The Government of Eritrea

Resettlement Policy Framework (RPF)

Education Sector Improvement Project (ESIP)

THE GOVERNMENT OF ERITREA

EDUCATION SECTOR IMPROVEMENT PROJECT
(ESIP)

RESETTLEMENT POLICY FRAMEWORK

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A. INTRODUCTION

1. Eritrea, a developing country in the "horn of Africa", that was once part of the ancient Kingdom of Aksum until the 7th century and since then until Independence from Ethiopia in 1993, has had a chequered political history of rule under various empires and colonial powers.

2. However, since independence in 1993, notwithstanding the period of the border war between Eritrea and Ethiopia of 1998 to 2000, Eritrea has made significant strides in managing its post conflict situation and towards meaningful socio-economic development.

3. In the Education Sector for example, the decade since independence has seen a notable expansion of access to education and the Government of Eritrea's (GoE) key strategy for developing the sector has been articulated in numerous government policy documents, prominent among them, the Draft National Education Policy. Furthermore, the GoE has committed itself to the Millennium Development Goals (MDG) and Education for All (EFA) goals by 2015.

4. In pursuit of these goals the GoE has asked the World Bank for support of its proposed Education Sector Improvement Project (ESIP) whose project development objectives are aligned with the Interim Support Strategy (ISS) which is to increase enrolment and completion rates in basic education (elementary and middle schools) particularly for disadvantaged children and to improve the quality of basic and secondary education.

5. The proposed ESIP is structured to achieve its objectives within five investment components of the project, which are:
   a. Increased coverage of elementary and middle school education.
   b. Improved quality of elementary, middle and secondary school education.
   c. Enhanced capacity for service delivery.
   d. Curriculum and pedagogical reforms.
   e. Project Implementation Support.

6. Specifically, Component 1, Increase Coverage of Elementary and Middle School Education, will finance the rehabilitation of some existing schools, construction of new schools and expansion of facilities at some other existing schools.

7. The identification of sites for new school construction will be based on the needs of local communities as expressed by them in the bottom-up planning approach used by the kebabi, sub zobas, zobas and the MoE and/or the findings of a school mapping exercise. The school mapping exercise will consist of a Geographic Information System (GIS) to be developed within the MoE and integrated into the overall Education Information Management System (EMIS).

8. The GIS and the EMIS (referred to in this RPF collectively as the school mapping exercise) will be used to map schools in accordance with population density and with the need to redress previous inequalities in the provision of schools especially in remote areas. The two information systems will also be
used to identify schools and other education infrastructure requiring rehabilitation.

9. Under Component 1, therefore, land will have to be acquired to build these new schools on and to support the expansion of some existing schools. It is expected that in a vast majority of cases due to joint partnership manifested through effective participation and consultation between the GoE/MoE, the zobas, sub zobas, kebabis and the local communities, significant efforts would be made to select these sites to avoid or minimize impacts on people, land, property and on access to natural and other economic resources, as far as possible.

10. Notwithstanding, in a minority of cases, identification, selection and acquisition of land for the construction of new schools and/or the expansion of others, that may lead to either the physical displacement of people, or their loss, denial or restriction of access to economic resources (such as farm land, grazing areas and/or trees for example and/or huts for residential, rest or commercial purposes) and therefore to resettlement and compensation seems inevitable in some minority cases in this project.


12. The GoE is not required to prepare a Resettlement Plan at this stage since the land/sites have not yet been identified. However, the GoE is required by Bank policy to prepare a Resettlement Policy Framework (RPF) to be publicly disclosed in Eritrea and at the infoshop at the Bank. The date for disclosure in-country and at the infoshop at the Bank must precede the date for appraisal of the project.

13. 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 Governments own policy on resettlement and compensation and the policy of the World Bank, OP 4.12.

14. When the school mapping exercise is complete and specific planning information on the location of these new schools is made and land/sites are identified, resettlement/compensation plans will be subsequently prepared consistent with this policy framework and will be submitted to the Bank for approval before any land acquisition, resettlement, loss, denial of, and restriction to natural resources or any other impact on livelihood occurs.

15. This RPF covers the following sections;

B. Principles and objectives governing resettlement preparation and implementation.

C. A description of the process for preparing and approving resettlement plans.

D. Land acquisition and likely categories of impact.
E. Eligibility criteria for defining various categories of project affected persons.

F. A legal framework reviewing the fit between the laws of Eritrea and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.

G. Methods of valuing affected assets.

H. 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.

I. A description of the implementation process, linking resettlement implementation to civil works.

J. A description of the grievance redress mechanisms.

K. A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.

L. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.

M. Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

B. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION.

The impacts due to involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. The resettlement policy, in most cases, is not triggered because people are being affected by physical displacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the 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 are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred.

