Resettlement Policy Framework

Regional Communications Infrastructure Program (RCIP) Phase 1

FINAL REPORT

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Unless the context dictates otherwise, the following terms shall have the following meanings:

1. “Associated projects” means any subprojects or activities which are directly related to the World Bank project.

2. “Census” means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

3. Environmental and Social Management Framework (ESMF) is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the RCIP construction program and other activities associated with this project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.

4. “Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.

5. “Cut-off date” is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.

6. “Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:

   o standard of living adversely affected, whether or not the Project Affected Person must move to another location;
   o right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset
acquired or possessed, temporarily or permanently, adversely affected;
- access to productive assets adversely affected, temporarily or permanently; or
- business, occupation, work or place of residence or habitat adversely affected.

7. “Involuntary Displacement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

a) Loss of benefits from use of such land;
b) relocation or loss of shelter;
c) loss of assets or access to assets; or
d) loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

8. “Involuntary Land Acquisition” is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

9. “Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

10. ”Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

11. “Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

12. “Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

13. “Replacement cost” means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
14. “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
   - preparing the land to levels similar to those of the affected land;
   - any registration, transfer taxes and other associated fees;

15. “Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
   a) Building materials
   b) transporting building materials to the construction site;
   c) any labour and contractors’ fees; and
   d) any registration costs.

16. “Resettlement Assistance” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement during relocation,

17. “The Resettlement Policy Framework (RPF)’ has been prepared as an instrument to be used throughout the RCIP implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans (“RAPs”) for the RCIP will be prepared consistent with the provisions of this RPF.


19. “Vulnerable Groups” refers to:
   - Widows, the disabled, marginalized groups, low income households and informal sector operators;
   - Incapacitated households – those no one fit to work and;
   - Child-headed households and street children

This group is among other things, characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.
2 PROJECT DESCRIPTION

2.1 BACKGROUND TO THE PROJECT

The World Bank is embarking in a 10-year, multi-country Regional Communications Infrastructure Program (RCIP) to assist Eastern and Southern African countries to implement a strategy of effective connectivity by (i) offering technical assistance to promote further sector liberalization and resolve market efficiency gaps, (ii) financing coordinated backbone deployment to avoid redundant infrastructure initiatives and focus on missing links, (iii) designing public private partnership (PPP) arrangements to leverage private sector investment, and (iv) supporting the development of e-government applications and content to complement the deployment of the regional infrastructure.

The first Phase of Program, planned to start in mid-2007, includes country-specific projects in Kenya, Burundi and Madagascar, in the range of US$100m. The second Phase, planned for late 2007, may include Mozambique, Tanzania, Malawi, Zambia, DRC and Mauritius, depending on their readiness. It is also expected that other countries may request to join once the first tranche moves to implementation. Overall, the program is open to Angola, Botswana, Burundi, Comoros, DRC, Djibouti, Eritrea, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe, provided these countries are eligible for World Bank (IDA or IBRD) financing.

2.1.1 Description of the RCIP Phase I

The proposed program’s first phase fits the eligibility criteria of the IDA14 regional program:

- The proposed operation involves three or more countries, Kenya, Burundi and Madagascar, all of which need to participate for the project’s objectives to be achievable.
- The benefits accrued in the targeted countries, i.e. increased access to quality and affordable ICT services, spill over country boundaries: i) higher volumes increase the viability of the regional communications infrastructure network and ii) cross-border initiatives incentivize countries to develop missing infrastructure to increase ICT access.
- There is clear evidence of country and regional commitment (e.g. 3 IDA support requests have been received from the respective Ministries of Finance of Kenya, Burundi and Madagascar; The Algiers Declaration from the Summit of the Heads of State and Government Implementation Committee (HSGIC) in November 2004 called on the World Bank Group to support regional connectivity efforts).
The proposed APL structure will allow countries to be involved as they show commitment/readiness.

The proposed operation provides a platform for a high level of policy harmonization between countries fostering pro-competitive regional connectivity.

The program and its first phase are part of a well-developed and broadly supported regional strategy, potentially extending to 25 countries in East and Southern Africa.

2.1.2 Program objective and phases

The first Phase of the RCIP World Bank operation will take the form of Communications Infrastructure Projects 1, 2 and 3 (CIP 1, 2, 3).

This will include Kenya (CIP 1 or Transparency & Communications Infrastructure Project - TCIP), Burundi (CIP 2) and Madagascar (CIP 3). Interested candidates for subsequent phases include Malawi, Rwanda, Mozambique, Tanzania, Zambia, DRC and Mauritius (IBRD). It is also expected that other countries will accelerate their involvement once the first Phase moves to effectiveness. It is also expected that some RCIP-related ICT components will be included in national projects where scaling-up existing or pipeline country-specific project components makes sense or is found to be more efficient.

By the end of the program, all capitals and major cities in East and Southern Africa should be linked to the global Information and Communications network through competitively priced high-bandwidth connectivity. This should lead to lower prices for telephone services and better access to the Internet that will significantly improve foreign and local private investment opportunities in the region, decrease the cost of doing business and increase the prospects for job creation and wealth generation while enabling countries to reap the benefits of ICT as a platform to deliver services to their citizens.

2.2 Project Development Objective and Key Indicators

The RCIP Program, the CIP 1,2,3 and following CIP Projects have two overarching development objectives (i) to support populations and businesses across the Eastern & Southern Africa region to have access to quality and affordable telecom services (the “connectivity development objective”) and (ii) making use of affordable capacity, contribute to improved efficiency and transparency of selected government functions/entities through e-government applications (the “transparency development objective”).

2.2.1 Project components

The proposed 10-year, multi-phase APL will assist Eastern and Southern African countries to implement a strategy of effective connectivity by (i) offering technical assistance to promote further sector liberalization and
resolve market efficiency gaps, (ii) financing coordinated backbone deployment to avoid redundant infrastructure initiatives and focus on missing links, (iii) designing public private partnership (PPP) arrangements to leverage private sector investment.

To maximize flexibility and client-responsiveness in a multi-country environment, RCIP has been designed as a menu of options which individual Governments choose from in order to package their RCIP operation. The various country-specific operations within the RCIP umbrella program will include a number of specific components and subcomponents, drawn from the following menu of options, which have been grouped under three broad headings or components.

**Component 1: Enabling Environment, including Monitoring & Evaluation capacity-building.** This will include the following subcomponents: (a) technical assistance to promote further sector liberalization and regulatory reforms so as to maximize the benefits of the regional infrastructure, from access to capacity (cost-modelling, tariff regulation, interconnection, essential facility regulation, competition policy and regulation, spectrum and other scarce resource management); (b) capacity building and training in the implementation of regulatory reforms; (c) accelerating the establishment of the legal and regulatory framework for the information society, in particular, on security of e-transactions, privacy and data protection, intellectual property rights, etc.; (d) supporting continued sector reform to maximize the impact of the connectivity component and strengthening the Public Private Partnership (PPP) framework to provide a sound basis for both the connectivity and eGovernment component; and (e) building M&E capacity.

While it is expected that not all countries will require the same level of support in all these areas, this enabling environment component is eminently regional in nature, as it will support the further opening of the sector in the participating countries, with important spillover effects due to increased traffic in the regional network and a consequent reduction in the overall costs. In addition, common areas of technical assistance and capacity building initiatives (in particular training courses) can be implemented as multi-country activities.

**Component 2: Connectivity.** This will include the following subcomponents: (a) support for the financing of an EASSy landing station or virtual landing station (for landlocked countries), which is expected to be essentially a passive infrastructure project with limited multiplex and switching equipment aimed at guaranteeing fair and unfettered physical access by all operators to the backhaul and EASSy network, as well as support for the creation of a national Internet Exchange Point (IXP), run by an association of operators or a private third party venture, with regional connections to other IXPs; (b) support to finance pre-purchase of capacity on the EASSy cable, backhaul and national backbone networks, as well as in rural areas, for targeted users (schools, universities, hospitals, eGovernment use as well as targeted user groups) with discounted capacity prices; (c) support for the deployment of regional
backhaul links across the borders with neighboring countries to reach the EASSy landing point, together with support for the deployment of the national backbones, on the basis of PPPs, leveraging private sector investment; (d) support to finance the establishment of a government virtual private network (GovNet) to cater to all the government communications needs (both data and voice/video); and (e) support to extend ICT in rural areas and/or community-driven ICT development on the basis of PPPs with competitive award of subsidies.

These sub-components should also be seen in the larger context of RCIP as they are key elements to ensure the viability of the regional communications infrastructure supported under RCIP. For instance, without the potential increased traffic made possible by an acceleration of national infrastructure roll-out and application building, the regional infrastructure may not be viable and therefore may not materialize. Conversely, without cross-border initiatives such as the EASSy project or other complementary cross-cross-border projects, the individual countries may not be in a position to achieve low-cost broadband access and therefore may not be in a position to advance their growth agenda and overall global competitiveness. Landlocked countries in Eastern and Southern Africa are especially disadvantaged as they need to interconnect with incumbents or national long distance operators in intermediary countries to backhaul traffic to the landing point and often pay exorbitant prices in the process. Effective cross-border links and supporting regulatory frameworks are therefore critical for the region as a whole.

Component 3: Transparency - eGovernment Applications. This component will target five to six major government applications amongst the government services which are candidates for transition to eGovernment delivery. The government services will be prioritized as follows: (a) implement eGovernment in quick win areas where there is a change champion, where private sector participation can be leveraged, and where the impact would be greatest in terms of transparency and accountability (e.g., customs, inland revenue services, pensions, drivers license/vehicle registration departments, utilities payments, etc.); and (b) introduce transaction based e-Procurement in selected departments based on high amounts but low volumes of transactions (transport), or in departments with low amounts but high volumes of transactions (health). This component will also support, where required, the establishment of a scalable transaction-enabled Government portal on which to anchor key eGovernment interventions and real time M&E.

Application development will also be critical in ensuring the viability of the regional communications infrastructure, as it will ensure increased demand for access, increased traffic and therefore the viability of the low cost high volume business model of EASSy, and related cross-border infrastructure links which the RCIP supports.
2.3 **ANTICIPATED SUBPROJECT TYPES AND LOCATIONS**

The project aims to finance structures such as the construction of ducts for laying the fiber optic networks or from the construction of ancillary infrastructure, notably access roads, associated with towers for microwave links and rural wireless systems. Under the new design, financing of submarine cables is not envisaged.

At this pre-appraisal stage, it is not clear in which locations the activities will be targeted. However, it is highly likely that the networks will be following existing right of ways of current installations.

2.4 **RCIP IMPLEMENTING ARRANGEMENTS**

2.4.1 **Regional coordination**

The overall connectivity initiatives in East and Southern Africa (E&SA) needs to be managed and coordinated both at national and regional levels. They also need to be coordinated with regards to activities financed by the World Bank Group as well as with activities privately funded, directly funded by Governments or funded by other Development Partners. The regional coordination is particularly relevant to ensure seamless connectivity, harmonized policy frameworks and increased scale economies. The ultimate objective of the World Bank Group and its development partners is to support several projects aimed at linking E&SA countries to one another and to the rest of the world by 2010.

In this context, it is important to manage and keep track of on-going national and cross-border infrastructure roll-outs, and the harmonization of policy frameworks so that national policy frameworks converge towards a harmonized policy framework. Considerable work has already been done in getting different governments to coordinate national programs, with some activities being financed by the World Bank Group and other donors as noted in earlier discussions. It is also likely that existing convening frameworks will continue to be used. These include:

- government policy forums under the African Union sponsorship: policy forums are regularly convened for the ICT sectors at the Ministerial level for policy decisions or at the technical level for policy development. This also includes activities carried out by the NEPAD eAfrica Commission (based in South Africa) which has tabled the NEPAD ICT Broadband Network Protocol which should be undergoing revisions following inputs by the industry.
- operators forums under the EASSy, East Africa Backbone operators association (EABs) and Southern Africa Telecommunications Association (SATA): the EASSy and EABs initiatives have led to regular discussion
and coordination amongst operators driven by the desire to accelerate infrastructure roll-out. This is now being mirrored in the context of SATA


With the exception of the NEPAD eAfrica Commission meetings, most of the above convening/coordinating activities have been carried out without the need for donor financing and we expect this to continue. NEPAD eAfrica Commission activities have been supported with various grants including from PPIAF. Other donors are currently contributing to its financing. Any additional World Bank Group-related trust funds may be subject to increased efforts by the Commission to broaden the consensus (including with telecom operators) around its regional ICT infrastructure-related activities.

