

SFG2339

**SUSTAINABLE LIVELIHOODS FOR DISPLACED AND VULNERABLE
COMMUNITIES IN EASTERN SUDAN – SLDP**

Resettlement Policy Framework (RPF)



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Acronyms

ADB	African Development Bank
BP	Bank Procedures
BTPS:	Benefit Trans-passing System
CDC:	Community Development Committee
CDD:	Community Driven Development
CPA	Comprehensive Peace Agreement
DG	Director General
EA	Environmental Assessment
EA/TRC	Environmental Assessment/Technical Review Committee
EAAD	Environmental Assessment and Audit Department
EAPM	Environmental Assessment Procedures Manual
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
ESMF	Environment and Social Management Framework
ESTSI	East Sudan Transitional Solution Initiative
ESTSI-CA	East Sudan Transitional Solution Initiative Coordinating Agency
GA	Grant Agreement
GPDF	Global Program on Forced Displacement
IDA	International Development Association
M&E	Monitoring and Evaluation
MAF	Ministry of Agriculture and Forests
MEP	Monitoring and Evaluation Plan
(K)MFEL:	(Kassala) Ministry of Finance, Economy, and Labor
MoFEP:	Ministry of Finance and Economic Planning
NGO	Non-governmental organization
OP	Operational Policy
OPN	Operational Policy Note
PAP	Project Affected Persons
PCDP	Public Consultation and Disclosure Procedures
PCR	Physical Cultural Resources
PCU	Project Coordination Unit
PER	Preliminary Environmental Reports
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PPAH	Pollution Prevention and Abatement Handbook
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SAB	State Advisory Board
SEA	Strategic Environmental Assessment
SLDP (1/2):	Sustainable Livelihoods for Displaced and Vulnerable Communities in Eastern Sudan Project (Phase One/Two)
SMAARI	State Ministry of Agriculture, Animal Resources, and Irrigation
SPDP	Sudan Peace Building and Development Project
SPF	State and Peacebuilding Fund
TSI:	Transitional Solution Initiative
TWG:	Technical Working Group
SUDIA	Sudan Development Initiative
UNAMID	United Nation African Mission in Darfur
WB:	World Bank

PART I: BASIC INFORMATION

1. Country and Project Name

Sudan: SUSTAINABLE LIVELIHOODS FOR DISPLACED AND VULNERABLE COMMUNITIES IN EASTERN (SLDP)

State and Peace-building Fund (SPF)

2. Project Description

The Government of Sudan has received funding with amount of \$3.08 million from the World Bank's State and Peace-building Fund (SPF) for an initial phase project titled "Sustainable Livelihoods for Displaced and Vulnerable Communities in Eastern Sudan Project (SLDP)." The overall objective of the project is to strengthen the capacity of local stakeholders *including state authorities, displaced persons and vulnerable host communities* to plan and deliver services and develop sustainable livelihoods. SLDP was approved in 2013 for implementation in 6 target communities in Kassala State. The initial set up activities started in late 2013. The 4 components under this project are the following:

Component 1: Development of Local Government Structures and Capacities,

Component 2: Research and Design of Pilot

Component 3: Implementation and Evaluation of Pilot

Component 4: Evaluation and Recommendations for Expansion and Replication

The Project Geographic Focus and beneficiaries¹

The beneficiaries of the project are IDPs and host communities (with particular provision for women and youth), local authorities responsible for the promotion of livelihoods in vulnerable communities and other organizations active in delivering public services. There are 12 identified and recognized IDPs settlements or camps located in rural areas of Kassala State. Specifically, the Phase 2 project will target the remaining 10 officially-recognized IDP and host community settlements in Kassala state not addressed in the first phase. These communities are intended to receive the full range of activities described in the next sections of this document.

The project will also continue to work with the six target communities from the pilot phase of the project, however the extent of engagement in these communities will be exclusively limited to providing technical assistance, guidance, and monitoring support. Select individuals from the Phase 1 communities will also be nominated to participate in the Community Champions described in Component 3 below. No further productive livelihood grants or small works investment are envisaged in these communities.

Phase one of SLDP piloted a CDD approach of organizing and assisting communities to plan and deliver livelihood opportunities through intensive community mobilization facilitated entrepreneurial and vocational training, and delivering in-kind grants to beneficiaries. Communities were oriented towards the project objectives and organized into clusters represented by existing village committees and community facilitators communally elected to function as liaisons for the project. Within the 6 communities, 900 households were targeted for grants delivery, 25% of which were vulnerable women headed households. Communities selected the 900 households to receive project inputs from a selected menu of feasible livelihood activities in the target areas as identified by in-depth studies conducted by SLDP. These households received intensive technical support to identify their priorities and vet their business proposals, as well as entrepreneurial and vocational training by experts to enhance the productivity of their economic activities.

¹ Information in this section is sourced from the Project Baseline Survey conducted in 2014

Apart from the household grants program, the project also sought to benefit the target communities at large in two discrete ways: 1) a joint initiatives program and 2) a small works program. The joint initiatives program was implemented with funds garnered from commitments received from the Federal Government for cash allocations to the project. The project allocated complementary resources to implement activities targeted at supporting youth initiatives, which was an explicit request from the communities and not adequately covered by the Pilot. The small works program refers to community works with direct benefits and costs that go beyond the ceiling determined for the targeted households (or group of households) but that are essential to the feasibility of selected activities or benefit the livelihood opportunities of the communities at large. For example, upgrading of water supply or increasing access to water are common small works proposals put forth that address general well-being and substantially decrease input costs for many livelihood activities in the area.

Finally, to address the issue of sustainability, the pilot project, employing the CDD approach, oriented communities towards revolving the benefit received the project to other community members. Coined the “benefit trans-passing system,” each community devised their own solutions to adopt inclusive approaches to passing the benefit received to other beneficiaries to pursue livelihood opportunities of their own.

SLDP Phase 2:

The proposed phase 2 project can be considered a continuation of the pilot phase of SLDP. This RPF is in reference to the small works activities due to take place in SLDP, as a precautionary measure given that the this activity involves minor civil works.

Phase 2 seeks to consolidate successes and draw from lessons learned over the course of the initial phase. The Project also seeks to push the envelope further on addressing durable solutions to displacement whilst employing a paradigm shift from the prescribed methods of livelihoods support and capacity building. Rather than introducing livelihood support as a self-contained intervention, the project seeks to use livelihoods support as an economic incentive to engage IDPs and host communities in planning and undertaking larger tasks that would support other durable solutions in their surroundings, namely sustainable natural resource management.

In this context, the project aims at mobilizing beneficiaries to plan and implement a portfolio of small scale works aimed at mitigating and adapting to the effects of climate change and environmental degradation in their communities. This directional specification of the project’s small works component comes in affirmative response to priorities expressed by local stakeholders, strategies of the World Bank and Republic of Sudan, as well as global development agendas most recently expressed through the Sustainable Development Goals (SDGs) and 2015 UN Climate Change Conference. It also comes in recognition of the tremendous reliance on the environment as a source of economic livelihoods and the subsequent impact natural resources have on income potential

The small works plans will be developed and implemented in conjunction with and under the guidance of project staff, experts, and local government. Beneficiaries will thereafter qualify to receive livelihood credits from the project as a proxy form of dividend for their service to the community. The livelihood credit will follow the model established in the initial phase (SDLP1), including the trans-passing system, which ensures that grants are repaid and availed to other community members. This approach will be achieved through careful sensitization of communities and meticulous sequencing of project activities. The approach received broad support from local stakeholders, including target communities, in a consultative workshop organized by the project in Kassala on January 20, 2016. The project includes main four key components as below:

1. Component 1: Development of Local Government Structures and Capacities
2. Component 2: Analytics and Technical Assistance
3. Component 3: Community Small Works Support
4. Component 4: Economic Livelihoods and Benefit Trans-passing.

The project geographically will focus on 10 IDP and host communities in the Kassala State. The SLDP2 is expected to commence implementation in 2016 and is planned to close in 2018. The total project cost is US\$ 4.435 million.

3. World Bank Safeguard Policies that Apply

Year of project appraisal: 2016	Year of project closing: 2018		
Safeguard Policies Triggered	Yes	No	TBD
Environmental Assessment (OP/BP 4.01)	X		
Natural Habitats (OP/BP 4.04)		X	
Forests (OP/BP 4.36)		X	
Pest Management (OP 4.09)			
Physical Cultural Resources (OP/BP 4.11)		X	
Indigenous Peoples (OP/BP 4.10)		X	
Involuntary Resettlement (OP/BP 4.12)	X		
Safety of Dams (OP/BP 4.37)		X	
Projects on International Waterways (OP/BP 7.50)		X	
Projects in Disputed Areas (OP/BP 7.60)		X	

PART II: OBJECTIVES

The objectives of this Resettlement Policy Framework (RPF) are to:

- Establish the project resettlement and compensation principles and implementation arrangements;
- Outline the legal and institutional framework motivating Sudanese approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of project affected persons (PAPs) and their entitlements;
- Outline the consultation procedures and participatory approaches involving PAPs and other key stakeholders, as well as provide procedures for filing grievances and resolving disputes.

This RPF will apply to the community small works and livelihoods interventions in which land acquisition may occur and possible private or communally-owned residences and structures can be affected, causing temporary or permanent loss. Given the limited scale of project activities, relocation and resettlement events are unlikely, yet possible. This Resettlement Policy Framework identifies the relevant considerations and procedures to be followed in these cases. The procedures set out in this document will be in effect throughout preparation and implementation of project activities, and impact of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with the guidelines provided in this RPF, including

detailed socio-economic assessment, identification (census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidelines provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1.

The RPF aims to ensure that any involuntary taking of land for the project is avoided as much as possible, and if land has to be taken after all, to make sure that loss of land or other assets is compensated and that the livelihoods of affected people are restored to pre-project situation. , This is in particular to guard against potential impoverishment of project affected people. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and resettlement process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and disrupted incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and welfare.

PART III: PROJECT AREA BACKGROUND AND RATIONALE FOR RPF

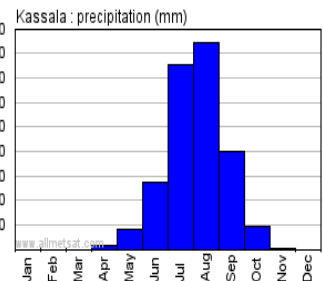
3.1 Introduction

Kassala State is located between latitude 34 12 and 36 57 East, and between longitude 14 12 and 17 12 North. The total area of the State is 55,370 square kilometers, bordering the Red Sea State and River Nile State to the North, Gezira state to the West and Gedarif State to the South. The state is composed of eleven localities (administrative zones called ‘mahaliyas’). Of these localities, nine are primarily rural in composition while the two are urban (Kassala Town and New Halfa). The state shares an international border with Eritrea to the east. The state is composed of eleven localities (mahaliyas) as per attached map. Of these administrative units, nine are primarily rural in composition while the two localities of Kassala Town and New Halfa are urban centers. The total population of the state according to 2008 census is 1,789,806, distributed by locality as in Table (1) below

Locality/ Mahalyia	Total Population
Kassala Town	298,376
Rural Kassala	154,630
Kassala West	79,376
New Halfa	211,864
Nahr Atbara	136,911
Hamashkoreab	255,288
Wad Al Helew	84,681
Aroma Rural	102,759
Shamal Al Delta	91,851
Telkuk	274,978
Seteet	98,939
Total	1,789,653
Source: 5 th National Population Census, CBS,2008	

Over 80% of Kassala State consists of flat plains, whereas rocky outcrops and hilly terrain comprise the rest of the area. Alluvial and volcanic deposits cover the state and beneath these clays lie Basement Complex Formations that are only a poor repository for ground water. Water sources in the state tend to be distributed along the cracks in the geological formations and in the few areas where alluvial deposits accumulate. The largest of the state’s aquifers is the Gash Basin, which has an estimated storage capacity of 600 million cubic meters’ and runs North, from the Eritrean highlands and through Kassala Town.

Heavy dark clay soil formations cover most of the land of Khashim al Girba (Badoba) and continue towards the state’s southern border. This area supports irrigated and rain-fed cultivation, such as the New Halfa scheme, as well as most of the Butana range lands. Irrigation in the state is concentrated almost entirely in this scheme. The predominant Verticals formations in these areas are an agriculturally useful soil, but difficult to work as it swells significantly during rainy season and creates deep cracks during dry season. Karab land surrounds the major watercourses in the state and supports natural vegetation (such as the Seyal, Samar, and Tundub trees). These areas often function as a grazing reserve for livestock during periods of drought. In contrast to the soils of the southern areas, the northern part of Kassala state is covered by lighter, highly permeable clay soils deposited by seasonal wadis. This soil base supports rain fed systems of cultivation such as the Gash Delta and provides rich seasonal pastures for livestock.



Rainfall ranges from a low of around 83mm per annum in the northernmost part of the state to around 300mm per annum across most of the southern area and fall within the dry and semi dry rainfall zone. The southernmost part of the state, namely Wad Al Helew locality, receives significantly larger amounts of rainwater with an average fall of 608mm per annum over the last three decades. Effective use of rainfall is, however, hampered by its short duration, uneven distribution and high rates of evaporation. Overall, a trend of long-term decline in rainfall has been observed in Kassala State since the 1940s and the current rate of depletion is calculated to stand at 2.6mm per annum.² Kassala precipitation trend for 2012 as indicated in the graph.

The Gash River provides the state with around 560 million cubic meters of water per year during its two to four months of heightened flow. The River Atbara supplies the state with an additional 12 billion cubic meters of water each year. This source is used to irrigate the New Halfa agricultural scheme, which spans some 500,000 Fadden's³, as well as for fishing purposes in the Khashim el Girba dam– returning a high yield on a regular basis. Silt accumulation in the dam reservoir has however limited the state's capacity to manage the resources efficiently and reduced the dam's current storage capacity to only 27% of its original amount. The region remains fragile, subject to multiple sources of stress as, among others, deteriorating environmental conditions (climate change and diminishing water resources), recurrence of natural disasters (floods and droughts), competition for scarce agricultural land, and conflicting demands of pastoralist and sedentary communities. These stresses are compounded by acute poverty, a large number of disfranchised displaced households, and a public sector unable to meet mounting demands.

The state is experiencing an increased vulnerability to stress factors, as the continued deterioration of natural resources (water availability and soil), and the recurrence of natural disasters (drought and floods), which have marked a negative impact on the productivity of the agricultural sector and livestock - the main sources of income in the east. External stress is compounded by changes in land tenure and agriculture patterns through the introduction of large mechanized farming and the organizing of small holders in cooperatives, which create social tension and conflicting demands for access to land. The weak capacity of the state institutions and limited entrepreneurial drive of the private sector constrain the ability of the state to develop alternative activities. The national policy of large-scale farming linked with a policy of sedentarization of nomadic population was intended to reduce pastoralism and to increase agriculture. But the misconception and mismanagement, which went along with the implementation of large-scale agriculture, led to the opposite and agro-pastoralism is starting to be recognized as the most adapted form of economy in the area (Ahmed and al-Shazali 1999). The situation of the pastoral groups however is far from being idyllic: many small pastoralists and small farmers never recovered from the drought years. Having lost their herds or their land they became wage-labourers or migrated to urban areas or Gulf countries. Moreover, the traditional tenure system and rules cannot protect the environment from increasing pressures on key resources (cf. deforestation, overgrazing etc.).

