



THE REPUBLIC OF ZAMBIA

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

LUSAKA WATER AND SEWERAGE COMPANY

RESETTLEMENT POLICY FRAMEWORK (RPF)

FOR THE

LUSAKA SANITATION PROJECT (LSP)

MARCH 2015

LIST OF ACRONYMS

CBD	Central Business District
CBE	Community Based Enterprise
CBO	Community Based Organization
ESMP	Environmental and Social Management Plan
EPPCA	Environmental Pollution Prevention Control Act
ESIA	Environmental and Social Impact Assessment
GRZ	Government of the Republic of Zambia
RDA	Road Development Agency
LCC	Lusaka City Council
LWSC	Lusaka Water and Sewerage Company Limited
MCDSS	Ministry of Community Development and Social Services
MLGH	Ministry of Local Government and Housing
MoH	Ministry of Health
MP	Member of Parliament
NWASCO	National Water and Sanitation Council of Zambia
PM	Particulate matter
ARAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
STI	Sexually Transmitted Infection
WDC	Ward Development Committee
ZEMA	Zambia Environment Management Agency
ZESCO	Zambia Electricity Supply Corporation

EXECUTIVE SUMMARY

In pursuit of the Lusaka Sanitation Master Plan and the guiding Lusaka Sanitation Program, Lusaka Sewage Water and Sewage Company (LWSC) proposes to undertake the Lusaka Sanitation Project (LSP) with potential financial assistance from World Bank, African Development Bank, German Development Bank and European Investment Bank. The LSP will be implemented within the Manchinchi and Ngwerere sewer sheds in the period 2015 to 2020. The project area is generally mixed commercial and residential landuse, with residential areas having a mixture of planned and unplanned areas. There are also some encroachments on to the road reserves in some residential areas. Some of the potential project areas include Emmasdale, Chipata, Ngwerere, Kafue Road, Chawama, Kuomboka, Chaisa, Garden and Kanyama just to mention a few.

The LSP is structured into three components namely; Component 1 (Sewerage improvements), Component 2 (On site sanitation) and component 3 (Institutional strengthening).

- The objective of this component 1 is to upgrade and expand sewerage systems in the Ngwerere and Manchinchi sewer sheds based on priority 1 investments as identified in the Lusaka Sanitation Master Plan.
- The objective of component 2 is to develop a comprehensive response to the on-site sanitation challenge facing Lusaka and support on-site sanitation services and systems in priority areas.
- The objective of component 3 is to provide technical assistance (TA) to enhance LWSC's capacity to implement the project and operate and maintain the facilities.

O.P 4.12 Involuntary Resettlement policy of the World Bank was triggered for the project, thereby giving rise to the formulation of this Resettlement Policy Framework (RPF). The purpose of the Resettlement Policy Framework (RFP) is to guide the LSP in addressing land acquisition and resettlement/relocation issues in the corridors of impact of the project by Lusaka Water and Sewage Company together with its stakeholders.

The anticipated positive impacts of the project include sustainable sanitation services to more than 983 000 residents and more than 132 industries. Industries that are currently on septic

tanks will be connected to sewer line, thereby affording the industries more production capacity. Residents that used to share sanitation facilities or that currently use substandard onsite sanitation facilities will be assisted to achieve standards onsite sanitation facilities while some who are on onsite facilities will be connected to sewer, thereby creating opportunity for enhanced public health status.

The potential subproject activities include Fecal Sludge Management (FSM) which may require land for the construction of bio-digesters and drying beds. Potential sewerage expansion activities will include mechanized trenching along busy roads like the Kafue road and will encounter commercial properties like billboards, fiber optic cables and also electricity cables. In residential areas there will be road cuttings, pavements disruptions and gate entrance trenching that require consultation, consent and compensation agreements with the PAPs. The principles behind this RPF incorporate planning of project activities so as to minimize and/or mitigate resettlement impacts. This RPF provides for the mitigation of such resettlement impacts through the formulation of subproject specific resettlement screening and Resettlement Action Plans (RAPs). Despite the potential for resettlement issues, the LSP can be implemented successfully and sustainably if the RPF and the resultant subproject resettlement instruments are implemented with the participation of all affected stakeholders.

As part of preparation of this RPF, consultations with a number of key stakeholders were made. The stakeholders consulted include market vendors, street vendors, some host residential communities, business community, local leaders and some key government departments including Lusaka City Council (LCC), Roads Development Authority (RDA) and Zambia Environmental Management Agency (ZEMA). In all the consultations, the stakeholders are supportive to the project and expected all potential project impacts to be mitigated with the full participation of stakeholders. More specific consultations will be done at subproject level for the resettlement screening and Resettlement Action Plans (RAPs).

This RPF provides a solid participation platform of stakeholders in the formulation of resettlement related compensations. Local leaders will be closely involved in the screening, RAP formulation and redress of any grievances. These local leaders include ward councillors

and vendor representatives who are integrated within the LCC stakeholder network and will be harnessed through the assistance of the LCC.

This RPF will direct resettlement related work for the LSP for the period 2015 to 2020. It will be accompanied by the necessary safeguards documents at subproject level, such as RAPs for the specific investment and construction activities. All future resettlement related issues will be derived from the provisions of this RPF. LWSC is committed to the full implementation of this RPF through adequate resourcing, staffing, implementation and monitoring.

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CHAPTER 1

INTRODUCTION

1.1PROJECT DESCRIPTION

1.1.1 BACKGROUND

Lusaka is suffering from a sanitation crisis that claims lives through cholera, typhoid and dysentery, and causes severe environmental pollution. 70% of Lusaka's 2.3 million residents live in peri-urban areas, most of which have poor sanitation. About 90% of the peri-urban population use on-site latrines, most of which are in poor conditions, and sharing of latrines is also common practice. Only 16% of Lusaka's population is connected to piped sewerage having a length of 480 km. The majority of the collection system is more than 40 years old and hardly any investments were done in the sanitation sector since then. The recently done hydraulic model shows that more than half of the existing interceptors are likely under capacity even under today's flows.

57% of Lusaka's water supply source is ground water being abstracted from the groundwater aquifer running through the city. A total of 107 boreholes are located all over the city whereby the majority of them and the ones with the largest capacity being located to the south and south-west of the city where also the industrial area is located. The city has an unusually high ground water table which is prone to contamination, particularly in high density neighborhoods without adequate sanitation. Some of the wells already show increasing concentrations of nitrogen and actually had to be shut down due to quality problems. Lusaka's population has been growing rapidly and is expected to reach close to 5 million by 2035 (at the growth rate of 4.9% per annum) representing an additional challenge for water supply and sanitation.

The City of Lusaka together with the neighboring Districts of Chilanga, Chirundu, Chongwe, Kafue and Luangwa delegated the mandate for provision of water supply and sanitation services to the LWSC, in accordance with the Water Supply and Sanitation Act No. 28 of 1997. To address above challenges, LWSC prepared a Water and Sanitation Investment Master Plan

in 2011, with support from the Millennium Challenge Corporation, which aims at 100% sanitation coverage for Lusaka Province by 2035 through a combination of off-site and on-site systems.

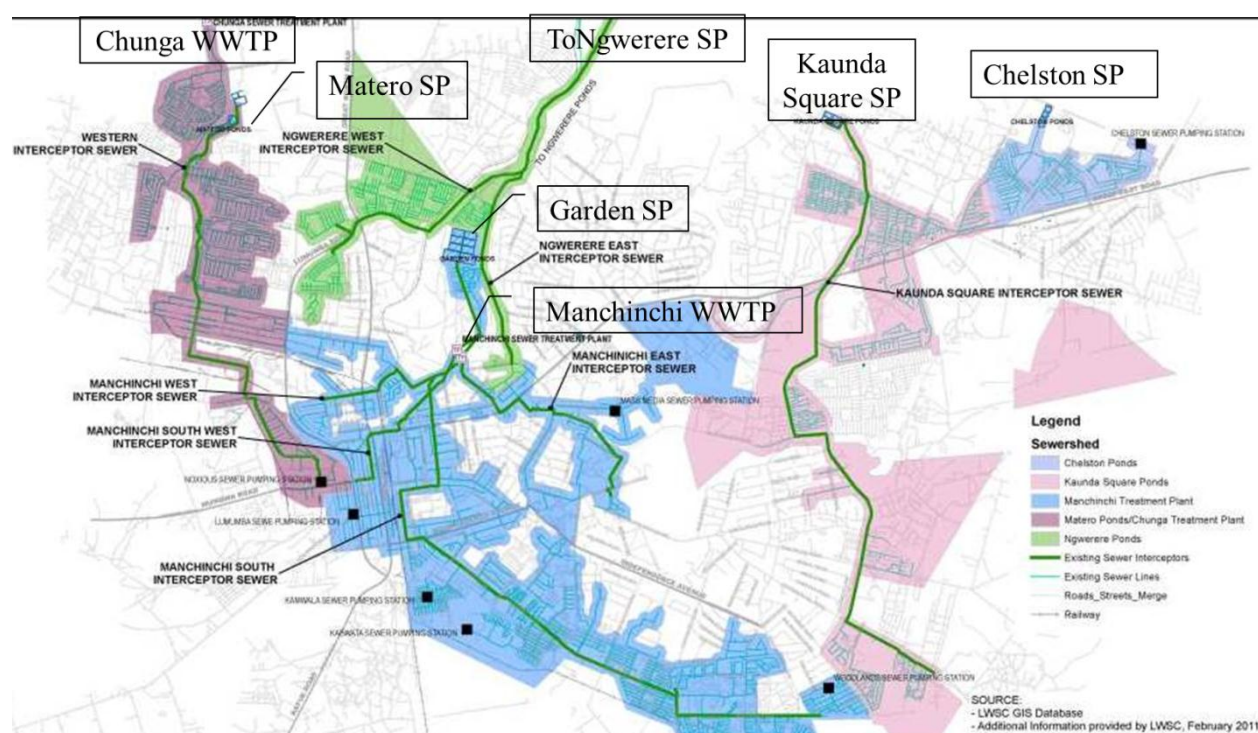


Fig. 1.1 - Sewersheds of Lusaka City: 1. Chunga/Matero, 2. Manchinchi, 3. Ngwerere, 4. Kaunda Square, 5. Chelston and location of existing sewage treatment plants.

The Government of the Republic of Zambia subsequently initiated the Lusaka Sanitation Program, aiming at implementing the priority projects identified by the master plan. It provides a comprehensive city-wide approach to Lusaka's sanitation challenge, addressing both off-site and on-site systems as well developing LWSC's capacity to manage all aspects of sanitation, from conventional sewerage, to condominial, to on-site systems and fecal sludge management (FSM).

In consultation with the World Bank, EIB, AfDB and KfW, the program has been structured into the following projects:

- (a) Rehabilitation and upgrading of the Manchinchi and Chunga WWTPs including sludge management and disposal; and of the sewage pumping stations and main collectors of the Manchinchi and Chunga sewershed areas. This component will be financed by EIB and KfW.

- (b) Upgrade and expansion of sewage collection systems in the Chunga/Matero sewersheds. It will address system upgrade for already serviced areas and expansion into un-sewered areas. This project is expected to be financed by the AfDB.
- (c) Upgrade and expansion of sewage collection systems in the Manchinchí and Ngwerere sewersheds, plus promoting the implementation of on-site sanitation solutions and fecal sludge management as well as strengthening the capacity of LWSC to effectively manage sanitation services. This will be financed by the World Bank and the Government of Zambia.

1.1.2 LUSAKA SANITATION PROJECT - YEAR 1 INVESTMENTS

The following are the sub-projects selected for year-1 investments:

a) **Collection System along Expansion Kafue Road (CSE-23). Manchinchí Sewershed.**

The targeted area is 112 ha and is located in the south-west of Lusaka and extends from the roundabout at the southern end of Cairo Road to the junction of Kafue Road with Chifundo Road. It is a growing commercial area including a large shopping center in the north, having currently on-site sanitation systems. The geology of the area is unfavorable for on-site solutions with a shallow rock layer, a high groundwater table and the area is prone to flooding. The proposed sewer system will not only serve this industrial area but in future will also receive the sewage from the Kuomboka sewer service area (SCE-25), being another priority sub-project.

Additional individual water supply connections will be provided in parallel to sewerage. The sub-project includes construction of 7.6 km of sewers of dia. 300 to 600 mm and provides 132 commercial enterprises access to sewerage services. One collector on each side of the road is planned with the eastern one being able to take up the future flows from Kuomboka. Two pump stations will be constructed with capacities of 11 l/s versus 7 m and 58 l/s versus 6m, simply lifting the sewage without the need of force mains. The collected wastewater will discharge into the existing Manchinchí main collector ending at the Manchinchí wastewater treatment plant, earmarked for upgrading under the EIB project. ARAP for this section has been prepared and will be disclosed separately.

b) Collection System Expansion in Emmasdale & Chaisa (SCE-08). Ngwerere Sewershed.

Part of Emmasdale is already sewered and the project will connect the remaining area of 156 ha. The residential and commercial facilities existing in the area are currently served by pit latrines, septic tanks and sewer in some areas. The area is moderately flood prone and population density is medium. The number of people served will be 12,917 plus 23 commercial connections. The sub-project includes construction of 15.1 km of gravity sewers of dia. 200 to 400, as well as a pumping station for 8 l/s and 10 m plus a 350 m long force main of dia. 200 mm. The collected sewage will be discharged into the Ngwerere West Interceptor which is going to be upgraded under this project also. The wastewater is treated at the Ngwerere Sewage Ponds. A RAP has been prepared for this section and will be disclosed separately.

c) Upgrade of Ngwerere West Interceptor (CSU-05), Ngwerere Sewershed.

This existing interceptor starts 700 m west of the Great North Road and runs east till it discharges into the Ngwerere East interceptor. It follows a stream which is part of the Bombay Drain system and actually runs within the stream in Chaisa and Mutambe (Marapodi) locations. The collector is made of AC, 40 years old and has inadequate capacity. A significant amount of the wastewater collected gets lost, polluting the streams which further downstream discharges into Ngwerere stream and finally into Chongwe River that serve as water supply for Chongwe town. Its intake faces serious problem of algae and aquatic weeds. The project proposes realigning and upgrading of 2.8 km of the collector of dia. 600 and 700 mm. The design for this year 1 investment in terms of siting has not been sufficiently finalized to allow for the development of a RAP at the time of appraisal.

1.2 JUSTIFICATION FOR THIS RESETTLEMENT POLICY FRAMEWORK

The purpose of the Resettlement Policy Framework (RFP) is to provide a guide to addressing land acquisition and resettlement/relocation issues from vendors/traders and the housing encroachment and settlements in the corridor of impact of the project. The subprojects selected for the first year investments involves the construction of a 900mm diameter sewer interceptor along both sides of the Kafue road with one pump station on each interceptor. The western side

interceptor will cross the two carriage ways and join the eastern side interceptor just after Down Town shopping Mall.

The combined interceptor will then pass through a cluster of makeshift market-stalls, known as the Donchi Kubeba market , before terminating into the old sewer interceptor near Lubarma Market. The Kafue road, which has dual carriage ways, covers a distance of approximately 7600 meters and also has informal vending activities, encroaching on the right of way. Numerous advertising billboards are adjacent to the road reserves through which the interceptors will pass.

The Emmasdale sewer expansion subproject area is a medium to high cost built up residential area. In this area temporary disruption of the access roads to residential properties will be occur during construction and requiring subsequent restoration of the access roads.

The proposed route for the Ngwerere interceptor will require land acquisition of properties in the proposed way of the interceptor. However, the specific design and route is not yet finalized, although the general impact area is known.

The implementation of the subprojects will require relocation of street vendors, dismantling and re-installation of advertising bill boards and formal land acquisition to facilitate clearance of the proposed routes of the project. World Bank policy on Involuntary Resettlement (OP 4.12) is therefore triggered.

1.3 OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

The Objectives of the Resettlement Policy Framework (RPF) is to synchronize resettlement planning in the implementation of the Lusaka Sanitation Project to be funded from the the WB credit financing the LSP, in order to minimize negative social impacts.

Specific objectives of the Resettlement Policy Framework are as follows:

- To outline steps in resettlement screening of LSP and how to incorporate the appraisal system during project implementation
- To describe potential socio-economic impacts from resettlement/relocations.
- To outline policies to govern resettlement in implementation of the project
- To describe the policy and legal framework on land acquisition and resettlement.
- To describe eligibility criteria for compensations to various categories of affected people.

- To describe methods of valuing affected assets for purposes of compensations.
- To outline institutional arrangements in the implementation of resettlement.
- To outline budget estimates and funding arrangements for resettlement. If, during project implementation, it is determined that project activities will impact on assets or require land acquisition, the RPF will serve as a guideline in the preparation of a Resettlement Action Plan (RAP). A RAP will be prepared, cleared by the World Bank, disclosed and implemented prior to the project activity causing impact on individuals, households and businesses.

CHAPTER TWO

SOCIO- ECONOMIC ASSESSMENT

2.1SOCIO-ECONOMIC BASELINE

2.1.1 POPULATION

The 2010 census report indicates that Lusaka is the most populated province in Zambia. Lusaka province had the largest percentage share estimated at 16.7% in 2010 translating to 2,198,996 people of the total population of the country as compared to 1,391,329 in 2000. The annual population growth rate for Lusaka, in the period 2000 to 2010, was 4.7% which is over 65% higher than the national average population growth rate of 2.8%. Factors attributed to high rate of growth of the population in the Province include among other things urban migration of people from other provinces in search of higher economic prospects, opportunities for higher education and higher wage employment. This has been enhanced by the low economic activities in the mining sector, especially on the Copperbelt Province, leading to the shrink in employment opportunities, hence the migration in search of jobs. Furthermore the higher population in Lusaka serves as a market for goods and services which cannot be sustained elsewhere in the country.

The neighborhoods for the LSP include Nkoloma ward (73380 people), Kanyama ward (166092 people), Matero ward (56127), Lusaka central (50711) and Ngwerere ward (65092 people).

2.1.2 PUBLIC HEALTH STATUS

Urban developments such as upgrading and rehabilitation of sanitation facilities, solid waste management and sludge management and disposal have significant impact on human health. Access to improved sanitation facilities is generally viewed to be proportional to health status, given that it is often associated with vectors causing illness. Lusaka has 34 government health institutions and about 134 registered private clinics and health centers. The two main hospitals in Lusaka are the University Teaching Hospital, which is the designated national referral health facility, and the newly built Levy Mwanawasa General Hospital.

The most common diseases in Zambia are malaria, diarrhoea, cholera, typhoid respiratory, sexually transmitted infections (STIs), HIV /AIDS, skin infections and Tuberculosis. Improved sanitation is expected to have a positive effect on health, including women's health. Due to the absence of public health data for the LSP areas, there will be a separate socio-economic and public health assessment that will be conducted under the LSP. Procurement processes for the baseline study were at an advanced stage by the time of the RAP formulation.

2.1.3 LAND USE

The LSP cover an area with diverse land use pattern. Emmasdale and Chaisa areas are used as residential areas while the Kafue road area is commercial and industrial. Within the residential areas are some vegetable gardens and some orchards and household plantations, mostly in encroached areas. Residential areas in Lusaka include low density, medium density and high density. There are also areas that used to be farm workers compounds and were incorporated into the Lusaka urban area; these are most what is being referred to as peri-urban areas. In the peri-urban areas are largely unplanned settlements with very limited access road into the inner parts of the settlement. These are the areas that may be largely affected by resettlement if there are subproject interventions in such areas. In the high density areas there is a lot of encroachments on the road reserves such that most of the vegetable gardens and boundary walls may be affected by the project activities. Along the main road reserves are a lot of billboards which will need to pave way for the project activities. Examples of such potential project areas is the Kafue road area that is built up with industrial and commercial establishment while the road reserve is dotted with all sorts of vendors throughout the project route. These vendors include among others food vendors, block making, sand sales, car wash and taxi ranks. Another notable business along this route is the advertising business through bill boards which are found on both sides of the Kafue road as well as the middle of the road (island). Emmasdale is mainly residential whereas, some portions have been turned into trading centers. Ngwerere route is all built up and densely populated. Road reserves on both sides have been turned into trading areas with either built up shops or makeshift stalls. Other land uses in the area include vegetable gardens (subsistence farming) especially near the sewer ponds



Fig 2.1 A busy Kafue Road with billboards, infrastructures and vendors

2.1.4 HOUSING/INFRASTRUCTURE

In most industrial areas, there are modern concrete block and glass industrial and commercial buildings. In the recent past high quality and modern structures have mushroomed and are still being built along Kafue road consisting of shopping malls, service stations as well as other industries. The type of housing infrastructure in some areas like in Emmasdale is all congregate with roofing sheets and can be classified into two categories: medium and high cost housing units. Medium housing units are usually institutional or former institutional houses, medium sized concrete walls with ordinary roofing sheets with/without a wall fence usually occupied/owned by Zambians. The other category is high cost housing units: Massive mansions usually double storey buildings with modern fittings (such as aluminum windows, air conditioned etc), harvey tiled roofs and well-designed block or steel fences. Other areas like the Ngwerere route consists of mostly low cost houses, mostly concrete walls and ordinary iron sheet roofs/asbestos roofs in some cases. Very few houses have concrete fences whilst most houses are either open or have plant hedge fencing off the yard.

Major roads such as the Kafue road route has various types of bill boards ranging from very small to huge steel structures as well as electrical bill boards right in the project area. Kafue

road, Emmasdale and Ngwerere project areas all have telephone line, water and sewer lines as well as optic fibre because the project is earmarked in the road reserve where these lines are also passing.

