

THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ETHIOPIAN ROADS AUTHORITY

Consultancy Services for Review and updating of RAP for

LOT 4: Arsi Negele-Hawassa Design and Build Road Project

DESIGN AND BUILD DIRECTORATE

Ethiopia. Lot 4 Arsi Negele Hawassa Road Project

January 2015

1 EXECUTIVE SUMMARY

A. General

This Resettlement Action Plan (RAP) is prepared to avoid and minimize the impoverishment of Project Affected Persons (PAP) and ensure that they receive appropriate compensation and rehabilitation measures. The RAP presents the number of Project Affected Persons, size of affected properties and the income restoration measures to be made for the PAPs, and establishes methodologies for compensation estimate and payment.

The construction of the project road will improve the livelihood of the local populations and will contribute to the growth and development of trade and urban centers, improvement of crop and livestock production and its marketing network. The natural resource and human resource potentials are also highly important in contributing to the development of the project area.

In terms of impact, the project road is expected to have both positive and negative impacts in the direct Project Influence Area (PIA), as well in the indirect influence area. The potential social impacts will be quicker felt in the direct influence area. The adverse (or negative) social impacts are very minimal and could not make significant impacts that will impede the life of the local population.

This RAP is a review of a previous RAP prepared in 2012 by TechniPlan, which is the design consultant. This review service has been undertaken by Ethio-Infra Engineering plc and the existing RAP document for Lot 4 Arsi Negele-Hawassa have been examined and thoroughly reviewed in line with the revised concept design. The review process included updating data and information collected in the preparation of the RAP for its consistency and appropriateness; and also amended or supplemented new data and information where necessary through review of relevant documents, collection of up-to-date data from wereda administration offices and intensive field surveys of the PAPs. In addition, public and stakeholders' consultations were conducted to incorporate the views and opinions of PAPs and Wereda administration and its sector offices.

The review process also included checking the previous RAP for its completeness and conformity with the policies, procedures and guidelines of the Federal Democratic Republic of Ethiopia (FDRE) and that of World Bank. .

This RAP builds on ERA's Resettlement/Rehabilitation Policy Framework, China EXIM Bank, African Development Bank's (AfDB) policy on involuntary resettlement and World Bank's policy on involuntary resettlement (OP/BP 4.12). The AfDB and WB policy on involuntary resettlement addresses the need for the treatment of project impacts, which cannot be avoided. The policy objectives are either to avoid or minimize involuntary resettlement; if carried out to execute as sustainable development programme and to provide assistance to displaced persons so that they could be able to restore or improve their livelihood. The policy also sets eligibility criteria, resettlement instruments and monitoring, and other provisions.

The preparation and content of this RAP is within Ethiopia's existing legal and administrative framework, China EXIM Bank , AfDB and World Bank's policy on involuntary resettlement (OP4.12). In case of conflicts or gaps between the Federal Democratic Republic of Ethiopia (FDRE) law and that of the China EXIM Bank or AfDB or WB Policy, the Banks policy will prevail as the final or the higher of the these standards/instruments that is more beneficial to the project affected persons will be followed as it also satisfies the requirements of the lesser standard.

B. Description of the project

The Modjo-Hawassa; Lot 4: Arsi Negele-Hawassa road project is designed to a 4 lane dual carriageway highway with area separated median 9.0 meter width (Swale ditch) and will have controlled access with grade-separated intersections to establish link with the existing roads and upgrading of the link roads is part of the project to facilitate easy flow of traffic and enhance the connection with the major urban centres. Lot 4 has a total length of 51.68 km. The route starts east side of the existing road and crosses the existing road at km 153.75 and traverses on the west side of the existing road for the rest of its stretch until it reaches the project end at km 201.68 just before Tikur Whia village. The expressway traverses 3-4km west of Arsi Negele and Shashemene towns

The project route corridor predominantly contains volcanic rock such as tuff, pyroclastics, pumice ash and associated sedimentary deposits of lacustrine and alluvial sediments.

The project road will intercept three link roads that connect with the nearest towns. The intercepted link roads will be improved by the project in order to offer the users a similar level of service as before.

C. Objective

The objective of this Resettlement Action Plan (RAP) is to minimize the risks from the Modjo-Hawassa; Lot 4: Arsi Negele-Hawassa project road by avoiding displacement of people. The RAP designs compensation procedures and relocation, establishes compensation measures for losses incurred and it also establishes income restoration measures and resettlement assistance.

Right of Way assessment was undertaken for 90 meter band width of the road alignment with the objective of quantifying and valuing the impacts on the local people and their properties with a view to propose measures that compensate for any impacts as a result of the project. The project road is , located in Oromia Region, West Arsi Zone, Arsi Negele, Shahsemene Zuria weredas and Bishan Guracha Town Administration.

D. Approach and Methodology

The approach and methodology followed in the preparation of this RAP include the following:

- Review of national environmental policies, strategies, legislations and guidelines,
- Review of data and information from secondary sources,
- Detailed field investigations along the entire section of the proposed road alignment,
- Baseline data collection of project affected persons and identification of affected properties and assets,
- Conducting consultations with project affected persons, local population and with key stakeholders in the project area.