Therefore, the objectives of this policy are the following;

(i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
(ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons affected and/or displaced by the project the opportunity to share in project benefits. Affected and/or displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(iii) Affected and/or displaced and compensated 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 levels prevailing prior to the beginning of project implementation, whichever is higher.

Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by:

(a) the involuntary taking of land and other assets resulting in:
   a. relocation or loss of shelter
   b. loss of assets or access to assets
   c. loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

or

(b) the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the affected and/or 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.

Furthermore, the policy applies to all affected and/or displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those affected and/or displaced; especially those below the poverty line; the land less, the elderly, women and children, indigenous groups and ethnic minorities or other affected and/or displaced persons who may not be protected through the Government of Eritrea land compensation proclamation.

In particular for ESIP, the policy also requires that the implementation of individual resettlement plans are a prerequisite for the implementation of the project activities requiring land acquisition, that is before any construction activity starts 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 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 affected and/or displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the affected and/or displaced persons are implemented in accordance with the resettlement plan of action.
In this project, in order to make education accessible to all children the MoE will establish new schools in communities. The need for such schools may be identified by the MoE through a school mapping exercise or by local communities themselves. Whether a local community request a school in their location or the MoE identifies a community for a new school, all school sites would be identified by the local communities themselves based on a set of criteria set contained in Section C of this RPF, which include that the site should ideally be located within 500m of a settlement area, be at least $20,000m^2$ in area and not within 3km in radius from another school. Therefore, land selection and acquisition will have to be done in a way that satisfies these guidelines. It is anticipated that in most cases this can be done without impacts on people, land, property and livelihoods. But, because of the mountainous terrain in Eritrea in general and the serious land degradation resulting from over-grazing and soil erosion, there is at present a scarcity of suitable land for grazing, subsistence farming and for residential purposes in some areas. It would therefore not be possible in all cases to avoid impacts on people, land and property. When this happens, resettlement and compensation cannot be avoided and OP 4.12 will be triggered even though those affected may not have to physically move to another location.

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 construction activities. Therefore, offering impacted people the opportunity to continue to participate in the planning process that would lead to the preparation of Resettlement Plans is mandatory and Section L of this RPF deals with this requirement.

Also, offering impacted people the opportunity for employment during the construction of the schools, will provide additional income generating opportunities to a significant number of impacted persons who may potentially have to be resettled. Therefore, the opportunity for employment of affected people by local building contractors is being taken advantage of in this RPF, by including it for discussion in the consultative process with the local communities.

Furthermore, it is worthy to note that rush migration to selected land/sites and forest areas may occur by those wishing to take advantage of the rules of eligibility described earlier in this Section. Were this to happen it would bring to bear additional pressures on the whole planning process and compensation budgets. This has major considerations therefore when establishing the cut-off dates.

A major object of this RPF is to ensure that affected individuals and households, and affected and/or displaced communities are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that the process has been a fair and transparent one.
C. DESCRIPTION OF THE PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS.

As stated earlier, the World Bank policy on Involuntary Resettlement OP 4.12 is triggered because the ESIP will finance the construction of new schools and the expansion and rehabilitation of others thereby requiring land acquisition potentially leading in a minority of cases to loss, denial or restriction of access to economic resources. Since the location of these sites were not known at the time of the preparation of the project, the preparation and disclosure of this RPF is a conditionality for appraisal of this project. However, during implementation of this project, in a process defined here below, the selection of these sites would be made. When that happens, land would be acquired or access to economic resources may be lost, denied or restricted and people may then be affected. At that stage, OP 4.12 calls for the preparation of individual Resettlement Plans that must be consistent with this RPF.

To address the impacts under this policy, resettlement plans must include measures to ensure that the affected and/or displaced persons are;

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

The modus operandi for the identification of areas for construction of schools would be either one of two ways:

(1) The MoE will identify using the results of the school mapping exercise areas that need new schools, rehabilitation or expansion of existing schools,

And/or,

(2) The local communities will identify their needs through their Village Administrator to either their Kebabi Administrator, School Director or Member of Parliament. This request is then sent to the sub Zoba Education Officer who then carries out an assessment of the request using existing MoE guidelines and the results of the school mapping exercise. The sub Zoba Education Officer would then make a formal recommendation to the MoE via the Zoba Education Officer. The MoE would then make a decision to approve the request of the local community using the recommendation from the Zoba Education Officer and consistent with the results of the school mapping exercise. The decision of the MoE would then be communicated to the local community via the Zoba, Sub Zoba and Kebabi administration.
Therefore, the request to finance the construction/rehabilitation/expansion of a school will be made by either the MoE or the Local Community.

But, the decision whether to approve or not approve the construction/rehabilitation/expansion of school in any area will be taken by the MoE subject the final approval of the World Bank.

The decision on the exact land on which the approved new school will be constructed and any additional land required for expansion of existing schools will be made by the local community represented by their elected Village Administrator.

