of RAP implementation with the laws, regulations and applicable;
- Determine RAP impacts on standard of living, with a focus on the “no worse-off if not better-off” objective;
- Determine international best practices;
- Verify results of internal monitoring;
- Assess whether the resettlement objectives have been meet: specifically, whether livelihood program have restored the livelihood of PAPs and their living conditions have improved;
- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation process;
- Ascertain whether the resettlement entitlements are appropriate to meet the objectives, and whether the objectives are suitable to PAPs conditions;
- Assess grievance records, to identify implementation problems and status of grievance resolution;
- Ensure RAP implementation is in compliance with World Bank policy and the national legal requirement.

Impact monitoring/concurrent evaluation will be carried out simultaneously with the monitoring. For Concurrent Impact Evaluation, the M&E who should have resettlement and social development experience shall:

- Verify whether the objective of resettlement have been realized, particularly in the changes in the living standards;

- Impact assessment is to be compared with the baseline values for key socioeconomics as given in the RAP;
- To assess whether the compensation is adequate to replace the lost assets;
- Assess the level of satisfaction of the various assets provided as part of the RAP implementation;
- Based on the impact assessment, suitable remedial measures are to be proposed for any shortcomings; and
- Remedial measures if PAPs are not able to improve their living standards.

Thus, after one year the expropriation has been completed and the assistance to the PAPs has been made, there will be an impact evaluation to assess whether the PAPs have improved their living conditions in relation with the baseline socioeconomic status established during the socioeconomic studies.

- ✓ Impact monitoring will cover issues such as:
- ✓ Public perception of the Project: judgments on the PCUs, project and RAP/ implementation;
- ✓ Social structures: traditional authorities, community cohesion;
- ✓ Economic status of PAPs: livelihood restoration and enterprise, employment, land holdings, non-agricultural enterprise;
- ✓ Cost of market basket of essentials including rental accommodation;
- ✓ Employment: on the project and in the impact area.

#### **14.2.3 Indicators to Monitoring**

Indicators, which will be monitored during the project, may be divided into two categories: (i) Process input and output indicators for internal monitoring; and (ii) Outcome or impact indicators for external monitoring.

Input indicators include the resources in terms of people, equipment and materials that go into the RAP. Examples of input indicators in the RAP are the sources and amounts of funding for various RAP activities. Output indicators concern the activities and services, which are produced with the inputs. Examples of output indicators in the RAP include (a) a database for tracking individual compensation; and (b) the payment of compensation for losses of assets.

Process indicators represent the change in the quality and quantity of access and coverage of the activities and services. Examples of process indicators in the RAP include:

- iv. The creation of grievance mechanisms;
- v. The establishment of stakeholder channels so that they can participate in the RAP/ implementation;
- vi. Information dissemination activities.

Outcome indicators include the delivery of compensation and other mitigation to avoid economic and physical displacement caused by the project. They measure whether compensation is paid and received, whether the affected populations who preferred cash compensation to in-kind resettlement assistance offered to them was able to use compensation payment for sustained income.

Indicators that will be monitored broadly centered around delivery of compensation, resolution of grievance, land access, increase or decrease in PAPs assets, social stability, health level of satisfaction of PAPs and number of PAPs that benefits from the livelihood restoration programs. Specifically some monitoring indicators for RAPs/s are outlined in table 15.1 below.

**Table 15.1: Monitoring Indicators**

<b>Indicators</b>	<b>Variable</b>
<b>Consultation</b> Consultation and reach out	Number of people reached or accessing information, information request, issues raised, etc Number of local CBOs participating
Compensation and re-establishment PAPs	<b>Physical Progress of Compensation and Assistance</b> Number of PAPs affected (building, land, trees, crops, etc) Number of PAPs compensated by the type of loss Amount compensated by type and owners Number of replacement asset recovered Compensation disbursement to the correct parties
<b>Socioeconomic changes</b>	Level of income and standard of living of the PAPs Number of income restored, improved or declined from the pre-displacement levels
<b>Training</b>	Number of DRDIP implementing agents and CRC trained
<b>Grievance redress mechanism</b>	Number of cases referred to GRC/CRC Number of cases settled by GRC/CRC Number of cases pending with GRC/CRC Average time taken for resettlement of cases Number of GRC/CRC meetings Number of PAPs moved court Number of pending cases with the court Number of cases settled by the court
<b>Overall Management</b>	Effectiveness of compensation delivery system Timely disbursement of compensation Census and asset verification/quantification procedures in place Coordination between local community structures, PAPs, DRDIP IAs, and PCU

### 14.3 Reporting Requirement

Monitoring reports of the RPF and RAP implementation is prepared for the following tasks: internal monitoring, expert monitoring, completion audit and compensation. The DRDIP-CU both regional and federal level will prepare regularly (quarterly) performance monitoring report beginning with the commencement of any activities related to resettlement, including income restoration. These reports will summarize information that is collected and compiled in the quarterly narrative status and compensation disbursement reports and highlights key issues that have arisen. The monitoring of inputs, processes, outputs and outcomes of RAP activities will be used as necessary improvements in the implementation of the RAP. Table 15.2 below shows the reporting template to be used for the reporting of the RAP/ implementation.