3.2 Socioeconomic Characterization

Kassala State has some of the lowest socio economic and development indicators seen among states in Sudan. In line with the wealth sharing protocols, defined by the CPA, 70% of the National Development Reconstruction Funds are to be targeted towards the least developed states in North Sudan. In 2012, the Kassala State Governor (Wali) developed a long-term State Recovery and Development Plan that built upon this provision, addressing the period of 2012 to 2017. The overall vision of the strategic plan was to create, 'a state where Kassala's people and in particular the war-affected, vulnerable and poor groups enjoy security, access to basic social services and decent means of livelihoods within a just inclusive and equitable governance.' Table (2) below summarized the key social development indicators

² UNDP (2009): Kassala Situational Analysis

³ 1 Fadden= 1.038 acre

Table (2): Social Development Indicators for Kassala State

Indicator	Measurement %
Health index	
Infant mortality rate (per 1000)	86
Under 5 mortality rate (per 1000)	87
Child mortality rate (per 1000)	27
Maternal mortality ratio(100000)	245
Prevalence rate of acute malnutrition among children less than five years	19
Full immunization against childhood diseases	40.6
Poverty Indicators	
Food secure status	91
Severely food insecure	6.2
The proportion of households using firewood	63
The proportion of households that have no Lighting	23
Percentage of households do not have a latrine	54
The proportion of households using improved drinking water	48
The rate of overcrowding	35
Poverty by state and style of living	
Urban poverty	36
Rural poverty	48
Total poverty	48
Education Index	
Illiteracy rate (age 15+)*	46
The net enrollment rate in Basic Schools	48
Population age and sex structure	
The percentage of the state's population	5.89%
The proportion of children less than 15 years	38.6%
Male rate	1.23%
The annual growth rate	3.5
The labor force and the unemployment rate	
Unemployment rate	10.9
Participation rate in economic activity	45.2
he relative share of the population 15 +	5.9

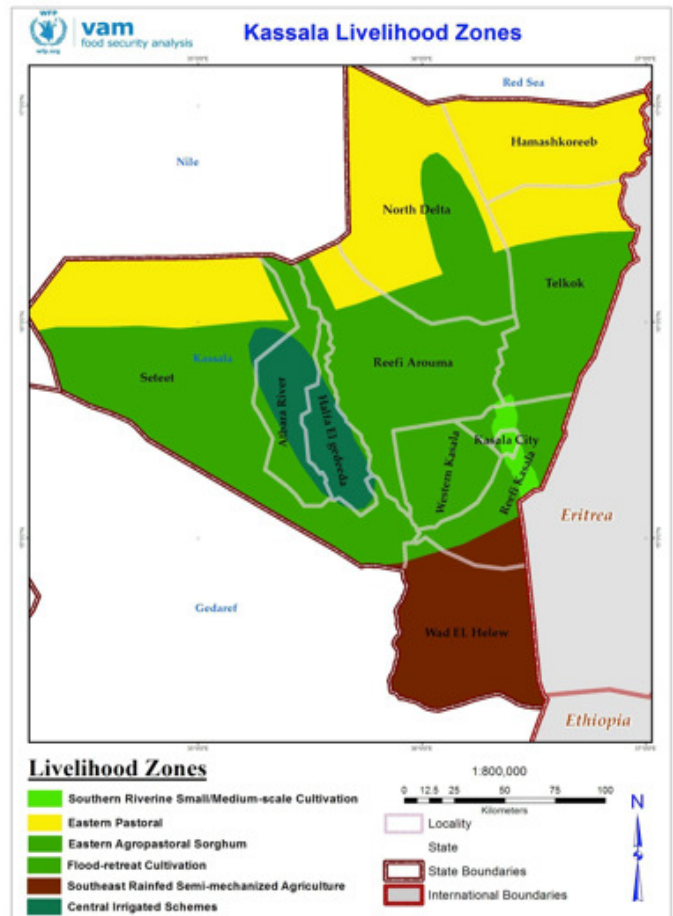
Source: State of Sudan's population in 2013

The state economy is largely based on traditional, natural resource related activities. In recent years, the ability to use natural pastures, as well as the pursuit of other agricultural and livestock-based activities, has been severely curtailed by armed conflict in the region. During the period of heightened violence in the 1990s many farmers and herders abandoned their homelands to join the ever-swelling ranks of displaced people located in urban centers.

Within the context of the local economy of Kassala State, a person's ethnic background powerfully influences their livelihood pattern. Tribes from Northern Sudan, such as the Ja'aliyeen, Shaigiya, Manaseer, and Halanga have a strong presence in the commercial sector and in horticultural agriculture. During the last few years, the Beni Amir has started to emerge as a new economic power in the region due, in large part, to their involvement in border-trade and agriculture as well as real estate in urban areas. The Rashaida managed to survive periods of drought through economic diversification and have now become significant actors in agriculture as well as trade. In contrast to this, these events; losing their livestock and seeing their economic powerbase diminish accordingly hit tribesmen like the Hadendawa hard. Many Hadendawa have now moved into towns where they work as daily laborers, petty traders, and guards. Among the IDP and refugee populations, activities rooted in the informal sector predominate.

Migrants frequently find work in food processing, handicrafts, tea and coffee vending and household servant positions. Lacking specific skills and facing severe competition for employment, the level of poverty and food insecurity has risen sharply among IDPs in recent years. There are six livelihood zones in Kassala State which include:

- 1) Southern Riverine Small/Medium-Scale Cultivation: The basis of the economy of this zone is irrigated production with also some flood-retreat cultivation. Towards the southern parts of the zone rainfall is substantial leading to a good production in the rainy season. Surrounded by the vast zones of rainfed semi-mechanized and irrigation scheme cereal production, this zone, with its fertile alluvial soils but limited land area, concentrates on garden produce and orchard fruits. These cash crops – notably onions and tomatoes – are the most profitable use of the land in a situation where market value has greatly increased by good roads leading to big centres such as Ed Damazin, Sennar, Wad Medani, Kosti and Khartoum.
- 2) Eastern Pastoral: This zone has a very varied topography, from mountain to hill to inland and coastal plains, but a common ecology is that the rainfall is too low for rainfed cultivation (a mean of not more than 150mm per annum). The best use people can make of the land is for grazing, and goats and sheep are the main livelihood activity in this very harsh and rugged environment, together with some camels and donkeys for carriage. Cattle are few because of the harsh environment.
- 3) Eastern Agropastoral Sorghum: On this plains terrain the natural cover is grass. Mean annual rainfall of 230-240 mm is low for crop cultivation, but the light clay soils have some moisture retention quality and are relatively fertile. Usually, in two out of three years there is satisfactory rainfall in from June to September. The soils favor sorghum, and this is the sole crop grown, purely rainfed, successfully enough in most years to provide a large part of subsistence for the population, although only a little for sale by wealthier farmers. Livestock are kept for milk but also offer the greater part of the earnings of the wealthier households through sales.
- 4) Flood Retreat: This zone is composed of separate areas of flood retreat cultivation including the Aroma/Wager area in east Kassala (El Gash). Sorghum is the food crop of choice on these fertile alluvial soils, and wealthier farmers are not only entirely self-sufficient in the staple, but can also market a surplus. Poorer households by contrast only manage to produce a harvest to last them some three months of the year, and they are dependent on the market to buy the balance of their requirement. The retreat of the river flood-waters begins in August, allowing the progressive sowing of sorghum for a harvest between December and January. Sorghum has recently replaced cotton as the major cash crop. In addition, there is some production of vegetables, notably tomatoes, and of watermelons, for home consumption and garden marketing.
- 5) Central Irrigated Schemes: The zone comprises the New Halfa scheme which dates from 1964 when the Khashm el Girba Dam was created on the Atbara River for a scheme on which to resettle some 50,000 Nubians from Wadi Halfa displaced by the disappearance of their pasturelands under Lake Nasser behind the Aswan Dam. Production on the moderately fertile



clay-based soils is mainly sorghum and cotton, with wheat as an important second food and cash crop for the wealthier farmers. There is also secondary production of groundnuts, horticultural produce and orchard fruits.

- 6) Southeast Semi-Mechanized Rainfed Agriculture: There are two kinds of production, in this zone: mechanized plots and smallholdings. In the smallholdings, where the owners cultivate for themselves with traditional ox-ploughing or hand-tilling. Members of these households may also work on the mechanized farms. The clay soils are fertile, and mean annual rainfall ranges from 400mm at the northern limit to up to 900mm towards the south, where the rains continue into October. The main food crops grown are sorghum and to a lesser extent millet; sesame is the main cash crop, followed by cotton and sunflower seed that are grown by wealthier farmers.

3.3 Population Dynamic and Displacement

Kassala State is one of the poorest regions in Sudan. As a “host community” to refugees and IDPs, most of the population in the rural areas suffer of acute poverty and limited development prospects, not dissimilar from those experienced by the IDPs and refugee population in their midst. Most of the IDPs originated mainly from the war and drought-affected rural areas where the livelihood conditions have continued to deteriorate over the years. Like elsewhere in Sudan, rural people in Kassala State have found themselves under severe stress from chronic food insecurity and poverty caused by the series of droughts that hit the region during the 1980s and the 1990s. The spread of land mines in the state was also behind the exodus of substantial numbers of the agro-pastoral rural population from their original habitats to more secure areas, usually within the boundaries of their recognized tribal lands.

Most IDPs in camps arrived in the second half of the 1990s and early 2000s (specifically in 2002). They were displaced mainly due to the Eritrea-Sudan war and civil war. Movements of IDPs to Kassala State have not fared that well, having to settle mostly in arid lands with limited possibilities of making a living through agriculture or animal husbandry alone. Presently, IDPs in the State have practically no access to humanitarian aid. According to the information to the Humanitarian Aid Commission, 2014, there are 90,842 IDPs in Kassala State residing in 12 camps (which are currently officially regarded by Kassala State authorities as permanent IDP villages) and in Kassala town. The number of IDPs who settled permanently in Kassala town is estimated to be 25,132. However, there are indications that large numbers of IDPs have located in the town and that a significant number of IDPs in rural areas commute regularly between the villages (the former camps) and Kassala town to engage in income generating activities and/or to access social services.

Kassala State has acted as a catchment area for cross border migrants (from Eritrea and Ethiopia), for the internally displaced and seasonal migrants. From the late sixties, refugees and internal migrants have been attracted to the state following the introduction of mechanised rain-fed farming. The infamous drought of 1983/84 caused huge livestock losses of the pastoral people and the consequent mass influx of internally displaced people from the pastoral communities. Later, border conflicts with Eritrea, which began in 1997, led to further displacement of some 48,000 IDPs fleeing their home villages due to continuous shelling and incidences of land mines. IDPs use about 50% of their income on water and non-food items, making them completely dependent on relief and the limited labour opportunities. There are also unregistered IDPs residing in unofficial camps, who make their living within the suburbs of main towns such as Kassala, New Halfa, Aroma and Khashim El Girba. Other groups of IDPs have integrated within the host communities or joined their relatives. The issue of land tenure for IDPs has remained unresolved. Landowners represent 2% of the whole IDP community in the state. In many cases, the few IDPs who have access to arable land face problems of pest infestation, lack of improved seeds and agricultural tools. Due to these drawbacks, the concepts of self-reliance, self-sufficiency, and food security are decreasing among the IDP communities.

3.4 SLDP2 Components

Under Transitional Solutions Initiative (TSI), the Government of Sudan has received funding from the World Bank's State and Peace-building Fund for a project entitled "*Sustainable Livelihoods for Displaced and Vulnerable Communities in Eastern Sudan–2nd Phase Project (SLDP2)*". The following are the detail of the components

1. Component 1. Development of Local Structures and Capacities (Including Project Management)

This component will include the following activities: (i) Capacity Building (ii) Communications and sensitization, (iii) Project Evaluations, and (iv) Project Management.

(i). Capacity building activities will focus on themes functional to project objectives, namely sustainable environmental management, improving livelihoods service delivery, and development planning techniques for rural IDP and host communities (including literacy training for target communities). In the event that software licenses or hardware are acquired, these will be purchased to maintain validity for at least 1 year beyond project closure. Before purchase of such licenses, confirmation will be received from the responsible local entity their ability and willingness to carry forward the software license independently beyond expiration. The state government will have the option to maintain the ESTSI structure as a state agency dealing with complex issues of displacement.

Through the implementation experience of Phase 1, the SLDP project team has built significant knowledge, networks, and skills in administering CDD based livelihoods programs while maintaining adherence to the standards of World Bank fiduciary and operational procedures. With a view towards sustainability, SLDP2 is designed to maximize knowledge transfer and handover of project activities and acquired skills following closure. As such, the state government of Kassala will nominate staff to work closely with the SLDP project team throughout the project's lifecycle, co-implement activities and receive training. This will be a shadowing peer-to-peer arrangement whereby the nominated staff receive ongoing opportunities for hands-on experience and learning by doing. Once the project closes, the nominated Ministry staff will be equipped to carry on SLDP activities and the state government will have the option to create a specialized development unit with expertise in community mobilization, M&E, fiduciary, and service delivery in environments affected by displacement. Alternatively, the staff can be resuming their former ministerial duties with enhanced skills.

(iii) Communications and Sensitization

Sensitization will involve a robust public information strategy to inform the beneficiaries, host communities, and the local stakeholders. Sensitization activities will help beneficiaries and their communities to understand the scope of the program, its advantages and components, and help to manage expectations. Furthermore, effective project communications and public awareness will be critical in promoting widespread adoption of new practices and technologies. Within communities, the level of knowledge on sustainable natural resource management is low and requires deliberate planning and investment to increase familiarization. This is highly linked with the capacity building in that it serves the same purpose of proliferating espousal of novel techniques to mitigate and adapt to stresses to the environment. Of particular import to inspire traction on project objectives within target communities is to strengthen the link between environmental protection and tangible social and economic benefits. Past experiences in other projects have shown that, unless this link is clear, beneficiaries and other stakeholders may not readily uptake notions of environmental protection. Under Component 1, informing and educating local stakeholders on the social, economic, and health impacts of environmental degradation and measures to mitigate such effects will be an overarching priority, through communications and capacity building.

(iii) Project Management

Activities will include overall administration and management of the project. Activities that will be financed through this component include salaries, rent, furniture, equipment, operating costs, etc. to help ensure coordination, implementation, and management of the project.

The East Sudan Transitional Solutions Initiative Coordination Agency (ESTSI-CA), commonly referred to as the State Project Unit (SPU), was established in phase 1 of SLDP and worked closely with the Kassala State Ministry of Finance, Economy, and Labor (MFEL) in implementing the pilot project. In phase 2, the project will be strengthened with two new positions: an Environmental Specialist and a Livelihoods Expert. Given the project's focus on sustainable environmental management practices, in-house expertise in this area will be essential to vet proposals and provide technical support throughout the project. The Environmental Specialist will also be responsible for applying World Bank Environmental and Social Safeguards policies. The Livelihoods Expert will be responsible for technical assistance to identification, vetting, selection, training, and oversight of beneficiary livelihoods activities. The Livelihoods expert will also function as a Community Mobilizer. Therefore the candidates considered for the position will, as a requirement, have extensive field experience. His or her knowledge should not be strictly limited to the academic arena, as the context in rural areas of Kassala state oftentimes necessitates area-specific knowledge.

