



Community Markets for Conservation (COMACO)

**The COMACO Landscape Management Project
P144254**

RESETTLEMENT POLICY FRAMEWORK (RPF)

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
BP	Bank Policy
CBNRM	Community Based Natural Resource Management
CCP	Community Conservation Plan
CDM	Clean Development Mechanism
COMACO	Community Markets for Conservation
DA	District Administration
DC	District Commissioner
DDCC	District Development Coordinating Committee
DEA	Department of Environmental Affairs
DMMU	Disaster Management and Mitigation Unit
DNPW	Department of National Parks and Wildlife of Malawi
ECZ	Environmental Council of Zambia
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EPFI	Equator Principles Financial Institutions
EPPCA	Environmental Protection and Pollution Control Act
GEF	Global Environmental Facility
HIV	Human Immunodeficiency Virus
IDP	Integrated Development Planning
LAA	Land Acquisition Assessment
MAL	Ministry of Agriculture and Livestock
MLNREP	Ministry of Lands, Natural Resources and Environmental Protection
MoLGH	Ministry of Local Government and Housing
NGO	Non-governmental organisation
OP	Operational Policy
PA	Protected Area
PAP	Project affected person
PRA	Participatory rural approach
RAP	Resettlement Action Plan
REDD+	Reducing emissions from deforestation and forest degradation in developing countries; and role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
RPF	Resettlement Policy Framework
RSC	Resettlement Steering Committee
SALM	Sustainable Agricultural Land Management (Integrated Crop Management) / Afforestation, Reforestation and Re-vegetation
SEA	Strategic Environmental Assessment
SIA	Social Impact Assessment
TFCA	Kavango– Zambezi Trans frontier Conservation Area
VCS	Verified Carbon Standard
ZAWA	Zambia Wildlife Authority
ZEMA	Zambia Environmental Management Authority

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I. EXECUTIVE SUMMARY

Project Description and Background

COMACO and its partners intend to pioneer bio-carbon project a unique approach to landscape-wide carbon asset management that combines several approved Clean Development Mechanisms (CDM) and Verified Carbon Standard (VCS) methodologies under an umbrella of grouped projects, equivalent to CDM program of activities to monitor, verify, and monetize carbon increments in the most biologically and economically important carbon pools across the managed landscape. Conceptually, the project represents a bridge to a comprehensive landscape management methodology, yet to be developed, that would eventually achieve the same economic purpose of capturing incremental carbon for trade in a more economically efficient manner.

The COMACO Landscape Management Project will increase smallholder farmer crop yield from sustainable Climate Smart Agriculture (CSA), increase farmer income and welfare, reduce uncontrolled forest loss and degradation and increase net forest cover in the project areas within the Luangwa Valley supported by revenues from a significant increase in bio-carbon sequestration. COMACO implements an array of interventions, e.g., fallowing, minimum tillage, no burning, and planting of *Gliricidia sepium*; use of increased market incentives and livelihood alternatives; and increased community land use planning and leadership roles in the reduction of forest loss and degradation to sustain a net increase in forest cover in the Luangwa Valley. These activities are part of integrated landscape management strategy to conserve biodiversity, improve food production per unit area of cropland and to minimize climate change. This is achieved with carefully designed, ecologically sensitive mosaic of production and conservation functions. The project will expand the activities being currently implemented by COMACO with a view to achieve overall climate mitigation and adaptability.

COMACO will be the lead implementing organization for this project with increased collaboration with the Government of the Republic of Zambia (GRZ) through the Ministry of Agriculture and Livestock (MAL), Ministry of Local Government and Housing (MoLGH) and the Office of the Vice President.

It has been determined that this project will trigger the three World Bank Safeguards Operational Policies (OPs) among them Involuntary Resettlement (OP 4.12). In order to fulfil the requirements of implementing a World Bank – Global Environment Facility (GEF) project and country national laws, this Resettlement Policy Framework (RPF) has been prepared.

This RPF:

- Provides guidance for identifying the characteristics and categories of people likely to be impacted, as well as the magnitude of impacts. It further acknowledges the compensation cut-off date is the commencement of the resettlement census/socioeconomic survey, criteria to be used in identifying who is eligible for compensation, and process by which this will be determined;
- Provides an overview of Zambian and traditional laws governing land rights, land acquisition, access to resources and rights to compensation. It then compares this to World Bank standards, identifies gaps, and proposes mitigation measures needed to ensure World Bank standards are met. It also explains how land and assets are valued and the process to be used for inventorying assets as well as procedures for delivery of compensation, including responsible institutions; and
- Describes when RAPs will be prepared, what information will be included in the RAP, the provisions of the Entitlement Matrix, how RAP activities will be funded and how implementation of RAPs, once locations have been identified, will be monitored. It

also establishes grievance redress mechanisms. Further, it describes the process by which a RAP will be prepared and approved.

Guidelines for Resettlement

The process of resettlement is intended to address physical and economic displacement, impact on assets, livelihoods, and economic losses. The need for resettlement and compensation arises when the impact of development causes the loss of, or loss of access to, any assets growing on or permanently affixed to the land, such as shelters, buildings and crops, as well as loss of or access to an economic resource base or local communities' means of livelihood. These losses may be total or partial, and the absence of legal title to use the land does not limit rights to compensation. Preference should be given to land based resettlement strategies for impacted people whose livelihoods are land-based. If sufficient alternative land is not available, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. Project Affected Persons (PAPs) should be assisted to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.

Organisation

Although the project entity, COMACO does not manifest itself as the actual land authority over the planned REDD+ areas (or Community Conservation Areas (CCA)). Instead, the local chiefs of a particular chiefdom will be the designated authority in dealing with potential issues related to resettlement or potential economic loss from denied access to previous use of resources in an identified Community Conservation Area. COMACO's primary role is to facilitate the demarcation of the CCA, monitor its effectiveness in sequestering carbon to facilitate a carbon transaction for the community, and to assist with secretariat functions in the development of the CCA's rules and regulations the community, through their traditional leaders, wish to adopt for the protection of their natural resources. Should the need for resettlement arise, COMACO may assist traditional leaders to contact the relevant government departments, such as the Resettlement Department, to facilitate the resettlement process, which may require consultants to assess specific needs of the PAPs for the development of a Resettlement Action Plan (RAP). In such cases, COMACO will assist the community to employ a full-time officer to organise and directly supervise the resettlement framework implementation.

Project Mitigation Approach

Alternative designs will be prepared that seek to minimize the impact wherever possible when an activity entailing land acquisition or/and impacts on assets, including economic assets, is identified. If the nature and scope of the undertaking demand that an Environmental Impact Assessment (EIA) is undertaken, a scoping phase prior to the EIA will identify the scope and impact of land acquisition required by project, though this situation is highly unlikely under the design of the COMACO Landscape Management Project. It will also identify likely socio-economic impacts on affected populations, potential impacts related to associated facilities such as work camps, pipelines, transmission lines, etc. that are necessary for its construction or operation, and potential induced impacts, including likelihood of in-migration to the project area.

The EIA itself will include a social impact assessment (SIA) that will identify and quantify impacts and the numbers of people affected by the project (PAPs). This will be achieved through two separate surveys: a socio-economic baseline survey to provide a picture of the socioeconomic scene, and census survey to specific those affected. EIAs require extensive and reported public consultation during preparation in finalizing its mitigation plans. .

EIA / SIA mitigation plans will outline the procedures used to minimize the negative impacts on the community as a whole or on part of it or on single households or individuals. Where these require resettlement, cause impact on assets, and or negatively impacts income, these procedures will be defined in detail in a Resettlement Action Plan (RAP).

COMACO, on behalf of a local chief and if requested, will prepare a RAP, when required, that describes the project activity and actions to minimise resettlement and will provide an officially certified survey of impacted persons, an asset inventory and a valuation of socioeconomic impact. The RAP will include:

- A detailed description of any compensation and other resettlement assistance, including entitlement to participation in alternative livelihoods development activities to be provided;
- A detailed description of the results of consultations with impacted people about acceptable alternatives;
- Identification of institutional responsibility for implementation and procedures for grievance redress, as well as arrangements for implementation and monitoring; and
- An implementation schedule and detailed budget.

In cases where an activity or sub-project will cause involuntary resettlement, impact on assets or negative impacts on people's livelihoods, COMACO will prepare a RAP in accordance to World Bank's policy on Involuntary Resettlement OP/BP 4.12 and this Framework. The scope and level of detail of the RAP will vary with the magnitude and complexity of the impact involved. COMACO will consult with both World Bank and Zambian Resettlement Department to confirm the necessity for undertaking a RAP.

Public Participation

COMACO will engage with the community on a regular basis and consult on a broad range of issues with both the local traditional and political leadership and the affected households. This will help in building trust and facilitate open information exchange among stakeholders. Efforts will be made to ensure women are active participants in the process.

Compensation

Affected persons will be eligible for compensation for their immovable assets in the project area. Within a family, a single member usually the family head holds legitimate interest in immovable assets. When the household head dies, the other household members will have to get an official document that identifies the inheritor(s). A survey will be conducted to record all immovable assets located in the project area. The inventory of immovable assets will be the basis for compensation of impacted households. Asset valuation will be done using the guidelines set out by the Disaster Management and Mitigation Unit of the Vice President's Office and assets including crops and animals will be valued using valuation data currently in use. Added assistance will be provided to cover costs associated with moving and relocating to any project affected person.

Resettlement and Relocation

Relocation will involve compensation. Building owners will have the options to either receive a lump-sum cash payment for their existing residential structures or be offered another form of compensation the traditional authority for the particular chiefdom may wish to offer. In addition and to assist with the relocation process, all community members whose fields will be affected by the project, COMACO will assist them in the cultivation of new fields in the new area where they will be relocated.

The cash payment for project impacts (in terms of loss or property or income) will be determined by a certified/registered valuation expert.

Livelihoods and Community Development

As a form of additional assistance, COMACO in consultation with the District Council and the Chief will identify livelihood initiatives to assist impacted persons and households in re-establishing their livelihoods or creating new ones. COMACO is committed to supporting local people with skills, inputs and market access to ensure maximum local economic benefits from the Project. To this end, it will adopt a proactive local recruitment policy, with a complementary skills training programme and input support that offers fair and equitable access to both genders

The RAP preparation process will be participatory through which, along with the consultation during the socio-economic studies and impact assessments, potential conflicts and communication channels for grievances shall be identified. The consultation process will involve all potentially affected people.

Vulnerable Persons

For the purposes of this Resettlement Policy Framework vulnerability is defined as groups of residents of households highly dependent due to age, gender (male or female), or disability and without adequate income or assets or skills. These include:

- Orphaned Children under the age of 18 years;
- Elderly people over 70 years;
- Unemployed, especially unskilled residents and the unemployed youth;
- Women or child headed households; and
- Households impacted by HIV/AIDS.