It is expected that these convening frameworks will continue to be used for overall coordination, monitoring of progress in policy harmonization, monitoring of progress in the roll-out of cross-border infrastructure.

2.4.2 Kenya – National Coordination

The Kenya Transparency & Communications Infrastructure Project (TCIP) will be anchored at the Ministry of Information and Communications (MoIC). This is consistent with (a) identification of the MoIC as a champion for change and improved governance and (b) the MoIC team track record of consistently delivering over the last 15 months on challenging sector reform issues which are critical for this project notably the push to leverage private sector participation with the actual liberalization of the market (over ten international gateway licences delivered over the last 8 months), the engagement of Telkom Kenya restructuring and privatization (an on-going IFC Advisory Services mandate), and the commitment to national and cross-border infrastructure open access defended by MoIC.

Implementation Agency: the ICT Board

An independent agency created in the MoIC, the Information & Communications Technology Board (the “ICT Board”) will be in charge of marketing Kenya ICT business process outsourcing (BPO) opportunities both abroad and in Kenya. Given the scope of the project and the responsibilities of relevant government agencies in implementing the components of this project, the MoIC decided to house the TCIP implementation unit in charge of the coordination, overall monitoring and reporting of the project’s activities in the ICT Board. The TCIP-related staff would include an ICT Board Deputy-Managing Director (or the “TCIP-DMD”), with a role equivalent to that of a project manager/coordinator and day-to-day management, as well as a financial management specialist, a procurement officer, a technical manager, a M&E specialist and a Governance officer (who will report directly to the Board of Directors of the ICT Board).
The Government is particularly keen in having built-in governance mechanisms to ensure the ICT Board is results-oriented and delivers in line with a set of targets to be agreed upon. In this context, and as part of the measures to strengthen the governance framework, the following features are being proposed:

**Governance Oversight Committee:** the Board of directors overseeing the ICT Board will act as an independent Governance Oversight Committee (GOC) in charge of overall strategic guidance and direction during implementation, have fiduciary and governance oversight of the main disbursement areas for TCIP, and be responsible for monitoring the implementation of the monitoring and evaluation (M&E) framework, the risk management framework, and of relevant performance agreements. It is proposed that the GOC would have a mixed representation from public and private sector (ex-officio Permanent Secretaries from MoIC, Finance and the Attorney General’s Office, as well as 5 members from the private sector chosen by professional bodies). It is also proposed by the Government that due consideration should be given to gender representation and age profile for GOC membership. The GOC will meet every 2 months.

**Risk management:** It is also proposed that an institutional risk management framework be established based on consultation and that a risk-based internal audit approach be adopted.

**Monitoring & Evaluation and disclosure of information:** To monitor and evaluate the implementation progress, specific milestones and performance indicators have been set in place. During implementation, project performance, including the achievement of project outputs, progress toward the attainment of development objectives, and implementation timeline will be monitored through the use of semi-annual progress reports and impact studies prepared by the different implementing agencies. The monitoring & evaluation related to project funding and implementation progress and impact will be carried out by the eGovernment Directorate (which has M&E capability) in the Office of the President. Each implementing agency will be responsible for the M&E at their subproject level and will report regularly to the eGovernment Directorate. The eGovernment directorate will consolidate the evaluation results from the different implementation agencies, identify common lessons learned and disseminate knowledge produced through the evaluation to the ICT Board.

**Performance agreements:** Activity performance agreements will be signed between the ICT Board and line ministries/agencies/entities that are benefiting from this project. Annual performance contracts between the Board of directors of the ICT Board and its key staff (Managing Director and deputy Managing Directors). On-going monitoring of the activity performance agreements and annual performance contracts will be carried out by the Governance officer.
**Communication strategy:** A far reaching communication strategy will be developed and implemented at the ICT Board in close consultation with implementing agencies, key stakeholders and substantive working partnerships with private sector participants.

It is also proposed that the compensation package for the Managing Director and the TCIP-DMD be inclusive of a TCIP project performance-related component. The award of this compensation component would have to be validated by the GOC only if targets have been achieved.

**Other executing agencies under the oversight of the ICT Board**

The eGovernment Directorate in the Office of the President will be tasked with the implementation of the eGovernment applications component (except e-procurement) in coordination with the entities to implement components under this project. The eGovernment Directorate will also be responsible for the overall project M&E arrangements.

The newly created Public Procurement Oversight Authority will be tasked with implementation of the e-procurement activities.

Kenet (Kenya Education Network) will be tasked with implementing the capacity pre-purchase scheme for the universities and technical college [this may require a subsidiary agreement].

The BPO Industry Association will be tasked with implementing the capacity pre-purchase scheme for the BPO industry [this may require a subsidiary agreement].

2.4.3 **Burundi – National Coordination**

The Ministry of Transport, Posts and Telecommunications (MTPT) will assume overall responsibility for coordination and implementation of the project including procurement, disbursement and financial management. The implementation arrangements of MTPT involve two organizational levels: (i) the Steering Committee, with representatives from MTPT, the 2nd Vice Presidency, and the regulator ARCT, will be responsible for guidelines and advice regarding overall policy direction, general project oversight and implementation (ii) the executive secretariat will be responsible for project general coordination and fiduciary management.

The draft ICT policy letter for Burundi proposes the establishment of a National Committee for the Information Society (CNSI) at the level of the 2nd Vice Presidency or the sector ministry, MTPT. CNSI could play the role of the project Steering Committee.

Day to day implementation of the project will be done through an Executive Secretariat. This secretariat will assure procurement and financial
management expertise and project implementation. This secretariat is proposed to be housed in MTPT to facilitate knowledge transfer. In a second phase, if possible (to reassess at midterm) the role of secretariat will be assumed by the ministry. The proposed arrangements have been discussed with the Government and the Country Team in the view of the Client’s limited capacity for implementation.

2.4.4 Madagascar – National Coordination

The implementation arrangements proposed for Madagascar for coordination at national level are similar to those proposed for Burundi.

The Ministry of Transport, Posts and Communications (MTPC) will assume overall responsibility for coordination and implementation of the project including procurement, disbursement and financial management. The implementation arrangements of MTPC involve two organizational levels: (i) the Steering Committee will be responsible for guidelines and advice regarding overall policy direction, general project oversight and implementation (ii) the executive secretariat will be responsible for project general coordination and fiduciary management.

The Steering Committee will have representatives from MTPC, the regulator (currently OMERT and in the future ARTC) as well as representatives from other ministries and from the Presidency.

Day to day implementation of the project will be done through an Executive Secretariat. This secretariat will assure procurement and financial management expertise and project implementation. This secretariat is proposed to be housed in MTPC to facilitate knowledge transfer. In a second phase, if possible (to reassess at midterm) the role of secretariat will be assumed by the ministry. The proposed arrangements have been discussed with the Government and the Country Team in the view of the Client’s limited capacity for implementation.)
3 OBJECTIVES AND BASIC TERMS OF PREPARATION OF THE RPF

3.1 IMPACTS, LAND ACQUISITION AND RESETTLEMENT

Based on the nature of the sub projects envisaged under the RCIP, it is
inevitable that subproject activities will lead to either land acquisition and/or
denial of, restriction to or loss of access to economic assets and resources and
therefore, ultimately to the land acquisition and compensation --and, possibly,
resettlement of people. It is envisioned that only small numbers of people and
area will be impacted by subproject activities. When this occurs, relevant
provisions in the laws each respective country (with Phase 1 being Kenya,
Burundi, and Madagascar) and the World Bank Operational Policy (OP) 4.12 on
Involuntary Resettlement will be triggered.

The Project is not required to prepare a Resettlement and Compensation Plan
at this stage since the sub-projects and areas affected have not yet been
identified. However, the Project is required to prepare a Resettlement Policy
Framework (RPF), to be disclosed as a separate and stand-alone document
from the ESMF. The disclosure will be both in English and French where it can
be accessed by the public, locally in impacted areas, at World Bank country
offices, and at the Infoshop of the World Bank (in compliance with the World
Bank’s Public Consultation and Disclosure Policy) and the date for disclosure
must precede the date for appraisal of the project.

Specific costed Resettlement Action Plans (RAPs) will be prepared as
necessary for project impact areas, as well as any impacts from associated
activities, during project implementation, in line with the RPF, once the exact
locations of those facilities have been identified.

3.2 RESETTLEMENT PREPARATION AND IMPLEMENTATION

The RPF establishes the resettlement and compensation principles,
organizational arrangements and design criteria to be applied to meet the
needs of the people who may be affected by the project. The RPF is prepared
to the standards of the Government’s own policy on resettlement and

When specific planning information becomes available and the land areas are
identified, sub-project resettlement and compensation plans will be
subsequently prepared consistent with this policy framework and will be
submitted to the Bank for approval before any land acquisition, compensation,
resettlement, or any other impact on livelihood occurs.

According to World Bank OP 4.12 (attached as Annex 1) and the terms of
reference provided to the Consultant, this RPF will cover the following
sections:
(i) Introduction and Project Description.
(ii) Principles and objectives governing resettlement and compensation preparation and implementation.
(iii) A description of the process for preparing and approving Resettlement and Compensation Plans.
(iv) Land acquisition and likely categories of impact.
(v) Eligibility criteria for defining various categories of project affected persons.
(vi) A legal framework reviewing the fit between the laws of each respective country and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.
(vii) Methods of valuing affected assets.
(viii) Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.
(ix) A description of the implementation process, linking resettlement and compensation implementation to civil works.
(x) A description of grievance redress mechanisms.
(xi) A description of the arrangements for funding resettlement and compensation, including the preparation and review of costs estimates, the flow of funds, and contingency arrangements.
(xii) A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.
(xiii) Arrangements for monitoring by the implementation agency and, if required, by independent monitors.
4 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

4.1 BASIC PRINCIPLES OF THE RESETTLEMENT PROGRAM

The impacts due to involuntary resettlement from development projects, may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition of resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

The resettlement policy may be triggered because the project activity causes land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will appropriately be compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred.

The laws for resettlement and land acquisition for the three countries under the RCIP Phase 1 set procedures for compensation while acquiring land from citizens. Both respective country laws and the World Bank’s OP 4.12 should be adhered to.

4.2 OBJECTIVES OF THE RESETTLEMENT POLICY

Therefore, the objectives of this policy are the following;

(i) Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, by exploring all viable alternatives.
(ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.
(iii) Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.
Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by Bank-assisted investment projects caused by:

- relocation or loss of shelter
- loss of assets or access to assets
  - loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The resettlement policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. The RPF will also apply to projects associated with RCIP, whether or not funding is received from the World Bank. The policy applies to all affected persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or other affected persons who may not be protected through national land compensation legislation.

In particular for RCIP, the policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the implementation of sub project activities causing resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action.

It is particularly important to neutralize to the extent possible any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the project activities. Therefore, impacted communities must be consulted and are part of the planning process.

Finally, the RPF seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is a fair and transparent one.
4.3 REVIEW OF THE NATIONAL LEGISLATION GOVERNING LAND ACQUISITION AND RESETTLEMENT IN PHASE 1 COUNTRIES

The following section (see Table 4.1 – 4.3) outlines the main legislation related to land acquisition and resettlement in the three countries.

4.3.1 Kenya

In Kenya expropriation is provided for in the Constitution under section 75 for private land and sections 117 and 118 for unregistered Trust Land. But the constitution only gives general guidelines. The detailed procedures for land acquisition are elaborated under the “Land acquisition Act” in chapter 295 for private land and chapter 288 for unregistered Trust Lands. “Trust Land” refers to that land that is still held under African customary tenure. The title to this land is said to vest in the County Council in trust for its inhabitants, hence the term “Trust”.

Expropriation in this context refers to the taking away of private land and landed property for public purpose by the government with or without the owners consent subject to laws of eminent domain, which stipulates prompt and adequate compensation among other things. In Kenya “setting apart” for unregistered Trust Land and “Compulsory acquisition” for all registered private lands are the terms commonly used.

Expropriation of land is a very important aspect in land management in that it is the instrument by which land is availed for various development needs e.g. Infrastructure, Housing, Dams and Irrigation, or Industrial purposes if the development and utilization of the said land is to promote public benefit. Refer to Table 4.1 for a more detailed description of the relevant legislation.

