



MINISTRY OF MINES AND MINERAL DEVELOPMENT

RESETTLEMENT POLICY FRAMEWORK

**Zambia Mining Environment Remediation and
Improvement Project**

July 2016

ACRONYMS

AEZ	Agro-Ecological Zones
CDD	Community Driven Development
CMC	Chingola Municipal Council
CSO	Civil Society Organization
DDCC	District Development Coordination Committee
DIP	Decentralization Implementation Plan
ESMF	Environmental Social Management Framework
IBRD	International Bank for Reconstruction and Development
KMC	Kabwe Municipal Council
LAC	Local Area Committee
MCDMCH	Ministry of Community Development Mother and Child Health
MCTI	Ministry of Commerce Trade and Industry
MLGH	Ministry of Local Government and Housing
MLNREP	Ministry of Lands Natural Resources and Environmental Protection
MOM	Ministry of Mines, Energy and Water Development
MSY	Ministry of Sport and Youth
MTWSC	Ministry of Transport, Works, Supply and Communications
NGO	Non-Governmental Organization
NPE	National Policy on Environment
RPF	Resettlement Policy Framework
SNDP	Sixth National Development Plan
WB	World Bank
ZBS	Zambia Bureau of Standards
ZEMA	Zambia Environmental Management Agency
ZMERIP	Zambia Mining and Environmental Remediation and Improvement Project

EXECUTIVE SUMMARY

The Ministry of Mines in Zambia has requested World Bank IDA financing for support to Zambia: Mining and Environment Remediation and Improvement Project (ZMERIP). The project, aims reduce environmental health risks resulting from the past and present mining activities in the Kabwe town and Copperbelt province. The project will be implemented by the Ministry of Mines through three implementing agencies – Mines Safety Department (MSD); Kabwe municipal Council (KMC); and Zambia Environmental management Agency (ZEMA). The core of project will focus on three key type of activities – a) remediation of contaminated hotspots in Kabwe and improvement of environmental infrastructure b) Improving environmental governance in mining sector through strengthening of environmental inspection; compliance and enforcement; and c) Reducing health risks through localized interventions, such as health and livelihood interventions.

RATIONALE FOR TRIGGERING OP/BP 4.12 AND PREPARING AN RPF

The ZMERIP project design offers opportunity to avoid any involuntary land acquisition or resettlement. The sub project site-details or design are not known at this stage of appraisal but it would be possible to identify the sub-project locations to completely avoid any need for relocation or possible involuntary resettlement. However to accommodate for unlikely case where limited impacts may happen due to loss of income under component 1 of the project, the World Bank Operational Policy OP/BP 4.12 on involuntary resettlement has been triggered as a precaution. The exact location and content of the sub-projects are by nature not pre-defined or identified at the stage of appraisal. For that reason, and as a precautionary measure, a Resettlement Policy Framework (RPF) has been prepared specifying the requirements for screening of sub-grants identifying possible cases for which a specific Resettlement Action Plan (RAP) would be required.

PURPOSE OF THE RPF

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

The specific objectives of this RPF are to:

- i. Avoid and Minimize involuntary resettlement resulting from all components of sub-projects under the ZMERIP.
- ii. In the unlikely event that people are adversely affected by involuntary resettlement arising from sub-projects, ensure that they are fully compensated for the loss of assets, livelihoods, access rights, etc. and successfully relocated, the livelihoods of displaced people are re-established and the standard of living improved.
- iii. Ensure that no impoverishment of people shall result as a consequence of involuntary land acquisition or acquisition of assets, for purposes of implementing sub-projects.

- iv. Ensure no impacted person is worse off as a result of the project.
- v. Assist adversely affected persons in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition.
- vi. Make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive.
- vii. Have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the sub-project implementer and the affected persons.
- viii. Provide adequate assistance in the form of transport, temporary accommodation, housing, training, capacity building, service provision etc. to project affected persons (PAPS)

This RPF does not apply to environmental issues but to involuntary resettlement, land acquisition, and restriction of access to means of livelihoods. The contents of this RPF includes: an introduction that sets the context and includes a description of the project under which the sub-projects will be implemented; an assessment of potential resettlement environmental related impact; the main principles of the Resettlement Policy Framework, and describes the process through which a Resettlement Action Plan would be prepared and approved, as well as main principles government resettlement policy preparation and implementation; define people affected by the project activities, and well as methods for valuing affected assets; arrangements for funding resettlement compensation, and compensation payments; and finally the grievance redress mechanisms as well as the monitoring arrangements for the RPF and the RAP.

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1. Introduction and Project Description

1.1 Introduction

1. This Resettlement Policy Framework (RPF) relates to the Zambia Mining and Environmental Remediation and Improvement Project (ZMERIP), which development objective is to reduce environmental health risks and lead exposure to the local population related to mining activities in critically polluted areas in Kabwe and Copperbelt provinces. All project components will contribute to reducing environmental health risks and lead exposure to the local population related to mining activities in critically polluted areas in Kabwe and Copperbelt provinces. This will be done through: (a) Optimizing existing financial mechanisms to identify, finance, implement and monitor feasible environmental and social measures for prioritized contaminated areas; (b) Strengthen environmental management in the mining sector through improved regulatory and institutional capacity of regulatory agencies, including Zambia Environmental Management Agency, Mines Safety Department and Radiation Protection Agency and the local governments to strengthen environmental management in the mining sector; and (c) Targeted health interventions and improved job opportunities for affected people, particularly women and youth through collaborative partnership with local government and neighboring communities, through improved capacity of the key institutions at the national, subnational and local levels.

2. PROJECT DEVELOPMENT OBJECTIVES

3. The PDO is to reduce environmental health risks and lead exposure to the local population related to mining activities in critically polluted areas in Kabwe and Copperbelt provinces.

4. Project Beneficiaries

5. The project will benefit communities, especially the poor and vulnerable, living in contaminated areas affected by mining activities. The interventions will target about 500 women and unemployed youth in these communities through direct support for income generating activities and enhancements of livelihoods using a community based approach in order to reduce their current exposure to hazardous employment activities. Project beneficiaries will also include more than 3,000 children who have been impacted by lead pollution, primarily in Kabwe, through direct health interventions including blood lead level testing, treatment and nutritional supplements. In Kabwe, remediation activities and management of contaminated hotspots will benefit around 70,000 people living in hotspots and an estimated 30,000 children will be beneficiaries of education and awareness building campaigns. Through enhancement of skills, testing and environmental monitoring facilities, the project will strengthen capacity of regulatory authorities in better monitoring, which will have longer-term benefits for the country.

6. PDO Level Results Indicators

Indicators to measure achievement of the objective:

- Reduction in environmental health risks of lead exposure for affected people in Kabwe, particularly children and women (number of exposed people reduced by 50% - based on a baseline survey)
- Core Sector Indicator: Contaminated land managed or dump sites closed under the project (5 contaminated sites rehabilitated).
- Core Sector Indicator: Vulnerable and marginalized people in the project areas that are aware of project investments and benefits (70%)

- Increased employment through increased number of women's and self-help community-based enterprises (30 CBEs created under the project).

7. Project Description

8. All project components will contribute to reducing environmental health risks and lead exposure to the local population related to mining activities in critically polluted areas in Kabwe and Copperbelt provinces. This will be done through: (a) Optimizing existing financial mechanisms to identify, finance, implement and monitor feasible environmental and social measures for prioritized contaminated areas; (b) Strengthen environmental management in the mining sector through improved regulatory and institutional capacity of regulatory agencies (ZEMA, MSD, RPA) and the local governments to strengthen environmental management in the mining sector; and (c) Targeted health interventions and improved job opportunities for affected people, particularly women and youth through collaborative partnership with local government and neighboring communities, through improved capacity of the key institutions at the national, subnational and local levels. The Project includes the following components: (a) Investments for remediation of contaminated sites and environmental infrastructure improvements; (b) Enhancing Institutional capacity to strengthen environmental governance and compliance; (c) Reducing environmental health risks through localized interventions; and (d) Project Management.

Component I – Strengthen Remediation of Contaminated Hotspots and Improvement of Environmental Infrastructure:

9. The component will finance specific remediation activities and associated environmental infrastructure in Kabwe and Copperbelt areas. These interventions would be prioritized based on a standard set of social, environment and economic criteria including assessment of environmental health risks. This component will finance prioritized investments to remediate contaminated hotspots that present immediate and medium term environmental health risks to the community. A comprehensive environmental management plan will be prepared/updated, detailing appropriate remediation plans for all contaminated sites in Kabwe and Copperbelt province. A simple and straightforward methodology will be utilized under the project for evaluating and comparing sites, assessing environmental health risks and for prioritizing cost effective interventions. Opportunities to collaborate with the private mining companies in legacy clean-up operations will be explored. Some of the key investments include:

10. Sub component 1.1: Remediation of contaminated hotspots and improvement of environmental infrastructure in Kabwe. (\$10m) This will include identification, characterization and remediation of know hotspots of contamination in Kabwe, primarily sites that are in the proximity of the communities. This will include a voluntary In-situ remediation program for households that are highly exposed. An appropriate technique using a combination of preventive and curative approach would be used, such as confinement, containment and treatment. A consultative and voluntary approach would be used to prevent any displacement or land acquisition. The subcomponent will also support associated environmental infrastructure designed to improve the environmental health of the surrounding environment. There is a demand for improved environmental infrastructure for better management of hazardous and solid waste that contributes to exposure to contaminated material that was determined through a process of consultations with affected communities. Two first potential priority areas identified for engineering interventions are: 1) The Kabwe Canal, which is a conduit for storm water containing hazardous material and wastes from the closed mining areas, passing through densely populated residential areas. The canal is prone to overgrowth and flooding on an annual basis, which results in overflow of hazardous material into residential backyards; 2) The Kabwe solid waste

dump site, which needs to be upgraded to into an integrated scientific hazardous and solid waste management facility to provide a location for safe disposal of contaminated material from the residential areas.

11. Sub-component 1.2: Rehabilitation of Tailing Dams (TDs) and Mine Closure in Copperbelt Province. This component aims to assist the GRZ to address some of the accrued environmental liabilities, by piloting closure of few old mine tailing dams. This would be the first time such closure will be undertaken in Zambia and will allow the demonstration of technical, economic, and institutional feasibility. The choice of the TDs would be determined using an agreed criteria of ownership; immediate environmental health impacts and costs to communities; economics of closure; and potential benefits and future use.

Component II – Enhancing Institutional capacity to strengthen environmental governance and compliance

12. This component will strengthen the environmental governance of the mining sector and compliance through a variety of interventions: a) policy support to the Ministry of Mines to improve the effectiveness of the national Environmental Protection Fund (EPF) and prepare subsidiary legislation to support the Mines and Minerals Development Act (2015); b) policy support to the Ministry of Environment to prepare regulations to support the Environment Act (2011); c) strengthen the capacity of Mine Safety Department (MSD) to implement the new Mines and Minerals Development Act (2015) that has shifted new responsibilities to MSD, including assessment of environment health risks, and inspection of mine safety risks to communities; d) build capacity of the Radiation Protection Agency (RPA) to improve identification and mapping of health risks in critical residential areas where exposure to radioactive material (i.e. Uranium) may be high; e) strengthening the capacity of Zambia Environmental Management Agency (ZEMA) to improve effectiveness of monitoring, compliance, enforcement; and f) improve disclosure of environmental information and public awareness of mining-environmental governance issues through GRZ and the Zambia Extractive Industries Transparency Initiative.

Subcomponent – 2.1: Improving environmental governance in the mining sector.

This activity will enhance Mining-Environmental Governance and Operationalize Environmental Surety Mechanisms for Mine Closure. This activity comprises a combination of interventions involving policy support; strengthening mining and environmental regulations; capacity building support to assist the mining sector agencies, including Ministry of Mines; MSD and RPA. The component will strengthen operational effectiveness of the existing EPF, including mechanisms to identify, finance, implement and monitor feasible environmental and social measures for prioritized contaminated hotspots related to past, present and future mining operations in Central and Copperbelt provinces. Improving the EPF's operationalization will help delineate roles and accountability for past, current and future environmental and environmental-health risks from mining operations; accounting for financial resources needed to meet government obligations to address environmental health risks and liabilities; and clarify the distinction between government-owned liabilities verses private sector responsibilities to regularly and progressively address environmental problems by financing the costs of their mitigation. The policy support would involve review of the Mines and Minerals (EPF) regulations with a view of identifying gaps and weaknesses in the legislation; identifying any omissions, inconsistencies or errors; assessment of the performance and effectiveness of the Environmental Protection Fund from its inception in terms of contributions to the fund, securing of bonds and investment of funds; assessment of accuracy of the

EPF closure cost calculation guidelines applicable to Zambian conditions; assess the criteria of allocating EPF performance categories. This support would help set up a mechanism on how to conduct and compile an Environmental Protection Fund audit report for mining operations in Zambia; engagement of key stake holders on improvements to be made on administering of the Mines and Minerals (EPF) Regulations; and suggest measures to strengthen the Mines and Minerals (EPF) Regulations or changes to the regulations.

The capacity of MSD will be strengthened to enable it to implement its new responsibilities under the 2015 Mines and Minerals Development Act, including assessment of environment health risks; providing guidance to mining companies on mine closure and progressive maintenance of tailing dams so as to minimize risks to the neighboring communities. Capacity building in MSD will consist of a range of training and a review of upgrading equipment and facilities. The activity would assist the MoM to draft mining regulations supporting the 2015 Mines and Minerals Development Act and would assist the Ministry of Environment and ZEMA to develop regulations to support the Environment Act (2011). The activity will review international good practices with respect to benefit distribution from extractive industries and propose regulation to support the Mines and Minerals Development Act (2015). The RPA would be assisted to improve identification and mapping of health risks in critical residential areas where exposure to radioactive waste material may be high. Building a broad support based for improved environmental performance by mining companies requires increased awareness and engagement in sector issues by the general public and policy-makers. The activity will also provide support to Zambia EITI regarding mining-environmental health and mining-environmental governance issues.

Subcomponent 2.2: Improving environmental compliance, enforcement and public disclosure.

This component will strengthening the Quality and Effectiveness of Environmental Monitoring and Disclosure. This component will focus by focusing on ZEMA to strengthen the quality and effectiveness of environmental monitoring including support to enforcement/legal actions. This will include strengthening ZEMA's capacity to review ESIA's, negotiate (and, when necessary, update) ESMPs with investors, issue pollution permits, monitor compliance, and collect fees and fines. The capacity building will include use of modern information tools and GIS based techniques for effective inspection and compliance management. This will be accomplished through a series of enabling interventions, focused on improving availability of monitoring equipment and tools, training of both members of staff and identified honorary inspectors from local authorities. In addition, reporting and public disclosure of area specific environmental information will be designed to provide the general public, private sector and other stake-holders access to environmental information to enable informed decision making. Specific activities will include:

- Designation and appointment of honorary inspectors;
- Procurement and operationalization of environmental monitoring equipment;
- Developing a comprehensive environmental monitoring programme;
- Improving enforcement of non-compliant facilities;
- Developing standards and legislation to enhance environmental management;
- Increasing access to and public disclosure of environmental information;
- Operationalizing the Permanent Environment Fund; and
- Environmental management mainstreaming into sectoral ministries and local government agencies.

Component III: Reducing environmental health risks through localized interventions.

The Municipal councils of Kabwe, Kitwe, Mufilira and Chingola would be supported in identifying areas where environmental health risks to residents relate to lack of environmental services, such as

disposal of hazardous and contaminated solid waste material; access to clean drinking water; lack of medical interventions for children and women exposed to lead contamination; and loss of agricultural soil productivity due to acidic exposure from Sulphur di-oxide emission from the past copper smelting operation. The outreach and capacity of citizen monitoring at the local level as well as management of public Information, Education and Communication (IEC) would be strengthened through municipal councils in Kabwe and Copperbelt provinces. The component is also aimed to introduce income generation opportunities in contaminated areas that would enhance community involvement in addressing environmental health risks. A pre-agreed set of selection criteria will be used to identify and implement sub-projects, working closely with the private sector, particularly the mining companies in the project area to identify locally relevant livelihood activities that would enhance income generation opportunities. Specific attention will be given to women and vulnerable community groups in the target areas. All activities will be relatively small, technically simple, and cost effective. Collaboration with the private sector on outreach, consultations and community stakeholder engagement will also be explored.

13. Subcomponent – 3.1: Strengthening decentralized health and education interventions to reduce environmental health risks. This component will target (more than 10,000) people that are already affected by lead poisoning by conducting testing and assessments, screening, case management and surveillance. This will include assisting local, district, provincial government hospitals and clinics to collect existing data on health related to lead exposure in Kabwe; evaluate project data to strengthen the intervention strategy on health and education of affected population; evaluate the ongoing project to develop a sustainable health and communication strategy to prevent, diagnose and treat lead related problems in Kabwe; evaluate the remediation projects by comparing pre- and post-remediation lead levels; identify risk groups such as pregnant women, older children, scavengers in the targeted areas; identify additional hotspots to be included in the health intervention program. Treatment and nutritional supplements will be provided according to test results while health promotion shall also be conducted regularly in the affected communities. The project will support the development of a case based reporting system, an M&E system and a data management system, including support for testing of lead levels in food, using existing laboratory systems and processes.

14. Subcomponent 3.2: Support to local income generation and livelihood activities in targeted areas. The component is aimed to introduce income generation opportunities in contaminated areas that would enhance community involvement in addressing environmental health risks. It will provide support to community groups in a form of small grants to organize themselves around productive activities identified in partnership with the private sector in the area, the nature of which will be determined by the beneficiaries based on their demand. The sub-grants will target up to 10 priority communities per year identified in the targeted wards affected by pollution, including support to the efforts of intermediaries and pollution affected people in Kabwe and Copperbelt Province. This will include community-based project implementation and management such as financial and supervisory support to enhance their managerial and technical capacities. Specific attention will be given to women and vulnerable community groups in the target areas and these activities will be relatively small, technically simple, and cost effective, with support for establishing value chain linkages. Collaboration with the private sector and community stakeholder groups will also be explored.

Component IV: Project Management, Monitoring and Evaluation:

15. This Component will cover the cost for project management, implementation and supervision of project activities, administration of procurement and financial management, monitoring and evaluation,

and safeguards compliance monitoring. The component will cover cost of a unified Project Coordination Unit (PCU) established under the Ministry of Mines, and three Project Implementation Units (PIUs) set up respectively under MSD, Kabwe Municipal Council and the ZEMA. A Project Management Consultant working with PIU would be responsible for preparing, implementing and monitoring approved investments plans in Kabwe and Copperbelt provinces.