2.1.5 CURRENT SANITATION FACILITIES

Most industrial areas are not sewered and thus are on septic tanks except for a few properties at down town shopping mall which are connected to a sewer line passing in Kamwala. Having the entire stretch on septic tanks is a great health challenge considering that the area is prone to floods and the water table during rainy season is very high. This calls for constant emptying/pumping of the septic tanks to avoid sewer flooding into the environment. The quality of potable underground water is also compromised especially that properties in the project area are not connected to Lusaka Water and Sewerage for potable water but are on private boreholes

Some residential area have portions that are sewered while other portions are on septic tanks and soak always. Emmasdales also faces healthy challenges as the area is water logged thus septic tanks gets full every so often. Some residents do not have the capacity to have their septic tanks emptied as required as a result they have connected pipes which are discharging direct into the environment (storm drains).

Ngwerere project area is also a mixture; some areas are sewered while others use onsite sanitation (pit latrines). The existing sewer line in this project area is old and overloaded thus it often breaks down and discharges effluent into the community.

Implementation of this project will greatly improve sanitation facilities and benefit a lot of people in these project areas.

2.1.6 WATER SUPPLY

Properties along the Kafue road route are on private boreholes, Emmasdale has a mixture of LWSC supply as well as private boreholes while Ngwerere route is also mixed with some areas being serviced by Lusaka Water and Sewerage while some households use shallow wells as their source of potable water. There is a water quality sampling regime for all areas being supplied by Lusaka water and sewerage. The water quality monitoring is done on LWSC through the water supply department. Results of such monitoring are used for internal water quality management by LWSC.

2.1.7 ADMINISTRATIVE ARRANGEMENTS

Lusaka district is politically divided into constituencies. The parliamentary constituency is the largest administrative unit to which urban and peri-urban areas belong and each constituency has a duly elected member of parliament who represents the residents in the national assembly. The constituency comprises a number of Wards which are subdivided into Zones. There are 33 Wards in the Lusaka City area and the Year 1 investments cuts across 6 wards. Each Ward is headed by an elected Ward Councilors. Both Members of Parliament and the elected Ward Councilors are affiliated to political parties and have a mandate covering a period of five years. Districts are headed by District commissioners who are appointed by the president. Their role is to oversee the civil service in the district. The city district councils are headed by a mayor. The elected ward councilors form a council and they meet regularly to plan and spear head developmental projects. The council secretary assisted by the Director cover various functions of the Council. All the sanitation sub-project sites are within the jurisdiction of LCC.

2.1.8 LIVELIHOOD

The employment sector in Zambia comprises both formal and informal sectors. Lusaka being the capital city offers a wide range of economic activities offering employment to various occupational groups. According to the 2010 national employment statistics from the Central Statistical Office (CSO) website: The proportion of the unemployed youth in Lusaka was 25 percent. Sex differentials at national level indicated that of the 4.3 million persons in labour force 2.4 million were males and 1.8 were females country wide. The 4.3 million persons in labour force, 554,202 representing 13% were unemployed with the copperbelt province having the highest unemployment rate at 22.1% while Northern Province was lowest at 6.3%.

Almost half of the people of Zambia in the manufacturing industry are employed in Lusaka with the figure of 29,012 out of the total 70,560. However, there are currently approximately 120,233 people in formal employment in Lusaka. This represents 9.02 percent of the total population, or 16.85 percent of the economically active. In other words the unemployment rate is about 83 percent, notwithstanding informal employment. The Kafue road area has a number of people who survive from vending, selling of live goats, selling of food items to the industries along the road. These people will not be relocated by the project, but will coexist sustainably by continuing with their daily business without moving out of the area. Only infrastructure mentioned will be affected. In Emmasdale and Chaisa the major source of income is employment of members of the family in industries and those who are not formally employed

supplement family incomes by vending or part time manual jobs in surrounding low density areas. These people also do practice urban agriculture in service lanes where they plant mostly maize. Such fields will not be affected since they are much further away from the roads along which the sewer pipes will follow. The stakeholders do not have anything against the proposed project since they will be allowed to cultivate their fields after pipe installations and the project will affect the cropping seasons to ensure the urban agriculture is not affected by the project.



Fig 2.2 Mandebvu Market within the project area

2.1.9 ASSESSED PROJECT AFFECTED PERSONS

A social economic survey was conducted to ascertain the number of beneficiaries who would be resettled as a result of the project and those who would require compensation. The information was collected from Kafue Road targeting commercial property owners, vendors, and sand sellers, Dochi Kubeba Market the target were the vendors and for Ngwerere Sewer Ponds it was the small scale farmers around the sewer ponds. The purpose of the visit was to find out the impact the project would have on these communities, ascertain the number of people who may need to be resettled or compensated once the project commenced.

A tool was developed in form a questionnaire and both interviews and observations were used to collect the information. Students were engaged to collect the information with the help of community leaders from these areas. The Community Development Officer supervised the exercise and data analysis was carried out by the Peri-urban Department. The data was analyzed using excel since the tool used was very simple. Attached are the tools used for different target groups.

Table 2.1. Number of Assessed PAPs

Project Area	Kafue Road	Dochi Kubeba	Ngwerere
No. interviewed	70	139	34

A total of 243 people were interviewed from the three p1roject areas with Dochi Kubeba having the highest number of respondents.

Kafue Road - A total of 70 properties were identified ranging from shopping malls, filling stations to kiosks (tutembas). From the survey it was found that there are 23 billboards, 7 filling stations, 12 kiosks operated by vendors who mostly sell food. There are also 3 small scale sand sellers. The vendors were noted to be all middle aged males. The vendors will be able to continue with their selling from other locations within the immediate vicinity.

Dochi Kubeba market - a total of 139 stands were visited. Out of the 139, 68 are shops while 71 are table stands. In terms of the structure details for the shops 1 is made of blocks, 58 made of planks and plastics while 9 are made of roofing sheets and planks. For the table stands the structures are mostly made of planks and plastics i.e. 65 out of 71 while 5 are made of roofing sheets and planks. The survey revealed that the income for the marketers range between K800 to K28, 000 per month for those who own table stands while for those with shops the income ranges from K1200 - K19, 600 per month. There is considerable income gap. The more conventional shops are the ones with higher income while the lower income range relate to the stalls. Seventy percent of the marketers with stalls are women with an average income of K1000. The women are middle aged averaging thirty years with an average family of four.

For the farmers at Ngwerere the survey revealed that there are 34 farmers growing various crops (Rape, cabbage, Chinese cabbage, tomatoes, maize and pumpkin leaves) near the ponds. It was also found that 27 farmers grow only one type of crop, 4 grow 2 types of crop and 2

farmers grow 3 crops. Though this area was assessed, the subproject will eventually be implemented as Year 2 investment. The average monthly earnings in the gardeners assessments showed to be K, 200.00.

2.1.10 LAND TENURE SYSTEMS IN ZAMBIA

There are six distinct land tenure classes existing in Zambia. The implementation of the LSP may coincide with some of the classes. The description and extents of the classes of land in Zambia are as follows:

(i) Customary Land

This is land held in trust for all people of Zambia by the State President, who delegates his authority to traditional chiefs. The land is commonly held and distributed to the people by local chiefs. Although each person has recognised ownership to a piece of land, he or she cannot trade on it as the land can be reassigned to other people in case the chiefs deem it fit. A coherent system in the distribution of land exists in both patrilineal and matrilineal societies. This system has allowed smallholder agriculture to survive without access to bank loans.

(ii) Leasehold Land

This is part of private land that is leased by individuals or other legal residents. The lease period varies according to type of use that someone has applied for. Currently these fall into three groups of 21 years old leases for agricultural uses, 33 to 99 years old for property and infrastructure developments, and over 99 year lease for those who would wish to sublease to tenants of 99 years.

(iv) Freehold Land

This is land, which has been granted to persons for perpetuity. The government has no specific control on transactions except on planning permission on uses. This lease is now limited to Zambian citizenship only. It is difficult to enforce conservation measures on this land because of the exclusivity, which the persons enjoy, particularly some owners who live overseas.

(v) State Land

This is land which is owned and used by government for public utilities, schools, hospitals, government offices and other properties, markets, government farms and other public goods throughout the country.

(vi) Public Land

Land managed by agencies of the government and traditional leaders in trusts for the people of Zambia, openly used or accessible to the public at large. This includes catchment areas, protected forest reserves, national parks, game reserves, dambos (flood plains), community forests, riverines, flood plains, wet lands, military sites and others.

A REFLECTION OF THE PAPs LAND OWNERSHIP

i. **Kafue Road Reserve.** The reserve is in the ownership of the LCC. The billboard owners pay a fee to LCC to erect their billboards. At a time of intended use of the road reserve by LCC, the billboard owners are notified. If they had paid for a longer period, they are reimbursed or given an alternative site by LCC. In this case, the intended use of the road reserve for the project activities is coordinated by LCC in consultation with all stakeholders.

ii. **Donchi Kubeba Market.** This is a market on LCC land and was not officially created by LCC as such. The market was spontaneous and LCC coordinates its existence in view of other land use like telecommunication installations. LCC has a Development Officer attached to market and works with the market leadership. When LCC wants the land for other uses, LCC liaises with the market leadership. In this case, LCC will request the vendors to pave way for the duration of the project activities, then revert to the site after project installations. LWSC will however compensate the down time as a way to mitigate the resettlement impacts.

iii. **Emmasdale and Chaisa residential area.** In this area, the residents hold leases from LCC and deeds from the Deeds Officer for the land within the official boundaries. The road reserves encroachments, vendors and greens are not official since they are outside the leased land or deeds boundaries. Such areas fall under the jurisdiction of the LCC. LWSC will reinstate or compensate losses incurred from the project activities even though they are outside one's official land holding. More details are found in the RAP for these sites.

2.2 DESCRIPTION OF POTENTIAL SOCIO-ECONOMIC IMPACTS OF RESETTLEMENTS

Resettlement within context of implementation of LSP subprojects may encompass possible land acquisition and relocation of existing people from the existing homesteads, impact on assets even if affected person do not need to relocate, restricted access to natural resources, and negative impact on livelihood. Such resettlement exercise undertaken trigger a number of negative externalities on the affected people. In general, some impacts emanate from the consequences of losses of access to their settlement sites, others from losses of physical assets and loss of access to their longtime productive assets. In very few cases, downstream resettlement impacts will include loss of social cohesion and relations, a maximum of 40 households may be affected throughout the project life. Some of the potential socio- economic impacts from such sources are outlined below here:



Fig 2.3 Mandebvu Market sitting on top of the existing sewer line. This may be affected if the new line follows the existing line.



Fig 2.4 Some of the temporary structures and boundary hedges encroaching the road reserves in Mandebvu area. Such structures may be affected since the sewer network will follow the road reserve.



Fig 2.5 Some of the unlicensed vendors, billboards and electricity lines along the Kafue road that may be affected by the pipeline installations.



Fig 2.6 Some of the farmers within the Ngwerere ponds boundaries that may be affected by possible project activities at the Ngwerere ponds.

Table 2.2: Summary of main social and economic impacts from resettlement activities.

Category of Losses	Social and economic impacts	Nature	Timing	Probability of occurrence	Significance	Areal Coverage
Displacement from land	<ul style="list-style-type: none"> • Landlessness • Loss of productive resource for agriculture and other businesses. 	Direct and negative	Pre-Construction	Probable	Significant	Low.
Loss of residential property and homestead	<ul style="list-style-type: none"> • Landlessness, homelessness • Impoverishment of people • Disturbance of household production systems • Loss of sources of income • Loss of or weakening of community system and social networks. • Loss of access routes to social amenities such as hospitals and schools. 	Direct and negative	Pre-construction	Probable	Significant	Low
Loss of assets or access to assets	<ul style="list-style-type: none"> • Impoverishment. • Loss of sources of income. • Loss of employment opportunities (self – employment). 	Direct and negative	Construction	Probable	Significant	Moderate

Loss of income sources or means of livelihood	<ul style="list-style-type: none"> • Impoverishment • Loss of self – employment opportunities • Disruption of attainment of services such as schools, health services resulting in further impoverishment, malnourishment 	Direct and negative	Pre-construction	Certainly	Significant	Low
Loss of advertising time(e.g pulling down of bill boards)	<ul style="list-style-type: none"> • Inconveniences to business owners and customers • Loss of business/income 	Indirect and negative	Pre-construction	Certainly	Significant	High
Loss of access or proximity to social amenities e.g. water sources, (e.g. boreholes), schools, hospitals and clinics, markets	<ul style="list-style-type: none"> • Impoverishment. • Loss of sources of income • Increased time to access resources. Loss or shortage of time for other activities. 	Direct and Negative	construction	likely	Significant	moderate
Blockage of Access roads/ footpaths/pathways	<ul style="list-style-type: none"> • Increase in travel distance due to longer route • Loss of business and inconvenience to business houses and customers 	Direct and negative	construction	certainly	significant	High

Disruption of telephone facilities	<ul style="list-style-type: none"> • Social inconveniences • Potential loss of business 	Direct and negative	construction	Probable	significant	Low
Disruption of power supply	<ul style="list-style-type: none"> • Social inconvenience • Potential loss of income 	Direct and negative	construction	Probable	significant	Low
Disruption of water supply	<ul style="list-style-type: none"> • Social inconvenience • Potential loss of income • Potential health hazard 	Direct and negative	construction	Probable	significant	Low

CHAPTER THREE

POLICY AND LEGAL FRAMEWORK ON RESETTLEMENT IN ZAMBIA

3.1 LOCAL LEGISLATION

There is currently no specific law or policy that solely pertains to involuntary resettlement in Zambia. The existing policies and arrangements only deal with voluntary resettlement. However there exists various pieces of legislation that provide guidance regarding legal provisions for resettlement. Some of these legal instruments that provide legal statutes relating to resettlement are tabulated below.

3.1.1. CONSTITUTION OF ZAMBIA

Chapter 1, Article 16 of the Laws 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. This provision will be used in the event that there is failure to agree on valuations during the RAP formulations, otherwise it is expected that the RAP negotiations will be found as fair and equitable to LWSC and the PAPs.

3.1.2 LANDS ACQUISITION ACT CHAPTER 189 OF THE LAWS OF ZAMBIA

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.

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.

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 under this Act. This Act usually applies where it's the government that is acquiring land for government development projects. Though the government compulsory land acquisition processes will not be applied in this resettlement framework, the land acquisition processes inform the LSP resettlement processes to achieve fairness in compensations.

3.1.3 TOWN AND COUNTRY PLANNING ACT

The Town and Country Planning Act provides for; the appointment of planning authorities, the establishment of a Town and Country Planning Tribunal, the preparation, approval and revocation of development plans, the control of development and subdivision of land, the assessment and payment of compensation in respect of planning decisions, the preparation, approval and revocation or modification of regional plans and incidental matters.

Part III deals with development plans. Section 16 (2) provides for development plan mapping to illustrate the proposals, and in particular to designate as land subject to compulsory acquisition by the President or by a local or township authority:

- (a) Land reserved for government or local authority purposes;
- (b) Areas designated for comprehensive development, and adjacent areas;
- (c) Other land in order to secure its vocation for plan purposes.

The same section also provides for designation for compulsory acquisition areas that are not well laid out that need future treatment, or are obsolete for development needs. It may require the relocation of population or industry or the replacement of open space or any other purpose needed for comprehensive development and development or redevelopment as a whole.

Part VI deals with compensation for refusal of planning permission, including subdivision, if it can be shown that there was material prejudice resulting; and with the circumstances and details of what may and may not be allowable.

Part VII on Land Acquisition (Sections 40-44) applies to the provisions of the Land Acquisition Act (Chapter 189), making such adjustments as are necessary to permit the acquisition of land by a local authority. Most of the land targeted by the subprojects fall under the jurisdiction of the local authority and the Act creates a good basis for liaison with the LCC in handling especially

compensations for land and assets that are within local authority rented areas like markets and billboards along road reserves.

3.1.4 WATER AND SANITATION ACT

The Water Supply and Sanitation Act No 28 of 1997, part V, **23(1)** gives the president of Zambia the power to acquire land considered necessary for provision of water supply and sanitation services. The Act goes on to state that adequate compensation must be paid in accordance with the Land Acquisitions Act. However, the act states that the service provider can restrict access and supply during maintenance so long as users are notified. Once notified, affected users are not entitled to compensation, inconvenience or loss of profit. Section 29 further states that the service provider shall do as little damage as possible and shall make full compensation to persons who have sustained damage. The amount of compensation would be determined by arbitration. In the spirit of this Act, it is important that once the subprojects are identified, there should be a census to ensure that there will be no further encroachment to the project areas to avoid new compensation claims.

3.1.5 LOCAL GOVERNMENT ACT (22 OF 1991 AS AMENDED) (CHAPTER 281)

The Local Government Act is the key enabling legislation that defines the authority given to LCC and its various roles in the Lusaka Sanitation Project. It governs the establishment, powers and operations of local administration, and also establishes its representative function (members of the Council). This Act, together with the Housing and Statutory Improvement Act and the Town and Country Planning Act, underpins the authority of the LCC, for example, to issue and enforce cut-off notices. Section 61 of the Act provides legal authority for the functions of Councils to be discharged directly, by contract or by separate undertaking. These functions are detailed in the Second Schedule, of which the following are particularly relevant to Lusaka Sanitation Project:

- 51. To establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, and compel the use of such services.
- 52. To establish and maintain drains, sewers and works for the disposal of sewerage and refuse.
- 53. To take and require the taking of measures for the drainage of water.
- 54. To require and control the provision of drains and sewers and to compel the connection of any drains and sewers established by the council.
- 60. To provide and maintain supplies of water and, for that purpose, to establish and maintain waterworks and water mains.

The Schedule under the Act lays down the functions of local council administration, including Town Clerk or Secretary (chief executive); Director of Administration or Deputy Secretary; Director of Finance or Treasurer; Director of Engineering Services or Director of Works; The Director of Engineering Services or Director of Works; Director of Housing and Social services; Director of Legal Services and Director of Public Health. This Act is very essential in the enforcement of sanitation standards within the project areas.

3.1.6 THE ENVIRONMENTAL MANAGEMENT ACT (12 OF 2011)

The Environmental Management Act (EMA), 2011, No. 12 of 2011, having replaced the Environmental Protection and Pollution Control Act (EPPCA) of 1990, Cap 204, of the Laws of Zambia, is the supreme environmental law in Zambia for implementing environmental policies and standards. ZEMA's procedures state that no project that may have an effect on the environment may be undertaken without the written approval of the Zambia Environmental Management Agency (ZEMA), and except in accordance with any conditions imposed in that approval. ZEMA is empowered to request information on projects proposed, planned or in progress and advise stakeholders on projects, programs, plans and policies for which environmental assessments are necessary. Through the EIA Regulations No. 28 of 1997, the ZEMA is responsible for facilitating the EIA process and for quality control of environmental assessment statements. First Schedule of Regulation 3 specifies which type of developments requires a project brief which include resettlement schemes.

Regulation 10 provides for public consultation by the developer before submitting the environmental impact statement to ZEMA. 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:

- The 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 and , social cohesion or resettlement and local economic impacts; and
- .Effect on land uses and land potential in the project area and surrounding areas.

In accordance with the Act, any project that has resettlement issues should have an ESIA accompanied by a RAP. The Act enforces the need for fair and equitable compensation of all resettlement impacts. The RAP will be reviewed and monitored by ZEMA, thus creating an external monitoring system for resettlement to LWSC.

3.1.7 FOREST ACT

The Forest Act Volume 12 Cap 199 provides for the establishment and management of national and local forests, conservation and protection of forests and trees; and licensing and sale 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.

The act empowers the President to compulsorily acquire any land as stipulated under the Lands Acquisition Act, for the purposes of a National Forest, if he considers it necessary or desirable in the public for public interest. However the act does not state clear compensation procedures for the affected claimants. It is assumed procedures set out in the Land Acquisition Act takes precedent.

3.1.8 ROADS AND TRAFFIC ACT VOLUME 26 CAP 464

The Public Roads Act, 2002 section 18 (3) gives authority to the envisaged Road Development Agency (RDA) to enter upon any land for purposes of extraction of materials for road formation. The Act under the same section provides for the notification to the property land owner before preparation for commencement of extraction of materials starts. Under section 18 (4) of the Act, compensation should be paid to the affected land owner occupier if such land is on title, Under Section 18 (5) of the said Act, allows the landowner occupier to submit some written request to the Agency for any expense or loss that may be incurred if such land is appropriated. Section 18 (6), the Act states that in the event of failure to agree upon the amount of compensation the matter shall be decided by arbitration in accordance with the Arbitration Act, The Act under section 18 (7) provides a number of conditions which shall form the basis for assessment of properties or envisaged losses that are the subject of disagreements.

Though the Act provides for land acquisition for road projects, LWSC is expected to comply with the expected reinstatement standards agreed with the RDA for areas where there will be road cuttings.

3.1.9 RAILWAY ACT CAP 453 VOLUME 25

The Railway Act Cap 453 Volume 25 part IV give procedural guidelines on entering upon and compulsory acquisition of land related for railway purposes, prevention of accidents and for alteration of public utility infrastructure such as pipe. The Act further gives the guidelines on procedures for claiming compensation.

According to the provisions of this Act, a railway company through its agents or employees or duly authorized in writing by it in that behalf, shall have powers for the purposes of such railway company to enter upon-any land and survey such land for the purposes for the purposes of railway activities. Before exercising or authorizing the exercise of any of the powers conferred by this section in respect of any land, the railway company shall give reasonable notice of its intention so to do to all persons interested in such land.

Where a railway company lawfully exercises any of the powers conferred by this section, such railway company shall be liable to the owner of such land or to any person interested therein to pay compensation for the actual loss or damage caused to any improvements .Any person liable for compensation shall give a give a notice to the railway company stating amount of compensation claimed and providing details for such claim. The railway company shall within twenty-eight days of receipt make to the claimant an unconditional offer in writing to determine whether or not the claimant is due for compensation or not. The project areas have railway crossings and LWSC is expected to liaise with the Railway Authority for passage in areas that have railway lines.