(iv) Project Evaluations

SLDP2 continues in the same vein as the pilot phase in moving towards self-reliance and durable solutions for displaced communities. It is envisaged that the model developed and being incrementally improved by SLDP can be a platform for further replication in other areas in the country facing the same compound challenges of forced displacement in increasingly arid environments. In this regard, it is important for the Bank to base its program in East Sudan on acquired knowledge and lessons learned. Therefore, phase 2 will finance two extensive evaluations of the project at midterm and project completion. The results of these assessments do not preclude recommendations to not expand and/or replicate the project in other areas.

2. Component 2: Analytics and Technical Assistance

This component will cover two main activities: (i) Research Studies and (ii) Technical Assistance to project design, with view towards possible scaling and replication elsewhere.

- (i) **Research studies** will also be aimed at exploring opportunities for sustainable natural resource management interventions that would inform current and future programming. Technical expertise may be obtained to assess the feasibility and design of the small works proposals in target communities described under component 3. The objectives of the analytical work will be to technically backstop project activities and, where possible, examine prospects for adopting new approaches to livelihood service delivery and natural resource management. Knowledge sharing of the results of these studies will be the dual responsibility of the Bank TT and the PCU. Studies may be circulated via sharing hardcopies with local partners, the project website, verification workshops upon study completion, presentations in the 'Livelihoods Forum' established by SLDP in Kassala during the initial phase, BBLs and/or other events by the Bank, and other relevant channels. If not explicitly captured in the results framework, records will be kept, tracking (a) the recommendations adopted from the studies and (b) the amount of communications outputs conducted containing the studies.
- (ii) **Technical Assistance.** In addition, Bank assistance in design and guidance of the project will be increased at key intervals given the increased coverage and reliance on community-driven planning in the project. This approach requires sufficient oversight, as communities can be easily derailed from the project objectives without proper and timely technical assistance to implementation. With consideration for the complexities of sustainable environmental management techniques, a provision is also made for recruiting international specialists to provide training to local stakeholders, if needed. Technical assistance via hiring of consultants to support the design of the project will be retained, with a view towards possible scaling to other areas acutely affected by displacement.⁴

3. Component 3: Community Small Works Support.

⁴ Possible replication of the project might be in Gedarif and Red Sea state of Eastern Sudan, and the five Darfur States.

This component will finance two main activities: (i) Community Small Works support and (ii) Community Champions Program.

(i) **Small works:** Community participation will be an essential part of the small works identification, as the identification of priorities will be done through a participatory, community-driven approach. In each community, the project team will bring together beneficiaries into a Community Development Committee (CDC), which will include youth and women representatives. Through the CDCs and a series of sensitization activities, the communities will be oriented towards the project's objectives. To the extent possible, the project will utilize existing structures to serve as CDCs (i.e. communally-elected village committees and/or community liaisons). With technical support from the project, the CDCs will be fundamental in organizing communities to draft Environmental Management Action Plans. These plans will be developed under the technical oversight of project staff, the government, and locally recruited experts, and will clearly identify the environmental protection priorities and small works portfolio to be undertaken within the community. To ensure the project responds to the site-specific needs of target communities, the small works program has a degree of flexibility in the project design. The range of small works proposals that can be implemented, while thematically defined, may take many forms. Examples of these works may include the following:

- a) **Improved Agricultural Management:** increase resilience of degraded areas for crop production, expand soil conservation practices (minimum tillage, rotating crops), introduce crop mixes more suited to climate change, improve crop storage, proliferate improved seed varieties and seed banks, safeguard biodiversity, invasive species management, switch to lesser water intensive crops, switch to crops with improved nitrogen use efficiency, introduce measures to increase agricultural productivity, sand dune stabilization, establishing demonstration farms to showcase and receive training on improved seeds and practices.
- b) **Improved Animal Production:** improve animal waste management (manure and methane biogas), improve range management to increase carbon sequestration, establishing nurseries for improved pastures, demarcate livestock routes, reduce losses, improve productivity, and feed-to-food conversion efficiency through improved animal health, genetics and feed practices.
- c) **Irrigation and Drainage:** introduce or expand water pumping for irrigation using renewable energy sources, replace existing diesel pumps with more energy efficient or electric pumps, plant hedges and cover crops to reduce evaporation and soil moisture loss, reduce water use in land preparation, introduce or expand technologies that improve water use efficiency, construct or improve water harvesting systems for rainwater (farm ponds, storage tanks, check dams, etc.), revise water management plans and pricing for increased efficiency.
- d) **Forestry:** Promote small-scale agroforestry, farm forestry, and community afforestation activities to increase resilience of farm systems.
- e) **Other Civil Works Upgrades:** Environmentally friendly upgrades to off-farm and rangeland structures (e.g. using renewable energy to provide power to school).
- f) **Income Diversification:** Large IGA activities that provide an alternate source of income and can measurably reduce burden on land.

While small works plans will be established with care during the early stages of project implementation, communities will also be allowed to submit further proposals on a rolling basis to improve or expand their small works portfolio. This leaves room for a rapid response feedback loop within the small works program. Oftentimes, even when supported with technical expertise, new priorities and lessons on “what works” and “what doesn’t” arise during implementation that have not been foreseen by target communities or those supporting them. The project would thus do well to recognize this reality and establish a built-in mechanism for course correction. By allowing small works proposals to be submitted and implemented on a rolling basis, the project responds to this need.

After the identification of small works priorities through a participatory process, community participation will continue throughout the implementation of the small works. The project will be responsible for providing technical oversight and the majority of financing, and communities will also be tasked with

meeting a specified proportion of the small works cost. Community contribution to the small works can be financial or in-kind, in the form of cash, unskilled or low-skill labor, land, materials, et cetera.

At midterm the small works and community plans will be assessed by a panel of development actors on implementation performance. The assessment criteria for the small works program will be specified during planning and transparently communicated to target communities at the outset, and may include (i) feasibility of the small works proposal and the extent to which it contains climate change mitigation or adaptation co-benefits, (ii) the degree to which the small works benefit the entire community, (iii) the quality and magnitude of community participation in planning and implementation, (iv) the comprehensiveness of sustainability measures put in place to maintain the small works, (v) level of preparedness for the livelihoods program, including provision of a list of nominated beneficiaries that meets the project's beneficiary selection criteria. Communities will be informed beforehand that the assessment will determine the community's eligibility for the successive livelihoods program to be administered by the project. While the panel's assessment may include safeguards considerations, formal safeguards supervision and compliance assessments will be the responsibility of the East Sudan Transitional Solutions Initiative Coordination Agency (ESTSI-CA), as outlined in Parts VII and IX of this document. Within the ESTSI, the Environmental Specialist at the Project Coordination Unit (PCU) will maintain nodal responsibility. Safeguards reviews will be conducted on a periodic basis. The World Bank task team will also assess safeguards performance of the project on an annual basis.

Through careful messaging and sequencing of project activities, livelihood credits provided by the project will not only host the benefits offered in phase 1 of the project, but will also serve as an economic dividend to propel communities forward towards project objectives of self-reliance. This unique approach, combined with the requirement of community investment in small works, are devised to create incentives and instill a strong sense of ownership among local communities and the authorities. This, in turn, contributes to overall sustainability of the intervention. The livelihoods program will utilize the model established in the first phase, including the trans-passing system to other beneficiaries.

(ii) Community Champions Program

Exceptional performers in the community will have the opportunity to participate in a "Community Champions" program wherein they are trained to be more involved, such as serving as civic leaders, ambassadors, and trainers to other target communities. This program is devised to also support the cross-fertilization of knowledge on sustainable natural resource management practices and empower communities to become civically engaged. Eligible candidates for the Community Champions Program will include beneficiaries from phases 1 and 2 of SLDP, as well as beneficiaries from other development projects financed by the World Bank and other partners to maximize the opportunity for experience sharing and exchange.

Component 4: Economic Livelihoods and Benefit Trans-passing

This component will finance three main activities: (i) Livelihood Credits (Including Livelihoods Training), (ii) Benefit Trans-Passing System (BTPS), (iii) Joint Initiatives, and (iv) Participatory Monitoring and Evaluation.

(i) Livelihood Credits: Component 4 will seek to employ the livelihood grant mechanisms established in the first phase as an ex-post economic dividend to mobilize communities towards effective development planning and implementation of small works. Communities will be organized to select beneficiaries, identify livelihood priorities, vet their proposals through technical experts, and receive vocational training in their chosen area of income generation. The use of a tripartite procurement committee including a community representative, a project staff member, and technical expert to purchase livelihood assets for households via pre-established purchasing procedures will also be retained.

(ii) Benefit Trans-Passing System (BTPS): With consideration for the gains achieved in community cohesion through application of the trans-passing system in phase 1, the phase 2 project will aim to consolidate this approach. The benefit trans-passing system will be strengthened to ensure larger, more sustainable investments from communities. The possibility of linking the BTPS with local state structures

to oversee successful functioning will also be explored. It will be critical for the messaging of the BTPS to be clear from the outset of the project. Procedures concerning the individual beneficiary's responsibility to manage assets prudently and repay grants to the community is to be communicated unambiguously. This is to manage the risk of community's regarding the grant as form of non-conditional aid. Particularly given that the livelihood grants will be predicated on successful completion of the small works, it is incumbent on the project to emphasize the associated fiduciary obligations of the livelihood credits.

(iii) **Joint Initiatives:** As another form of livelihood support, the SPU will allocate a complementary budget earmarked for supporting group income-generating initiatives and not adequately covered by the resources made available by the project's household livelihood credits. This will be a limited central budget available to all target communities, which community groups can apply for on a rolling basis. Locations/beneficiaries will be selected based on the feasibility of the proposals received as evaluated by project team, and not necessarily on an equal distribution among communities. Preference is also given to women and youth groups. The project team will assist in detailing the proposal(s) and ensuring its/their feasibility.

(iv) **Participatory M&E:** The SLDP project team will update the results-based M&E plan that was developed in the previous phase. Overall responsibility for M&E rests with the project team complemented by close World Bank supervision. A results framework and monitoring matrix to track inputs, outputs, and outcomes has been developed for the project with intermediate and key performance indicators (Annex 1 of the SLDP2 project paper). The participatory M&E system, which will employ community leaders to be the first line of data collection for the project. They will be equipped with data collection tools and trained to collect key information within their communities for further transmission to a local NGO or consultant. This local NGO or consultant will verify, consolidate, and provide data analysis information to the project team. The project team, at intervals, will also verify this information directly within target communities to ensure data accuracy. The M&E activities have the following objectives: (i) improve project management, (ii) ensure transparency in project data sharing with stakeholders, (iii) ensure efficiency of the activities, and (iii) provide accurate information modify the activities in relation to the evolution of the context during implementation, where necessary. The M&E team will produce monthly, quarterly, and annual reports, which will be available in electronic form. During the project's midterm review, progress towards achieving the PDO will be evaluated and remedial action will be taken as needed.

3.5 Overview of Project Proposed Key Interventions

The activities of the proposed project that may generate any environmental or social impacts would be the support to small works in component 3. The proposed SLDP project as designed might not undertake involuntary displacement of people. But, small scale civil works activities requires land for construction or renovation of water supply and irrigation systems, community farming initiatives, construction or renovation of multi-purpose development centers, renovation of schools, and other minor civil works construction of community centers might result in economic and or physical displacement. While the specific location for the sub projects are not known, it is not possible to determine the nature of ownership of land at this stage (whether private and/or public). Therefore, as a precautionary measure to preclude the risks of land acquisition World Bank Safeguards policy OP 4.12 has been triggered and this resettlement policy framework has been prepared to identify and address potential land acquisition or restriction to access and use of natural resources.

PART IV: LEGAL AND INSTITUTIONAL FRAMEWORK

This RPF will apply the local laws and regulations governing the use of land and other assets in Sudan. In addition, whenever the World Bank's policy on involuntary resettlement sets standards which are more advantageous to project affected people (see Table 2 below), additional measures will have to be taken to meet those standards (see Entitlement Matrix in Table 3). This Section on the legal and institutional framework focuses on land and governance, including (i) property and land rights, as defined by Sudan law and customary practice; (ii) acquisition of land and other assets, including regulations over the purchase and sale of these assets; (iii) entitlement and compensation, in particular the accepted norms influencing basic rights to livelihood and social services; (iv) dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (v) comparison with World Bank OP4.12, using equivalence and acceptability standards.

4.1 Land governance in Sudan

Until 1970, national governments kept all the colonial legislation on land tenure virtually intact, with only minor amendments to wording dictated by the changed political and administrative context. Moreover, until then, land law was unclear regarding the ownership of forest, and occupied or unoccupied unregistered land. However, on some occasions local authorities, in cases of tribal fighting over pasturelands and watering wells, have declared the land belonging to the Government, while the people may enjoy the rights to pasture, woodcutting and cultivation. These rights, it must be remembered, do not equal full ownership. It is important to reiterate that most of the land in Sudan is unregistered. In rural areas, for example, some wealthy traders established millet, sesame, and groundnut plantations without licenses from the Government, and long-time users of these unregistered lands became their unofficial owners. In many cases, ownership of these unregistered lands was even disputed in court, and judges ruled in favor of one of the disputing parties.

Against this background of uncertainty with regard to the ownership of unregistered land, the Unregistered Land Act was passed on April 6, 1970, according to which all land that is not registered before its enactment becomes the property of the government. Although this act has been repealed, it still reflects the present official position concerning land ownership. The Act has brought about a drastic change in the understanding of ownership of unregistered land; it cuts heavily into rural communities' land rights and challenges communal and tribal land ownership. Moreover, it provides the government with a tool to facilitate the acquisition of large tracts of land for agricultural schemes at the expense of rural communities, especially the pastoralists. Finally, the ten-article act is devoid of practical guidelines on the modalities for its implementation.

The Civil Transaction Act, issued in 1984, is the latest legislation concerning land ownership. This Act also repeals the Unregistered Land Act of 1970. It is more comprehensive, providing guidelines and details for implementation. The Act identifies different forms of land and property rights such as: land held in undivided shares; family ownership; possession of unclaimed property, ownership of usufruct rights over land and property, grants of usufruct rights; easement rights; and acquisition of ownership by accession, possession and succession. It also considers the following issues pertinent to securing land tenure: transfer and inheritance of rights; compensation requirements for land appropriated by the State; granting of land leases to cooperative bodies; conditions for obtaining usufruct rights; possibility of registering easement rights (rights of way). However, the Act is a compiled mixture of different components from 'Islamic' laws applied in other countries, and is not always clear or consistent. For example, the Act grants usufruct title to "whoever utilizes wasteland far from urban areas whether by cultivation, building or irrigation," although the term 'wasteland' is never defined, even in former legislation. The 1991 amendment of the Act excludes any consideration of a legal or other suit or procedure with respect to any subject to do with proprietorship of land owned by the state.

The Comprehensive Peace Agreement signed between the GoS and the SPLM/A, as well as the 2005 Interim Constitution, both provide general guidelines for legal reform with respect to land tenure. Chapter III of the Constitution, Article 186 (1) of the Section on Land Regulation states, "All levels of government

shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, local heritage and international trends and practices.”

Article 187 (1) of the 2005 Interim Constitution also provides for the establishment of a National Land Commission that may: (i) arbitrate between (willing) contending parties on claims over land; (ii) entertain claims, at its discretion, in respect of land, be they against the relevant government or other parties interested in the land; (iii) assess appropriate land compensation for applicants in the course of arbitration; (iv) make recommendations to the concerned level of government regarding land reform policies and recognition of customary rights or customary land law; and (v) advise different levels of government on how to coordinate policies on national projects affecting land or land rights. It is clear that the provisions of the Interim Constitution have paved the way for massive reforms to redress the imbalances in existing laws, policies, and practices regarding the regulation of land rights. However, the willingness and the moral commitment to implement such reforms remain to be seen in practice.