4.3.2 Burundi

The law 1/008 dated September 1986 determines the rules applicable to recognized rights over all the state-owned and non state-owned land over all the national territory. Refer to Table 4.2 for a more detailed description of the relevant legislation.

4.3.3 Madagascar

The 1998 Constitution of the Republic of Madagascar sets the basic principles of protecting individual rights, among them the right to property. Article 34 includes the following clause:

“The State guarantees the right to personal property, of which nobody can be deprived, unless for public usefulness, and unless a just and prior compensation was provided”

Refer to Table 4.3 for a more detailed description of the relevant legislation.
Table 4.1: Legislative requirements for resettlement in Kenya

<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Land Acquisition Act Chapter 295 Laws of Kenya</td>
<td>Provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The sub-projects requiring resettlement are under the provision of this Act.</td>
</tr>
<tr>
<td>The Registered Land Act Chapter 300 Laws of Kenya</td>
<td>Provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the state under the Land Acquisition Act in the project area.</td>
</tr>
<tr>
<td>The Land Adjudication Act Chapter 95 Laws of Kenya</td>
<td>Provides for ascertainment of interests prior to land registrations under the Registered Land Act.</td>
</tr>
<tr>
<td>Physical Planning Act No. 6 of 1996</td>
<td>Section 2 of the Act requires that all land intended for any development requires a planning and development permission. Section 36 of the Act also requires that development projects, which have substantial alteration of the state of land, must be subjected to an EIA.</td>
</tr>
<tr>
<td>The Environmental Management and Coordination Act 1999</td>
<td>The legislation that governs Environmental Impact Assessment (EIA) studies. This resettlement exercise falls under the Second Schedule, which lists the projects required to undergo EIA studies in accordance with section 58 (1-4) of the Act. Resettlement components of the sub-projects may pose potentially negative environmental impacts. Part 3 of this Schedule applies to settlement planning. Therefore according to the above Act, the proposed sub-projects may require EIA studies.</td>
</tr>
<tr>
<td>The Local Government Act Chapter 265 Laws of Kenya</td>
<td>Provides for making by-laws and institutions by Councils. By-laws can be made on the governance of a project under the provisions of this Act.</td>
</tr>
<tr>
<td>The Traffic Act Chapter 403 Laws of Kenya</td>
<td>The Act also prohibits encroachment on and damage to roads including land reserved for roads by any project or any human settlement or by an exercise of resettlement. The project is under the provision of the Act.</td>
</tr>
<tr>
<td>The Wayleaves Act Chapter 292 Laws of Kenya</td>
<td>Provides for certain undertakings to be constructed e.g. pipelines, canals, pathways etc., through or under any lands or settlements. The project is under the provision of the Act.</td>
</tr>
<tr>
<td>The Water Act Chapter 372 Laws of Kenya</td>
<td>The Act vests the water in the State and gives the provisions for the water management, including irrigation water, pollution, drainage, flood control and abstraction. It is the main legislation governing the use of water especially through water permit system where special provision for water may be made for settlements or resettlement areas.</td>
</tr>
<tr>
<td>The Lakes and River Act Chapter 409 Laws of Kenya</td>
<td>This Act provides for protection of river, lakes and associated flora and fauna. The provisions of this Act may be applied, in the management of the resettlement zones in this project.</td>
</tr>
<tr>
<td>The Wildlife Conservation and Management Act, Cap 376</td>
<td>This Act provides for the protection, conservation and management of wildlife in Kenya. The provisions of this Act should be applied in the management of the project.</td>
</tr>
<tr>
<td>The Public Health Act Laws of Kenya</td>
<td>Provides for the securing of public health and recognises the importance of water. It provides for prevention of water pollution by any development activity including resettlement by stakeholders.</td>
</tr>
</tbody>
</table>
Table 4.2: Legislative requirements for resettlement in Burundi

<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law 1/008 dated September 1986, pertaining to the Land tenure Code</td>
<td>The law 1/008 dated September 1986 determines the rules applicable to recognized rights over all the state-owned and non-state-owned land over all the national territory. The Land tenure Code makes a distinction between domain and non-domain land:</td>
</tr>
</tbody>
</table>

(i) Domain land is a land which belongs to the public domain, or primate domain of the state, communities, public organizations and societies under public law. Land which belongs to the public domain is inalienable.

- The Land tenure code classifies the domain land which belongs to the private domain of the state in five categories and determines for each category which authority is entitled to agree to the session or concession or the land.
- The Governor of the province is competent for the attribution of land belonging to the first category, i.e. rural land with an area up to four hectares.
- The Minister of Land Development and Environment is competent for land of the second category, i.e. rural land between four and fifty hectares.
- The Minister for Urban Development is competent for land of the third category, which includes urban land less than ten hectares.
- Rural land of more than fifty hectares and urban land with more than ten hectares (5th category) can be under cession or concession only upon presidential decree after proposal by the competent minister and a draft of contract has been produced, the terms of which cannot be changed after being signed (articles 253 and 254).

The request should be presented to the competent authority through the Communal Administrator (article 255). In the case of an urban land, the competent authority should ask the opinion of the community council before taking any decision. In the case of a rural land, in theory the procedure is even more transparent. The Administrator should first post a request and launch a vacancy query (article 260).

If cession or concession is granted despite the fact that there is some opposition, it is notified to the opposing third party who then has six months to challenge the decision and request its cancellation (article 269).
<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) Non-domain land is a land which is registered or customarily attributed (this is the case of plots/rural land which are cultivated). Land under custom law is transmitted from father to son, excluding married daughters.</td>
<td></td>
</tr>
<tr>
<td>Provisions for managing forests</td>
<td>In compliance with the Provisions of article 72 of the 2000 Environment Code, state-owned forests defined as forests or woods cannot be subject to cession or concession to private individuals based upon the arrangements made by the law of September 1st 1986 on the Land Tenure Code.</td>
</tr>
<tr>
<td>Provisions for managing swamps</td>
<td>The Government decree dated November 26, 1992 for creating and organizing the water public domain asserts in general terms (article 4) that the water public domain cannot be alienated, prescribed and seized, but provides at the same time that rights for temporary use can be exercised in conditions detailed in the law. Under this precise angle, the law mandates that these rights of use be submitted either to a simple authorization, or to a concession. Article 2 of this law lists the components of the water public domain and “includes swamps permanently covered by water”. Article 331, line 2 of the Land Tenure Code stipulates that the swamp belongs to whoever developed it.</td>
</tr>
<tr>
<td>Legal Mechanism of expropriation</td>
<td>The procedure for expropriation in Burundi follows the following steps: (i) The Ministry of Public Works and Equipment makes an assessment of the property to be expropriated, in cooperation with the communes and population involved, according to the existing regulations and forwards the file to the Ministry of Land Development, Environment and Tourism; (ii) The Ministry of Land Development, Environment and Tourism reviews the file and sends it back to the Ministry of Public Works and Equipment; (iii) The Ministry of Public Works and Equipment forwards the file to the Ministry of Finance for making the compensation funds available and transferring them into the Ministry of Public Works and Equipment’s account; (iv) The office of Roads of the Ministry of Public Works and Equipment pays the full amount of compensation to the relevant owners; next step is to make a property survey; the goal of the survey is to determine all the rights and individuals having these rights; Usually the procedure leads to a friendly agreement. But if the parties disagree, the plaintiff can bring the matter to the relevant court.</td>
</tr>
<tr>
<td>Compensation</td>
<td>(i) When expropriation is mandated to benefit a collective entity under public law, the general rate for compensation is determined by an ordinance issued by the Minister of Agriculture and Livestock or the Minister in charge of Urban Development. In this specific case it is the ministerial ordinance # 720/CAB/810/2003 dated May 28, 2003 which updates the</td>
</tr>
<tr>
<td>Legal Framework</td>
<td>Functional Relationship to Resettlement</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td></td>
<td>compensation rates for land, crops and structures in case of expropriation for public usefulness.</td>
</tr>
</tbody>
</table>

According to article 3 “the compensation in case of expropriation for public usefulness can be either a monetary compensation, or an exchange with, if needed, a partial compensation to help the expropriated individual to resettle.” As for the compensation rate, this ordinance defines the base for its calculation according to the location of the expropriated land and the plants and structures existing on that land.

(ii) When the expropriation is mandated in favor of an individual or an entity under private law, article 48 of the Land Tenure Code favors the principle of a friendly agreement. “If there is no friendly agreement, the beneficiary of the expropriation can bring the case before the relevant administrative jurisdiction for assessing the amount of the compensation”. As for the fact that the compensation should be provided in advance, the same code stipulates that it should be paid “at the latest within four months after the friendly agreement between the parties was reached or the irrevocable ruling on the case was notified” (article 424).

<table>
<thead>
<tr>
<th>Displacement</th>
<th>The necessary steps to complete the displacement process are the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Survey of persons who might be displaced;</td>
</tr>
<tr>
<td></td>
<td>- Consulting the groups who might be displaced;</td>
</tr>
<tr>
<td></td>
<td>- Description of possible ways of compensation;</td>
</tr>
<tr>
<td></td>
<td>- Institutional responsibilities for implementing the resettlement plan;</td>
</tr>
<tr>
<td></td>
<td>- A timeframe for implementing the compensations and the tracking program.</td>
</tr>
</tbody>
</table>

| Rehabilitation and Resettlement of Refugees and Internally Displaced People | In January 2004 the National Programme for the repatriation of refugees and resettlement of Internally Displaced Peoples (IDPs) was published in which the National Commission for the rehabilitation of Sinistrés (CNRS) is envisaged as a secretariat of the Ministry of Resettlement and Reinsertion of IDPs and Repatriates (MRRDR). The Objective of the plan is to resettle IDPs and returnees with dignity and establish basic social services, promote local economy and ensure the successful transition from humanitarian emergency and sustainable development. |

The principle of getting Refugees repossessing their land is asserted in the Arusha Agreement. According to article 8, letter (b) of Protocol IV of the Arusha Agreement: “any refugee and /or disaster victim should be able to repossess his goods including his land”. But letter (c) reduces the absolute meaning of this last statement: “If getting back goods is impossible, any entitled individual should receive a fair compensation”. |
<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In order to implement these principles, a sub-commission of the National Commission for Rehabilitation of Disaster victims has been established. It has a double mission: on one hand to review all the cases of land belonging to long term refugees and state-owned land, and on the other hand, to review contentious cases and allegations of abuses in the (re)distribution of land and to rule on each case.</td>
</tr>
<tr>
<td></td>
<td>In addition, the civil law, Book III, under title II, chapter V, Section 2, Art. 647 talks about the prescription regulations. It says that all land can be prescribed after 30 years. Land for refugees which did not fall in the hands of family members is now managed in accordance with those laws.</td>
</tr>
</tbody>
</table>
### Table 4.3: Legislative requirements for resettlement in Madagascar