**Table 15.2: RAP Implementation Monitoring Template**

<b>Table 15.2: Reporting Format on Land Acquisition and property losses</b>					
Name & Location of Sub-project:					
Project Sponsor:					
Project cost:					
Key Dates of implementation					
For example—application, approval, public consultation, court dates, work start dates etc					
<b><i>Inventory of Land &amp; Assets Acquired from Private Owners</i></b>					
Name of Owners/land user	Project Component: Area (s) / plots(s) acquired (ha)	Owner's/user's % of total land (ha) and %taken	Land use: pasture, agriculture, residence, etc. Inventory of any structures or other fixed or productive assets (wells, fences, trees, field crops, etc) affected. Indicate if land is rented or informally used by another party. Indicate if non-owner users have assets, trees, crops, etc affected Indicate if land-based activity is primary source of income for owner or land user.	Compensation paid. Other actions taken for renters or users. Dates delivered.	Impact on income of owner. Impact on lease or informal land users.
1.					
2.					
3.					
<b><i>Inventory of Public, Community, or State Land Acquired</i></b>					
Land parcels for Project Components Area acquired / parcel	Land type / land use: Forest, commons for grazing, other.	Ownership: State, community, other. Structures or other fixed assets.	Compensation, land transfer, or other measures to mitigate impacts on land users. Specify measures and dates of delivery.		
<b>Public Awareness, Consultations, and Communication (Report on consultation/meeting process)</b>					
Concerns raised at the public consultation	Concerns raised outside public consultation	How these concerns were resolved?			

<b>Status of land Acquisition</b>			
Completed	Pending Court decision	ongoing	
<b>Special Assistance provided beyond cash compensation payment of acquired land</b>			
Alternative land	Relocation assistance	Livelihood restoration measures	Summary of impact which it addressed
<b>Identification of vulnerable groups</b> For example elderly, disabled, widows, etc	Sources of information for vulnerable groups	Methods and channels used to contact them	Assistance provided to them
<b>Grievance Redress process</b>			
Mechanisms available for project impacted persons to register their grievances and complaints.	PAPs awareness of the grievance protocol	Are the Grievance mechanisms and procedures affordable and accessible	Any third party settlement mechanism, involvement of community leaders, NGOs
Report on how project monitoring (land acquisition) will be done to preclude any future social issues after the project is completed.			

#### 14.4 Completion Audit

The DRDIP-CU shall commission an external party to undertake an evaluation of RAP's physical inputs to ensure and assess whether the outcome of RAP complies with the involuntary resettlement policy of the World Bank, and the national legal requirement related to expropriation of landholding and payments of compensation. The completion audit shall be undertaken after the RAP inputs. The audit shall verify that all physical inputs committed in the RAP have been delivered and all services provided. It shall evaluate whether the mitigation measures prescribed in the RAP have the desired effect. The completion audit should bring to closure DRDIP-CU's liability for resettlement.

#### Disclosure of Information

For meaningful consultations and participations between the implementing agencies and PAPs and concerned stakeholders on the ground investment activities, implementing agencies provide relevant material in a timely and culturally appropriate manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. This

approach is useful to facilitate awareness among relevant stakeholders that the information is in the public domain for review. This local release should occur in a reasonable timeframe.

All the approved RAPs are required to be published on the websites of World Bank, MoA (DRDIP-CU), and MoFED as per the timeline based on the scope of impact. It is only after all steps of the RAP process including all public consultation and required disclosure are completed and verified, the Program can be considered, reviewed, project design finalized and approved for implementation.



**Technical Annexes**

**Annex 1: RAP Screening Checklist**

The results of the Screening Report – whether an ESIA, ESMP, RAP or are required - will be included by the DRDIP in the DRDIP Subproject Application Form.

DRDIP Investment subproject name:

Location: \_\_\_\_\_ (region, district, Kebele, & specific name of the place where project is located)

Type of activity: \_\_\_\_\_ (new construction, rehabilitation, periodic maintenance, etc)

Estimated Cost: \_\_\_\_\_ (in Birr)

Proposed Date of Works Commencement: \_\_\_\_\_

**Table 1: Site Selection:**

<b>Physical Data</b>	
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to project	
Any plans for new construction	

*Refer to project application for this information.*

**2. Impact identification and classification:**

When considering the location of DRDIP investment project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable – it indicates a real risk of causing adverse impacts involving resettlement and compensation. The following table should be used as a reference.

**Table 2: Impact Identification and Classification**

Issues	Site sensitivity		
	Low	Medium	high
Involuntary Resettlement	<ul style="list-style-type: none"> <li>No land take/ no land acquisition</li> <li>No economic or physical displacement</li> <li>No non-Land Economic Displacement</li> </ul>	<ul style="list-style-type: none"> <li>If the activity takes less than 20% of households land</li> <li>If it displaces less than 200 people</li> </ul>	<ul style="list-style-type: none"> <li>If the activity takes more than 20% of households land</li> <li>If it displaces greater than 200 people</li> </ul>