1.2 Anticipated Subproject Types

16. ZMERIP sub-projects are not expected to have long-term, non-reversible, significant negative social or environmental impacts. Construction and rehabilitation of infrastructure, contaminated site remediation, waste management facilities, and livelihood initiatives, may have time-bound negative environmental impacts with possible cumulative effect is expected as they are similar facilities in the area for Tailing Dams and Overburden rock dumps. Most subprojects will have relatively minor, and could include: loss of vegetation and the cutting down of trees to facilitate construction/rehabilitation of infrastructure and farming activities, disturbances related to construction, increased pressure on both surface and ground water due to abstraction of water from boreholes and rivers, increased incidence of soil erosion due to loss of vegetation cover and the loss of habitat due to changes in land use.

Table 1: Anticipated Sub-Projects with potential social impacts

Project Category	Anticipated Sub-Projects
Component 1: Infrastructure Upgrade	<ul style="list-style-type: none"> Improving the drainage of the existing Kabwe Canal through concrete lining within the existing right of way Stabilization or closure of existing Mine Tailing Dams (TD) within the existing Right of Way
Component 1: Waste Management	Construction and upgrading of a waste management facility in Kabwe
Component 2: Health and educational interventions	Strengthening diagnostic, medicinal treatment and lead care program for children with high Blood lead level, through existing district health facilities in Kabwe
Component 2: Livelihood Interventions	<ul style="list-style-type: none"> CDD activities focusing on improving income generation activities for women and youth in areas affected by past mining activities Nursery plantation, micro-enterprises to help improve tree plantation; Bee keeping; improving income of local women from small-scale green-house project; Community tree nurseries; demonstration/nutrition gardens

1.3 Project Target Areas

17. The ZMERIP is intended to be implemented both at the national and municipal level in the locations identified as hotspots for lead and other pollution related to past and present mining activities, with a focus on improving environmental health. The project will work with the national government in Lusaka and Kitwe and the following Municipal Councils:

- Kabwe

- Kitwe
- Chingola
- Mufulira

The activities under component 1 and component 3 are expected to have some physical footprints, while activities under the component 2, which focuses on policy interventions, institutions strengthening and governance are not expected to have any physical footprints or adverse social and environmental impacts. The location of such sub projects under component 1 and 3, including their design are not detailed at this stage of appraisal to be able to clearly delineate, assess and evaluate specific social and environmental impacts, therefore, a Resettlement Policy Framework (RPF) has been prepared. The RPF provides guidance on how social impacts would be ascertained; identified; evaluated; mitigated; and monitored. The RPF ensures that location specific RAPs and ESMPs will be prepared when the site details are known and before land is involuntarily acquired or people are involuntarily relocated (if any). As the project design currently stand, the actual social and environmental impacts are not expected to be significant as the project does not anticipate involuntary land acquisition or involuntary resettlement as the activities design under project sub components allows the agencies to select a site which avoid adversely impacting peoples, land; livelihood, assets or income.



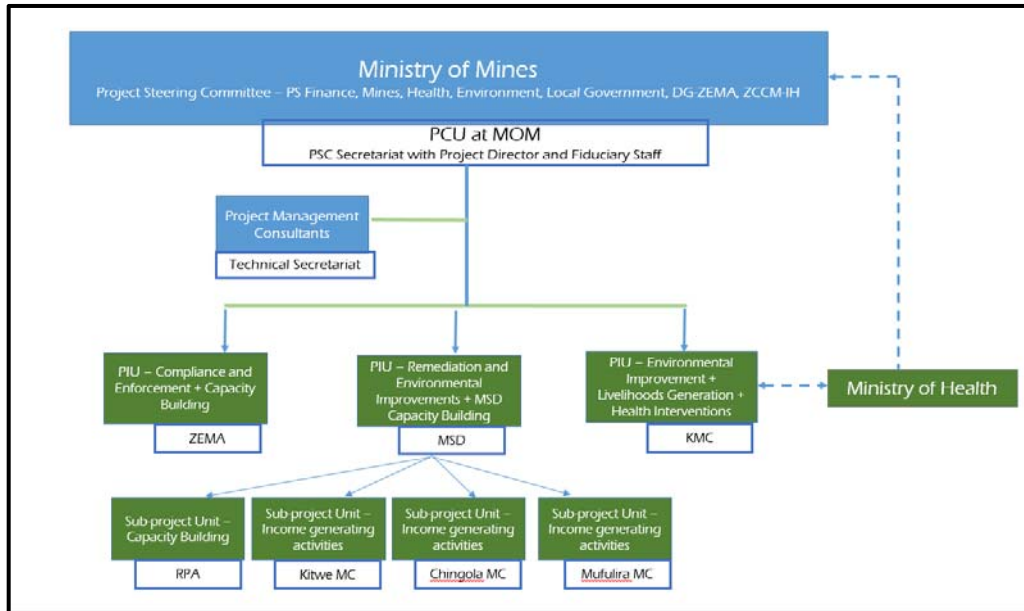
Figure 1: The Copperbelt Province showing the location of Chingola, Kitwe and. Mufulira



Figure 2: Location of Kabwe and proximity to Lusaka and the Copperbelt Province

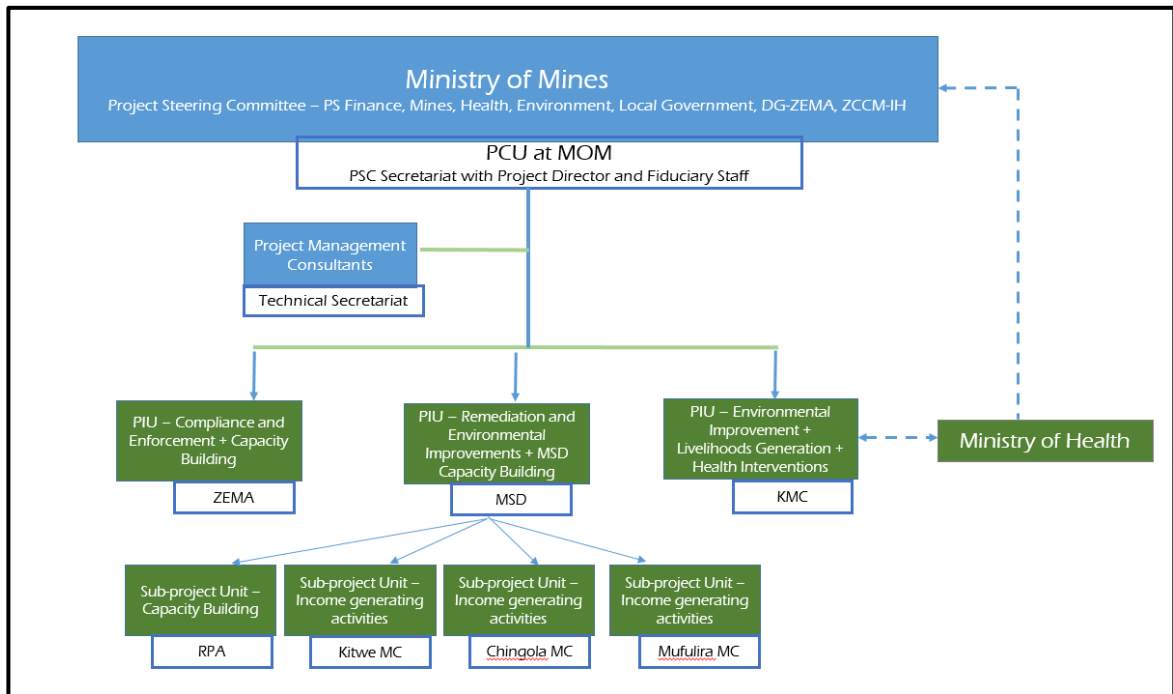
1.4 Implementation Arrangements

The implementation arrangements for ZMERIP are presented in Figure 1 using existing government structures with the Ministry of Mines and Mineral Development (MOM) having overall responsibility in accordance with its mandate.



18. **The project will be implemented by the Ministry of Mines (MoM)** in collaboration with the Ministries of Lands, Natural Resources and Environmental Protection (MLNREP), Ministry of Health and Ministry of Local Government and Housing (MLGH). The MoM has established a Project Steering Committee (PSC) chaired by the Permanent Secretary – Mines. The PSC constituted of the Permanent Secretaries of the Ministries of Environment, Health, Local Governance, Central Province and Finance, as well as Director General (DG) of ZEMA. A Project Coordination Unit (PCU) has been established at the MoM with a designated Project Coordinator For the purposes of implementation, three Project Implementation Units (PIUs) with a Designated Project Account, would be set up at MSD, MOM and Kabwe Municipal Council), who would be responsible for planning, procurement, implementation and monitoring of various activities approved as part of annual plan by the Project Steering Committee. A Project Management Consultant will be providing implementation support to the PCU and PIUs. Specifically PIUs will be responsible for (a) preparation of procurement plans and the management of the designated accounts; (b) accounting, financial management and reporting on the overall project; (c) ensuring the execution of the audit of the project; (d) preparation of quarterly financial and technical progress reports; (e) the management of the environmental and social safeguards aspects; and (f) undertaking all procurement and contract management activities for all components.

Figure 1: Project Management Structure



19. **Responsibility matrix of institutions during implementation.** There are three layer structure for project management – Project Steering Committee (PSC); Project Coordination Unit (PCU); and Project Implementing Units (PIU). The following chart described their responsibilities and accountabilities.

<p>Project Steering Committee (PSC)</p>	<ul style="list-style-type: none"> • Approval of Annual Plans submitted by the PIUs • Quarterly progress review meeting to monitor implementation of various plans • Provide advise on environmental governance, mining policy matters and strategic decisions that impact the project performance
<p>Project Coordination Unit (PCU)</p>	<ul style="list-style-type: none"> • Be the focal point for all monitoring and reporting actions as per the loan agreement • Organize meeting of the PSC regularly and on request by the PSC members or by PIUs • Implementation monitoring support to PIUs for all activities • Provide project management support to PIUs, such as development of ToRs; help with design, procurement, financial management, safeguards • Coordinate on behalf of PIUs all regulatory clearances and approval from government agencies, i.e. ZEMA, ZPPA, Attorney General's Office
<p>Project Implementation Units (3 - ZEMA, MSD and KMC)</p>	<ul style="list-style-type: none"> • Responsible for preparation of annual plans of investments for various activities • Prepare procurement plan for approval by the Bank and for approval by the PSC • Undertake independent procurement of works and consultancies as per the procurement plan • Be responsible for project implementation including , monitoring and reporting of progress, release of payment and following fiduciary and safeguards procedures as per the World Bank policies • Request PCU to organize a meeting of the PSC to discuss any policy or technical matters

Organogram for Decision Meeting

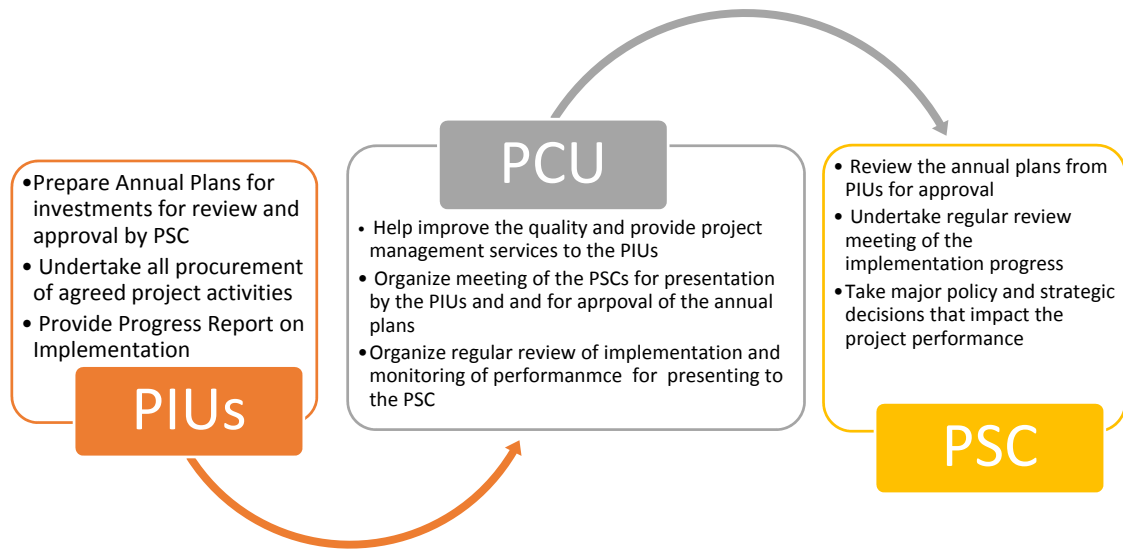


Table 1 - Staffing Plan for Project Coordination Unit (PCU) in Lusaka

	POSITION	Dedicated exclusively to the project	Supporting also other activities in the MoM
1	Project Team Leader	X	
2	M&E Specialist		X
3	Environmental and Social Safeguards Specialist	X	
4	Project Accountant		X
5	Procurement Officer	X	
6	Communications Officer		X

20. **Institution arrangement for PIU at Mines Safety Department in Kitwe (PIU-1).** The following chart described their responsibilities and accountabilities.

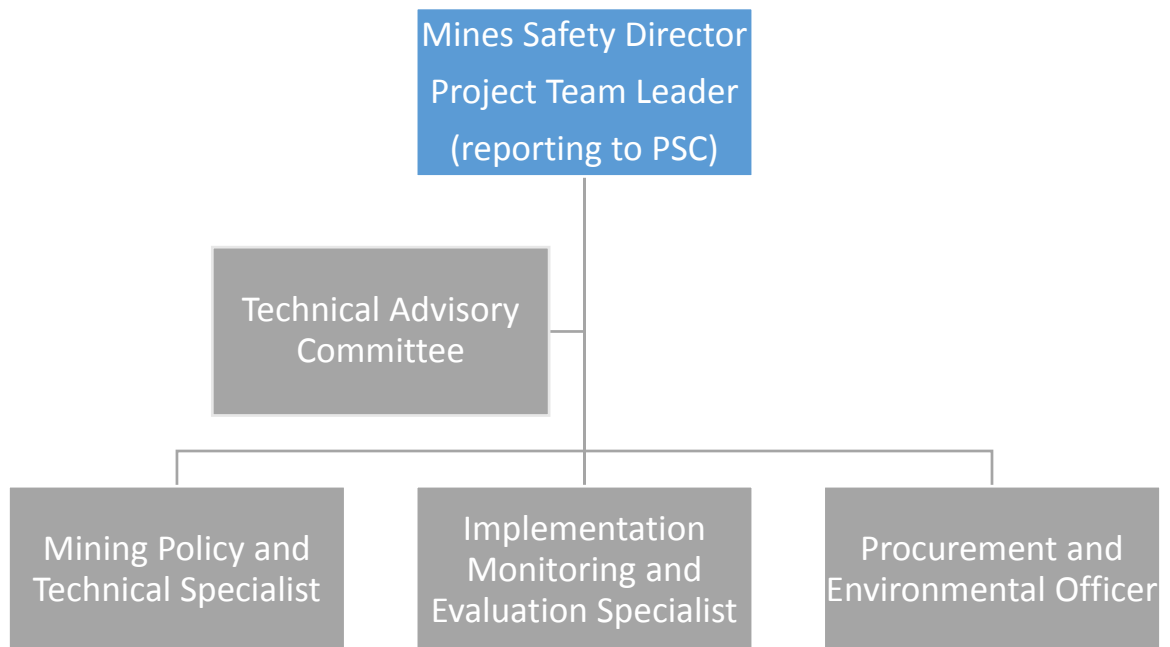


Table 2 - Staffing Plan for PIU-1 at MSD in Kitwe

<i>POSITION</i>	<i>Dedicated exclusively to project</i>
Project Manager	
Mining Engineer	X
Mining Policy Specialist	X
Implementation Monitoring & Evaluation Officer	X
Environment and Social Safeguards Specialist	X
Accounts Officer	X
Procurement Officer	

21. **Institution arrangement for PIU at Kabwe Municipal Council (PIU-2).** The Project Implementation Unit at Kabwe Municipal Council would be chaired by a Project Team Leader, and supported by a team of specialists responsible for sub component on a) Environmental Infrastructure; b) Health interventions; c) Livelihood interventions; and d) Education and information interventions. The following chart described their responsibilities and accountabilities.

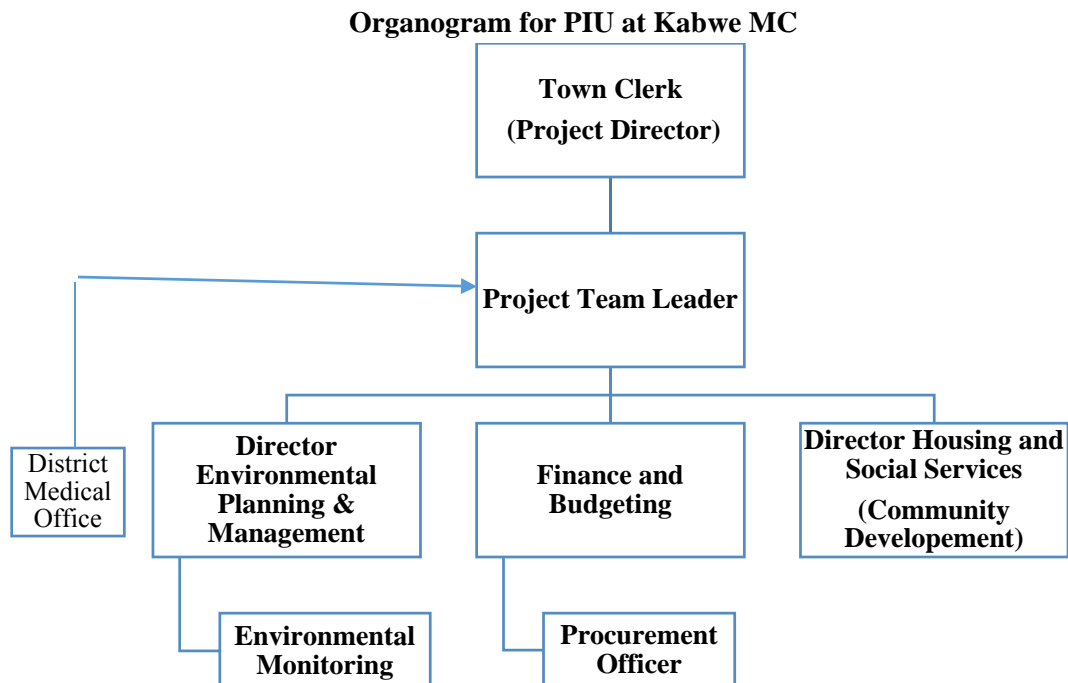


Table 3: Staffing Plan for Project Implementation Unit at Kabwe Municipal Council

<i>POSITION</i>	<i>Dedicated exclusively to project</i>
<i>Project Team Leader/environmental engineer</i>	
<i>Health Officer/DMO</i>	X
<i>Livelihood Officer</i>	X
<i>Environment and Social Safeguards Specialist</i>	X
<i>Accounts Officer</i>	X
<i>Procurement Officer</i>	

22. **Institution arrangement for PIU at ZEMA (PIU-3).** The Project Implementation Unit at Kabwe Municipal Council would be chaired by a Project Team Leader, and supported by a team of specialists responsible for sub component on a) Environmental Infrastructure; b) Health interventions; c) Livelihood interventions; and d) Education and information interventions. The following chart described their responsibilities and accountabilities.