3.1.10 TELECOMMUNICATION ACT VOLUME 26 CAP 469

This is an Act to regulate the provision of telecommunication services to from and within Zambia and to provide for matters connected with communications. The Act provides for the establishment of the Communications Authority, which shall is a corporate body with the functions of regulating and licensing of all telecommunications functions. The authorities has powers of suing and being sued and, subject to the provisions of this Act, capable of performing all such acts as a body corporate may by law do or perform.

This Act is silent on issues to do with land acquisitions and the presiding resettlement and compensation issues. Its assumed the Land acquisition Act take precedent of all matters to deal with such issues.

3.1.11 ELECTRICITY ACT

The Statutory Provisions of the Electricity Act No. 15 of 1995, Part III (acquisition of land and rights of land) provides procedural guidelines for the acquisition of land and rights over land.

Pursuant to these provisions, the President may, by order, authorize the acquisition by compulsion of so much land, including State Land, as the President may consider necessary for any purpose associated with the generation, transmission, distribution or supply of electricity by an operator of any undertaking and any acquisition in terms of this section shall be completed in accordance with such directions as the President may give in that or any order.

However before such an order is made, the President shall be satisfied that the operator concerned has taken all reasonable steps to acquire the land intended to be used on reasonable terms by agreement with the owner of the land and has been unable to do so and the acquisition of such land is necessary for the purposes of the undertaking carried on by the operator concerned. Adequate compensation shall be paid to any person who suffers loss or damage through the exercise of the powers conferred by this section in accordance with the provisions of the Lands Acquisition Act. However, the Act is not clear on the principles of assessing compensation where way-leave over land is created but no land taken. Section 14 of the Electricity Act however, makes reference to the Lands Acquisition Act Cap 296. The Act deals with compulsory acquisition of land. Under this Act, the principles of assessing the amount of compensation for land taken are contained in Part III (Section 12).

3.1.12 COMPENSATION AND VALUATIONS

The Land Acquisition Act, Chapter 189 of the Law of Zambia provides that assessment for compensation for involuntary acquisition of land/property must be at Market Value. It indicates that the value of the property shall be equal to what the amount which the property might be expected to realize if sold in the open market by a willing seller at the time of publication. The market value describes an exchange between parties that are unconnected and operating freely in the market place and ignores any price distortions caused by special value or synergistic value. It represents the price that would be most likely to be achieved for a property across a wide range of circumstances. The Zambian Land Acquisition Act is referenced in Chapter 4 and additional information on the Zambian land tenure system.

Property valuation in Zambia is carried out by valuation professionals registered under the Valuation Surveyors Act Chapter 206 of the laws of Zambia. A registered valuation surveyor with Valuation Surveyors Board is a trained professional who has a thorough knowledge and understanding of the factors that create, maintain or diminish values of real estate or assets. Valuation of assets is done in accordance with the Practice Statements and Guidance Notes published by the International Valuation Standards Committee (IVSC), adopted and recognized by

international accounting standards and risk management professionals. This law is quite important for the qualifications of the valuations expert for the respective subproject RAPs.

3.1.13 ARBITRATION ACT

The Arbitration Act No. 19 of 2000 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. Under section 12 (3) (b), if the parties are unable to agree on the arbitration, the arbitrator shall be appointed, upon request of a party, by an arbitral institution.

3.1.14 AGRICULTURAL LANDS ACT

The Agricultural Land Lands Act, volume 12 Cap 187 provides for the establishment of the Agricultural Lands Board and for tenant farming schemes. The act gives powers to the Minister to give a statutory notice to declare any state land and with the consent of the registered owner, any freehold land, and to alienate any declared land in any of the following ways

- by state grant.
- by the lease of holdings or.
- by any other state lease or tenancy

Subsection 5 of section 21 provides that 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. The improvements which are referred to here are those which are reasonably required for the management and improvement the holding, The Agricultural Lands Boards approves improvements and developments due for compensation. Section 43 provides that, if any dispute shall arise relating to-

- (a) amount of any compensation not being an ex gratia payment;
- (b) any valuation for an option to purchase a holding;
- (c) any valuation for a State Grant;

Where disputes arise, such dispute shall be referred for arbitration under the provisions of the Arbitration Act. This Act does not have direct relationship with the peobject.

3.2 POLICIES OF THE WORLD BANK ON RESETTLEMENT

World Bank policies on resettlement are outlined in Operational Policy (OP 4.12), and the overall objective of this safeguard is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Further the policy advocates and encourages community participation in planning and implementing resettlement. More specifically, where resettlement is unavoidable, the policy stipulates criteria for eligibility to compensation, resettlement assistance and rehabilitation assistance measures to project affected persons on the following conditions:

- a. Those who have formal legal rights to land, including customary and traditional rights recognized under the legal laws or traditional practices of Zambia. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations.
- b. Those who have no formal legal rights to land at the time of the census but have a claim to such land or assets provided that such claims are recognized under the legal or traditional laws of Zambia. This class of people includes vendors and commercial billboards and other infrastructure that in on road reserve on approval by LCC and hold a trading license from such land as vendors markets or road reserve installations.
- c. Those who have no legal right or claim to the land they are occupying prior to an established cut-off date (date of original census). This class of people includes squatters, pirates and those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Project affected persons classified under paragraph 3.2. (a) and 3.2 (b) shall be provided compensation, resettlement assistance and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken, or impacted, by the project in accordance with the provisions of this framework if they occupy the project area prior to the cut-off date (date of commencement of the census). Project affected persons classified under paragraph 3.2 (c) shall be eligible for compensation for the assets but not land.

In addition, the World Bank policy on resettlement stipulate those impacted persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

3.3 COMPARISON AND GAPS BETWEEN POLICIES OF WORLD BANK AND

ZAMBIAN LEGISLATION ON RESETTLEMENT

Policies of the World Bank on resettlement and of Government of Republic of Zambia have a number of common aspects in management of resettlement. For example both policies emphasise on minimisation of the extent of resettlement .Secondly, the policies recommends considerations of fair and adequate compensations to project affected persons. However, there are some gaps which exist between the policies of World Bank and those of Government of Republic of Zambia. A detailed comparative analysis is provided in table 2. Some selected examples are as follows:

- (a) On aspect of compensations on assets to project affected people, the policies of World Bank on resettlement include illegally built structures of squatters and pirates as eligible for compensations on their assets. In case of Zambia, such claimants are not entitled to compensations.
- (b) On aspects on compensations on land, the policies of Government of Zambia considers the different intrinsic values associated with various classes of land (customary land, leasehold land, freehold land , public land) .In such cases, rates for compensation on land vary from one site to another and from one class of land tenure to the other. World Bank policies do not distinguish such differential aspects of land classes and corresponding different market rates.
- (c) In cases of compensation of loss of land by project affected people, the World Bank policies prefers land for land compensation .In Zambia an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas due to land scarcity in the urban areas.
- (d) World Bank policies clearly stipulate resettlement as an upfront project – in that all issues of land acquisition and relocation of project affected people has to be done prior to commencement of the project on the acquired site. The national policies do not clearly spell out this approach and in practice; resettlement is treated as a separate exercise outside project planning and implementation process.
- (e) World Bank Policies clearly recommends for adequate resettlement assistance and rehabilitation assistance to relocated people as a way of restoring and enhancing socio – economic living standards. This is supposed to be undertaken within the first years of relocation on the new sites. Zambia legislation does not clearly define the extent of resettlement assistance to relocated people.

- (f) The Bank covers both resettlement and compensation issues, In addition to covering losses suffered through relocation, Bank policy ensures that the PAP is assisted with resettlement at the new site. In determining the cost of compensation, the Bank's cost estimate is given as the new replacement value of the property being lost, whereas in the case of national legislation, it is the value of the property at the time it is being sold, The Bank's emphasis is on restoration or maintenance of previous livelihood levels, whereas the Zambian government responsibility ends at replacing the depreciated value of the lost asset.
- (g) The current Zambia legislation regarding compensation emphasizes compensation more than resettlement, If there are standing crops or other improvements such as structures, the government is mandated to pay compensation at the current value of either property or standing crops as the case may be. Compensation issues are, therefore, adequately covered in national legislation.
- (h) The other difference noted is inclusiveness and coverage. Whilst both Zambian legislation and World Bank policy recognize customary tenure as equivalent to legal title. World Bank policy, however, also recognize informal occupancy as a form of customary tenure, Squatters, as they are commonly referred to, with no title to land or do not own the land under customary arrangement are entitled to compensation if they can establish informal occupancy before the project cut-off-date. Compensation needs to be fair and of a standard practice, whenever the two standards - the international guidelines such as those provided by the World Bank and Zambian legislation are at variance, the higher of the two standards will apply..

3.4 APPROPRIATE MEASURES FOR ADDRESSING IDENTIFIED GAPS BETWEEN THE POLICIES IN IMPLEMENTATION

Discrepancies between policies of the Bank and the Government will be dealt by focusing on policy aspects which positively favour the project affected persons, and leave out those which negatively impact on the project affected persons. This recommendation is on the observation of that the common position between World Bank Policy on Resettlement and the Constitution of Zambia is the guarantee of fair and adequate compensation and adequate resettlement assistance for the project affected person. In this regard, suitable options to be adopted are as follows:

- (a) Compensations in form of land for land loss to acquisition from those who have been displaced will be made as a top priority .The option could come out as cost effective as the land acquisition process (which involves the project affected persons) may be much cheaper compared to acquisition of the same land by the government.

- (b) Compensations related to customary land acquisition to be made on open market values as opposed to previous practice of considering customary land as a free commodity.
- (c) Compensations should be paid to categories of project affected people so long they are covered within the cut-off date. Some special project affected persons to be included are the squatters, pirates, vendors' stalls/hawkers.
- (d) Compensations should be paid in relations to labour inputs into gardens and maintenance of trees and crops within the immediate past year.
- (e) Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidised farm inputs, income generating activities) to project affected people within the new area of relocations. Such support would enhance the restoration of standards of living of the project affected people.
- (f) streamlining the compensation review process under the Zambian law to ensure that approvals are consistent with those required by the World Bank for timely project approval and implementation
- (g) LWSC as the Government of Zambia implementing agency for the LSP has to formally agree to implement the policy principles of this RPF as stated and consistent with World Bank OP 4.12 resettlement policy. Harmonization of the two 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 policy on compensation.

CHAPTER FOUR

GUIDING PRINCIPLES FOR RESETTLEMENT WITHIN THE LSP PROJECT

4.1 GUIDING PRINCIPLES ON RESETTLEMENT

Principle 1: Subprojects activities shall be proposed in suitable sites. Suitable sites for funding of a subproject are those sites where the implementation of a sub project **would not bring** about involuntary resettlement, voluntary or involuntary physical dislocation, eviction of squatters, loss of land (whether ownership is recognized by customary land tenure or land titles), impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources.

Principle 2: Subprojects proposed within a site where resettlement, including impact on assets, on the proposed site is unavoidable, the communities must be involved in the planning and implementation of resettlement well in advance of subprojects implementation. This includes preparation of a Resettlement Action Plan. Implementation of resettlement activities by the communities will be on the following sub – principles:

i. Genuine stakeholder consultation and participation must take place.

In case the subproject is located on particular site that generates grounds for involuntary relocation, LWSC will adequately consider the views, rights and interests of the project affected people.

ii. A pre – resettlement socioeconomic baseline assessment must be conducted.

LWSC will prepare resettlement action plans based on socioeconomic baseline surveys of the project affected persons and the locality of the subprojects. This survey will include and not limited to;

- Current occupancy of the project area to and establish basis for design of the RAP. This will also help to exclude inflows of new occupants into the project area for eligibility for compensation and resettlement assistance.
- Characteristics of the displaced households.
- Magnitude of expected resettlement impact.

iii. LWSC to provide resettlement assistance to project affected persons.

Project affected people will be provided with necessary support in course of relocation. The support will include provision of transport and prioritize access to basic services on the new sites of settlement.

iv. A fair and equitable set of compensation options must be negotiated

In case of resettlement needs on the proposed project site of a subproject, LWSC will compensate assets based on open market or replacement value, whichever is higher.

v. Vulnerable social groups must be specifically catered for.

Compensations and resettlement assistance will cover all entitled categories of project affected persons including vulnerable groups such as the squatters, female headed households (widows, unmarried females) the aged, child-headed families (orphans), the aged, widowers and the disabled.

vi. Setting up of accessible grievance redress mechanisms

LWSC will put in place user friendly and cost effective mechanisms for addressing complaints from project affected persons. The mechanisms will include use of local grievance redress mechanisms administered by local traditional authorities as well use of administrative courts under the Magistrates.

vii. Compliance to relevant policies and laws.

Land acquisition and resettlement activities by the subprojects will be implemented in compliance to relevant government policies and laws, as well as World Bank policies.

4.2 ESTIMATION OF DISPLACED PERSONS AND CUT – OFF DATE

In case of resettlement, cut-off date is normally the date when a task team mandated to facilitate resettlement/relocation of persons from one place to another commence the census of project affected persons within the project area. The purpose of the exercise is to prepare pre-resettlement data and information regarding those to be impacted. The exercise involves rapid ‘census or head counts’ of the number of people and their properties within the site, and magnitude of impacts. All head of households who were not residents in the area prior to this cut-off date are normally not eligible for resettlement assistance and compensations. The steps to undertake appropriate estimation include the following tasks:

Step 1. Undertake site visit to the chosen site for the subproject

This will help to appraise the pattern of the structures, scope of activities and density of residential properties on the site.

Step 2. Delineation of the proposed site: The purpose is to prepare boundaries of the site within which resettlement issues would be applicable.

Step 3 Calculate the size of the area in hectares

This would be to estimate the size of land which the persons would lose, or impacted, and which would be acquired and compensated for after negotiation.

Step 4 Carry out physical check and count of the houses and assets within demarcated site.

This would be to find out the number of residential premises and number of people within the site to be acquired.

Step 5 Establish the average number of persons per house within the demarcated area

This would be to find out the estimated number of persons living within the houses within the site. The figure can also be obtained from municipal authorities.

Step 6 Estimate the number of people to be impacted. This would involve calculations multiplying the number of counted houses of heads of households (step 4) and the average number of persons per house (found in step 5).

However, in case the required estimate is for purpose of preparation of budget and other resources, and that head count of household heads is not feasible, LWSC will use population density of persons and houses. Data for density of population and houses within the specific areas are prepared by National Statistics Office. Such data may be used in calculating the estimated number of displaced persons.

4.3 METHODS OF VALUATION OF ASSETS

In case a subproject is implemented within a site owned by someone, there will be proper land acquisition and compensation of the assets. Land acquisition and compensation of the assets will be based on fair and equitable valuation. Valuation of assets such as buildings, trees, fruit trees, crops, vegetables for purpose of compensations will be based on market forces. This starts with establishment of compensation schedules that will show the assets affected by the project and their agreed value. Looking at the general project area for the LSP, the compensation schedules will include such groups of assets:

(a) Land holdings.

- (b) Agriculture produce such as crops, fruit trees, orchards and flowers beds.
- (c) Permanent physical assets such as buildings, driveways, and road side pavements.
- (d) Temporary physical assets like billboards, boundary walls, pavements and mobile work stations like vending areas.
- (e) Temporary disruption of businesses and community livelihoods.

The following highlight are made on the approaches to valuation of the assets.

1. Valuation of land.

The possible desired land for the subproject may be belonging to mostly the Local Authority or the Road Development Agency, and in rare cases may be belonging to individuals. The project setting is targeting the existing sewer lines or the road reserves so that chances of meeting individual landholding is low. Whichever the case may be, land desired for the project will be acquired with the full consent and participation of the PAP. For the road reserve, liaison with the RDA has been made and a general agreement for cooperation on this regard has been made; however, for specific subprojects, the RDA will be consulted and guidance on the actual alignment of the pipe lines with the road will be sought. Any impact related to the road damage will be mitigated as required by the RDA. For the land belonging to the City Council, a general agreement for cooperation was secured and consultations will be made for specific subproject. The local authority will also be essential in negotiating passage for vending areas that are licensed by the City Council. Any impact related to the City Council will be mitigated as agreed by the City Council. Where land belonging to the individual is affected, negotiations based on market rates will be made and agreement for compensation secured. Where possible, land for land compensation will be prioritized.

2. Valuation for compensation of agricultural produce

Though there is remote chance of encountering people's fields, there can be situations where gardens and trees that are outside the individual yards are encountered. In most cases, the gardens and trees are planted as part of encroachments to the road reserve. Though legally, the individual has no right to the land because of encroachment to the road reserve, LWSC will still compensate the affected crops for the assets demolished or impacted. The valuation of people's crops and trees will be undertaken by a team consisting of the technical expert, social

expert and the contracted professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the social expert engages the PAP and the Professional valuation expert negotiates a fair value with the PAP for compensation. LWSC maintains schedules of agreed compensation schedule outlining names of the PAP, values of their assets. This schedule is used for payment of the compensations to the affected people after all parties agree.

3. Permanent physical assets such as buildings, driveways, and road side pavements.

These assets are most likely to be linked to be owned by PAPs with a right to the land. These may include individual households, RDA and LCC just to mention a few. Damage during road crossings will be negotiated with the RDA directly and an agreed replacement cost is targeted. Damages to individual pavements or any such related assets will be negotiated with the individual directly. Replacement or market price, whichever is higher and agreeable will be used. In the event that buildings are encountered, replacement or market value will be payable, whichever is agreeable and higher.

4. Temporary physical assets like billboards, boundary walls, pavements and mobile work stations like vending areas.

This category covers valuation buildings which are usually located along the edges of the property boundaries and in most cases encroaching into the road reserve. These structures such include temporary houses, toilets, and makeshift kitchen, and bathrooms, temporary animal structures and tuck shops. Whether the structure is encroaching or not, LWSC will list the assets for compensation. As applied in other affected assets, a team consisting of the technical expert, social expert and professional valuation expert will be deployed. The social expert will ensure that a detailed social assessment is done to ensure that the compensation takes into account all livelihoods and vulnerability issues associated with such demolitions. Impacts of tuck shop, vending stall and other livelihoods related assets will be assessed with the intention to preserve the livelihoods. Compensation will endeavour to cover potential loss of livelihoods for an agreed duration, most likely the construction phase since such livelihoods activities will be temporarily halted. Compensation for physical assets will be paid based on the replacement cost or market value,

whichever is higher. Land for land compensation will be prioritized where possible.

5. Temporary loss of business or livelihoods.

The project area has diverse types of businesses going on. The potential loss of business may arise from billboards that will be temporarily uprooted during construction and may result in market visibility for some corporates. These billboards are erected on land rented from LCC and it is not expected that compensation for loss of business will be effectively administrable for this sector due to the indirectness of the impact and the fact that other factors could be at play. Through liaison with the LCC, compensation for the rental component for the duration of the construction phase will be considered and the LCC rentals for such billboards will be applied. The cost of reinstatement of the billboards will also be considered as compensable.

Most vendors along the Kafue road were noted to use mobile selling points which will not be completely driven away from the vicinity of their usual selling points. Such vendors are not likely to experience notable business loss since they can easily coexist with the project by securing a safe distance within the same locality. The RAP will however consider this potential loss of business closely.

Some project areas for the Ngwerere main interceptor upgrade will coincide with vendors that are well organized and rent some space from LCC. These vendors will be temporarily and physically relocated or requested to halt their business for the construction period and resume after the sewer line has been installed. For such vendors, negotiations will be made through the LCC and the vendor's association leadership. There is already cooperation between LWSC, LCC and the vendors association through the stakeholder meeting that was hosted by LWSC and the general agreement for cooperation with the LCC. Compensation for this segment will include the forfeited rental for the construction period and the loss of business during the downtime. A negotiated flat rate for the downtime will be used unless individuals prove their loss of business using authentic sales returns related to tax remittances.

The valuation process can be based on two approaches below;

(a) Delivery of compensation based on official valuations by LWSC

This valuation mechanism is based on what the valuations team mutually agree with the PAP. In case of such agreement, the agreed valuation is payable to the PAP by LWSC.

(b) Delivery of compensation based on values arbitrated by formal courts

Such incidents occur when some people appeal to courts for review of the compensation packages. What is decided by the courts will be used by LWSC for compensation to the PAP.

4.4 LIMITATIONS OF VALUATION METHODS AND MITIGATION THEREOF

The limitations of the valuation methods stem from the following weaknesses:

- a) The rates for calculation of replacement costs for buildings may not include some of the hidden labor costs, transport costs incurred in the actual relocation and re-erection of the structures. The valuation process will therefore need to take special attention to such hidden costs.
- b) The methods do not explicitly stipulate resettlement assistance especially in identification of appropriate alternative land for relocation. The tasks of identification of alternative land are left in hands PAP. The resettlement process will investigate all potential negative externalities that may arise out of the project and include them in the compensation mix.
- c) Compelled compensation. In most government related projects, PAPs are afraid that if they don't take up the stated compensation readily, they may be forced and in some cases they will not be compensated at all after resources run dry. To mitigate this weakness, the RPA team will have to be very consultative and empower the PAPs with assurance that their consent is genuinely sought after in a mutual manner.
- d) Delayed Disbursement. In most projects the actual compensation disbursement is delayed thereby exposing the PAPs to the impacts of inflation. To mitigate against this, LWSC shall pay the agreed compensation within two months, thereafter, the compensation will need inflation adjustment. This condition will also be stated on the compensation agreement, for which the PAPs also has a copy.

- e) Compensations should be paid to categories of project affected people so long they are covered within the cut-off date. Some special project affected persons to be included are the squatters, pirates, vendors' stalls/hawkers.
- f) Compensations should be paid in relations to labour inputs into gardens and maintenance of trees and crops within the immediate past year.
- g) Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidised fertile, income generating activities) to project affected people within the new area of relocations. Such support would enhance the restoration of standards of living of the project affected people.