**Table 3: Checklist of Impacts**

<b>DRDIP (a) Social and Economic Services and Infrastructure:</b> construction, upgradation, rehabilitation and/or expansion of education, water supply, human health, and veterinary care, and economic infrastructure like rural roads, market structures, storage facilities, etc; <b>(b) Sustainable Environmental Management :</b> soil and water conservation (biological and physical) including construction of soil bunds, stone bunds, artificial waterways, cut-off drains, check dams (gully rehabilitation), bench terraces, hillside terraces, trenches, area closures, plantation of multipurpose trees, etc	<b>Potential for Adverse Impacts</b>			
	<b>None</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Economic or physical resettlement required				
Does the activity take more than 20% of households land				
Does the activity displace greater than 200 people				
New settlement pressures created				
Other (specify):				

**Table 4: Detailed Questions**

<b>Public participation/information requirements:</b>	
Does the public be informed, consulted or involved in the process of the ground activity?	
Has consultation been completed?	
Indicate the timeframe of any outstanding consultation process.	
<b>Land and resettlement:</b>	
How will the DRDIP go about land acquisition and property losses?	
Will people's livelihoods be affected in any way, therefore requiring some form of compensation?	
Will people need to be displaced, and therefore require compensation and resettlement assistance?	
Are the relevant authorities aware of the need for a Resettlement Process, involving a census, valuation, consultation, compensation, evaluation and monitoring?	
What level or type of compensation is planned?	
Who will monitor actual payments?	
<b>Actions:</b>	
List outstanding actions to be cleared before DRDIP investment subproject appraisal.	
<b>Recommendations</b>	

Requires an RAP is to be submitted	
Requires an to be submitted	
Does not require further social studies	

Prepared by \_\_\_\_\_ Sig \_\_\_\_\_ Date \_\_\_\_\_

Reviewer Name: \_\_\_\_\_ Sig.: \_\_\_\_\_ Date: \_\_\_\_\_

## Annex 2: Census Survey and Land Asset Inventory

### 1. Socio-economic Household DRDIP sub-component PAPs

<b>Names of Interviewer:</b>	<b>Signature</b>	<b>Date</b>
Name of Supervisor		
Name of Head of Extended Family :		
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)		
Region: _____; Zone: _____; Woreda: _____; Kebele: _____; Sub-Kebele: _____; Site/Village: _____		

### 2. Land asset inventory for DRDIP sub-component PAPs

Survey No.		
HH head Name		
No. of family members in the HH		
Total landholding of the HH (M <sup>2</sup> )		
Land to be acquired (M <sup>2</sup> )		
Land use type		
Land loss in percent (%)		
Loss of assets	Residential land	
	Agricultural land	
	Permanent structures	
Loss of crops	Lost type of crop and amount	
	Other (specify)	
Loss of other Assets	yards, wells, etc.	
	Residence (rented)	
Other losses	Business loss	
	Income loss	

### 3. Entitlements of DRDIP Investment Subproject Affected People

Woreda: \_\_\_\_\_; Kebele: \_\_\_\_\_; Sub-Kebele/village: \_\_\_\_\_

Survey no.	Name of head of the HH	Compensation for Land			Compensation for structures			Compensation for crops and trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			Total (Birr)
		Quantity (m <sup>2</sup> )	Unit price (Birr) per m <sup>2</sup>	Entitlement (Birr)	Quantity (m <sup>2</sup> )	Unit price (Birr) per m <sup>2</sup>	Entitlement (Birr)	Quantity (m <sup>2</sup> )	Unit price (Birr) per m <sup>2</sup>	Entitlement (Birr)	Quantity (m <sup>2</sup> )	Unit price (Birr) per m <sup>2</sup>	Entitlement (Birr)	

### **Annex 3: Resettlement Action Plan – RAP Guideline**

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

#### **1. *Description of the Sub-project***

General description of the sub-project activities that will cause displacement and the efforts made to reduce the number of people affected. Description of the sites and services currently available and their distance from the site should be done.

#### **2. *Potential Impacts***

Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

#### **3. *Objectives***

The main objectives of the resettlement program as these apply to the sub-project.

#### **4. *Socio-economic Study***

The findings of socio-economic studies to be conducted in the early stages of subproject preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their

displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, 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 locally recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

#### **5. *Legal Framework***

The analysis of the legal and institutional framework should cover the following:

- i. Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- ii. Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- iii. Relevant laws ( including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- iv. Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- v. Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- vi. Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

#### **6. *Institutional Framework***

The institutional framework governing RAP implementation generally covers:

- a. Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- b. Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- c. Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

**7. *Eligibility***

Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**8. *Valuation of and Compensation for Losses***

The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

**9. *Resettlement Measures***

A description of the compensation and other resettlement measures that will assist each category of eligible PAPS to achieve the objectives of OP/BP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**10. *Site selection, site preparation, and relocation***

Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

**11. *Housing, infrastructure, and Social Services***

Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.