E. Public and Stakeholders' Consultation and Community Participation

Public and stakeholders' consultation is carried out in a number of locations crossed by the project road with the objective of incorporating the views of the local community, PAPs and Government officials and experts; and also that of Non-Government Organizations (NGO) working in the project area. The consultations were conducted in the three weredas crossed by Lot-4 project road. The PAPs and the public participated in the consultations reported that they are highly supportive of the construction of the new highway and think as a good opportunity that will have a considerable impact for the development of the project influence area in the future.

During the public consultation the participants have reached a consensus and agreed to cooperate and to take actions that will contribute to the speedy implementation of the project road construction works and implementation of this RAP. Similarly, wereda authorities have also agreed and committed to facilitate the implementation of the RAP and provide all necessary support needed to the construction of the road. ERA also agreed to mitigate any adverse social and economic impacts from land acquisition by providing adequate and timely compensation for loss of assets at replacement cost and will restore livelihood for PAPs affected by the project as well as improve conditions for the vulnerable persons impacted by the project.

As part of the review, public consultations formal as well as informal consultations were conducted during the field survey in different times .The final public consultation on the final new alignment from Km 187+500-201 has been done in August 9-15 / 2014 at Toga and Daleti kebeles in Shashemene wereda. In addition to this ,consultation also taken place with Shesemene wereda and Bishan Guracha town administration government cabinets and sector office experts whom the main stakeholders of the desired road. Informal discussions and interviews were made with key officials and experts of relevant regional, zonal and Wereda level offices, as well as some individuals found along the road. Formal consultations also had been carried out at public meetings that were held at two key locations during the previous field visits before August 2014. Table 8-1 list the dates and locations for consultation. The objective of conducting repeated consultation was to clarify different issues raised by the public and also to incorporate the voice of as many people as possible. The details of the consultations with PAPs, community, different stakeholders and government officials are discussed under chapter 8.

F. Policy and Legal Framework

The section on policy and legal framework discusses those policies and legal issues that are pertinent in the preparation and implementation of RAP. Since loss of land is one of the major impacts observed in the construction of the new highway Lot 4 Arsi Negele-Hawassa, FDRE policy on land ownership and expropriation and compensation is discussed in detail. As per the constitution of the Federal Democratic Republic of Ethiopia, land is a public property and that no individual person has the legal right to ownership. Since there is no private ownership of land in Ethiopia, and hence, rural or urban land could not be sold or mortgaged or transferred; citizens have only usufruct right only over land. A usufruct right gives the user of the land the right to use and the right to benefit from the fruits of her/his labour which may be crops, trees, etc. found on the land or any permanent works such as buildings etc.

In the expropriation of land for public use, the Federal Democratic Republic of Ethiopia (FDRE) has issued two proclamations. The first one being Proclamation No. 455/2005, which deals with the expropriation of land holdings for public purposes and payment of compensation and second one is the Council of Ministers Regulation No.135/2007, which details the basis regarding payment of compensation for property situated on land holdings expropriated for public purposes.

G. Institution and Administrative Framework

The preparation of RAP for road projects and its implementation, the Ethiopian Roads Authority (ERA) is responsible and has the legal mandate. In ERA, the Environmental & Social Management Team (ESMT) is directly responsible for the review, monitoring and implementation of this Resettlement Action Plan. ESMT is also in charge for the identification of adverse environmental and social impacts and its mitigation measures.

The Right of Way (ROW) management team of the Regional Directorate is accountable for the implementation of the expropriation/compensation operations, registration of PAPs, establishment of compensation committees, assessment and establishment of compensation rates and payment of compensation.

The content of this RAP is within Ethiopia's existing legal and administrative framework, China EXIM Bank, AfDB and that of the World Bank's (WB) policy on involuntary resettlement (OP4.12). In case of conflicts or gaps between the Federal Democratic Republic of Ethiopia (FDRE) law and China EXIM Bank or AfDB or WB Policy, the Banks policy will prevail as the final and this RAP will be an international credit agreement between the Government of Ethiopia and China EXIM Bank.

The weredas crossed by the project road have the responsibility in the RAP implementation and play a critical role in establishing Resettlement committees, property valuation and in grievance redress. Currently, the above committees were established during the preparation of this RAP and ERA will activate these committee in collaboration with the wereda administration during the implementation of the RAP. The RAP committees will comprise of representatives from sector offices, representatives from project affected persons (PAPs) and the ERA right-of-way agent. The management and coordination of relocation and payment of compensation for PAPs will be the major responsibility of the RAP Committees. Funds for payment of the compensation will be made available by the ERA through the Regional Directorate RoW management team. The RAP Committees will prepare monthly and quarterly progress reports which will be delivered to the Resident Engineer office, ERA's Regional Directorate RoW management team and the wereda administration office.

H. Grievance Redress Mechanism

In case dispute arises between the RAP Committees and PAPs the preferred option to settle the dispute will be through amicable means using traditional and cultural methods as well. This will save time and resources as opposed to taking the matter to court. To ensure that the PAPs have avenues for redressing grievances related to land acquisition and resettlement, procedures for the redress of grievances has been established for the project. The objective of establishing the grievance redress committees is to respond to the complaints of the PAPs promptly and in a transparent manner. The mechanism is designed to be easily accessible, transparent and fair; and that grievances and appeals are to be addressed through arbitrational procedures.