<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Mechanism of expropriation</strong></td>
<td>The law 62.023 dated September 19, 1962 sets the conditions for expropriation for public usefulness, and the decree 63-023 dated January 16, 1963 determines how the law 62.023 will be implemented. It is planned to amend the law by a modification law during the second half of 2006, after new laws on land property, which are now under discussion in the Parliament, will be passed.</td>
</tr>
</tbody>
</table>
| **Expropriation procedure** | Only the state has the authority to mandate an expropriation. The expropriation procedure enforced in Madagascar follows the following steps (articles 3 and 4 of the law 62-023):  
  - A request for expropriation coming from a ministry or a mayor’s office who wishes to make the expropriation is transmitted to the Minister responsible for the works, who requests the agreement of the Council of Ministers who decides that his request is grantable, then issues an order to expropriate hereby freezing the constructions in the expropriation perimeter.  
  - Next step is, upon decision of the minister, to make an administrative, public and property survey in order to identify the rights and the people having these rights.  
  - At the same time, an expropriation plan is brought to the town hall and is submitted to public enquiry for 30 days among the concerned communities.  
  If there is no opposition during these 30 days and based upon the public and property enquiries, a declaration of public usefulness is issued by the Council of Ministers by which the expropriation may be implemented; the expropriating authority has then 18 months implement it. |
| **Eligibility** | Title 3 of the law 62-023 contains the dispositions about eligibility to compensation.  
  - Constructions or plantations made after the declaration of public usefulness are illegal and not eligible for compensations (article 8)  
  - According to article 18, lands and buildings which are already registered or being in the registration process are eligible for compensation  
  - Same for land registered or the registration process in the land registry.  
  The law pertaining to expropriations does not deal with occupants without title, who in fact are the majority. However, the law on land property (articles 18 through 30) recognizes them as entitled when they occupied the land in a personal, real, evident and permanent way, by which they put the land into production. These occupants were taken into consideration in some cases of expropriation. |
<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination and payment of compensation</td>
<td>Madagascar never had scales for compensation determined by the various ministries (Agriculture, Public Works and Housing). Compensations are calculated for each case individually during the surveys. This lack of scale leads to some discrepancies in compensations. On the other hand, according to article 28 of the law 62-023, it is stated that the “compensation for expropriation should cover only direct, material and definite harm brought by the expropriation”. Therefore compensation is determined by considering the value of the property at the date of the decree of public usefulness. But the World Bank’s directive OP 4.12 mandates that compensations should be calculated according to the full replacement value. The compensation is formally proposed to the individual being expropriated by an expropriation commission, established according to the scale of the decentralized community in charge of the project. If a friendly agreement is reached between the expropriation commission and the individual being expropriated, this agreement is registered in writing and the compensation is to be paid before the expropriated person was made to leave.</td>
</tr>
<tr>
<td>Judiciary recourse</td>
<td>If it is not possible to reach a friendly agreement on the amount of compensation, the expropriating entity goes to Court where the expropriated property is located. After listening to the parties, the Court issues its ruling on the amount of compensations (article 27)</td>
</tr>
<tr>
<td>Land ownership system</td>
<td>The Malagasy laws on land tenure are old (ordinance 60-08 dated September 21st 1969 and decree 64-291 dated July 22nd 1964) and not precise on land property, and especially concerning the public and private state-owned land. Moreover, the capacity of the land property authorities to deliver titles is low (300,000 titles were delivered in one century and now, the rate of delivery is 1,000 titles per year). Therefore the Malagasy Government started to develop a land reform. The first step was to write a letter of land policy (May 3rd, 2005) in preparation of the law # 2005-019 dated October 19, 2005, which determines the principles governing the land status. Another law is being prepared in regard to expropriation. The land ownership law itself did not change.</td>
</tr>
<tr>
<td>Land occupation status</td>
<td>Concerning the land occupation status, three cases should be considered:</td>
</tr>
</tbody>
</table>

(1) ANGAPI stands for National Association for the Management of Protected Areas.
<table>
<thead>
<tr>
<th>Legal Framework</th>
<th>Functional Relationship to Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Public ownership of the land by the state (articles 9, 12, and 13 of the law 2005-019). The properties under public ownership cannot be alienated or prescribed (article 9 of the law 2005-019). “However, some parts of the publicly owned land can be turned to private use, either under a concession, with a maximum duration of 30 years, or under an occupation license which could be cancelled at any time” (article 13)</td>
<td></td>
</tr>
<tr>
<td>(ii) Private ownership of the land by the state</td>
<td></td>
</tr>
<tr>
<td>(a) Occupation according to a concession or to the rules of public or private common law.</td>
<td></td>
</tr>
<tr>
<td>(b) Occupation as beneficiary because it was occupied in a personal, real, evident and permanent way, by which the land was put into production (articles 18 through 30 of the land property law). Article 33 of the law # 2005-19 gives the same criteria for recognition of this occupation.</td>
<td></td>
</tr>
<tr>
<td>(c) Occupation according to a lease with duration of up to 50 years.</td>
<td></td>
</tr>
<tr>
<td>(iii) Occupation pertaining to a legal property title, which can be a property certificate or an attribution certificate which can be temporary or permanent (article 45 of the land property law). Today, in order to increase the rate of land titles delivery, communal land ownership counters start to be installed. They will be entitled to deliver land property titles called land property certificates.</td>
<td></td>
</tr>
</tbody>
</table>

Accelerating the delivery of land ownership titles, besides its objective of providing security over land ownership, aims also at enabling to levy local property taxes, raising resources that local communities need for using and being efficient in their areas of competence.
4.4 REQUIREMENTS OF THE WORLD BANK FOR RESETTLEMENT

The World Bank’s Safeguard Policy OP 4.12 applies to all components of the programme, all associated activities, and to all economically and / or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. The OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities, orphans, and other disadvantaged persons.

The World Bank’s Policy requires that a resettlement action plan shall be prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

4.5 GAPS BETWEEN THE NATIONAL AND WORLD BANK LEGAL REQUIREMENTS

Based on this comparison, the following presented entitlement matrix is so designed to assist the process by bridging the gaps between the requirements under the country laws and the World Bank OP 4.12. The highest of the standards must be followed. The missing values in the entitlement matrix will be determined at the time preparation of individual RAPs. As a result, all land to be acquired by the Project would be so acquired subject to the laws of each respective country and the World Bank’s OP4.12.
<table>
<thead>
<tr>
<th>Category of PAPS/ Type of Lost Assets</th>
<th>Madagascar law</th>
<th>Kenyan Law</th>
<th>Burundi law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Owners</strong></td>
<td>Cash compensation, based upon market value. No land-for-land compensation in legislation, but occurs in practice on a case by case basis.</td>
<td>Cash compensation based upon market value. Land for Land under Customary Law.</td>
<td>Either 1) cash compensation, or 2) in-kind, with adjusted cash compensation for resettlement. The tariff is set by order of the Ministry of Agriculture or by the Ministry of Urban Planning in terms of land replacement, agricultural land, and irrigation.</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based upon the amount of rights they hold upon land under relevant laws.</td>
<td></td>
<td></td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy.</td>
</tr>
<tr>
<td>Land Users</td>
<td>Land users are provided with secure tenure under the land tenure law if the persons are using the land for personal income, and ownership is evident and permanent.</td>
<td>In some cases land users have some form of secured tenure extended to them under law regarding easement rights where if a person uses land for 7 consecutive years without a dispute entitles him to a right equivalent to ownership. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets.</td>
<td>Only rural lands used for agriculture and farming fall under customary law. All other lands are public domain.</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</td>
</tr>
<tr>
<td>Owners of “Non permanent” Buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</td>
<td>In-kind or cash compensation.</td>
<td></td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses.</td>
</tr>
</tbody>
</table>
Owners of “Permanent” buildings

Cash compensation is set by the tribunal, based on the total market value of the building. In some cases, other conventional compensations are allowed.

Cash Compensation is based on market value.

In-kind or cash compensation.

Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.

Perennial Crops

Cash compensation based upon market rates calculated as an average net agricultural income.

As per Chapter 11 of this RPF once approved by the Bank and disclosed in the RCIP countries and at the Bank infoshop.

Table 4.5  Recommendations to address gaps between Kenyan legislation and the OP 4.12

<table>
<thead>
<tr>
<th>Category of PAPS/ Type of Lost Assets</th>
<th>Kenyan Law</th>
<th>World Bank OP4.12</th>
<th>Measures to address gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value. Land for Land under Customary Law.</td>
<td>Recommends land-for-land compensation. Other compensation (loss of assets, productive livelihood) is at 1replacement cost. 2Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land based. These strategies may include resettlement on public land or on private land acquired or purchased for resettlement.</td>
<td>Follow the World Bank OP4.12 principles in determining the value of other assets and land based livelihoods. The replacement land should be of same value (in terms of quality, yield, and productivity) as the land lost due to the project.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based upon the amount of rights they hold upon land under</td>
<td>Are entitled to some form of compensation whatever the legal</td>
<td>Consider all forms of tenancy based on formal or informal</td>
</tr>
</tbody>
</table>

(1) 1 Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation depreciation of structures and assets should not be taken into account.

(2) 2 Clause 11, OP4.12
relevant laws. recognition of their occupancy. Tenants (such as sharecroppers or lessee) on land are usually entitled to moving costs, transition allowance and crop value for minimum of a year. rights/ agreements between the land owner and tenants and compensate as per the principles of OP4.12.

| Land Users | In some cases land users have some form of secured tenure extended to them under law regarding easement rights where if a person uses land for 7 consecutive years without a dispute entitles him to a right equivalent to ownership. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets. | Entitled to compensation for crops, moving allowance and transition support. | Assess the types of land users and based on consultations with the affected families follow whichever is more stringent the law or OP4.12. |

| Owners of “Non permanent” Buildings | Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs. | Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. | The key component of any resettlement is that affected families are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. In this case if new housing is being provided under the Kenyan law then follow the national directives or else adhere to the OP4.12 standards. |

| Owners of “Permanent” buildings | Cash Compensation is based on market value. | Cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. |  |

| Perennial Crops | Cash compensation based upon market rates calculated as an average net agricultural income. | As per Chapter 11 of this RPF once approved by the Bank and disclosed in the RCIP countries and at the Bank infoshop. |  |

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(3) The land users and traditional forms of tenancy/ occupancy differ from country to country.
### Table 4.6 Recommendations to address gaps between Burundi legislation and the OP 4.12

<table>
<thead>
<tr>
<th>Category of PAPS/Type of Lost Assets</th>
<th>Burundi law</th>
<th>World Bank OP4.12</th>
<th>Measures to address gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Either 1) cash compensation, or 2) in-kind, with adjusted cash compensation for resettlement. The tariff is set by order of the Ministry of Agriculture or by the Ministry of Urban Planning in terms of land replacement, agricultural land, and irrigation.</td>
<td>Recommends land-for-land compensation. Other compensation (loss of assets, productive livelihood) is at 1replacement cost. 2Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land based. These strategies may include resettlement on public land or on private land acquired or purchased for resettlement.</td>
<td>Consult the project affected families on the choices under the legal framework and best practices (OP4.12). Even in the event that cash compensation is preferred by the families prepare a resettlement plan whereby developmental assistance (in the form of credit facilities, employment, capacity building etc.) can be provided to such families to restore their lives at least to the pre project level</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy. Tenants on agricultural land (such as sharecroppers or lessee) are usually entitled to moving costs, transition allowance and crop value for minimum of a year.</td>
<td>Based on community consultations, follow the OP4.12 in the absence of a legal framework.</td>
<td></td>
</tr>
<tr>
<td>Land Users</td>
<td>Only rural lands used for agriculture and farming fall under customary law. All other Entitled to compensation for crops, moving allowance and transition</td>
<td>Assess the types of 3land users and based on consultations with the</td>
<td></td>
</tr>
</tbody>
</table>

---

1. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation depreciation of structures and assets should not be taken into account.

2. Clause 11, OP4.12

3. The land users and traditional forms of tenancy/occupancy differ from country to country.
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Owners of “Non permanent” Buildings</strong></td>
<td>In-kind or cash compensation. Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. Determine whether the cash compensation under the law is based on full ‘replacement cost’ as per OP standards and if not follow the OP 4.12.</td>
</tr>
<tr>
<td><strong>Owners of “Permanent” buildings</strong></td>
<td>In-kind or cash compensation. Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. Same as above</td>
</tr>
<tr>
<td><strong>Perennial Crops</strong></td>
<td>As per Chapter 11 of this RPF once approved by the Bank and disclosed in the RCIP countries and at the Bank infoshop.</td>
</tr>
</tbody>
</table>
### Table 4.7 Recommendations to address gaps between Madagascar legislation and the OP 4.12

<table>
<thead>
<tr>
<th>Category of PAPS/ Type of Lost Assets</th>
<th>Madagascar law</th>
<th>World Bank OP4.12</th>
<th>Measures to address gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation, based upon market value. No land-for-land compensation in legislation, but occurs in practice on a case by case basis.</td>
<td>Recommends land-for-land compensation. Other compensation (loss of assets, productive livelihood) is at replacement cost. Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land based. These strategies may include resettlement on public land or on private land acquired or purchased for resettlement.</td>
<td>Preference should be given to land for land option if possible and follow the principles of the OP4.12.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy. Tenants on agricultural land (such as sharecroppers or lessee) are usually entitled to moving costs, transition allowance and crop value for minimum of a year..</td>
<td>In the absence of legal directives, consult with government authorities and project affected families to decide the best form of compensation.</td>
<td></td>
</tr>
<tr>
<td>Land Users</td>
<td>Land users are provided with secure tenure under the land tenure law if the persons are using the land for personal income, and ownership is evident and permanent.</td>
<td>Entitled to compensation for crops, moving allowance and transition support. Income must be restored to pre-project levels at least.</td>
<td>Examine the parameters to adjudge ‘evident’ and ‘permanent’ as per the law. If substantial numbers of families are derived adequate compensation under the</td>
</tr>
</tbody>
</table>

(7) 1 Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation depreciation of structures and assets should not be taken into account.