## 12. *Environmental Protection and Management*

A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

## 13. *Community Participation*

Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- a. Consultations with host communities and local governments;
- b. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- c. Conflict resolution involving PAPs and host communities; and
- d. Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

## 14. *Grievance Procedures*

The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

## 15. *RAP Implementation Responsibilities*

The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including

technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

#### **16. *Implementation Schedule***

An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

#### **17. *Costs and Budget***

The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

#### **18. *Monitoring and Evaluation***

Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

## Annex 5: Sample Grievance Procedure Form

<b>Grievance/Complaint form</b>	
Compliant Number	Copies to forwarded to:
Name of the Recorder and its Responsibilities	(Original) Responsible Parties/Agencies to implement the resettlement
Region	(Copy) Complainant
Woreda	(Copy) CRC at Kebele and Woreda level
Kebele	
Date	
<b>Information about the Complainant</b>	
Full Name including Surname	
Address	
Telephone number	
Region	
Woreda	
Kebele	
Site	
Date	
Signature of the Complainant	
<b>Grievance Procedure</b>	
Description of the compliance/grievance	
Does the grievance procedure advertised? public awareness of the process	
Which project level person (s) was designated to follow up on the resolution of the grievance?	
Consultative grievance group/committee including community/municipality members, two representatives from PAPs, local authorities to review the negotiation process	
Court/payment for court process	

**Note:** The resolution of the Grievance will be addressed using the Grievance Redress Mechanism as indicated in section 14 of this RPF.

## **Annex 6: Proclamation on Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation**

### **Proclamation No. 455/2005**

### **Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation**

#### **A PROCLAMATION TO PROVIDE FOR THEE EXPRORIATION OF LANDHOLDINGS FOR PUBLIC PURPOSE AND PAYMENT OF COMPENSATION**

**WHEREAS**, the government needs to use land for development works it carries out for public services;

**WHEREAS**, urban centers of the country have, from time to time, been growing and the number of urban dwellers has been increasing and thereby land development for the construction of dwelling houses, infrastructure, investment and other services has become necessary in accordance with their respective plans as well as preparation and provision of land for development works in rural areas has become necessary;

**WHEREAS**, it .has become necessary to define the basic principles that have to be taken into consideration in determining compensation to a person whose landholding has been expropriated;

**WHEREAS**, it has become necessary to define organs that shall have the power to determine and the responsibility to pay the compensation;

**WHEREAS**, Article 51(5) of the Constitution empowers the Federal Government to enact laws n:garding the utilization of land and it is deemed necessary to regulate in detail, based on the requirement of advance payment of compensation for private property expropriated for public purpose as provided for under Article 40(8) of the Constitution.

**NOW, THEREFORE**, in accordance with Article 55 (1) of the Constitution, it is hereby proclaimed as follows;

#### **PART ONE**

#### **GENERAL**

##### **1. Short Title**

This Proclamation may be cited as the "Expropriation of landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005."

##### **2, Definitions**

In this Proclamation, unless the context requires otherwise:

- 1) "compensation" means, payment to be made in cash or in kind or in both to a person for his property situated on his expropriated landholding;
- 2) "region" means any region referred to in Article 47 of the Constitution and includes the Addis Ababa and Dire Dawa city administrations;
- 3) "landholder" means an individual, government or private organization or any other organ which has legal personal.ity and has lawful possession over the land to be expropriated and owns property situated thereon;

- 4) "urban administration" means an organ to which urban administrative powers and duties have been given by law or delegated by the concerned government body to exercise such powers and duties;
- 5) "public purpose" means the use of land defined as such by the decision of the appropriate body in conformity with urban structure plan or development plan in order to ensure the interest of the peoples to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio economic development;
- 6) "utility line" means water, sewerage, electric or telephone line existing on or under a land to be expropriated for public purpose;
- 7) "implementing agency" means a government agency or, public enterprise undertaking or causing to be undertaken development works with its own force or through contractors.

## **PART TWO**

### **EXPROPRIATION OF LANDHOLDINGS**

#### **3. Power to Expropriate Landholdings**

- 1) A woreda or an urban administration shall, upon payment in advance of compensation in accordance with this Proclamation, have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs, or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose.
- 2) Notwithstanding the provisions of Sub-Article (1) of this Article, no land lease holding may be expropriated unless the lessee has failed to honor the obligations he assumed under the Lease Proclamation and Regulations or the land is required for development works to be undertaken by government.

#### **4. Notification of Expropriation Order**

- 1) Where a woreda or an urban administration decides to expropriate a landholding in accordance with Article 3 of this Proclamation, it shall notify the landholder" in writing, indicating the time when the land has to be vacated and the amount of compensation to be paid.
- 2) The period of notification to be' given in accordance with Sub-Article (1) of this Article shall be determined by directives; provided however, that it may not, in any way, be less than ninety days.
- 3) Any landholder who has been served with an expropriation order in accordance with Sub-Article (1) of this Article, shall hand over the land to the woreda or urban administration within 90 days from the date of payment of compensation or, if he refuses to receive the payment, from the date of deposit of the compensation in a blocked bank account in the name of the woreda or urban administration as may be appropriate.
- 4) Notwithstanding Sub-Article (3) of this Article, where there is no crop, perennial crop or other property on the expropriated land, the holder shall hand over the land to the woreda or urban administration within 30 days from the date of receipt of the expropriation order.

- 5) Where a landholder who has been served with an expropriation order refuses to handover the land within the period specified in Sub Article (3) of (4) of this Article, the woreda or urban administration may use police force to take over the land.

#### **5. Responsibilities of the Implementing Agency**

The IA shall have responsibilities to:

- 1) prepare detail data pertaining to the land needed for its works and send same, at least one year before the commencement of the works, to the organs empowered to expropriate land in accordance with this Proclamation and obtain permission from them; and
- 2) pay compensation in accordance with this Proclamation to landholders whose holding: have been expropriated.