Organogram for PIU at ZEMA

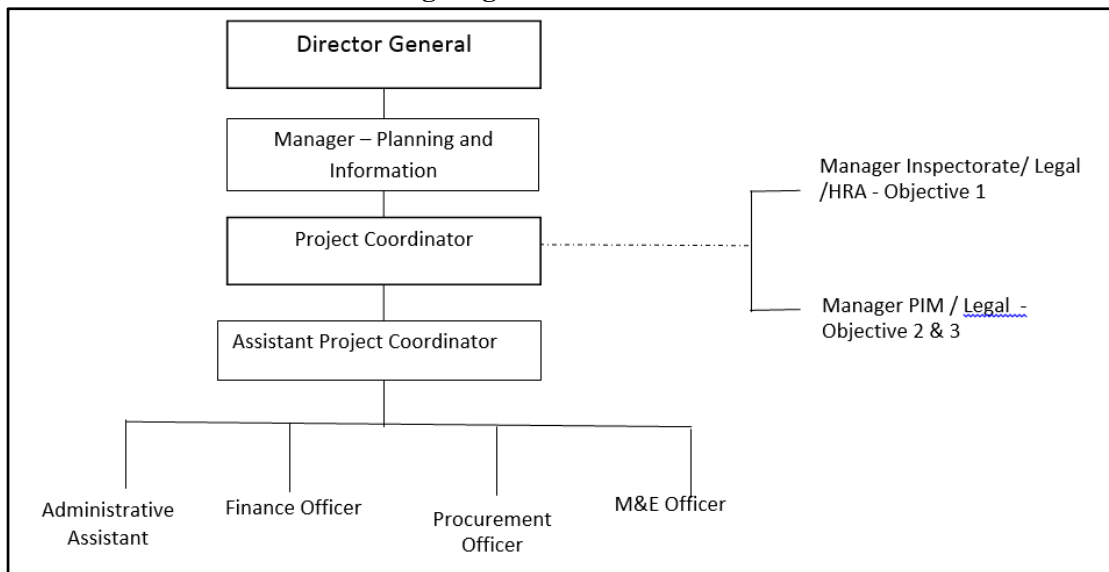


Table 4: Staffing Plan for PIU-3 at ZEMA in Kabwe and Lusaka

<i>POSITION</i>	<i>Dedicated exclusively to project</i>
<i>Manager – Planning and Information (Team Leader)</i>	
<i>Project Coordinator/regulation expert</i>	X
<i>Manager Inspection/Legal/Enforcement Officer</i>	X
<i>Monitoring and Evaluation Specialist</i>	X
<i>Accounts Officer</i>	X
<i>Procurement Officer</i>	

Implementation Process Component 3.1- Local Health Intervention:

23. The following process will be followed for Lead testing medical equipment.

1. Procurement Strategy to be developed by KMC/DMO – will integrate Procurement officials from MOH
2. Technical specifications of test kits and lead care analyzers will be sent by World Bank to DMO
3. Tech specs will be reviewed by KMC/DMO, and sent to Medical Equipment Officer (PMO) for clearance
4. Medical Equipment Officer (PMO) will discuss and get clearance from MOH before sending approval for procurement to KMC/DMO
5. Bid package will be prepared by KMC/DMO
6. Procurement contract will be issued by KMC

The following process will be followed for medicines:

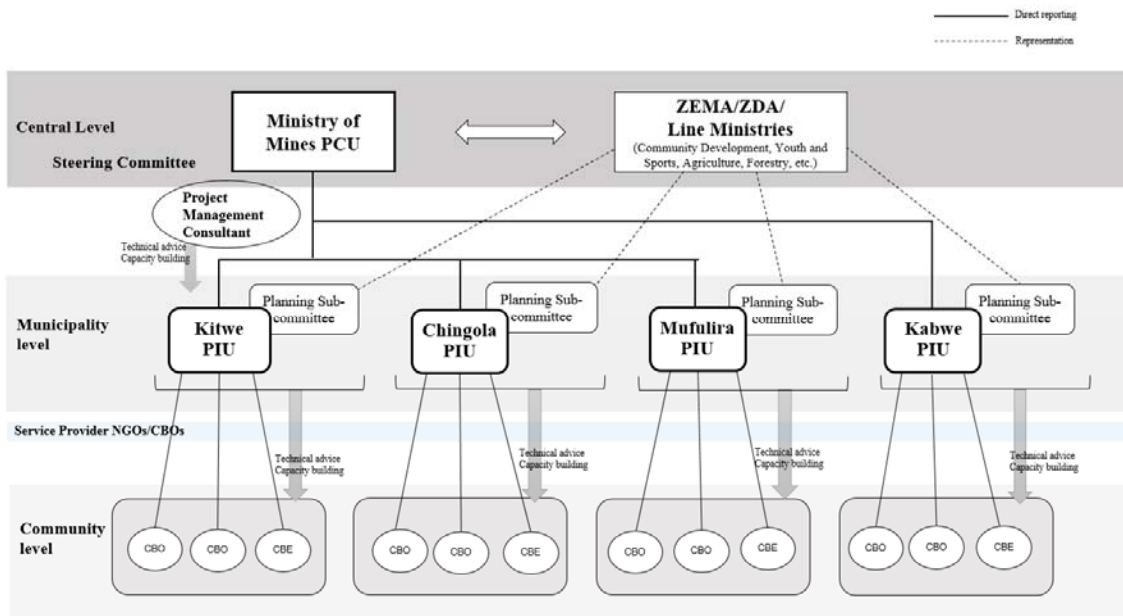
1. Technical specifications of medication - DMSA will be sent by World Bank to DMO
2. Tech specs will be reviewed by DMO, and sent to PMO for review
3. Need based documentation will be written up by DMO/PMO and submitted to MOH
4. MOH will submit these to ZAMRA and Pharma Society of Zambia for registration
5. After registration notification is received, MOH will inform DMO for procurement (pharmaceuticals can be procured by local purchasing officer at district level)

The following process will be followed for Ethical Clearance

- a) DMO to identify Principal Investigator and a focal point in MOH; Protocol needs to be prepared
- b) DMO/KMC will prepare proposal for submission to Ethical Clearance Committee under Univ of Zambia, School of Medicine
- c) Document will then be submitted to Research Council in MOH

24. Institutional arrangements and flow of funds for Component 3.2

Figure: Institutional Arrangement under the sub-component



Objectives and Principles of Involuntary Resettlement

1.2 General Principles of Resettlement

25. Under ZMERIP the project design provides an option to avoid land acquisition or involuntary resettlement, as the project does not include building any major infrastructure that may face displacement or land taking. The Project, however triggers World Bank Operational Policy OP 4.12 on Involuntary Resettlement for unlikely possibility that there may be some temporary impact on livelihoods under Component 1 or component 3 (such as closing and rehabilitation of tailing dams, community driven income generation; or as part of voluntary in-situ remediation program etc.). Since the specific project activities and locations are not yet known, this Resettlement Policy Framework (RPF) has been prepared to guide the development of site specific Resettlement Action Plans, which will be developed if and when needed during project implementation. For voluntary land donations, the project proponents must prepare documentation for the “willing buyer-willing seller” agreements, however, such cases are not anticipated in the project, as all participating Councils indicated availability of clean land, in case the need will arise for project activities. In situations where the Project supports voluntary transactions between community and government, special care must be taken to ensure: (1) that all tenure rights and claims (including those of customary and informal users) affecting the land in questions are systematically and impartially identified; (2) that potentially affected individuals, groups or communities are meaningfully consulted, informed of their rights and provided reliable information concerning environmental, social, and economic impacts of the proposed intervention; (3) that community is enabled to negotiate fair value and appropriate conditions for a transfer (where required); (4) that appropriate compensation, benefit sharing and grievance redress mechanisms are put in place; (5) that terms and conditions of the transfer are transparent; and (6) mechanisms are put in place for monitoring compliance in those terms and conditions.

1.3 Objectives of the RPF

26. The World Bank standards for financing development projects in the perspective of International Best Practice (IBP) requires the preparation of a Resettlement Policy Framework leading to putting up a Resettlement Action Plan (RAP) where physical or economic displacement of people and communities is anticipated and/or where such displacement takes place as a result of involuntary land take. In ZMERIP, projects having most adverse social impacts are understood under the component involving infrastructure development. However, here the canals and roads already exist so their rehabilitation is not likely to cause any direct resettlements.

27. The most important concerns of the RPF are to ensure that, where, when and if land acquisition is anticipated obligatory and related adverse impacts cannot be avoided, affected or displaced persons are compensated for lost assets. This RPF for ZMERIP must therefore provide procedures and methods to identify and compensate the affected or displaced persons.

28. As per the specific objectives of this Resettlement Policy Framework:

- a) Involuntary resettlement and land acquisition under the project will be avoided through design, or minimized, by exploring all viable alternatives of locations and design.
- b) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits. Displaced and compensated persons will be

- meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.
- c) Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.
 - d) The PIUs will make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive.
 - e) The PIUs will have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the subproject implementer and the affected persons.
 - f) The PIUs will provide adequate assistance in form of transport, temporary accommodation, housing, training capacity building, service provision etc. to the project affected persons (PAPs), if involuntary land acquisition becomes necessary for any sub projects.

29. Although this RPF describes some environmental impacts which will occur as a result of proposed project activities, it does not apply to their environmental issues per se but to resulting involuntary resettlement, land acquisition, and restriction of access to means of livelihood and social support networks. Here, affected people, according to the Bank policy, refers to people who are directly affected socially and economically by Bank-assisted investment projects caused by the involuntary taking of land and other assets resulting in:

1. relocation or loss of shelter
2. loss of assets or access to assets
3. loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

30. The Bank's policy on Involuntary Resettlement will apply to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children.

31. In an unlikely case if the project design of subproject activities cause resettlement, due to involuntary land acquisition, the PIUs will ensure that specific resettlement and compensation plans is a prerequisite for the implementation to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons.

32. Furthermore, where relocation or loss of shelter occurs, the Bank Policy on Involuntary Resettlement requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action. Finally, the application of RPF will seek to ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is a fair and transparent one.

33. This RPF provides additional guidance on conducting and implementing the RAPs for ZMERIP, specifically:

Annex 1: provides an outline of a Resettlement Action Plan

Annex 2: compares the World Bank OP 4.12 requirements with the Zambian national legislation

Annex 3: provides a screening checklist for community level projects under Component 3 to support livelihoods. Based on the screening outcomes, a RAP may need to be developed.

Annex 4: outlines stakeholder responsibilities

Annex 5: provides formats for managing grievances under the project.

Annex 6: provides a sample off collecting information about affected households.

Annex 7: provides a template for a RAP budget

Annex 8: includes a summary of public consultations in preparation of this RPF to consider the views and opinions of the project stakeholders and provide an opportunity to incorporate them into the project design.

2. Legal and Regulatory Framework

3.1 Zambia Regulations

34. Zambia's legal framework for matters related to the compulsory acquisition of property, in particular land and the alienation of land is provided for in the Constitution, Land Act, and the Land Acquisition Act. While these three Acts provide the basis for land acquisition, various other national laws of Zambia define the authority and responsibility of specific sectoral agencies. However, suffice to mention that there is currently no specific law or policy pertaining to involuntary resettlement in Zambia. The existing policies and arrangements only deal with voluntary resettlement. What exist are various pieces of legislation that provide guidance regarding legal provisions for resettlement. The following section describes Zambian legal statutes that have provisions pertaining to resettlement:

3.1.1 Constitution of Zambia

35. Zambia's legal framework regulating the taking of land and other assets by the State has its basis in the Constitution of Zambia, Chapter 1; Article 16 of the Constitution of Zambia provides for the fundamental right to property and protects persons from the deprivation of property. It states that a person cannot be deprived of property compulsorily except under the authority of an Act of Parliament, which provides for adequate payment of compensation. The Article further provides that the Act of Parliament under reference shall provide that, in default of agreement on the amount of compensation payable, a Court of competent jurisdiction shall determine the amount of compensation. The Constitution further provides that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the clause which requires that authority be obtained under an Act of Parliament which provides for payment of adequate compensation to the extent that it is shown that such law provides for the taking possession or acquisition of any property or interest on the land or right over the land.

3.1.2 The Land Act, Chapter 184

36. The Act controls the alienation of land and shall govern the acquisition of land for the ZMERIP sub-projects. It shall also give guidance in procedures for the conversion of land from customary tenure to statutory. The Act empowers the President of the Republic to compulsorily acquire property. The principles of compensation are pivoted on the basis that the value of property for the purpose of compensation shall be the value of the amount which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of notice to yield possession of the property.

3.1.3 Land Tenure System in Zambia

37. As land alienation might be a part in the implementation of ZMERIP activities, it is useful to outline the Zambian land tenure system in order to appreciate the alternative ways in which land can be accessed for the ZMERIP project purposes. Land tenure is the way in which rights in land are held and in Zambia tenure is categorized into two tenure systems namely, statutory tenure and customary. Statutory tenure refers to state Land which is administered by the Lands Commissioner through Local Authorities on behalf of the President since all land in the Country is vested in the Republican President on behalf of the Zambian people. The President of Zambia holds the Country's land in perpetuity on behalf of the Zambian people. The President has delegated his powers to make and execute grants and disposition of land to the Commissioner of Lands. The Commissioner has agents who plan the land into plots and thereafter select and recommend suitable candidates to him/her for issuance of a certificate of title. The Commissioner's Agents in this regard, are the District, Municipal, and City Councils. These agents use

the Town and Country Planning Act to plan the land in their areas in their capacities as Planning Authorities under the Act.

3.1.4 The Customary Tenure

38. Customary Tenure applies in areas under the jurisdiction of Traditional Authorities (chiefs). The Traditional System of tenure is the most prevalent among the majority of Zambians who live in the rural areas of the Country. Approximately 94% of Zambia's land is officially designated as customary Area. The area is home to 73 Tribes, headed by 240 chiefs, 8 Senior Chiefs and 4 Paramount Chiefs. Tenure under customary lands does not allow for exclusive rights in land. No single person can claim to own land as usually the whole land belongs to the Community. In this regard Land is deemed as belonging to Members of the Community for their own use (Republic of Zambia, 1995). In Zambia land is considered a valuable heritage for the whole Community. As is the case in many African Countries, in Zambia Communal lands have sprung from the concept of ancestral trust committed to the living for their own interest and for the interest of the unborn.

39. It is the duty of Traditional Rulers to ensure that every Member of his or her Country capable of owning land is allocated land. The issue of access, as in State land, is tied to capability. However, being capable is entirely up to the discretion of the Chief. This has often led to dissatisfaction among the members of the Community, the most vulnerable groups being women, youths and the disabled (Zambia Land Alliance, 2005). Customary Land ordinarily cannot be used as collateral, as in many cases there are no legal defined physical boundaries, as required under the Land Survey Act. Thus Customary Lands are prone to encroachments which often result in land disputes. Customary land in Zambia which accounts for over 70% is now very much in demand for the Country's development.

3.1.5 Land Delivery System in Zambia

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

3.1.6 State land

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

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

3.1.7 Customary land

42. The customary land delivery system is as follows:

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

43. The application forms, site plans and council minutes are attached to the recommendation letter which certifies that the recommended plot is free of settlement by other subjects in the jurisdiction of the Chief/Chieftainess. If satisfied, the Commissioner of Lands approves the application. For land in excess of 250 hectares, the Commissioner of Lands is required to seek clearance from the Minister of Lands before approval.

3.1.8 Lands Acquisition Act Chapter 189 of the Laws of Zambia

44. Section three of the Lands Acquisition Act empowers the President of the Republic to compulsorily acquire property. Sections 5 to 7 of the Act provides for the issuing of notices to show the intention to acquire, notice to yield up property and to take up possession. Section 10 of the Act provides for compensation as consisting of such moneys as may be agreed from moneys appropriated for the purpose by Parliament. Furthermore, this section provides that where the property to be compulsorily acquired is land, the President, with the consent of the person entitled to compensation shall in lieu or in addition to any compensation payable under the section, grant other land not exceeding the value of the land acquired.

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

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

3.1.9 The Local Government Act Chapter 281

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

site with regard to their location. The laid procedure in the acquisition of land for subprojects shall be determined by the provisions of both this Act and the Lands Act.

3.1.10 The Town & Country Planning Act Chapter 283

48. The Act provides for Ministerial powers to appoint Planning Authorities to prepare Structural, Regional, integrated development and layout plans to guide physical urban and rural development in Zambia. This Act currently applies to State land areas only, but it is soon to be replaced by the Urban and Regional Planning Act which will be applicable to both State and Traditional Lands in both Urban and Rural Areas.

3.1.12 Department of Resettlement

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

- Identification and acquisition of land for resettlement.
- Demarcation of farm plots.
- Processing of applications for resettlement.
- Allocation of settlement farm plots to suitable applicants.
- Recommending deserving settlers to acquire certificate of titles to their farm plots from the Commissioner of Lands
- Co-coordinating provision of infrastructure in resettlement program schemes.

3.1.13 The Agricultural Lands Act

50. This Act provides for the establishment of the Agricultural Lands Board and for tenant farming schemes. The act empowers the Minister, by statutory notice, to declare any state land and, with the consent of the registered owner as Subsection 5 of section 21 provides that such a lessee shall use his holding primarily for agricultural purposes, for purposes ancillary thereto and for the personal residence of himself and his family and necessary staff and for no other purpose. Subsection 1 of section 40 permits a tenant who obtains approval from the Agricultural Lands Board to make improvements to a holding at his own expense. Improvements which are permitted are those which are reasonably required for the management, improvement or development of the holding. Only improvements which are approved by the Agricultural Lands Boards qualify for compensation. Section 43 provides that, if any dispute shall arise relating to:

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

3.1.14 Arbitration Act No. 19 of 2000

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

3.1.15 Environmental Impact Assessment Regulations of 1997

52. Environmental Impact Assessment Regulations (1997) are promulgated under the Zambia Environmental Management Agency (ZEMA) Act 2010. The First Schedule of Regulation 3 specifies which type of developments requires a project brief. Regulation 10 provides for public consultation by the

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

- Publicize the intended project, its effects and benefits in the mass media in a language understood by the community for a period of not less than fifteen days and, thereafter, at regular intervals throughout the project implementation schedule.
- After the expiration of fifteen days referred to above, hold meetings with affected communities in order to present information on the project and obtain views of those concerned.
- Regulation 11 provides for the contents of environmental impact statements to include social and economic impact of the project, such as resettlement of affected people; Socio-economic and cultural considerations such as effects on generation or reduction of employment in the area, social cohesion or resettlement and local economic impacts; and effect on land uses and land potential in the project area and surrounding areas.