(8) 2 Clause 11, OP4.12
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Law then follow OP4.12 principles of entitlement for land users.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owners of “Non permanent” Buildings</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
<td>In the absence of legal directives follow OP4.12.</td>
</tr>
<tr>
<td>Owners of “Permanent” buildings</td>
<td>Cash compensation is set by the tribunal, based on the total market value of the building. In some cases, other conventional compensations are allowed.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. Determine whether the cash compensation under the law is based on full 'replacement cost' as per OP standards and if not follow the OP 4.12.</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>As per Chapter 11 of this RPF once approved by the Bank and disclosed in the RCIP countries and at the Bank infoshop.</td>
<td></td>
</tr>
</tbody>
</table>
As stated earlier, the World Bank policy on Involuntary Resettlement OP4.12 is triggered because the RCIP project will finance productive investments that may require the involuntary taking of land, other assets or economic impact. Since the location of these areas were not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the World Bank and governments of Kenya, Madagascar and Burundi is a conditionality for appraisal of this project. However, during implementation of this project, in a process defined here below, the identification of these areas will be made. When that happens, land will be acquired and people will be affected. At that stage, OP4.12 calls for the preparation of individual RAPs that must be consistent with this RPF.

To address the impacts under this policy, resettlement and compensation plans must include measures to ensure that displaced persons are:

(a) informed about their options and rights pertaining to resettlement and compensation.
(b) consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives.
(c) and provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.

5.1 RAP IMPLEMENTING AGENCIES

As the RCIP Phase 1 will cover three countries, there are three main executing bodies under the Project that will have a responsibility in ensuring that the proposed screening and impact mitigation mechanisms are implemented. It is advised that a Resettlement Specialist be assigned to each of the following:

- Kenya: Ministry of Information and Communications (TCIP Unit)
- Burundi: Executive Secretariat of the MTPT
- Madagascar: Ministry of Transport, Posts and Communications (MTPC)

It is assumed that Project Planning teams will be designated with tasks associated with implementing the subprojects; therefore these teams, which includes the Resettlement Specialist, will be responsible for addressing issues related to the RAPs. The main responsibilities of the Resettlement Specialist include monitoring the implementation of the RPF, and subsequent RAP, ensuring that gaps are addresses where necessary, and undertaking the responsibilities outlined in the RPF, and subsequent RAP, where appropriate.
5.2 **PROCESS FOR SCREENING AND REVIEW OF RAPs**

The first stage in the process of preparing the individual resettlement and compensation plans is the screening process to identify the land/areas that are being impacted. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process.

This section sets out a “harmonized” step by step process that the RCIP project will take to determine whether the subproject will result in physical or economic displacements, and therefore whether a resettlement action plan (RAP) is required and of so, how to prepare and implement one.

*Section 5.3* describes the screening process, while sections thereafter describe the detailed actions required to prepare RAPs.

The screening process presented below will ensure that subprojects presented to the RCIP for funding comply with the requirements of OP 4.12 and each respective country’s legislation (as noted in *Tables 4.1, 4.2, and 4.3* for Phase 1).

5.3 **SCREENING FOR INVOLUNTARY RESETTLEMENT**

Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under the Project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF (refer to *Annex 2* in the RPF).

Measures to address resettlement shall ensure that PAPs are:

- Informed about their options and rights pertaining to resettlement;
- Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- Provided prompt and effective compensation at full replacement value; and
- Experiencing losses of assets and access attributable to the subproject(s).

Subproject screening will be incorporated into the subproject application form which the respective local government council must submit to a Resettlement Committee established in each country under the RCIP. The goal is to identify and consider resettlement issues as early as possible.

5.3.1 **Screening Checklist**

The screening checklist form is shown in *Annex 2* and is based on the same format to be used in the implementation of the ESMF. This is to ensure that the process for screening remains simple and concise.
The list of sub projects that have potential resettlement issues will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site. The list and the outcome of the consultative process for each site/sub-project on the list would then be sent to the respective local government council in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/sub-project. Carrying out the screening process in this way is designed to give it the integrity and transparency it needs to allow all stakeholders to have confidence in the process.

Once sub-projects have been approved using this consultative process, the chosen locations will be the subject of a study and the preparation of a document as follows:

- a socio-economic study (this study will include determination of impacts)
- preparation of individual resettlement action plans (RAPs).

Subproject screening and RAP processes will include technical assistance from World Bank to ensure proper implementation.

### 5.4 BASELINE, SOCIO-ECONOMIC DATA, AND CENSUS

An important aspect of preparing a RAP is to establish appropriate and accurate baseline socio-economic data and census to identify the persons who will be affected by the individual subproject, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. (see section 6.3.3 for cut-off date).

The PAPs may be classified into three groups:

- Those who have formal legal rights to the land they occupy;
- Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national, local, or traditional laws including those measures put in place by the draft land policy; or
- Those who have no recognizable legal right or claim to the land they occupy.

In summary, the census consolidates information that 1), provides initial information on the scale of impacts; 2) gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and 3) establishes indicators that can be measured at a later date during monitoring and evaluation.
An illustrative example of a census survey and land asset inventory form is provided in Annex 3.

5.4.1 Public Consultation and Participation

Projects involving the community owe their success to community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for the RCIP project activities.

During screening there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the RCIP activities, facilities and structures. The affected persons must be made aware of:

a) their options and rights pertaining to resettlement and compensation;
b) specific technically and economically feasible options and alternatives for resettlement sites;
c) process of and proposed dates for resettlement and compensation;
d) effective compensation rates at full replacement cost for loss of assets and services; and
e) proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will be to:

- disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- promote sense of ownership for the project and resettlement activities;
- invite contributions and participation on the selection of project sites;
- determine communities’ willingness to contribute in kind towards the implementation of the project; and
- determine community willingness to contribute towards long term maintenance of the project facilities.

During public consultation, there is the need to negotiate compensation and resolve conflicts. Grievance redress is very important to the success of implementation of resettlement action plans. Grievance redress is covered in more detail in Chapter 10 of this RPF.

5.5 Preparation of a Subproject RAP

A RAP shall be prepared by the Project Planning Teams assigned under each of the implementing agencies (refer to Section 5.1) preferably with the support of technical service providers or mobile extension teams, for subprojects that have been determined to result in potential involuntary resettlement and/or land acquisition. When a RAP is required, the District Management Teams
(DMTs) shall submit completed studies along with their RAP's subproject application to the Resettlement Committee for appraisal, and subsequently to the World Bank.

Detailed guidelines for preparing a RAP and an abbreviated RAP are available one the World Bank's website (www.worldbank.org) and in the World Bank's Resettlement and Rehabilitation Guidebook.

The basic elements of a RAP, as outlined in the OP 4.12 (refer to Annex 1), are provided in Box 5.1.

**Box 5.1 Contents of a RAP**

- Identification of project impacts and affected populations;
- Baseline socio-economic data and census
- Legal framework for land acquisition and compensation;
- Compensation framework;
- Description of resettlement assistance and restoration of-livelihood activities;
- Detailed budget;
- Implementation schedule;
- Description of organizational responsibilities;
- Framework for public consultation, participation, and development planning;
- Description of provisions for redress of grievances; and
- Framework for monitoring, evaluation, and reporting.

This process of identifying sites, consulting people and carrying out socio-economic studies will be an interactive one. If the Village/District Planning Teams or District Management Team (DMT), in close consultation with their respective local government council determines that the mitigation measures (i.e. compensation levels) are too costly in terms of compensation amounts and the overall number of people impacted, the Planning Teams or DMTs can propose and investigate alternative sites. However, irrespective of whether the process of identifying potential sites is pursued iteratively or whether a number of sites are examined simultaneously, the selection process must be as described above.

**5.6 REVIEW OF SUBPROJECT RAPS**

The final list of sites approved by the local government councils, the process of selection of the sites, and the RAP are all subject to final review and approval by the World Bank in order to ensure compliance with Bank safeguards. At its sole discretion the World Bank may delegate through the Government to the Local Governments this responsibility to ensure compliance with the provisions in this RPF after it is satisfied that effective monitoring of this process is in place.

Capacity will be built at the levels of Local Government Councils, Technical Planning Teams, and communities through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.
6 ESTIMATED POPULATION DISPLACEMENT AND ELIGIBILITY CATEGORIES

6.1 Estimation of Displaced Population

At this stage in the project, it is difficult to estimate the number or likelihood of people to be negatively impacted by the Project, as the subproject locations have not yet been determined. Therefore, the purpose of the RPF to establish the mechanisms by which the appropriate tools, screening checklists and RAPs, will be implemented to mitigate potential resettlement impacts once subprojects have been identified.

6.2 Land Acquisition and Likely Categories of Impact

Generally, however, the RCIP investments are individually not expected to result in major impacts of people, land, property, including people’s access to natural and other economic resources. Notwithstanding, land acquisition, compensation and resettlement of people may be necessary for some of the sub-projects. The severity of impact, determines what the resettlement measures will be. For example, in the installation of cables or building structures, the impact would be linear, whereas the installation of a mast, only a very small portion of the land may be impacted. The entitlement matrix presented below is so designed to assist in the process of determining severity of impacts.

Table 6.1 Eligibility matrix based on severity of impact

<table>
<thead>
<tr>
<th>Activity</th>
<th>Nature of Impact</th>
<th>Resettlement Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation of masts and towers</td>
<td>Small plot</td>
<td>Replace land and/or pay compensation</td>
</tr>
<tr>
<td>Installation of fixed line cables and connectors</td>
<td>Limited linear impact, along existing roads</td>
<td>Pay compensation, if not in public right of way</td>
</tr>
<tr>
<td>Construction of landing stations</td>
<td>Plot for building</td>
<td>Replace land and/or pay compensation; Compensation for other assets</td>
</tr>
<tr>
<td>Equipment housing (e.g. shelters, cabinets, auxiliary power units)</td>
<td>Plot for infrastructure</td>
<td>Replace land and/or pay compensation; Compensation for other assets</td>
</tr>
<tr>
<td>Road infrastructure (mostly feeder roads)</td>
<td>Linear impact</td>
<td>Replace land and/or pay compensation</td>
</tr>
</tbody>
</table>
6.3 **ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE**

The likely displaced persons can be categorized into four groups, namely;

(i) *Affected Individual* – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the sub-project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a sub project for purposes other than farming or residence by the initial individuals.

(ii) *Affected Household* – A household is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by project activities. This provides for:
   (a) any members in the households, men, women, children, dependent relatives and friends, tenants.
   (b) vulnerable individuals who may be too old or ill to farm along with the others.
   (c) relatives who depend on one another for their daily existence.
   (d) relatives who may not eat together but provide housekeeping and other domestic chores, and
   (e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the “household”. For example, among polygamous groups, each wife has her own home.

(iii) *Affected local community* – A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead into such improvement of socio-economic welfare that class-consciousness arises coupled with cultural erosion etc.

(iv) *Vulnerable Households* – Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them:
   - Unmarried women
   - Non-farming
   - Elderly
   - The infirm or ill
6.3.1 *World Bank Criteria for Determining Eligibility for Compensation*

The Bank’s OP 4.12 suggests the following three criteria for eligibility:

a) Those who have formal rights to land (including customary and statutory rights of occupancy recognized under the Laws of each respective country)

b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of each respective RCIP country or become recognized through a process identified in the resettlement and compensation plan.

c) Those who have no claim to land they are occupying or using.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the local Government Technical Planning Teams and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the census of persons and their property in the area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

6.3.2 *Eligibility for Community Compensation*

Local Communities (villages, districts, towns, communes etc.) permanently losing land and/or access to assets under customary rights will be eligible for compensation.
6.3.3 *Method to Determine the Cut-Off Dates*

When the respective local council approves the sub-project, the Technical Planning Teams or DMT, will meet to discuss and agree on a programme of implementation. They will also choose tentative cut-off dates. Cut-off dates tend to coincide with the date of the initial census. The dates would then be communicated to the community through their respective representative in the Village Council or District Councillors.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the sub-project. Therefore, establishment of a cut-off date is of critical importance. The Project Planning Team’s will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local customary heads or Village Government.