Grievance Resolution

COMACO is committed to facilitating and building capacity among traditional leaders / Chiefs to undertake stakeholder consultations to hear residents' questions, concerns, complaints and grievances regarding the resettlement process. To do this, COMACO at the request of the local Chief will help institute a grievance procedure to document the origin, source and nature of the grievance, as well as follow-up action and progress on resolution of all grievances. A position of Community Liaison Officer will be created by COMACO to be responsible for handling grievances and this person will serve on the Conflict Resolution Committee to help identify and resolve any such resettlement grievance as may occur. The setting up of a Resettlement Steering Committee will be implemented to aid the resettlement process. Traditional authorities and members of the Resettlement Steering Committee will resolve disputes and grievances arising from the resettlement process.

Monitoring and Evaluation

Monitoring is intended to provide the Project entity, the chief, and directly affected households with timely, brief, indicative information on whether compensation, resettlement and development investments are on track. Monitoring will be carried out as follows:

- Internal monitoring by COMACO through its M&E and Farmer Support Department; and
- External monitoring by independent consultants should the scale and complexity of the resettlement scheme requires such consultants to be appointed by COMACO on behalf of the local chief. Monitoring will be based on indicators of change including:
 - Delivery of compensation;
 - Resolution of grievances;
 - (Continued) Access to land and productive assets;
 - Increase or decrease in household assets; and
 - Continuing stability of social structures.

Monitoring will focus on the extent to which affected peoples' livelihoods, standard of living and general welfare have been restored or bettered as a result of the Project. Ongoing evaluation will be carried out to determine:

- Compliance of RAP implementation with the laws, regulations and applicable international best practice; and
- Resettlement impacts on standard of living, with a focus on the “not worse-off if not better-off” objective. Evaluation will cover a number of key performance criteria, which will be identified by COMACO in consultation with District Councils and the local leadership. These criteria will likely include access to employment and arable land, livelihood restoration and enterprise, health and nutrition, social cohesion, and stability, maintenance costs of communal infrastructure and convenience of housing and infrastructure. Independent evaluation of implementation will take place in four stages:
 - After the RAP final draft;
 - Within six months after project impacts occur, evaluation will be conducted to verify that compensation payments have been made as promised and have been properly processed;
 - Further review one year after full completion of implementation; and
 - Further review two years after full completion of implementation.

The Evaluator will be an independent resettlement consultant, carefully chosen on the basis of hands-on experience, no previous involvement in the Project, and proven ability to make independent and constructive recommendations.

Schedule and Budget

The full costs of resettlement including compensation and mitigating activities will be calculated by the COMACO project team, in consultation with other key stakeholders, preferably from the onset of the project. A detailed schedule and budget of resettlement will (at minimum) include the following:

- Crop compensation (if applicable);
- Asset and Structure compensation;
- Resettlement costs (relocation and resettlement);
- Related programmes (i.e., social infrastructure); and
- Other fees (if contractors are engaged).

2. PROJECT ACTIVITIES

The COMACO¹ Landscape Management Project (CLMP) will be implemented in areas where COMACO operates and is expected to cover an area of approximately 1.7 million hectares. Project success over the next ten years will lay the foundation for expansion of these sustainable land-use practices and innovations to surrounding areas, which is applicable to be applicable to over eight million hectares.

The project comprises an array of specific interventions as part of an integrated landscape management strategy that will conserve biodiversity, improve food production per unit area of cropland, and increase farmer resilience to climate change. Operational objectives and interventions for each project component are as follows:

The COMACO Landscape Management project includes two main components under each operational objective and intervention: (1) Sustainable Agricultural Land Management (Integrated Crop Management) / Afforestation, Reforestation and Re-vegetation (SALM) and (2) Reduced Emissions from Deforestation and Degradation (Avoided Unplanned Deforestation) (REDD+):

Component 1: SALM

Component 1 will ensure a) an increase in food production and farm-gate income per unit area by expanding legume-based agroforestry systems with demonstrated improvements in sustainable crop yields, and b) the shift from expansive to intensive farming practices, coupled with the new availability of fuel sources, will help to alleviate the pressure on forests by decreasing the need for agricultural and charcoal-production encroachment as compared to the baseline of traditional small-holder agriculture methods called ‘slash and burn’ (“*chitemene*”). More specifically, the activities will include:

- Biosequestration of fast-growing agroforestry systems of nitrogen-fixing species (*Gliricidia sepium*) with demonstrated higher sustainable crop yields;
- Residue retention and cessation of post-harvest crop-residue burning;
- No-till agricultural practices;
- Composting;
- Non-burning of designated woodland sites used as apiaries; and
- Establishment of firebreaks to protect forest products harvests.

Supply side support for the COMACO market-based incentive system will come in the form of inputs, training, and extension delivered through COMACO’s hundreds of lead farmers to small-holders from COMACO’s technical specialists, and drawing on technical capacity and experience of COMACO partners and advisors.

Component 2: REDD+

Component 2 will protect and expand areas under natural forest cover on traditional land by prioritizing conservation agriculture practices, alternative livelihoods, and traditional governance frameworks through the following activities:

- Fast-growing coppicing leguminous trees (*Gliricidia sepium* (GS) and potentially, *Faidherbia albida* (FA)) in agroforestry systems represent a significant increases in

¹ Community Market for Conservation (COMACO) is an organization that works to achieve increased food and income security for small-scale farmers in exchange for their commitment to protect natural resources and care for the land they farm and live on. It operates both as a business to build market opportunities for crops farmers grow with premium prices to reward commitment to conservation. It also operates as a farmer support service to help build farmer productivity.

firewood alternatives from renewable sources as well as increases in materials suitable for tradable carbon production can also make household energy supply sustainable through:

- The establishment of firewood woodlots and border plantings;
- Reducing destructive charcoal production in natural forests; and
- Introducing (in a parallel COMACO CDM project) the use of clean and efficient wood-stoves for COMACO farmers and associated communities to replace open fire cooking and switch charcoal users to superior wood stoves. This could eventually lead to a regional market for surplus sustainably produced firewood.

In cooperation with traditional leaders and local government authorities (including District Forestry and Agriculture officials, and Zambia Wildlife Authority, ZAWA), COMACO is piloting approaches to land-use zoning and community-based participatory forest management planning for COMACO farmers. These activities layout a potential model for traditional authorities to zone customary land and use market-based incentives to implement a conservation vision for sustainable agricultural and land use practices in consultation with community members, COMACO cooperative leaders, and local government.

The Project will build on existing pilot initiatives that have resulted in a burgeoning honey market and potentially large wild mushroom market with added premium pricing when producers demonstrate commitment to forest protection.

Small holder farmers will gain increased premium prices for their farm commodities when their community effectively implements a community-regulated and enforced land use zoning plan or establishes community conservation areas that exclude land use practices destructive to forests, as part of broader Community Conservation Plans (CCPs).

COMACO has been engaging with the prospective communities and Chiefs in the project target areas, and has explained the proposed project activities to all stakeholders. The response has been overwhelmingly supportive. Apart from meetings, village level awareness campaigns have been conducted by the COMACO field team and various project generated information flyers and other documents have been distributed. Both the Chiefs and community members in the project areas have consented to the project and are expectantly awaiting its implementation. In addition officials of the collaborating government officials from the Province representing the Ministry of Agriculture and Livestock and the Forestry department of the Ministry of Lands, Natural Resources and Environmental protection have participated in key stakeholder meetings held in the field. See Annex 3 for details on stakeholder engagement activities conducted from the onset of project identification to preparation stages.

2. LEGAL AND INSTITUTIONAL FRAMEWORK

This chapter gives an inventory of laws and institutions involved in various aspects of environmental protection, compensation and resettlement. Thus any RAP will have to comply with these institutions. A discussion of international conventions and agreements relating to sound environmental management are also included in this chapter.

2.1. Legal Framework

The legal and institutional context of resettlement in Zambia is not sufficiently defined. It has, as in many parts of Africa, both customary and titled tenure systems. The Constitution and the two Acts that imply regulatory control of private sector (titled tenure) land acquisition and resettlement are:

- The 1996 Constitution of Zambia Act which ensures the protection of private property and establishes requirements for compensation in the event of displacement as a consequence of State acquisition;
- The Lands Acquisition Act of 1994 which authorizes compensation rates and sets procedures for public land acquisitions; and
- The Agricultural Lands Act of 1994 which requires adequate compensation for loss of assets on the surface of the land due to other intended uses.

2.1.1 Constitution of Zambia

The Fourth Republican Constitution (1996) recognizes the right to private property and to protection by the State of property. Part II of the Constitution enshrines the fundamental rights and freedoms of the individual. Section 11 (d) offers:-

“Protection for the privacy of his home and other property and from deprivation of property without compensation”

The protection of private property is expanded further in Section 6 (1):-

“Except as provided in this Article, property of any description shall not be compulsorily taken possession of, and interest in or right over property of any description shall not be compulsorily acquired, unless by or under the authority of an Act of Parliament which provides for payment of adequate compensation for the property or interest or right to be taken possession of or acquired”.

2.1.2 The Agricultural Lands Act of 1994

Section 40 of The Agricultural Lands Act of 1994 identifies improvements qualifying for compensation to include:-

- Planting of orchards or fruit bushes;
- Improvement to watercourses for water supply – domestic and agricultural;
- Boreholes/wells, ponds; and
- Erection, alteration and enlargement of building.

2.1.4 Arbitration Act No. 19 of 2000

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

2.1.5 Environmental Management Act, 2011

The Act is the principal Act on environment in Zambia provides for the establishment of the Zambia Environmental Management Agency (formerly Environmental Council of Zambia) and mandates it to do all such things as are necessary to protect the environment and control pollution so as to provide for the health and welfare of persons, animals, plants and the environment in general. Noting that Project activities involving crop production and agroforestry systems closely interact with the environment, the provisions of this Act and its subsidiary pieces of legislation will require compliance with this Act. Any proposed RAP will comply fully with this act.

2.1.6 The Fisheries Act

Enacted in 1974, the Act provides for the development of commercial fishing, control of fishing and the registration of fishermen and boats.

2.1.7 The Lands Act, 1995

The Lands Act vests all land (which is defined to mean any interest in land whether the land is virgin, bare or has improvements but excludes mining right) in Zambia in the President to be

held by him in perpetuity for and on behalf of the people of Zambia. There are two types of land tenure, leasehold rights to state land and customary tenure.

Customary tenure applies to “individual plots, forest land, common land within a village, and communal grazing land.” The Lands Act recognizes customary tenure by providing that every piece of land in a customary area which immediately before the commencement of the Act was vested in or held by any person under customary tenure will continue to be so held and recognized and any provision of this Act or any other law shall not be so construed as to infringe any customary right enjoyed by that person before the commencement of this Act.