Once the school mapping exercise is completed, the MoE will sensitize local communities in areas where it wants to build new schools on the land acquisition process and grievance procedures. Local communities would also be requested to submit their proposals for new schools to the PMU of the MoE.

A community that applies for establishment of a new school in its locality will be represented by an elected Village Administrator (VA). Where the MoE has identified a need for a new school, the local community will still be mobilized to elect a Village Administrator for that purpose. The Village Administrator will register the names of all school going age children in the catchment villages, their ages and the grades they will be in the following year. The Village Administrator will propose a suitable site for the new school in the locality based on the following criteria which would have been given to them by the MoE. Once the VA has identified their site, the MoE officers in the PPU (Physical Planning Unit) will inspect the site and determine the feasibility and the suitability of the same using the screening criteria below.

**Land Selection Screening**

- The site should normally not be within 3 (three) kilometers of an established school that has at least three classrooms (excluding a church hall).
- The site should ideally be located within 500 meters of a settlement area.
- There should be a sustainable source of potable water within 1km of the site.
- The site should be at least 20,000m² in size.
- The site owners and/or users if any are consulted and are invited to participate in the activities of the local community regarding the school.
- The outer boundaries of the site should be clearly marked and the length of the sides should be measured in meters.
- There should not be any natural or manmade features on the site that could make construction difficult or that could pose danger to building structures or humans such as bedrock, gullies, water pipes, swamps, floodplains and rock falls.
There should not be any natural or man made features within 100 meters of the site that could pose danger to pupils once the school is established, e.g. very steep cliffs, electricity pylons, etc.

Ideally there should be at least 100 households in the lowlands and 50 households in the highlands that would provide a catchment for the school. These should exclude villages in which there are established schools.

The Local Development Committee should agree to release the Land for establishment of the school. That is to say that the site must conform to and be consistent with the local development plan for that area.

The site should not lead to either the physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or their loss, denial or restriction of access to economic resources. If it does impact any one of these, chose another site. If this is not possible then OP 4.12 is triggered and those affected must be compensated.

If the MoE determines that the site is suitable because it satisfies the criteria above, then the school would be approved for funding. If the site does not meet the criteria above the VA will be advised to look for another site until a site is found that satisfies the screening criteria. The PPU will assist the VA if they so request that assistance.

If however the chosen site is suitable but triggers OP 4.12 and there is no feasible alternative to chose another suitable site that does not trigger OP4.12, then the MoE will approve the site subject to the VA preparing and fully and completely implementing a resettlement and compensation plan (RAP). The preparation of the RAP will be preceded by the conduct of a minor socio-economic study. The VA will be assisted by service providers to prepare the socio-economic study and the RAP.

The purpose of the socio-economic study will be to collect baseline data within the chosen site thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification of stake holders (demographic data), the participation process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income, in addition to land holding.

On completion of the socio-economic study, the resettlement and compensation plan (RAP) will be prepared for each location that triggers OP 4.12.

The requirements of the RAP are:

(a) Baseline census and socio-economic survey information
(b) Specific compensation rates and standards
(c) Policy entitlements related to any additional impacts identified through the census or survey
(d) A description of the resettlement sites and programs for improvement or restoration of livelihoods and standards of living
(e) Implementation schedule for resettlement and compensation activities
(f) Detailed costs estimates.
The RAP is to be prepared by the VA on behalf of the local community.

The RAP would then be screened by the PPU, and the MoE will be responsible for approving the RAP. The RAP will also be subject to the final approval of the World Bank to ensure compliance with OP4.12 and ensure that before construction of schools is approved, individual resettlement and compensation plans are prepared consistent with this RPF.

Capacity will be built at the PPU of the MoE through training and the VA will be provided with technical assistance to ensure all stakeholders involved play their different roles, effectively. This would be build capacity at the community level which is crucial the success of this project.

D. LAND ACQUISITION AND LIKELY CATEGORIES OF IMPACT

At this stage it is not possible to estimate the likely number of people who may be affected since the sites for these new schools have not yet been identified.

However, the likely affected and/or displaced persons can be categorized into these 3 groups, namely;

(i) **Affected Individual** – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, pastoralists whose routes have been altered, or a person who has built a structure on land that has been demarcated and is now required by the project.

(ii) **Affected Household** – a household is affected if one or more of its members is affected by 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) members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence
   (d) members of households who may not eat together but provide housekeeping, or reproductive services critical to the family’s maintenance, and
   (e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local culture, 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”.