Where there are clearly no identified owners or users of land or assets, the respective Regional Lands Board, District Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the in the presence of the community leaders or their representatives.
7 METHODS OF VALUING AFFECTED ASSETS

7.1 VALUATION OF LAND USED BY THE PUBLIC

For cases where the land is being used by the public (for instance for grazing, settling or otherwise), the Proponent will, in consultation with the land administration of the government, identify suitable replacement land for use by the public.

Although the subproject locations have not been identified, it can be concluded that the RCIP investments may cover several types of land, including urban, peri-urban and rural segments. For all the three segments (urban, peri-urban and rural) land and assets will be valued and compensated for according to the following guidelines and as appropriate for each segment:

- The Project (RCIP) will compensate for assets and investments (including labour, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
- Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date, in accordance with this policy.
- Compensation cost values will be based on replacement costs, as of the date that the replacement is to be provided or at the date of project identification, whichever is higher.
- The market prices for cash crops will have to be determined based on the values as determined by each country’s respective agency. This is often the Ministry of Agriculture but may differ from country to country.
- PAPs who lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since the bank policy OP4.12 on resettlement makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at replacement costs.

7.2 CALCULATIONS FOR COMPENSATION PAYMENTS AND RELATED CONSIDERATIONS

Individual and household compensation will be made in kind and/or in cash (refer to Table 7.1). Although the type of compensation may be an individual’s choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.
Table 7.1  **Forms of compensation**

<table>
<thead>
<tr>
<th>Forms of Compensation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Payments</td>
<td>Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation.</td>
</tr>
<tr>
<td>In-kind Compensation</td>
<td>Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.</td>
</tr>
<tr>
<td>Assistance</td>
<td>Assistance may include moving allowance, transportation and labour, title fees, or other related costs.</td>
</tr>
</tbody>
</table>

For cash payments, compensation will be calculated in the relevant currency for each country adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour.

Making cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. Security, for people who will be receiving cash compensation payments will need to be addressed by the local administration. These are some of the reasons why compensation in-kind will be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with the Local Government Authorities.

### 7.2.1 Compensation for Land

Compensation for land is aimed at providing for loss of crop and the labour used to prepare the land and cultivate the crop. The term “Land” refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour. As a result, compensation relating to land will cover the rates for labour invested, as well as the replacement cost of the crop lost.

### 7.2.2 Land measurement

The unit of measurement for land will be that which is used and understood by the affected persons. Therefore if a traditional unit of measurement exists in the rural areas, that unit shall be used. If a traditional unit of measurement does not exist, it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. In such cases, the unit that is being used must be explained to the affected farmers/users.

The unit of measurement must be easily related to recognizable land features that the communities are familiar with, such as relative location of trees,
stumps and other fixed features on the sites. Understanding the unit of measurement ensures that the affected person is able to verify his/her own size of land that is being lost. This maintains transparency in the process and avoids subsequent accusations for wrong measurements or miscalculation of land areas.

7.2.3 **Determination of Crop Compensation Rates**

Both cash and consumption crops are valued at the market price mid-way between harvest peaks. Prevailing prices for cash crops will have to be determined with the assistance from each country’s respective agency. Rate schedules must be verified for accuracy. Each type of crop is to be compensated for, using the same rate. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all.

7.2.4 **Compensation Rates for Labour**

The value of labour invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labour cost for preparing replacement land is based on costs for clearing the land and ploughing.

Labour costs will be paid in the relevant currency per the prevailing labour law. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

In certain cases, assistance may have to be provided to land users, in addition to compensation payments. For example, if a farmer is notified that his/her land is needed after the agriculturally critical date (critical date, may be different in parts of each country and across climate zones) when s/he will no longer have enough time to prepare another piece of land, assistance will be provided in form of labour intensive village hire, or mechanized clearing so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that s/he can pay for sowing, weeding and harvesting.

7.2.5 **Compensation for Buildings and Structures**

Compensation for buildings and structures will be paid by replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures. Any homes lost will be rebuilt on the acquired replacement land. However cash compensation will be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials, as well as associated labour costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for
the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an ongoing basis and will consult with the Ministry of Public Works and Housing (or relevant authority in each country) in updating these prices.

Compensation will be made for structures that are abandoned because of relocation, or resettlement of an individual or household, or structures that are damaged directly by construction activities.

Replacement values will be based on:
- Drawings of individual's house and all its related structures and support services,
- Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.),
- Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing (or relevant authority in each country),
- Costs for transportation and delivery of these items to acquired/replacement land or building site,
- Estimates of construction of new buildings including labour required.

### 7.2.6 Compensation for Sacred Sites

Compensation for sacred sites (e.g., proprietary rites and reconstruction) is determined through negotiation with the appropriate parties.

Sacred sites include but are not restricted to: altars, initiation centres, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred.

To avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities is not permitted under the RCIP.

### 7.2.7 Compensation for Horticultural, Floricultural and Fruit trees

Trees are primarily important as a source of:
- Subsistence food for families
- Cash that contributes to the local and export economy
- Petty market income in some areas and,
- Shade (in the case of cashew, mango and some coconut trees)
- Traditional medicinal value

Given their significance to the local subsistence economy in these countries, fruit trees will be compensated on a combined replacement value. Fruit crop
compensation will be the value of lost production until the replacement seedling comes into production. These values are determined and verified by the Ministry of Agriculture, or other respective government agency, rate schedule. Preference will be given to the replacement of affected trees with new seedlings unless otherwise decided by the PAPs. The compensation will be adjusted for inflation.

The cost of new fruit trees seedlings, the labour for planting and tending the new trees to maturity and compensation rates for loss of income will be based on information obtained from the Ministry of Agriculture, or appropriate agency for each respective government, and from the socio-economic surveys. Based on this information, a compensation schedule for fruits such as cashew, coconut, guava, mango and other trees can be developed, incorporating the following criteria:

- replace loss of income for subsistence fruit (e.g. coconut, cashew, guava or mango) based on production yields as quickly as possible. Cash payments to farmers will be aimed at replacing income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.
- provide subsistence farmers with new tree seedlings to replace the affected trees to sustain future source of income and food from the fruits.
- Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.

### 7.2.8 Other Domestic Fruit and Shade Trees

These trees have recognized local market values, depending upon the species and age. Compensation for wild trees "owned" by individuals, who are located in lands as defined in this policy, will be paid. Wild, productive trees belong to the community when they appear in the bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation.

### 7.2.9 Entitlement Matrix

A summary of all the assets that the PAP is entitled to shall be prepared for easy reference. Annex 4 provides an example of an entitlement matrix. The RCIP Resettlement Specialists should be involved in preparing a country specific entitlement matrix under the RCIP.
ORGANIZATIONAL ELEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

8.1 Process by which Individual Raps for Sub-Projects Will Be Submitted to Project Authorities, Considered and Approved

Funding would be processed and effected through the executing agencies established in each country under the RCIP and channeled through the decentralized local governments and will comply with the financial arrangements agreed upon at project appraisal.

The compensation process will involve several steps and would be in accordance with the individual project resettlement and compensation plans, significantly;

*Public Participation* with the local communities would initiate the compensation process as part of an ongoing process that would have started at the land selection/screening stage and at the time the socio-economic assessment is being carried. This would ensure that no affected individual/household is simply “notified” one day that they are affected in this way. Instead, this process seeks their involvement and wishes to inform communities in a participatory approach with the project, from the beginning.

*Notification* of land resource holders – the respective local/district heads involved in identifying the land will notify the District, Village Council and village inhabitants who will help to identify and locate the property users. The users will be informed through both a formal notification in writing and, as many people are illiterate, by verbal notification delivered in the presence of the Village Executive Officer or his representative. In addition, the Village Committees and individuals who control land will accompany the survey teams to identify sensitive areas.

Results of the census surveys, including:

*Documentation* of Holdings and Assets – Village, and District Officials to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the District Official completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by Village Officials and Technical Planning Teams. Dossiers will be kept current and will include documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary because it is one way in which individuals and households can be monitored over time. All claims and assets will be documented in writing.
**Agreement on Compensation and Preparation of Contracts** – All types of compensation are clearly explained to the individual or household. The Technical Planning Team draws up a contract, listing all property and land being surrendered and/or assets impacted, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective Technical Planning Team, Village officials and other village leaders prior to signing.

**Compensation Payments** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the village officials.
9 GENERIC ASPECTS OF THE IMPLEMENTATION SCHEDULE, INCLUDING HOW RESETTLEMENT WILL BE LINKED TO THE CIVIL WORKS

9.1 RESETTLEMENT ACTION PLANS

The process of preparing the resettlement action plans, in line with the requirements will involve the following:

- establishment of the cut of date and carrying out of a census to identify PAPs;
- census will generate information about the PAPs, their entitlements regarding compensation, resettlement and rehabilitation assistance as required; (refer to section 8.1)
- disturbances, especially those affecting income-earning activities, shall be properly recorded for the sake of compensation or asset replacement.
- based on the census and inventory of losses, and in consultation with the PAPs, a time phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

The executing agencies through the Project Planning teams and Resettlement Specialist shall make sure that following the census, a comprehensive Resettlement Action Plan is prepared for each project activity that triggers resettlement.

In this undertaking, the project planning teams may employ a private consultant to provide valuation services required for the RAPs. This assignment shall be financed by the Project.

In case of involuntary resettlement, approval of the new pieces of land to be used for resettlement shall be sought from the Government in consultation with local communities and affected individuals.

To ensure transparency of procedures, PAPs shall be informed of the method of valuation used to assess their assets. All payments of compensation, resettlement assistance and rehabilitation assistance, as the case may be, shall be made in the presence of the PAPs in question and the local leaders.

9.2 TIMEFRAMES

The following key timeframes shall apply unless otherwise agreed between the executing agency and Resettlement Specialist, the Resettlement Committee and the PAPs; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of PAPs, under this Framework:
• the inventory shall be completed at most four months prior to the commencement of work;
• the Resettlement Plan shall be submitted to implementing agency for approval immediately after completion of inventory;
• civil works shall commence after compensation, resettlement and rehabilitation activities have been effected.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs.

Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.

Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the new comers. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

9.3 LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Resettlement and Compensation Plan, before work on that road segment can begin.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAPs.

In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Project Planning teams and PAPs must include:

• target dates for start and completion of civil works,
• timetables for transfers of completed civil works to PAPs,
dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;

- the link between RAP activities to the implementation of the overall sub project.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.
10.1 **OBJECTIVE OF GRIEVANCE REDRESS**

At the time that the individual RAPs are approved and individual compensation contracts are signed, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs.

All grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Local Leader.

All attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their Local Leader. The Local Leader will inform and consult with the District Administration to determine validity of claims. If valid, the Local Leader will notify the complainant and s/he will be assisted. If the complainant’s claim is rejected, the matter shall be brought before the local government authority for settlement. The complainant may seek redress in the established national legal system within each respective country.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to a Tribunal for resolution.

Compensation and resettlement plans (contracts) will be binding under statute, and will recognize that customary law is the law that governs land administration and tenure in the rural/village areas. This is the law that inhabitants living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, in the language that the PAPs understands and are familiar with, to the Local Leader. Copies of the complaint shall be sent to Project Planning Team and Resettlement Specialist and the relevant Minister for administration of land matters, within 20 days after the public notice. Channelling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAP may have to face.

The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.
The procedure for handling grievances should be as follows:

1) The affected person should file his/her grievance in writing, to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. A sample grievance form is provided in Annex 5.

2) The Local Leader should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered.

3) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time he lodge his grievance to the Local Administration or the relevant Municipal Council.

4) The Local Administration or Municipal Council will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law for each respective country.

10.2 CONSENSUS, NEGOTIATIONS AND CONFLICT RESOLUTION

Consensus and negotiations are central to addressing grievances. In general, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For this reason, many Government funded community projects have been implemented without obstacles from project affected persons.