3.1.16 The Zambia Wildlife Act No. 12 of 1998

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

3.1.17 Land Survey Act

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

3.1.18 Land Conversion of Title Act

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

3.1.19 The Forest Act of 1973

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

3.1.20 The Valuation Surveyors Act Cap 207

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

3.1.21 Lands Tribunal

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

3.2 World Bank Resettlement Policy Requirements

59. The World Bank safeguard policy OP 4.12 relates to the administration of resettlement issues in the event of project activities inducing displacement of people and disrupting their livelihoods. Although the

project will try to avoid resettlement and land acquisition through design of sub-projects. However, in rare cases, the policy might apply to some sub-project activities of the ZMERIP.

3.2.1 WB OP 4.12 Involuntary Resettlement Provisions

60. According to the World Bank's safeguard policy OP 4.12 attention should be given to the needs of vulnerable groups such as the poverty stricken, the landless, the elderly, widows, child-headed households and other disadvantaged persons. It is also a requirement of the policies that provision of compensation and other assistance be effected prior to people's displacement. This implies that acquisition of land, if required for ZMERIP activities can only take place after those affected have been compensated. The policy stipulates that resettlement sites and related public infrastructure, public services and moving allowances will be provided to the affected persons and incorporated in all displacement action plans. In addition, the Banks' policies offer the impacted persons an opportunity to improve their livelihoods and living standards through the participation in the planning preparation and implementation of Resettlement Action Plans (RAPs). As per the WB policy on Involuntary Resettlement:

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

61. As per the stipulation of the World Bank OP 4.12, the RPF provides guidance for preparation of RAPs, which will include measures to ensure that the displaced persons are safeguarded as follows:

- They should be informed about their options and rights pertaining to resettlement or displacement.
- They should be consulted, offered choices and provided with technically and economically feasible resettlement alternatives.
- They should be provided with prompt and effective compensation at full replacement cost for loss of assets attributed directly to the project. The resettlement plan or resettlement policy framework should include measures to assure that the displaced persons are :
 - Provided with assistance, such as transport and other allowances during relocation.
 - Provided with residential housing or housing sites or as required agricultural sites for which a combination of productive potential, location advantages and other factors are at least equivalent to the advantages of the old site.
 - Offered support after displacement, for a transition period, based on a reasonable estimate of time likely to be needed to restore their livelihood and standards of living.
 - Provided with development assistance in addition to compensation measures such as land preparation, credit facilities or job opportunities.

3.3 Other relevant legislation

3.3.1 National Health Policy, 2012

62. The National Health Policy for Zambia seeks to respond to these challenges. It has been developed within the context of the Vision 2030 and has taken into consideration other relevant national, regional and global health related policies, protocols and strategic frameworks, including the Sustainable

Development Goals (SDGs). The vision of the national health policy is to have a nation of Healthy and Productive People (National Health Policy, 2002).

63. The overarching objective of the National Health Policy is to reduce the burden of disease, maternal and infant mortality and increase life expectancy through the provision of a continuum of quality effective health care services as close to the family as possible in a competent, clean and caring manner.

Specifically the Government undertakes to:

- (i) Create awareness through family health promotion that the responsibility for one's health rests in the individuals as an integral part of the family, community and nation.
- (ii) Promote awareness among Government employees and the community at large that, health problems can only be adequately solved through multi-sectoral collaboration involving such sectors as Education, Agriculture, Water, Private Sector, including not for profit and faith based organizations
- (iii) Ensure that the health services are equitably available and accessible to all the people in the country
- (iv) Train and make available competent and adequate number of human resources to manage health services.
- (v) Ensure the availability of drugs, reagents and medical supplies and infrastructures.
- (vi) Promote and sustain public-private partnership in the delivery of health services and regulate practice.
- (vii) Promote traditional medicine and alternative healing system and regulate the practice.
- (viii) Ensure that the health sector is financed through diverse, sustainable equitable and cost effective financing mechanisms

3.3.2 The National Decentralization Policy, 2002

64. The objectives of Decentralization in Zambia stems from the need for the citizenry to exercise control over its local affairs and foster meaningful development which requires that some degree of authority is decentralized to provincial, district and sub-district levels as well as Councils, in the background of centralization of power, authority, resources and functions, which has in turn subjected institutions at provincial, district and sub-district levels to absolute control by the center. In order to remove the absolute control by the center, it is necessary to transfer the authority, functions and responsibilities, with matching resources to lower levels. The vision of Government to achieve a fully decentralized and democratically elected system of governance characterized by open, predictable and transparent policy making and implementation processes, effective community participation in decision-making, development and administration of their local affairs while maintaining sufficient linkages between the center and the periphery.

In order to achieve the Government's vision, the following policy objectives will be pursued:

- (i) empower local communities by devolving decision making, function and resources from the Centre to the lowest level with matching resources in order to improve efficiency and effectiveness in the delivery of services;
- (ii) design and implement a mechanism to ensure a "bottom up" flow of integrated development planning and budgeting from the District to the Central Government;

- (iii) enhance local political and administrative authority in order to effectively and efficiently deliver services;
- (iv) promote accountability and transparency in the management and utilization of resources;
- (v) develop the capacity of Local Authorities and communities in development planning, financing, coordinating and managing the delivery of services in their areas;
- (vi) build capacity for development and maintenance of infrastructure at local level;
- (vii) introduce an integrated budget for district development and management; and
- (viii) provide a legal and institutional framework to promote autonomy in decision making at local level.

Table 2: Other Relevant Legislation

Legislation	Interpretation of Legislation
Anti-Gender-Based Violence Act, 2010.	An Act to provide for the protection of victims of gender-based violence; constitute the Anti-Gender-Based Violence Committee; establish the Anti-Gender-Based Violence Fund; and provide for matters connected with, or incidental to, the foregoing.
Citizens Economic Empowerment Act, 2006	An Act to establish the Citizens Economic Empowerment Commission and to define its functions and powers; establish the Citizens Economic Empowerment Fund; promote the economic empowerment of targeted citizens, citizen empowered companies, citizen influenced companies and citizen owned companies; promote gender-equality in accessing, owning, managing, controlling and exploiting economic resources; encourage an increase in broad-based and effective ownership and meaningful participation of targeted citizens, citizen empowered companies, citizen influenced companies and citizen owned companies in the economy in order to contribute to sustainable economic growth; remove social customs, statutory provisions or other practices that limit access to any particular gender to skills training that is essential for effective participation in the economic sector; promote the employment of both gender by removing structural and discriminatory constraints that hinder any particular gender from employment opportunities and in so doing ensure equitable income distribution; promote equal opportunity of targeted citizens and citizen empowered companies, citizen influenced companies and citizen owned companies in accessing and being awarded procurement contracts and other services from State institutions; promote Greenfield investment through joint ventures and partnerships between local and foreign investors in order to enhance broad-based economic empowerment; and provide for matters incidental to or connected to the foregoing.
Employment Act, 1997	An Act to provide legislation relating to the employment of persons; to make provision for the engagement of persons on contracts of service and to provide for the form of and enforcement of contracts of service; to make provision for the appointment of officers of the Labour Department and for the conferring of powers on such officers and upon medical officers; to make provision for the

Legislation	Interpretation of Legislation
	protection of wages of employees; to provide for the control of employment agencies; and to provide for matters incidental to and consequential upon the foregoing.
Gender Equity and Equality Act, 2015	An Act to establish the Gender Equity and Equality Commission and provide for its functions and powers; provide for the taking of measures and making of strategic decisions in all spheres of life in order to ensure gender equity, equality and integration of both sexes in society; promote gender equity and equality as a cross cutting issue in all spheres of life and stimulate productive resources and development opportunities for both sexes; prohibit harassment, victimisation and harmful social, cultural and religious practices; provide for public awareness and training on issues of gender equity and equality; provide for the elimination of all forms of discrimination against women, empower women and achieve gender equity and equality by giving effect to the Convention on the Elimination of all Forms of Discrimination against Women, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development; and provide for matters connected with, or incidental to, the foregoing.
Human Rights Commission Act, 1996	An Act to provide for the functions and powers of the Human Rights Commission; to provide for its composition and to provide for matters connected with or incidental to the foregoing.
Local Government Act, 1995	An Act to provide for an integrated three tier local administration system; to define the functions of local authorities; to repeal the Local Administration Act and certain related laws; and to provide for matters connected with or incidental to the foregoing.
Mines and Minerals Development Act, 2015	An Act to revise the law relating to the exploration for, mining and processing of, minerals; provide for safety, health and environmental protection in mining operations; provide for the establishment of the Mining Appeals Tribunal; repeal and replace the Mines and Minerals Development Act, 2008; and provide for matters connected with, or incidental to, the foregoing.
National Health Research Act, 2013	An Act to establish the National Health Research Authority and provide for its functions and powers; establish the National Health Research Ethics Board and provide for its functions and powers; provide a regulatory framework for the development, regulation, financing and coordination of health research and ensure the development of consistent health research standards and guidelines for ethically sound health research; provide for the establishment of health research ethics committees and the regulation and management of research institutions, health researchers and health establishments involved in or undertaking research; provide for the regulation of biological material for health research; provide for ethical approval for the conduct of clinical trials; provide for the use

Legislation	Interpretation of Legislation
	of traditional, complementary and alternative medicines in health research; provide for data management and intellectual property rights in health research; provide for the designation of bio banks; and provide for matters connected with, or incidental to, the foregoing.
Non-Governmental Organisations Act, 2009	An Act to provide for the co-ordination and registration of non-governmental organisations; establish the Non-Governmental Organisations' Registration Board and the Zambia Congress of Non- Governmental Organisations; constitute the Council of Non-Governmental Organisations; enhance the transparency, accountability and performance of non- governmental organisations; and provide for matters connected with or incidental to the foregoing
Occupational Health and Safety Act, 2010	An Act to establish the Occupational Health and Safety Institute and provide for its functions; provide for the establishment of health and safety committees at workplaces and for the health, safety and welfare of persons at work; provide for the duties of manufacturers, importers and suppliers of articles, devices, items and substances for use at work; provide for the protection of persons, other than persons at work, against risks to health or safety arising from, or in connection with, the activities of persons at work; and provide for matters connected with, or incidental to, the foregoing.
Public Health Act, 1995	An Act to provide for the prevention and suppression of diseases and generally to regulate all matters of public health in Zambia.
Zambia Development Agency Act, 2006	An Act to foster economic growth and development by promoting trade and investment in Zambia through an efficient, effective and coordinated private sector led economic development strategy; to establish the Zambia Development Agency as a one stop facility which will ensure, among other matters, client focus, dialogue with the private sector and create confidence in public sector support for business; to provide for the functions and powers of the Agency; to attract and facilitate inward and after care investment; to provide and facilitate support to micro and small business enterprises; to promote exports and globalization; to streamline bureaucratic procedures and requirements faced by investors; to facilitate industrial infrastructure development and local services; to promote greenfield investments through joint ventures and partnerships between local and foreign investors; to promote and encourage education and skills training so as to increase productivity in business enterprises; to encourage measures to increase Zambia's capacity to trade and enable business to participate in a competitive global environment; to ensure that the private sector takes advantage of and benefits from international and regional trade agreements; and to provide for matters connected with or incidental to the foregoing.

3.4 Differences between the Zambian Legislation and World Bank Policy 4.12.

Annex 2 provides a comparison between the national regulation and WB OP 4.12. In summary, there are a number of observations on policies' overlaps and gaps.

3.4.1 Overlaps

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

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

3.4.2 Gaps

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

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

3.4.3 Measures to close the Gaps

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

- Streamlining the compensation review process under the Zambian law to ensure that approvals are consistent with those required by the World Bank for timely sub-project approval and implementation.
- The PIUs in collaboration with PCU should develop a valuation and compensation procedure that allows the delegation of authority and decision making to the local level in the case of sub-project activities that have minimal resettlement impacts.
- MoM as the implementing Agency for the ZMERIP formally agreed to implement the policy principles of this RPF as stated and consistent with World Bank OP 4.12. Harmonization of the legal provisions is a cardinal measure as the primary aim of this RPF is to improve the livelihoods of the PAPs beyond the original status of their economic, social and cultural well-being as provided for under WB's OP 4.12 resettlement guidelines on compensation.

68. As noted, the RPF requirements are based on the policies of the World Bank (WB) and Zambian national legislation. In cases where the measures to close the gaps between the WB's and the Zambian requirements are considered to be inadequate, the requirements and guidelines of the World Bank will be followed during the implementation of the sub-projects.

4. Socio-Economic Baseline of Kabwe and Copperbelt Province

4.1 Regional Context Copperbelt and Kabwe

69. Copperbelt province covers an area of 31,328 square kilometres, representing 4.2% of the total area of Zambia. It forms boundaries with North-western province on the western side and Central province in the south. It also shares borders with DR Congo in the north. Administratively, the province is divided into 10 districts, namely: Chililabombwe, Chingola, Luanshya, Kitwe, Kalulushi, Lufwanyama, Masaiti, Mpongwe, Mufulira and Ndola. Ndola is the administrative capital of the province.

70. Kabwe district is located in the Central Province of Zambia and covers approximately 1,570 km² land area. It is bordered by Chibombo District in the south and Kapiri Mposhi in the north. It lies on the Great North Road 139 km from the capital Lusaka. Central Province is divided into seven districts namely Itezhi Tezhi, Chibombo, Kabwe, Kapiri-Mposhi (Ngabwe district is still affiliated to Kapiri-Mposhi), Mkushi, Mumbwa and Serenje.

71. Kabwe is the provincial headquarters of the Central Province. The Provincial Minister who is assisted by the Provincial Permanent Secretary (the chief civil servant) heads the Provincial Administration.

4.1.1 Demographic Overview

72. The 2010 Census of Population and Housing put the country's population at 13,046,508 with an annual average growth rate of 2.8 per cent. The population density in the country was estimated to be 17.3 persons/km². The country has a fairly young population with 47 per cent of the total population being below the age of 15 years (CSO, 2011).

Copperbelt Province

73. The population for Copperbelt Province stands at 1,958,623. Of this population 49.7 percent were males and 50.3 percent were females. The average annual population growth rate for the province was 2.2 percent in the 2000 – 2010 inter-censal periods. The average annual population growth rate was highest in Mpongwe District at 3.6 percent. This was closely followed by Kitwe and Chililabombwe districts at 3.3 and 3.0 percent growth, respectively. Luanshya and Masaiti Districts had less than 1 percent population growth. Luanshya had a population growth rate of 0.3 percent while Masaiti grew at 0.7 percent in the inter-censal period 2000 – 2010. Kitwe District had the largest share of the population in the province at 26.7 percent - 522,092 inhabitants – 260,216 males and 261,876 females. See Table 2 below.

Table 2: Population Share and Density by District on the Copperbelt (CSO, 2010)

District	Male (%)	Females (%)	Total (number)	Population Share	Population Density persons/ km ²
Chililabombwe	51	49	90, 530	4.6	88.2
Chingola	50	50	210,073	10.7	125.2
Kalulushi	50	50	96, 206	4.9	132.7
Kitwe	50	50	522,092	26.7	671.9
Luanshya	49	51	153,117	7.8	188.8

Lufwanyama	50	50	75, 542	3.9	7.7
Masaiti	50	50	102,503	5.2	19
Mpongwe	50	50	91, 765	4.7	11
Mufulira	50	50	161,601	8.3	98.7
Ndola	49	51	455,194	23.2	412.7
Total	50	50	1,958,623	100	62.5

Kabwe

74. The population of Central Province is recorded as 1,267,803 in 2010, with an annual average growth rate of 2.6 per cent. The population density is estimated at 27.8 persons per km². Amongst the Province's districts, the Itezhi Tezhi District had the highest population growth rate of 4.1 per cent followed by the Mkushi at 3.5 per cent and then Mumbwa District 3.3 per cent. During the same period, Chibombo District had the largest share of population (293,765 people) followed by Kapiri Mposhi District (240,841 people) and Kabwe District at 202,914 people. The population of males stood at 99,561 and that of females was 103,353 (CSO, 2011). Kabwe has the highest population density in Central Province at 129. The average population density in the province is 27.8 persons per km² as in table 3 below.

Table 3: Population Share and Density by District - Central Province (CSO, 2010)

District	Male (%)	Females (%)	Total (number)	Population Share	Population Density persons/km²
Chibombo	50	50	293,765	22.0	21.9
Itezhe Tezhi	49	51	64,593	4.8	4.0
Kabwe	49	51	202,914	15.2	129.1
Kapiri	49	51	240,841	18.1	14.0
Mkushi	50	50	151,803	11.4	8.6
Mumbwa	50	50	218,328	16.4	10.3
Serenje	49	51	160,152	12.0	6.9
Total	50	50	1,332,396	100.0	27.8

4.1.2 Economic Profile

75. The Zambian economy has always been dependent on foreign exchange revenue from its extractive industry. Copper accounts for over 75% of export earnings. The decade immediately after political independence saw a collapse in copper prices. State controlled economic policies introduced in the early 1970s had a devastating effect on the Zambian economy. The country experienced a steady decline in its economic performance, with per capita income falling, almost 5% annually from 1974 through the 1990s. The favourable metal prices and the hospitable environment for foreign investment has led to a marked improvement in the economy of Zambia.

Copperbelt Province

76. The Copperbelt province is one the most developed provinces in the country due to its rich mineral deposits. The province hosts the copper mines that have for years been the main stay of the national economy and have provided over 75% of the foreign earnings. The mines have been the major employers of the Zambian population. Apart from Copper, the province is also endowed with other non-ferrous metals

such as cobalt, silver precious and semi-precious stones. The Copperbelt enjoys a fair share of industries in the manufacturing sector. However, the sector, which was prosperous in the 1990s, is experiencing a slump in the supply of locally manufactured products.

Kabwe

77. Kabwe was once the centre of economic activities in Central Province. The closure of the mine in 1994 led to economic decline of the town. The closure of the mines resulted in nearly 1,200 direct job losses and an additional 5,000 jobs by contractors. It had a number of manufacturing industries including the Zambia-China Mulungushi Textiles plant established with Chinese investment in the 1980s, also closed at the beginning of 2007 after suffering huge losses. Kabwe is the headquarters of Zambia Railways. After the concession of Zambia Railways a number of jobs were also lost. Other industries include Kabwe Industrial Fabrics, pharmaceuticals, milling and Dunavant cotton ginning, and leather tanning. The local economic activities were directly impacted by the closure of the mine and non-performance of the Zambia Railways Limited which has its main workshop near the project site. However, the area is slowly awakening economically with the opening of steel factories, expansion of the Lunsemfwa Hydro Power Company, revamping of Zambia Railways, recapitalisation of Sable Zinc Kabwe by Glencoe and the proposed KLRP Copper Cement Plant on the mine site.