4.5 ELIGIBILITY CRITERIA FOR COMPENSATIONS

The selection of PAPs eligible for compensation and resettlement assistance will be determined following the census carried out by LWSC soon after the screening determination that the subproject will involve resettlement. A census will be carried out to establish who is physically seating on the project impact zone and also to announce the cutoff date for eligibility. The cutoff date is the date on which LWSC would have notified the seating PAPs of the potential resettlement impact and discourage any new developments within the impact zone. As part of the determining the eligible PAPs for compensation, LWSC will extensively consult the PAPs and get their input in the resettlement planning. The general guidelines for criteria for eligibility for the World Bank O.P 4.12 Involuntary Resettlement will be adapted to the prevailing subproject resettlement condition. The guiding principle is that the PAPs should not be left worse-off by the project induced resettlement. The classes of PAPs will be used in determining eligibility for compensation, resettlement assistance:

- (a) **Those PAPs that have formal legal rights to land, including customary and traditional rights recognized under the laws of Zambia.** This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations. Example of such people are the landlords in Emmasdale who may have their land physically required for the pipelines especially areas along the boundaries. This does not however include encroachments to road reserves. The landholding ends where the LCC boundary pegs are.
- (b) **Those who have no formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are**

recognized under the laws of Zambia. This class of people includes those that come from outside and given land by the local chief to settle. This class of people will include the vendors who have a legal right to the vending places after securing some vendors licenses specific to the location from LCC.

- (c) **Those who have no legal right or claim to the land they are occupying.** This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority. This cluster include squatters along the road reserve and some of the vendors along the Kafue Road project area. These vendors have no licenses from LCC and are no stationary at one location.

PAPs classified under paragraph (a) and (b) shall be provided compensation from the subproject for the land, building or fixed assets on the land and buildings taken by the subproject in accordance with the provisions of this framework if they occupy the project area prior to the cut-off date (date of commencement of the census). Impacted persons classified under paragraph 4.5(c) shall be eligible for compensation from the subproject for the assets but not land. Persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

4.6 PROCEDURES FOR DELIVERY OF COMPENSATIONS

Once valuation of land and asset impacts has been finalized, it is the responsibility of LWSC to submit to ZEMA for review and approval the compensation packages from the subproject as part of RAP of the associated ESIA for the subproject. The process of payment of compensations has to be speeded upon as to reduce risks of inflations on cash payments. LWSC will deliver the compensation within a period of three months from the date of finalization of the valuation of the assets.

Table 4.1 Compensation Matrix

Compensation Matrix				
General Description	Definition	Compensation approach/Types	Compensation Mechanism	Implementation Approach
Loss of portion of residential land.	Land owned by individual landowners adjacent to sewerage lines which may be	Replacement or compensation for the land shall be negotiated with the owner and shall form part of the	Market value or replacement cost whichever is higher. When possible, replacement	Team consisting of the technical expert, social expert, Legal expert and the contracted

	required during construction for staging.	construction contract for the sub-project.	shall be of an equivalent value and in-kind. Other resettlement assistance will be considered in relation to the socio-economic assessment.	professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the social expert engages the PAP, the Professional valuation expert negotiates a fair value with the PAP for compensation and the Legal Expert facilitate assert transfer.
Loss of Agricultural Land.	Area in cultivation, being prepared for cultivation, or that was cultivated during the last agricultural season.	Loss of land, labor, and crop loss shall be compensated by the LWSC through provision of land of equal productive capacity and which is satisfactory to the PAP/PAF.	Using a single rate regardless of the crop, incorporating the combined at market value of all staple crops lost, preparing new land (the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop), which is to be updated to reflect values at the time compensation is paid.	Preliminary identification has occurred and identified possible areas of impact. Land mapping shall be performed at subproject level by the LWSC technical expert, social expert and evaluation specialist.
Temporary loss of leased land	Land that will be acquired for a set period of time as a result of the project, including damage to or restricted access to driveways, sidewalks. Land owned	General agreement on compensatory measures with relevant agency and in consultation with PAPs	All damages to private land or property shall be compensated at prevailing market rates including compensation for tenants, if any, that includes rental fees and dislocation	Negotiations between contractors and landowners so that expenses can be included in the bid price. Damage during road crossing to be negotiated with Road

	by Road Development Agency or City Council on which PAPs rely for access		allowances for when the land/structure is inaccessible.	Development Agency directly.
Temporary loss of access to marketing space	Land that is part of the road right-of-way that has been used for marketing with implicit permission.	Compensation agreement between LWSC, and the Marketers representatives. The Marketers do not pay any rent to LCC because such places are not officially designated for such landuse, and the Marketers are in such places unofficially.	LWSC will meet the reinstallation cost for marketers' structures and loss of revenue for the downtime in view of the census and social assessment.	Team consisting of the technical expert, social expert. LCC and the contracted professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the social expert engages the PAP and the Professional valuation expert negotiates a fair value with the PAP for compensation. LCC facilitates the meetings with PAPs through the ward councillor's structures.
Loss of agricultural produce	Standing seasonal crops – grown near ponds or as encroachments in right-of-way such as tomatoes, cabbage, maize, etc. May include productive trees	PAP/PAF shall be compensated for their (temporary) loss of income and standing crops. Productive trees will be reimbursed	Crops shall be compensated at prevailing market rates.	Team consisting of the technical expert, social expert and the contracted professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the

				social expert engages the PAP and the Professional valuation expert negotiates a fair value with the PAP for compensation.
Loss of Permanent Physical assets	Fixed assets other than land (e.g., housing, market stalls)	Replacement shall be negotiated with the owner and shall form part of the construction contract for the sub-project.	When possible, replacement shall be of an equivalent value and in-kind. Where cash is paid for assets, payment will take into account market values for structures and materials. Replacement costs shall be determined prior to construction and included as part of the bid price.	Team consisting of the technical expert, social expert, Legal expert and the contracted professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the social expert engages the PAP, the Professional valuation expert negotiates a fair value with the PAP for compensation and the Legal Expert facilitate assert registrations.
Loss of temporary physical assets	Buildings located along the edges of the property boundaries and/or encroaching into the road right-of-way. toilets, makeshift kitchen, temporary animal structures and tuck shops.	Compensation agreement between LWSC and the PAP. Notification period will be agreed as well.	Compensation for physical assets will be paid based on the replacement cost or market value, whichever is higher. Loss of livelihood will be considered.	Team consisting of the technical expert, social expert and professional valuation expert will be deployed.

Temporary loss of access to leased land	Land along the right-of-way that is leased for billboard placement	Agreement on compensatory measures between LWSC, LCC and the Marketers representatives.	LWSC will compensate the lost rent at LCC rates, meet the reinstallation cost for advertising structures.	Team consisting of the technical expert, social expert. LCC and the contracted professional valuation expert in consultation with the PAP. The technical expert confirms the footprints of the project, the social expert engages the PAP and the Professional valuation expert negotiates a fair value with the PAP for compensation. LCC verifies the valuation.
Squatters	Buildings, structures and other assets; crops	Assistance to relocate to a place where they can live and work legally; right to salvage assets; assistance in restoring assets and livelihoods	Compensation for physical assets will be paid based on the replacement cost or market value, whichever is higher. Loss of livelihood will be considered.	Team consisting of the technical expert, social expert and professional valuation expert will be deployed.

4.7 GRIEVANCE REDRESS MECHANISMS ON RESETTLEMENT ACTIVITIES

Resettlement of people generates a number of challenges especially to those moved from one place to another. Some of the resettlement related grievances may include: objections to temporary use of someone's land, encroachment on private land, theft of properties within the land, harassment of women by contractors, and marginalization in distribution of material assistance, dissatisfaction with amount of compensation and, dissatisfaction with size and nature of land replacement. It should be pointed out that since the implementation of subprojects will be community based, negotiation and agreement by consensus will provide the first avenue to iron out and resolve any

grievances expressed by the individuals, the land owners or households whose land and properties might be affected. Resettlement screening will ensure that resettlement related grievances are addressed during the identification and appraisal of subproject sites.

Depending on the source of grievance and the nature of the disputing parties, the first action is to undertake some field verification on the matters arising. LWSC will deploy the safeguards team to investigate the matter within 24 hours of such complaint being made directly to LWSC, Contractor, Ward Councilor or any other channels used to convey the grievance. The following structures are in place for the resolution of grievances. LWSC is responsible for the record trail of grievances and implementation of resolutions at any level of application with the participation of the key partners discussed below. This GRM works hand in hand with the World Bank Grievance Redress System (GRS) of December 2014. The local GRM will be implemented first and World Bank GRS will only be applied where the local GRM has failed to effectively resolve the grievance. The PAPs will however be informed of the existence and operation of both mechanisms with emphasis for implementing the local mechanism first.

(A) WARD DEVELOPMENT COMMITTEES

Anticipated disputes may relate to compensations and land ownership especially for subprojects encompassing onsite sanitation infrastructure within the peri-urban. When such cases crop out, the issues will be referred to the ward councillor who will organise a meeting to preside on the matter. The complainant will informally, by word or in writing, inform the ward councillor about the grievance. The disputing parties will be called to be heard within 5 working days. The Ward Councillor chairs the meeting attended by the disputing parties and the ward development committee. The resolution will be recorded in the Ward Development Committee records and LWSC also getting a copy of the resolution for filing. When one party is not satisfied with the decision at the meeting, the complainant will take the matter to the District Commissioner who will call for a hearing within 10 working days of such reporting. The records of the resolution will be at the District Commissioner's office and duplicated to LWSC and the aggrieved party. If there is no resolution, further appeals can be made to the Magistrate Court at the District office. Please note that the use of local GRM is voluntary and the most encouraged route, but the aggrieved party still has the right to take the matter straight into the formal courts.

(B) FORMAL COURTS

Formal courts include Magistrates Courts based in the districts, High Court of Zambia and Supreme Court of Zambia based in the capital. These courts handle both civil and criminal cases. In regards to complaints and cases during the proposed resettlements, households with complaints bordering on compensations and criminal cases will have opportunity to take cases to these courts for review and determination on course of action. The project area spans across 3 districts (Matero, Lusaka Central and Ngwerere) and has 3 Magistrate Courts available. Though these facilities are available, LWSC will endeavour to have all matters resolved amicably before escalating to the formal courts. In the event that the matter ends up in the formal courts, the stakeholders will not have any more jurisdiction on the matter. The timeframes will also fall within the confines of the courts.

(C) THE ZAMBIA REPUBLIC POLICE

It is also envisaged that in course of implementation of subprojects, they may not be spared of criminal and security complaints. If therefore issues regarding security or criminality occurrences this will have to be reported to the local police station. Zambia Republic Police has stations, sub-stations and units across the project area and it is anticipated that they would be able to handle such cases. Even when the matter has been reported to the police, local and out of court settlements will be prioritized unless the nature of the matter is such that the police only handles it through the formal courts.

D. NGOS

Water Trust and NGOs like UNICEF may be included in the project design, implementation and monitoring. The NGOs are most likely to be involved in the onsite sanitation category. In the event of a conflict, the NGOs are right on the ground and to large extent, they will assist in resolving some disputes before they are escalated. These disputes may include passage through some homes during sludge transportation or general nuisance caused from nuisance from sludge spillages cause during pit emptying. The NGOs will ensure that the local means of GRM are prioritized wherever necessary. LWSC will coordinate with the NGOs to ensure that there is quick feedback from the NGOs to LWSC on any grievances before they escalate. The NGO will inform the LWSC of any received grievance within 24 hours of receipt of such grievance. The NGOs will also assist to disseminate information on the GRM to the PAPs through meetings and pamphlets.

E. ZEMA

ZEMA's mandate as provided for in the Environmental Management Act No. 12 of 2011 is to ensure that developmental activities are implemented in a sustainable manner. ESIA's for subprojects are approved subject to laid down conditions and ZEMA's decision letter can be suspended should a developer fail to comply and disputes arisen remain unresolved, until such a time that the developer complies with the requirements stipulated in the Decision letter and resolves any arisen disputes.

The decision letter that is issued by ZEMA upon satisfactory meeting conditions of an ESIA puts emphasis relating to preparation of an approved comprehensive Resettlement Plan (RAP) for affected parties by the project. The RAP should include a complete inventory of affected households and agriculture fields, land, structures, site local plan and compensation. ZEMA carries out an environmental audit to ensure whether such issues have been implemented. Where disputes arise and are not resolved this shall be deemed as failure to adhere to ZEMA directive and may result in cancellation of the decision letter until issues related to resettlement/compensation are resolved. Some grievance may be raised through ZEMA, usually ZEMA formally raises the matter with the developer (LWSC) and issues an ultimatum to resolve the matter within 7 days of such notification. If the matter is raised through this channel, ZEMA is the arbitrator until the matter is resolved or escalated to the formal courts.

F. ROLE OF LWSC IN GRM

LWSC will be responsible for the coordination and implementation of the GRM. In the execution of this mandate, LWSC will ensure the following;

- Appointment of specific persons responsible for implementation of the GRM.
- Publication of the GRM across the project areas and specifically to targeted PAPAs.
- Documentation of all grievances raised and resolutions.
- Facilitate meetings, investigation and redress of grievances when they are still in the informal route.
- Communicate with all stakeholders in a dispute until the matters is resolved.
- Follow up and document progress of disputes taken to the informal or formal courts.
- Raise and maintain awareness among all potential PAPs on the GRM.
- Safeguards staff will have meetings with CSOs and Water Trusts on a regular basis so as to make sure they get feedback from the ground (catch potential concerns from PAPs before they escalate and let them know what next steps will be.

- Visit construction sites on a weekly basis to ensure smooth implementation of project in view of the GRM.
- Timely notification of the World Bank Task Team of any grievance that has not been possibly to resolve at local level.
- Acknowledgement of receipt of complaint and give the complainant an outline of how the grievance will be handled within 24 hours of receipt.
- Close and document all settled grievances.

G. PUBLICATION ON THE GRM

LWSC will ensure all potential PAPs are fully aware of the GRM and how to utilize it. LWSC will undertake the following processes to publicize the GRM;

- Place a public notice in the local daily at project inception.
- Advertisement of phone numbers of contact persons with LWSC.
- Bulk SMS.
- Construction sites visits and talk to PAPs neighborhoods.
- Publicize through Ward Development Committee meetings.
- Pamphlets.

CHAPTER FIVE

THE RESETTLEMENT SCREENING FOR SUBPROJECTS

5.0 INTRODUCTION

Resettlement screening process will consist of a series of appraisal activities prior to approval of the sub-project. The exercise will be based on technical assessment and consultations with communities on the ground. The objectives of this screening process are:

- To guide LWSC in identification of appropriate sites for various subprojects within local communities.
- To guide communities in identification of measures for addressing resettlement impacts prior to project implementation.
- To monitor measures for addressing the social impacts from resettlement.

5.1 THE SCREENING PROCESS

5.1.2 Desk Appraisal of the Proposed Site and Project

Once a subproject has been determined, the safeguards screening team will conduct a desk appraisal of the resettlement issues. During this process, the team refers to maps available and other tools like Google earth, which will show the general landuse patterns and the areas of intersection with the proposed project. Specific areas of interest are highlighted from the desk review. The desk review will also establish the key stakeholders that would need to be consulted during the ground trothing.

5.1.3 Field Appraisal of the Proposed Site and the Project

The purpose of the site visit would be for the screening team to verify the indications by the desk review that the proposed site is free from of resettlement issues or they are prevalent. During the field visit the screening team will meet various stakeholders on the ground who will also participate in the screening process. The Ward Development Committee in each potential subproject area will be incorporated during the site visits so that the community concerns are taken on board early at the screening stage. The screening field visit will check if there are settlements, cultivation sites, and infrastructure like billboards, telecommunication systems, water pipes or

electricity cables. The general width of the road reserve will also be assessed to see if there is adequate space for the existing infrastructure and the proposed developments. This screening processes will be undertaken with the use of the Resettlement Screening Form (appendix 1). Based on field verification results, the screening team would make anyone of the following recommendations to the LSP subproject.

(a) Rejection of a proposed subproject activity on a proposed site

This would be on observation that the implementation of the project on the proposed site would bring about physical permanent involuntary resettlement of more than 200 people from their land whether ownership is recognized by customary land tenure or land titles. In this case, an alternative site for the subproject will have to be sought. This decision is also reinforced if the relocation impact includes loss of property, access to means of livelihoods.

(b) Approval of a proposed subproject activity on a proposed site

This would be on observation that the implementation of the project on the proposed site would not bring about involuntary resentment to more than 200 people from their land whether ownership is recognized by customary land tenure or land titles provided that a detailed RAP is prepared by LWSC and approved by the World Bank, ZEMA and the PAPs. Where there are more than 200 people to be physically relocated by a subproject, an approval can also be given if there is overwhelming evidence that there is consensus among the PAPs that the project be implemented with implementation of agreed mitigation of resettlement impacts.

5.2 PREPARATION OF RESETTLEMENT ACTION PLAN

Following the resettlement screening and the decision that the subproject site is acceptable with the satisfaction of the requirements for a RAP, it will be the responsibility of LWSC to mobilize an appropriate team of experts to prepare a resettlement action plan within the project preparation time frames. A diagrammatic flow chart regarding the preparation and implementation of resettlement action plan is provided below. An outline of the contents of a resettlement action plan is provided in annex mmm. In general, a resettlement action plan for a subproject must consist at least the following aspects:

- Description of the location of the proposed sub project.
- The size of land which the sub project will take up and its existing uses.

- Detailed inventory of all assets to be lost or impacted by all households and individuals affected by having to move their place of residence or business to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future well-being of the household can be measured. A plan of action for the resettlement of the homestead must be drawn.
- Inventory of the people who will lose land over which they have established ownership or rights of usufruct (either permanently or temporary fashion) to allow for construction of the facility. This must be made from baseline survey (census of the area) against which the future well-being of the households can be measured. A plan of action for the resettlement of replacement of homestead and/or impacted assets must be drawn. This should also detail how compensation for crops will be paid, where replacement of land will be found (if necessary), and which steps will be followed to ensure that the households productive base is re-established.
- A plan of action for ensuring that the communally held resource base is replaced/re-established to ensure that no one is worse off after project implementation than before is established

The preparation of a resettlement action plan would be done as collaborative efforts between LWSC, local leadership and the affected community. Key officials to be involved would be the District Lands Officer, District Forestry Officer, District Water Officer, Environmental District Officer, Community Development Officer and extension workers. Such a wide range of the experts would provide adequate support to the Ward Development Committee to produce credible schedule for compensations to project affected people.

5.2.1 RESETTLEMENT VS PROJECT CYCLE

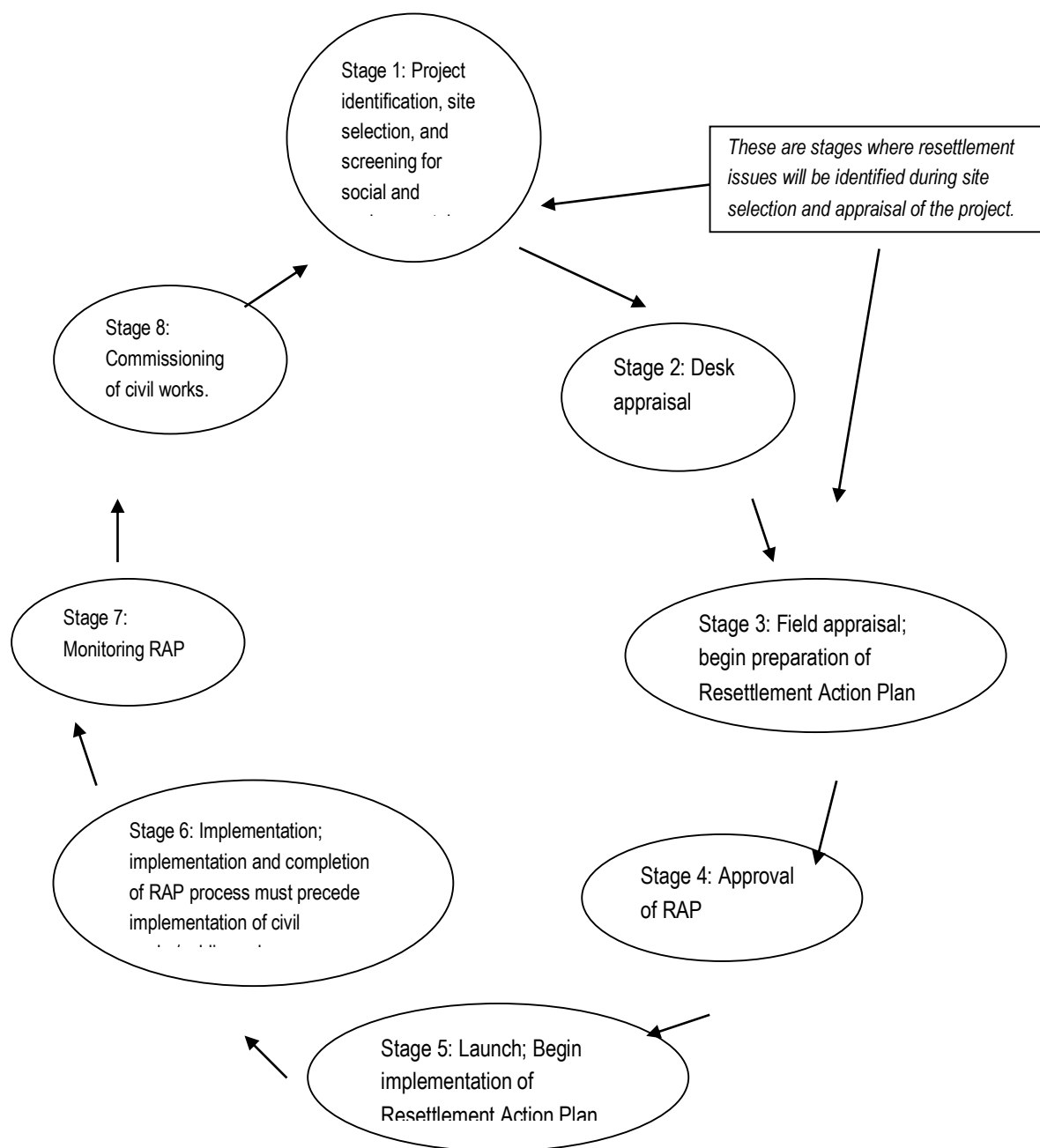


Figure 5.1: Generic project cycle for subproject funded from Zambia Social Action Fund

5.3 MONITORING OF RESETTLEMENT ACTIVITIES

Monitoring mechanisms for resettlement activities within the LSP will be linked to existing government community development monitoring systems at community level and district levels. The government has extension officers dealing with community development, women and child development and youth development. The community development monitoring mechanisms are linked to the small community groups like the zone development committees who have been involved in the screening process for the project. This zone development committee encompasses all types of development and livelihoods activities including the vendors on the street whether licensed by local authority or not. The flow of resettlement monitoring information will certainly flow into the connecting government extension officers who can raise any resettlement concerns on behalf of government to LWSC.