However some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations, between Government representatives and project beneficiaries, are therefore crucial to the success or failure of the project. As a guiding principle emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following shall be noted:

a) Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by community projects. These grievances shall be channelled through the Local Chiefs or leaders.

b) The Project Planning teams shall ensure that the main parties involved achieve any consensus freely. The relevant government representative shall clearly advise the general public, as to who is responsible for the
activity and the procedure for handling grievances or compensation claims.

c) Grievances shall be addressed during the verification and appraisal process. If a suitable solution is not found, the Project Planning teams shall defer consent of the project and the concerned project activities shall not be allowed to proceed.

d) Grievances for which solutions have not been found shall be referred back to the community for discussion where the Local Leader and District Administration will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.

e) If an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns to the Project Planning teams who shall refer them to the respective District Administration, within 20 days of the verification meeting. Grievances that cannot be resolved at the Local and District level shall be submitted to the Local Government, the District Administration and to executing agencies. Should grievances remain unresolved at this level, they can be referred to the court of law for each respective country.
11  

**METHOD FOR CONSULTATION AND PARTICIPATION**

11.1  

**NOTIFICATION PROCEDURE**

The Project (through the appropriate implementing authority) shall by public notice, and publicly announced in the media (Daily newspapers, National Television, National Broadcasting Radios), notify the public of its intention to acquire land earmarked for the project.

The notice shall state:

a) government’s proposal to acquire the land  
b) the public purpose for which the land is needed  
c) that the proposal or plan may be inspected by Project Planning teams or the offices of the District Administrator in the respective districts, during working hours  
d) that any person affected may, by written notice, object to the transaction giving reasons for doing so, to the Project Planning teams with copies to District Administration and the Local Village Chief’s Headquarters within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

11.2  

**PUBLIC CONSULTATION MECHANISMS**

Public consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project. Public consultation and participation create a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs.

Public consultation and participation will afford the PAPs an opportunity to contribute to both the design and implementation of the program activities. In so doing, the likelihood for conflicts between and among the affected and with the management committees will be reduced.

In recognition of this, particular attention shall be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

As a matter of strategy, public consultation shall be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the:

- project inception and planning
- screening process
• feasibility study,
• preparation of project designs
• resettlement and compensation planning
• drafting and reading/signing of the compensation contracts.
• payment of compensations
• resettlement activities and
• implementation of after-project community support activities

Public consultation and participation shall take place through local meetings, radio and television programmes, request for written proposals/comments, completion of questionnaires/application forms, public readings and explanations of the project ideas and requirements.

Public documents shall be made available in appropriate languages at the national, local and homestead levels and at suitable locations including the official residences/offices of village governments and village elders. Public consultation measures shall take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions, and feedback.
MONITORING AND EVALUATION ARRANGEMENTS

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities.

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring programme of the entire RCIP, which will fall under the overall responsibility of the different executing agencies. The executing agencies, with support from the Resettlement Specialist, will institute an administrative reporting system that:

a) alerts project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in the design technical specifications and budgets;
b) provides timely information about the asset valuation and negotiation process,
c) maintains records of any grievances that require resolution, and
d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary loses, as well as unanticipated, additional construction damage.
e) updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented.

Periodic evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before.

This framework is suggesting that where appropriate and where it is determined to be cost effective, the office of the District Administration shall be structured to host the monitoring and evaluation component of the project/program. This will take the form of giving the districts the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life.

The objective will be to make a final evaluation in order to determine:

a) if affected people have been paid in full and before implementation of the subproject, and
b) if the people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.
12.1 **INDICATORS**

A number of objectively verifiable indicators (OVI’s) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, The following *Table 12.1* provides a set of indicators which can be used.

**Table 12.1 Types of verifiable indicators**

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

(a) *Indicators to determine status of affected people*

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

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

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

For example the following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance;

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Governments,
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.
- The Local Governments will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages.
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments
- The number of contentious cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes
- Mining and agricultural productivity of new lands
- Number of impacted locals employed by the civil works contractors
- Seasonal or inter-annual fluctuation on key foodstuffs
- General relations between the project and the local communities

(c) Indicators to monitor and evaluate implementation of RAPs

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

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

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

- Level of income and of production
- Inventory of material assets and improvements in land, and
- Debts.
At this stage in the pre-appraisal, where the locations of subprojects have not yet determined, and the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the RCIP. Therefore, activities for individual RAPs for sub-projects will be funded like any other project activity eligible under the RCIP. Funding will be processed and effected through the programme’s financial processing arrangements.

Funds for implementing inventory assessments and resettlement action plans will be provided by the implementing agency. In general, the cost burden of compensation will be borne by the respective implementing agency for RAPs undertaken in each of the RCIP countries.

The RAP for a sub-project would include an itemised, indicative budget and the implementing agency will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the RCIP. This budget will be subject to the approval by the implementing agency.

The implementing agency will have to finance the resettlement compensation because they will be impacting on the people’s livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local leaders, will be made through the relevant District Administration.
Involuntary Resettlement

This Operational Policy statement was revised in April 2004 to ensure consistency with the requirements of OP/BP 6.00, issued in April 2004. These changes may be viewed here.

OP 4.12 (revised April 2004) applies only to projects that are governed by OP/BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects, click to view a full Table of Contents (blue).

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing; click here for a full Table of Contents (yellow) that includes these statements.

1. Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank’s policy on involuntary resettlement are the following:

   (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

   (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

   (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Impacts Covered

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

   (a) the involuntary taking of land resulting in
      (i) relocation or loss of shelter;
      (ii) lost of assets or access to assets; or
(iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access\(^9\) to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12, para. 7).\(^{10}\)

**Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) informed about their options and rights pertaining to resettlement;

(ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

(iii) provided prompt and effective compensation at full replacement cost\(^{11}\) for losses of assets\(^{12}\) attributable directly to the project.

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.\(^{13}\)

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;\(^{14}\) and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which
(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,15 ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see Annex A, para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,16 or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction17 of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To theextent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers’ preferences with respect to relocating in preexisting communities and groups are honored.

Eligibility for Benefits

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the Annex A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. Criteria for Eligibility. Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f));

and

(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation, and Monitoring

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A); and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the “resettlement instruments”), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for,
undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the “without-project” circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

23. The borrower’s obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

Resettlement Instruments

Resettlement Plan

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see Annex A, paras. 2-21) for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see Annex A, para. 22). The information disclosure procedures set forth in para. 22 apply.

Resettlement Policy Framework

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

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a
 resettlement policy framework conforming to this policy (see Annex A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted projects with multiple subprojects\(^{26}\) that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity’s approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

**Process Framework**

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

**Assistance to the Borrower**

32. In furtherance of the objectives of this policy, the Bank may at a borrower’s request support the borrower and other concerned entities by providing

- (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
- (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
- (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
- (d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.
1. “Bank” includes IBRD and IDA; “loans” includes IDA credits and IDA grants, guarantees, Project Preparation Facility (PPF) advances and grants; and “projects” includes projects under (a) adaptable program lending; (b) learning and innovation loans; (c) PPFs and Institutional Development Funds (IDFs), if they include investment activities; (d) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (e) grants or loans provided by other donors that are administered by the Bank. The term “project” does not include programs under development policy lending operations. “Borrower” also includes, wherever the context requires, the guarantor or the project implementing agency.

2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include OP 4.04, Environmental Assessment, OP 4.10, Natural Habitats, OP 4.10, Indigenous Peoples, and OP 4.11, Physical Cultural Resources.

3. The term “displaced persons” refers to persons who are affected in any of the ways described in para. 3 of this OP.

4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.

5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.

6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see OP/BP 8.50, Emergency Recovery Assistance).

7. For purposes of this policy, “involuntary” means actions that may be taken without the displaced person’s informed consent or power of choice.

8. “Land” includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.

9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).

10. The Involuntary Resettlement Sourcebook provides good practice guidance to staff on the policy.

11. “Replacement cost” is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see Annex A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.

12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.

13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.

14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.


16. See OP 4.04, Natural Habitats.

17. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.

18. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3(b) are covered under the process framework (see paras. 7 and 30).

19. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.

20. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.

21. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

22. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under OP 4.01, Environmental Assessment, the resettlement panel may form part of the environmental panel of experts.


24. An exception to this requirement may be made in highly unusual circumstances (such as emergency recovery operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management’s approval stipulates a timetable and budget for
developing the resettlement plan.

25. Impacts are considered “minor” if the affected people are not physically displaced and less than 10% of their productive assets are lost.

26. For purpose of this paragraph, the term “subprojects” includes components and subcomponents.
**ANNEX 2: SCREENING FORM**

Sub-project name:

Subproject Location (include map/sketch): (e.g. province, district, etc).

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

Estimated Cost:

Proposed Date of Commencement of Work:

Technical Drawing/Specifications reviewed: (circle answer) Yes No

This report is to be kept short and concise.

1. Site Selection:

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Site Sensitivity</th>
<th>Rating (L, M, or H)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low (L)</td>
<td>Medium (M)</td>
</tr>
<tr>
<td>Natural habitats</td>
<td>No natural habitats present of any kind</td>
<td>No critical natural habitats; other natural habitats occur</td>
</tr>
<tr>
<td>Water quality and water resource availability and use</td>
<td>Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues</td>
<td>Medium intensity of water use; multiple water users; water quality issues are important</td>
</tr>
<tr>
<td>Natural hazards vulnerability, floods, soil stability/erosion</td>
<td>Flat terrain; no potential stability/erosion problems; no known volcanic/seismic/flood risks</td>
<td>Medium slopes; some erosion potential; medium risks from volcanic/seismic/flood/hurricanes</td>
</tr>
<tr>
<td>Issues</td>
<td>Site Sensitivity</td>
<td>Rating</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Cultural property</td>
<td>Low (L): No known or suspected cultural heritage sites</td>
<td>High (H): Known heritage sites in project area</td>
</tr>
<tr>
<td></td>
<td>Medium (M): Suspected cultural heritage sites; known heritage sites in broader area of influence</td>
<td></td>
</tr>
<tr>
<td>Involuntary resettlement</td>
<td>Low population density; dispersed population; legal tenure is well-defined; well-defined water rights</td>
<td>High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights</td>
</tr>
<tr>
<td></td>
<td>Medium population density; mixed ownership and land tenure; well-defined water rights</td>
<td></td>
</tr>
<tr>
<td>Indigenous peoples or ethnic minority</td>
<td>No indigenous population</td>
<td>Indigenous territories, reserves and/or lands; vulnerable indigenous populations</td>
</tr>
<tr>
<td></td>
<td>Dispersed and mixed indigenous populations; highly acculturated indigenous populations</td>
<td></td>
</tr>
<tr>
<td>Loss of assets or access to resources</td>
<td>No impact to assets and/or access to resources</td>
<td>Significant impact to assets and/or access to resources</td>
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<tr>
<td></td>
<td>Minimal impact to assets and/or access to resources</td>
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2. Checklist questions:

**Physical data:**

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

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<tbody>
<tr>
<td>Site area in ha</td>
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<tr>
<td>Extension of or changes to existing alignment</td>
<td></td>
</tr>
<tr>
<td>Any existing property to transfer to sub-project</td>
<td></td>
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<tr>
<td>Any plans for new construction</td>
<td></td>
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</tbody>
</table>

Refer to project application for this information.

**Preliminary Environmental Information:**

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

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<tbody>
<tr>
<td>State the source of information available at this stage</td>
<td>(proponents report, EIA or other environmental study).</td>
</tr>
<tr>
<td>Has there been litigation or complaints of any environmental nature directed against the proponent or sub-project</td>
<td></td>
</tr>
</tbody>
</table>
Refer to application and/or relevant environmental authority for this information.

<table>
<thead>
<tr>
<th>Identify type of activities and likely environmental impacts:</th>
<th>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</th>
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<tbody>
<tr>
<td>What are the likely environmental impacts, opportunities, risks and liabilities associated with the sub-project?</td>
<td></td>
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</tbody>
</table>

Refer to ESMF Chapter 3 – Impact, Mitigation and Monitoring Guidelines

<table>
<thead>
<tr>
<th>Determine environmental screening category:</th>
<th>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</th>
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<tbody>
<tr>
<td>After compiling the above, determine which category the subproject falls under based on the environmental categories A, B and C.</td>
<td></td>
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</table>

Refer to ESMF Chapter 4 – Screening and Review Process

<table>
<thead>
<tr>
<th>Mitigation of Potential Pollution:</th>
<th>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the sub-project have the potential to pollute the environment, or contravene any environmental laws and regulations?</td>
<td></td>
</tr>
<tr>
<td>Will the subproject require pesticide use?</td>
<td></td>
</tr>
<tr>
<td>If so, then the proposal must detail the methodology and equipment incorporated in the design to constrain pollution within the laws and regulations and to address pesticide use, storage and handling.</td>
<td></td>
</tr>
<tr>
<td>Does the design adequately detail mitigating measures?</td>
<td></td>
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</tbody>
</table>

Refer to ESMF Chapter 3 – Impact, Mitigation and Monitoring Guidelines

<table>
<thead>
<tr>
<th>Environmental Assessment Report or environmental studies required:</th>
<th>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</th>
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<tbody>
<tr>
<td>If Screening identifies environmental issues that require an EIA or a study, does the proposal include the EIA or study?</td>
<td></td>
</tr>
<tr>
<td>Indicate the scope and time frame of any outstanding environmental study.</td>
<td></td>
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</tbody>
</table>

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

Refer to ESMF Chapter 3 – Impact, Mitigation and Monitoring Guidelines

<table>
<thead>
<tr>
<th>Public participation/information requirements:</th>
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<tbody>
<tr>
<td>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</td>
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</tbody>
</table>

Does the proposal require, under national or local laws, the public to be informed, consulted or involved?