78. The Town's mining history has largely shaped infrastructure development and settlement patterns in Kabwe. Mining began in Kabwe in the early part of the 20th century and the mine related economic prosperity of the Town drew large numbers of people to the area.

79. Kabwe had a well-developed infrastructure system including road and railway networks, schools, hospitals, recreational facilities, and an industrial area. However, since the closure of Kabwe Mine the Town has experienced deterioration of the infrastructure base, due to a declining economic climate. In relation to settlements, the mine townships of Luangwa, Kasanda and Chowa were built to accommodate those working within the mine sector. Other residential areas within Kabwe include Central Kabwe, Highridge and Railway, which were developed to accommodate personnel working within Government ministries, and the railway, retail, and manufacturing sectors. For some time Kabwe has experienced a net in-migration of people, leading to a number of unplanned, peri-urban settlements, such as Makululu, Makandanyama, Katondo and Wire developing around the periphery of the urban areas. Infrastructure provision in the unplanned settlements around Kabwe has always been poor, as is typical of peri-urban settlements throughout Zambia.

4.1.2 Vulnerable Social Groups

80. The current HDI Gender Inequality Index (GII) value for Zambia is 0.752, giving it a rank of 124 out of 138 countries (based on 2008 data). Women are disadvantaged on three dimensions, reproductive health, empowerment, and economic activity. Female participation in the labor market is currently 60% compared to 79% for men. The elderly, both men and women, some men-headed households and the chronically ill are also highly vulnerable. Rural youth are included in this group because they can be particularly disadvantaged in isolated parts of the Copperbelt, where they face high levels of unemployment, and few alternative livelihood options to farming. In general, the prevailing high disparities in economic and social standing between these vulnerable groups and the remaining population make it imperative to design targeted interventions to the benefit of the most vulnerable.

It is important that at the earliest stages of community engagement, facilitators assist communities in identifying vulnerable sections of their society and indicate how such groups will benefit from the proposed sub-project. Typical vulnerable social groups may include women-headed households; widows and elderly (both men and women); rural youths; and people living with HIV-AIDS or caring for HIV-AIDS patients and orphans. These vulnerable social groups will be particularly targeted by the ZMERIP. Given the weak capacity at the sub-district level, NGO partners working with the ZMERIP will need to provide substantial capacity building to these vulnerable stakeholders, including helping them form support groups and assist them in accessing better services and livelihoods.

4.1.3 Environmental Health

Copperbelt Province

81. Copper smelters associated with Sulfur Dioxide (SO₂) emissions have adversely impacted human health, soil quality and crop productivity in Copperbelt province. Project activities will also be focused on the Copperbelt – primarily Chingola, Mufulira and Kitwe – to address the adverse environmental impacts which are directly linked to operating copper mines. Particulate matter less than 10 µm in size (PM₁₀) originating from smelters, and dusting of tailing dams and unpaved roads have left significant environmental impacts resulting from exposure to acidic fumes. It is estimated that in the early 2000s, the total SO₂ emissions in Zambia was 346,700 ton/year, of which the mining industry (mostly the copper smelters) contributed to over 98%. Areas northwest and west of the large Nkana and Mufulira smelters have SO₂ concentrations between 500 and 1000 µg/m, which exceed the Zambian guideline of 50 µg/m³¹. This is the case with most residential areas in the Copperbelt cities of Mufulira and Kitwe. A study of SO₂ concentrations in flue gases and on the bark of the Australian red cedar in the Copperbelt showed levels of 1,402 µg/m³ in raw flue gases (exceeding the threshold value of 1,000 µg/m³) at almost 25 km away from the emissions source². Copper smelting activities on the Copperbelt result in atmospheric emissions between 300,000 and 700,000 tons/year, far exceeding the WHO limit of 125,000 tons/year³. Surface soil samples contain ten to 50 times higher concentrations of copper than subsurface samples in most of the Copperbelt. Recent incidents of accidental breaks in leaching tanks of mining companies resulted in over 100 hectares of maize and vegetable crops being destroyed by SO₂ emissions along the Kitwe-Chingola roads on the Copperbelt⁴. Root crops tend to generally contain more lead than leaf or fruit crops. In the less contaminated areas of the Copperbelt, only leaves of cassava and sweet potato contain elevated metal concentrations. However in heavily contaminated soils, even the roots showed high metal concentrations. People residing in some areas in Kitwe on the Copperbelt are unable to grow backyard vegetable gardens, which are being affected by necrosis due to accumulation of heavy metals in the soil and SO₂ on plant leaves⁵. The project will explore interventions to demonstrate livelihood opportunities and treat soils in areas affected by Sulphur dioxide contamination.

¹ Towards better environmental management and sustainable exploitation of mineral resources : Joanna Lindahl; Geological Survey of Sweden, July 2014

² Air Pollution on the Copperbelt Province of Zambia: Effects of Sulphur Dioxide on Vegetation and Humans: Ncube et al; School of Mines and Mineral Science, Copperbelt University, 2012

³ Ibid

⁴ Lusaka Times, January 2013

⁵ Lindahl: Czech Geological Survey 2007

Kabwe

82. Current environmental health issues are due to continued poor environmental governance in mining sector. The legacy from privatization, particularly the unclear and unresolved separation of historical environmental liabilities associated with the public mining operations of ZCCM from the current operations of the private owners is at the core of unattended environmental health risks. Due to fluctuating copper and lead prices, including low content in the tailings, none of the new owners have started reprocessing, thus leaving the lead and copper tailings unattended, resulting in continued exposure to the population of Kabwe town and various provinces of the Copperbelt respectively. Ownership of many of the tailing dams continue to remain in the hands of the GRZ, which offers opportunity under the project to demonstrate rehabilitation/closure for reduction of environmental health risks.

83. Residual environmental health problems in Kabwe are still serious due to widespread lead contamination. Kabwe continues to have serious environmental health risks associated with lead exposure. It is estimated that more than 15,000 residents (including more than 3,000 children) may still be affected by high lead levels in the soil, both from naturally occurring mineralization and the impact of the smelting and reprocessing of existing tailings. Lead contamination⁶ is particular concerning for young children as it affects cognitive development and can cause serious health problems, including death in serious cases. The public health risks fall disproportionately on the poor, and in particular on the vulnerable population including the women and children who are exposed to toxic pollution and live in poor, degraded and abandoned mining areas. Closure of several old mines and mining operation resulted in unemployment; loss of livelihood and income generation opportunities. The situation has led to higher health risks due to continued exposure to toxic lead pollution, particularly for poorer and malnourished children and their mothers exacerbated by poor access to proper diagnostics, care and treatment.

4.1.4 Livelihoods

Copperbelt Province

84. This zone is highly urbanised, with wage employment (in mining, manufacturing, banking, etc) and trading representing the main livelihood options for most people. Staple food production is minimal. Copper mining is the main economic activity in the zone. Apart from mining other common livelihood activities are charcoal burning and game, the zone has relatively good infrastructure. The entire Copperbelt province constitutes Livelihood Zone 8 and falls within agro-ecological region III, which receives an average annual rainfall of approximately 1 300 mm. It has a long (130 160) days growing season with a slight risk of frost in winter (June–August) and a mean monthly minimum temperature between 17 and 18 °C during December to February. There are two farming systems peri-urban and Mpongwe. The peri-urban is mainly

⁶ Exposure to lead has many known health effects, which include neuropsychological impacts in children (developmental and behavioral problems, lower IQ, attention deficit disorder, learning problems, and anemia) and increased blood pressure and cardiovascular disease among adults, chronic kidney disease, anemia and gastrointestinal symptoms. Anemia and gastrointestinal symptoms generally occur at high blood lead levels (BLL), e.g., greater than 60 micrograms of lead per deciliter of blood (µg/dL). The residual environmental health problems in Kabwe are still serious due to widespread lead contamination. It is estimated that tens of thousands of residents (including more than 3,000 children) may still be affected by high lead levels in the soil, both from naturally occurring mineralization and the impact of the smelting and reprocessing of existing tailings. Air pollutants, such as SO₂ have a correlation with respiratory problems. Children, the elderly and those already suffering from respiratory ailments such as asthma are especially at risk.

found in and around the urban towns of Ndola, Mufulira, Chingola, Kitwe, Kalulushi and Chililabombwe. Its characteristic features are the high numbers of retired miners and workers/settlers whose livelihood is trading, sale of clothes and vegetables production. The Mpongwe farming system is found in the rural districts of the province, including Luanshya, Masaiti, Mpongwe and Lufwanyama, where a wide-range of starch staples including maize, sorghum, cassava and millet are grown. Limited cash crops such as soya beans, cotton and sunflower and, to a limited extent, coffee are also important. The stream water flows without interruption throughout the year and can be utilized for small-scale irrigation. Development of freshwater fish and aquaculture are also found.⁷

Kabwe

85. Kabwe falls in Zone II Sub-region II-a with an annual rainfall is 800-1 000 mm and there is no freezing even during the low temperature season. The soil appears to be very fertile. The crop planting period is between 100-140 days. The II-a Sub-Region is located in the fertile plateau with generally fertile soil. In this region the following crops are cultivated under irrigation: maize, cotton, cassava, tobacco, sunflower, soybean, groundnut, vegetables and wheat. The area is also suitable for flowers and paprika. (Mukelabai & Mwase, 2010). The main livestock kept include cattle, goats, poultry and pigs. The infrastructure in the zone is relatively good in some areas, providing access to markets on the Great North Road, including Kabwe.

86. The figure and tables (Figure 7) show the Agro-Ecological regions of Zambia, rainfall pattern and the crops that are suitable for the areas.

⁷ Livelihood Zones Analysis, Mukelabai Ndiyoi & Mwase Phiri, Farming Systems Association of Zambia (FASAZ), Lusaka, Zambia, in consultation with FAO, 2010.

ZAMBIA'S AGRO-ECOLOGICAL REGIONS

AER 1	AER 2 (A & B)	AER 3
17.3 m hectares	27.4 m hectares	30.6 m hectares
Less than 800 mm rainfall per year	800 mm to 1,000 mm rainfall per year	More than 1,000 mm rainfall per year
80–120 growing days	100–140 growing days	160+ growing days
Suitable for millet, sorghum, lentils, bananas, paprika, baby corn, small ruminants, cattle, dairy, aquaculture and poultry.	Suitable for maize, sorghum, cassava, millet, rice, groundnuts, cow peas, tobacco, sunflowers, irrigated wheat, soybeans, horticulture, aquaculture, cattle, dairy and poultry.	Suitable for cassava, maize, millet, sorghum, beans, groundnuts, rice, coffee, tea, pineapples, cattle, dairy, poultry, small ruminants and aquaculture.

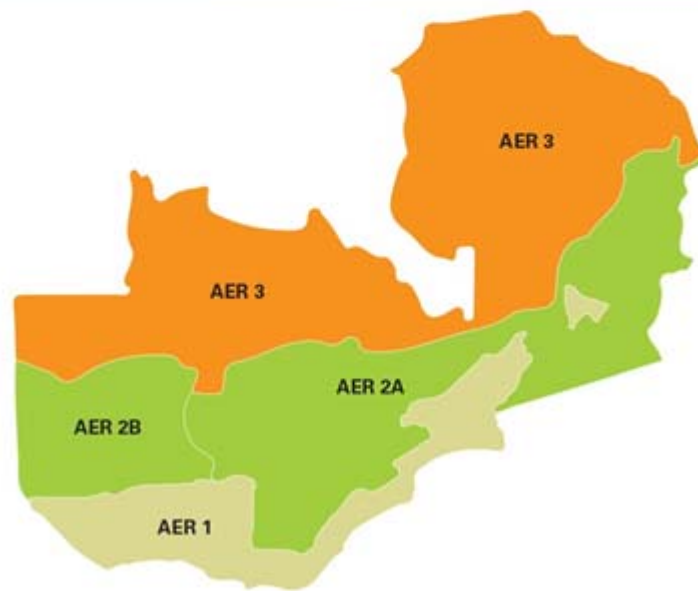


Figure 4: Zambia's Agro-Ecological Regions (sourced from <http://www.globalharvestinitiative.org/wp-content/uploads/2015/11/zambia-agro-map.bmp>)

5. Compensation Eligibility Categories

5.1 Definition of Affected Persons

87. Persons potentially affected include cases of:

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

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

5.2 Eligibility Criteria

89. Upon identification of the need for involuntary resettlement in a subproject, the subproject proponent will carry out a census to identify the persons who will be affected by the subproject. This will help the subproject proponent to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the subproject area of impact but who might want to take advantage and claim for assistance.

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

- Any person(s) with formal legal rights to land. According to Zambia's land tenure system; this group consists of two types of people. Firstly, there are those with a 99-year renewable leasehold of state land. These have title deeds and the land they own has legally recognizable commercial value. Secondly, there are those who occupy land under the customary land tenure system. This land is controlled and allocated to them by traditional authorities (chiefs). The owners do not have title deeds but they have a 'customary' legal claim to it. They may not involve themselves in land transactions without the consent of the chief. Under the ZMERIP sub-projects, the majority of people likely to be affected are those under this category.
- Any person(s) who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets. This group of people mostly comprises those who have bought land or other immovable property but have not yet completed the process of acquiring title deeds. The other group consists of those in legally established voluntary resettlement areas who have not yet reached the retirement age at which point they become eligible for title deeds.
- Those who have no recognizable legal right or claim to the land they are occupying. The policy provides for the following:
 - a) Compensation for loss of assets using a participatory approach at all stages of project and implementation
 - b) Placement of the needs of the disadvantaged groups such as the landless, female headed households, children, linguistic groups, minority ethnic and religious groups etc. out the center of the involuntary resettlement development approach
 - c) Application of economic benefits and cost to determine projects resettlement flexibility. These are mostly encroachers into state land or those who might occupy customary land without permission or recognition by the local authority (chief).

5.3 Principles for Developing Eligibility Criteria

91. The subproject proponent is required to develop a procedure, satisfactory to ZMERIP PIUs and the World Bank, for establishing detailed criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. In developing such a procedure, the subproject proponent should follow the following principles:

92. The process of developing the procedure must include provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations (NGOs), and stakeholders. A continuous stakeholder consultation must also be established to guide the RAP preparation and implementation stages.

93. Those who have formal legal rights to land and those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets must be provided compensation for the land they lose, and other assistance, where necessary, such as: support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and; development assistance such as land preparation, credit facilities (for component 3 sub-projects), training, or job opportunities in addition to compensation measures.

94. Those who have no recognizable legal right or claim to the land they are occupying should be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off date established by the project proponent and acceptable to ZMERIP PIUs and the World Bank. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate. All persons included who qualify for compensation must be provided compensation for loss of assets other than land.

5.4 Impact Assessments

95. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects and are caused by the involuntary taking of land resulting in:

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

96. This policy applies to all components of the project resulting in involuntary resettlement regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, which, in the judgement of the Bank are:

- I. Directly and significantly related to the Bank-assisted project;
- II. Necessary to achieve its objectives as set forth in the project documents, and
- III. Carried out, or planned to be carried out contemporaneously with the project.
 - Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be taken to restore their livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements; and
 - Provided with development assistance in addition to compensation measures described above, such as land preparation, credit facilities, training, or job opportunities.

6. Methods of Valuing Affected Assets

6.1 Basis of Valuation

97. The law and practice in Zambia advocate Market Value as Basis for Valuation. In this RPF, valuations of natural and physical assets are meant to capture the compensatory value to mitigate against infringing on basic human rights in terms of access to property. All ZMERIP components and their respective sub-projects will employ the valuation approach to set asset value for compensation for the affected persons.

6.2 Methods for Inventorying Assets

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

6.3 Asset Valuation Principles

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

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

6.3.1 Investment Method

100. The Investment Method treats property like any other investment in the market, where the main factors influencing investment decisions are security of principal, adequate yield, security of income, administrative costs and capital growth. The procedure is to capitalize the rental income (net of expenses or outgoing) using a coefficient based on the prevailing market yield. Yield adjustments have to be made wherein come is determinable. Where ownership will accrue in future or the expected income stream is likely to change, the benefit is deferred at an appropriate rate, where adequate market data are available. Where sale and rental transactions are rare, and there is scarcity of comparative data on rental and capitalization rates, the method will not be used. Investment Method of Valuation is not common in Zambia. Crop Compensation Rates are determined by the yielding capacity of the individual crop over a number of years, taking into account the cost of producing the crop and marketing.

6.3.2 Direct Comparison Method

101. The method will be used to value assets by comparing it with similar property being sold in the vicinity. It is a very reliable method if current market information is available on sale prices and rentals. It

is usual to reduce sales or rented information to unit price for compensation purpose. The common units used are like:

- Vacant buildable land: ha, sq. m, standard plot;
- Houses: floor area measured in sq. m, rooms;
- Agricultural land: ha, square meter, number of trees;
- Shops and houses: floor area measured in sq. m, rooms;
- Industrial property: floor area measured in m²; and
- Schools, hospitals, school place, bed space, seats, etc.

Adjustment may have to be made for age conditions or location. For instance, a small farm in the same location would command a comparable price be in hectares of farm land near town.

6.3.3 Replacement Cost Approach

102. In this approach, value can be arrived at by using the cost approach where market sale and rental information is not available. The assumption is that the price is equivalent to the cost for replacing the asset with an equivalent one plus a reasonable and fair profit margin. The method is commonly used in valuing public properties like school play grounds, community halls and health centers. Costs may be obtained basing upon the actual construction cost if the works have been recently completed, tender price, and bills of quantities prepared by a quantity surveyor, estimates prepared by contractor, rough estimates based on unit costs, e.g. cost per m², m³beds pace, etc. And estimates of materials and labor costs prepared by the Valuer after consulting local experts and suppliers.

103. Additionally, the method also considers professional fees for architectural, engineering and other technical services, interest during construction and other charges like land rent, plan approval fees and developer's profit when appropriate. The method can be used when valuing partly completed buildings.

6.3.4 The Residual Method

104. The Residual Method takes a hypothetical approach by seeking to predict what the value of property will be at some point of time in the future. It is usually used to value property that is just beginning to be developed. The method is based on the theory that the value of an asset is determined by the benefit or future income streams it will yield.