Table 5.1: Proposed Monitoring Plan of Resettlement Activities at Community Level

Type of resettlement activity/ losses	PAP entitlement	Monitoring indicators	Time for monitoring	Monitoring authorities	Means of verifications	Frequency of monitoring
Resettlement Screening						
Resettlement screening	Screening team consults PAPs during screening.	Stakeholder input at screening level.	Sub project screening.	ZEMA World Bank.	Records for consultation at screening stage.	Once off or as necessary.
RPA formulation	Consent to resettlement and compensation	Stakeholder consultation at RAP formulation.	RAP formulation.	ZEMA World Bank	Signed resettlement and compensation agreements.	Once off or as necessary.
RAP approval	ZEMA or World Bank approval	World Bank Approval	Sub project funding approval	World Bank	Disclosed RAP	Once off or as necessary.
		ZEMA approval	Project implementation	ZEMA	Decision letter	Once off or as necessary.
RAP implementation						
Loss of or impact on land	Land replacement Cash compensation in lieu of land	Hectares of land replacement. Cash paid in USD Number of people compensated.	Before subproject implementation	ZEMA PAPs Local leaders World Bank LWSC	Compensation records with LWSC	Continually
Loss of or impact on residential structures	Cash compensation	Cash compensation. Number structures compensated.				

		Number of people compensated.				
Loss of or impact on commercial/business structure	Cash compensation	Cash paid in USD. Number of structures compensated. Number of people compensated.				
Loss of or impact on rental accommodation	Cash compensation	Cash compensation in USD Number accommodation units compensated.				
Loss of or impact on businesses	Cash compensation	Cash paid in USD Number of businesses compensated.				
Loss of or impact on forest trees	Cash compensation	Number of trees compensated. Cash paid in USD Number of people compensated				
Loss of or impact on fruit trees	Cash compensation	Cash paid in USD Number of fruit trees compensated. Number of people compensated				
Loss of or impact on crops	Cash compensation	Kilogrammes of crops compensated.				

		Cash paid in USD Number of people compensated				
Loss of or impact on vegetables	Cash compensation	Cash paid in USD Kilogrammes of vegetables compensated. Number of people compensated				
Loss of or impact on grazing land	Grazing land replacement	Availability of alternative grazing land				
Blockages to access to natural resources	Alternative access routes	Functional alternative routes to natural resources.				
Blockage of pathways/footpaths	Provision of alternative pathways/footpaths	Functional alternative footpaths/pathways				
Blockage to access to irrigation land	Provision of alternative irrigation land	Availability of alternative irrigation land.				
Loss of or impact on public facilities	Cash compensation	Number of structures/sites. Cash compensation in USD				

CHAPTER SIX

INSTITUTIONAL ARRANGEMENTS FOR RESETTLEMENT

6.1 INTRODUCTION

The institutional arrangement for the planning, implementation and monitoring of resettlement within the LSP is anchored on two major fronts; firstly the internal safeguards management arrangement and secondly integration with external resettlement monitoring agents. The internal system has been configured to ensure that the LSP is proactive in all resettlement related issues by ensuring that all internal and external stakeholders are mobilized to achieve the objectives of this RPF. The safeguards management system will be attentive and receptive to any form of feedback that will be coming from the external stakeholders especially the community.

6.2 LWSC SAFEGUARDS MANAGEMENT SYSTEM

6.2.1 SAFEGUARDS TEAM

LWSC has established a comprehensive safeguards team that has a management representative in the form of the Safeguards Coordinator. The Safeguards Coordinator is one of the managers of LWSC and this appointment will ensure timely access of the safeguards issues by LWSC senior management who have an important part to play in the compliance of the whole project with the RPF. The Safeguards team include staff from the Peri-Urban Department, Environment and Quality Systems Department, Sewage Department, Designs, Procurement Department and GIS Department. Each of the departments above is understood to give a special impetus to resettlement in particular and safeguards issues in general. The Peri urban department interacts closely with the communities and is essential for mobilization for consultations, participatory screening and valuations, engagement for monitoring and evaluation of resettlement impacts. This department has the requisite Social Experts that are important for the organic resettlement management. The Sewage and Designs departments are critical in the management of resettlement in that during screening, they assist with details of the exact alignment of the pipelines for impact assessment. The departments also help with alternative project sites where the initial site is rejected for intense resettlement issues. The GIS helps in documentation and digitization of the project activities in relation to land use and settlements on the ground. The Environment and Quality department is the coordinating wing for all safeguards issues including resettlement. LWSC is working towards being

ISO certified for Environment, Quality and Occupational Safety and Health Management System so the department is critical in ensuring that all the resettlement issues are managed as part of the LWSC systems approach. The procurement department is included to ensure that all procurement related issues in the management of safeguards and resettlement in particular are also proactively articulated since compensations and resettlement usually stand in the way for the whole anticipated project. This will also ensure that there are minimum grievances related to inflationary losses that usually arise from delays in implementing agreed compensation processes.

6.2.2 FUNCTIONS OF THE SAFEGUARDS TEAM

The safeguards has the following broad resettlement functions;

- Resettlement screening.
- Formulation of TORs for applicable resettlement instruments.
- Formulation and disclosure of the appropriate resettlement instruments.
- Implementation and internal monitoring of the resettlement instruments

The specific resettlement functions of the safeguards team include;

- Liaison with affected parties (landowners, venders, hamlet residents and farmers) in all resettlement planning, implementation and monitoring.
- Ensuring that compensation principles, policies, and procedures are followed.
- First line in resolving any grievance arising from compensation issues on the project.
- Enforce compliance of the LSP with the requirements of the RPF.
- Provide resettlement progress reports.
- Identifying and assessing new areas with compensation issues during project implementation.
- Conducting consultations with the local community on compensation matters.
- Ensure that compensation requirements are met before commencement of construction. And in liaison with communities and the contractor handle any grievance that could delay project implementation.
- Effecting all compensations.
- Prepare appropriate daily, weekly and monthly logistical and operational plans related to resettlement management on the project in close co-ordination with project management, contractors and service providers on the project.
- Supervision of contracted safeguards consultancy firms

6.2.3 SAFEGUARDS MEETINGS AND REPORTS

The Safeguards Coordinator convenes a weekly progress meeting with the safeguards team members, consultants and contractors to review safeguards implementation progress including resettlement issues. It is at such a meeting where progress on compensations and new impacts from the ground are discussed for follow up. The weekly safeguards meetings are a feeder to the monthly organizational project review meetings. Through the Safeguards Coordinator, resettlement issues and any related safeguards issues will be part of the monthly organizational project progress meeting agenda. The monthly progress meetings are a build up to the quarterly, biannual and annual project progress review report that is submitted to the Bank for implementation support review.

6.2.4 PROJECT CONSULTANTS AND CONTRACTORS

The project consultants, contractors and suppliers/service providers on the project will be also part of the internal system that will ensure effective management of resettlement. LWSC will ensure that the safeguards documents are part of the bidding documents that the contractors, consultants and any related suppliers are furnished with. This will ensure that these internal stakeholders include the safeguards issues and resettlement management in particular in their technical and financial proposals. The Safeguards coordinator will ensure that such bidder's contracts include compliance to resettlement management. During project planning, implementation and monitoring, these players will be on the ground and in direct contact with the community affected by the resettlement. Any noncompliance on their part will be counted as violation by LWSC to the RPF, therefore it is important that they are closely integrated as part of LWSC compliance system. Important role of these players will include;

- Assist the safeguards team in locating any affected persons that may be discovered during project implementation.
- Assist the safeguards team to follow up on compensation matters providing the relevant information required to effect compensation settlements.
- Provide description of skills that will be required for the locally sourced construction labour to evaluate which of the affected persons may qualify for employment.
- Restricting civil work to the agreed and compensated impact zones.
- Ensuring that no civil works will begin before resettlement issues are completed.
- Attending safeguards review meetings onsite.
- Deployment of a safeguards contact person within their site establishment.
- Comply with safeguards requirements for the subproject.

6.3 EXTERNAL MONITORING AGENTS

Though LWSC will be proactive and consultative in dealing with resettlement issues, it will also rely on other stakeholders who have a legal mandate or an special interest securing the effective management of resettlement issues for the LSP. Some of these stakeholders include ZEMA, local communities and leadership, LCC and the MLGH.

6.3.1 LOCAL LEADERSHIP AND PROJECT AFFECTED PERSONS

During project screening process, LWSC will ensure that it identifies the local leadership who will be directly involved in the resettlement screening. The local leadership will also be responsible to assess the magnitude of the resettlement impact since they have the direct contact with the potentially PAPs. The local leadership will ensure the PAPs are mobilized for consultation and valuation during the actual RAP process. The monitoring mechanism at the local level will therefore include the local leadership and the PAPs. The PAPs will be directly involved in the valuation process and the final compensation agreement will bear the signature of the PAP and the local leadership where applicable. One important content of the compensation agreement is that compensation and resettlement will be completed before the actual civil works. With this condition for resettlement, the PAP and the local leadership will be able to closely follow the implementation of the resettlement and compensation process to ensure that the PAP is compensated before the civil works. Through a continuous engagement system, new resettlement issues that arise during project implementation will be noted and compensated as they arise, though it is anticipated that such new matters arising will be minimum. Such new raisings usually come from the contractor's failure to restrict impact to the initially assessed zones. The safeguards team, the consultant, the contract and the PAP will quickly agree on new compensation schedules to keep the momentum of the project without prejudice to the community.

6.3.2 ZAMBIA ENVIRONMENTAL MANAGEMENT AGENCY

ZEMA's mandate as provided for in the Environmental Management Act No. 12 of 2011 is to ensure that developmental activities are implemented in a sustainable manner. All subproject that have some resettlement issues within them are monitored by ZEMA through for that subproject. A RAP that will be submitted to the World Bank will also be submitted to ZEMA for review. ZEMA charges some review fees that will enable it to conduct its own RAP verification on the ground before certifying the RAP. After carrying out some ground verifications within the PAPs, ZEMA issues a decision letter to LWSC with specific condition that it should adhere to the provisions of the RAP. During project implementation, ZEMA works with the local leadership to ensure that the resettlement issues were effectively implemented. ZEMA carries out independent monitoring audits

during the project implementation. Beside ZEMA audits, LWSC is compelled through the conditions of the decision letter, to submit quarterly returns to ZEMA on the progress on RAP implementation. ZEMA's decision letter can be suspended should a LWSC fail to comply with the resettlement arrangements agreed in the RAP or fails to resolve a dispute arising from the resettlement issues of the subproject. The RAP should include a complete inventory of affected households and agriculture fields, land, structures, site local plan and compensation. ZEMA carries out resettlement audit to ensure such issues have been implemented. Where disputes arise and are not resolved this shall be deemed as failure to adhere to ZEMA directive and may result in cancellation of the decision letter until issues related to resettlement/compensation are resolved. Cancellation of the decision letter implies the project should stop until all matters have been resolved.

6.3.4 ROLE OF LCC IN RESETTLEMENT

Through the provisions of the Urban Councils Act, LCC has control over all the land public land within Lusaka City. Such public land includes road reserves and open market places. The banners and market places that are potentially affected by the project fall within the ownership of the LCC though the assets that may be on such land may belong to private companies, associations or individuals. In some cases within the project areas, there are billboards along the road and the owners of these billboards pay rent to council for erection of such billboards on the road reserves. In other cases, there are vendors who rent stalls at market places which may be affected by project construction activities. Beside temporary relocation of the billboards and vending stalls, the resettlement impacts may include forfeited rental to LCC during the time the tenant may not be able to use the rented space due to project construction activities. In the event that the tenants demand reinstatement of such rental from LCC, this may directly affect the revenue base for LCC. For the complete mitigation of such resettlement impacts, LCC is a major player in the planning, implementation and monitoring of such resettlement issues. LCC will be essential in that it has direct control and contact with such PAPs and it is most efficient to consult, compensate and monitor implementation through the LCC. A framework for cooperation has been established between LCC and LWSC in which LCC will assist by moderating at meetings with such stakeholders. LCC will also come in handy in the verifications of encroachments in case some encroached residents may demand compensation for loss of encroached land in addition to the compensable assets on the encroached lands.

6.4 CAPACITY BUILDING FOR MANAGEMENT OF RESETTLEMENT

LWSC has a peri-urban department that is in contact with the communities on a day to day basis. This department implements various development projects within the communities and resettlement issues are mostly anchored within this department. The department is manned by qualified social development personnel who if supported with resources will be able to effectively administer the resettlement processes with the participation of all key stakeholders. The department however is not very conversant with the World Bank safeguards processes and especially the valuation of resettlement impacts. The department therefore needs to be trained in the safeguards processes and if there cannot be someone on full time basis to do the valuations, the department should have ready arrangements for subcontracting of valuation functions. The department is also responsible for other LWSC projects and the personnel deployment for safeguards in general and resettlement in particular may be compromised. The department therefore needs a dedicated social expert to spearhead resettlement among other things. The summary of capacity building requirements are;

- Social Scientist tasked specifically for resettlement issues.
- Valuations expert contracted whenever there is resettlement related formulations required.
- Training in World Bank safeguards requirements.

CHAPTER 7

ARRANGEMENTS FOR FUNDING RESETTLEMENT

7.1 FINANCIAL RESPONSIBILITY

Costs for planning, implementation and monitoring of resettlement will be considered as part of the project cost. LWSC through the project funding mechanism will provide for all resettlement costs. Where LWSC does not have financial capacity to fund resettlement through its own internal resources, resettlement costs will be computed at project formulation stage and be included for funding by the World Bank as part of the project financing (Loan or grant) for resettlement related to civil works and be contracted together as part of civil works. LWSC's responsibility is therefore to ensure that a timely and accurate resettlement valuation process is carried during subproject formulation and such funding requirements are included in the subproject costing. The World Bank will avail the funds for resettlement to LWSC for onward payment of the PAPs before civil works commence only where such funding arrangements are the agreed funding mechanism for the subproject. LWSC will ensure that by the time of the final project design, the final resettlement budget is also completed for funding together with the other project activities. The timing of the census and resettlement valuations shall be such that there will be no new comers into the resettlement valuation and also that the resettlement precedes civil works. The design consultant should therefore include resettlement costs in the final design consideration and viable alternatives will be considered so as to minimize the actual resettlement expenditure. LWSC will keep all record of resettlement valuation and compensations for audit and review by the World Bank.

7.2 RESETTLEMENT COSTS

The resettlement budget will consider resettlement costs incurred by LWSC during resettlement screening, implementation and monitoring. The resettlement budget will include the following;

- Personnel for resettlement screening.
- Transport for resettlement screening.
- Data collection, equipment and storage equipment for resettlement.
- Training for personnel.
- Stakeholder participation in resettlement.
- Land acquired for resettlement.

- Assets lost during resettlement.
- Economic losses from resettlement.
- Livelihoods improvement for the resettled.
- Assistance rendered to the resettled PAPs.
- Assisted rendered to host communities for the resettled.
- Participation of other organizations in resettlement implementation and monitoring.

7.3 TIMING OF THE RESETTLEMENT BUDGET

The timing of formulation and implementation of the resettlement budget will also take into consideration the employment, agricultural and other livelihoods related cycles so that the PAPs are not resettled at a time that will impoverish them. The budget should also take include other contingencies like;

- Loss of potential employment.
- Loss of potential agricultural season.
- Loss of access to near educational, health and other socially enhancing facilities.

7.4 DESCRIBE THE SPECIFIC MECHANISMS TO ADJUST COST ESTIMATES AND COMPENSATION PAYMENTS FOR INFLATION AND CURRENCY FLUCTUATIONS.

It is possible that there can be a lag between the valuation of assets and the actual payments of the compensations. In the event of such delays and there is a loss on the real value of compensation on the PAP, the compensation will be adjusted for inflation using the consumer price index and the base year will be 2013.

7.5 COORDINATION OF DISBURSEMENT WITH RAP AND OTHER PROJECT SCHEDULE.

The resettlement activity will precede the actual project civil works. Compensations will be paid before the civil works unless they it arises from issues that arose from unforeseen project works. In such a situation, there will be need for the PAP to consent to project implementation as the compensations are being processed. The LWSC will ensure that such circumstances are avoided as much as possible through early project planning and notification of all potentially affected PAPs.

The general sequencing will be followed;

1. Subproject scope defined.
2. Resettlement screening and RAP formulation.
3. Compensations made.

4. Civil works begin.

It is anticipated that the normal compensations will be concluded 30 days before civil works begin to give room for any PAPs who could have been left out.

7.6 FINANCIAL ARRANGEMENTS FOR EXTERNAL MONITORING.

LWSC is responsible for funding external monitoring agents that are cited as key in the RAP for the respective subproject. ZEMA will be funded through the ESIA and RAP review fees that cover such monitoring costs. However, there could be other monitoring agents that are strategic to the project like the LCC, local leaders and other relevant government departments. Such costs will be included in the resettlement budget for the respective subproject.

7.7 INDICATIVE BUDGET FOR RESETTLEMENT

The specific details of the subprojects are not yet fully developed and their respective resettlement impacts cannot be exactly estimate. Following the general project details and the understanding of the project area, some estimate will be made with some assumptions that could be validated during the specific subproject RAP formulation. An estimated resettlement budget for the LSP is in table mmm. Please not that this is only indicative and will be substantiated in the respective subproject RAPs. The following general costing considerations are being put forward;

1. Impact on people who own bill boards. Main collectors following the main roads and affecting billboards. The following factors will be considered when coming up with the resettlement impact related to the road reserve billboards.
 - Total distances of main collectors in meters.
 - Average number of billboards per 100 meters.
 - Average size of the billboards.
 - General indication of rental forfeited per billboard per month by commercial entities to LCC.
 - General indication of rental forfeited by advertising agency per billboard per month.
 - General removal and reinstatement cost per billboard.
 - Average down time per billboard for construction.
 - Notice period required for uprooting the billboards.
2. Impact on street vendors. Main collectors following main roads and disrupting licenced

vendor markets. The following factors will be considered when coming up with the resettlement impact related to the road reserve licensed vendors.

- Number of markets that fall within broad project area.
 - Estimated number of vendors per market area.
 - Estimated number of licensed vendor stalls per market area.
 - Estimated rental per stall per month to LCC.
 - Estimated gross profit per month per vendor.
 - Estimated number of months of down time due to construction.
 - Notice period required.
3. Impact on people with encroaching structures. Sewer network affecting boundary walls and temporary structures (huts, fowl runs, barber shops etc.) in encroached areas. The following factors will be considered when coming up with the resettlement impact related to the road reserve in encroached areas.
- Estimated length of such networks.
 - Estimated number of temporary structures per 100 meters.
 - Estimated replacement cost per structure.
 - Average time to work in such area.
4. Impact on people with trees. Sewer network affecting fruit trees in encroached areas.
- Estimated length of such networks.
 - Estimated number of affected fruit trees per 100 meters.
 - Average fruiting age of the trees.
 - Average livelihood contribution in USD.
 - Average time to work in such areas.
5. Impact on people with crops. Sewer networks affecting crop, vegetables etc
- Estimated length of such networks.
 - Estimated number of affected cropped areas per 100 meters.
 - Average time to maturity.
 - Average harvesting period.
 - Average livelihood contribution in USD.
 - Average time to work in such areas.
6. Impact on people with permanent structures. Sewer networks affecting permanent

structures.

- Estimated length of such networks.
- Estimated number permanent housing affected per 100 meters.
- Average household size.
- Average size of the housing structures.
- Magnitude of impact in relation to access to other services (schools, clinics etc)
- Estimated replacement cost per structure.
- Average notice period.
- Estimated resettlement assistance required (procurement of alternative, transportation, establishment)

7. Impact on people with private land. Sewer network requiring land acquisition without relocation

- Estimated length of such networks.
- Estimated square meters per 100 meters.
- Estimated cost per square meter.

8. Impact on household entrances. Sewer networks requiring rehabilitation of household entrances and outside paving

- Estimated length of such networks.
- Estimated square meters of reinstatement per 100 meters.
- Estimated reinstatement cost per square meter.
- Average time to work in such area.

9. Sewer networks requiring rehabilitation of road crossings

- Estimated length of such networks.
- Estimated number of road crossings per 100 meters.
- Estimated reinstatement cost per crossing.
- Average time to work in such area.