4.2 Property and land rights, as defined by Sudan law and customary practice

Land and Customary Law under the Interim National Constitution of 2005:

Article 43:

1. Every citizen shall have the right to acquire or own property as regulated by law.
2. No private property may be expropriated save by law for the public interest and with consideration for prompt and fair compensation. No private property shall be confiscated save by an order of a court of law.

Article 185:

8. The best-known practices in sustainable utilization, management, and monitoring of natural resources shall be adopted by the State.

Article 186:

1. The regulation of land tenure, usage and exercise of rights thereon shall be a concurrent competence, exercised at the appropriate level of government.
2. Land owned by the Government of the Sudan shall be exercised through the appropriate or designated level of government. All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, local heritage and international trends and practices.

4.3 Entitlements and compensation

There is no unified legal framework for land tenure in Sudan. Despite the fact that official land law has undergone transformations under successive governments, the available legislation is essentially founded on colonial land laws. The government does generally not recognize customary land rights; and statutory legislation has traditionally been used by the state to bypass local customs, or for private interests in rural areas.

Government laws concerning land tenure have been rooted in the principle (introduced by the British colonial administration in 1898) that all unregistered land, unless otherwise stated, is by default owned by the government. Subsequent legislation on land introduced in the 1970s and 1980s (particularly the Unregistered Land Act of 1970 and the Civil Transaction Act of 1984) has further strengthened the privileges of the state and has allowed elites close to government to acquire land at the expense of rural people. Expropriations were common in the 1970s, particularly in South Kordofan (namely in the Nuba Mountains), where illiterate farmers and pastoralists saw their land assimilated into mechanized farming schemes or simply registered in someone else’s name.

The Power Sharing Protocol of the Comprehensive Peace Agreement (CPA) allows for the creation of parallel legal systems in northern and southern Sudan, but the situation in the contested areas (South Kordofan and Blue Nile) and Darfur remains somewhat unclear. Because of its complexity, the CPA to the post-agreement phase for political expediency has deferred the issue of land ownership. As such, the

CPA, EPA does not address issues regarding the ownership of land and natural resources, but rather establishes a process to resolve this question through the formation of a land commission, which has yet to be established.

Under the 2005 Interim Constitution, private property cannot be expropriated without legal justification, or for public interest. In these cases, prompt and fair compensation must be paid. The 1930 Land Acquisition Act (applicable in the northern region) is consistent with these constitutional provisions; it authorizes the state to take private property in the public interest, under terms consistent with the 1993 Seventh Constitutional Decree and the 1994 Civil Transactions Act (GNU 2005; GOSS 2005; GOSS 2009a; Ojwang 1996).

By relying on formal law that designates all unregistered land as state land, the Sudanese government has since Independence expropriated land without proper processes or payment of compensation (1970 Unregistered Land Act and 1984 Civil Transaction Act). Existing legal frameworks for land tenure in the project areas are confused, specifically; it is not clear whether statutory or customary rights have legal status in defining ownership, usage and access to land. In addition, there is no legislation sanctioning the existence of simultaneous primary and secondary rights, granting, for example, pastoralists and small farmers' temporary or conditional access to land and natural resources.

Compensation through customary land restitution mechanisms have been talked about as a solution to address disputes during the return process, but there are no mechanisms at present to make this a legitimate and legal solution. Monetary and in-kind compensation are also talked about, but there is no legislative framework to regulate this at present. From the consultation process the case, compensation is not a practice in all targeted state, but the compensation by same land or more is almost mentioned all over the states and this depend on the distance of the land in question from the State capital, which detect the value of land.

4.4 The land tenure system in Kassala State

The historical sources and potential conflicts over access to land resources by farmers and pastoralists in Kassala State stem primarily from the emphasis placed by successive governments on securing government ownership on contested land resources and the establishment of large-scale capital intensive agricultural production projects. More recently expansion of investment on farming for export by able investors has also been a stress point for conflict, particularly when these investments are made on lands used for survival by resource poor agro- pastoralists who constitute the majority of the impoverished rural population.

Customary tenure systems are still ruling much of the rural areas in Sudan, which are not taken by the government as yet. When and where there is no government interference, the customary systems work reasonably well in determining the conditions for access, usage and sharing of natural resources. They also provide mechanisms for dispute resolution among different users. Most of the lands in Eastern Sudan outside the large agricultural schemes are still used under communal land use arrangements. The rights to such lands could be passed to heirs, but ordinarily the communal land parcels could not be sold or otherwise disposed of. Each of the main tribes long established in the region has rights of historic occupation that are traditionally considered as ownership rights. The exact spatial extension of exclusive tribal territories is in some cases contested and all resident, social groups may not agree specific portions of boundaries, but generally speaking the authority of these tribes is undisputed. The large tribal groups that have rights of historic occupation of land or *Dars* are the Hadendowa, the Bani Amer and the Halanga (in Kassala state), and the Shukriya (in parts of Kassala State, but mainly in Gedaref State). Some other tribes that have relatively recently settled in the region do not enjoy recognized rights of historic occupation and are actively competing to acquire ones. This is to some extent the case of the Rashaida and

members of the tribes from of West African origin who settled in Kassala State. Conflicts over communal ownership of land involving the different tribes of Kassala State had occurred in the past.⁵

4.5 Comparison to World Bank OP 4.12

There are significant discrepancies between Sudanese laws and regulations and the World Bank requirements for resettlement and compensation as laid out in OP 4.12. Below is a short discussion of the most important differences (of which a full list can be found in **Table 2**):

- While OP 4.12 requires that compensation be completed prior to the start of the project, there are no similar timetables set out in Sudanese laws or regulations. Additionally, there is no provision for relocation assistance, transitional support, or the provision of civic infrastructure under Sudanese law (see Table 1, Section II).
- No mention is made with regard to specific accommodation for squatters or illegal settlers, other than recognition of some use-rights, such as when settlers can claim rights to the land. OP 4.12 requires that affected communities be consulted and have an active role in project implementation and resettlement (including monitoring). Sudanese law, however, states that once a right is determined, the expropriation rights of the State take precedence, even though the Constitution protects the individual's use-rights.
- Vulnerable groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living under the poverty line are at highest risk of being negatively affected by resettlement, and as such should receive special consideration during the preparation of a resettlement policy framework to ensure that they can maintain the same standard of living after displacement takes place. However, no mention of them is made in Sudanese law.
- Where there is a difference between Sudanese law and OP 4.12, the latter shall prevail.

Table 2: Comparison of Sudanese and World Bank Policies on Resettlement and Compensation

Types of Affected Persons/ Lost Assets	Sudanese Law	World Bank OP4.12	Comparison/ Discrepancies
Section I: Property and Land Rights			
Land Owners	Overall, “Landholder” means any “individual, government, or private organization or any other organ which owns property, has legal personality, and/or has lawful possession over the land to be expropriated”.	Through census and socioeconomic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to	The Constitution provides for land based resettlement. Although its provisions could be interpreted as implying a preference for strategies for displaced persons whose livelihoods are land-based, there is no specific legislative or regulatory provision made for this preference.

⁵ The Hadendowa and the Bani Amer have historical grievances against one another relating to customary land ownership rights, tribal territorial borders and use of natural resources. Although the Bani Amer are part of the Beja group, in common with the Hadendowa, the latter have a perception of them as largely composed of alien people that have recently immigrated from Eritrea to settle in Eastern Sudan. That perception is enforced by the reality that the Bani Amer tribal areas are located in Both of Sudan and Eritrea, and they form one of the main Eritrean tribes. The Bani Amer of Eastern Sudan are defensive about that perception, and on their part perceive of the Hadendowa as attempting to contest their legitimate territorial rights and are increasingly envious of the growing economic and political power of the Bani Amer in Kassala State.

		another location) or involuntary restriction of access to legally designated parks and protected areas. Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.	
Land Tenants/ Squatters	There is no time limit on use rights or usufruct, subject to a proof of permanent physical property, ability to farm continuously and meet administrative dues and obligations (2005 Interim Constitution). Furthermore, the Constitution confirms and details the principle that holding rights on land can be assigned to peasants and nomads, and that these are to be secured from eviction and displacement. The 2005 Interim Constitution provides for free land without payment for farmers and pastoralists and allows companies to attain access to land in the same way as individuals, i.e. through auction, allocation, or lottery.	For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation to help improve or at least restore those affected persons' livelihoods.	While in principle no distinction or discrimination is made on the basis of gender, age, or ethnic origin, there is no equivalence on the specific requirement of nondiscrimination or the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.
Land Users	The Constitution protects against unlawful seizure of property, stating, "every individual shall have the right to his privacy and physical integrity. This right includes protection from searches of his person, home, or property, and protection from seizure of property under his possession"	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project; (b) necessary to achieve its objectives; and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Sudanese systems for identifying and addressing impacts resulting from project related activities.
Owners of Non-permanent Buildings	There are no constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	The most significant difference between Sudanese law and Bank policy appears to be that under Sudanese law, those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.
Owners of Permanent Buildings	The Interim Constitution of 2005 established detailed procedures and time limits in which land could be acquired after the request is received from the proponent along with compensation. The power to expropriate landholdings belongs to the farmers along the 5 livestock routes in the 5 states (local rural government) or urban administration. The implementing agency is required to provide written notification with specifics on timing and compensation no less than 90 days from notification. Any entitled landholder who has been served with an expropriation order shall hand over the land to the farmers within 90 days from the date of payment of compensation should the lease holder accept payment. Furthermore, where there is no crop or other properties on the expropriated land, the titleholder shall hand over the land within 30 days of receipt of the expropriation order.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.	Sudanese law requires the affected persons receive compensation on the basis of replacement value when permanent structures are affected. Although the law can be interpreted to include labor and relocation expenses, these are not explicitly enumerated.
Section II: Resettlement and Compensation Process			
Timing of Compensation Payment	There are no relevant constitutional or legislative provisions that specify a timeline for completion of resettlement and compensation.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance	There is no equivalence on implementing resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if

		with the timetable in the plan of action.	these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Calculation of Compensation and Valuation	<p>Assets will be broken down into components to assess value and directive. Components for building costs include cost per square meter. Crops are subdivided into crops and perennial crops, and calculated based on yield per square meter of land multiplied by price per kilogram.</p> <p>Trees can be cut and used by owner plus payment of compensation for loss of continued income. The cost of machinery, labor for improvement, and any infrastructure as part of the improvement will be compensated based on current market price. Property relocation is based on the cost to relocate property, not including potential damage costs. The amount of compensation for loss of land that is used for grazing or production of grass is based on the area of land and the current market price per square meter.</p>	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation and provision of residential housing, housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.
Relocation and Resettlement	A permanently displaced landholder will, in addition to compensation according to the interim constitution, be paid displacement compensation which shall be equivalent to ten times the average annual income he secured during the five years preceding the expropriation of the land.	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Sudanese law does not appear to make provisions for avoidance or minimizing of involuntary resettlement.
Completion of Resettlement and Compensation	There are no relevant constitutional or legislative provisions that specifically state that resettlement and compensation needs to be completed.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no variation between Sudanese law and World Bank policies on this. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Livelihood Restoration and Assistance	There are no specific laws or regulations on support for livelihood restoration and transition and moving allowances.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.	Sudanese legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.
Consultation and Disclosure	Before any land is expropriated, the local government shall discuss and agree to the proposed expropriation.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms	Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the composition of those most likely to be excluded under Sudanese legislative and constitutional protection from involuntary resettlement (i.e., squatters).
Section III: Dispute Resolution			
Grievance Mechanisms and Dispute Resolution	2005 Interim Constitution provides a breakdown of the decision making system for expropriation of rural land. It identifies members: a justice officer as Chairperson, two residents of the town where the land is located,	Establish appropriate and accessible grievance mechanisms.	There are no similar juridical procedures applied in non-urban or rural settings

	<p>and two representatives of government offices. The decision of the Appeals Court regarding basic land expropriation issues is final; however, an appellant may take the cases related to the amount of compensation, delays in payment, or similar cases all the way up to the Supreme Court.</p>		
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PART V: COMPENSATION FOR LAND AND OTHER ASSETS

5.1 RPF Guideline

This RPF applies to all components under the SLDP Project, including activities in sub-components affecting those who would be physically displaced or who would lose some or all access to resources, regardless of the total number affected, the severity of impact, or their legal status (e.g. the RPF guidelines apply also to those with ill-defined or no title to the land).

The RPF gives special attention to the needs of vulnerable groups among the PAPs, especially households with incomes below the national poverty line, including the landless, elderly and people with disability, women and children, and other historically disadvantaged groups. The activities in the SLDP2 Project that are expected to have land acquisition or restriction of access is possibly the small works program as it involved minor civil works.

Key Definitions:

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, and/or access to natural and/or economic resources as a result of activities related to demarcation of livestock routes.

Project affected households are households where one or more members are directly affected by the Project. These include heads of households, dependents, tenants, etc.

Vulnerable groups: from these households, the project will identify vulnerable members, such as the elderly or the ill; women and children; women headed households; unemployed youth; etc. These groups will be eligible for additional support.

A social assessment will be carried out during project implementation to identify the areas or sites within the project area that may trigger OP 4.12. At that stage, OP 4.12 calls for the preparation of stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. Once these affected areas are determined, the following procedural guidelines will apply:

- i. All potential PAPs should be identified (through a survey) and informed about their options and rights pertaining to compensation for land and assets to be acquired as a result of the demarcation process;
- ii. PAPs must be consulted on land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- iii. PAPs should receive compensation at full replacement cost for losses of assets and access attributable to the sub-project (as per the Entitlement Matrix in Table 3).

Screening: this process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) impacted by the demarcation process and that may potentially require resettlement measures. This list will then be presented to affected communities using an awareness and consultation process. These consultations will be documented for each of the sub project sites.

RAP Preparation: Once the list of sub projects is approved by the implementing agency, a participatory consultative process for preparing a RAP will be started, as follows:

- i. Assessments/surveys will be made to determine the nature and scope of resettlement impacts.
- ii. A socio-economic survey will be carried out to collect data in the selected (identified) sub-project sites.
- iii. The socio-economic assessment will focus on the potential affected communities, including demographic data, description of the area, and establishing baseline information on livelihoods and landholding,

Below is a list of points covered by the RAP, of which a detailed description can be found in Annex 2:

- i. Baseline Census
- ii. Socio-Economic Survey
- iii. Specific Compensation Rates and Standards
- iv. Entitlements related to any additional impacts
- v. Relocation Site Description
- vi. Programs to Improve or Restore Livelihoods and Standards of Living
- vii. Detailed Cost Estimates and Implementation Schedule
- viii. Grievance Procedures
- ix. Organizational Responsibility
- x. Implementing Organization Capacity
- xi. Implementation Schedule
- xii. Cost & Budget
- xiii. Monitoring & Evaluation

The RAPs will be prepared by the East Sudan TSI Coordination Agency which is in charge of the project management and implementation of project activities on behalf of Kassala State Government MFEL. Please see the SLDP2 implementation institutional arrangement description and diagram on page 37-38 below.