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(iii) **Vulnerable Households** – vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. This provides for;

a) **unmarried women** – may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom s/he is linked in dependency as part of the household, resettlement will never sever this link.

b) **Elderly** – elderly people farm as long as they are able. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from people such as their relatives and neighbors. Losing land will not affect their economic viability. They will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

c) **Women** – may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinner in their household. They need relatively easy access to health service facilities, as mothers and wives. They should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Women are also particularly vulnerable because of the patrilineal nature of inheritance under customary laws. Their compensation must take into account all these factors.

d) **Internally displaced Persons** – these are people who had to flee their homes as a result of border war between Ethiopia and Eritrea during 1998 to 2000 and are now virtually refugees in their own country since they have not returned. They may be dependent on the NGO community and others for support. This situation is pervasive in the Gash – Barka Region of Eritrea. Particular efforts are to be made not to negatively impact these people where possible, but when unavoidable, efforts will be concentrated on post compensatory measures such as opportunities to participate in project activities.

e) **Small-scale female farmers**- are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as ringing trees. Either male relatives in other households help them voluntarily, or they hire men for cash, beer (locally brewed) or food. Land compensation specifically includes the labor costs of preparing a new land, so these women are provided for by the compensation plan.
f) **Non-farming females** - these earn income from other sources and/or depend on relatives for "exchanges" of staple foods. Since they do not farm they will not be affected by the sub-projects need for agricultural land. If a building of theirs lies on land needed by a subproject, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are protected because the resettler can name them as part of the household.

These household types are not mutually exclusive, for example an elderly woman may be unmarried (or widowed).

Special attention will be paid to these groups by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.

**E. ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS**

The Bank's OP4.12 suggests the following four criterion for eligibility:

a) Those who have formal rights to land (including customary land traditional and religious rights, recognized under Eritrea Law.

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 Eritrea or become recognized through a process identified in the resettlement plan.

c) Those who lose other economic resources such as trees, agricultural produce on cultivated fields, etc, and or have their access to these economic resources denied or restricted.

d) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from.

Those covered under a) and b) above are to be provided compensation for the land they lose, and other assistance in accordance with the policy. Persons in category c) are compensated for loss of economic resources in accordance with this RPF. Persons covered under d) above are to be provided with 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 PPU in close consultation with the VA's, subject to "no objection" of 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, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

Eligibility for Community Compensation

Communities (districts, towns and villages) permanently losing land and/or access to assets under customary rights will be eligible for compensation.

Method to Determine the Cut – Off Dates

When the respective school site has been selected by the VA, the PPU and the VA’s, will meet to discuss and agree on a programme of implementation. They will also choose tentative cut-off dates. The dates would then be communicated to the community through their VA.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the project area (i.e. the new school site) is carried out, i.e. the time when the site for the new school 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 project. Therefore, establishment of a cut-off date is of critical importance. The VA’s will pay 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.
The State of Eritrea is a sovereign democratic country with Asmara as its capital city.

Administratively, Eritrea is divided into 6 regions, locally known as Zobas, namely, Central, Anseba, Southern Red Sea, Northern Red Sea, Debub and Gash – Barka.

Each Zoba is headed by an appointed executive officer known as the Chief Administrator. In each zoba there is also an elected Zoba parliament.

Each Zoba is further divided into a number of Sub- Zobas which are headed by an appointed executive known as the Sub Zoba Administrator.

The Sub Zobas are made up of a cluster of local communities and villages, which are headed by an elected Village Administrator, locally known as the Kebabi Administrator.

The planning process at the local community/village level is based on the traditional system of “Megabaaya”, when the whole village comes together to plan for community development under the auspices of the Kebabi Administrator.

**Land Tenure and Ownership in the State of Eritrea**

The Legal dimensions of property relations in Eritrea are far from simple because different legal traditions coexist. Property rights are governed by customary law as well as by contemporary state laws (statute) that aim to promote equal rights.

The customary land tenure system is based on essentially two types of land ownership; by the extended family (a system locally called *tsilmi*) and by the village (a system called *diesa*).

Eritrean society is predominantly patrilineal and patrilocal in inheritance and residence patterns.

With respect to land inherited by descent (i.e. *tsilmi* land), each individual family within the large kinship group has a certain plot of land or a number of plots corresponding to its size and needs. This land is held in quasi-absolute ownership for life. It is worked by a man, his wife and his unmarried sons and daughters. Sons who marry and start families of their own apply for new land, through their father, to the family council charged with the administration of hereditary lands.

The main heirs of *tsilmi* land are invariably the sons; only where there are no sons can brothers inherit it. In some cases, where male issue did not arise, daughters and sisters can claim a share in the paternal estate instead of a dowry. (This implies that the dowry is given in lieu of inheritance).
Tsilmi land represents much more than merely an economic benefit. The fact that it is derived from an original first occupation lends it an important social significance, that of qualifying for enhanced social status.

Tsilmi land invests the man permanently with the status of a member of the local hereditary families, almost a landed aristocracy that looks down upon the newcomers who came later and had to acquire land by purchase or lease.

Traditionally, only a person entitled to tsilmi land, known in Eritrea as a restigna, is eligible for the office of village chief, a right known as chikkenet or helkinet - both terms being titles for head of village, with chikkenet including legal responsibility.