10 Summary of indicative resettlement budget

Table 7.1: Indicative Budget for Resettlement Activities by the Community

Resettlement Impact	Assumptions	Estimated Cost (USD)
1. Billboards uprooting, reinstatement and lost rental.	Basing estimates on the 7000Km stretch for the Kafue Road, there is an average of 8 billboards per 100 meters, 2 of them will be affected in some way due to the mechanized trenching and the required working space. It may cost USD500.00 per billboard to temporarily remove, reimbursement of rent to owner and reinstatement. A total of 140 billboards may be affected over the stretch. A total of 4 typical scenarios are anticipated over the duration of the LSP.	280,000.00
2. Market areas.	1 market area is assumed to be encountered per subproject. 200 market stalls, downtime of 1 month, rental to council of USD25 per month, downtime compensation of USD150.00 per stall for a month. Cost to cover dismantling, transportation, reassembling of stalls USD25.00. Total cost per stall USD 400.00. Assume 4 such markets from subprojects for the duration of the project.	320,000.00
3. Reinstatements of tarred road cuttings.	12 Major road crossings in the project life. This will be costed as part of the civil works after detailed design and negotiation with RDA.	Civil works BOQ related.
4. Gate entrances, driveways, lawns, paving.	Gate entrances per 100m assumed to be 10 since both sides of the road needs collector lines, over a length of 4000m since some of the line will be following the main roads. Blend	64,000.00

	price for reinstatement USD40.00 per square meter. 4 such scenarios estimated over the duration of the project.	
5. Fruit Trees and Gardens.	An estimated 7000 such impact areas per subproject, 4 such subproject over the project life, 10 trees per 100 m. Average purchase price per tree USD2.50, average age of 3 yrs, care of 1 day per week for 3 yrs @ USD 0.25 per day for watering, weeding etc. 700 trees total @ USD36.50 per tree for the 3yrs.	26,250.00
6. Boundary walls reinstatement	Due to some encroached road reserves by panel boundary wall, some will be affected by trenching and will be reinstated. Emasdale high density residential scenario extrapolated over the project. Out of the 15000m for sewer extension, 1000m may encounter boundary walls. Cost per meter reinstatement is USD25.00. 4 such scenarios may be encountered over the duration of the project.	100,000.00
7. Temporary structures within encroached areas.	Small kitchen, fowl runs and other small outside buildings. Within 100 m, 2 such structures can be encountered, over an average of 7000m within the settled areas. Each structure may cost up to USD 500.00. Four such scenarios may be encountered over the project duration.	280,000.00
8. Permanent houses.	Such houses may be encountered in the unplanned areas. For an estimated 4000 m, 1 such house may be encountered every 400 meters, for an average household of 7 people per house. Market price for such houses and relocation assistance is USD 15,000.00 per household. Four such scenarios assumed over	600,000.00

	the duration of the project. 40 such houses and 280 people over the project life.	
	Sub Total 1 - Estimated Direct Resettlement Costs	1,470,250.00
9. Resettlement Screening.	4 screening scenarios over the project life (Lump sum).	40,000.00
10. Sub project RAPs.	4 RAPs over the project life.	400,000.00
11. RAP implementation and monitoring.	4 RAPs to be implemented and monitored over the project life.	100,000.00
	Sub Total 2 – Other resettlement costs	540,000.00
Estimated Grand Resettlement Costs		2,010,250.00

CHAPTER 8

STAKEHOLDER CONSULTATION AND PARTICIPATION

8.0 INTRODUCTION

Stakeholder consultation process is a valuable source of information on key impacts, potential mitigation measures and the identification and selection of alternatives for project design. The consultation process was open and transparent. It is anticipated that the stakeholder participation will be maintained throughout the project life-cycle and serious consideration of stakeholder input will be made so that the potential negative impacts will be effectively mitigated while potential positive impacts will be maximized. The key stages of this public consultation process involved public information and consultation. It is anticipated that stakeholder consultation will lead to total stakeholder participation in the implementation of the project.

8.1 OBJECTIVES OF THE STAKEHOLDER CONSULTATION PROCESS

The objectives of the stakeholder consultation were;

- To inform the stakeholders about the LSP and its potential subprojects.
- To identify potential negative and positive environmental and social impacts associated with the proposed project.
- To formulate joint impact mitigation and enhancement measures for the negative impacts and positive impacts respectively.
- To assess the availability of mechanisms for cooperation and conflict management between and amongst local stakeholders and implementing partners during project implementation.

8.2 PRINCIPLES GOVERNING PUBLIC CONSULTATION

The following principles were followed to achieve the above goals of the stakeholder consultation;

- **Inclusivity**

The public consultation process covered representatives of all relevant stakeholders. To ensure this principle was upheld, the stakeholder listing was done with the participation of a diverse safeguards team.

- **Open and transparent**

In order to enhance this principle, LWSC ensured that all steps and activities of public consultation were understood by all consulted stakeholders.

- **Relevance**

Relevance was also key in this RPF and this was achieved through remaining focused on the project issues that matter. The consultation boundaries also ensured that the consultation process remains relevant to the proposed activities.

- **Fairness and responsiveness**

To achieve the objectives of the stakeholder consultation process there was a need to ensure that the consultation was conducted impartially. All stakeholders were empowered with project information first in their preferred local language, and then solicit their informed input.

8.3 PUBLIC CONSULTATION METHODOLOGY

The methodology that was used to capture stakeholder concerns was multi-faceted. The local leadership, and community was consulted through meetings at the Donchi Kubeba market and vending areas along the Kafue Road. Community meeting was also held in the Ngwerere area. The Government departments, business representatives, community leaders and NGOs were consulted through a stakeholder meeting at Mulungushi Conference Centre. A targeted Kafue Road business cluster meeting was conducted at the LWSC offices. Newspaper notices were also placed in the local dailies to capture submissions from a wide range of stakeholders. Separate meetings with organizations that have infrastructure along potential affected road areas including the LCC, the RDA and Zamtel were also held. The stakeholder consultation list is in section 5.4 and the attendance registers are in appendix A.

8.4 STAKEHOLDER CONSULTATION LIST

To allow hybridization of ideas and also ensure full impact identification the stakeholder listing targeted diverse community organizations and representatives. The contact details of the consulted stakeholders are in Appendix A. Below is the category of stakeholders targeted the following stakeholders;

1. Zamtel.

2. Airtel.
3. MTN.
4. RDA.
5. LCC.
6. ZACI.
7. Vendors Association.
 - Ngwerere market
 - Kafue markets
8. Business Operators Representatives.
 - Kafue
 - Comesa
 - Bus Company Association
9. Ward Councillors.
 - Mississi
 - John Lang
 - Cook
 - Kombooka
 - Lusaka Central
 - Ngwerere
 - Emmasdale
10. ZESCO.
11. Ministry of Local Government.
12. Ministry of Water Affairs.
13. NGOs.
 - Kanyama Water Trust
 - Zambia and Alliance
 - Churches Associations
 - UNICEF
 - USAID
 - Citizens for better environment
14. Women Organizations.
15. MWASCO.
16. Ministry of Health.
17. Commuters Association.

18. Ministry of Water and Energy.
 19. Ministry of Community, Mother and Child Development.
 20. Transporters Association.
 21. Road Transport and Safety Agency (RTSA).
 22. Traffic Police.
 23. Association of the disabled.
 24. National Heritage.
- The list and contact details of the consulted stakeholders are in appendix C.

8.5 1ST STAKEHOLDER CONSULTATIVE MEETING HELD AT LUSAKA WATER AND SEWERAGE COMPANY ON 29TH JANUARY 2015 WITH KAFUE ROAD BUSINESS COMMUNITY.



Fig 8.1 Some of the delegates to the stakeholder meeting. Find attendance register in appendix A and stakeholder consultation minutes in appendix B.

Table 8.1 Summary of discussions at the stakeholder meeting

Name of stakeholder	Stakeholder concern/ in put	Response/Comment
1. Mr. Micheal Mukombo of Castle Shopping Complex	Any efforts by LWSC to improve the quality of potable water from the boreholes.	LSP project was about improving the sanitation situation in Lusaka, but a project on the bulk water pipeline from Kafue river will be undertaken soon.
2. Ms. Davina Bhagat of Puma Service Station	Which access roads will be affected (cut) and for how long will the affected access roads be closed off? Engagement of landlords where there are tenants.	This will be done in liaison with the Lusaka City Council (LCC), Notifications and consultations with stakeholders will be made proactively, Reinstatement will be made.

3. Mr. Musonda of Embassy Shopping Mall Consultant	When would the project commence and how long it will take to complete.	Tentatively commences in July 2015 and may take a year to complete.
4. Cornelius Mwamba of Hebron Tabernacle Church	Most billboards have contact details. At whose cost will the properties connect to the main sewer interceptor? Comfortable on septic tanks. Kafue road has been earmarked for expansion.	Business owners would be compelled, according to the public Health act to connect to the sewer mains, once the service was made available. RDA will be consulted on the roads related issues.
5. Patrick Simwanza of NorthPoint	Looks forward to the implementation of the project.	LWSC assured implementation once funds are released.
6. Richard Nanchengwa of Jack Kawinga	Will the surrounding communities benefit in terms of sewer connections once the interceptors had been installed	Not specifically in this subproject, but in other future subprojects.
7. Clara Kondowe of Cenacle of the Holy Spirit Church	Do properties that already had connections from the Kamwala line have to connect to the new interceptor	The old Kamwala line is currently facing challenges of constant blockages. Therefore once the new interceptor was installed, a decision will be made whether to migrate some properties to the new line.
8. Brian Samuhela of BUK	Will there be further communication before the project commences and whether stakeholders will have access to safeguard documents.	LWSC will continually communicate with stakeholders. Safeguards documents are public documents, available from ZEMA, LWSC and LCC. A public notice will be made when they are ready for viewing.

9. Mr Chikama of LWSC	Willingness and support of the business sector for the project.	Mr Musonda(consultant with castle shopping complex) advised that LCC should be engaged as these business houses pay to LCC for bill board adverting and the sewer line is in public interest and that it will definitely take top priority and be supported by businesses.
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8.6 2nd STAKEHOLDER CONSULTATION MEETING HELD AT MULUNGUSHI INTERNATIONAL CONFERENCE CENTRE ON THE 13TH FEBRUARY FOR GREATER LUSAKA STAKEHOLDERS



Fig 8.2 Some of the delegates to the Mulungushi stakeholder meeting. Find attendance register in appendix A and stakeholder meeting minutes in appendix B.

Table 8.2 Summary of discussions at the stakeholder meeting

NAME & ORGANISATION	QUESTION/COMMENT/ISSUE	RESPONSE
John Pinford - UNICEF	Happy with 100% sanitation coverage by 2035 and not 100% sewerage coverage because sewerage 100% was a pipe dream. UNICEF is willing to partner with LWSC on the sanitation options for peri urban areas that are not necessarily revenue generating.	LWSC is grateful for UNICEFs support and plan to work with as many stakeholders as possible as improving sanitation in peri urban areas was expensive and complex.
Kelvin Chileshe – Matero ward 28 Councillor.	Wondered why no hand outs (print outs) of the project presentation were given beforehand for easy following of the presentation, and further asked as to when the project would commence.	Handouts were given later. The project is in its preparation stage and is likely to start by August this 2015.
David Manjulunji - RTSA	Gratitiful for the project as it was long overdue. Concern about poor reinstatements of infrastructure esp. roads after being cut which lead to accidents.	LWSC will ensure reinstatement the road through the subproject RAP, thrust boring may be considered.
Frederick Bwalya – Ngwerere Councilor.	The procedure for people to be connected to the sewer network. Will the Garden ponds be backfilled to avoid more deaths as a result of people drowning in the ponds? Any program of fumigation in place by LWSC to lessen mosquito breeding in the	Interested residents apply for the service at the Peri urban unit of LWSC. LWSC was already taking measures to address the breeding of mosquitoes by fumigating the ponds

	ponds as Garden compound and the surrounding localities have been infested by mosquitoes.	
Kelvin Chileshe – Matero ward 28 Councilor.	Proposed that sewer expansion project should actually start in Matero compound.	It will be considered in view of other subprojects.
Estella Mbulo – LCC	Appreciated the fact that the LSP was a baby of the Lusaka Master Plan initiated by the City Council. She however, was concerned that only about 15% of the city was on sewerage system, while the rest of the city was on onsite sanitation. She wondered as to what mechanisms were in place for the Council to work together with LWSC to improve the sanitation situation in the City, seeing that plots allocated for housing by the Council were too small to accommodate septic tanks.	The project has technical support funding to both LWSC and LCC to work together in enforcing City bye-laws
Bonje Muyunda - ZESCO	Wanted to know what resettlement issues had arisen so far and who was the project affected people (PAPs), as well as what EIA issues have been considered. She further wanted to know which organization was going to meet the cost for resettlements	The first year investments, no major resettlement issues had been encountered and that one important criteria used to selection of first year investment projects was the minimization of resettlements and the number of PAPs to be affected. The reason why this stakeholders' meeting was called was to receive issues of concerns from project affect

		people (PAPs) and others generally, arising from the project impacts. Such concerns were going to be considered for mitigation in the safeguards management in line with ZEMA regulations.
William M. Banda – Zambia Police	Expressed concern about the security (negative reactions from venders in case of demolitions)during project implementation of infrastructure and wanted to know whether people in the project areas had been sensitized about the project	LWSC: The PAPs are being consulted and sensitized but we appreciate the concern and we are grateful that the Zambia Police are one of our stakeholders in this project.
Bwalya Kapuwe – Matero ward 28 Councilor.	Indicated that a similar project in Matero’s Maiteneke area had “backfired” and therefore wanted to know what measures would be put in place to avoid similar experiences. Has there been sensitization?	This will be mitigated by consulting all relevant stakeholders.
Jonathan Mwamfulilwa - ZAMTEL	Requested LWSC to invite ZAMTELto walk the route for the proposed project so that they can also identify their cables and re-route them where necessary prior to the implementation of the project.	LWSC arrange for walk through with ZAMTEL.
Frederick Bwalya – Councilor Ngwerere	Re-echoed on the issue of mosquitoes in his ward and that he was not satisfied by the answer he was earlier given.	LWSC took note and assured him that they will look at how best they can improve the situation.
Lawrence Sichalwe –	Indicated that a ‘CAB’ memo had been developed with Government on the	LWSC: Thanked the councilor for bringing the

Councilor Msisi and Kuku	redevelopment of MISISI compound and therefore requested that LWSC should not do anything regarding the development of MISISI compound outside the memo.	issue up but assured him that all stakeholders will be considered and consulted during project implementation.
Ben Mwila – Episcopal Conference	lamented that LWSC should have looked at other areas for consideration of sewer network extension, particularly areas such as Chalala that are on septic tanks	
Peter Mutale - NWASCO	Commented on the issue of the sewer ponds being near the people and the breeding of mosquitoes. Mr. Mutale appealed to the councilors to assist water utility companies as well as the regulator (NWASCO) in such issues by advising people in their ward not to build houses near the ponds. This is because ponds cannot be enclosed or fenced off. Nwasco is concerned that the cost being incurred by LWSC to fumigate or secure the ponds might end up being transferred to the customers by raising tariffs.	LWSC: Thank you
Alick Mbewe - ZESCO	Expressed concern, regarding power cables that are along the Kafue road and that he would like to be availed the lay out designs for the interceptors prior to the project being implemented.	Lay out designs will be made available and invitations to walk the route will be made to avoid unnecessary interruptions.

8.7 3rd STAKEHOLDER CONSULTATION MEETING HELD AT DONCHI KUBEBA MARKET ON 13th February 2015 WITH MARKET TRADERS



Fig 8.3 Some of the traders who attended the Donchi Kubeba Market stakeholder meeting. See attendants register in appendix A1 and the signed minutes in appendix A2.

Donchi Kubeba market is located near Intercity Bus terminal, Zambia's biggest local and international bus travelers' transit point and the ever busy Kamwala shopping center, a commercial place in Lusaka on the Independence Avenue near to the interception of Dedan Kimathi Road with Independence Avenue. This trading facility is located on the right side of Independence Avenue Flyover Bridge, and directly opposite the 23-storey FINDECO House, owned by the National Housing authority (NHA). The aim of the meeting was primarily to communicate to the traders about the Lusaka sanitation program. As such the meeting focused on the primarily objectives of the program and the benefits of the program to the city

Table 8.3 Summary of discussions with the market traders

Stakeholder Concerns/ Submissions	Mitigation/ Way Forward/Response
It's a political move by government to relocate them.	LWSC assured that the project will be implemented without any political motive. LWSC wants to work with the traders to ensure that the project is implemented with minimum negative impact to the traders.
Loss of business and trade once the works commence	LWSC is conducting a socio-economic survey using to generate information on how you are trading then some further considerations will be done.
Will the program compensate them and what criteria will the program follow if there will be compensation?	We promise to reinstate every property effected due to our project and cushion economic losses due to down time.
Fear of relocation	The traders are only temporarily relocated and will return after installation of the pipes.
There are not enough market places if they are relocated, because the other markets are overcrowded.	The traders are only temporarily relocated and will return after installation of the pipes.
Trading at the market is not just for the sake of it but its rather for survival because they have failed to find employment in the formal economy.	LWSC understands that and it will discuss the concern with other partners in consideration of the trading incomes.
The chair person thanked the traders for attending and LWSC for extending it's usual respect to the residents by sensitizing the affected and beneficiary of the services, he further requested the company to update the traders on every step of the project and notify them in time.	

8.8 AWARENESS RAISING MEETING HELD AT NGWERERE PONDS 19th February 2015



Fig 8.4 Stakeholder meeting at the Ngwerere Ponds

Table 8.4 Summary of discussions with the market traders

Stakeholder Concerns/ Submissions	Mitigation/ Way Forward/Response
The gardeners expressed concern on the loss of income and gardens once the works commence.	They were assured that, that's why information was being collected to enable the company handle the situation if this occurred.
They also wanted to know if the program will compensate them and what criteria will be followed if they had to be compensated because they deal in different crops?	They were assured that consideration for compensation will be made with their full participation and consent before project commences. They were assured that the compensation method will be discussed fully with them at a time that the project details are fully known and which gardeners will be affected.
The chair person thanked the gardeners for attending and urged them to be truthful when answering the tools used he further thanked LWSC for extending it's usual respect to the residents by sensitizing the affected and beneficiary of the services, he further requested the company to update the traders on every step of the project and notify them on time.	

8.9 CONCLUSION

The consultations showed that the stakeholders are keen to have the project implemented since they understand it has huge impact on the sanitation status for the city. They also openly expressed their willingness to be continually engaged and where appropriate, they expect the project to mitigate the potential resettlement related impacts to their satisfaction. LWSC assured the stakeholders that the consultation continues throughout all the project phases. There is therefore need to consult all key stakeholders timely during the subproject formulations.

APPENDIX A1
STAKEHOLDER CONSULTATION REGISTER

APPENDIX B**RESETTLEMENT SCREENING FORM****RESETTLEMENT SCREENING FORM****LSP****Name of Subproject.****General project description****Date of screening****Key stakeholders present**

IMPACT ON	Nature	Magnitude and Extent	Timing and Duration	Permanence	Likelihood and significance	Mitigation
Physical features						
Settlements in the project route						
Bill boards in the project route						
Vendors						
Road cutting						
Telecommunications cables in the project route						
Electricity pole lines/transformers						
Biotic features						
Crops/Gardens						
Flower gardens/lawns						
Trees/vegetation						
Socio-economic and cultural						
Displacement from land						
Loss of residential property						
Loss of assets or access to assets						
Loss of income or means of livelihood						
World Bank Safeguards						
Physical cultural resources						
Indigenous Peoples						
Involuntary Resettlement						
Disputed lands						
Dam Safety						

International water						
Pesticides						
Forest						
Habitat						
Overall significance and discussion						
Recommended screening outcome						

Signatures of screening Team Members

Name	Designation	Signature	Date

APPENDIX C

RAP OUTLINE

- I) Proposed resettlement, impact on displaced persons and other affected groups
- II) What are the legal issues?
- III) Project description – Identification of project area
- IV) Potential Impacts
 - a) activities triggering/ causing resettlement
 - b) zone of impact
 - c) alternatives considered
 - d) mechanisms established to minimize resettlement
- V) Objectives of RAP
- VI) Socio-economic Studies
 - a) current occupants of impact area – also used to establish eligibility cut-off for subsequent inflows of people
 - b) characteristics of affected households
 - i) production systems
 - ii) labor
 - iii) household organization
 - iv) baseline livelihood information – including income from formal and informal activities
 - v) standard of living
 - vi) health status
 - c) magnitude of expected loss
 - d) information on vulnerable persons who may need special provisions
 - e) provisions to update information on affected peoples' livelihoods and standards of living at regular intervals to ensure most recent information at time of displacement
 - f) land tenure and transfer systems
 - i) inventory of common property natural resources from which people derive their livelihoods and sustenance
 - ii) issues raised by different tenure systems
 - g) patterns of social interaction

- i) social networks and support systems
- ii) project impacts on social interactions
- h) public infrastructure and social services impacted
- i) social and cultural characteristics of impacted communities – both formal and informal institutions

VII) Legal Framework

- a) scope of power of eminent domain
 - i) valuation methodology
 - ii) timing of payment
- b) legal and administrative procedures
 - i) remedies available to impacted persons in judicial process
 - ii) timeframe for procedures
 - iii) alternative relevant dispute resolution mechanisms
- c) relevant law (legal, customary, traditional) governing:
 - i) land tenure
 - ii) valuation of assets and losses
 - iii) compensation
 - iv) natural resources usage rights
 - v) customary personal law related to displacement
 - vi) environmental laws
 - vii) social welfare legislations
- d) laws and regulations relating to agencies responsible for implementing resettlement activities
- e) gaps between local laws and Bank policy
 - i) mechanisms to bridge gaps
- f) legal steps needed to ensure effective implementation of resettlement
 - i) process for recognizing legal, customary, and traditional, usage land claims