#### **6. Procedures for removal of Utility Lines**

- 1) Where land over or under which utility lines, owned by federal or regional government office or public enterprise, pass is to be expropriated, the body requiring the land shall submit, in writing, its request to the owner by indicating the exact location of the lines to be removed.
- 2) The body which has received a request under Sub Article (1) of this Article shall, within 30 days from receipt of such request, determine a fair compensation required to replace the lines to be removed and send details of its valuation to the requesting body.
- 3) The body which requested the removal of utility lines shall pay compensation to the owner within 30 days from the date of receipt of the valuation under Sub-Article (2) of this Article. The owner shall also remove the utility lines and vacate the land within 60 days from the date of receipt of compensation.

### **PART THREE**

#### **DETERMINATION OF COMPENSATION**

##### **7. Basis and Amount of Compensation**

- 1) A landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements he made to such land.
- 2) The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property.
- 3) Where the compensation referred to under Sub- Article (2) of this Article is payable to an urban dweller, it may not, in any way, be less than the current cost of constructing a single room low cost house in accordance with the standard set by the concerned region.
- 4) Compensation for permanent improvement to land shall be equal to the value of capital and labour expended on the land.
- 5) The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before.
- 6) Valuation formula for determining compensation for various properties and detail prescription applicable thereto shall be provided for by regulations.

##### **8. Displacement Compensation**

- 1) A rural landholder whose landholding has been permanently expropriate shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid displacement

compensation which shall be equivalent to ten times the average annual income he secured during the five years preceding the expropriation of the land.

- 2) A rural landholder or holders of common land whose landholding has been provisionally expropriated shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid until repossession of the land, compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land; provided, however, that such payment shall not exceed the amount of compensation payable under Sub-Article (1) of this Article.
- 3) Where the woreda administration confirms that a substitute land which can be easily ploughed and generate comparable income is available for the land holder, the compensation to be paid under Sub-Articles (1) and (2) of this Article shall only be equivalent to the average annual income secured during the five years preceding the expropriation of the land.
- 4) An urban landholder whose landholding has been expropriated under this Proclamation shall:
  - a) be provided with a plot of urban land, the size of which shall be determined by the urban administration, to be used for the construction of a dwelling house; and
  - b) be paid a displacement compensation equivalent to the estimated annual rent of the demolished dwelling house or be allowed to reside, force or charge, for one year in a comparable dwelling house owned by the urban administration.
- 5) Where the house demolished is a business house, the provisions of Sub-Article (4) of this Article shall, *mutatis mutandis* apply,
- 6) When an urban land lease holding is expropriated prior to its expiry date, the lease holder shall, in addition to the compensation referred to under Article 7 of this proclamation and this Article, be provided with a similar plot of land to use it for the remaining lease period. The lease holder shall also be allowed to use the new plot of land for a longer period if its rent is less than the former land or the holding did not want take the land he can take the remain rant payment.
- 7) The detail prescriptions applicable to compensation payable under the Article shall be provided for by regulations.

## **9. Valuation of Property**

- 1) The valuation of property situated on land to be expropriated shall be carried out by certified private or public institutions or individual consultants on the basis of valuation formula adopted at the national level.
- 2) Until such time that the Ministry of Federal Affairs, in consultation with the appropriate federal and regional government organs, ascertains the creation of the required capacity to take valuation of property as specified under Sub-Article (1) of this Article, such valuation shall be carried out by committees to be established in accordance with Article (10) of this Proclamation and owners of utility lines in accordance with Article (6) of this Proclamation.

## **10. Property Valuation Committees**

- 1) Where the land to be expropriated is located in a rural area, the property situated thereon shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the woreda administration.
- 2) Where the land to be expropriated is located in an urban center, the property situated thereon shall be valued by a committee of experts having the relevant qualification and to be designated by the urban administration.
- 3) Where the property situated on a land to be expropriated requires specialized knowledge and experience, it shall be valued by a separate committee of experts to be designated by the woreda or the urban administration.
- 4) The working procedures for the committees established in accordance with this Article shall be determined by directives.

## **11. Complaints and Appeals in Relation to Compensation**

- 1) In rural areas and in an urban center where an administrative organ to hear grievances related to urban landholding is not yet established, a complaint relating to the amount of compensation shall be submitted to the regular court having jurisdiction.
- 2) Where the holder of an expropriated urban landholding is dissatisfied with the amount of compensation, he may lodge his complaint to the administrative organ established by the urban administration to hear grievances related to urban landholdings.
- 3) 3/ The organ referred to in Sub-Article (2) of this Article shall examine the complaint and give its decision within such short period as specified by directives issued by the region and communicate its decision to the parties in writing,
- 4) A party dissatisfied with a decision, rendered in accordance with Sub-Article (1) and (3) of this Article may appeal, as may be appropriate, to the regular appellate court or municipal appellate court within 30 days from the date of the decision. The decision of the court shall be final.
- 5) The period specified in Sub-Article (4) of this Article for submitting an appeal shall not include the time taken to provide the appellant with a copy of the decision.
- 6) An appeal submitted, pursuant to Sub-Article (4) of this Article, by any landholder served with an expropriation order may be admitted only if it is accompanied with a document that proves the handover of the land to the urban or woreda administration.
- 7) The execution of an expropriation order may not be delayed due to a complaint regarding the amount of compensation.