5.3.5 Valuation of Immovable Property and Land Tenure Systems

105. Valuation of immovable assets in Zambia is closely related to the land tenure system. This means that the valuation of a piece of land, or immovable property on that piece of land, depends on whether that piece of land is under the 99-year renewable state leasehold, or under traditional authority. State leasehold land is land which has been captured by the Survey Department in the Ministry of Lands. Any land which is not captured by the Survey Department is assumed to be traditional land. The fundamental point is that only state land can be valued. Traditional land and the properties on it cannot be valued for purposes of legal transactions, until certain procedures have been fulfilled. However, the value of property on traditional land can be ascertained separately from the land by applying one of the valuation methods mentioned above, but such property cannot be sold separate from the land.

6.4 Overview of WB Required Valuation Method

106. The World Bank Operational Policy 4.12 requires the use of replacement cost method of valuation of assets which will be followed for this project. With regard to land and structures, "replacement cost" is defined as follows:

107. For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

108. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes. The policy further states that "in determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset and where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. " A comparison between Zambia's valuation methods and the Bank's recommended method brings out the following differences: Firstly, Bank's replacement cost does not take into account the depreciation of the asset whilst the replacement cost method used in Zambia takes depreciation into account. Secondly, Zambian practice does not take into account transaction costs whilst the World Bank does.

7. Arrangements for Funding Resettlement Compensation

7.1 Operational Procedures

109. A Compensation Committee is the body established at the level of Municipalities is responsible for the oversight and implementation of the compensation process. Such Compensation Committee can establish Task Teams and Sub-Committees as required for defined tasks. These groups must be specifically mandated by the Committee, with a clear brief and reporting structure.

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

7.2 Sources of Funding

111. Although no displacement of populations is envisaged under ZMERIP, any compensation for resettlement or loss of assets will be funded from the GRZ funds. The investment projects under the ZMERIP will be funded from IDA grant through the Ministry of Mines to the three Designated Accounts – MSD (and through this account to Copperbelt Municipalities, ZEMA and Kabwe Municipal Council).

112. Since detailed projects design and requirement (and costing of compensation) are not defined at the time of project preparation, an overall requirement and budget for the RAPs has not been determined.

The RAP budget and budgeting process is guided by the principle of including the RAP implementation cost up-front in the project implementation budget. A sample RAP budget template is provided in Annex 7.

8. Compensation Payments

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

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

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

8.1 Compensation Guidelines

115. Compensation rates will be at market rates as at the date and time that the replacement is to be provided. The current prices of cash crops would have to be determined. Compensation would be based on valuation at or before the entitlement cut-off date.

116. Homestead such as bush is community property. Only structures on the site belong to individuals, while permanent loss of any homestead site will be covered by community compensation which will be in-kind only. However, all persons losing land as a direct consequence of the project or sub-projects will be entitled to land of equal amount and of similar standard which will be located as close to the current site as possible. Compensation for land is intended to provide the affected person whose land is acquired and used for subproject purposes with compensation for land, labour and crops loss. Where land acquired has a standing crop, the farmer will be compensated in full for the expected market value of the crop plus the loss of investment of labour and purchased inputs for the production year/season in question.

8.1.1 Types of Compensation

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

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

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

- Training
- Transport

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

8.2 Compensation Computation

119. This RPF recommends the following compensation rates for land, crops, labour, buildings and structures, vegetables, horticultural, floricultural and fruit trees. For each payment, compensation will be calculated in Zambian Kwacha currency adjusted for inflation.

8.2.1 Compensation for Land

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

8.2.2 Crop Compensation Rates

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

8.2.3 Labour Cost Compensation Rates

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

8.2.4 Compensation Rates for Buildings and Structures

123. Compensation for structures and buildings will be paid at replacement cost of labour and construction materials for these structures including fences, water and sanitation facilities, etc. The applicable replacement cost of construction materials, taking into account market values for the structures and materials, will be used to calculate compensation value, where part of the compensation is to be paid in cash. Alternatively, compensation will be paid in-kind at replacement cost without depreciation of the structure.

8.2.5 Compensation Rates for Vegetables

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

8.2.6 Fruit Trees

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

8.3 Compensation Payment Principles

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

- Compensation shall be paid prior to being impacted by project activities;
- Compensation will be at least full replacement value and the compensation policy and its processes shall be perceived by the PAPs as being full, fair and prompt;
- Land for land compensation preference will be given to persons whose land will be affected;

- For PAPs whose livelihood is land-based, where sufficient land is not available at reasonable price, non-land based options centred on opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost;
- Taking of land and related assets may take place only after compensation has been paid; and resettlement sites, new houses, related infrastructure, public services and moving allowances have been provided to impacted persons;
- In addition to these entitlements, households who are found to be in difficult situations, and are at greater risk of impoverishment such as widow/ widower headed households, households without employment, single parent households etc., as identified by the census, will be provided with appropriate assistance by the project;
- Assistance may be in the form of food, temporary accommodation, medical assistance, employment referrals or priority employment in project activities. This assistance is meant to help PAPs cope with the displacement caused by the programme; and
- Compensation and other assistance should be provided prior to displacement, and
- Preparation and provision of resettlement sites with adequate facilities.

8.4 Entitlements and Compensation Matrix

127. The matrix of entitlements and compensation showing a summary of all the assets that a PAP is entitled to shall be prepared by the proponents of ZMERIP subprojects. The entitlements and compensation matrix follows the eligibility criteria outlined in this RPF for compensation and/or resettlement/rehabilitation assistance and for losses of different types of assets and for various categories of PAPs as shown in the table below.

Table 4: Entitlement Matrix

Types of Losses	Category of PAP	Proposed Entitlement	Responsibilities
Agricultural crops	Subsistence & small scale farmers, tenants, squatters, encroachers	Cash compensation; labor cost compensation; provision of farm inputs; provision of cleared land at relocation site	PIUs, Resettlement and Compensation Committees, Valuation Department
Land (including structures and improvements to land)	Farm owners, subsistence farmers, traditional authorities, local communities	Compensation at replacement cost in form of alternative land or cash; compensation for buildings, other structures, and improvements on the land at replacement cost without depreciation; assistance in form of transport and settling	Project Staff, Resettlement and Compensation Committees, Commissioner of Lands, Councils, Valuation department, Survey Department, Department of Physical Planning and Housing

		in allowance; restoration of livelihoods at new sites	
Loss of community services such as: schools, churches, grazing fields, dip tanks etc.	Local communities, teachers, school children, subsistence farmers	Re-construct or re-establish lost community resources like churches and other cultural structures or provide alternatives in consultation with affected communities	Project Management, Municipal Councils, Traditional Authorities, Survey Department, resettlement and Compensation Committees, NGOs and CBOs in the area
Loss of structures and improvements to land	Tenants, squatters, encroachers	Compensation for buildings, structures, and improvements to land; for squatters, also assistance in the form of allowance and transport	Project Management, Resettlement and Compensation Committees, Valuation Department
Loss of Income	Any PAP losing income as a result of sub- project activities.	Lost income plus facilitation of alternative job training and other incentives All PAPs should benefit from some kind of income (restoration to at least pre-project)	Project Management, DDCC, Municipal Councils, Traditional Authorities, resettlement and Compensation Committees, NGOs and CBOs in the area
Occupied land	Encroachers/ squatters are not legally entitled to compensation for land	Encroachers/ Squatters are entitled to assistance to move to a place where they can settle legally to restore / retain their livelihoods, taking into account their vulnerability.	Project Management, DDCC, Municipal Councils, Traditional Authorities, resettlement and Compensation Committees, NGOs and CBOs in the area

128. Operational budgeting will be a standing process in sub-project's overall budgeting process.

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

8.5 Compensation Procedures

130. The Zambian legislation, WB Safeguard Policy 4.12 establishes clearly the right to compensation for property that is acquired in public interest. Although the Zambian Government recognizes both statutory and customary land tenure, and that people who lost their assets received the same indemnification as those few who had formal title, the specific procedures for valuing assets are not detailed in the Zambian law. It is in this regard that this RPF spells out the following valuation and compensation procedures which will be followed for involuntary resettlement, if required for any

ZMERIP project activities in Kabwe, Kitwe, Mufulira and Chingola MCs resulting from involuntary acquisition of land, residential and business structures; crops, trees or fruit trees. The potential categories of losses are outlined below:

8.5.1 Land

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

8.5.2 Residential Structures

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

8.5.3 Businesses Structures

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

8.5.4 Infrastructure (e.g., fences, latrines, wells)

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

8.5.5 Crops

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

8.5.6 Trees

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

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

131. A description of the proposed types and levels of compensation under the law or customary practice, and such supplementary measures as are necessary to achieve replacement cost for lost assets, will be provided in each RAP. The project does not envisage involuntary land acquisition but if it becomes necessary, any person impacted by land acquisition will be provided full replacement cost of lost structures to help rebuild or replace his or her assets without difficulty. The PIU will also be responsible for ensuring that (or arranging to provide) alternative residential plots are provided to the displaced persons. Once individual project impacts are identified and valuation of individual structures is completed, detailed compensation rates for different structures will be included in the resettlement plan, and the plan will be submitted to, and reviewed for a no-objection by the World Bank or its designated representative prior to the start of any physical works.

9. Process for Preparing and Approving Resettlement Action Plans (RAPs)

9.1 Overview

132. The Project will be implemented in four Municipalities (Kabwe, Kitwe, Mufulira and Chingola). Before any sub-project activity is implemented, PAPs will need to be compensated in accordance with the Resettlement Policy Framework. Most project activities will be able to adapt their design to avoid involuntary resettlement and land acquisition, however, for activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs. The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each project site involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Compensation Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review, approval and disclosure.

9.2 Preparation of Resettlement Action Plan

133. When a sub-project is expected to cause physical or economic resettlement, a RAP must be prepared by the project social safeguards team with officers from Municipal Councils. This will be approved by PCU and World Bank. The project Social safeguards specialist will monitor its implementation and supervision at a national level, while the relevant Municipal Council will monitor at the local level. The RAP will need to be as detailed as possible in order to guide resettlement of each of the sub-projects.

Process for Identifying need for RAP

134. To establish if RAP is indeed needed screening will be undertaken at the sub project design stage. After screening and it is known that land acquisition is required, the RAP process can now start. The RAP will entail identification of PAPs, socio-economic survey of the PAPs, census and land asset inventory of the area Throughout the RAP process, transparent consultation and public disclosure will take place with all the stakeholders including the PAPs, ensuring that the affected persons are informed about the process. During the whole process, the PAPs should be informed of their right to have access a grievance mechanism.

Sub-Project Screening

135. The first step in the process of preparing sub project RAPs is the screening process. Screening will to identify the land/ areas that may result in resettlement impacts. Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under ZMERIP, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key sub-project selection criterion. The screening process presented below will ensure that subprojects

presented for ZMERIP funding complies with the requirements of WB OP 4.12 and Zambia Land Act. Screening will take place as early in the subproject process as possible, and it will identify land that will be required for resettlement. This process will be undertaken in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified.

136. The screening form will then be submitted to the project Coordination for review. Should the screening process show that resettlement will be required, the next step will be to conduct a socio-economic survey, census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the subproject.

Socio Economic Survey

137. To enable identify the numbers and socioeconomic impact of PAP, a socioeconomic survey should be conducted. This should include quantitative household survey of the project affected persons or households. The objective of the quantitative household survey will be to generate a baseline description of pertinent demographic and social characteristics of the affected households. The target population for the quantitative household survey will be those affected persons within the project area. The socio-economic survey will be initiated by the relevant Municipality responsible for managing the sub-project (via the sub-project Resettlement and Compensation Committees). A sample for collecting affected household statistics in Annex 6.

Project Affected Person's Census

138. To determine the population of those affected, PAPs census should be undertaken for the displaced. The methodology will encompass all people adversely affected by the project, regardless of their legal status – landowner, holder of land rights, tenant, and illegal squatter – or whether they are actually living on an affected site at the time of the census. The lack of land title does not disqualify people from resettlement assistance. Private landowners and holders of rights to land as well as any person currently occupying public or private land for shelter, business purposes or other sources of livelihood (caretakers, squatters, scavengers) should be included in the census. The census will serve the following interrelated functions:

- Establishing a list of legitimate beneficiaries before the subproject's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits,
- Provide indicators for monitoring and evaluation;
- Provide initial information on the scale of resettlement to be undertaken
- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor and evaluate sustainable income restoration or development interventions, it is advisable that an independent consultant will need to be contracted to undertake the census, under close supervision of the sub-project Resettlement and Compensation Committees.

Preparation of Asset Inventory

139. To prepare inventory of the land and development on it, a field team should visit the affected area to carry out an asset valuation survey. The team should include village resettlement committee representative, local administration, a representative of the PAPs among others. During the survey, each asset should be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset should then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will say when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. This will be coordinated the project PIU Social safeguards specialist, in full collaboration with the Municipal Council. It is anticipated that the work will be undertaken by the Project staff. It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for

eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The basic elements of a RAP are outlined in OP4.12 and each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Involuntary Resettlement Sourcebook. Refer to Annex 1 for the outline of a Resettlement Action Plan.

9.3 Mechanism for Consultations and Public Participation

140. Public consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, all stakeholders must be adequately consulted and involved. The need for stakeholder's consultation is to secure the informed participation and consent of all people affected consultation should be particularly in the following areas:

- Alternative project design
- Assessment of project impacts
- Resettlement strategy
- Compensation rates and eligibility for entitlements
- Choice of resettlement sites and timing of relocation
- Development of opportunities and initiatives
- Development of procedures for redressing grievances and resolving disputes
- Mechanisms for monitoring and evaluation and for implementing corrective actions

141. The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons and hosts will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention will be given to vulnerable groups such as the landless, and women to ensure that they are represented adequately in such arrangements. The plan will address and mitigate the resettlement's impact on host populations who should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettled persons should be promptly made. Conflicts between hosts and resettled persons may develop as increased demands are placed on land, water, forests, services etc., or if the resettled persons are provided services and housing superior to that of the hosts. Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and ZMERIP. The way land administration is undertaken in Zambia today based on long standing traditional and cultural practices makes public consultation with the rural communities, indispensable. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved. Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

142. Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the national, local

and homestead levels at suitable locations like the official residences/offices of local elders. These measures would take into account the low literacy levels prevalent in these rural communities by allowing enough time for responses and feedback. Notwithstanding, the best guarantor for public interest are the village leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced (economically or physically) individuals/households either in part or in whole. Monitoring of this process would be through the village leaders as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is in line with the Bank policy on disclosure.

Data collecting phase

143. After familiarizing themselves with the project area through reading and consultations with the respective PIU and the PCU, the consultants will design appropriate questionnaires intended for data collection at project location levels. The levels will vary from households to community groups, based on the TOR. The consultant will design questionnaires for data collection from various households, organizations and institutions such as women groups, primary and/or secondary schools, health centres depending on the nature of information source. All actors will constitute the main taskforce in the data collecting phase and PAPs will be consulted to participate in the process by providing socio-economic information about their livelihoods. This could be done through use of forms, questionnaires and interviews. Persons or groups of persons at the project sites, location, village levels, or household levels to be interviewed will also be identified and selected through stratified random sampling.

144. Those to be interviewed will include those directly affected by physical works and a scientifically accepted number of respondent households for each sub-project location. The PAPs will be consulted through meetings to share information about the project, discuss social impacts of project operations and the mitigation measures suggested. The contribution of the PAPs will be integrated into the subproject implementation process, from planning to evaluation. Furthermore, data about socio-impacts of the subprojects and the mitigation measures suggested will be provided to the media. This data will serve as instruments for the monitoring of the social mitigation measures. Once all the data about the PAPs have been collected and valuation undertaken, cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

Implementation, Monitoring and evaluation phases

145. Before implementation, the PAPs will be informed about their rights and options, at which point they will air their views. The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other subprojects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

10. Description of Grievance Redress Mechanisms

10.1 Potential Grievance/Disputes

146. Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation program may be related to the following issues:

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

10.2 Procedure

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

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

- A register of grievances which is held by the Community Liaison Officer or any appointed mechanism by the respective ZMERIP PIUs.
- Receipt of grievances will be acknowledged as soon as possible (within 2 business days), by letter or verbal means.
- The grievance will be reviewed by the GR Committee and appropriate action will be implemented. The preferred course of action will be discussed with the person bringing the grievance. Wherever possible, grievances will be resolved at this level.
- For grievances relevant to the implementation of Resettlement Action Plans, a dedicated locally based Compensation Committee will be the responsible party for taking appropriate action to resolve such grievances.
- Relevant details of grievances, with outcomes, will be made available to the affected parties. Through personal notification of the ZMERIP PIUs and through local newspapers, radio and TV. The ZMERIP PIUs should develop a communication strategy for grievance redress mechanism for the project which should include an explanation on the methods used in carrying out the project's activities and such compensation payments etc.

Table 5. Draft Grievance Redress Mechanism

149. The Grievance redress mechanism will be set up at each PIU level (ZEMA, KMC and MSD) who will be responsible to maintain records of all complaints and their responses. A report of GRM performance will be consolidated as part of biannual M&E report, to be submitted to the PCU at MOM for consolidation and onward submission to WB. The GRM will follow that channels highlighted in the illustrations below.