The following guidelines are used when developing the RAP:

- i. **Consultation through participatory approaches:** A participatory approach is adopted to initiate the compensation process. For this reason, the consultations of PAPs must start during the planning stages of the subproject when the technical designs are being developed, particularly at the land selection/screening stage.
- ii. **Disclosure and notification:** all eligible PAPs are informed about the SDLP2 and its subproject and the RAP process. A cut-off date is established when determining PAP eligibility, of which PAPs must be informed by both verbal and written notification, delivered in the presence of all relevant stakeholders. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities. Consultation with a variety of sources such as affected persons, community leaders or representatives, and independent agents (e.g. local organization or NGO; government agency; land appraiser) may help to identify eligible PAPs.
- iii. **Documentation and verification of land and other assets:** governmental authorities at both national and local levels, community elders and leaders, and representatives from the project will arrange meetings with PAPs to discuss the compensation and appraisal process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for the monitoring of impacts. This information ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). These Compensation Reports will be regularly updated and monitored.
- iv. **Compensation and appraisal:** all types of compensation will be clearly explained to the individuals and households involved. These refer specifically to the basis for valuing the land and other assets. Once such appraisal is established, the Authority will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. **Table 4** below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.
- v. **Community payments:** most sub-projects do not normally take land or other community assets, however should this occur, the community (as a whole) will be compensated as the land or assets on communal lands are owned by the community, not individuals. When there are individual assets or lands within the communally owned lands, those individuals will be compensated

proportionate to the losses when not overlapping. This can be in the form of the reconstruction of the facility (in case of damages) or replacement at least the same standard better, as required by local planning regulations. Examples of community compensation are: expansion of grazing grounds; rehabilitation of school buildings, public toilets, and health facilities; installation of wells or pumps; establishment of market places; and reconstruction of community roads.

- vi. **Grievance mechanisms:** ideally, grievances will be settled amicably through discussions with the PAP in the presence of elders, local administration representatives or any locally influential personality. The following are description of the grievance mechanism available so far in the project areas for the perspective of practices on the ground:

5.2 Dispute Resolution and Grievance Mechanism (DEGM)

5.2.1 World Bank Group (WBG) Grievance Redress Service

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

The major figure in conflict resolution was the Tribal Leaders (Native Administration) Nazirs of different tribes. He is the ultimate leader of the tribes and the superior representative of the community to the Government. In the past the Sultan/Nazir/Mek played a much stronger role in processing mediation and solving inter tribal disputes in an amicable way. The Sultan had the ultimate word when it came to the resolution of land dispute. In addition the Omdas and Sheikhs were responsible to solve conflicts within a single tribe. However, this system has suffered, as the power of traditional leaders has become eroded starting in the 1970s and increasing in the 1990s. Another factor, which hinders mediation of disputes, is the diversity of tribes and their specific rules and approaches to solve conflicts. The 'judiya' process had long existed and emerged as a key mechanism for managing grievances and inter-tribal conflict in the 1980s unlike formal or customary court proceedings, the judiya process is one of mediation between the parties, with a third, neutral party as arbiter (ajawid). Usually the proceedings deal with both the cause of the dispute and the damage (including loss of life) incurred during the conflict itself and recommends a solution to the original cause and restitution and compensation.

Traditional Conflict/Grievance Resolution Mechanisms (Mediation): Customary system of dispute resolution of Intra-tribal conflicts is just as frequent as inter-communal conflicts. In the past, and in case of disputes arising out of farming or cattle herding, tribes used to settle these problems through their tribal committees, whereby the damage is assessed at the local level, and the delinquent then pays compensation. This was very important, and the decision was voluntarily adhered to. Land settlement schemes are usually accompanied by some grievances that, if not properly addressed, can result in unreceptive attitudes by those affected by the changes demanded by the implementation process. Grievances normally emanate from weakening of the customary tribes' power structure through conflict over land and resources. Most of the promulgated laws on land carry clauses call for just and equitable treatment of affected groups. As conditions differ from one case to another, judgments are made with the spirit of the law. This responsibility is entrusted to a local body in the form of a committee or commission as below⁶.

⁶ All routes identified and agreed upon after a long process of consultation and consensus of all stakeholders including stake and non-stakeholders, and supported by letters signed by State Governor or designated body such as ministry of agriculture.

In the absence of an administrative body that handles disputes, any complaints related to compensation shall be submitted to the East Sudan TSI Coordination Agency which is in charge of the project management and implementation of project activities on behalf of Kassala State Government MFEL. If the ESTSI-CA failed to provide a solution to the complaint, the aggravated party can submit the complaint to the State government through the project's state level steering committee called the Technical Working Group (TWG), headed by the Minister of Finance and comprising members of all concerned bodies. Other local committees within the state may also be involved in implementation and compensation or resettlement if the administrative organ to hear land grievances has not yet been established.

Customary institutions have historically been used to resolve local land disputes. In the northern region, local chiefs or sultans commonly resolve minor disputes. Matters can be taken to the native administration or be heard by customary courts, which are staffed with traditional leaders such as sultans, *Omdas*, and sheikhs serving as judges. These courts enforce customary law consistent with statutory and Shari'a Law. The customary court can refer cases to the formal court system; however, chiefs and sub-chiefs in many areas continue to arbitrate family disputes over land and disputes arising with the community. Appeals can be taken to a higher executive chief or regional customary court, but because customary laws vary among regions and ethnic groups, the customary tribunals have limited ability to resolve complex, multi-party disputes and lack jurisdiction over third parties. In many rural areas throughout the country, customary institutions manage land allocation. Community members have a right to access land to use as residence or for farming. Traditional leaders have the authority to allocate land to members of the community. In areas with available land, those in need of land may clear and use unoccupied land; in more densely populated areas, land is most commonly obtained by inheritance. If someone leaves an area, the traditional leaders usually reallocate the land.

Most land use conflicts in Eastern Sudan used to be resolved locally with no involvement of government authorities. The native administration chiefs, at all levels (Nazir, Sheikhs and Omdas), were actively involved in the resolution of conflicts in the past. However, the abolition of the Native Administration by the government since the early 1970s has weakened the position of tribal leaders and their ability to control land conflict situations in their tribal areas. However, the tribal leaders continued to participate informally in the resolution of tribal conflicts, and the government has recently passed a law to reactivate the Native Administration apparatus (the Nazirs, Sheikhs and Omdas) as a means for soliciting popular support to government policies, and for achieving participatory resolution of conflicts of the different tribal groups. The *Nazirs* and other tribal dignitaries are appointed by the government as members of the National Assembly (the Parliament) and are represented in state level legislative bodies.

The existing conflict resolution mechanisms in the targeted communities are in the form of sub-committees of the community development committees overseeing the local implementation of SLDP activities. The memberships in these sub-committees are assigned to the elder and charismatic members. In the cases when conflicts become difficult to be resolved informally by members of the conflict resolution committee, the matter will be raised to the community development committee, and may be passed by the community development committee to the local tribal chiefs or to Sheikh or to the Omda if one is present, and in certain locations to the Nazir of the tribe to make an informal ruling in the matter. If the conflict becomes so difficult to resolve locally through the informal conflict resolution apparatus, the one feeling the grievance can resort to filing a law suit (but this rarely happens) people of good will usually intervene to settle the matter peacefully. Thus, these traditional mechanisms, known to target community members, is an alternative conflict resolution channel for conflicts relating to the project apart from the formal project-led process of reporting grievances to the ESTSI-CA, TWG, and the possibility of a formal court proceeding.

Nature of Grievance Mechanism Traditional and Native Administration

Four Nazirs of the main tribes of Eastern Sudan live in Kassala state. These tribes are the Hadendawa, Beni Amir, Halanga and Rashaida. A deputy known as a wakeel represents the Shukriya Arab tribe. Other tribal groups that are not Hadandawa but that come under its administrative umbrella include the Hausa, Keilab, Artiga and the Amarrar. Most of the nomadic tribes in Kassala have their own hierarchy and administrative system. For example, the Hadendawa use a four-tier system in which the Nazir remains the highest authority while the sheikh presides at the village level. Due in part to the size of the geographical area (dar) ruled by this Nazirate, the scattered nature of settlements, and the many branches of the Hadandawa tribe, it uses a relatively large system of administration compared to other groups, involving some 750 people. In contrast to this, tribes like the Beni Amir are more concentrated and centralized in terms of composition. Historically, the tribal or Native Administration system played a paramount role in social life, maintaining law and order, collecting taxes on behalf of government and providing social guarantees that supported food management, crisis prevention, and the resolution of conflict.

The institutions of tribal leadership continue to exercise power in the social sphere, functioning as an important focal point for conflict resolution and community mobilization. Nonetheless, the role of Native Administration diminished rapidly once it was formally dissolved in the 1970s by the Nimeiri regime. Control in this sphere has also dwindled over the past three decades due to the loss of livestock due to drought in the 1980s as well as financial resources such as salaries, taxes, and the fines provided by the of Native Court system. Without these financial resources the capacity of tribal leaders to assist their followers and maintain associated customs has diminished. This erosion of the wider assets base reduced the number of options available to tribal leaders, undermining traditional coping mechanisms, and further jeopardizing their authority. Most recently, the expansion of education and the emergence of a new educated elite has seen an increasing number of actors challenge tribal elders for popular support. In these struggles, superior access to state and INGO resources has often proved decisive, at times leading to tribal friction and disputes.

In the past decade, the politicization of the Native Administration and decision by the ruling party to merge several Nazirates, particularly in areas where the regime is unpopular, has led to the loss of yet more support for tribal leaders and, in some cases, to the total collapse of authority. Many people who joined the eastern rebel groups in the 1990s held poor tribal leadership and harmful government practice to be equally responsible for their continued marginalization and the widespread underdevelopment of the region. Nonetheless, structures of Native Administration remain an important resource in the fields of conflict pre-emption and resolution as well as natural resource management. Clarification of the laws and practices relating to tribal leadership, are important first steps towards the realizing this potential.

The conflict resolution mechanisms in the targeted communities are in the form of sub-committees that with others form the community development committees overseeing the local implementation of SLDP activities. The memberships in the conflict resolution sub-committees are usually assigned to the elder and charismatic members. In the cases when conflicts become difficult to be resolved informally by members of the conflict resolution committee, the matter will be raised to the community development committee, and may be passed by the community development committee to the local tribal chiefs or to Skeikh or to the Omda if one is present, and in certain locations to the Nazir of the tribe to make an informal ruling in the matter. If the conflict becomes so difficult to resolve locally through the informal conflict resolution apparatus, the one feeling the grievance can resort to filing a lawsuit (but this rarely happens) people of good will usually intervene to settle the matter peacefully.

Beja inter-tribal conflict prevention, management, and resolution mechanisms:

In the case of armed conflict resulting in murder, traditional leaders' "*majlis*" mediation acts to calm an immediate situation and prevent further escalation. It intervenes through sheikhs and omdas to apologies and the omdas, sheikhs and probably the nazir or nazirs mediate to first get gullad (word of honour) from the tribe of the deceased that it will not take revenge and will abide by a truce (wagab). Until such

undertakings are received, the omdas and sheikhs would insist that the burial of the murdered tribesman would not take place. According to custom it is considered inappropriate and socially unacceptable to refuse the solutions put forward by tribal leaders mediating the conflict.

The mediation of sheikhs, omdas and nazirs of other tribes conducted immediately after the case, is tantamount to the recognition of the right of the injured tribe to an apology and a demonstration of respect, to which the injured tribe normally responds positively. The injured tribe usually gives gullad and accepts the truce, thus averting the danger of further violence. The issue of murder is contained and kept as between individuals. In the traditional settlement of such a dispute, majlis (conference) is convened to look into the case. The majlis is composed of omda, mashaykh and a wise elder from each tribe or sub-tribe called sorknab, together with the parties to the dispute and other interested members of the tribe. The sorknab is normally experienced in dispute and conflict resolution and has the ability to cite wise sayings and verses to remind the conflicting parties of the virtues of reconciliation, tolerance, and forgiveness.

In addition, notables, neutral parties and men known for their wisdom who enjoy the respect of all parties, attend the majlis. The presence of a nazir, sheikh, or omda from another tribe is especially valued and helps parties to the dispute come to a solution and adheres to it. The first issue the majlis considers is whether gullad has been respected. Although all parties concerned attend the majlis, their omda or sheikh presents their case and arguments.

The process of reconciliation starts and dialogue between the two disputant parties is conducted indirectly through their omdas and sheikhs. Parallel talks outside the majlis chamber are normally conducted between the parties to the dispute and their tribal leaders on the one hand and the mediators on the other. Then each party's arguments are presented indirectly to the majlis through their tribal leaders who act as representatives, and modify the positions originally held, in accordance with the broader interests of the tribe and sub-tribe relative to other groups. The process continues until compromise and a resolution acceptable to all parties is reached. Cases usually end with reconciliation and forgiveness, which is the aim of the tribal leaders. Such a successful outcome demonstrates the tribal leader's influence among his community and also enhances his position among other tribal leaders. It also enhances his reputation and ability to mediate successfully in future, at all levels of Beja society. The granting of forgiveness in one instance would also involve reciprocal obligations in future cases (the tradition of salif).

The indigenous mechanism of conflict prevention started to function to contain the situation at an early stage, before matters could get out of hand. Nazirs, omdas and sheikhs intervened and involved tradition to prevent, manage and resolve the conflict. Gullad and taiweg (word of honour and commitment) were secured from the Guraieb not to proceed with the construction of the huts. A wagab not take any action was also obtained from both sub-tribes until a majlis could be convened (freezing and postponing the problem to a fixed future date) to discuss the problem and reach a peaceful solution. The majlis was held and both parties presented their arguments. At the conclusion of its deliberations the majlis, composed of tribal leaders and wise men, passed a verdict that the land was the Henseilab's and that the Guraieb tribesmen had no right to erect the huts. Both parties accepted this verdict and the dispute was peacefully settled. In all the steps taken, respect for salif tradition by the two parties to the dispute was decisive. This is part of the culture, values and traditions that are inseparable from the rest of Beja social, economic and political life as it has evolved to deal with an inhospitable and difficult environment.

Communities Development Committees (CDCs)

Minor conflicts in the form of complaints have occurred in the piloting locations concerning the mode of operation adopted by the SLDP management in the current phase in procurement and delivery of the livelihood support items. When occurring, complaints get expressed to the *community facilitators* (the coordinators representing the community development committee in the different village clusters) who in turn pass the complaints to the community development committee, and the latter passes the complaints to the SLDP staff to take action. Rare was there a need felt by the community development committees to involve the local conflict resolution bodies in settlement of the disputes that exist, with little exceptions. No conflicts were reported to have occurred between the IDPs and home community members, seemingly

because most of the selected villages are either populated mostly by IDPs or mostly by host community household members. The ethnic composition of the population in each of the selected villages, with the exception of one, was found to be homogeneous. That might be the reason for not airing complaints. The CDCs consist of native administration, locality, women, youth, IDP, and host community representatives.

Table 3: Entitlement Matrix

The following table describes the entitlement for project affected persons for loss of assets, land and livelihoods based on the Sudanese national legal frameworks and the World Bank Operational Safeguard Policy OP4.12 provisions. The descriptions in this entitlement matrix will be used to prepare a resettlement action plan or livelihood restoration plans when needed. As the entitlement matrix may not be comprehensive, whenever the World Bank’s policy on involuntary resettlement sets standards which are more advantageous to project affected people, additional measures will have to be taken to meet those standards, likewise the ones explained below.