Has consultation been completed?

Indicate the time frame of any outstanding consultation process.

Refer to Chapter RPF – Relevant legislative acts in the RCIP country

<table>
<thead>
<tr>
<th>Land and resettlement:</th>
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<tbody>
<tr>
<td>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</td>
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</tbody>
</table>

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

How will the proponent go about land purchase?

What level or type of compensation is planned?

Who will monitor actual payments?

Refer to the Resettlement Policy Framework.

<table>
<thead>
<tr>
<th>Actions:</th>
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<tbody>
<tr>
<td>List outstanding actions to be cleared before sub-project appraisal.</td>
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<table>
<thead>
<tr>
<th>Approval/rejection</th>
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<tbody>
<tr>
<td>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</td>
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</table>

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

<table>
<thead>
<tr>
<th>Recommendations:</th>
</tr>
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<tbody>
<tr>
<td>Requires an EIA and/or RAP, to be submitted on date: ______________</td>
</tr>
<tr>
<td>Requires EMP, to be submitted on date: ______________</td>
</tr>
<tr>
<td>Does not require further environmental studies</td>
</tr>
</tbody>
</table>
1 A 1  **Socio-economic Household Datasheet of PAPs**

<table>
<thead>
<tr>
<th>Name of Interviewer</th>
<th>ID Code</th>
<th>Signature</th>
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<tr>
<th>Name of Supervisor</th>
<th>ID Code</th>
<th>(after verification of interview)</th>
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<table>
<thead>
<tr>
<th>Village Name</th>
<th>ID Code</th>
<th>Number of Concession in Village</th>
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<tr>
<td></td>
<td></td>
<td>(GPS Coordinates)</td>
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Date: ...........................................2006....

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<th>Day</th>
<th>Month</th>
<th>Year</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of Head of Extended Family:

Number of Nuclear Families in Extended Residential Group (including household of head of extended family)
**1 A 2  Household Interview**

<table>
<thead>
<tr>
<th>Name and Surname</th>
<th>Relationship to Head of Family</th>
<th>Sex</th>
<th>Place of Birth</th>
<th>Age</th>
<th>Marital Status</th>
<th>Residence Tenure</th>
<th>Ethnic Group</th>
<th>Religion</th>
<th>Educational Level</th>
<th>Income Earner</th>
<th>Economic Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>M</td>
<td>F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

1. 

2. 

3. 

4. 

5. 

6. 

7. 

Relation to Head of Family: 1 HoH; 2 Spouse of HoH; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 7 8 9 Other (specify); 0 No Answer.

Marital Status: 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer.

Residential Status: 1 PRP (Permanent Resident); 2 RA (Resident absent); 3 Member of non-resident HH; 4 Visitor; 9 Other (specify); 0 No Answer.

Occupations: Principle Occupation: 1 Farmer; 2 Shepard; 3 Household; 4 Merchant; 5 Religious leader, teacher; 6 Artisan; 7 Transport; 8 Unemployed; 9 Other (specify); 0 No Answer.


Educational Level: 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary School; 5 Technical School; 6 Religious School (Illiterate in Arabic); 0 No Answer.

Religion: 1 Muslim; 2 Christian (specify denomination); 3 Animist; 9 Other (specify); 0 No Answer.
Annex x: Land asset inventory for Project Affected People

District: ___________________________ Date: ___________________________
Village: ___________________________

<table>
<thead>
<tr>
<th>Survey no.</th>
<th>Name of Head of Household</th>
<th>No. of Persons in household</th>
<th>Total land holding of Hhold (m²)</th>
<th>Land to be acquired (m²)</th>
<th>Land Use Type *</th>
<th>Loss of % total Loss of assets</th>
<th>Loss of crops</th>
<th>Loss of other assets</th>
<th>Other losses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Structures Permanent (m²) Structures temporary (m²) Area of residential land lost (m²) Fruit trees lost type and number Agricultural land lost (m²) Other (specify) e.g. graveyards, wells, etc. (type and no.) Residence rented Business lost Income loss</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Land types are as follows (please fill in the types of land appropriate for the respective country)
1. 3.
2. 4.
### Annex x: Entitlements of Project Affected People

**District:** ______________________________  **Date:** ___________________________

**Village:** ______________________________

<table>
<thead>
<tr>
<th>Survey no.</th>
<th>Name of Head of Household</th>
<th>Compensation for Land</th>
<th>Compensation for structures</th>
<th>Compensation for crops and trees</th>
<th>Compensation for other assets and losses (e.g. graveyards, wells, businesses, etc)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Quantity (m²)</td>
<td>Unit price (local currency) per m²</td>
<td>Entitlement (local currency)</td>
<td>Quantity (m²)</td>
<td>Unit price (local currency) per m²</td>
</tr>
</tbody>
</table>


## ANNEX 4: SAMPLE ENTITLEMENT MATRIX

<table>
<thead>
<tr>
<th>ASSET ACQUIRED</th>
<th>TYPE OF IMPACT</th>
<th>ENTITLED PERSON</th>
<th>COMPENSATION ENTITLEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL LAND</td>
<td>No displacement: Cash compensation for affected land equivalent to market value Less than 50% of land holding affected, The remaining land remains economically viable</td>
<td>Farmer/title holder</td>
<td>Cash compensation for affected land equivalent to market value</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenant/lease holder</td>
<td>Cash compensation for the harvest of the affected land equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>Displacement: More than 50% of land holding lost OR Less than 50% of land holding lost but remaining land not economically viable</td>
<td>Farmer/title holder</td>
<td>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration &amp; other costs. Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature) Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenant/lease holder</td>
<td>Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater. Relocation assistance (costs of shifting + allowance).</td>
</tr>
<tr>
<td>ASSET ACQUIRED</td>
<td>TYPE OF IMPACT</td>
<td>ENTITLED PERSON</td>
<td>COMPENSATION ENTITLEMENT</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Agricultural   | No displacement: | Title holder/business owner     | Cash compensation for affected land  
Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist). |
|                | Land used for business partially affected, limited loss | Business owner is lease holder | Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist) |
|                | Displacement: | Title holder/business owner | Land for land replacement or compensation in cash according to PAP’s choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.  
Transfer of the land to the PAP shall be free of taxes, registration & other costs.  
Relocation assistance (costs of shifting + allowance)  
Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates). |
|                | Premise used for business severely affected, remaining area insufficient for continued use | Business person is lease holder | Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.  
Relocation assistance (costs of shifting)  
Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to re-establish the business. |
<table>
<thead>
<tr>
<th>ASSET ACQUIRED</th>
<th>TYPE OF IMPACT</th>
<th>ENTITLED PERSON</th>
<th>COMPENSATION ENTITLEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL LAND</strong></td>
<td>No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use</td>
<td>Title holder</td>
<td>Cash compensation for affected land</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Title holder</td>
<td>Land for land replacement or compensation in cash according to PAP’s choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration &amp; other costs. Relocation assistance (costs of shifting + allowance)</td>
</tr>
<tr>
<td></td>
<td>Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s</td>
<td>Rental/lease holder</td>
<td>Cash compensation equivalent to 3 months of lease/rental fee Assistance in rental/lease of alternative land/property Relocation assistance (costs of shifting + allowance)</td>
</tr>
<tr>
<td><strong>BUILDING AND STRUCTURES</strong></td>
<td>No displacement: Structure partially affected but the remaining structure remains viable for continued use</td>
<td>Owner</td>
<td>Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Disturbance compensation equivalent to two months rental costs</td>
</tr>
<tr>
<td>ASSET ACQUIRED</td>
<td>TYPE OF IMPACT</td>
<td>ENTITLED PERSON</td>
<td>COMPENSATION ENTITLEMENT</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Displacement: Entire structure affected OR</td>
<td>Owner</td>
<td>Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</td>
<td></td>
</tr>
<tr>
<td>structure partially affected but the remaining structure is not suitable for continued use</td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assistance to help find alternative rental arrangements</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Squatter/ Informal dwellers</td>
<td>Cash compensation for affected structure without depreciation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project CBO. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Street vendor (informal without title or lease to the stall or shop)</td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assistance to obtain alternative site to re-establish the business</td>
<td></td>
</tr>
<tr>
<td>ASSET ACQUIRED</td>
<td>TYPE OF IMPACT</td>
<td>ENTITLED PERSON</td>
<td>COMPENSATION ENTITLEMENT</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------</td>
<td>--------------------------------------</td>
<td>-------------------------------------------------------------------</td>
</tr>
<tr>
<td>STANDING CROPS</td>
<td>Crops affected by land acquisition or temporary</td>
<td>PAP (whether owner, tenant, or</td>
<td>Cash compensation equivalent to average of last 3 years market</td>
</tr>
<tr>
<td></td>
<td>acquisition or easement</td>
<td>squatter)</td>
<td>value for the mature and harvested crop</td>
</tr>
<tr>
<td>TREES</td>
<td>Trees lost</td>
<td>Title holder</td>
<td>Cash compensation based on type, age and productive value of</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>affected trees PLUS 10% premium</td>
</tr>
<tr>
<td>TEMPORARY</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant, or</td>
<td>Cash compensation for any assets affected (e.g. boundary wall</td>
</tr>
<tr>
<td>ACQUISITION</td>
<td></td>
<td>squatter)</td>
<td>demolished, trees removed)</td>
</tr>
<tr>
<td>Grievance Form</td>
<td>Copies to forward to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grievance Number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of the Recorder</td>
<td>(Original)-Receiver Party</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province/District/Settlement</td>
<td>(Copy)-Responsible Party</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**INFORMATION ABOUT THE GRIEVANCE**

Define The Grievance:

**INFORMATION ABOUT THE COMPLAINTANT**

<table>
<thead>
<tr>
<th>Name-Surname</th>
<th>Forms of Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone Number</td>
<td>□ Phone Line</td>
</tr>
<tr>
<td>Address</td>
<td>□ Community/ Information Meetings</td>
</tr>
<tr>
<td>Village/ Settlement</td>
<td>□ Mail</td>
</tr>
<tr>
<td>District/ Province</td>
<td>□ Informal</td>
</tr>
<tr>
<td>Signature of Complainant</td>
<td>□ Other</td>
</tr>
</tbody>
</table>

**DETAILS OF GRIEVANCE**

1. Access to Land and Resources
   - a) Fishing grounds
   - b) Lands
   - c) Pasturelands
   - d) House
   - e) Commercial site
   - f) Other

2. Damage to Resources
   - a) House
   - b) Land
   - c) Livestock
   - d) Means of livelihood
   - e) Other

3. Damage to Infrastructure or Community Assets
   - a) Road/Railway
   - b) Bridge/Passageways
   - c) Power/Telephone Lines
   - d) Water sources, canals and water infrastructure for irrigation and animals
   - e) Drinking water
   - f) Sewerage System
   - g) Other

4. Decrease or Loss of Livelihood
   - a) Agriculture
   - b) Animal husbandry
   - c) Beekeeping
   - d) Small scale trade
   - e) Other

5. Traffic Accident
   - a) Injury
   - b) Damage to property
   - c) Damage to livestock
   - d) Other

6. Incidents Regarding Expropriation and Compensation (Specify)

7. Resettlement Process (Specify)

8. Employment and Recruitment (Specify)

9. Construction Camp and Community Relations
   - a) Nuisance from dust
   - b) Nuisance from noise
   - c) Vibrations due to explosions
   - d) Misconduct of the project personal/worker
   - e) Complaint follow up
   - f) Other

10. Other (Specify)