## **PART FOUR MISCELLANEOUS PROVISIONS**

### **12. Powers and Duties of the Ministry of Federal Affairs**

With respect to the implementation of this Proclamation, the Ministry of Federal Affairs shall have the powers and duties to:

- 1) Follow up and ensure that the provisions of this Proclamation are complied with in regions;
- 2) Give technical and capacity building support to regions so that they will be able to implement this Proclamation;
- 3) Prepare, in collaboration with other relevant organs of the Federal Government, national valuation formula for the determination of compensation payable under this Proclamation and submit same to the Council of Ministers for approval.

### **13. Responsibilities of Woreda Administrations and Urban Administration**

With respect to the, implementation of this Proclamation Woreda and urban administration" shall have the responsibilities and duties to:

- 1) Pay or cause the payment of compensation to holders or expropriated land in accordance with this Proclamation, and provide them with rehabilitation support to the extent possible.
- 2) Maintain data of properties removed from expropriated landholdings Particulars and conditions of maintaining such data shall be prescribed by directives.

### **14. Power to Issue Regulations and Directives**

- 1) The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.
- 2) Regions may issue directives necessary for the proper implementation of this Proclamation and regulations issued hereunder.

### **15. Repealed and Inapplicable Laws**

- 1) The Appropriation of Land for Government Works and Payment of Compensation for Property Proclamation No. 401/2004 is hereby repealed.
- 2) No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

### **16. Effective Date**

The Proclamation shall enter into force on the 15th day of July, 2005.

**Done at Addis Ababa, the 15th day of July, 2005**

**GIRMA WOLDEGIORGIS  
PRESIDENT OF THE FEDERAL  
DEMOCRATIC REPUBLIC OF ETHIOPIA**

## **Annex 7: Compensation and Expropriation Regulations**

### **Regulations No. 135/2007 on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007**

#### **COUNCIL OF MINISTERS REGULATIONS ON THE PAYMENT OF COMPENSATION FOR PROPERTY SITUATED ON LANDHOLDINGS EXPROPRIATED FOR PUBLIC PURPOSES**

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 14(1) of the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 with a purpose of not only paying compensation but also to assist displaced persons to restore their livelihood.

#### **PART ONE GENERAL**

##### **1. Short Title**

These Regulations may be cited as the “Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007”

##### **2. Definitions**

In these Regulations unless the context requires otherwise: “Proclamation” means the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005;

1. “Committee” means a property valuation committee established pursuant to the Proclamation;
2. “Crops” means any plant sown or planted and harvested in one season;
3. “Ripe crops” means plant sown or planted on a land holding to be expropriated for public purpose and that could be harvested within the notice period given under Article 4 of the Proclamation;
4. “Perennial crops” means species of crops harvested regularly for years;
5. “Building” means any structure constructed or under construction in an urban centre or a rural area for residential, manufacturing, commercial, social or any other service;
6. “Formula” means the methodology used for valuating compensation in accordance with these Regulations for Properties Situated on Landholdings Expropriated in Accordance with the Proclamation;
7. The terms “region”, “compensation”, “public purpose”, “utility lines” and “implementing agency” shall have the meanings given to them under the Proclamation;
8. “Person” means any natural or juridical person.

## **PART TWO**

### **ASSESSMENT OF COMPENSATION**

#### **3. Compensation for Buildings**

1. The amount of compensation for a building shall be determined on the basis of the current cost per square meter or unit for constructing a comparable building
2. The compensation for a building shall include:
  - a) The current cost for constructing floor tiles of the compound, septic tank and other structures attached to the building; and
  - b) The estimated cost for demolishing, lifting, reconstructing, installing and connecting utility lines of the building.
3. The owner of a building shall have the right to claim compensation for the entire building by surrounding the total land in his possession where part of the building is ordered to be removed.
4. Compensation shall be paid only for the demolished part of a building where the owner prefers to use the unwanted part of the land; provided, however, that such preference shall be acceptable only where the condition of the partly demolished building conforms to the requirements of the appropriate city plan.

#### **4. Compensation for Fences**

The amount of compensation for a fence shall be determined by calculating the current cost per square meter or the unit cost required for constructing a similar fence.

#### **5. Compensation for Crops**

1. The amount of compensation for crops shall be calculated by multiplying the amount of yield that would have been collected from the land at maturity by the current market price of the crops.
2. The owner of ripe crops may, in lieu of compensation, harvest and collect the crops within the period fixed pursuant to Article 4 of the Proclamation.

#### **6. Compensation for Perennial Crops**

1. The amount of compensation for unripe perennial crops shall be determined by calculating the estimated cost for growing the plant.
2. The amount of compensation for ripe perennial crops shall be determined on the basis of the average annual yield, the current local market price of the crops and the cost of permanent improvement on land.

#### **7. Compensation for Trees**

1. The amount of compensation for trees shall be determined on the basis of the level of growth of the trees and the current local price per square meter or per unit.
2. The owner of trees may, in lieu of compensation, cut and collect the trees within the period fixed pursuant to Article 4 of the Proclamation.

#### **8. Compensation for Protected Grass**

1. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter.
2. The owner of protected grass may, in lieu of compensation, cut and gather the grass within the period fixed pursuant to Article 4 of the Proclamation.