Though it is a *de facto* right, only traditional authorities (typically chiefs through headmen) have the right to allocate land under customary tenure. Chiefs may also approve the conversion of customary land to leaseholds of state land, but once alienated all customary rights attached to the land are extinguished and it cannot be converted back to customary tenure.

2.1.8 Lands Acquisition Act

Section 12 (b) of The Lands Acquisition Act of 1994 provides that any person whose property is affected by a public project is entitled to compensation, and provides a mechanism by which people not satisfied with compensation may seek redress through the courts of law. It states:-
“The value of property shall, subject as hereinafter provided, be the amount which the property might be expected to realize if sold in the open market by a willing seller at the time of publication under section seven of the notice to yield up possession”.

The basis for assessment of compensation includes:-

- Enhancement of value of land by reason of proximity of any improvements or works made or constructed on part acquired; and
- Damage if any, sustained by the person having an estate or interest in land by reason of severance of such land.

2.1.9 Land Conversion of Titles Act

The Land Conversion of Titles Act was enacted in 1975 and amended in 1990. The Act provides for the alienation, transfer, disposition and charge of land. Although the Act does not refer to matters of conservation this Act is important in that land is one of the basic natural resources. The Act also provides for compulsory acquisition of land by the president whenever he is of the opinion that it is desirable or expedient to do so in the interest of the republic.

2.1.10 Local Government Act

The Act came into force in 1991 and provides for the establishment of Councils in districts, the functions of local authorities and the local government system. Some of these functions relate to pollution control and the protection of the environment in general.

2.1.11 National Heritage Conservation Commission Act

Enacted in 1989, the Act provides for the conservation of ancient, cultural and natural heritage, relics and other objects of aesthetic, historical, pre-historical, archaeological or scientific interest.

2.1.12 The National Parks and Wildlife Service

Passed in 1991, the Act provides for the establishment, control and management of National Parks; conservation and protection of wildlife and objects of interest in National Parks; the establishment of Game Management Areas; the licensing of hunting; control of possession of trophies and control of bush fires.

2.1.13 State Lands, Reserves and Trust Lands Act

The Act provides for the protection of rights to land ownership and exploitation by specifying exclusive conditions for acquisition and exploitation of different categories of land.

2.1.14 The Tourism Act

Enacted in 1979, and amended in 1985, the Act provides for the control of tourism enterprises. The Act though making no direct reference to environmental protection does provide for appeals against authorisation of tourism projects which are deemed to negatively affect Zambian tourism which is basically natural resource based.

2.1.15 The Forest Act

Enacted in 1974, the Act repealed the Forest Act (Cap 311) of the laws of Zambia. It provides for the establishment and management of National and Local forests, conservation and protection of forests and trees, and licensing and sale of forest products. The Forest Act of 1999 is not operational, so the Forest Act of 1973 is still in use.

2.1.16 The Town and Country Planning Act

The Act came into force in 1962 and provides for the appointment of planning authorities whose main responsibilities are the preparation, approval and revocation of development plans. It also provides for the control of development and subdivision of land. The Act does not however apply to Trust Land and land in Reserve and Mining Areas that fall under regional plans.

2.1.17 The Water Act

The Act came into force in 1949 and provides for the control, ownership and use of water excluding that of the Zambezi, Luapula and Luangwa rivers which form borders with other countries. The Act establishes the Water Board and regulates the use of public water including protection against pollution.

2.1.18 International and Regional Conventions

A number of international and regional conventions are relevant to addressing common environmental concerns. These include:

- United Nations Framework Convention on Climate Change;
- United Nations Convention on Biological Diversity;
- International Plant Protection Convention for the prevention and control of the introduction and spread of pests of plants and plant products;
- Stockholm Convention on Persistent Organic pollutants;
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR Conventions);
- Statutes for the International Union for the Conservation of Nature and Natural Resources;
- International Plant Protection Convention;
- African Convention on the Conservation of Nature and Natural Resources;
- Vienna Convention of the Law for Treaties;
- Convention concerning the Protection of the World Cultural and Natural Heritage;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System; and
- Convention on Biological Diversity.

2.3 Institutional Framework

2.3.1 National Government

The President of the Republic of Zambia, elected for a maximum of two five-year terms, is head of state and heads the national government. The President exercises executive authority under provisions of the Constitution, extending to the execution and maintenance of the Constitution and all laws made under or continued in force by the Constitution:-

“As Head of State the President shall perform with dignity and leadership all acts necessary or expedient for, or reasonably incidental to, the discharge of the executive function of

Government subject to the overriding terms of this Constitution, obliged to protect, administer and execute”.

The Cabinet, made up of the President, Vice-President, and Ministers assists the President in the determination of the government’s general policy.

A unicameral parliament, popularly elected every five years, exercises legislative power. The parliament enacts laws to ensure the governance of the country. Parliament controls and regulates the finances of the state through the passage of annual revenue and expenditure budgets.

2.3.2 Government ministries and bodies

Table 2.1 gives a summary of the government ministries and their agencies that have a role in resettlement.

Table 2.1: Zambian Government responsible for Resettlement

Ministry	Department /Agency
Zambia Wildlife Authority	
Ministry of Lands,Natural Resources and Environmental Protection (MLNREP)	a. Lands Tribunal b. Government Valuation Department c. Zambia Environmental Management Agency. d. Department of Forestry
Ministry of Agriculture and Livestock	e. Fisheries Department f. Department for Resettlement
Ministry of Local Government and Housing;	a. Local Authorities b. Local Chiefs and Headmen
Office of the President	a. District Administrator’s Office
Office of the Vice President	a. Disaster Management and Mitigation Unit b. Department of Resettlement

The Disaster Management and Mitigation Unit (DMMU)

Established in 1994, the vision of the Disaster Management and Mitigation Unit (DMMU) vested in the Office of the Vice President is to create a disaster management system in the country that promotes a social ‘safety net’ for protection of the citizenry, their assets and the environment against disaster through a proactive, community-based, developmental and multi-sectoral approach that combines disaster preparedness, prevention and mitigation and integrates disaster management into national development. The DMMU performs the following functions:

- To put in place appropriate preparedness measures in order to manage effectively and efficiently;
- To activate response mechanism for effective and timely search and rescue operations in order to save life and reduce damage to property;
- To put in place measures to restore livelihoods and other life support systems to affected communities;
- To mitigate the disruptive and destructive effects of hazards and all disasters in order to reduce their impact on vulnerable communities, assets and the environment;
- To put in place preventive measures in order to reduce the negative effect of hazards and strengthen the national capacity for disaster management in order to avoid the adverse impact of hazards; and

- To effectively co-ordinate disaster management activities through a body of procedures and practices in order to avoid duplication of efforts and resources at all levels.

Ministry of Agriculture and Livestock

The Department of Agriculture in the Ministry of Agriculture and Livestock is responsible for the providing agriculture extension services in order to promote adoption of improved farming technology for farmers to achieve high production, productivity, maintain and improve the agriculture resource base. The Department has three operational branches: The Technical Service Branch (TSB), Agriculture Advisory Service Branch (AASB), and the Crops Production Branch (CPB). The Department is mandated to:

- Disseminate technical and other information to the farming community;
- Provide technical services in irrigation, farm power, mechanization and land husbandry; and
- Provide technical information and extension services in crop production, horticultural production, nutrition, crop protection and soil fertility

Ministry of Lands, Natural Resources and Environmental Protection (MLNREP)

The Forestry Department, which falls under the Ministry of Lands, Natural Resources and Environmental Protection, has the mandate to manage forests both on customary land and protected forests. The Forestry Department operates under a legal and institutional framework built on the following:

- National Forestry Policy of 1998;
- Forests Act Cap 119 of the Laws of Zambia;
- Zambia Forestry Action Plan;
- Sixth National Development Plan;
- Vision 2030; and
- Millennium Development Goals.

Some of the functions of the Forestry Department to promote sustainable forest management include:

- Ensuring sustainable management and utilization of forest resources through enforcement of forest act to maintain the ecosystem integrity;
- Identifies areas to be declared protected forest areas to avoid loss of biodiversity and land degradation; and
- Collecting general statistics periodically on forests to help in forest management and planning. The current forest statistics are based on the countrywide assessment carried out between 2005 and 2008 under the Integrated Land-Use Assessment. A second phase of the Integrated land-use Assessment (ILUA II) was launched in 2010 and is expected to be completed in 2014. ILUA II will include two types of assessments; (i) Biophysical assessment which incorporates forest and soil parameter measurements; and (ii) Forest livelihood and economic survey (FLES), be the first of its kind to be undertaken by the Ministry in collaboration with Central Statistics Office, which considers socio-economic, forest governance and informal forest economy measurements in order to provide more details of the economic contribution of forests to the livelihood of the people of Zambia.

Each of the ten provinces of Zambia has a Provincial Forestry Office and the department is also represented in 75 districts while new District Forest Offices are being set up in the newly created districts.

2.3.3 District Government

Office of the District Commissioner

The administration of the district is vested in the Office of the District Commissioner, established by the Government in 1999 as part of the decentralization process. The office coordinates the functions of all developmental agencies at the District level as well as harmonizing the functions of Central Government and those of Local Government (Authority). All development agencies working in the district are members of the District Development Coordinating Committee (DDCC) that is chaired by the District Commissioner. The District Council provides the secretariat.

The Local Authority

The District Council usually referred to, as the Local Authority is a semi-autonomous institution operating as an agent of Central Government. It is authorized to perform specific functions on behalf of Government. The Council is the highest decision making body at the district level. It formulates policies in the form of by-laws. The Local Authority provides a forum for local representation of the public by electing their local representatives, the Councillors.

The Local Authority is responsible to the Ministry of Local Government and Housing. The Local Authority possesses the statutory powers to make by-laws and regulations. According to the provisions under the Local Government Act No 22 of 1991, the Ministry of Local Government and Housing can amend or revoke by-laws issued by council and make regulations that Council has to conform to, through circulars and statutory instruments.

A Management Team, which is employed by the Council for specific responsibilities, administers the Council. However, the general establishment of the Council is bigger. It comprises the Council Secretary who is the Chief Executive Officer supported by Chief Officers and other auxiliary staff.

2.3.4 Traditional Authorities

The traditional system of governance is an important part of the way of life in the rural areas. The Chief administers his area using group tribal leaders, village headmen and a system of deputies. They address typical issues of local importance, for example, issues relating to land or family conflicts. All these chiefs are within the jurisdiction of Senior Chief.

A legal structure is also present in the traditional communities. There are Local Courts with Court Assessors who are appointed on the recommendation of the Chief and district government.