VIII) Institutional Framework

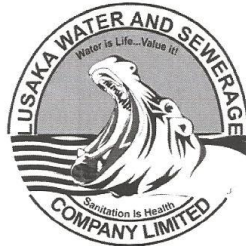
- a) identify responsible agencies

- b) assessment of institution capacity of responsible agencies
 - c) steps to enhance institutional capacity
- IX) Eligibility – define displaced persons and criteria for determining eligibility including cut-off dates
- X) Valuation and compensation for losses
 - a) methodology used in valuing losses to determine replacement cost
 - b) description of proposed types and levels of compensation under local law
 - c) supplementary measures needed to achieve replacement cost
- XI) Resettlement measures
 - a) describe packages of compensation
 - b) describe other resettlement measures
 - c) Is resettlement packages compatible with cultural preferences?
 - d) Were resettlement packages prepared in consultation with impacted persons/
- XII) Site selection, preparation and relocation
 - a) alternative relocation sites
 - b) institutional and technical arrangements for identifying and preparing relocation sites
 - c) estimate of time needed to acquire and transfer relocation sites
 - d) measures needed to prevent land speculation or influx in ineligible persons
 - e) procedures for physical relocation including timetables for site preparation and transfer
 - f) legal arrangements for regularizing tenure and transferring titles
- XIII) Housing, Infrastructure, and Social Services
 - a) plans to provide housing, infrastructure, and social services
 - b) plans to ensure comparable services to host population
 - c) necessary site development for facilities
- XIV) Environmental protection and management
 - a) describe boundaries of relocation area
 - b) assessment of environmental impacts of resettlement
 - c) measures to mitigate and manage impacts
- XV) Community Participation – involvement of impacted peoples and host communities

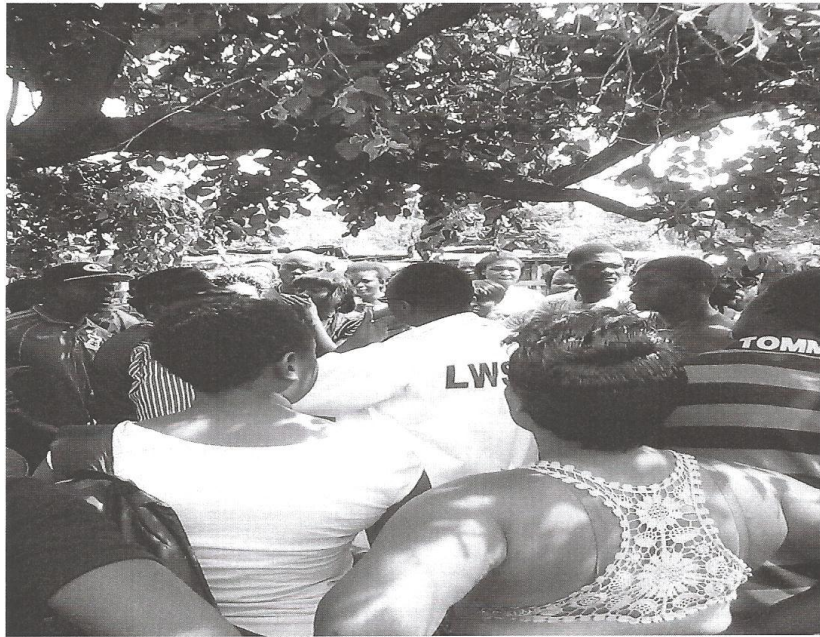
- a) describe strategy for consultation and participation in design and implementation
 - b) summary of views expressed and how views were taken into account in preparing RAP
 - c) review alternatives presented and choices made by impacted persons including: choices in forms of compensation and assistance; relocating as individual, family or community
 - d) institutionalized arrangements impacted person can communicate their concerns to project authorities and measures to ensure vulnerable groups are adequately represented
- XVI) Integrations with host community
- a) consultations with host communities and local governments
 - b) arrangements for prompt payment to hosts for land or other assets
 - c) arrangements for addressing any conflict
 - d) measures to augment services in host communities to at least comparable services available to resettled persons
- XVII) Grievance procedures
- a) affordable and accessible procedures for 3rd party settlement of disputes arising from resettlement
 - b) take into account availability of judicial recourse and traditional community dispute settlement mechanisms
- XVIII) Organizational responsibilities
- a) identify agencies responsible for delivery of resettlement measures and provision of services
 - b) coordination between agencies and jurisdictions involved
 - c) measures needed to strengthen institutional capacity
 - d) provisions to transfer responsibility for managing facilities and services provided
- XIX) Implementation schedule covering all resettlement activities
- a) target dates for achievement of expected benefits
 - b) target dates for terminating various assistance
 - c) how resettlement activities are linked to implementation of overall project
- XX) Costs and budget

- a) itemized cost estimates for all resettlement activities including allowances for inflation, population growth, and other contingencies
 - b) timetables for expenditures
 - c) sources of funds
 - d) arrangements for timely flow of funds
 - e) funding for resettlement, if any, in areas outside jurisdiction of implementing agencies
- XXI) Monitoring and evaluation
- a) monitoring arrangements by implementing agencies
 - b) monitoring by independent monitors as appropriate
 - c) performance monitoring indicators to measure inputs, outputs, and outcomes
 - d) involvement of impacted persons
 - e) evaluation of impact
 - f) use results to guide subsequent activities

STAKEHOLDER CONSULTATION REGISTERS AND MINUTES



LUSAKA SANITATION PROGRAM



REPORT ON THE AWARENESS RAISING MEETING HELD AT *DONCHI KUBEBA MARKET*

13th February 2015

INTRODUCTION

The Lusaka sanitation program has a number of objectives among which are improving sanitation services especially informal settlements of Lusaka province. It also aims to meet regulatory requirements on waste disposal into natural environment. It will ensure direct impact on public health, environmental conservation and economic returns on investment for sustainability purposes.

Overall it seeks intervention as per investment master plan.

Following the commencement of the program a number of awareness activities are underway, among these are meetings with traders along the proposed project sites. One of these sites is the Donchi kubeba Market.

The Awareness Raising Meeting

The meeting was held on site on Friday 13th February 2015. The meeting was well attended and the traders raised a number of concerns.

Donchi Kubeba market is located near Intercity Bus terminal, Zambia's biggest local and international bus travelers' transit point and the ever busy Kamwala shopping center, a commercial place in Lusaka on the Independence Avenue near to the interception of Dedan Kimathi Road with Independence Avenue.

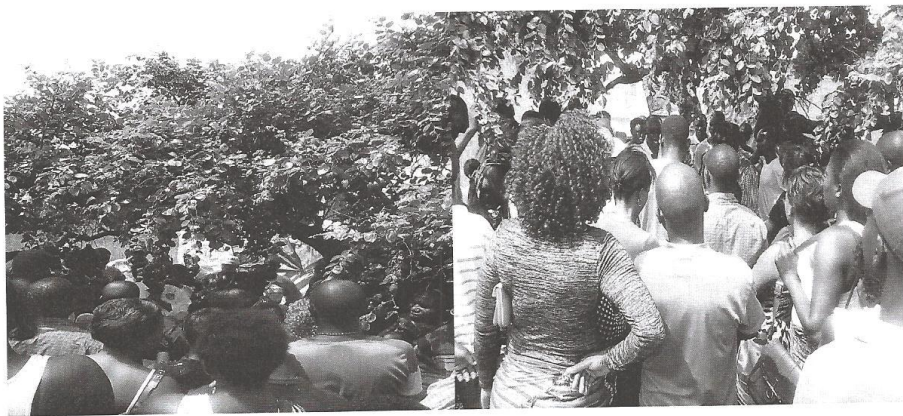
This trading facility is located on the right side of Independence Avenue Flyover Bridge, and directly opposite the 23-storey FINDECO House, owned by the National Housing authority (NHA).

The aim of the meeting was primarily to communicate to the traders about the Lusaka sanitation program. As such the meeting focused on the primary objectives of the program and the benefits of the program to the city

Concerns of the traders

- It's a political move by government to relocate them.
- As a company we want to work with your blessings that is the more reason we are conducting meetings. Because even our pipes needs to be protected by you our partners.
- They will lose out business and trade once the works commence
- We are conducting a survey using forms which needs you to give us information on how you are trading then some considerations will be done.
- Will the program compensate them and what criteria will the program follow if there will be compensation?
- We promise to reinstate every property effected due to our project.
- Fear of relocation
- The company will dig lay the pipe and cover the trench and you will continue using the your space.
- There are not enough market places if they are relocated, because the other markets are overcrowded.
- Lusaka water has no right to reallocate you to a different market.
- Trading at the market is not just for the sake of it but its rather for survival because they have failed to find employment in the formal economy.
- The company understand that and it will discuss your concern with other partners it is working with.

- They trade at the market as their only option and they can't afford to lose out on the trade.
- The contractor will make sure that works are done in a shortest possible period considering that it is a market place which has other activities taking place



Traders listening 1

Traders asking questions 2

Conclusion

The chair person thanked the traders for attending and LWSC for extending its usual respect to the residents by sensitizing the affected and beneficiary of the services, he further requested the company to update the traders on every step of the project and notify them in time.

Chairperson

Secretary

**LWSC RESETTLEMENT MEETING**

DOCHT KUBLEBA MKT.

DATE: 13/02/15**ATTENDANCE LIST**

NO.	NAME	PHONE	NRC	SIGNATURE
1	MANDA VINCENT	0977928405	321926/1	[Signature]
2	GILBERT CHEWE	0966709524	357820/611	[Signature]
3	GILBERT MUKANGA	0961636064	34163764	[Signature]
4				
5	STEPHEN MUKALULA	0964345525	381010/611	[Signature]
6	STEPHEN KAPPA	0967699670	-	[Signature]
7	NODIN W.	0964311814	-	[Signature]
8	FATIMA TERE	0979630196	-	[Signature]
9	SAKAGA JOHN	097278037	29665958	[Signature]
10	Rachael Mumba	0975212100	-	[Signature]
11	Purity N. Sabvu	0977114773	191005/1	[Signature]
12	Edward Saka	0971719982	-	[Signature]
13	D. JAVI, ZHI-APWA	0975013122	3706361611	[Signature]
14	Wanda Saka	0975606	-	[Signature]
15	Mesly Mumba	0975419302	-	[Signature]
16	SAIRUS ZIMBA	0966218174	3051461501	[Signature]
17	STEWART NGULALE			[Signature]
18	MISES KAYEMBA	097790970	301271/05/1	[Signature]
19	ASTRIDAH MUKA	0967920605	286720/1	[Signature]
20	Stella Ngwile	0977268022	-	[Signature]
21	Mwansa Gilbert	0978512003	179542/1	[Signature]
22	Emmanuel Phiri	0968142539	-	[Signature]
23	Monica Chilufya	09791465547	-	[Signature]
24	Mwansa Makusa	0975402978	219623/17/1	[Signature]
25	HOPE Minkachi	0974920270	363139/65/1	[Signature]
26	Mercy Chikwa	0977500536	136545/19/1	[Signature]
27	Prisca Ngwile	0975402970	219633/17/1	[Signature]
28	Sinkala George	-	146015/16/1	[Signature]
29	Harriet Likando	0973559029	-	[Signature]
30	Mary Buyambo	0968932166	-	[Signature]
31	Cecilia Zulu	0962741455	577382/1	C. Zulu



LWSC RESETTLEMENT MEETING DOCHI KUBERA MIT

DATE: 13/02/15

ATTENDANCE LIST

NO.	NAME	PHONE	NRC	SIGNATURE
1	CHIRAGA MANGO	0977381069		
2	JAFARI MUMFESSA	0974573945	36342/16/1	
3	STANLEY MUSONDA	0976911150	332803/6/1	Stanley
4	MOSES KAPEYA	0974596968	—	M-KAPEYA
5	Rodgers Kapigelo	0963-639246	—	Rt
6	OSWALD LUNGO	0975-674758	23766/02/1	Oswald
7	EVONNE YONIKA	0979-673289	2366/05/1	
8	Simon Chilunga Kanda			Simon
9	FRANCIS MUMFESSA	0976783574		
10	Yohanna Koyi	0975762758	5886/01/1	Yohanna
11	LISA MALESH	0967696811		LMALESH
12	DENCK PHIRI	0961633288	103052/01/1	Denck
13	FELIX CHILUBA	0966344266		FELIX
14	JACKSON MUSHANGA	0955002223	109252/5/1	JACKSON
15	RACHELA MONTA	0966946808		RACHELA
16	ESHER KANDA	0975-615288	82855/7/1	ESHER
17	ANITA MUMFESSA	0974573945	40010/6/1	ANITA
18	Bwalya JOSEPH	0964999568	396230/30/1/1	Bwalya
19	CHRISTOPHER CHISANGA	0979652191	336772/6/1	CHRISTOPHER
20	CHARITY KALLENGE	0964182310	291252/16/1	CHARITY
21	MOSES KACHASA	0969285955	397204/1/1	MOSES
22	ELIZABETH PHIRI	0962789683	853680/1/1	ELIZABETH
23	JOBERT CHULU	0969841791	315927/1/1	JOBERT
24	LEONARD LEVISON	097477	0961925/1/1	LEONARD
25	MICHAEL CHANE			MICHAEL
26	Maxdennice Songa	0974733634		Maxdennice
27				
28				
29				
30				
31				



LWSC RESETTLEMENT MEETING DOCHI KUBERA MKT.

DATE: 13/02/15

ATTENDANCE LIST

NO.	NAME	PHONE	NRC	SIGNATURE
1				
2	JACKSON Kapimpa	0968 150073	157827/10/1	<i>[Signature]</i>
3	Michael Chlewe	0978 656516	357839/8/1	<i>[Signature]</i>
4	Chintu musa	0977 930794	355796/6/1	<i>[Signature]</i>
5	Ruth Kummenda	0979 700147	724003/11/1	R. Kummenda
6	Estelle mumba	0979 356325	728403/11/1	<i>[Signature]</i>
7				
8	Rose Banda	0968 236450	106462/10/1	<i>[Signature]</i>
9	Ronald Chishala	0965 529497	124302/14/1	<i>[Signature]</i>
10	Eustous C. Simfukwip	0976 689096	—	<i>[Signature]</i>
11	Kolala Lisaonepi	0976 164550	—	<i>[Signature]</i>
12	Getrude pemasa	0974 573242	536590/11/1	G. Pemasa
13	Elizabeth lungu	0969 154656	201604/10/1	<i>[Signature]</i>
14	Cecilia sakala	0964 714768	—	<i>[Signature]</i>
15	Lutanga Bryan	0966 924588	—	R. Lutanga
16	Francis Kasanga	0978 339650	100504/10/1	<i>[Signature]</i>
17	Lini mumba	0977 509061	—	<i>[Signature]</i>
18	Roidha ngwale	0976 473434	217633/12/1	<i>[Signature]</i>
19	Ruth Ngwale	0973 995943	—	R. ngwale
20	Naluwe Natukwe	0977 889633	—	N. Natukwe
21	Hope Mingachi	0974 920272	363189/6/1	H. Mingachi
22	Giff Chitwete	0973 044860	295226/12/1	G. Chitwete
23	Ruth Kanogavale	0976 620057	—	<i>[Signature]</i>
24	Lister papalu	0974 155537	—	L. papalu
25	Frank Makoi	0973 563382	—	F. Makoi
26	Harriet Likanda	0973 559027	—	H. Likanda
27	Astridha mwape	0965 2558129	—	<i>[Signature]</i>
28	Maurren zulu	0976 511516	939318/11/1	<i>[Signature]</i>
29	Chitanga bonface	—	—	<i>[Signature]</i>
30	Mary Nyirenda	0977 364740	927753/1/1	M. Nyirenda
31	Lillian Tembo	0967 042868	389075/6/1	<i>[Signature]</i>



LWSC RESETTLEMENT MEETING DOCHI KUBERA MKT.

DATE: 13/02/15

ATTENDANCE LIST

NO.	NAME	PHONE	NRC	SIGNATURE
1				
2	JACKSON Kapimpa	0968 150073	157827/10/1	<i>[Signature]</i>
3	Michael Chlewe	0978 656516	357839/8/1	<i>[Signature]</i>
4	Chintu musa	0977 930794	355796/6/1	<i>[Signature]</i>
5	Ruth Kummenda	0979 700147	724003/11/1	R. Kummenda
6	Estelle mumba	0979 356325	728403/11/1	<i>[Signature]</i>
7				
8	Rose Banda	0968 236450	106462/10/1	<i>[Signature]</i>
9	Ronald Chishala	0965 529497	124302/14/1	<i>[Signature]</i>
10	Eustous C. Simfukwip	0976 689096	—	<i>[Signature]</i>
11	Kolala Lisaonepi	0976 164550	—	<i>[Signature]</i>
12	Getrude pemasa	0974 573242	536590/11/1	G. Pemasa
13	Elizabeth lungu	0969 154656	201604/10/1	<i>[Signature]</i>
14	Cecilia sakala	0964 714768	—	<i>[Signature]</i>
15	Lutanga Bryan	0966 924588	—	R. Lutanga
16	Francis Kasanga	0978 339650	100504/10/1	<i>[Signature]</i>
17	Lini mumba	0977 509061	—	<i>[Signature]</i>
18	Roidha ngwale	0976 473434	217633/12/1	<i>[Signature]</i>
19	Ruth Ngwale	0973 995943	—	R. ngwale
20	Naluwe Natukwe	0977 889633	—	N. Natukwe
21	Hope Mingachi	0974 920272	363189/6/1	H. Mingachi
22	Giff Chitwete	0973 044860	295226/12/1	G. Chitwete
23	Ruth Kanogavale	0976 620057	—	<i>[Signature]</i>
24	Lister papalu	0974 155557	—	L. papalu
25	Frank Makoi	0973 563382	—	F. Makoi
26	Harriet Likanda	0973 559027	—	H. Likanda
27	Astridha mwape	0965 2558129	—	<i>[Signature]</i>
28	Maurren zulu	0976 511516	989318/11/1	<i>[Signature]</i>
29	Chitanga bonface	—	—	<i>[Signature]</i>
30	Mary Nyirenda	0977 364740	927753/7/1	M. Nyirenda
31	Lillian Tembo	0967 042868	389075/6/1	<i>[Signature]</i>



LWSC RESETTLEMENT MEETING - DOCHI KUBERA MARKET

DATE: 13/02/15

ATTENDANCE LIST

NO.	NAME	PHONE	NRC	SIGNATURE
1	Shamuel Masekela	0976911150	332803/11	Shamuel Masekela
2	Mercy Kapangolo	0961370339	—	M. Kapangolo
3	Rodney Kapangolo	0963639244	—	Rodney Kapangolo
4	William Kanyu	0978803108	766254/11	W. Kanyu
5	Mary Lungu	0972135333	—	M. Lungu
6	JAMES PHIRI	0964654711	879080/11	J. Phiri
7	LUCKSON MIAZWE	0977677214	—	L. MIAZWE
8	JACK MUBANGA	0964688235	—	J. MUBANGA
9	MOUREEN SHUTWE	0976906220	214400/11	M. SHUTWE
10	LSTONE MALESU	0979907973	254336/11	L. MALESU
11	BETRIE GAVAHWA	0975922355	—	B. GAVAHWA
12	ROYD KAPULA	09747712510	—	R. KAPULA
13	Kennedy Chipili	0974729969	—	K. Chipili
14	Manther phiri	0978741186	—	M. phiri
15	Betha Mutsanga	0972170658	—	B. Mutsanga
16	PATRICIA KATONGO	0969608096	25669/11	P. Katongo
17	Shadreck Nyiranga	0963095237	940294/11	S. Nyiranga
18	MATIAS NJOVER	0974072223	181516/11	M. NJOVER
19	THEDESA MUMASA	0975521592	224306/11	T. MUMASA
20	JAMES SHUMBA	09726367456	147444/11	J. SHUMBA
21	MWENYA MCFEACHY	0963227030	—	M. MCFEACHY
22	KARISE MURIEL	0962326466	919573/11	K. MURIEL
23	MURIDAY MURINDA	0977-882631	9328/11	M. MURINDA
24	PAUL CHILA	0962-706699	291034/11	P. CHILA
25	Good Hope Chizhe	09666775251	—	G. Chizhe
26	Noan Nanyangwe	0973-272186	—	N. Nanyangwe
27	Kenny SASA	—	—	K. SASA
28	STEPHEN SICHONE	0978742418	301819/11	S. SICHONE
29	DOUGLAS MULETA	0962716510	—	D. MULETA
30	Nyandu Beany	0969558041	395373/11	N. Beany
31	LEWSON TAMBO	09761925438	—	L. TAMBO

AWARENESS RAISING MEETING
DONCHI KUBEBA MARKET
13th February 2015.

Chairperson

Maxdennies Songa

0963

0966 52528



MANDA VINCENT

0979 289405

Secretary

MICHAEL CHEVE

0978 656516



KAFUE BUSINESS MEETING

LUSKA SANITATION PROJECT

STAKEHOLDER CONSULTATIVE MEETING HELD AT LUSAKA WATER AND SEWERAGE COMPANY ON 29TH JANUARY 2015.

The meeting was dubbed as “stakeholder awareness meeting” on the Lusaka Sanitation Project. Invitation letters were prepared two days earlier, 27th January 2015 and distributed to targeted businesses along the Kafue Road along which the sewage interceptors will be laid.

The meeting started at 10:00hrs in conference room, at LWSC’s Head office. The meeting was opened by Mr. Gabriel Chikama (Safeguards Team Coordinator). A round of introduction followed by way of full names and institutions represented. The purpose of the meeting was explained to the guests and then Mr. Jilly Chiyombwe (Projects Implementation Unit Manager, at LWSC) was asked to give a presentation on the Lusaka Sanitation Project overview and the details of the Kafue Road Sewage Interceptor sub-project.

After a slide presentation by Mr. J. Chiyombwe, a plenary session was declared and guests were invited to express their views, concerns and questions.