Land/Assets	Type of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural Land	<ul style="list-style-type: none"> - Cash compensation for affected land equivalent to market value - Less than 20% of land holding affected - Land remains economically viable. 	<ul style="list-style-type: none"> - Farmer/title holder - Tenant/lease holder 	<ul style="list-style-type: none"> - Cash compensation for affected land equivalent to replacement value -
	<ul style="list-style-type: none"> - Greater than 20% of land holding lost - Land does not become economically viable 	<ul style="list-style-type: none"> - Farmer/title holder - Tenant/lease holder 	<ul style="list-style-type: none"> - Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice - Land for land replacement will be in terms of a new plot of land of equivalent size and productivity with a secure tenure status at an available location acceptable to PAPs - Transfer of land to PAPs shall be free of tax, registration or other fees
	Crop production affected	Farmer/title holder Tenant/lease holder/ Squatter	<ul style="list-style-type: none"> - Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.
Commercial Land	<ul style="list-style-type: none"> - Assets used for business severely affected - If partially affected, the remaining assets become insufficient for business purposes 	Title holder/business owner	<ul style="list-style-type: none"> - - Land for land replacement or compensation in cash according to PAP’s choice. Land for land replacement will be provided in terms of a new plot of land of equivalent size and market potential with a secured tenure status at an available location acceptable to the PAP. - Transfer of the land to the PAP shall be free of taxes, registration or other fees - Relocation assistance (moving costs + allowance) - Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person (who may be the lease holder)	<ul style="list-style-type: none"> - Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. - Relocation assistance (moving costs) - Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.

Residential Land	<ul style="list-style-type: none"> - Land used for residence partially affected, limited loss - Remaining land viable for present use. 	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<ul style="list-style-type: none"> - Land for land replacement or compensation in cash according to PAP's choice - Land for land replacement shall be of minimum plot size acceptable under the zoning laws or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status - When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value - Transfer of the land to the PAP shall be free of tax, registration, or other fees - Relocation assistance (moving costs + allowance)
	<ul style="list-style-type: none"> - Land and assets used for residence severely affected - Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws 	Rental/lease holder	<ul style="list-style-type: none"> - Refund of any lease/rental fees paid for time/ use after date of removal - Cash compensation equivalent to 3 months of lease/rental fee - Assistance in rental/lease of alternative land/ property - Relocation assistance (moving costs + allowance)
Buildings and Structures	<ul style="list-style-type: none"> - Structures are partially affected - Remaining structures viable for continued use 	<ul style="list-style-type: none"> - Owner - Rental/lease holder 	<ul style="list-style-type: none"> - Cash compensation for affected building and other fixed assets, taking into account market values for materials - Cash assistance to cover costs of restoration of the remaining structure - Cash compensation for affected assets -
	<ul style="list-style-type: none"> - Entire structures are affected or partially affected - Remaining structures not suitable for continued use 	Owner	<ul style="list-style-type: none"> - Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location acceptable to the PAP. Compensation should take into account market values for structures and materials - Right to salvage materials without deduction from compensation - Relocation assistance (moving costs + allowance) - Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/lease holder	<ul style="list-style-type: none"> - Cash compensation for affected assets (verifiable improvements to the property by the tenant) - Relocation assistance (moving costs + allowance equivalent to four month rent) - Assistance to help find alternative rental arrangements - Rehabilitation assistance if required (assistance with job placement, skills training)
	Squatter/informal dweller	<ul style="list-style-type: none"> - Cash compensation for affected structure without depreciation, taking into account market values for structures and materials 	

			<ul style="list-style-type: none"> - Right to salvage materials without deduction from compensation - Relocation assistance (moving costs + assistance to find alternative secure accommodation, preferably in the original community of residence) - Alternatively, assistance to find accommodation in rental housing or in a settlement scheme, if available - Rehabilitation assistance if required (assistance with job placement, skills training)
		Street vendor (without title or lease to the stall or shop)	<ul style="list-style-type: none"> - Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or relocation stipend, whichever is higher. - Relocation assistance (moving costs) - Assistance to obtain alternative site to re-establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)

PART VI: IMPLEMENTATION SCHEDULE AND COSTS

At this stage, specific sites have yet to be determined, and as such only an estimated number of PAPs is available. Once these have been ascertained a finalized itemized budget can be submitted for World Bank approval. This RPF refers only to an estimated number of PAPs. An indicative RAP budget outline can be found in **Table 4** below.

Table 4: Indicative Outline of a RAP Budget

Asset Acquisition	Amount/Number	Total Estimated Cost	Agency Responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

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

The SPU will determine an appropriate Resettlement Budget, which is usually financed in-country through the administrative and financial management rules issued by the Government of Sudan. The State Government of Kassala will allocate funds required for compensation for affected land, assets and livelihood restoration when needed.

PART VII: RPF Implementation Institutional Arrangements

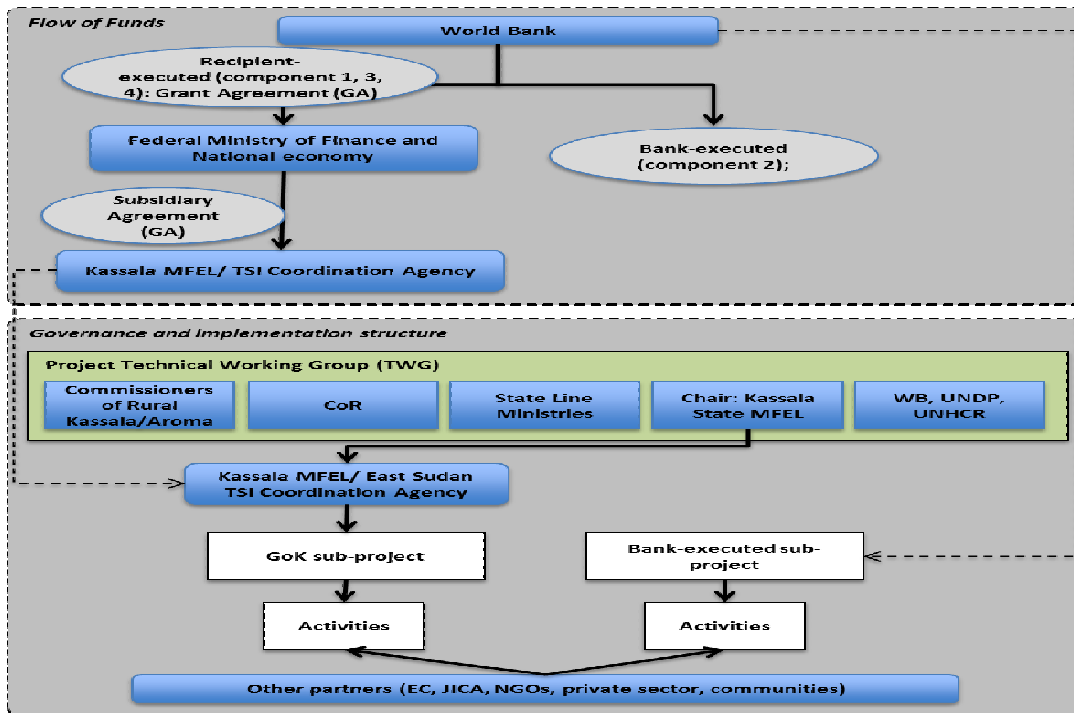
The implementation of the RPF will follow the SLDP2 project implementation arrangement. Implementation arrangements will continue from SLDP Phase 1. One grant agreement will be signed for the implementation of components 1, 3 and 4 with the MoFEP, which is the Bank's counterpart in Sudan. MoFEP would then sign a Subsidiary Agreement (SA) with the Kassala State MFEL. MFEL will be responsible for overall project execution and coordination through the East Sudan Transitional Solutions Initiative Coordinating Agency (ESTSI-CA) that has been recruited in Phase 1 and functions as the State Project Unit (SPU). The SPU will undertake the day-to-day operations of all recipient-executed activities under the SLDP2.

The project will maintain government oversight arrangements from Phase 1, including the state-level Technical Working Group (TWG) in Kassala, chaired by the State MFEL, and Federal Advisory Board (FAB) in Khartoum. These two bodies function as project steering committees, formed to ensure regular consultation with partners and governmental oversight. The TWG will include representatives of the state ministries participating in the project, the Commissioners of target localities in Kassala, and Humanitarian Aid Commission (HAC). The TWG will meet at least on a quarterly basis or more frequently as required by the project. The FAB will meet at least semi-annually or more often as required by the project.

With regards to staffing, the ESTSI-CA will retain the grant-funded positions from phase 1, an Operations Officer and a Monitoring and Evaluation/Communications Specialist, adding a Livelihoods Officer due to the increased coverage. The State Government of Kassala will second one accountant to East Sudan TSI Coordination Agency and provide support staff as required from time to time. At the Khartoum-level, the Project Coordination Unit (PCU) will be retained, comprised of the following grant-funded positions: Program Coordinator, Finance Officer, Procurement Officer, and **adding an Environmental Specialist to technically oversee environmental and social safeguards issues**. The PCU positions will be shared and co-financed with the Sudan Peacebuilding for Development Project (SPDP) for as long as SPDP is effective. The Program Coordinator reports to the head of the Directorate for Planning and Development, MFEL, and works under the overall supervision of the World Bank TTL.

For the flow of the recipient-executed funds, MoFEP is the main recipient, which then in turn will transfer the funds to the East Sudan TSI Coordination Agency on behalf of Kassala State MFEL for project management and project activities. The diagram below depicts the flow of funds and implementation structure expected to continue into phase 2.

Diagram 1: Flow of Funds and Governance and Implementation Structure



Execution of project activities will be as far as possible sub-contracted to local organizations and consultants. The project will provide adequate support and capacity building to ensure that implementing partners can perform their activities in a manner compatible with World Bank procedures and standards.

PART VIII: PUBLIC CONSULTATION AND DISCLOSURE PLAN

Summary of Public Consultations for RPF

In preparation of the Resettlement Policy Framework, public consultations have been held with key stakeholders with the aim of and receiving feedback on SLDP project design and gaining specific insight on priorities on resettlement practices. Consultations were held at the federal and state levels with key line ministries, public offices responsible for land management and administration, NGOs, CBOs, and phase 1 and 2 target communities. A full account of these consultations can be found in Annex 7 of this document. In summary, the following themes have been taken into consideration as a result:

Concerns and Fears

- The meetings with authorities concluded that the land issues at such a small scale as proposed by SLDP is not a big issue in the state, if so it will be handled through participatory planning and common understanding between the state and the communities through Community Development Committees (CDCs).
- At the community level, involuntary resettlement as it relates to SLDP proposed activities is not considered to have an adverse impact. Project beneficiaries (past and future) assure that this project will bring benefits to their communities, and prevent conflicts. CDCs confirm their willingness to play a role in handling land issues related to project activities and allotment issues peacefully. The CDC representatives will sign an agreement on the implementation of small works with locality and state authorities after intensive consultation with their constituencies.
- The prospect of the benefits of the project attracting more people to the project area and thereby creating a stressful population dynamic was discussed. Generally, this was seen as less of a concern amongst potential target communities. Barring extreme circumstances, community members interviewed feel strongly that there will be no more exchange of people from their native land to the IDP camp. The same is felt to hold true for other people living in the immediate area, who would not begin to consider moving to an IDP camp due to SLDP's activities.

Prospects and Recommendations

- Before mobilizing financing or beginning activities in target communities, the project must ensure that the communities have fully absorbed and understood the objectives of the project. The project must sensitize communities and ensure full participation from communities. This will be key to underpinning efforts at ensuring a 'do no harm' approach to implementation.
- Similarly, a comprehensive spectrum of government institutions with stake in land management activities in the state must be involved in SLDP implementation from 'day 1,' including locality government.
- Land compensation issues with regards to involuntary resettlement is the official responsibility of the state government. The compensation is payable either in cash or in kind. However, the practice of cash compensation is rare in cases of lands acquired in the course of stock route demarcation, the most common practice is in -kind compensation usually allotment of an alternative piece of land.
- SLDP is further recommended to focus on "soft" work in raising awareness and building capacities to manage the environment sustainably.
- A rights-based approach to land related to Community small works and livelihood process could involve a number of possible types of action, either already incorporated in project design or to be considered during implementation:
 - Reform of land policies and legislation to strengthen the rights of the poor, the landless, women, or other marginalized groups.
 - Promoting inclusive policy debates and consultation in relation to legislative drafting.
 - Making legal provision to capture or formalize legitimate customary rights in formal law.

- Strengthening organizations that represent the poor or advocate for land rights on behalf the poor – community based organizations (CBOs) and NGO Land Alliances.
- Instituting local arrangements for land administration and systems for resolving land disputes that are accessible and transparent to the poor.
- Participatory natural resource management arrangements that enable access by the poor to vital livelihood resources.
- Rehabilitation and maintenance of pasture in the various ecological zones and adoption of rational use to ensure sustainability and continuous access to markets;
- Ensure the effective role of traditional institutions, voluntary and public organization in the pastoral resources management
- Compensating for losses incurred and disrupted incomes and livelihoods; and ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and welfare.
- Establishment of Livelihood and food security forum
- Technical capacity of Line ministries and institutional support
- Formation of TWG and technical support
- All the project activities based on applied research
- Adoption of participatory approach as well as conflict sensitive planning
- Arabic Translation of the project document and wider dissemination of the project objectives as well as intensive consultation process
- ESMF checklists and tools will be followed before implementation of activities
- Building, alliances, network and partnerships with concerned development actors
- Environmental awareness program which capitalize on the lessons learned from other development actors
- Provide agricultural inputs and extension services
- Provision of micro grant and microfinance for the pastoralists and farmers
- Training of unemployed youth and support them with startup fund
- Training of Women on Cheese industry, handicrafts, etc.

Public Consultations Process: Resettlement Action Plan

Public consultations in relation to the RAP if needed, will occur at all stages, starting with the planning stage, when the potential lands and alternative sites are being considered. A participatory approach is adopted as an on-going strategy throughout the entire project cycle as in the attached annex 7.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted from the outset through the conduction of surveys, and through the monitoring and evaluation of implementation. For maximum outreach, consultation methods will take into consideration literacy levels of individuals in the affected communities; ethnicity and cultural aspects; and practical conditions. The role of traditional leaders such as community elders in the consultation process will be vital; the RAP team will, therefore, ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

Data collecting phase: consultations during the baseline survey and social assessment are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers associations, individuals who own farms, fishing boats, etc, as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing a community baseline.

Implementation phase: during implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important, as a

dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

Monitoring and evaluation phase: PAP representatives will participate in workshops at mid-term and at the end of RAP implementation. To the extent possible, the RAP should include social accountability tools like citizen report cards to assess the quality of RAP implementation, and in some cases, assist the RAP team in tracking expenditures. The latter would be significant in helping PAPs with money management and restoring their livelihoods.

PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing of the RAP, PAPs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

PART IX: MONITORING AND EVALUATION

The RAPs will be prepared by the East Sudan TSI Coordination Agency which is in charge of the project management and implementation of project activities on behalf of Kassala State Government MFEL if needed. The ESTSI-CA will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impact on affected individuals, households, and communities to be maintained at their pre-project standard of living, or better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP will isolate the specific indicators to be monitored, define how they will be measured on a regular basis, and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process).

The SPU will establish a reporting system for the sub-project RAP that will:

- i. Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP related activities;
- ii. Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels (e.g. by the PIU);
- iii. Document completion of PAP resettlement and compensation, including all permanent and temporary losses;
- iv. Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihoods; and
- v. Identify mitigation measures, as necessary, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

The East Sudan TSI Coordination Agency will initiate an independent impact evaluation (social Audit) which will determine if compensation payments have been completed in a satisfactory manner; and if there are improvements in livelihoods and living conditions of PAPs.