NATIONAL

Focal Point Unit/Organizations	Focal Persons	Role and Responsibilities	
		<i>When a complaint is submitted</i>	<i>Recording complaints</i>
<p>National Project Implementation Unit (PIU) <i>(Ministry of Mines and Mineral Development)</i></p> <p>Project Management Consultants (PMC) <i>METS – Misenge Environmental and Technical Services (METS)</i></p>	<ul style="list-style-type: none"> ○ National Project Coordinator <i>(Ministry of Mine and Mineral Development)</i> ○ PMC– Team Leader ○ M&E Officer ○ Independent Auditor 	<p>The PIU with the support of the PMC (or an independent auditor) will try to address it.</p> <ul style="list-style-type: none"> ❖ The PIU will respond to all complaints within 10 business days. ❖ If not resolved, the complaint will be reported to the PCU. 	<ol style="list-style-type: none"> 1. Record the complaint submitted in the national-level grievance database. 2. Review monthly monitoring submitted by the district/provincial-level, and enter all complaints with the status will be recorded in the national-level grievance database. 3. M&E officer will periodically review the grievance database and follow-up with focal persons to ensure all cases will be addressed. 4. Every 6 months, PIUs to include performance of GRM report as part of M&E report and submit to PCU at MOM and WB



PIU's

<p>Project Implementation Units (PIU's)</p> <ul style="list-style-type: none"> ○ ZEMA ○ RPA ○ MSD ○ Kabwe Municipal Council <i>(Including Ministry of Health)</i> 	<ul style="list-style-type: none"> ○ Project Coordinator ○ M&E Officer ○ Independent Auditor 	<p>The Project Coordinator and the PIU team will discuss the issue and try to address it at PIU level.</p> <ul style="list-style-type: none"> ❖ The PIU will respond to all complaints within 10 business days. 	<ol style="list-style-type: none"> 1. Record the complaint submitted in the monitoring form. 2. Submit the project's monthly monitoring form including a record on complaints to the national-level PIU.
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<ul style="list-style-type: none"> ○ Chingola Municipal Council ○ Kitwe City Council ○ Mufulira Municipal Council 		<ul style="list-style-type: none"> ❖ If not resolved, the complaint will be reported to the National Coordinator at PCU 	
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CONTRACTORS AND CBE's/CBO's

<ul style="list-style-type: none"> ○ Contractors ○ CBE's/CBO's 	<ul style="list-style-type: none"> ○ Project Managers ○ Foreman ○ Project Coordinators ○ GR Committee ○ Community Leaders 	<p>The focal persons on site will try to address it at site level. If the issue is not addressed it will be forwarded to the respective PIU.</p> <ul style="list-style-type: none"> ❖ The PIU will respond to all complaints within 10 business days. ❖ If not resolved, the complaint will be reported to the respective PIU project Coordinator 	<ol style="list-style-type: none"> 1. Record the complaint submitted in a simple form. 2. Submit the record of complaints to the Project Coordinator
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10.3 Unresolved Grievances and Disputes

150. Unresolved issues will be referred to a credible and independent person of body for arbitration. Other RAP processes where disagreements are deep may opt to involve community recognized local institutions such as senior church officials, or other respected civil society figures. There are three ways in which grievances shall be resolved. These are:

- a) **Arbitration:** The Arbitration Act (chapter 40, Laws of Zambia) makes provisions for aggrieved parties to agree to settle disputes out of court through arbitration. In order to use arbitration in the settlement of disputes, the parties ought to make a written agreement to submit a present dispute, or future disputes to arbitration. The parties are at liberty whether or not to name an arbitrator in the agreement. Where an arbitrator is not named in the agreement, the agreement should designate a person who would appoint an arbitrator.

- b) ***Courts of Law:*** It should be noted that arbitration only works where the parties to a dispute agree to resolve a difference through arbitration. Where there is no consent, then a court of jurisdiction may be used to resolve a dispute.

- c) ***Grievance Redress Committee:*** There shall be a grievance redress committee made up of representatives from the community (the Area Development Committee) and the project implementers. This committee shall hear disputes regarding project impacts and cases shall only be referred to arbitration or courts of law when the grievance redress committee is unable to resolve an issue.

11. RPF/ RAP Monitoring Arrangements

This RPF proposes the following RPF and RAP monitoring arrangements:

11.1 RPF monitoring

151. The ZMERIP PIUs will carry out the monitoring of the RPF to ensure compliance to its provisions by stakeholders. In this regard the PIUs would design and put in place the subprojects monitoring mechanism which should include the following:

Monitoring resettlement activities such as compensation valuation and compliance with the World Bank's OP 4.12.

11.2 Internal Monitoring

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

- Public meetings held,
- Compensation disbursed,
- Census surveys completed,
- Assets inventories and socio-economic studies completed,
- Number of people impacted
- Proportion of displaced people relocated; and
- Income restoration and development activities initiated.

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

11.3 Impact Monitoring

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

11.4 External Completion Audit

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

- Physical inputs committed in the RAPs
- Delivery of services provided in the RAPs
- The effects of mitigation measures prescribed in the RAPs

- The affected populations and host populations social economic status after project impacts measured against the baseline conditions after the exercise.

11.5 Development of Verifiable Indicators

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

Table 6: Types of Variable Indicators

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

11.5.1 Indicators to determine status of affected people

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

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

11.5.2 Indicators to measure RAP performances

156. In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

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

11.5.3 Indicators to monitor and evaluate implementation of RAPs

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

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

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

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

159. Annex 4 outlines responsibilities related to OP 4.12 provisions for project stakeholders.

12. Capacity Building Requirements

160. The main stakeholders for implementation of the RPF are the line ministries, in particular the district representatives, the District Councils and District Planning Sub-Committee. Capacity building will be provided based on the needs of the specific actors. Planning, designing and implementing of the ZMERIP programs and sub-projects in the target districts require an understanding of the environmental, social impacts and mitigation measures at community ward and district levels. Training events focusing on these thematic areas will take the form of courses, workshops and specific seminars at national, provincial and district level. Where necessary awareness campaigns may be used to complement or reinforce the trainings.

161. Specific workshops on the RPF (and ESMF) and relevant World Bank safeguard policies triggered by this project will be organized for all key stakeholders. As a similar project (CEP) was implemented previously in the Copperbelt Province there is extensive knowledge on environmental and social safeguards, and how to apply standards to sub-projects. As the PCU has established new PIUs, training on application of safeguards to sub-projects will be conducted for new staff. The technical staff in District Planning Sub Committee will be trained in World Bank safeguards requirements and the agreed requirements and procedures in this RPF, in order to routinely support and monitor sub-projects. The following additional training topics are proposed:

- Resettlement Action Planning
- World Bank and Zambian Land and Compensation Procedures
- Preparation of Terms of Reference for RAP
- Preparation of RAP
- Preparation of documentation for voluntary land donations / voluntary in-situ remediation program
- Resettlement and compensation budgeting

162. The environmental and social safeguards personnel working with the PIUs will subsequently have sufficient knowledge and understanding of the implementation of relevant World Bank policies triggered by the project. The awareness creation, capacity building and training workshops will focus on (a) strengthened institutional coordination; (b) improved information for decision makers; and (c) targeted awareness creation. The target group will consist of selected officers directly involved in the implementation of the ZMERIP.

Entity	Responsibilities under ESMF	Capacity building requirements
Ministry of Mines and Minerals Development / Mines Safety Department	<ul style="list-style-type: none"> • screening of sub-projects • monitoring of compliance and implementation of mitigation mechanisms 	For PCU: workshops on the ESMF/RPF and relevant World Bank safeguard policies, including: <ul style="list-style-type: none"> • Preparation of RAPs (including TORs) • World Bank and Zambian Land and Compensation Procedures

Local Authorities (KCC,MMC, CMC)	<ul style="list-style-type: none"> • Desk and field appraisal of the sub-projects • monitoring and supporting communities on a monthly basis in the implementation of the projects and implementation of mitigation mechanisms 	<ul style="list-style-type: none"> • Resettlement Action Planning • World Bank and Zambian Land and Compensation Procedures • Preparation of Terms of Reference for RAP • Preparation of RAP • Preparation of documentation for voluntary land donations / voluntary in-situ remediation program • Resettlement and compensation budgeting
Department of Resettlement.	<ul style="list-style-type: none"> • responsibility for relocation areas, including conflict management 	<ul style="list-style-type: none"> • Workshop on the ESMF/RPF and relevant World Bank safeguard policies
NGO/CBOs	<ul style="list-style-type: none"> • facilitate subproject implementation process, including facilitation of applications with environmental and social safeguards assessments and mitigation mechanisms 	<ul style="list-style-type: none"> • Participatory Rapid Appraisal methodology and training of trainers • Workshop on the ESMF/RPF and relevant World Bank safeguard policies, including SGBV prevention mechanisms
Communities and Wards	<ul style="list-style-type: none"> • oversight of implementation of Subprojects, including environmental and social mitigation mechanisms 	<ul style="list-style-type: none"> • Participatory Rapid Appraisal process for community decisions on CDD project • Basic environmental and social safeguards , training, including monitoring

13. Public Consultations

163. The Consultant carried out appropriate consultations with stakeholders during the preparation of this RPF. The consultations were carried out on June 24, 2016 in Kitwe through a workshop comprising of various stakeholders from the various sectors that might be involved in proposed ZMERIP program activities, which included relevant Government agencies, local government authorities, non-governmental organizations, and civil society groups.

164. Furthermore, public consultations will be held in future when the actual subprojects and their locations are identified. The aim of public consultations at this stage would be to:

- Disseminate concepts for proposed ZMERIP with a view to implement the proposed activities in the selected municipalities.
- Understand and gather information from the key institutions involved the problems they face, and methods they would consider or have considered in their previous projects during resettlement and compensation for PAPs.
- Gauge different stakeholders’ willingness to contribute towards the implementation of the ZMERIP activities in a manner that leaves each project affected person better off after the project implementation than before the project.

The lists of persons consulted and issues discussed during the consultations and public meetings are presented as **Annex 8** of this RPF.

Some comments and issues raised by the stakeholder during the consultation meeting included in the table below. The inputs, comments and issues raised have been consolidated in the preparation of this RPF.

Table 4: Comments and Response Report on a Public Disclosure Meeting of ZMERIP RPF Held on 24th June 2016 at Moba Hotel, Kitwe

COMMENTS, ISSUES AND SUGGESTIONS RAISED	COMMENTS
<p>Professor Maseka (Copperbelt University) Will there be legislation pertaining to resettlement of poor people developed? Mining had resettled a lot of our people and there were very serious issues even within existing investments.</p>	<p>Mwiche Kabwe-ZEMA. Re-settlement issues are taken care by the Disaster Management (DMMU) and Mitigation Unit who have a resettlement policy in place. However, during the development of EIAs, resettlement plans are developed when required. ZEMA at times collaborates with the DMMU on resettlement issues. She said the DMMU would therefore be the most appropriate institution to develop the regulation because the policy was under its mandate.</p>
<p>Professor Maseka (Copperbelt University) CBU, as stakeholders in all the towns were interested in knowing what sort of activities the PIUs had identified and if they would like them to participate in subproject identification. For example, in Kitwe the ‘black mountain’ presents health issues to the communities which have not been documented.</p>	<p>Mr. Makumba- PMC Project Manager. The design of the project was somehow different from the Copperbelt Environment Project. In ZMERIP, the Local Authorities were asked to identify the subprojects they wanted to be addressed. During the CEP, the Project identified the subproject which were implemented in the communities. This made most subproject not to sustainable. During ZMERIP, the communities have come up with programs so that there was that sense of ownership right from the beginning.</p> <p>The ‘black mountain’ was a private property owned 10% by ZCCM-IH and 90% by a Chinese company who bought it from Chambishi Metals. So it was not supposed a public property to be included under the project but the public health issue are of concerns and as such government may need to find a way of addressing those concerns.</p>

COMMENTS, ISSUES AND SUGGESTIONS RAISED	COMMENTS
<p>Mr. Chinyamuka (Mines Safety Department) It was a pity that Luanshya did not bring any issues as there are many health issues of concerns to do with tailings dam physical integrity and pollution of the Luanshya River. Is there a way of increasing on the budget to take care of the three old tailings dumps?</p>	<p>The project will work with the TDs identified by the Ministry of Mines. The team encourages MSD to work the PCU to identify the plan for addressing issues at Luanshya.</p>

Annex 1: Outline for a Resettlement Action Plan

Section Introduction

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

Minimizing Resettlement

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

Census and Socioeconomic Surveys

- The results of the census, assets inventories, natural resource assessments, and socioeconomic surveys should be presented. All categories of impacts and people affected should be identified and a summary of consultations on the results of the various surveys with affected people. If there is a need for updates to the census, assets inventories, resource assessments, and socioeconomic surveys, this should be mentioned and planned for as part of RAP monitoring and evaluation.
- Survey will be undertaken in parallel to the design / feasibility studies.
- The date on which the survey is finalized will be communicated to PAPs as the cut-off date for eligibility for compensation.

Legal Framework

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

Entitlements

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

Resettlement Measures and Income Restoration

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the compensation packages and restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.

- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation and implementation?
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

Resettlement Sites

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/ allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland?
- Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites;
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites;
- Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity;
- Give calculations relating to site requirements and availability;
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands;
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs; and
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

Housing, Infrastructure and Social Services

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

Environmental protection and management

- Describe the boundaries of the relocation area; and
- Assess the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Participation and Consultation

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

Measures to mitigate the impact of resettlement on host communities

- Describe and report on consultations with host communities and local governments; and

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

Arrangements

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement -matrix; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan;
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time;
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?

- Describe the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions;
- Discuss institutional capacity for and commitment to resettlement; and
- Describe mechanisms for ensuring independent monitoring, evaluation, and audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

Grievance Redress

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

Implementation Schedule

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

Costs and Budgets

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

Monitoring and Evaluation

- Describe the internal/performance monitoring process;
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring;

- Describe institutional (including financial) arrangements;
- Describe frequency of reporting and content for internal monitoring;
- Describe process for integrating feedback from internal monitoring into implementation;
- Define methodology for external monitoring;
- Define key indicators for external monitoring;
- Describe frequency of reporting and content for external monitoring;
- Describe process for integrating feedback from external monitoring into implementation; and
- Describe arrangements for final external evaluation.

Annexes

Annex A: Copies of census and survey instruments, interview formats, and any other research tools

Annex B: Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees

- Annex C: Matrix of losses
- Annex B: Photographs of properties to be acquired (optional)
- Annex C: Map of resettlement site (if any)
- Annex D: Construction plan for replacement structures (if any)

Annex 2: Comparison between Zambian Legislation and the World Bank OP4.12

Subject	WB OP4.12 – Involuntary Resettlement	Zambian Legislation	Comparison	Requirements
Notification period/timing of project impacts	<p>WB requires that activities associated with a sub-project be to the Project implementation to ensure that impacts or restriction of access or the taking of land and assets does not for occur before putting in place measures resettlement e.g. compensation.</p> <p>Provision of resettlement sites and payment of morning allowances to displaced persons</p>	<p>Sections 5 to 7 of the Zambian Lands Acquisition Act provides for the issuance of notices to show:</p> <ul style="list-style-type: none"> • The state’s intention to acquire property. • The landowner / occupant to yield up property. • The State to take up possession. 	<p>Both the Bank and Zambian Legislation agrees that impacted persons should be compensated before land and related assets are taken away.</p>	<p>Compensation and necessary support shall be paid and provided for before land is handed over as per the Bank resettlement policy.</p>
Eligibility for compensation	<p>The following are eligible according to the Bank:</p> <ul style="list-style-type: none"> • Those with formal rights to the land. • Those who have claim to the land but without formal legal rights; and. • Those without recognizable legal right or claim to the land 	<p>Section 10 of the Lands Acquisition Act of the Zambian Laws provides for compensation of persons whose land has been acquired compulsorily under the Act.</p>	<p>The Bank grants eligibility for compensation to all affected parties whereas the Zambian Law provides for compensation only to those with lawful possession of the land.</p>	<p>The application of the Bank Safeguard policy provisions as outlined in this table’s column 2 will be followed</p>
Compensation	<p>Bank policy requires that:</p> <ul style="list-style-type: none"> • Displaced persons are promptly provided with effective compensation at full replacement cost for loss of 	<p>Section 10 of the Lands Acquisition Act Chapter 189 of the Laws of Zambia provides for compensation consisting of money, agreed as per the Act. Where the property to be acquired compulsorily is land, the</p>	<p>Compensation and valuation of assets states that:</p> <ul style="list-style-type: none"> • Compensation and relocation must culminate in the affected persons property and livelihood 	<p>It is mandatory that the Bank policy requirements be followed because the Zambian Law does not meet the standards of full compensation at full replacement cost.</p>

	<p>assets attributed to the project directly.</p> <ul style="list-style-type: none"> Displaced persons are provided with assistance during relocation and residential housing, housing sites and agricultural sites of at least equivalent standard as the provision site... 	<p>President, with the consent of the person entitled to compensation shall in view or in addition to any compensation payable under the section grant others land not exceeding the value of the land acquired.</p>	<p>restored to at least equivalent standards prior to relocation.</p>	
<p>Valuation and the amount of displacement compensation</p>	<p>Bank defines replacement “cost” with regard to land and structures as follows:</p> <p>Urban Land-pre displacement market value of land of equal size and use with similar or improved public infrastructure facilities and services located in the vicinity of affected land, plus the cost of any registration and transfer taxes.</p> <p>For Houses and other Structures-the market cost of the materials to build a replacement structure with an area and quality similar or better than those of the affected structure plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors fees plus the cost of any registration and thoughtful taxes.</p> <p>Agricultural Land:- pre-projector pre displacement whichever is</p>	<p>Chapter 1 Article 16 of the Laws of Zambia provides for fundamental right to property and protects persons from its deprivation. The Act stipulates that no person can be deprived of his property compulsorily without adequate compensation. The level of compensation amount shall be determined by agreement of the relevant parties and that in default of the agreement on the amount payable, a court of competent jurisdiction shall determine the amount of compensation. Qualified valuation professionals will undertake valuation of assets. On traditional land assets are valued at replacement cost separate from the land. As traditional land has no recognizable market value it is not appropriate to value it using replacement cost value.</p>	<p>According to the MDBs, compensation is broader and ensures that all property and inputs to livelihoods are taken into account including the costs associated with developing new livelihoods at the same or better standards than those prior to displacement. The Zambian legislation is narrower than the Banks provisions sit does not ensure that all property inputs are taken into account in the valuation and compensation for displacements</p>	<p>It is mandatory that the Bank policy provisions be applied for valuation and compensation purposes. Zambian Law does not meet the standards of compensation at full replacement cost.</p>

	higher, market value of land of equal productive value or use located in the vicinity of the affected land to levels similar to those of affected land, plus the cost of any registration and transfer costs.			
Project proponents responsibilities	<p>According to Articles 14 and 18 of the World Bank' OP 4.12, the borrower is responsible for conducting census, preparing implementing and monitoring the appropriate instrument for resettlement. In addition, Article 24 requires that the borrower be responsible for monitoring and evaluation of subproject activities in the resettlement instrument. Article 19 requires the borrower to inform potentially displaced persons at an early stage about the resettlement aspects of the project. It requires the project to take their views into account in project design. Upon completion, the borrower must undertake an assessment to determine whether the objectives of the resettlement have been realized.</p>	<p>The Environmental Protection and Pollution Control Act-Chapter 204 of the Laws of Zambia's Air Regulation schedule No.3 specifies the type of developments which require a project brief, while regulation 10 provides for public consultation by the developer before submitting the project to the Environmental Council of Zambia for approval. The developer is also required to seek the views of the project affected committees. In addition, the developer shall publicize the intended project, its effects and benefits in the media and using local language. Regulation II provides for the contents of the EIS to include:</p> <ul style="list-style-type: none"> • Social and economic impacts of the project uses in the areas. According to the Town and Country Planning Act, if resettlement is to be undertaken, then a development plan in that 	<p>According to the Zambian legislation, the process required for the project proponent/ implementing agency is long and involves many organizations.</p>	<p>As per the Zambian law, the environmental and planning process outlined might be followed together with the Banks requirements including:</p> <ul style="list-style-type: none"> • Screening Census i.e. development of a plan • Management of compensation payments. • Proper consultation with affected persons. • Monitoring and evaluation of the project

		<p>regard has to be prepared and approved by the relevant planning authority under the MLGH. If more than 2,000 people are to be resettled, then a resettlement scheme for that purpose has to be prepared and implemented by The Resettlement Department of the Office of the Vice President in the Province.</p> <p>If project land is under traditional authority, there will be need to convert the land from traditional to state land as per the requirements of the land conversion legislation, while the Land Survey Act will applying the surveying of lands. Other acts will apply in areas where the project relates to their uses in the areas. According to the Town and Country Planning Act, if resettlement is to be undertaken, then a development plan in that regard has to be prepared and approved by the relevant planning authority under the MLGH. If more than 2,000 people are to be resettled, then a resettlement scheme for that purpose has to be prepared and implemented by The Resettlement Dept of the Office of the Province VP. If project land is under traditional authority,</p>		
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		<p>there will be need to convert the land from traditional to state land as per the requirements of the land conversion legislation, while the Land Survey Act will apply to the surveying of lands. Other acts will apply in areas where the project relates to their mandates e.g. Public Roads, Agricultural Lands, Local Government, Forestry, Water, Zambia Wildlife, etc.</p>		
--	--	---	--	--

Annex 3: Environmental and Social Screening Checklist (for Community Driven Development subprojects – Component 3)

Sub-project name:

Sub-project Location (e.g. Municipal Council / Location)

(Include map/Sketch):

Type of activity (e.g. new construction, rehabilitation, periodic maintenance):

Estimated Cost (\$ USD):

Proposed Date of Commencement of Work:

Technical specification / drawing receiver (Yes / No)

Issue	Site Sensitivity (provide specific examples why this level of sensitivity is selected)			Rating (low, moderate, high risk)
	Low	Medium	High	
Water quality and Water resource availability and use.	[Example] No water quality issues present	[Example] No water quality issues present Some project activities may affect water quality and/or quantity temporarily	[Example] No water quality issues present The project may permanently affect water quality and/or quantity	
Natural hazards vulnerability, floods, soil stability/erosion				
Loss of land by private owners				
Permanent or temporary loss of crops, fruit trees and household infrastructure				
Cultural Property				
Natural Habitats				

1. Physical data:

Yes/No answers and bullet lists preferred except where descriptive detail is essential

Site area in ha:

Extension of or changes to existing land use:

Any existing property to transfer to sub-project?