2.3.5 Household Organization

In the project affected areas, people reside in family homesteads, usually comprising more than one dwelling unit, as most households have an extended family. As in other parts of rural Africa, most of the households are male-headed; though in recent years the number of female-headed households is on the increase due to the impact of HIV/AIDS. A given household may cook and eat from a common pot or may combine food supply, preparation, and consumption with co resident households within the homestead. On average, 78% of the households in the project area are male headed while 22% are female headed. Furthermore, the average household size is about 6 members and the annual average income levels for each household is about K2, 244 (USD 345.2). Additional information on the socio-economic status of the project area is provided in Annex 6.

2.4 Planning and implementing agencies

Responsibility for producing the RAP lies with COMACO, if requested by the traditional authority, and if so will be carried out in close consultation with traditional and local authorities. A consultant may be contracted to carry out socio-economic studies and a SIA. Once contracted the consultant would also be responsible for setting up database and operating principles,

especially the Entitlement Matrix, preparation of Entitlement Cards, initiating negotiations to agree on amounts agreed, facilitating payments, and completing relocation completed.

Responsibility for resettlement implementation lies with the local traditional administration, which has overall authority over the creation and management of the Community Conservation Areas. The implement process will, however, be supported by COMACO. In consultation with the traditional and local government authorities, COMACO will organize technical support from the district government for site demarcation and land acquisition for resettlement among other things.

The RAP shall require that a small advisory group of resettlement related specialists be called upon to assist COMACO and traditional and local authorities in monitoring and preventing negative outcomes during resettlement implementation – particularly in the areas where community relationships with the authorities has been ambivalent in the past.

A full time resettlement officer will be engaged on behalf of the chief to organise and directly supervise resettlement implementation. If this is not possible, one or more NGOs active in the Community Conservation Area should be contracted to facilitate the social and organisational aspects of resettlement. The participation of these NGOs in the consultation process during preparation of the RAP -is necessary to ensure that the RAP is implemented successfully.

2.5 Implementation arrangements and roles and responsibilities

Participation in resettlement planning will begin at the local level with the representatives from village councils or committees constituting the main consultative forums. This way the RAP will meet the expectations of the affected people.

At district level, the district government, led by the District Administrator is responsible for leading a District Resettlement Committee, a sub-group of the District Coordinating Committee established for coordinating, monitoring, regulating and supervision. The district technical team from Disaster Management and Mitigation Unit (DMMU) and Resettlement Units and Planning will assist with implementation by demarcating resettlement sites and formalising local territorial plans in consultation with officials from the Forestry department that are responsible for ensuring sustainable resource use.

Training and capacity development of district technical teams to support the RAP preparation will be integral to the process. Their involvement in implementation, monitoring and evaluation of resettlement together with COMACO and traditional authorities will assist in maintaining objectivity. If not directly involved in implementation, the district team involved in RAP preparation may be responsible for ensuring compliance with the principles and procedures required for implementation.

3. LAND TENURE

This chapter provides a discussion of the land tenure system that will be complied with and the procedure for land valuation and compensation.

The Land Act of 1995 provides for the:-

- Continuation of leaseholds and leasehold tenure;
- Continued vesting of land in the President and alienation of land by the President;
- Statutory recognition and continuation of customary tenure;
- Conversion of customary tenure into leasehold tenure; and
- Stipulation that the President of the Republic has vested in himself all land in the country for which he holds for and on behalf of the people of Zambia.

The Local Authorities through the Commissioner of Lands allocate land to applicants for development on leasehold basis. The Local Authorities recommend applications for residential, commercial and agricultural plots. The two land tenure systems applicable are:-

- Leasehold land tenure system; and
- Traditional land tenure system.

3.1. Leasehold Land Tenure System

In accordance with provisions of Land Act No. 29 of 1995, all land in Zambia is vested in the President of the Republic of Zambia. Under the President are the Commissioner of Lands and his agents, the District Councils, therefore, the Council administers all the land delivery systems in the District on behalf of the Commissioner of Lands. The land delivery system includes interviewing and recommending prospective developers to the Commissioner of Lands for allocation of specific portions of land. The Council is also responsible for development control. This is done to ensure appropriate use of land and orderly development. Under the leasehold system two types of lease exist, namely:-

- Fourteen (14) year lease - The lessee is given 14 years ownership to the land and this is subject to renewal at the expiry of the fourteen-year period; and
- Ninety-nine (99) year lease - This form of leasehold provides the lessee with title to land for ninety-nine years and is also subject to renewal after the expiry of the said period.

3.2. Customary Land Tenure System

The Chiefs through village headmen provide pieces of traditional lands to families and clansmen without title. The Chief and his/her clansmen communally own land. In a case where conversion of traditional land into lease is needed, the applicant seeks the consent of the Chief through the Headmen and his subjects within the area. If the Chief has no objection, Council processes the application and recommendations are made to the Commissioner of Lands for final approval and offer of the lease.

3.3. Expropriation

The doctrine of compulsory acquisition gives the government power to acquire private property for public use, by proving that acquisition will be in the best interest of the nation. The Lands Acquisition Act Chapter 189 Section 3 states:-

“Subject to the provisions of this Act, the President may, whenever he is of the opinion that it is desirable or expedient in the interests of the Republic so to do, compulsorily acquire any property of any description”

Under compulsory acquisition legislation and the Constitution, the government is required to pay compensation for improvements to land, but not for land itself or for any associated

inconvenience. In as far as this project is concerned where such differences between national laws and World Bank policy standards exist, the standards of the World Bank policy shall be met with regards to compensation for loss of assets and access to livelihoods.

3.4. Compensation

The valuation of land and property for the purposes of compensation is the field of valuation surveyors. This is provided for in the Valuation Surveyors Act 1994. It states in Section 3 (1):

“Notwithstanding the provisions of any other written law, no person, unless he is registered as a valuation surveyor, shall practise valuation surveying of land or use any name, title or style containing the word "valuer", "valuing", "valuation", "evaluator", "evaluating", "evaluation", "appraiser", "appraising" or "appraisal", or any other word implying his being in the business of valuation surveying”

The Government Valuation Department may be engaged to carry out valuation for compensation or any registered surveyor. The Land Valuation Tribunal is the government agency in charge of settling disputes over compensation.

This project will be implemented on customary land, and the compensation process is described in Annex 5.

4. INTERNATIONAL BEST PRACTICE

4.1 The World Bank’s Operational Policy OP/BP 4.12 – Involuntary Resettlement

International best practice for private sector-related resettlement was commonly defined by Operational Directive 4.30 of June 1990 on *Involuntary Resettlement*. The World Bank Operational Policy 4.12 and Bank Procedures 4.12 of April 2004 have replaced this. This Operational Policy and Bank Procedure are being employed around the world by private investors to manage involuntary resettlement associated with infrastructure development. The OP/BP 4.12 are yardsticks against which such projects are measured by international financial institutions, both private and multilateral.

OP/BP 4.12 are internationally accepted as the most comprehensive and efficient set of international standards with respect to the protection of the rights of project-affected people.

The key principles of this policy are:-

- Physical and negative economic impact should be avoided or minimized where feasible;
- Unavoidable impact should involve the preparation and implementation of a resettlement plan;
- All activities triggering involuntary resettlement should be conceived and executed as development programs, impacted persons provided with sufficient investment resources and opportunities to share in project benefits;
- Impacted persons should be:-
 - (i) Compensated for their losses, or impact on assets at full replacement cost prior to the actual impact;
 - (ii) Assisted with any move and supported during the transition period in the resettlement site; and
 - (iii) Assisted in their efforts to improve their former living standards, income, earning capacity, and production levels, or at least to restore them to pre-project levels. Particular attention should be paid to the needs of the poorest and vulnerable groups to be impacted.

- Community participation in planning and implementing resettlement should be encouraged;
- Appropriate patterns of social and cultural organization should be respected, maintained, and / or established;
- Traditional institutions should be supported and used to the greatest extent possible;
- Impacted persons should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized; and
- Land, housing, infrastructure, and other compensation should be provided to the adversely affected population. The absence of legal title to land will not be a bar to compensation.

4.2 Internal Policies

COMACO will demonstrate commitment to meeting Zambian legislation and international best practice including World Bank Operational Policies. As defined by World Bank Operational Policy/Bank Procedures 4.12, it will contribute to maintaining a favourable social environment to operate in. The project also seeks to, with specific regard to resettlement policy, minimize disruption to the community.

It also commits to sustaining existing livelihoods and supporting the establishment of lost or new livelihoods. It commits to ensuring properly administered land dealings defined in consultation with stakeholders. Policies and programs will be put in place to ensure delivery of these commitments.

World Bank policy on involuntary resettlement covers the direct economic and social impacts of the expropriation of land, impact on assets, or the restriction of access to natural resources. OP 4.12 describes the coverage of the policy as direct economic and social impacts that result from Bank-assisted investment projects, and are caused by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the impacted persons.

People may lose their ownership, occupancy, or use rights, because of land acquisition or restriction of access in the creation of legally designated parks and protected areas. Restriction of traditional access to resources is an OP 4.12 issue.

OP 4.12 is also concerned with conservation schemes (for example, wildlife reserves, national parks, classified forests) that may not acquire land through eminent domain, insofar as their declaration limits access to resources in the protected area and may directly affect livelihoods and incomes.

Sustainability requirements may mean that local residents stop or reduce their activities. In this case OP 4.12 requires that these residents must be confident that they can find alternative sources of food or livelihoods.

For sector investment operations or sub-projects that may involve involuntary resettlement and where the exact scale of impacts and affected people is not known, the project implementing agency must screen sub-projects through the submission of a resettlement action plan prior to appraisal that conforms to OP 4.12. The action plan will estimate, to the extent feasible, the total population to be impacted and the overall resettlement costs.

If resettlement is not foreseen prior to appraisal, but during design or implementation is found to be necessary, the legal agreements specify the obligation of the financial intermediaries to obtain from the potential project proponents a resettlement plan consistent with OP/BP 4.12.

.For all sub-projects involving resettlement, a draft RAP must be provided to the Bank for approval before the sub-project is accepted for Bank financing.

5. PROJECT GUIDANCE AND RESETTLEMENT PROCEDURES

Resettlement covers physical displacement, impact on assets, and economic losses. Thus the need for resettlement and compensation refers to the impact of the development causing the loss of, or loss of access to, any assets growing on or permanently affixed to the land, such as shelters, buildings and crops and also to the impact causing loss of or access to an economic resource base or local communities' means of livelihood. Losses may be total or partial. The absence of legal title to use and usufruct of the land does not limit rights to compensation. Preference should be given to land based resettlement strategies for impacted people whose livelihoods are land-based. If sufficient alternative land is not available, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented. Impacted persons and their communities, and host communities receiving them should be provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.

This section will guide the project on what measures will be necessary to mitigate against adverse impacts that may arise and details the process involved in land acquisition, eligibility for compensation and the procedure and criteria for resettlement.