#### **9. Compensation for Permanent Improvement on Rural Land**

The amount of compensation for permanent improvement made on a rural land shall be determined by computing the machinery, material and labour costs incurred for clearing, leveling and terracing the land, including the costs of water reservoir and other agricultural infrastructure works.

#### **10. Compensation for Relocated Property**

The amount of compensation for a relocated property shall be determined by computing the estimated costs of labour, material and transport to be incurred at market value for removing, transferring and installing the property.

#### **11. Compensation Payable to a Mining Licensee**

Where a mining site is expropriated pursuant to the provisions of the Proclamation, the compensation due to the licensee shall be determined by the relevant mining law.

#### **12. Compensation for Burial-ground**

1. The amount of compensation for a burial-ground shall be determined on the basis of the estimated costs to be incurred for removing the grave stones, preparing other burial-ground, transferring and relocating the corpse and for conducting religious and cultural ceremonies in relation thereto.

2. The amount of costs stipulated under Sub-Article (1) of this Article shall be determined on the basis of the current local market prices of materials, transport services and labour.

#### **13. Formula**

The formula for calculating the amount of compensation payable in accordance with the Proclamation and these Regulations shall be as follows:

1. Compensation for building = cost of construction (current value).

+ cost of permanent improvement on land

+ the amount of refundable money for the remaining term of lease contract

2. Compensation for crops = the total area of the land (in square meters) x value of the crops per kilo gram x the amount of crops to be obtained per square meter

+ cost of permanent improvement on land

3. Compensation for unripe Perennial Crops = number of plants (legs) x cost incurred to grow an individual plant

+ cost of permanent improvement on land

4 Compensation for ripe Perennial crops = the annual yield of the Perennial

Crops (in Kilograms) x the current price of the produce of the perennial crops

+ cost of permanent improvement on land

5. Compensation for relocated Property = cost of removal

+ cost of transferring

+ cost of reinstallation

6. Compensation for protected grass = area covered by the grass per square meter x the current market price of the grass per square meter

### **PART THREE**

### **PROVISION OF REPLACEMENT LAND AND PAYMENT OF DISPLACEMENT COMPENSATION**

#### **14. Provision of Replacement Urban Land**

The provision of replacement land to an urban dweller whose landholding has been expropriated for public purpose shall be governed by directives issued by Regional States in accordance with Article 14 (2) of the Proclamation.

#### **15. Provision of Replacement Rural Land**

Where land used for growing crops or a protected grass or pastoral land is expropriated for public purpose, the possessor of such land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose.

#### **16. Displacement Compensation for Land Used for Crops and Perennial Crops**

1. Where a replacement land has been provided in accordance with Article 15 of these Regulations with respect to expropriated land used for crops or perennial crops, displacement compensation equivalent to the following amounts, shall be paid:

- a) The price of the annual average yield of crops obtained from the land; or
- b) The price of the annual average yield of perennial crops multiplied by the number of years required to attain the level of growth of the perennial crops.

2. The amount of displacement compensation payable with respect to land used for growing crops or perennial crops shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the price of the average yield of crops or perennial crops obtained from the land.

3. The average annual yield of crops or perennial crops shall be calculated on the basis of:

- a) The yield obtained from the land for the last five years; or
- b) Where the land was used for less than five years, the yield obtained for the actual years the land was used; or
- c) Where the crops or perennial crops have not yet started giving annual yield, the yield of similar crops or perennial crops obtained from a similar area of land in the locality for the last five years.

#### **17. Displacement Compensation for Protected Grass or Grazing Land**

1. Where a replacement land is provided in accordance with Article 15 of these regulations with respect to expropriated protected grass or grazing land, displacement compensation equivalent to the annual average income obtained from the land shall be paid.

2. The amount of displacement compensation payable with respect to the protected grass or grazing land shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the annual average income obtained from the land.

3. The provisions of Sub-Article (3) of Article 16 of these Regulations shall, mutatis mutandis, be applicable with respect to calculating the average annual income derived from a protected grass or grazing land.

#### **18. Displacement Compensation for Provisional Expropriation of Rural Land**

Where a rural land is expropriated only for a limited period of time, the multiplication factor for calculating the displacement compensation shall be the number of years for which the land is cleared; provided, however, that the compensation obtained by such calculation shall not exceed the amount payable under Article 16 or 17 of these regulations

**PART FOUR  
MISCELLANEOUS PROVISIONS**

**19. Properties for which Compensation Is Not Payable**

There shall be no payment of compensation with respect to any construction or improvement of a building, any crops sown, perennial crops planted or any permanent improvement on land, where such activity is done after the possessor of the land is served with the expropriation order.

**20. Furnishing of Data**

1. The committee shall request the relevant federal, regional or other bodies to furnish any data necessary for determining the value of a property in accordance with the Proclamation and these Regulations.
2. Anybody requested under Sub-Article (1) of this Article shall hand over the data immediately to the Committee.
3. Where the data is not available with the requested bodies, the committee shall conduct its own survey on the local market price of the property.

**21. Records of Property**

A Woreda or a city administration shall, for the purpose of the implementation of the Proclamation and these Regulations, record properties situated on a landholding subjected to an expropriation order.