Whereas with Land Ownership by the Village - the diesa - is mainly found in Akeleguzai and Hamasien. Both the tsilmi and diesa systems were in existence in the highlands before the coming of the Italians; the tsilmi was the more dominant form. In the 1930s, the Italians effected the shift from tsilmi to diesa in these regions. Their stated reason was to put an end to inequalities of the tsilmi, which was also becoming the cause of endless litigation.

Descent plays a part in this type of land title, which is based exclusively on residence. Under this system, all arable village land is distributed equally to all households in the village, regardless of their size and their needs. Since, in customary law, it was traditionally only married men who headed households, by implication land was shared among men only. But today women head about 50% of households in Eritrea, and under the diesa system these female heads are entitled to a share of village land.

This system, like others of the communal type, had definite advantages over the tsilmi one. For, in the diesa system, ownership rights - and by ownership is meant community control over the distribution and other forms of disposal of land - were vested in specific villages with clearly known and demarcated boundaries. Inland, the system gave adequate security to village members, and each new independent household could expect a share of land. The system even accommodated outsiders seeking refuge or marrying into the village. Unlike the tsilmi system, its redistribution mechanisms were not meant to allow any differentiation in the amount of land individuals could hold and, therefore, it was believed to be fair and egalitarian.

Under the diesa, land is distributed and redistributed approximately every seven years and is strictly divided among villagers. Both the diesa and tsilmi systems were exclusive, in the sense that outsiders were denied access to land, and women generally gained access to it only under exceptional circumstances.
The Basic Tenets of the Land Proclamations

The right to ownership of land is vested solely in the Government. This is not an unrestricted right, as it restrains the Government from selling and giving land in ownership. This right is more custodial than absolute in nature, as the Government is merely taking over rights of communities, but at the same time retaining the principle of direct control of former community land by individual citizens.

There are now two broad classifications of government land. The first is land allotted to Eritrean citizens in lifetime usufruct rights. Almost all of this is land previously held by extended family, village and clan units throughout the country. The second classification is land directly controlled by the Government. This includes the land previously in its hands, the land left over from allocation to citizens, expropriated land and land reserved for different purposes by legislation, e.g. mine and forest reserves, etc. The Government may use the land it directly controls for whatever purposes it deems fit, including leasing it to all types of investors.

Lifetime usufruct rights to land are those attached to Eritrean citizenship. Only citizens above 18 years of age (and in the case of farmland in direct use) have access to land in this category. Land for residential purposes in the village of origin is open to every citizen. These rights allow no form of distinction based on sex, religion, origin, etc. The village is still the springboard for land allocation. But it has no collective claim to its former farming areas as the Government now owns such land. The village, however, still collectively controls its own grazing area, woodlands and roads, and retains its water rights.

Land held in usufruct can neither be sold nor passed on in inheritance. But the Proclamation allows the following ways for land transferability: a deceased usufructuary's allotted land automatically passes to his or her children if they are minors. They have the option of retaining it when they reach the age of majority. A special provision allows usufruct beneficiaries to change their tenure from one of usufruct to one of lease. This is attractive for those who would prefer a long-term lease arrangement in order to exploit the land allotted in ways other than those permitted by the Proclamation. Thus, land leased in this manner may be heavily invested in and turned into a site for business that can be sold, inherited, etc. According to the Land Commission, the idea is to introduce new ways of exploiting the land and attracting the movement of capital into farming communities.

An important aspect of the Proclamation is its recognition of the equal rights of women to access to land. No distinction whatsoever is made between men and women in all the provisions of the new law. In this matter, all traces of customary bias against women have been eliminated. The Proclamation also serves as an instrument for environmental protection in Eritrea. The Government has been provided with the right to issue land use policies, to make improvements on the land and to determine forest and animal reserves.

The Government's power of ownership is not absolute, though; its role is custodial. (As Part 3 of the Proclamation clearly provides, the Government shall not take land away from its occupiers, be they usufructuaries or leaseholders, without the payment of fair and adequate compensation).

Eritrean Land Proclamation gives equal rights of women to access to land.

Eritrea places the issues of environmental management and protection as one of its highest policy priorities. The country's policy emphasizes conservation and rehabilitation of natural resources and maintaining environmental quality with maximum rationality in their use to ensure sustainability. To achieve this, government has established the Department of Environment within the Ministry of Land, Water and Environment. The National Environmental Management Plan (MEMP) was prepared in 1995 which was adopted in 1997 and this document provides the basic policy guidelines on environmental management. A national legislation has still not been fully developed, mainly due to the short period of independence that the country has enjoyed. Therefore, The National Environmental Assessment Procedures and Guidelines serves as the default legal requirements in Eritrea until such time the legislation is enacted.