5.1 *Socioeconomic survey*

If activities carried out by the project lead to unavoidable impacts requiring land acquisition, COMACO will conduct a socioeconomic survey. Likewise, in the case of awarded concessions, once a concession has been demarcated, it should be subject to a socioeconomic survey. The socioeconomic survey is a simple profile of the land to be acquired or awarded as a concession, assets to be impacted, and economic losses that may be experienced.

In case of land acquisition, the socioeconomic survey will identify:

- (i) The location of the land being acquired and assets to be impacted;
- (ii) Its size; its status (public, private, communal, legally protected etc.);
- (iii) Its current use(s) (agriculture, grazing, residential etc.);
- (iv) The current beneficiary/(ies); and
- (v) How this land and assets are being, or planned to be impacted (exchange, donated by the government, voluntarily donated by the communities or individual(s), purchased, etc.).

If local communities are or were among the users of the land, then it is important to record the following:

- The attitude of communities vis-à-vis the concession and record whether they have been consulted and informed about it (information and Awareness campaigns);
- Whether the communities' land has been delimited;
- Whether a certificate of land use was issued to the communities; and
- Whether they agree to the use of the land for the purposes of the concession and why they do so. If they agree to the use of the land by a concessionaire, their expectations, their perceptions of their roles in the development and the conditions which they see as pre-requisites to their continuing or improved livelihood status as a result of the concession. If the communities do not agree to the concession, then it will be necessary to return to the concessionaire to redefine its boundaries and/or objectives with relation to the land area. It will be necessary that the assessment document is signed by all parties involved in the concession implementation including representatives of the communities – whether they have agreed or not agreed to the concession.

An independent agent (NGO for instance), or experts from COMACO should carry out the socioeconomic survey. The survey should be approved by the World Bank before resettlement and concession developments are initiated.

On the basis of the socioeconomic survey the Bank will also advise whether a full or abbreviated RAP should be prepared or not, and if other remedial actions need to be taken. The submission of the survey's assessment and its approval by the Bank is a condition that must be met prior to approval of the activity / project and the initiation of any works.

5.2 Compensation

Once a LAA has been done the TFCA will then assess issues of compensation if any. This initial process will define the eligibility and then evaluate the assets requiring compensation.

5.2.1 Eligibility

All households, institutions or private companies in the affected areas are eligible for compensation for loss of assets such as land, fruit trees or physical structures as per information contained in the census. A census is conducted after it is decided that a RAP is necessary. The following are eligible for compensation:

- Those who have legal rights on affected lands; and
- Those who have claims that can be accounted and justified regularised.

On the other hand, only resettlement assistance should be provided to the following category:

- Those who have no recognizable legal right to affected land but who occupy the land before the 'cut-off date'.

Assistance should not be provided to:

- Those who occupy the land after the 'cut-off date'.

5.2.2 Basis of Valuation and Compensation

The replacement or compensation of assets and crops of the affected households or institutions will be conducted as follows:

- All permanent private and public structures, which cannot be moved, will be rebuilt or compensated for in full as determined by certified valuers or if deemed necessary by COMACO;
- The area extent of the new structures will be equal to or greater size and quality than that of their original structures and with equal or better convenience to means of livelihood and resources;
- If social services such as schools or health centres are to be affected, their relocation will have to be agreed upon with the Ministry responsible.
- Water will be provided by sinking boreholes in the required areas;
- All fruit trees belonging to affected households will be evaluated and cash offered to the owner;
- The households being relocated will be assisted with the transport to move all their belongings to their new settlements. Those who are receiving exclusively monetary compensation, will receive a repatriation payment to move from the area to the place of their choice; and
- All affected households will also receive a minor payment referred to as a 'disturbance allowance' intended to provide for incidental invisible costs for the disturbance of having to resettle.
- The loss of farmlands will also be dealt with as follows:-
 - The households that have agreed to be resettled within the area will be assisted with the preparation of cultivated areas similar to those they used to cultivate while

living in the affected areas. This assistance will enable affected households to establish fields by the time they move into their new houses;

- Assistance will be provided in the allocation of equivalent fields to those currently being cultivated, by these households, in accordance to the cropland inventory; and
- If resettlement occurs during the growing season (October to December), each affected household will be provided with sufficient food supplies to last one growing season. This option will be avoided as much as possible in the scheduling of the resettlement implementation.

5.3 Resettlement

The basic principle in resettlement shall be governed by best practice and relates to the idea that in resettling the project affected communities they should be better off than they were prior to resettlement. The following objectives and targets should thus be adopted to buttress the resettlement planning and implementation process if required:-

- The resettlement process will be characterized by transparency and structure and will include the active participation of the affected households and communities;
- The Resettlement Action Plan (RAP) will be put together by independent and suitably qualified specialists;
- Affected persons will be notified of the need to expected impact as early as possible to facilitate negotiations and planning;
- Affected households required to relocate will be assisted with relocation through moving their belongings and assets and establishment of new homesteads;
- Affected households will be assisted in re-establishing their livelihoods and economic resource base; and
- The resettlement will be subjected to a regular process of independent monitoring and evaluation.

5.3.1 Design of new settlement sites

Suitable sites will be identified which are not likely to be affected by any future project requirements. The design of the new settlement will allow for an organic development of mimicking the traditional setup of homesteads in the area or better. COMACO will advise chiefs and traditional authorities to make sure that new settlement sites will be as close as possible to schools or health facilities. COMACO on behalf of the chiefs will facilitate with the appropriate government department to undertake the necessary public infrastructure such as water points will be provided mitigate against possible hardships as a result of the resettlement.

5.3.2 Vulnerable Persons

Compensation to the needs of vulnerable groups, especially those living below the poverty line, the landless, the elderly, women and children will be defined in an Entitlement Matrix (see Table 9.1). Vulnerability shall be defined as persons under 18 years who are orphans and those over 70 years. This definition takes into account the heavy dependency of this category on others for provision of sustenance. Households headed by vulnerable persons will receive special attention while assisting them to re-establish themselves.

5.4 Key Issues and Actions in Resettlement

5.4.1 Governmental Department Valuation Survey

COMACO will commission a survey by the Government Valuation Department to provide:

- Valuation of all household and public structures in the affected areas;
- An official valuation of all fruit trees and other trees of value; and
- A full valuation of the market value of the affected land and structures to be impacted.

The survey by the Government Valuation Department, together with the household surveys conducted by COMACO and verified by independent Consultants will form the basis for compensation of assets under the RAP.

5.4.2 Formation of Resettlement Steering Committee

The resettlement process will be coordinated by a Resettlement Steering Committee (RSC) and facilitated by an agent to be appointed by COMACO. Records of all proceedings must be kept. The Resettlement Steering Committee should include representatives from District Commissioner's Office, the District (i.e., Valuation Officer and Planner), the local Village Head or Chief and two members from the affected community, the Ward Councillor and an Official from any other government ministry or department that may be affected by the resettlement program. Key requirements of the Resettlement Steering Committee (RSC) include:

- Evidence that affected households have full knowledge of this committee and procedures for making their grievance known;
- The procedure requires the affected person(s) to write the full nature of the grievance to the Committee's chairman (representative of the District Commissioner's Office) and copied to a responsible COMACO officer and the chief;
- Within 15 days, a meeting will be called at a suitable venue to have an oral presentation and review of the case; and
- Should the issue be unresolved, the affected person(s) will be advised to elevate his/her/their grievances for arbitration under the Arbitration Act (2000), and as a final measure, to the courts of law or the Land Tribunal.

5.4.3 Planning of Compensation Packages and Settlements

Assistance on the development of compensation packages for the households who would prefer monetary compensation to relocate elsewhere will be provided by the District Commissioner's officer in the presence of COMACO and a Chief's representative. Compensation payments will be made directly to the affected households who will assume responsibility or engaging contractors and building to their specifications.

5.4.4 No Construction of Houses in Affected Areas

Construction of new housing and other structures will be discouraged after surveys have been conducted. New structures not captured in the cut-off date survey will not be considered for compensation or relocation. Third party verification of this determination will require an active role by COMACO to provide this verification.

6. PREPARATION OF RESETTLEMENT ACTION PLAN

Whenever the COMACO Landscape Management Project unavoidably entails land acquisition or change in land use, impacts on assets, or reduces income, that results in adverse effects on residents or users, the responsible agency will develop for public information, discussion and agreement, a full draft or an abbreviated draft RAP to guide implementation of the resettlement operation. Each RAP will accord with the principles and procedures of this Policy Framework.

The RAP will present:

- A description of the project activity and actions to minimise resettlement;
- An officially certified survey of impacted persons (census), asset inventory and valuation and, if appropriate, socio-economic survey;
- A detailed description of compensation and other resettlement assistance including entitlement to participation in alternative livelihoods development activities to be provided in an Entitlement Matrix that represents the final compensation package;
- Results of consultations with impacted people about acceptable alternatives;
- A description of institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for implementation and monitoring; and
- A timetable and budget detailing all costs, including relocation, compensation, administrative costs and monitoring fees.

In cases where an activity or sub-project will cause involuntary resettlement or negative impacts on people's livelihoods of a significant scale, COMACO on behalf and at the request of the local Chief will prepare a full RAP for that particular sub-project or activity. The scope and level of detail of the RAP will vary with the magnitude and complexity of the resettlement involved. The organisation and minimum information required for a RAP will conform to requirements in OP/BP 4.12 (refer to the policy for full details and requirements). The most important issues that will be covered include the following:

(a) The findings of the socio-economic studies, including the full range of gender-related concerns, carried out as part of the EIA / social impact assessment (SIA) and RAP preparation with the involvement of potentially impacted people will include the results of a census of current occupants of the affected area to establish a basis for the eligibility criteria and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. An indicative Entitlement Matrix is presented below.