**22. Evidence of Possession and Ownership**

Any person who claims for payment of compensation in accordance with the Proclamation and these Regulations shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation.

**23. Valuation Costs**

1. Woreda and city administrations shall cover the costs of valuation of properties in accordance with these regulations, including payment of per diem to members of the Committee in accordance with the relevant laws.
2. The costs referred to Sub-Article (1) of this Article shall be covered by the concerned IA where the expropriation is made upon its request.

**24. Effective Date**

These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 4th day of July 2007

**MELES ZENAWI**

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF  
ETHIOPIA**

### Annex 8: List of Contacted and Interviewed Persons During the Fieldwork

No.	List of contacted persons	Position	Cell Phone
1	Ato Owar Obang	Itange special woreda Administrator Delegate	0917318821
2	Ato Ayalew Mola	Bambasi Woreda Administrator Delegate and Information management officer and delegate of the core process	0910437732
3	Ato Teshome Tsgaye	Emerging regions coordinator in BoA (Gambella)	0917179717
4	Ato Ojilu Loia	Gambella Region BoA Vice head	
5	Ato Tewab Mekonon	Gambella Region NERDP coordinator	0911319910
6	Ato Obar Obong	Itange special woreda Agriculture Office Delegate	
7	Ato Gach Kong	Irrigation Officer (Itang Woreda Agriculture Office)	
8	Ato Desta Zenget	Technology Development Core Process Owner (Itang Woreda Agriculture Office)	
9	Ato Aydahis Afike	Asayita Woreda administrator	0929439249
10	Ato Mehamed Abdulkadir	Asayita Woreda pastoral agriculture development office head	
11	Ato Haile Tarekegn	Aseged Tsimbla Agriculture Developemnt Office Head	0914101930
12	Ato G/hiwot G/hanes	Tatay Adiabo Woreda Agriculture Developemnt Office Head	0914776869
13	Ato G/medihen Hadus	Tslemt Woreda Agricture Developemnt Office Head	0914225269
14	Ato Geday Desalegn	Community elder (Mai Aini kebele)	
15	Ato Geday Asefa	Community elder (Mai Aini kebele)	
16	Ato Mersh Tesafy	Community elder (Mai Aini kebele)	
17	Ato Jama Abdunasir	Dolo Ado Administrator	
18	Ato Jama Bedel	Dolo Ado Administrator Secretary (Assistant)	
19	Ato Teshome Tsgaye	Special support to Benishanguel-Gumuz	
20	Ato Obang Omod	Woreda Agriculture Office Expert (Agronomist)	0935118429
21	Ato Obang Oboya	Puchala Kebele Chairperson	0942360996
22	Ato Ojulu Kiru	Puchala Kebele Manager	
23	Ato Getaneh Akuma	Ukedi kebele secretary	
24	Ato Omud Olok	Ukedi kebele chair person	
25	Ato Alual Obo	Gog Woreda Agriculture Office Head	0910960897
26	Ato Abdukasim Mohammed	Wamba kebele Chairperson	
27	Ato Abdulahi Ibrahim	Wamba kebele community elder	
28	Ato Aseres Moges	Homosha Woreda Natural resource expert	0917458183
29	Ato Kamile Hammed	Homosha Woreda Administrator	0917431432
30	Ato Haji Osman	Sherkole/Jima Kebele chairperson	

31	Ato Mohammed Islaman	Sherkole/Jima Kebele Community elder	
32	Ato Ababeker Alhusin	Sherkole/Jima Kebele Community elder	
33	Ato Sadik Abdulahi	Mao-komo Special Woreda Administrator	0910119295
34	Ato Abdurazak Saheli	Benishanguel-Gumuz Region Agriculture and Rural Development Bureau Vice head	0917179717
35	Ato Demese Mera	Regional Natural Resource Core Process Owner (Benishanguel-Gumuz	0910291117
36	Ato G/Medihen Hadus	Tslemt Woreda Agriculture Development Office Head	0914222569
37	Ato Hagos Berhie	Htsats Kebele Community elder	
38	Ato Mekonon Gebru	Htsats kebele chairperson	
39	W/ro Medhin Mezegeb	Htsats kebele community elder	
40	Ato Huluf G/Selasie	Tatay Adiabo Woreda Agriculture Development Office Vice Head	0910444372
41	Ato Kiros	Mai Kule Kebele Chairperson	
42	Ato Ibrahim Mehamed	Afar Region Agriculture Vice Bureau Head and Bureau Head Delegate	0919981474
43	Ato Abdukadir Mehamed	Afar Region Environmental Protection, Land use and Administration Agency Head	0913084083
44	Ato Mehammed Abdukadir	Asayita Woreda pastoral agriculture development office head	0910078950
45	Ato Jama Abdunasir	Dolo Ado Woreda administrator	
46	Ato Jama Bedel	Dolo Ado Woreda administrator Secretary	0938718360
47	Abdulahi Aden	Melkedida Community elder	
48	Ato Nur Mahamed	Dolo Ado Woreda Agriculture Development Office Head	0921651770
49	Ato Mewulid Abdi	Natural Resource Development Core Process Owner (Dolo Ado Woreda)	0939073142
50	Hassen Mohamed	Animal Development Core Process Owner (Dolo Ado)	0912870364