Comparison between Land Law in Eritrea and Bank OP4.12

Whereas the law relating to Land administration and tenure in Eritrea is wide and varied, entitlements for payment of compensation are essentially based on right of ownership (i.e. allocation and land titles and and/or customary ownership). The Bank OP 4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date. Therefore, all land to be acquired by the VA's for this project would be so acquired subject to the Laws of Eritrea and the Bank OP4.12. Where, there is conflict, the Bank OP 4.12 must take precedence and the purpose for this is to ensure that no project affected person is poorer after the project than he or she was before the project and indeed reducing poverty and improving the living conditions of people in the project area.

Comparison of Eritrea Law and World Bank OP4.12 regarding compensation

<table>
<thead>
<tr>
<th>Category of PAPS/ Type of Lost Assets</th>
<th>Eritrea Law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value of unimproved land.</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.</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy.</td>
</tr>
<tr>
<td>Land Users</td>
<td>Not entitled to compensation for land, entitled to compensation for crops.</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>Silent on this issue</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of “Permanent” buildings</td>
<td>Valuation based on depreciated market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based on market value</td>
<td>As per section G of this RPF once approved by the Bank and disclosed in Eritrea and at the Bank infoshop.</td>
</tr>
</tbody>
</table>
G. METHODS OF VALUING AFFECTED ASSETS.

Valuations methods for affected land and assets would depend on the type of asset. The three land asset types identified under Eritrea law in this policy framework are:

i) State owned land
ii) Assets held by Proclamation/Statute
iii) Assets held under Customary Law

The VA's (the corporate body on behalf of the local community causing resettlement impact) would compensate for assets and investments, including labor, crops, buildings, and other improvements, according to the provisions of the resettlement and compensation plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided.

Under customary law land belongs to chiefdoms, towns and villages. However, because the bank policy on resettlement and compensation, OP4.12, makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

Compensation Payments and Related Considerations.

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more that 20% of the total loss of subsistence assets.

<table>
<thead>
<tr>
<th>FORMS OF COMPENSATION</th>
<th>Compensation will be calculated in Nakfa. Rates will be adjusted for inflation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Payments</td>
<td></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 labor</td>
</tr>
</tbody>
</table>

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values.

Compensation for Land

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land, labor and crop loss. For this reason, and for transparency, a "Land" is defined as an area:

- 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 labor. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labor put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labor invested as well as the market price of the crop lost.

A farmer who loses land will be compensated in-kind by the SC by providing him/her with another land of equal size, market value and within relatively the same travel distance in the local community. In the absence of this, the farmer who loses land will be compensated in cash at the market value of the land lost to assist him/her acquire new land upon which to farm. This process would be done consistent with the delivery of emoluments and all other processes described in this RPF.

Land measurement

For the purposes of measuring land, the unit of measurement would be that which is used by and understood by the affected farmers. Therefore, if a traditional unit of measurement exist, that unit will be used. If a traditional unit of measurement does not exist, then it is recommended that land will be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers and must somehow be related to easily recognizable land features that the farmers are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected farmer is able to verify using his/her own standards/units of measurement, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas.

Calculation of Crops Compensation Rate

The current prices for cash crops would have to be determined. All crops to be compensated using a single market value rate, for each crop grown. This rate incorporates the value of crops and the value of the labor invested in preparing a new land. Determining compensation using a single rate per crop creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year’s land (land in which a farmer has already invested labor) and land that have been planted but have not yet sprouted. The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example, which is based on 2003 data, derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.
EXAMPLE OF METHOD TO BE USED TO DETERMINE A COMPENSATION RATE FOR LAND∗
(Based on 2003 data. Nakfa payments will be revised to reflect crop values and labor rates in effect at the time of compensation)

<table>
<thead>
<tr>
<th>Item Compensated</th>
<th>Basis of Value</th>
<th>Nakfa /ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Crops</td>
<td>Average of the highest 2003 official and market survey land prices per ha of staple food crops (corn etc.), plus cash crops (e.g. maize, sorghoum).</td>
<td></td>
</tr>
<tr>
<td>Labor Invested</td>
<td>Labor costs of preparing a replacement land.</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>Replacement value of crops plus labor</td>
<td></td>
</tr>
</tbody>
</table>

* Note: This example assumes a one-hectare land

Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.

- The value of stable crops to be taken as the highest market price reached during the year, in recognition of these factors:
  - Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.
  - Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk.
  - Averaging the highest price of stable foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

- The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labor costs will be paid in Nakfa, at the prevailing market rates.

The following table presents an example of a compensation schedule for a one-hectare land. The Nakfa values are based on arbitrary labor rates, which will need to be validated at the time payments are made.
All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March, when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labor intensive village hire, or perhaps 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.

Compensation for Buildings and Structures.

Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household or
- Exist on land which will be acquired for project purposes or are
- Directly damaged by construction activities.

Replacement values will be based on:

- Drawings of individual’s household and all its related structures and support services,
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- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.) For vulnerable groups identified in earlier section of this RPF replacement values will be based on actual replacement cost.