Table 6.1 Indicative Entitlement Matrix

Type of Impact	Entitlement	Eligibility
Agricultural land (Landowners with title or customary user rights)	<ul style="list-style-type: none"> • If the loss of land is greater than 20%, compensation of land for land, located as close as possible to the PAPs' original land holding. Otherwise, compensation in cash based on fair market values for the land. • As the compensation under this framework will have to be at 	Landowners with title or customary user rights

	<p>replacement cost, an allowance will be provided to cover the gap between fair market value and actual reparations provided according to official valuation under the Land Acquisition Act.</p> <ul style="list-style-type: none"> • Disturbance allowance • Food ration (up until the next harvest) 	
Agricultural crops (perennial/ annual crops)	<ul style="list-style-type: none"> • Give advance notice, allow harvesting if possible • Compensation for crop and/ or livestock losses at levels set by the Ministry of Agriculture and Livestock or Valuation Department by crop and livestock type • Allowances and technical support to non-titled landholders to re-establish crop losses. 	Land owner, tenant
Houses and Structures	<ul style="list-style-type: none"> • Compensation at replacement cost, taking into account market values for structures and materials. • Non- titled holders (squatters) will be provided with compensation for structures at replacement value without depreciation deduction and taking into account market values for structures and materials. • Resettlement assistance will be provided to the most vulnerable 	House and structure owner

	groups to restore their livelihoods to pre-displacement levels.	
Business / commercial establishment, and shops,.	Compensation for re-establishment / transition allowance.	Business owners with formal or customary land titles
Public structures, such as schools, health facilities, etc.	Relocation to site agreed between the Government and local communities	Government and local communities
Temporary losses	Cash compensation/ transit allowance.	Landowners with formal or customary user rights
Livelihood-based assets, such as beehives, crops, etc.	<ul style="list-style-type: none"> Restoration of livelihoods, including allowances for purchase of seedlings, reconstruction of beehives of allowances to cover restoration 	Entitled PAP
Vulnerable persons	<ul style="list-style-type: none"> Special allowance to reflect the circumstances of vulnerability, such as food allowance, assistance to relocate, and other allowances as appropriate 	Elderly, widows, orphans, disabled PAPs
Social infrastructure at resettlement sites	<ul style="list-style-type: none"> Establishment, where necessary, of local infrastructure, such as water points, schools, medical facilities, community centers, places of worship, markets, etc. 	Project-Affected communities
Occupied land	<ul style="list-style-type: none"> Encroachers/ squatters are not legally entitled to compensation for land, but are entitled to assistance to move to a place where they can settle legally to restore / retain their livelihoods, taking into account their vulnerability. 	Encroachers/ Squatters

	<ul style="list-style-type: none"> • Compensation for structures, as described above. 	
Income	<ul style="list-style-type: none"> • Restoration of livelihoods to restore incomes • Facilitation to have alternative job / livelihood training and other incentives 	PAPs losing income resulting from project activities

Study results will present the socio-economic and cultural characteristics, livelihoods sources and quantified income from formal and informal activities and health of impacted households. Of particular interest in the project affected areas are people’s land tenure and transfer systems, an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area. Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project will be shown. It will also show the formal and informal institutions that may be relevant to the consultation and resettlement strategies as well as details of the scale and extent of partial and total physical and economic losses expected for all affected people and vulnerable groups in particular. Since the preparatory process may take a fairly long period, provision will be made to update information on impacted people's livelihoods and standards of living so that the latest information is available at the time of being impacted.

(b) Also required is an analysis of the legal framework including relevant laws (land, environment, social welfare, public administration) and steps necessary to recognize legal claims to land-use rights; analysis of the power of eminent domain and the nature of compensation, applicable legal and administrative procedures available to impacted persons in the judicial process, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project. Gaps between local laws and the Bank's resettlement policy, and the mechanisms to bridge such gaps must be demonstrated.

The RAP is a tool to guide implementation of resettlement and to protect the interests of project affected people. It will strive to be as clear and useful as possible. Its elaboration also requires descriptions and operationally oriented analyses of:

- i. The institutional framework for resettlement implementation: agencies responsible, the role and capacity of NGOs and agencies potentially involved, and steps to enhance capacity where necessary.
- ii. Eligibility criteria for compensation and other resettlement assistance and relevant cut-off dates.
- iii. Valuation methodology for assessing losses and description of compensation for losses.
- iv. Resettlement measures presented as the packages of compensation and other resettlement measures that will assist each category of eligible impacted persons to achieve the objectives of the policy. Resettlement packages should be compatible with the cultural preferences of the impacted persons, and prepared in consultation with them.
- v. Alternative relocation sites considered and justification for selection. A description of the institutional and technical arrangements for identifying and preparing relocation sites comparable to the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources.

Discussion of measures necessary to prevent land speculation or influx of ineligible persons at the selected sites, should be accompanied by procedures for physical relocation under the project, including timetables for site preparation and transfer; and the legal arrangements for regularizing tenure and transferring titles to the resettled people.

- vi. Plans to provide adequate housing, infrastructure, and social services to the resettled and host populations.
- vii. An assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts within and around specific site boundaries.
- viii. Involvement of resettled and host communities in preparing the RAP, a summary of their views and choices made regarding resettlement sites and organization of settlement, compensation and assistance, access to cultural property, and a description of the strategy for consultation with and participation of resettled and hosts communities in the design and implementation of the resettlement activities.
- ix. Measures to mitigate the impact of resettlement on host communities, including consultations with host communities and local governments; arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettles'; arrangements for addressing conflicts that may arise between resettles' and host communities; and measures necessary to augment services in host communities to make them at least comparable to services available to the resettles'.
- x. The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; coordination arrangements, measures needed to strengthen the implementing agencies' capacity to carry out resettlement activities; provisions for the transfer to local authorities or resettles' themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
- xi. Affordable and accessible grievance procedures for third-party settlement of disputes arising from project impacts should be described taking into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. Impacted people should also be able to communicate their concerns to project authorities throughout planning and implementation, and institutionalized measures to ensure this must be devised. It must be shown how vulnerable groups such as the landless and women will be adequately represented.
- xii. An implementation schedule covering all resettlement activities from preparation through implementation and indicating how the resettlement activities are linked to the implementation of the overall project.
- xiii. Costs and budget tables showing itemized cost estimates for all resettlement activities will be maintained by COMACO through its Extension Coordinator for the area and will coordinate these data for final data management and storage by the COMACO M&E Dept.
- xiv. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank. Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the impacted persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed.

7. PUBLIC CONSULTATION AND GRIEVANCE MECHANISMS

Conflicts or grievances arising from the resettlement planning and implementation process generally arise from poor communication, inadequate or lack of consultation, inadequate flow of accurate information, or restrictions that may be imposed on PAPs.

To empower communities the Producer Group Cooperatives, facilitated by COMACO, will convene awareness-raising and training sessions to highlight their rights and obligations, how to obtain legal advice and representation, and how to seek redress against what they regard as unfair practices by investment partners. Training for technical teams and local leaders in conflict management will also assist in minimizing the negative impact of conflicts. This requirement will be fulfilled by COMACO by a "learning page" in what COMACO refers to as the Better Life Book.

The RAP preparation process is participatory and through consultation during the socio-economic studies and impact assessments potential conflicts and communication channels for grievances should be identified. The consultation process must involve all potentially affected people. Consultations and negotiations will be carried out with all PAPs who will partially or wholly lose assets as a result of project activities to determine their eligibility and preferences for compensation and participation in alternative livelihood development opportunities. During and after implementation, individual and group consultation with the help of an external monitoring agency should continue to verify progress in taking up new livelihoods activities and in restoring their lives to at least the levels they were prior to project.

7.1 *Grievance Resolution Mechanism*

The establishment of grievance and dispute resolving mechanisms is necessary to achieving transparency in the resettlement process and avoiding unnecessary and costly delays. It is proposed that:

- All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to Landscape Management Project appointed liaison officer to be based within the chiefdom and ideally near the community/cooperative depot. The liaison officer will inform and consult with COMACO and the Management Advisory Committee (MAC) and arrange a meeting of the MAC with the aggrieved party to determine the validity of claims. Once a complaint has been received by the Management Advisory Committee, the aggrieved party is to have a fair hearing and obtain feedback within 3 – 5 working days. The party may be provided assistance in ensuring all documentation needed for dispute resolution is complete.
- If dissatisfied with the resolution made by the Management Advisory Committee, within 5 working days, the aggrieved party may take the matter to the village head, and hearing should be conducted within 3 working days
- Further, if the aggrieved party is still unsatisfied with the outcome of the village head's ruling, within 5 working days, the matter can be presented to the Chief, who should take no more than 10 working days to make a ruling in the presence of the aggrieved party.
- Issues that cannot be resolved by the officer and the Chief or Village Head will be presented to the Resettlement Steering Committee (RSC), established in line with 5.4.2; and the aggrieved party is expected to do this within 5 working days,
- The RSC will be obligated to fully pay attention to all the concerns raised by the aggrieved party and this process is also expected to be done within 3 – 5 working days.
- The community liaison will keep records of shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made during the resettlement process.

- If the community member / group who lodged the complaint are not satisfied with the decision of one of the RSC, then as an ultimate recourse he/she/they may submit it to the Courts of Law or Lands Tribunal

Grievance mechanisms will involve the local community to influence leaders in providing a first listening and informal resolution level. These leaders should be involved in the RAP process and be involved in creating awareness so that they too may be used for the transmission of grievances to these *fora* for informal resolution. Some land and resource-use related conflicts may be resolved by traditional leaders. If they are beyond their scope, they may be passed on to RSC for resolution.

If issues and grievances are concerned with relationships with secondary or external stakeholders, and / or are outside the capacity of the community or local authorities to resolve, they should be presented to the RSC through the COMACO Coordinator for that particular district.

Decisions on grievance redress and communication of these to the complainant should be timely at all levels. This will promote greater trust in the communication system and improve attitudes about the project within the community. Information should normally be returned to the community using the same channels used for its initial transmission. The results should be communicated to all other levels and relevant structures at the same time for coordination and awareness purposes.

In cases where conflicts or complaints are directed against governmental agencies, project management, whenever possible, PAPs and communities will be encouraged to resolve conflicts harmoniously through informal mediation by external agencies, such as NGOs or government officers. When disputes cannot be resolved informally, more formal mechanisms will be required. If not satisfied with the decision of one of the formally created resettlement management structures, or the arbitration process that is also available to them, then as an ultimate recourse he/she/they may submit it to the Courts of Law or Lands Tribunal.

8. MONITORING ARRANGEMENTS

The management advisory committee will carry out a review of the RAP and the ongoing monitoring of its implementation. Monitoring will be undertaken every three months during relocation and subsequently on a six monthly basis for at least 18 months after project impact has taken place. The monitoring will undertake both short- and medium-term impacts of the resettlement process. Monitoring activities will include:-

- Reviewing implementation of activities listed in the RAP;
- Compensation adequacy for affected households;
- Checking grievance procedures, activities and outcomes;
- Assessment of the adaptability of relocated and repatriated households in the new area;
- Welfare of vulnerable households; and
- Ensuring existing livelihoods and standards of living are restored.

COMACO will use the monitoring and evaluation as tools to ensure the continued relevance of project direction and activities. Participatory and other monitoring tools will be developed so that communities participate in verifying the impact of resettlement and alternative livelihoods activities on affected communities and individuals.

Community consultation and participation in the RAP planning process will identify progress and impact indicators. These will be used to formulate the RAP, for participatory monitoring and providing feedback to external monitors during the implementation of the RAP. Communities will also participate in external evaluation of outcomes of resettlement.

In principle, the activities implied in any written agreements between COMACO and community representatives will be jointly monitored and where possible community organizations will be responsible for ensuring the compliance of community members.