Several indicators are used to measure these impacts. These include, among others, a comparison of income levels before and after; access to livelihoods and employment; changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of children in school (compared to pre-RAP levels); changes in health standards; and changes in access to markets or roads – all of which may reflect overall improvements in standards of living.

The following methods will be used for measuring impacts:

1. Questionnaires with data stored in a database for comparative analysis (before/after and with/without);
2. Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
3. Relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments;
4. Number of grievances and time and quality of resolution; and
5. Ability of individuals and families to re-establish their pre-resettlement activities, in terms of improvements in land and crop production, and/or presence of other alternative incomes.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes regular updates on the following:

1. Number of sub-projects requiring preparation of a RAP;
2. Number of households and individuals physically or economically displaced by each sub-project;
3. Length of time from sub-project identification to payment of compensation to PAPs;

4. Timing of compensation in relation to commencement of physical works;
5. Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in-kind);
6. Number of people airing grievances in relation to each sub-project;
7. Number of unresolved grievances.

The PCU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PCU, to determine the final cost of RAP implementation. The indicators in **Table 5** can be used to monitor implementation of the RAP.

Table 5: Indicators of RAP Impacts

Number of compensation (and appraisal) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed Quality of grievances or disputes resolved	Quality of grievances or disputes resolved
Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal/improved production per affected household/homestead

Annual audit

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed, as well as an assessment of efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines.

Socio-Economic Impact Assessment

The purpose of socio-economic assessment is to ensure that PAP living conditions and livelihoods have improved as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of community development activities. Monitoring of living standards will continue after resettlement. A reasonable period (usually two years) must be established for monitoring post resettlement impacts. A number of indicators will be used for measuring status of affected people. Most socio-economic assessments use surveys, focus groups, and participatory appraisal tools for measuring impacts. A separate assessment must be made for each sub-project. Additionally, since a baseline household survey was completed during RAP preparation, the final RAP assessment will help to measure changes from this baseline.

Disclosure

For meaningful consultations and participations between the SLDP2 and PAPs and concerned stakeholders on the proposed project on the ground investment activities the implementing entity provides relevant material in a timely and culturally appropriate manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. This approach is useful to facilitate awareness among relevant stakeholders that the information is in the public domain for review.

This local release should occur in a reasonable timeframe. All the approved RAPs if needed and prepared are required to be published on the websites of the relevant implementing entity as per the timeline based on the scope of impact. The document will also be disclosed after in country disclosure at the World Bank Infoshop.

ANNEX 1: World Bank Resettlement Policy Framework (RPF)

[What follows is an excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP / BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects. Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

Resettlement Policy Framework

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subproject to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paragraphs 23-25).

In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects²⁶ that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this Policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs above, the Bank may agree, in writing that sub-project resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)

[What follows is an outline for a RAP extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website.⁷]

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context. A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

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

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

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

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

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

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project; (iii) Public infrastructure and social services that will be affected; and (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

⁷ <http://go.worldbank.org/JG37U0DYC0>

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

Site selection, site preparation, and relocation: Alternative relocation sites should be described and cover the following:

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

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

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

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

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

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

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

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

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

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

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

Monitoring and evaluation:

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

ANNEX 3: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number) **Contact Information:**
_____ (Village; mobile phone)

Nature of Grievance or Complaint:

Date **Individuals** **Contacted Summary of Discussion**

Signature _____ Date: _____

Signed (Filer of Complaint): _____

Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary of Conciliation Session Discussion:

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____

Independent Observer

_____ Date:

ANNEX 4: Sample Table of Contents for Consultation Reports

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- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders

- 2.0 Stakeholder Analysis
 - 2.1 Areas of Influence/Stakeholders
 - 2.2 Description of Stakeholders

- 3.0 Stakeholder Engagement
 - 3.1 Previous Consultation Activities
 - 3.2 Implemented Community Engagement Activities
 - 3.3 Project Sponsor’s Community Engagement Plan
 - 3.3.1 Phase 1 – Initial Stakeholder Consultation
 - 3.3.2 Phase 2 – Release of the SEA Terms of Reference and Draft PCDDP
 - 3.3.3 Phase 3 – Release of SEA Consultation Summary Report

- 4.0 Summary of Key Issues
- 5.0 Future Consultation Events
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 - 5.2 Phase 5 – RCDAP Planning Consultation
 - 5.3 Phase 6 - Ongoing Project Communication

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Tables

Table 2.1: Consultation Activity Summary

Table 3.1: Initial Government Agency Consultations

Table 3.2: Summary of NGO Meetings

Table 3.3: Sub-County Committee Composition

Table 3.4: Summary of Community Discussions

Table 3.5: Local Community Comments

Table 4.1: Summary of Key Issues and Responses

Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

ANNEX 5: Glossary of Terms

Census:	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
PAPs or DPs	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of EASP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	The impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
PCU	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.

Replacement Cost	Refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Sudanese laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Sudan to acceptable market appraisal or from an assessment from the Land Commission and government value.
RAP	This is the resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
RPF	The RPF is an instrument to be used throughout the project implementation. The RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Witness NGO	Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.

ANNEX 6: Relevant Laws

1. **The Land Ordinance, 1899** recognized and started registering as private property the continuously cultivated lands in northern and central Sudan
 2. **The 1905 Land Settlement Ordinance** made general provision for the settlement and registration of claims to lands which were, or were alleged to be waste, forest or unoccupied and added the important provision that all such land should be deemed the property of the government unless claims to the contrary were proved.
 3. **Native Disposition of Lands Restrictions Ordinance, 1918, 1922** by which the colonial government sought the ‘protection’ of the native private landowners from dispossession by expatriates.
 4. **1920 Declaration on Gash**, which stated that: the whole of the land situated in the delta of the River Gash is government land and the government reserves its full rights of ownership of land and the flow of the river through the area declaring the full rights and control of government over the delta
 5. **The 1925 Land Settlement and Registration Ordinance** Title to land as tainted by the common law principles was classified into either free hold or lease holds ownership, which is individual rather than the traditional tribal ownership system.
 6. **The Gezira Land Ordinance, 1927**, the first instance of withdrawing usufruct rights on a large scale, which undermined further the position of wathiga-holders and provided for the ownership of all land in Gezira by the government.
 7. **The Land Acquisition Act, 1930**, paved further the way for government to acquire any “land subject to village or tribal rights” when it “appears that it is likely to be required permanently or temporarily for any public purpose”.
 8. The 1925 Land Settlement and Registration Ordinance: The Act is still in force and:
 - Details on how land rights are identified and registered
 - States that “all waste, forest and unoccupied land” shall be deemed to be property of the government until the contrary is proven
 - Deals mainly with urban land and agricultural land with infrastructure, exclusively confined to north and central Rivera in Sudan
 - Does not recognize individual land rights on the rain lands of Sudan (South Sudan, Darfur, Kordofan, Blue Nile, and East Sudan).
-
1. **The 1970 Unregistered Land Act:** Land tenure legislation since Independence differed only in superficial respects from the colonial legacy. The only significant difference for agro-pastoralists is perhaps that the national governments took the colonial legislation and policies to their logical conclusion. It was in 1970 when the first substantive national legislation on natural resources, the Unregistered Lands Act, was introduced and implemented indiscriminately all over the country, even in places (the South) that have or had no previous system of land registration. The legislation proved even more repressive and detrimental than the colonial ones. Article 4 (1) states that: *All land of any kind whether waste, forest, occupied or unoccupied, which is not registered before the commencement of this Act shall, on such commencement, be the property of the Government and shall be deemed to have been registered as such, as if the provisions of the Land Settlement and Registration Act, 1925, have been duly complied with.*
 2. **The Civil Transaction Act 1984:** The Act repeals the 1970 Unregistered Land Act, but is more comprehensive giving some details and guidelines for its practical implementation. The Act maintains the basic principles of usufruct rights but recognizes that registered usufruct rights are of equal status to registered ownership. The Act also considers the following issues that are important to securing land tenure:

- Transfer and inheritance of rights
- Compensation for land appropriated by the state
- Granting of land leases to cooperative bodies and communities
- Conditions for obtaining usufruct rights
- Possibility of registering easement rights (rights of way)

The Act legalizes elements of Sharia Law by recognizing the unregistered land rights (urf) while confirming the role of the state as a landowner and a land manager. According to the Act, *No court of law is competent to receive a complaint that goes against the interest of the state.*

3. **The Local Government Act 1998:** The Act was an attempt to restore the land administration vacuum at the local level created by the abolition of the Native Administration system in 1971. The Act confers important responsibilities to the States and localities (mahaliyya) and calls for:
 - Identification of territories of jurisdiction that reflect rural reality with the possibility of identifying territories of local governance that coincide with customary land management territories;
 - Setting and functioning of land management committees
 - Development of local bylaws for regulation of land management, including grazing lands and transhumance routes
 - Active and legal involvement of customary authorities and land users in land management
 - Accountability for proper land management

4. **Sudan 1998 Constitution,** based on the philosophy of federalism (adopted since 1992) provided for the rights and duties of the states over land and resource management; however, the division of powers remained unclear. According to the Constitution:
 - The States have competence to exclusive jurisdiction in relation to states lands, natural resources, animal wealth and wildlife resources.
 - The States are competent to exercise concurrent jurisdiction in relation to the environment.
 - The extent of jurisdiction and share of revenue out of land and forest resources will be defined by constitutional mechanism by federal Act.

5. **Pasture and Grazing related legislation:** The Civil Transaction Act is one of the few statutory legal provisions that provide regulating access to pasture land. The Act (Section 565) treats as “pasture” all fallow land in the country. Nevertheless it stipulates the right of government to impose temporal or spatial restrictions on grazing in these areas or to allocate land for grazing for the benefit of an entire community or for the protection of wildlife. The Act stipulates that:
 - All fallow land is pasture
 - State authorities may impose restrictions on grazing as to time and space
 - State authorities may allocate land for grazing for the benefit of the whole community and the protection of animal resources

6. **Chapter Three, Article 2.1 of the CPA** states that: *Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources.*
7. **Land, Natural Resources, Decentralization and Customary Law under the Interim National Constitution 2005**

Article: I. Nature of the State:

1-(1)The Republic of the Sudan is an independent, sovereign State. It is a democratic, decentralized, multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversities co-exist

Fundamental Bases of the Constitution

Article 4: This Constitution is predicated upon and guided by the following principles:

(a)The unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,

(b)Religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people

Environment and Natural Resource:

Article 11:

- (1) The people of the Sudan shall have the right to a clean and diverse environment; the State and the citizens have the duty to preserve and promote the country's biodiversity.
- (2) The State shall not pursue any policy, or take or permit any action, which may adversely affect the existence of any animal or vegetation species their natural or selected habitat.
- (3) The State shall promote, through legislation, sustainable utilization of natural resources and best management practices.

The Decentralization System of Governance:

Levels of Government:

Article 24: the Sudan is a decentralized State, with the following government levels

- a. The national level of government, which shall exercise authority with a view to protecting the national sovereignty and territorial integrity of the Sudan and promoting the welfare of its people,
- b. the state level of government, which shall exercise authority at the state level throughout the Sudan and render public services through the level closest to the people,
- c. Local level of government, which shall be throughout the Sudan.

Land and ownership: Right to Own Property

Article 43:

- (1) Every citizen shall have the right to acquire or own property as regulated by law.
- (2) No private property may be expropriated save by law for the public interest and with consideration for prompt and fair compensation. No private property shall be confiscated save by an order of a court of law.

Guiding Principles for Equitable Sharing Of Resources and Common Wealth

Article185 (8): the best known practices in the sustainable utilization, management, and monitoring of natural resources shall be adopted by the State.

Land Resources: Land Regulation

Article186:

- (1) The regulation of land tenure, usage and exercise of rights thereon shall be a concurrent competence, exercised at the appropriate level of government.

- (2) Rights in land owned by the Government of the Sudan shall be exercised through the appropriate or designated level of Government. All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, local heritage and international trends and practices.

National Land Commission

Article 187

- (1) Without prejudice to the jurisdiction of the courts, there shall be established a National Land Commission that shall have the following functions:
 - a) Arbitrate between willing contending parties on claims over land,
 - b) Entertain claims, at its discretion, in respect of land, be they against the relevant government or other parties interested in the land. The parties to the arbitration shall be bound by the decision of the Commission on the basis of mutual consent and upon registration of the award in a court of law,
 - c) Enforce the law applicable to the locality where the land is situated or such other law as the parties to the arbitration agree, including principles of equity,
 - d) Accept references on request from the relevant government or in the process of resolving claims, and make recommendations to the appropriate level of government concerning land reform policies and recognition of customary rights or customary land law,
 - e) Assess appropriate land compensation including monetary compensation.
 - f) Advise different levels of government on how to co- ordinate policies on national projects affecting land or land rights,
 - g) Conduct studies and record land use practices in areas where natural resource development occurs,
 - h) Conduct hearings and formulate its own rules of procedure,
- (2) The National Land Commission shall be independent and representative of all levels of government.
- (3) Membership, appointment, terms and conditions of service of the National Land Commission shall be regulated by law. The Chairperson of the National Land Commission shall be appointed by the President of the Republic, with the consent of the First Vice President.
- (4) The National Land Commission shall be accountable to the Presidency, which shall approve the budget of the Commission.

Hierarchy of formal and customary authority [UNDP 2007]

- Formal Customary
- Federal
- State
- Province (Commission) Tribe (Nazir, now Amir)
- Locality (*Mahalia*) Section (Omda)
- Village Clan (Sheikh)

Institutional chaos: ministerial restructuring:

- In the colonial era the management of range and water was integrated.
- In the immediate post-colonial period government prioritized water development in isolation from its impact on rangelands.
- Parallel to the abolition of the Native Administration there were repeated ministerial and departmental restructurings,
- The Range and Pasture Administration, for example, was separated from the Rural Water Development Corporation, after which co-ordination between the two has been ‘virtually non-existent’
- The Range and Pasture Administration occupies a marginal position within the Ministry of Agriculture and receives irregular and insignificant funding. While policy-makers appreciate the importance of livestock in supplying domestic and export markets, they do not appear to

appreciate the importance of sound management of the natural resource base which allows the export sector to flourish.

Annex (7): RPF Consultation Process:

The RPF ensures that any potentially adverse impacts of the proposed project activities are addressed through appropriate mitigation measures, in particular against potential impoverishment risks, land and asset losses. A participatory approach was adopted to initiate the consultation process. For this reason, the consultations started during the planning stages of the proposed SLDP-2 project when the technical designs were being developed. These consultation meetings were done with Government related bodies and local administration (customary) and the community at various phases and levels. The process, levels and summary of consultations is described below.