- Prices of these items collected in different local markets,

- Costs for transportation and delivery of these items to acquired/replacement land or building site,

- Estimates of construction of new buildings including labor required.

### COMPENSATION FOR BUILDINGS AND STRUCTURES

<table>
<thead>
<tr>
<th>Item</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>Raw or Baked bricks, Straw or tin roof, Varying sizes (small, medium large)</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Open, closed</td>
</tr>
<tr>
<td>Stables/sheds/pens</td>
<td>Cattle, goat, pig, sheep, other</td>
</tr>
<tr>
<td>Coops</td>
<td>Chicken, duck, other</td>
</tr>
<tr>
<td>Fence</td>
<td>Straw/poles (per unit poles &amp; mat), raw and/or baked brick/cement blocks (per 1-m length)</td>
</tr>
<tr>
<td>Private Bathing</td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td>Replacement latrines will be similar to those currently operational and financed by the bank at health centers, schools</td>
</tr>
<tr>
<td>Open well</td>
<td>Internally lined with concrete rings and provided with a hand driven pump</td>
</tr>
<tr>
<td>Storage building</td>
<td>Cement/sand block walls with thatched roof on z-profiled metal sheets.</td>
</tr>
<tr>
<td>Sun Screen open huts/shades</td>
<td>Similar to those replaced, on thatched roof on wood poles</td>
</tr>
</tbody>
</table>

**Compensation for Sacred Sites**

Sacred sites include but not restricted only to altars, initiation centers, ritual sites, tombs, cemeteries. It includes other 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 the use of sacred sites for any project activity, is **not** permitted under this project.

**Compensation for vegetable gardens and beehives**

These are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced as a result of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new locations. Beekeepers would be compensated by the value of one season’s production
costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

**Compensation for trees**

**Mango (and other common local fruit) Trees**

Mango trees, for example are a common fruit tree in the project targeted area and are estimated to account for a significant amount of all fruit bearing trees. Local fruits are primarily important as a source of:

- Subsistence food for families
- Petty market income in some areas, and
- Shade.

Given their significance to the local subsistence economy, which this project intends to positively impact, mango trees will be compensated on a combined replacement/market value. Mango trees and other local fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for peach and mango trees can be developed incorporating the following goals:

- Replace subsistence mango and other local fruits production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which mangoes/local fruits are produced and can be harvested as a supplemental source of food for their families during their “hungry season”.
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. The schedule could assume the following (the figures in Nakfa (Xno.) to be determined in the socio-economic study):

<table>
<thead>
<tr>
<th>Local Mangoes/other Fruit Trees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Estimated Avg. Fruit Yield (kg) of Mature tree</strong></td>
<td>200 to 600 kg/year</td>
</tr>
<tr>
<td><strong>Estimated Yield used</strong></td>
<td>Ten sacks (1,000 kg)/tree/year</td>
</tr>
<tr>
<td><strong>Market Price,</strong></td>
<td>Nakfa/kg</td>
</tr>
<tr>
<td>- Height of harvest season (March/April)</td>
<td>Nakfa/kg</td>
</tr>
<tr>
<td>- End of season (late May)</td>
<td></td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Price used as basis of this estimate</th>
<th>80% height of season; 20% end of season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years to Production</td>
<td>Two to three</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
<td>Ten</td>
</tr>
<tr>
<td>Costs of Sapling</td>
<td>Nakfa, locally available.</td>
</tr>
</tbody>
</table>


Compensation (and resettlement) will be funded like any other activity eligible under the projects administrative and financial management rules and manuals.

Funding would be processed and effected through the Project Management Unit (PMU) in the Ministry of Education (MoE) and will comply with the financial arrangements agreed upon at project appraisal.

The compensation process which will involve several steps 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 with the VA or when the community came together to request the school and also 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 as outlined in item k. of this report.

- **Notification** of land resource holders – the respective VA having been involved in identifying the land it requires will notify the local chief 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, for as many people are illiterate, by verbal notification delivered in the presence of the village chief or his representative. In addition, the local chief, religious leaders, other elders and individuals who control land will accompany the survey teams to identify sensitive areas.

- **Documentation** of Holdings and Assets – village and project officials to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the VA officials completes a compensation dossier containing necessary personal information on; the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by village officials and officials of the PPU. Dossiers will be kept current and will include documentation of lands surrendered. 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 an individual can be monitored over time. All claims and assets will be documented in writing.
• Agreement on Compensation, Awareness of Grievance Procedures, and Preparation of Contracts – All types of compensation and grievance procedures are clearly explained to the individual or household. The VA draws up a contract, listing all property and land being surrendered, 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 PPU, the local chief, 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.

Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard to that being built by local NGO’s in the area to serve the same function. Examples of community compensation include;

- Public Toilets
- Well or Pump
- Market Place
- Road
- Storage warehouse

No community project will be approved that requires the displacement of additional persons for compensation or relocation.