At community level, the resettlement working groups (consisting of the village head and his advisors and the community liaison officer), which will report to the RSC, will be the main local structure involved in participatory monitoring. They will also assist in identifying indicators for the RAP that will permit the early identification of vulnerable groups or households so that redress or assistance can be provided. Resettlement working groups and the management advisory committee which is linked to the local authority will be involved in managing monitoring information. Where relevant they will verify and directly respond to local issues revealed through the process or passing the information on to local authorities.

The management advisory committee at COMACO will be responsible for coordinating its members for monitoring, regulating and supervising RAP implementation. Development Information Centres will contain RAP monitoring information managed by the district technical team. District and Traditional leaders will regularly monitor status of vulnerable groups and households through consultation, and where necessary follow-up work with communities and individuals will identify activities and sources of income that can improve their well-being.

COMACO Monitoring and Evaluation department will be responsible for development and oversight of all monitoring and evaluation activities. COMACO FSC Coordinators will be responsible for monitoring RAP implementation in respective chiefdoms.

The quality of monitoring processes will be regularly reviewed and improved. Issues such as leadership, representation, equity, and treatment of individuals vulnerable to specific hardships will be adequately addressed through monitoring. Training of all participants in how to use monitoring and evaluation for adaptive management decisions and how to use it as a basis for good communication flow will be essential for good project management.

9. COSTS

9.1 Preparation of Cost Schedules

COMACO will compile detailed cost schedules based on the results of the valuation of assets to be affected.

Although some possible sites may be identified, the traditional leadership in the area, in conjunction with impacted person(s), will be required to decide on the exact relocation sites for the households. Once the planning and site selection has been completed and ratified by all the stakeholders, the following activities will take place:-

- Survey of the new settlement and associated infrastructure sites;
- Clearing and profiling of the new sites;
- Construction of water supply facilities; and
- Construction of new housing units and other lost assets.

9.2 Physical relocation

Relocation dates will be set in consultation with traditional leaders, management advisory committees and the affected households. Resettled households will be transported with their moveable assets to their new homes.

9.3 Destruction of old structures

All household and other structures in old settlements will be destroyed once resettlement has taken place. No one will be permitted to settle in the area. People will be allowed to salvage anything which might be useful for them from the demolished structures.

9.4 Budget

A detailed budget for resettlement is not available as yet. However, an overall allocation as estimated has been budgeted by the project for this purpose (see Table 10.1).

10. COST OF IMPLEMENTATION OF RESETTLEMENT POLICY FRAMEWORK

Activity	Duration	Cost (US \$)
<i>Training and Capacity Building Costs</i>		
Two sessions training, sensitisation and Awareness in RPF and its implementation	3 years	8400

Table 10.1 Indicative Costs for Relocation

RAP Contribution costs	Number	Sub-Total (US\$)
Replacement of built structures	45	2,971.70
Compensation for affected buildings		
Clearing and profiling of new sites	45	2,594.40
Transport of resettled households to new site(fuel)	500ltrs	713.20

other movable assets (purchase, goats ,bee hives , new seedlings for them)	45	9,395.52
Repatriation allowance for the households	4	75.50
Relocation of School or Health Facility, if any	1	2,500.00
Food ration and pulse(up to next harvest)	550	8,561.30
Establishment of water points	2	1,320.80
Monitoring and evaluation	2	1,500.00
Implementation Agent(s)	1	1,935.00
TOTAL		31,567.42

Note: The costs provided above are indicative figures. The instances and numbers are based on good faith estimates generated by the Project implementation unit using currently available data.

11. REFERENCES

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- Central Statistics Office/ Ministry of Agriculture and Livestock/ *FSRP Crop Forecast Surveys*. Data for various years. Early Warning Unit, Ministry of Agriculture and Livestock, Zambia.
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- COMACO Landscape Project's Pest Management Plan, Final 2014. COMACO, Lusaka, Zambia.
- Carbon Finance Assessment Memorandum (CFAM). 2015. Community market for Conservation, COMACO Landscape Project, The World Bank.

Annex 1. Format for a Full RAP

Introduction

- Brief description of the project with a list of project components including associated facilities. Description of project components requiring land acquisition, impact on assets, loss of income, and/or resettlement with overall estimates of project impacts.

Minimizing Resettlement

- Efforts made to minimize impacts, the results and magnitude expected by these and the mechanisms used to minimize impacts during implementation.

Census and Socioeconomic Surveys

- The results of the census, assets inventories, natural resource assessments, and socioeconomic surveys should be presented. All categories of impacts and people affected should be identified and a summary of consultations on the results of the various surveys with affected people. If there is a need for updates to the census, assets inventories, resource assessments, and socioeconomic surveys, this should be mentioned and planned for as part of RAP monitoring and evaluation.

Legal Framework

- All relevant laws and customs that apply to resettlement and the gaps between the Zambian laws and World Bank policies should be identified. Project specific legal mechanisms to address conflicts may be covered here.

Entitlements

- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP; and
- Describe method of valuation used for affected structures, land, trees, and other assets. Prepare entitlement matrix.

Resettlement Measures and Income Restoration

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the compensation packages and restoration strategies for each category of impact and describe their institutional, financial, and technical aspects;
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration;
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation and implementation;
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures; and
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

Resettlement Sites

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/ allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland?
- Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?

- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites;
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites;
- Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity;
- Give calculations relating to site requirements and availability;
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands;
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs; and
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

Housing, Infrastructure and Social Services

- Describe plans to provide or to finance resettlers' provision of housing, water supply and access roads infrastructure, and social services such as schools and health services;
- Describe plans to ensure comparable services to host populations; and
- Provide information about any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management

- Describe the boundaries of the relocation area; and
- Assess 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).

Participation and Consultation

- Describe the various stakeholders;
- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning;
- Describe the involvement of both resettled and host communities in preparing the RAP, a summary of their views and choices made regarding resettlement sites and organization of settlement, compensation and assistance, access to cultural property;
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring; and
- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Measures to mitigate the impact of resettlement on host communities

- Describe and report on consultations with host communities and local governments; and
- Describe arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettled families; arrangements for addressing conflicts that may arise between resettled families and host communities; and measures necessary to augment services in host communities to make them at least comparable to services available to resettled families.

Institutional Arrangements

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement -matrix; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan;

- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time;
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describe the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions;
- Discuss institutional capacity for and commitment to resettlement; and
- Describe mechanisms for ensuring independent monitoring, evaluation, and audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

Grievance Redress

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes;
- Describe the mechanism for appeal; and
- Describe the provisions for approaching civil courts if other options fail.

Implementation Schedule

- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity;
- Prepare a month-by-month implementation schedule (using a Gantt chart, for example) of activities to be undertaken as part of resettlement implementation; and
- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components.

Costs and Budgets

- Provide a clear statement of financial responsibility and authority;
- List the sources of funds for resettlement and describe the flow of funds;
- Ensure that the budget for resettlement is sufficient and included in the overall project budget;
- Identify resettlement costs to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule;
- Prepare an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies;
- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations;
- Describe the provisions to account for physical and price contingencies; and
- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Monitoring and Evaluation

- Describe the internal/performance monitoring process;
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring;
- Describe institutional (including financial) arrangements;
- Describe frequency of reporting and content for internal monitoring;
- Describe process for integrating feedback from internal monitoring into implementation;
- Define methodology for external monitoring;
- Define key indicators for external monitoring;
- Describe frequency of reporting and content for external monitoring;
- Describe process for integrating feedback from external monitoring into implementation; and
- Describe arrangements for final external evaluation.

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools;
- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees; and
- For RPF, a summary table (and text) related to community consultation activities and list of participants need to be attached as an annex. Full supporting documents on this activity are to be retained by the project for future reference.

Annex 2 Stakeholder Responsibilities

<u>Stakeholder Responsibilities</u>	
Stake Holder	Key Responsibilities
Project Affected Persons (PAP)	Participation in RAP planning process
Chiefs/Traditional Leaders	Identification of new land for resettlement
	Deal with conflicts that may arise due to resettlement
	Help oversee implementation of resettlement process
COMACO, on behalf of local chief	Ensure consultations between traditional leadership and affected families are fully documented
	Undertake socioeconomic census of effected families
	Preparation of RAP
	Estimate full costs of resettlement including compensation and mitigating activities, ensure validation by qualified third-party
	Facilitate compensation once all parties have agreed
	Assist with relocation process
	Establish a grievance procedure to document the origin, source and nature of the grievance, as well as follow-up action and progress on resolution of all grievances
	In consultation with local District Council and the Chief, assist impacted persons and households in re-establishing their livelihoods or creating new ones.
	Internal monitoring of RAP implementation
	On behalf of chiefs, facilitate necessary infrastructure such as water points, health centres etc. with relevant government institution
Resettlement Department	Facilitate resettlement process to ensure compliance of required procedures
Consultants	Conduct a Social Impact Assessment (SIA)
	Conduct other socio studies as required
	Assess specific needs of PAPs for RAP development and implementation
	Creation of data base and operating procedures for implementing the entitlement matrix
	Initiating negotiations to agree on amounts agreed
	Facilitating payments and completing relocation
Certified/Registered Valuation Expert	Determination of cash payments to compensate PAPs
Community Liaison Officer	To help identify and resolve any such resettlement grievance as may occur
	Directly organize and supervise resettlement framework implementation

	Consult with COMACO and the Management Advisory Committee in addressing aggrieved party to determine validity of claims.
Disaster Management and Mitigation Unit	Assist with RAP implementation
	Demarcate resettlement sites
World Bank	Approval of socioeconomic survey
	Guiding the development and implementation of the RAP
	Approval of RAP
Government Valuation Department	Valuation of all households and public structures in the affected areas
	Official valuation of all fruit trees and other trees of value
	A full valuation of the market value of the affected land and structures and lost economic opportunities resulting from resettlement
Resettlement Specialists	Assist COMACO and traditional and local authorities in monitoring and preventing negative outcomes during resettlement implementation
Resettlement Officer and/or Local NGO	Facilitate the social and organisational aspects of resettlement
District Administrator	Leading a District Resettlement Committee, a sub-group of the District Coordinating Committee established for coordinating, monitoring, regulating and supervising resettlement activities
Resettlement Steering Committee	Coordination of entire resettlement process

Note:

The Resettlement Steering Committee should include representatives from District Commissioner's Office, the District (i.e., Valuation Officer and Planner), the local Village Head or Chief and two members from the affected community, the Ward Councillor and an Official from any other government ministry or department that may be affected by the resettlement program.

Annex 3. Stakeholder Engagement and Benefit Sharing Mechanism

1. **Stakeholder Engagement and Consultations.** As part of project preparation, a number of meetings and workshops were organized at the local and national levels in different municipalities starting in 2013.

2. The objective of the stakeholder consultations was to:

- (i) present the project;
- (ii) receive feedback and comments on the project; and
- (iii) engage with the potential beneficiaries of the project.