Arbitral tribunals will be formed in Arsi Negele, Shahsemene town, Shahsemene Zuria and Bishan Guracha weredas and will settle disputes arising in the respective kebeles. The arbitral tribunals will be established from the outset instead of

leaving the appointment of the arbitrators to the disputants. This is the preferable option since it might take a lot of time to appoint arbitrators if left to the disputing parties. If any of the parties disagree, the aggrieved party has the right to appeal to the ordinary courts.

I. Summarized Project Impacts

The potential positive and negative social impacts that will be created by the construction of the project road are identified through field surveys, consultation meetings and discussions held with Project Affected Persons (PAPs), Government officials and experts.

A socio economic study is carried out to identify potential impacts, identification of affected households and properties located along the route has been carried out; and also measurement of affected properties and assets was conducted.

In the Lot-4 project road corridor, there will be 853 household heads to be dispossessed from their farmland and house. Most of the affected households (98.8%) are farmers that will lose strip of their land and despite of that these farmers could continue to farm their land since what they lost is not much. This is to say that what is left could be sufficient and will allow them to continue their livelihood in the remaining plot of land; however they will be compensated for losing their crops, trees, and some other crops as per the law and the replacement cost. To compensate PAPs who have lost strip of their farmland and for the forgone benefits from farmland cash compensation is the preferred option. For those PAPs who may have lost their businesses and income sources, establishing livelihood restoration measure is required. Table below shows the list of PAPs partially and fully displaced.

Road Section	Total PAPs		People to be Displaced		Partially Affected[i] People	
	Number of House Hold	PAPs	Number of House Hold	PAPs	Number of House Hold	PAPs
Arsi Negele - Hawassa	853	7281	117	700	736	6581

Among the identified PAPs the majority (83%) are male headed households while 15% are women headed households, and 1% are institutions (public and government) and remaining 1% represents institutions. The total family members of the project affected households are 7281 out of which, 5875 (80%) are male and the remaining 1406 (20%) are female. Appendix 1 provides the names of the household and institutions identified during the field survey. The name for each household head and list of affected properties, and those who may lose their businesses and income sources requiring establishing livelihood restoration measure are provided in Appendix 1 and 6 respectively.

The socio-economic survey has also identified 273 vulnerable PAPs. Vulnerable PAPs constitute of elderly men, women heads of households without labor, severely ill person, HIV/AIDs positive persons, Child headed families, the disabled, landless, etc. The names of project affected vulnerable households heads are given in Appendix 5. This project will improve their living condition through provision of access to services and facilities and livelihood restoration measures.

J. Budget Requirement for RAP

The cost estimate and budget required for the implementation of this RAP are summarized herein below. The total estimated cost including 10% contingency will be 97,881,000.0.

The cost and budget estimate is prepared on the basis of the requirement as compensation payment for PAPs, for rehabilitation measures for PAPs, including provision for vulnerable groups and also the budget required for Administrative costs in the implementation of this RAP.

Table 1-1: Summary of Total Budget Requirement

Item Description	Budget
A. Compensation costs	
Compensation cost for houses	4,943,228
Compensation cost for fences	2,844,400
Compensation cost for crops	66,704,300
Compensation cost for trees	4,798,360
Compensation cost for utilities	3,000
Sub-Total	79,293,288
B. Rehabilitation measures	
Vulnerable House hold assistance	575,000
Livelihood and income Restoration	2,500,000
Removal of grave yards and reburial process	500,000
Relocation and rehabilitation Assistance	860,000
Legal and administrative costs	500,000
Sub-Total	4,935,000
C. Project Management and other costs	
HIV/AIDS support activities	2,000,000
Cost of property valuation committee	600,000
Cost of Resettlement (compensation) committee	655,000
Monitoring and Evaluation Cost	1,500,000
Sub-Total	4,755,000
Total (A+B+C)	88,983,000
Contingency (10%)	8,898,000
Grand Total	97,881,000

K. Monitoring and Evaluation of the RAP process

Internal and External monitoring and evaluation process has been designed as an integral part of the RAP with the objective of ensuring the RAP implementation complies with the recommendations set out in the RAP. Internal monitoring activities will be handled by the Environment and Social Management Team (ESMT) of the Employer's Representative (Engineer) office. ERA's Regional directorate ROW management team will monitor and supervise the RAP implementation on daily basis and report the progress in the monthly and quarterly progress reports that will be submitted to ERA.

External Monitoring will also be conducted by an independent consultant who will be hired by ERA. The independent consultant will monitor and evaluate the RAP in consultation with the Employer's Representative (Engineer) and if necessary with Wereda and kebele administration offices, and with the PAP by adopting the process and output indicators.

All Monitoring and Evaluation Reports including Monthly and Quarterly Implementation Status Reports will be submitted to the World Bank on regular basis.

Figure 1-1: Project Location Map