Any plans for new construction?

Refer to project application for this information

2. Preliminary Environmental Information:

Yes/No answers and bullet lists preferred except where descriptive detail is essential

State the source of information available at this stage (proponents report, EIA or other environmental study). Yes ___ No _____

Has there been litigation or complaints of any environmental nature directed against the proponent or sub-project? Yes ___ No _____

What are the likely environmental impacts, opportunities, risks and liabilities associated with the sub-project?

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

Will the Project produce solid wastes during construction or operation? Yes ___ No _____

3. Determining Impact, Mitigation and Monitoring Requirements

After compiling the above, determine, which category the sub-project falls under based on the environmental categories schedule 1, 2 or 3? _____

4. Screening and Review Process

Potential Level of Pollution:

Does the sub-project have the potential to pollute the environment, or contravene any environmental laws and regulations? If so, then the proposal must detail the methodology and equipment incorporated in the design to constrain pollution within the laws and regulations.

Does the design adequately detail mitigation measures?

5. Environmental Assessment / Environmental Management Plan Required:

If screening identifies environmental issues that require an EIA or study, does the proposal include the EIA or study?

Indicate the scope and time frame of any outstanding environmental study.

Required environmental Monitoring Plan: If the screening identifies environmental issues that require long term or intermittent monitoring (effluent, gaseous discharges, water quality, soil quality, air quality, noise etc.), does the proposal detail adequate monitoring requirements?

6. Public participation/ information requirements

Does the proposal require, under national or local laws, the public to be informed, consulted or involved?
Yes ___ No _____

Has consultation been completed? Yes ___ No _____

Indicate the time frame of any outstanding consultation process.

7. Land and resettlement

What is the likelihood of land purchase for the sub- project?

How will the proponent conduct the land purchase?

What is the likelihood of people losing income or property due to sub-project implementation?

What level of type of compensation is planned?

Who will monitor actual payments?

Recommended Actions (to be cleared before sub-project appraisal):

Approved / Rejected

If proposal is rejected for environmental reasons, should the sub-project be reconsidered, and what additional data would be required for reconsideration?

Recommendations:

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

Requires EMP, to be submitted on date: _____

Does not require further environmental studies: _____

Reviewer Name, Title, Organization: _____

Signature: _____

Date: _____

RECOMMENDATION OF PROJECT COORDINATOR (at the Municipal Council)

Circle one of the following screening recommendations:

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

Signed: _____ (PIU Coordinator)

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

Signed: _____ (PIU Coordinator)

3. **YES:** For all checklist questions with “Yes” answers in Sections above (specify questions numbers), specify whether or not the proponent has provided adequate mitigation measures. Where measures are deemed inadequate, the proponent must revise the proposed project plan to provide adequate mitigation. Also note whether specialist advice will be required in the following areas:

Signed: _____ (PIU Coordinator)

Date: _____

Annex 4: Stakeholder Responsibilities

Stakeholder	Key Responsibilities
Project Affected Persons (PAP)	Participation in RAP planning process
Ward Development Committees / Traditional Leaders	<p>Identification of new land for resettlement</p> <p>Deal with conflicts that may arise due to resettlement</p> <p>Help oversee implementation of resettlement process</p>
PIUs / Municipal Councils	<p>Ensure consultations between traditional leadership and affected families are fully documented</p> <p>Undertake socioeconomic census of effected families</p> <p>Preparation of RAP</p> <p>Estimate full costs of resettlement including compensation and mitigating activities, ensure validation by qualified third-party</p> <p>Facilitate compensation once all parties have agreed</p> <p>Assist with relocation process</p> <p>Establish a grievance procedure to document the origin, source and nature of the grievance, as well as follow-up action and progress on resolution of all grievances</p> <p>In consultation with local WDC and the Chiefs, assist impacted persons and households in reestablishing their livelihoods or creating new ones.</p> <p>Internal monitoring of RAP implementation</p> <p>Facilitate necessary infrastructure such as water points, health centres etc. with relevant government institution</p> <p>Demarcate resettlement sites</p>
Consultants	<p>Support PIUs/Municipal Councils in preparation of the RAP</p> <p>Conduct a Social Assessment (SA)</p> <p>Conduct other social studies as required</p>

	<ul style="list-style-type: none"> - Assess specific needs of PAPs for RAP development and implementation - Creation of data base and operating procedures for implementing the entitlement matrix - Initiating negotiations to agree on amounts agreed - Facilitating payments and completing relocation
Certified Valuation Experts	Determination of cash payments to compensate PAPs
Community Liaison Officer	<p>To help identify and resolve any such resettlement grievance as may occur</p> <p>Directly organize and supervise resettlement framework implementation</p> <p>Consult with PIUs/MCs in addressing aggrieved party to determine validity of claims.</p>
World Bank	<p>Approval of socioeconomic survey</p> <p>Guiding the development and implementation of the RAP</p> <p>Approval of RAP</p>
Government Valuation Department	<p>Official valuation of all households and public structures in the affected areas, all fruit trees and other trees of value</p> <p>Official valuation of the market value of the affected land and structures and lost economic opportunities resulting from resettlement</p>
Resettlement Specialists (MC, PIU, PMC, etc.) and local NGOs	<p>Assist PIU/MCs and traditional and local authorities in monitoring and preventing negative outcomes during resettlement implementation</p> <p>Facilitate the social and organisational aspects of resettlement</p>
Resettlement Steering Committee	Coordination, monitoring, regulation and supervision of resettlement activities

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

Annex 5: Grievance Process

GRIEVANCE REGISTRATION FORM

Plaintiff: _____

ID Number: _____

Contact Information: _____
(Ward; mobile phone)

Property Contested: _____
(Type, e.g. land, structure, house)

Location : _____

Description of Property : _____

Nature of Complaint

Record of Prior Contacts and Discussions of Issues to Date:

Date	Individuals Contacted	Summary of Discussions

Signed (Plaintiff): _____ Date : _____

Signed (Filer of Complaint): _____

Name of Person Filling in Complaint: _____
(if different from Plaintiff)

Position or Relationship to Plaintiff: _____ Date : _____

Review of Complaint by Community Development Committee

Date of Conciliation Session: _____

Was Plaintiff Present?: Yes No

Topic: _____

Was field verification of complaint conducted?: Yes No

Findings of field investigation :

Summary of Conciliation Session Discussion:

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: _____
 Chairperson, CDC

Signed: _____
 Plaintiff

Signed: _____
Member, CDC

Signed: _____
Member, CDC

Signed: _____
Member, CDC

Signed: _____
Member, CDC

Date : _____

Grievance Registration Form

Review of Complaint by Project Implementation Unit

Date of Conciliation Session: _____

Was Plaintiff Present?: Yes No

Topic:

Was field verification of complaint conducted?: Yes No

Findings of field investigation:

Summary of Conciliation Session Discussion:

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: _____
PIU Coordinator

Signed: _____
Plaintiff

Signed: _____
PIU Member

Date: _____

Annex 6: Sample of Affected Household Statistics

- Name of Municipal Council:
- Name of Ward:
- Name of Sub-project:

No	Name of HH head	No. of family members	Total land area (m2)	Type of land acquired	Affected Assets			Affected Crops		Other affected asset (e.g. graves, wells – no. and type)	Other losses			Temporary losses (description)
					No. and type of affected structured	Permanent Structures (m2)	Temporary Structured (m2)	Affected trees (species and no.)	Other crops affected (m2, species)		Rented house	Trading space	Loss of Income	

Annex 7: Sample Budget Template for the RAP

No.	Item (detail as appropriate)	Comments	ZMK	US Dollars	%
A COMPENSATION					
A.1	Compensation for Land for Agricultural	Based on average price per hectare as per the market survey per x No of Ha x Affected households			
A.2	Compensation for Destruction and lost crop production (owners and tenants)	Based on average production and rates provided by Ministry of Agriculture			
A.3	Compensation for loss of dwellings (Buildings) and Structures	Based on replacement value per M2 x total area of dwellings x No of affected households			
A.4	Compensation for house plots (individual and community)	Based on average price of land per ha x no. of affected households			
A.5	Compensation for trees	Based on inventory of trees per affected households and market value per variety			
A.6	Compensation for loss enterprises	Based on estimate of revenue loss during relocation of enterprise to new site			
A.7	Compensation for loss of access to pastoralists, fishing etc	Based on the resources lost due to relocation			
A.8	Contingencies – other compensation (e.g. moving, disturbance allowance)	A standard allowance based on the enterprise / house value			
	TOTAL COMPENSATION				x%
B INVOLUNTARY RESETTLEMENT					

No.	Item (detail as appropriate)	Comments	ZMK	US Dollars	%
B.1	Land acquisition for resettlement	Based on the area and current market value per ha or acre			
B.2	Cost of Site planning resettlement land development	Based on the current rates of land development costs (surveying, demarcation, registration, master plan development etc)			
B.3	Infrastructure	Drainage & Sewerage, roads, security, community centres etc			
B.4	Housing construction	Based on the current rates of construction			
	TOTAL INVOLUNTARY RESETTLEMENT				x%
C ADDITIONAL MITIGATION MEASURES					
C1	Livelihood restoration measures	Compensation for loss of income to match pre-existing conditions			
C2	Vulnerable groups	Cost of special assistance to support vulnerable groups			
C3	Coordination of additional mitigation measures	Cost of training, assistance to job training etc			
C4	Grievance dispute mechanism/process	Cost of setting up grievance / screening process			
	TOTAL ADDITIONAL MITIGATION MEASURES				x%
D CAPACITY BUILDING AND IMPLEMENTATION COSTS					

No.	Item (detail as appropriate)	Comments	ZMK	US Dollars	%
D1	Surveying and asset identification	Cost of surveying services to establish land ownership			
D2	Valuation	Cost of land valuation			
D3	Coordination and supervision of works	Overhead costs to coordination of activities in the field			
D4	Legal advice	Cost of legal services			
D5	Monitoring and Evaluation	Cost of M&E per quarter x no of quarters for monitoring			
D6	Capacity-Building/Training/Technical Assistance	Cost of training the local people and assistance required during project implementation such as credit etc = No of people x cost per person			
	TOTAL CAPACITY BUILDING & IMPLEMENTATION				x%
E OPERATIONS					
E.1	Salaries	Management, junior staff involved in RAP process			
E.2	Office / Administration	Cost of equipment, supplies and communications			
E.3	Transportation	Includes cost of vehicles and maintenance			
E.4	Consulting services	RAP Preparation including mapping, census and surveys, consultation, M&E Framework etc			
E.5	Miscellaneous	Travel allowances, public meetings, etc			

No.	Item (detail as appropriate)	Comments	ZMK	US Dollars	%
	<i>TOTAL OPERATIONS</i>				x%
	<i>TOTAL A - E</i>				
F ADDITIONAL CONTINGENCIES (10% OF TOTAL COST)					x%
GRAND TOTAL					100%

The PCU will manage and monitor the resettlement budget and will finance it through the administrative and financial management rules and manuals as for any other activity eligible for payment under ZMERIP.

Annex 8: Public Consultations Attendance Sheets

TABLE 5: ATTENDANCE REGISTER FOR THE ZMERIP PUBLIC DISCLOSURE MEETING HELD ON 24TH JUNE 2016 AT MOBA HOTEL
 REVIEW OF THE FINAL DRAFT OF THE PROJECT IMPLEMENTATION MANUAL -WORKSHOP

DAY 4- 24TH JUNE 2016

S/N	NAME	ORGANIZATION	EMAIL-ADDRESS	PHONE NUMBER
1	MUSOSHA MWELWA	CITIZENS FOR A BETTER ENVIRONMENT (CBE)	musoshamwelwa@gmail.com	0977 616220 0969 462820
2	Prof. KAKOMA MUKETA	COPPERBELT UNIVERSITY	kkmalela@gmail.com	0977807803
* 3	Chinyamuka Labson	Mines Safety	Labsonchinyamuka@yahoo.co.uk	0979-909169
4	Lifumbo Yuyi, Brian	Kalulushi Municipal Council	Lifumboyuyi@yahoo.com	0976-352901 0965-583595
5	BOSTON KATONGO	KNIGHT PIECE	bkatonga@knightpiece.com	0977-859072
6	Royd Aasgola	Chambishi Copper Smelter	aasgola.royd@yahoo.com	0960 175573
7	Tika Mufune	KMC	mufunetiza@yahoo.com	0968863120
8	Mable Kamungu	Kline	mable.kamungu@gmail.com	0977795768
9	Agness mwila	chengola municipal council MMMD	mwila18@yahoo.com	0968 783035
10	AMIDA KOKOKO	MMMD	amidak2022@yahoo.com	0977-43103
11	Derek SICHOKA	MMMD	sichokdm@gmail.com	0966 721277
12	GEORGE MUKWAGO	MINISTRY OF MINES	georgemukwago@gmail.com	0960395347
13	matthias mukandawire	MMMD	matthias_mukandawire@yaho.com	0959100497
14	Billy Chew	MMMD	billychew@gmail.com	0969490809

REVIEW OF THE FINAL DRAFT OF THE PROJECT IMPLEMENTATION MANUAL -WORKSHOP

DAY 4- 24TH JUNE 2016

S/N	NAME	ORGANIZATION	EMAIL-ADDRESS	PHONE NUMBER
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16	Wilson MOOND	MOKA ENV. & GEOTECH CONSULTANTS	moonowst@gmail.com	0966786024
17	MISTECK WANGWE	THE POST	John Wangwe 48@gmail.com WangweMistheck7@gmail.com	
18	Eza Chisega	METS	erachisega@gmail.com	0966764006
19	Justina Matandiko	Radio Icegelo	matandikjustina@gmail.com	0975-174372
20	Racheal Chako	Var FM	rachel_chako@yahoo.ca	0964 210183
21	CHUMA KABASO	METS	kabaso@mets.com.zm	0978-732281
22	JOSEPH MAKUMBA	METS	makumba.joseph00@gmail.com	0977203489
23	DR. JABES TEMBO	ZOMBA CEP	jabestembo@yahoo.com	0966743957
* 24	Donald K. Mutamira	CITINGOLA COUNCIL	donaldmutamirakach@gmail.com	0969799509
25	Joseph-Esai Zulu	CITINGOLA COUNCIL	ndiplanner@hotmail.com	0965 751512
26	Geoff Casson (GM)	EMBED PROTECTION CLUB KABWE	geoffcasson17@gmail.com	0971 229659
27	Chipoma B. Mukapa	Mufukwa M. Council	chiponiz@yahoo.com	0969386441
* 28	Kasonde-C. Musongole	Mufukwa M. Council	kasondechisanga56@yahoo.com	0965 78 1216
* 29	Victoria Mweethwa	Kitwe city Council	chimukamweethwa@yahoo.co.uk	0977-476034

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DAY 4- 24TH JUNE 2016

S/N	NAME	ORGANIZATION	EMAIL-ADDRESS	PHONE NUMBER
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31	NESTER CHISENGA	ZEMA	nesterch@zema.org.zm	0977606239
32	MOONO I.M. KANJELESA	ZEMA	mkanjelesa@zema.org.zm	0955753320
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34	MICHAEL AHEL PHIRI	ZEMA	aphiri@zema.org.zm	0955769753
35	SHULA KATONDO	METS	shulak@mets.com.zm	0977779591
36	EDWARD ZULU	KNIGHT PIESOLD	Edward.zulu16@gmail.com	0969300258
37	MULENGA KENNEDY	METS	MulengaKennedy@ymail.com	0968339792
38	PHALLEN KAMONA	METS	phallenk@gmail.com	0962992297
38	MIRRIAM C. CHIMWOU	K.M.C	Miriam.chileshe0@gmail.com	0966259540
39	Paul N. Njokoka	KMC	pkjokob@gmail.com	0979494370
40	PATRICK MUSHINGE	KMC	kpmushinge@gmail.com	0977567918
41	NATHAN NANSOMBA	METS	nattans@gmail.com.zm	0978372828
42	Constance Mulama	METS	mulama0@mets.com.zm	0978374570
43	LUKEKE CYRIL	METS	lukekecyril@gmail.com	

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REVIEW OF THE FINAL DRAFT OF THE PROJECT IMPLEMENTATION MANUAL -WORKSHOP

DAY 4- 24TH JUNE 2016

S/N	NAME	ORGANIZATION	EMAIL-ADDRESS	PHONE NUMBER
44	BANDA SAMSON	Ministry of Mines	-	-
45	SYDEN KAMBINDA	Ministry of Mines	-	-
46	AMOS SACHIYO	ZEMA	-	-