COMACO has documented the outreach and information dissemination activities done through workshops, meetings and attending to specific questions from producer groups. Nonetheless, the Project will need to systematize internal communications process, formalize the channels of communications with the landowners in order to address any questions, concerns or potential conflicts that may arise once the ERPA is signed and the revenues from the purchase of emission reductions are distributed. Annex 4 provides a list of meetings and workshops carried out to date. In addition to the above mentioned stakeholder consultation meetings, the project during preparation phase also organized stakeholder consultation events in situ in 2014, in the nine chiefdoms to disclose and familiarize the safeguards instruments of the project, specifically Environmental and Social Management Plan (ESMP), Resettlement Policy Framework (RPF) and Pest Management Policy (PMP) documents. Upon conducting meetings with the respective Chiefs for the nine Chiefdoms as well as village level awareness meetings, COMACO was able to obtain feedback with regards to the project consent, feedback and grievance redress mechanism as well as the benefit sharing mechanism. Community members and Chiefs in all the project areas welcomed the project and were looking forward to the start of implementation so that they can work together with COMACO in conserving natural resources and biodiversity in their areas. The consultation outcomes of these meetings are evidenced through the minutes documented at the various village meetings.

3. **Benefit-sharing Mechanism.**

There are basically two sources of carbon revenue:

a) **SALM Carbon Revenue:**

This is carbon revenue which will be due to COMACO farmers practicing Sustainable Agriculture Land Management Practices. Revenue distribution from this source will support three primary benefits:

- (1) sustainable financing of on-going extension support to increase knowledge and skills across a broad range of livelihood needs;
- (2) incentives at the Producer Group (PG) Cooperative level either as direct payments for emission reductions or adding to COMACO conservation dividend structure already in place, and
- (3) subsidized inputs that will continue to reinforce both carbon retention and household incomes.

This will be directed at household-level distribution of benefits tied to COMACO membership and linked to compliance scores. In case of direct distribution of SALM carbon revenue to the PG cooperatives, the money will be deposited directly into the cooperative account held at a local commercial bank and the revenue will be used for various entrepreneurial activities already identified by the cooperatives such as pig rearing, to mention a few. At least 60% of the gross

SALM carbon revenue will go directly to the PG cooperatives' accounts while 5% will go to the respective areas Chief and the remainder will be used to support project operating costs).

b) REDD+ Carbon Revenue

The second source of carbon revenue would be from the sale of carbon credits generated from the protection of forests (REDD+) in the CCAs. This revenue will be expected to benefit everyone in the Chiefdoms. At least 60% of the gross will go to the Chiefdom and the communities further agreed that 15% of the 60% will go to the Chief and this amount should be separated at the initial stage and be deposited in separate bank accounts (one account for the Chief and the other for the Chiefdom). The Chiefdoms are currently in the process of opening up accounts at respective local commercial banks. The signatories to the Chiefdom's bank accounts will include 2 indunas (Chief's advisors), 2 village headmen/women, 2 village group headmen/women and 2 ordinary community members to be selected by the Chief and community. The remaining 40% will go to COMACO to cover project operation costs.

Annex 4. Summary of Consultations with Stakeholders during Project Preparation

Source of Data	Modality	Date	No. Requests/ Participation	Archive
Project Lands	The project land is a combination of customary land and gazette and de-gazetted forestry land. During preparation period frequent consultations were made by the project team with both the Chiefs (for customary land) and provincial/district forestry and agricultural officers in the Province (for both national land in production and conservation). Project also periodically updates its' land maps, soil and household data using interviews, questionnaires and consultative meetings.	From 2010 onward	Approximately 234,000 ha addressed under SALM and 182,246 ha under REDD components of the project	COMACO archived documentation
Socio-economic study in the project area	Interviews with project beneficiaries/ participants of the project area has been made to determine their willingness to participate to the proposed project activities	2010 to 2013	Approximately 147,420 households interviewed	COMACO archive
Project Consultative Workshops	National level and Provincial level consultative meetings were held during the project preparation phase	2013	≈ 35 people	All the presentations of meetings and workshops were summarized and archived by COMACO
National Stakeholder Consultation Meetings and Cooperative Partner Meeting	Presentation of the project to regional authorities and to the public were made	2013; 2014	≈ 68 people	COMACO made Presentations to the National Consultation Meetings held in November 2013 and March 2014, as well as the Cooperating Partner meeting in May 2014; all PowerPoint presentations are

				held in the COMACO Archives
Meetings for CDM component of the project	Presentation and negotiation of the project	2010, 2011, 2012, 2013 and 2014	≈ 60 people	COMACO Archives
Questionnaires to project participant	A questionnaire administered to project participants	2015	18 people	COMACO Archives
Stakeholder Engagements (Chiefs Community members, and cooperative leaders)	Consultations where held on Project Consent, Grievance Redress and Benefit Sharing Mechanisms	2013, 2014, 2015	200	COMACO Archives

Note:

Above summarizes the consultative process undertaken by the implementing agency from project identification to advanced project preparation.

STAKEHOLDER CONSULTATION PLAN

PLACE	ACTIVITY	WHEN	REMARKS
Nyimba/ Petauke	Sensitization meetings with Civic Leaders	18 th – 22 th August 2014	Completed
	Meetings with Chiefs	18 th – 29 th August 2014	Completed
	Meetings with Indunas and Key Headmen	25 th August – 5 th September 2014	Completed
	Community wide sensitization and awareness campaigns about CCAs and Carbon markets	1 st – 12 th September 2014	Delayed but completed
Lundazi/ Chama/ Mfuwe	Sensitization meetings with Civic Leaders	18 th – 22 th August 2014	Completed
	Meetings with Chiefs	18 th – 29 th August 2014	Completed

	Meetings with Indunas and Key Headmen	25 th August – 5 th September 2014	Completed after short delay.
	Community wide sensitization and awareness campaigns about CCAs and Carbon markets	1 st – 12 th September 2014	Completed after short delay
Lundazi, Mfuwe, Nyimba, Petauke	Community wide sensitization and awareness campaigns about CCAs and Carbon markets	28 th October, 2014 – 13 th November, 2014.	Completed after short delay
	Meeting Chiefs and other traditional leaders, and co-operative leaders to discuss sub-contracts.	9 th - 23 rd December, 2014.	Completed after short delay

Note:

Above list is as per discussions with bank mission as agreed for follow-up from pre-Appraisal to Negotiation.

All activities have been completed; some were delayed due to difficulties in arranging the meetings due to non-project specific factors.

Annex 5.Land Tenure.

There are two types of land tenure in Zambia: customary and leasehold. Under the Land (Conversion of Titles) Act of 1975, all land in Zambia was vested in the state. With the passing of the new Land Act in 1995, it has become simpler for the purchase of leasehold rights to customary lands, but once the lease expires, the lands revert to the state, and is thereafter governed by statute Customary lands provide a great measure of security for communities as communal access to resources, such as water, is essential in difficult times, which can be climate or disaster-related, among others. The traditional Chiefs are vested with the right to grant occupancy and user rights, manage land transactions and common resources, and resolve land disputes. The conversion of customary land to leasehold title requires approval from three authorities: the Chief, the District Council, and the Commissioner of Lands.

Although the project area includes customary owned land under the jurisdiction of traditional chiefs, the Project is not expected to dispossess any communities of customary lands.

The Project, through a consultative process, has completed the process of delineating/mapping the geographic boundaries and land ownership of the targeted areas. In consultation with COMACO and chiefdoms, the project has defined the geographic boundaries of the Verified Carbon Standards (VCS) -grouped approach to provide the global positioning system (GPS) coordinates where zoning and SALM activities will be implemented, following the requirements of the methodology used and to determine the land tenure status of the targeted areas.

COMACO is also working with the chiefdoms on creating “Community Conservation Areas” (CCAs) through the zoning of participating chiefs’ area to delineate wildlife production and timber/charcoal production areas. The concept includes planned management interventions to increase sustainability of the natural resources with possible opportunity for a potential service fee to end-users.

The CCAs will be owned and managed by communities and there will be no displacement of people already staying in these areas or land acquisitions by COMACO. The Project will thereafter generate incentives in the form of carbon revenue for reduced deforestation and forest degradation. See Annex 3 on beneficiary sharing arrangements linked with carbon payments.

Annex 6. Summary Socio-economic Baseline of the Project Area.

The project area covers ten chiefdoms (Magodi, Zumwanda, Chikomeni, Masemphangwa, Jumbe, Chikuwe, Nyampande, Mwape, Luembe and Nyalugwe) in the Luangwa Valley in Eastern Province. The activities for sustainable agriculture and for reducing emissions from deforestation and forest degradation (REDD+) are expected to be implemented, estimated at approximately 270,698 ha according to the preliminary assessments of areas available for the Project.

The Project is expected to provide long-term benefits to 80,000-100,000 small holder farmers through higher crop yields and increased value for crop surpluses under the COMACO incentive system or premium commodity pricing system for adopting conservation measures..

Farming is a principal source of income for communities living in the Luangwa Valley, a mixed woodland landscape dotted with smallholder farms. Main crops grown are food crops, such as maize and sorghum, and cash crops: cotton and soybeans. Other crops include tobacco, sunflowers, groundnuts and cowpeas. Almost all crop production is small scale and is under low intensive rainfed conditions using traditional farming practices with very low levels of productivity. As such households are highly vulnerable to food insecurity (the average household food security in project areas is 42%) for about three months in a year (between December/January to March/April), partly because of the time spent on commercial crops and because the environment itself is edaphically dry, thus lowering productivity for food crops.

In view of this, survival strategies for families rely on natural resources, namely, poaching of animals whose meat they exchange with food and/or burning of trees for charcoal to generate income to purchase food. Local farmers turned poachers can earn up to \$100/kg on the black market for elephant ivory, or farmers can sell off their trees as charcoal along roadside markets where ready buyers reward local residents for destroying their forest resources. Other markets also entice farmers to grow non-food crops (e.g. cotton) dependent on chemicals and potentially harmful to soil nutrients to sustain international value chains. These activities all lead to significant depletion of wildlife and degradation of forests. Although the potential for ecotourism exists in the area and limited game related tourism is taking place due to infrastructure limitations; while very little of the organized tourism have benefitted the project targeted communities.

Sixty-five percent of all people living within the valley watershed in the Eastern Province, for example, are considered to be extremely poor, well above the national average of 51%, despite a national economic growth rate of about 7.6%. Correlated with these socioeconomics is a landscape that faces high rates of deforestation, land degradation, and biodiversity loss.

In the affected areas, people reside in family homesteads, usually comprising more than one dwelling unit. As most households have an extended family. As in other parts of rural Africa, most of the households are male-headed; though in recent years the number of female-headed households is on the increase due to the impact of HIV/AIDS. A given household may cook and eat from a common pot or may combine food supply, preparation, and consumption with co resident households within the homestead.