Discussions

1. Mr. Micheal Mukombo, a representative from Castle Shopping Complex expressed gratitude for the sanitation project but raised his concern about the quality of potable water from the boreholes they are currently using. Mr. Mukombo wanted to know if a project to improve potable water was being considered
Answered: He was informed that indeed, this project was about improving the sanitation situation in Lusaka, but that there is soon to be launched a project on the bulk water pipeline from Kafue river, and that this will take care of his concern.
2. Ms. Davina Bhagat, a representative of Puma Service Station wanted to know which access roads will be affected (cut) during project implementation and for how long will the affected access roads be closed off?
Answered: This guest was informed that cutting and closing off of the access roads will be done in liaison with the Lusaka City Council (LCC) and that most access roads will only be cut when the interceptor was being installed. Further, it was explained that restoration of the cut lane will be immediate. Further, that notifications would be given to the businesses affected by a particular access road to be cut.
Ms. Davina also advised LWSC to engage the landlord of Puma Service Station over the handling of the electrical bill boards at Puma Service Station during implementation of the project as she was just a tenant
3. Mr. Musonda, a consultant with the Embassy Shopping mall wanted to know when the project would commence and how long it will take to complete

Answered: He was informed that commencement of the project depended on when the World Bank would approved the project, but he was told tentatively in July 2015 and that it would take about a year to complete.

4. Cornelius Mwamba, a representative of Hebron Tabernacle Church observed that most Bill Boards have contact numbers for advertisers or their agents who could be engaged regarding the issue of cost of billboards. He further wanted to know at whose cost will the properties connect to the main sewer interceptor, seeing that they are already comfortable on septic tanks, as far as he was concerned?

Answered: The LWSC team acknowledged the advice of contacting the Advertising agents regarding the way forward on billboards. Further, one of the guests (Mr. Musonda, a former Director of Public Health at the LCC) who was representing the Embassy Shopping Mall as a consultant, commented that business owners would be compelled, according to the public Health act to connect to the sewer mains, once the service was made available.

Cornelius also wanted to know how far the sewer line was from the road as from his knowledge Kafue road has been earmarked for expansion.

Answered: LWSC was going to meet with all stake holders before the implementation of the project and such issues will be ironed out.

5. Patrick Simwanza, a representative from NorthPoint observed that he has attended a meeting similar to this one that was organized by business owners to mobilize funds in order to install a sewer line but such efforts never came to fruition. He hoped that this project will be implemented this time around and that he was happy to attend this meeting.

Answered: He was informed that unlike the private initiative, this was a government of the Republic of Zambia (GRZ) initiated project, with the funding from the World Bank and that project will come to fruition.

6. Richard Nanchengwa, a representative from Jack Kawinga wanted to find out whether the surrounding communities were going to benefit in terms of sewer connections once the interceptors had been installed

Answered: he was informed that no sewer networks were envisaged for the surrounding communities because of the layout of those communities (unplanned for communities) and that these communities were not part of this project but that they will have their own considerations in other projects.

Clara Kondowe, a representative from Cenacle of the Holy Spirit Church wanted to know whether properties that already had connections from the Kamwala line would have to connect to the new interceptor

Answered: That the old Kamwala line is currently facing challenges of constant blockages. Therefore once the new interceptor was installed, a decision will be made whether to migrate some properties to the new line.

Brian Samuhela a representative from BUK wanted to know if there will be further communication before the project commences and whether stakeholders will have access to safeguard documents.

Answered: LWSC will continue communicating every step of the project to the stakeholders and that safeguard documents are public documents and will be accessed from places such as ZEMA documentation centre, LWSC and LCC etc

Gabriel Chikama from LWSC wanted to know from the business people in the meeting how much leeway they would give the project concerning their bill boards.

Answered: M r Musonda(consultant with castle shopping complex) advised that LCC should be engaged as these business houses pay to LCC for bill board advertizing. He further added that laying a sewer line was in public interest and that it will definitely take top priority.

The meeting ended around 11:30hrs and participants where thanked for attending the meeting.

Minutes by: **G. Chikama**

SIGNED MINUTES FOR THE
CONSULTATIVE MEETING WITH KAFUE ROAD BUSINESS
REPRESENTATIVES

Stakeholder Representative

Name: Michael Mukombo

Signature: Mukombo






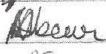





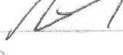







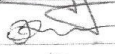

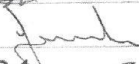
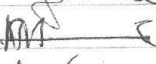
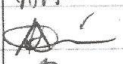


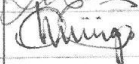



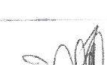

Date: 20-02-2015

Stakeholder Representative

Name: DAVID BHAET

Signature: [Signature]

Date: 20-02-15

STAKEHOLDER MEETING		NOTIFICATION - LSP	
	NAME	ORGANIZATION	SIGNATURE
01	NGOSA HARRISON	VOLVO [TIME TRUCKING]	
02	WILFRED MWAPÉ	UNIQUE CAR CONNECTION	
3	Sim Be	ZAM AUTO	
4	OSAGGE CHIMBA	AFRI-CO CORPORATION	
5	John Tembo	PIRAMID SOLUTIONS LTD	
6	Bertha MBWE	FIRST CAPITAL BANK	
7	MULA MWINA	ZAMEFA	
8	Shela Miti	BOIC	
9	Zulu Nehemiah	BAT	
10	John Riri You	Master Joinery & Aluminium	
11	Muyanda	Downtown Shopping Mall	
12	Cash Express	Autoserv Downtown	
13	Star Casino	Delivered bowl Conduit sign	
14	DOMINIC SIMATIA	PETROBA ZAMBIA (HTS)	
15	WILLIAM HABEENZU	SPANA CASH N CARRY	
16	FAYAZ H. PATEL	TOTAL FILLING STATIONS	
17	Elizabeth Mungu	AGOLUS INTERNATIONAL	
18	Mohammed	KDH	
19	William Samamba	Zambian Paint	
20	Raphael Osembe	MIKES CASH & CARRY	
21	ELIJAH SIMWAXA	NORTH POINT MOTEL	
22	MRS. A. GIANNAKAKIS	CASTLE ESTATE	
23	Mr Victor Lubemba	Puma	
24	Advent Church	Engen	
25	Sharon Kadapwula	Clicks & Ikd	
26	Rubens Nkandwa		
27	Fabio Paniceu	Retro moulders EUT	
28	Sim Mwingo	Asia Electrical System	
29	Namukasa Mutapi	Flame promotions & procurement	
30	TENDY HAMWEMBA	New Horizon P.P.	
31	Sergio Mendonca	LTA	
32	Joyce Muleya	ENGEN SERVICE STATION	
33	DANIEL MUSEMBA	Kobil	



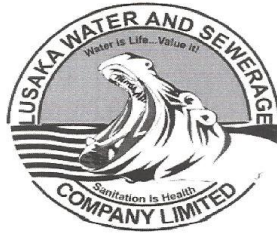
STAKEHOLDERS' AWARENESS MEETING - LUSAKA WATER AND SANITATION PROJECT.

ATTENDANCE LIST.

Date: 29 - Jan - 2015

No.	NAME	ORGANISATION	PHONE No.	SIGNATURE
1	MAPULANGA TIMOTHY	STAR CASINO	09657145811	[Signature]
2	CLARA KONDOWE	CEMACE OF THE HOLY SPIRIT	0977145579	[Signature]
3	DUNCAN KONDOWE	CEMACE OF THE HOLY SPIRIT	0965638064	[Signature]
4	MICHAEL MUKOMBO	CASTLE ESTATES LTD	0977400460	[Signature]
5	BLIAN SAMUELWA	RUK TRUCK PARTS LTD	0977-845456	[Signature]
6	AG VASILAKOPOULOS	EMBASSY SHOPPING MALL	0966861001	[Signature]
7	AMOS MASONDA	"	0966753834	[Signature]
8	Patrick Simwaga	North Point Hotel	0977888079	[Signature]
9	Elly Simwaga	"	0978151694	[Signature]
10	PETER MAKWAKWA	AUTOWORLD	0966742641	[Signature]
11	AVINA BHAGAT	PUMA ENERGY	0979306578	[Signature]
12	REJOICE C. HACHIBAMBA	KFC MAKENI/MAKENI MALL	0979100744	[Signature]
13	WALTER MUMAMBA	HERBRY LABOUR	097-7-783661	[Signature]
14	Nandengwa Richard	Jack Kwaninga LTD	0961188687	[Signature]
15	Eunice Mchamfwenko	LWSC	0966743235	[Signature]
16	Gabriel Chikamba	LWSC	0977776631	[Signature]
17	Elly Chiyambwe	LWSC	097785615	[Signature]
18	TOPSY SIMWAGA	LWSC	0977762657	[Signature]
19				
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MULUNGUSHI MEETINGS



MINUTES OF THE ENVIRONMENTAL AND SOCIAL
SAFEGUARDS SCOPING MEETING HELD AT MULUNGUSHI
INTERNATIONAL CONFERENCE CENTRE ON THE 13TH February,
2015

ATTENDANCE

The scoping meeting was attended by 38 people. The attendance register has been attached as appendix to these minutes

AGENDA

1. Opening remarks
2. Introduction
3. Project overview
4. Subprojects for first year investments
5. Overview of ZEMA requirements
6. Plenary targeting safeguards concerns

1.0 OPENING REMARKS

The meeting was opened at 10:15hrs. Participants were welcomed to the meeting by the facilitator, (the Public Relations Officer, LWSC). He thanked the participants for coming and explained to them that the meeting was a consultative one and thus all participants were expected to participate freely and that every contribution will be highly appreciated. He further explained that the meeting intended to disclose the proposed LSP and make known the possible impacts both positive and negative that would arise from the proposed project. Therefore contributions and concerns relevant to the project were welcome.

1.1 REMARKS BY LWSC ENVIRONMENTAL AND SOCIAL SAFEGUARDS COORDINATOR (ESSC)

The ESSC explained to the meeting that Lusaka Water and Sewerage Company (LWSC) was about to implement the Lusaka Sanitation Project and that the details of the project would be presented shortly to the meeting. The essence of the meeting was to receive comments or concerns about the impact of the project to be directly or indirectly affected by the project. ESSC further explained that it a requirement of the Environmental Management Act of 2011 for any project of this magnitude being undertaken by LWSC, to engage with all the stakeholders and a scoping meeting was one of the ways in which stakeholders could be consulted.

He further explained that as LWSC we are fully alive to the fact that a project of this magnitude will definitely have both negative and positive impacts, resettlement and displacement issues as well as interference with existing infrastructure. This is the more reason why all stakeholders need to be consulted to allow for the smooth running of the project.

2.0 INTRODUCTION

Participants introduced themselves by name and institutions they were representing.

3.0 PRESENTATION BY MANAGER PROJECT IMPLEMENTATION UNIT

LWSC Project Implementation Unit manager, Mr. Jilly Chiyombwe welcomed everyone to the meeting and appreciated their coming. He further proceeded to disclose the Lusaka Sanitation Program in a slide show presentation.

4.0. OVERVIEW OF ZEMA REQUIREMENTS

The principal legislation in Zambia that governs environmental management is the Environmental Management Act (EMA) of 2011. The act provides for the sustainable management of natural resources and protection of the environment, and the prevention and control of pollution

Part III Section 29 of the Act states that “ *A person shall not undertake any project that may have an effect on the environment without the written approval of the Agency, and except in accordance with any conditions imposed in that approval*”.

The Act also provides for public participation in decision making and access to environmental information under part VII section 91.

The Environmental Impact Assessment Regulation, SI 28 of 1997, part III under the EMA of 2011 demands that before a developer commences implementing a project, an EIA (depending on the magnitude of the project) be prepared and submitted to the relevant regulatory authority for review and approval.

The process of preparing an EIA demands a scoping report and thus an EIA scoping meeting is inevitable.

5.0 PLENARY (QUESTIONS AND ANSWERS)

No.	NAME & ORGANISATION	QUESTION/COMMENT/ISSUE	RESPONSE
1	John Pinford -UNICEF	Commented that he was happy at a clarification during project presentation that referred to the program as aiming at targeting 100% sanitation coverage by 2035 and not sewerage coverage because sewerage coverage of 100% was a pipe dream. He further mentioned that UNICEF was willing to partner with LWSC on the sanitation options for peri urban areas that are not necessarily revenue generating.	LWSC: Grateful for UNICEF's support and plan to work with as many stakeholders as possible as improving sanitation in peri urban areas was expensive and complex
2	Kelvin Chileshe –Matero ward 28 CLLR	Wondered why no hand outs (print outs) of the project presentation were given beforehand for easy following of the presentation, and further asked as to when the project would commence.	LWSC: Hand outs will be given later. The project is in its preparation stage and is likely to start by August this year
3	David Manjulunji - RTSA	Expressed gratitude for the project as it was long overdue. His concern was on the poor reinstatements of infrastructure esp. roads after being cut which lead to accidents. What has been put in place to avoid this?	LWSC does not reinstate the road, instead it's the LCC/contractor that reinstates the roads. However thrust boring may be considered
4	Frederick Bwalya – Ngwerere CLLR	<ul style="list-style-type: none"> • Demanded to know what it took for people to be connected to the sewer network. • He further demanded to know whether the Garden ponds were going to be backfilled to avoid more deaths as a result of people drowning in the ponds. • In addition he demanded 	<ul style="list-style-type: none"> • He was informed that all they needed to do was apply for the service at the Peri urban unit of LWSC. • LWSC was

		to know what program of fumigation had been put in place by LWSC to lessen mosquito breeding in the ponds as Garden compound and the surrounding localities have been infested by mosquitoes.	already taking measures to address the breeding of mosquitoes by fumigating the ponds
5	Kelvin Chileshe –Matero ward 28 CLLR	proposed that sewer expansion project should actually start in Matero compound	It will be considered when the project unfolds
6	Estella Mbulo –LCC	Appreciated the fact that the LSP was a baby of the Lusaka Master Plan initiated by the City Council. She however, was concerned that only about 15% of the city was on sewerage system, while the rest of the city was on onsite sanitation. She wondered as to what mechanisms were in place for the Council to work together with LWSC to improve the sanitation situation in the City, seeing that plots allocated for housing by the Council were too small to accommodate septic tanks.	The project has technical support funding to both LWSC and LCC
7	Bonje Muyunda - ZESCO	Wanted to know what resettlement issues had arisen so far and who was the project affected people (PAPs), as well as what EIA issues have been considered. She further wanted to know which organization was going to meet the cost for resettlements	She was informed that for the first year investments, no major resettlement issues had been encountered and that one important criteria used to selection of first year investment projects was the minimization of resettlements and the number of PAPs to be affected. The

			meeting was further informed that the reason why this stakeholders' meeting was called was to receive issues of concerns from project affect people (PAPs) and others generally, arising from the project impacts. Such concerns were going to be considered for mitigation in the EIA in line with ZEMA regulations.
8	William M. Banda - ZP	Expressed concern about the security (negative reactions from venders in case of demolitions)during project implementation of infrastructure and wanted to know whether people in the project areas had been sensitized about the project	LWSC: The PAPs are being consulted and sensitized but we appreciate the concern and we are grateful that the Zambia Police are one of our stakeholders in this project.
9	Bwalya Kapuwe – Matero ward 28	Indicated that a similar project in Matero's Maiteneke area had "backfired" and therefore wanted to know what measures would be put in place to avoid similar experiences. Has there been sensitization?	
10	Jonathan Mwamfulilwa - ZAMTEL	Requested LWSC to invite ZAMTELto walk the route for the proposed project so that they can also identify their cables and re-route them where necessary prior to the implementation of the project.	LWSC: will continue communicating to all stakeholders at every stage of project implementation in

			order to avoid disruption of existing infrastructure.
11	Frederick Bwalya – Councillor Ngwerere	Re-echoed on the issue of mosquitoes in his ward and that he was not satisfied by the answer he was earlier given	LWSC: Took note and assured him that they will look at how best they can improve the situation
12	Lawrence Sichalwe – Councilor Msisi and Kuku	Indicated that a ‘CAB’ memo had been developed with Government on the redevelopment of MISISI compound and therefore requested that LWSC should not do anything regarding the development of MISISI compound outside the memo.	LWSC: Thanked the councilor for bringing the issue up but assured him that all stakeholders will be considered and consulted during project implementation.
13	Ben Mwila – Episcopal Conference	lamented that LWSC should have looked at other areas for consideration of sewer network extension, particularly areas such as Chalala that are on septic tanks	
14	Peter Mutale - Nwasco	Commented on the issue of the sewer ponds being near the people and the breeding of mosquitoes. Mr. Mutale appealed to the councilors to assist water utility companies as well as the regulator (Nwasco) in such issues by advising people in their ward not to build houses near the ponds. This is because ponds cannot be enclosed or fenced off. Nwasco is concerned that the cost being incurred by LWSC to fumigate or secure the ponds might end up being transferred to the customers by raising tariffs.	LWSC: Thank you
15	Alick Mbewe - ZESCO	Expressed concern, regarding	LWSC: Lay out

SIGNED MINUTES FOR ESIA SCOPING MEETING

		power cables that are along the Kafue road and that he would like to be availed the lay out designs for the interceptors prior to the project being implemented.	designs will be made available and invitations to walk the route will be made to avoid unnecessary interruptions
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6.0 CONCLUDING REMARKS

There having been no more questions or concerns from the participants, the facilitator thanked the participants for taking their time off to come and attend the scoping meeting. The participants was informed that they were free to get in touch with LWSC should there be any burning issues after this meeting because every contribution was highly valued. The meeting was closed at 12:30hrs.

Chairman

Name: O. Musonda
 Signature: [Signature]
 Date: 20.02.2015

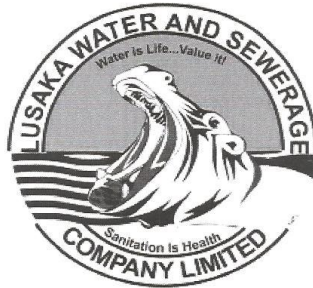
Stakeholder Representative

Name: SIMPITO AARON
 Signature: [Signature]
 Date: 20.02.2015
ZAMTEL

Stakeholder Representative

Name: Estella N. Mbulu
 Signature: [Signature]
 Date: 20/02/2015

NGWERERE



LUSAKA SANITATION PROGRAM



REPORT ON THE AWARENESS RAISING MEETING HELD AT NGWERERE PONDS

19th February 2015.



The Lusaka sanitation program has a number of objectives among which are improving sanitation services especially informal settlements of Lusaka province. It also aims to meet regulatory requirements on waste disposal into natural environment. It will ensure direct impact on public health, environmental conservation and economic returns on investment for sustainability purposes.

Overall it seeks intervention as per investment master plan. As part of the requirement under the policy of resettlement it is important to engage would be beneficiaries and assess the impact the project will have on the existing infrastructure and determine how these would be compensated. The meeting was therefore held with the traders to meet the requirement above.

Following the commencement of the program a number of awareness activities are underway, among these are meetings with various stakeholders/ beneficiaries who include gardeners along the proposed project site known as Ngwerere ponds.

The Awareness Raising Meeting

A meeting was held on site on Thursday 19th February 2015 followed by a gardens survey using the agreed tools by the team. The meeting was attended by all the affected gardeners and the team explained the project components and the impact it will have on their gardens to which the gardeners raised a number of concerns.

Ngwerere Ponds are located in Chongwe district

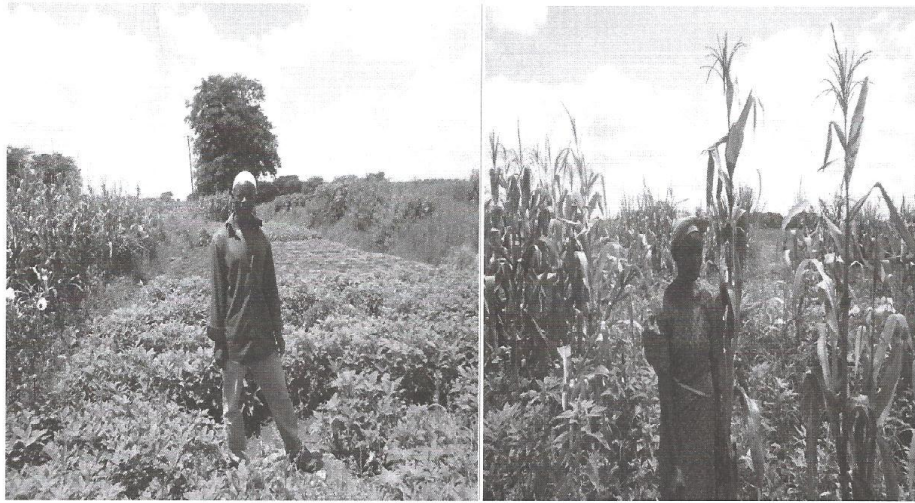
The aim of the meeting was primarily to communicate to the gardeners about the Lusaka sanitation program. As such the meeting focused on the primary objectives of the program and the benefits of the program to the city



Concerns of the gardeners

- The gardeners expressed concern on the loss of income and gardens once the works commence.
- They were assured that that's why information was being collected to enable the company handle the situation if this occurred.
- They also wanted to know if the program will compensate them and what criteria will be followed if they had to be compensated because they deal in different crops?
- They were assured that the company understood and the issue will be tabled to other partners to explore the matter further.





Conclusion

The chair person thanked the gardeners for attending and urged them to be truthful when answering the tools used he further thanked LWSC for extending its usual respect to the residents by sensitizing the affected and beneficiary of the services, he further requested the company to update the traders on every step of the project and notify them on time.



SCANNED SIGNED REPORT ON THE AWARENESS
RAISING MEETING - NGWERERE

Chairperson**Secretary**

VICTOR MALAMBO - 0968461800 ~~per~~ -

DANIEL ZULU - 0955570974 - ~~ZULU~~ - SECRETARY