1. Federal Level Process:

3 meetings were conducted with Federal Ministry of Finance and Economic Planning, the Ministry of Environment and Physical Development (MEPD) and the Higher Council for Environment and Natural Resources (HCENR). This is in addition to big national consultative workshop attended by 38 participants from different line ministries and stakeholders including other key institutions at the national level include: Ministry of Tourism and Wildlife, Forests National Corporation of the Ministry of Agriculture and Forests, Natural Resources Administration of the Ministry of Agriculture and Forests, Desertification Control and Coordination Unit of the Ministry of Agriculture and Forests, the Ministry of Irrigation and Water Resources, National Population Council, HAC, Media, Environment Unit of the Ministry of Health, National Council for Strategic Planning. In these meeting the Environment strategy, land legislations and the issues related to compensation were discussed and reviewed. Based on the above constructive discussion, the following are the key recommendations and way forward:

- The government ensured its commitment in terms of counterpart fund.
- Involve the media and other civil societies, Woman Union, CBOs, and network for development in the project.
- Coordination with organizations working in the area to avoid overlapping
- Information sharing and dissemination mechanism
- Institutionalization of training and cross fertilization of knowledge
- Documentation of the project success stories as well as lessons of failure
- Organize state visits for government and CSOs related to the project as well as inter states exchange visits for the project staff

2. State Level Consultation meetings

January 30, 2014, one big consultation workshop was done at state level which were attended by 39 participants as per attached list from wide spectrum of project stakeholders in including government related line ministries such as Ministry of Finance, Ministry of Agriculture, Ministry of Physical Planning (State Water Corporation, Land and surveying departments), Ministry of livestock, Ministry of Social Affairs, Humanitarian Aid Commission, Judiciary. From CSOs including native administration, farmers Unions, Pastoralists Unions, Women and youth groups, Nomads network, Sudanese Environmental conservation society, SORD, UNDP, UNHCR, FAO, etc.

These consultation process created very good discussion around the following issues:



- Capacity Building training on Participatory planning
- Support indigenous early warning system
- Capacity building on conflict management and conflict sensitive planning
- Support extension services and environmental awareness
- Partnerships and coordination and building synergies is a key factor for peace building
- Support increase of agricultural productivity and animal production
- Assure Do-No-Harm approach
- Empower women economically to play positive role in peace building
- The land tenure issues need to be handled in participatory manner

Base Line Survey:

BL survey conducted for 30 communities, (IDPs), host communities and returnees) in the period of 22 January to February 2nd, 2014 under supervision of two WB consultants, and accordingly six communities were identified and agreed upon and supported by the Governor/Wali decree for official recognition. This is shows that the process of the community identification was owned by government and the communities.



- The results of the study findings was shared and disseminated widely with concerned stakeholders
- Capacity assessment study for government and other stakeholders took place on March, and accordingly results were shared widely with concerned bodies.
- Internally displaced population, gender and livelihoods study is ongoing.
- The project adopted DO-NO-Harm approach, by disseminating the results of base line survey in a big workshop attended by two Ministers, the discussion created by presentation of survey results indicated that the community is highly diversified, the discussion ended by inclusion of other two communities from New Halfa Locality to assure inclusiveness and no room for exclusion
- **Gender:** The gender dimension has been addressed through the project cycle since the stage of planning, 50% of SPU were females, 45% of the project beneficiaries will women as much vulnerable and disadvantages groups among both IDPs, returnees as well as the hosting communities

Consultation meetings

i. Meetings with State Governor (Wali).

The project has conducted 3 meetings during the period of Dec-2014, 2015 and 2016 with the States Governors of Kassala State. The meetings were culminated with signed letter shows the commitments of the state governments to handle any compensation matter to the proposed targeted communities. Governor's letter indicated very clearly the responsibility of the state to address the compensation for the land acquired. The compensation is payable either in cash or in kind. However, the practice of cash compensation is rare in cases of lands acquired in the course of stock route demarcation, the most common practice is in -kind compensation usually allotment of an alternative piece of land.

ii. Meeting with TWG:

During the period 2015-2016, 4 meetings were conducted with TWG members. The meetings concluded that the land issue is not a big issue in the state, if so it will be handled through participatory planning and common understanding between the state and the communities through CDCs.

ii. Meetings with Government Survey Departments: These consultations are included in the records of the State of Engineering Affairs Departments. This department sets the standards and norms for all surveying activities. It is responsible for maintaining and updating the cartographic basis, and provides training and guidance to state level survey authorities. It carries out surveying activities for agricultural investment projects that exceed 20,000 *Feddans*, and other strategic surveying tasks.

iii. Meetings with Government Agricultural Land Disposition Committees: This committee has the mandate for land allocation when this falls under the jurisdiction of the State. The Committee is composed of State level ministries and institutions. The representatives of these institutions respond directly to the State's Governor than to their respective federal line ministries. In committee meetings issues of farmers land that might be affected by the demarcation and form of compensation were s clearly discussed and guidelines spelt out. Each committee fixed the responsibility of land settlement on their local institutions such native administration, and farmers and pastoralists unions.

iv. Land Registration Office: This office maintains the descriptive part of all State-level registries in the Civil Court. The Government Agricultural Disposition Committee and the Land Registration Office work in close cooperation. At the time of implementation, it as too early for the land registration office to play a part. They will have a role when the Agricultural Land Disposition Committee makes the records of the new allotments available to it.

vi. Locality Commissioners:

21 The meetings chaired usually by the Locality Commissioners were the first step of commencing community small works in the Locality. These inter-departmental and institutional meetings included representation from locality heads of agriculture, livestock, range and pastures, forestry, the state water corporation. These meeting were conducted with the localities where the small works will be implemented. In this meeting a plan of action along with a responsibility matrix and timetable were drawn up. The subjects of these decisions included: the implementation program, community sensitization program, re-settlement of persons whose lands were taken over for project purposes, compensation and solution of problems related to the land settlement, sites of water location, sites of other small works, and demarcation of grazing areas en- route.

vii. Meetings with Native Administration, CDCs, Women, and Youth

3 meetings were conducted with native administration (Omdas) and the heads of CDCs, women union, and youth. The issues of resettlement plan was discussed and shared with them. All of them across all meeting assure that this project will bring benefits to their communities, and prevent conflicts. Since these meetings took place at the grass roots level all to take responsibility to handle land takeover and allotment issues peacefully. They CDCs representatives were decided to accept handle land issues related to the small works benefits. The CDCs representatives then will signed an agreement on the implementation of small works with locality and state authorities after intensive consolation proves with their constituencies. State-wise brief account of the meetings is provided below:

viii. Appraisal Consultation Workshop Outcomes

An appraisal workshop was held in Kassala on January 20, 2016 to consult with state stakeholders on the pilot phase of SLDP, and the proposed design and scope of phase 2. The State authorities attended it, service providers, NGOs, UN Agencies, Academia, and representatives of phase 1 and potential phase 2 target communities. Following presentations, the feedback received from the attendees can be summarized as follows:

- New communities targeted in Phase 2 can benefit from the experience of phase 1-target communities. It would be in the project's best interest to facilitate knowledge exchange between the communities. Leveraging and engaging educated youth in these communities can be particularly useful.

- SLDP's presence in phase 1-target communities should be phased out gradually. The project should not suddenly leave, so as not to create a shock and lose the gains achieved since the pilot first became effective towards the end of 2013. SLDP should consider leaving a staff member in their office specifically for monitoring phase 1 communities.
- A few members of SLDP phase 1 target communities requested that the project not leave abruptly and consider injecting grant resources into their already functioning benefit trans-passing systems in order to hasten the rate of revolving and reach more community members. They also expressed satisfaction with phase 1 intervention and willingness to support the project to mentor other communities.
- In addition to the thematic areas for project intervention mentioned in the presentation, water, health, nutrition, and education are areas in need of support in Kassala. This is needed. As evidenced in El Ginaid (a phase 1 target community), communities can manage water sources sustainably if supported with initial inputs.
- With regards to NRM, communities have indigenous knowledge on coping mechanisms to deal with their tough environmental conditions. SLDP is recommended to focus on "soft" work in raising awareness and building capacities to manage the environment sustainably, with minimal support to infrastructure projects such as check dams and other water harvesting techniques.
- Some communities display characteristics of dependency on international aid (monikered "relief syndrome"), they must be empowered to be drivers of their own development and be willing to contribute themselves. The project should avoid giving "free" aid.
- Before mobilizing financing to target communities, the project must ensure that the communities have fully absorbed and understood the objectives of the project. They should first meet with the previous target communities from phase 1 and receive training on their chosen livelihood activities.
- Localities must be involved in SLDP implementation from 'day 1.' The pilot phase did not adequately involve locality government structures when first selecting target communities, however the project corrected this once it was on the ground. Localities were invited to participate in mobilizing and training communities, and even had formal involvement in the procurement and delivery of livelihood assets to target communities. This should continue, b/c locality authorities can ensure fair distribution of project resources, have the most precise knowledge of communities in their districts, and can ensure success.
- Microfinance, and increasing community access to MF services, was mentioned as a possible vehicle for sustainability. A representative of Kassala Microfinance Institute (KMFI) requested the project to consider linking new target communities to microfinance from the very start, without providing grants from the project.
- Selection criteria were discussed a great deal, regarding the criteria used to select communities for assistance and individuals within those communities. Many attested to SLDP's transparent coordination and communication of criteria in this area during phase 1. Consultation with all levels of government and development partners was stressed. Northern localities, including Hamashkoreib and Telkuk, were recommended for targeting, cited as being in high need, affected by displacement from previous conflict, and receiving little to no aid. With reference to selecting beneficiaries within communities, a recommendation was made that those with livelihood activities that benefit the whole community beyond the individual should be given preference.
- The focus on natural resource management is essential to sustainability and impacts economic wellbeing. Communities need fertile soil and land to bolster their agriculture and livelihood activities. Environmental degradation has detrimental impacts.

The feedback received during the workshop contains positive signals that SLDP's objectives and design are relevant to the context of Kassala state. Embedded within the comments received are notions of CDD, capacity building, enabling and empowering communities, community exchange visits, partner consultations, and other fundamental characteristics of SLDP. Items mentioned and not already housed in the SLDP model, such as microfinance and financing pilot communities in phase 2, can be considered further. Supposing overall relevance of SLDP's design, which the workshop attendees appear to verify, the focus of phase 2 should be on strengthening the quality of results delivered by the project. Taking

capacity building as an example, phase 2 should find ways to innovate the planning, implementation, and monitoring of capacity building programs.

Community Consultation (Amara and Tajouj)

The mission visited two phase 1 target communities: Amara and Tajouj. The visits confirmed previously reported results on SLDP through presentations and anecdotal descriptions of livelihood projects undertaken by households, and the process by which the communities were mobilized to plan project interventions. The mission sought to focus on a) identifying areas for project improvement and b) gauge community opinions on the role and significance of sustainable natural resource management. The main areas for improvement mentioned were increased monitoring and technical support from the project. With regards to the environment, communities acknowledged the significant role it plays in their livelihoods. Deforestation, in particular, was mentioned as a damaging practice as well as brick making and the proliferation of mesquite trees in Kassala. The mesquite tree, which is ubiquitous along the terrain, siphons nutrients from the surrounding soil and has sharp thorns, which the communities attest cut their livestock, and exposes them to infectious diseases



Toglay

With due regard to the state government's request for project focus on northern localities, the mission opted to visit Toglay IDP camp in Rural Aroma locality, which is an SLDP target community in phase 2. A discussion was held with the community there. Toglay IDP camp is estimated to contain 800-1000 households. Most of the residents moved to Toglay in the late 1990s to early 2000s in flight from the Civil War and associated conflict in their native settlements on the eastern border with Eritrea. In Toglay, rain-fed agriculture along the Gash River, animal husbandry, and, to a lesser extent, trade activities are the primary means of income. Following the Comprehensive Peace Agreement in 2006, a sizable portion of Toglay's IDPs returned to their native villages. The community members interviewed feel strongly that there will be no more exchange of people from their native land to the camp. Barring extreme circumstances, the IDPs in Toglay presumably will stay for the foreseeable future due to the better availability of services in Toglay, and those who have returned will not come back. Toglay IDPs and host community residents are all from the Hadandawa ethnic group. The IDPs chose to concentrate in this area in order to stay under the hospitality of their ethnic group. Consequently, land ownership is not felt to be an issue. Each IDP household is given land through traditional systems and this form of ownership remains uncontested. Still so, the principles of the RPF are seen to be agreeable by the community. The camp has a clinic staffed by a few individuals. Medicine for children ages 5 and under is provided by the government, while other medicine is bought in local markets. The clinic services 10-15 patients a day on average. The most frequent maladies are malaria, diarrhea, eye problems, infections, and chest colds. The community also has an elevated water tank a distance away, wells, and a school with 4 classrooms and 3 teachers.



With respect to aid received, several international and local NGOs seem to have had interventions in the camp. The community claims that this aid stopped around 2012. The aid was mainly focused on providing humanitarian assistance in the form of staple foods, livestock, and other foodstuffs for food security. There was a project that also supported agricultural terracing. From the signage erected in the community, there appear to be one project currently active in the area, a Joint Resilience Program funded by UK Aid and implemented by WFP, FAO, and UNICEF. The community says the program has not yet started in Toglay, but they have been informed that it will. The visit afforded some valuable information. The level of poverty in the IDP camp is immediately clear, though the population in the camp do enjoy support from development agencies and modest access services (water, education, health). The interviewees as the top three priority areas for support rated poverty, education, and health. A question remains on whether the returnee populations that have returned to their lands from the IDP camps are in fact in more vulnerable situations than the IDPs and their host communities. This is an area to be further considered during project preparation and research studies, particularly when evaluating assessment criteria for phase 2-community selection.

Summary of the Consultation Process

A rights based approach to land related to Community small works and livelihood process could involve a number of possible types of action:

- Reform of land policies and legislation to strengthen the rights of the poor, the landless, women, or other marginalized groups.
- Promoting inclusive policy debates and consultation in relation to legislative drafting.
- Making legal provision to capture or formalize legitimate customary rights in formal law.
- Strengthening organizations that represent the poor or advocate for land rights on behalf the poor – community based organizations (CBOs) and NGO Land Alliances.
- Instituting local arrangements for land administration and systems for resolving land disputes that are accessible and transparent to the poor.
- Participatory natural resource management arrangements that enable access by the poor to vital livelihood resources.
- Rehabilitation and maintenance of pasture in the various ecological zones and adoption of rational use to ensure sustainability and continuous access to markets;
- Ensure the effective role of traditional institutions, voluntary and public organization in the pastoral resources management
- Compensating for losses incurred and disrupted incomes and livelihoods; and ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and welfare.
- Establishment of Livelihood and food security forum
- Technical capacity of Line ministries and institutional support
- Formation of TWC and technical support
- All the project activities based on applied research
- Adoption of participatory approach as well as conflict sensitive planning
- Arabic Translation of the project document and wider dissemination of the project objectives as well as intensive consultation process
- ESMF will be conducted before implementation of activities
- Building, alliances, network and partnerships with concerned development actors
- Environmental awareness programme which capitalize on the lessons learned from other development actors
- Provide agricultural inputs and extension services
- Provision of micro grant and microfinance for the pastoralists and farmers
- Training of unemployed youth and support them with start up fund
- Training of Women on Cheese industry, handicrafts, etc

SLDP (TSI): Consultation Workshop: Participants List

No	Name	Institution
1	Ali Abu Fatima Karaar	Local governance-Kassala Locality
2	Mohamed Osman Mohammed	SLDP
3	HatimMerghani Ahmed	German Agro Action (GAA)
4	Jamal Mohamed Elhasan	DG- General Directorate of Planning-Ministry of Finance
5	Ahmed Jamal	CTA-TSI JP-UNDP
6	MohyeldinEltohami	SPDP
7	Mohamed ElnourBadawi	Ministry of Welfare and Social Affairs
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27	Mohamed Musa Abdelrahman	Local Governance -Kassala Locality
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SLDP2 Appraisal Mission Consultation Workshop: Date: 30/1/2016

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