I. A DESCRIPTION OF THE IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS.

Before any project activity is implemented, people who are being affected by such activity, will be compensated and grievances settled in accordance with the resettlement policy framework. For projects involving land acquisition, it is further required that these measures include provision of compensation, income restoration 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 may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activity requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual resettlement and compensation plan of action.

The measures to ensure compliance with this policy directive will be included in the resettlement and compensation plans that will be prepared for each land involving resettlement or compensation. When the VA present their resettlement and compensation plans to the MoE for approval, part of the screening process that the PPU
will use to approve recommended sites will be to confirm that the resettlement and compensation plans contain acceptable measures that link resettlement and compensation activity to civil works in compliance with this policy. The timing mechanism of these measures will ensure that no individual or affected household will be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. Once the resettlement and compensation plan is approved by the local and national government, the resettlement and compensation plan will, at the discretion of the Bank, be sent to the World Bank for final review and approval.

J. A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS.

At the time that the individual resettlement and compensation plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress.

The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The VA being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to the existing local courts system of administration of justice in the Zobas. Local NGO's will be engaged by the VA's to mediate disputes.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would so by notifying their village chief and their sub Zoba Administrator (sZA) of. The sZA will consult with the Zoba Chief Administrator (ZCA), other sub zoba administrators, village chiefs and elders and other records to determine a claims validity. If valid, the village chief and sZA will notify the complainant and s/he will be settled.

If the complainants claim is rejected, then the matter will be brought before the Regional Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local courts and/or the zoba Land Tribunals, the matter will go the High Court for resolution. The High Court of Eritrea will be the highest appellate "judge" in this system. The decision of the High Court would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

If a complaint pattern emerges, the sZA with the local governments, the PPU, VA's, and village leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once the sZA, PPU, zoba governments, and village leaders agree on necessary and appropriate changes, then a written description of the changed process will be made. The ZDA, sZA, VA, and village leaders will be responsible for communicating any changes to the population.

In the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The Village Administrator (VA) on behalf of the Local Community that is causing resettlement and impacting livelihoods would have to finance their resettlement and compensation plan.

The MoE through the ESIP will finance the technical assistance required to strengthen the capacities of PMU, PPU and the VA's to fulfill their respective responsibilities as outlined in this RPF and to facilitate the process necessary to seek the effective participation of the local communities and affected people. This assistance will take the form of training of key staff in the PPU and hiring of local NGO's to work with the VA's to produce the RAP's and carry out the socio-economic studies required. The MoE will also finance the VA's to monitor implementation of the RAP's.

At this stage, it is not possible to estimate the likely number of people who may be affected since the sub-projects have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation.

Since it is the local community represented by their VA that is the party causing resettlement, the VA would be required to effect payments to the affected party or to finance any other requirements in the resettlement and compensation plan, prior to funds being released to build the new school. All payments would be made in Nakfa.

The budget in the resettlement and compensation plans will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows:

<table>
<thead>
<tr>
<th>#</th>
<th>Item</th>
<th>Costs X (in NAKFA)*</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>X/ hectare</td>
<td>For land acquisition purposes, based on cost realized in projects involving similar issues in Eritrea</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops</td>
<td>X/ hectare of farm lost</td>
<td>Includes costs of labor invested and average of highest price of staple food crops as per methods described in Section G of this RPF</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for Buildings and Structures</td>
<td>X</td>
<td>The compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, etc.</td>
</tr>
</tbody>
</table>

*Note: The cost is an estimated amount and may vary depending on the specific situation and requirements.
outside kitchen and storage.

<table>
<thead>
<tr>
<th>Compensation for Trees</th>
<th>X /year/tree</th>
<th>Based on methods described on page 24 of this RPF for compensation for trees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of Relocation Assistance/Expenses</td>
<td>X /household</td>
<td>This cost is to facilitate transportation, etc.</td>
</tr>
<tr>
<td>Cost of Restoration of Individual Income</td>
<td>Say X</td>
<td>Assumed to be higher than the GDP/capita.</td>
</tr>
<tr>
<td>Cost of Restoration of Household Income</td>
<td>Say X</td>
<td>For household of ten.</td>
</tr>
<tr>
<td>Cost of Training Farmers</td>
<td>X</td>
<td>This is a mitigation measure which seeks to involve those affected in the project activities. This figure represents a costs of around NKA400/person</td>
</tr>
</tbody>
</table>

* These costs are indicative only and must be confirmed during the socio-economic study and revised at the time the payments are made.

L. A DESCRIPTION OF MECHANISMS FOR CONSULTATIONS WITH, AND PARTICIPATION OF, DISPLACED PERSONS IN PLANNING, IMPLEMENTATION, AND MONITORING.

Public consultation and participation are essential because they afford potentially displaced persons the opportunity to contribute to both the design and implementation of the project activities. The socio-economic situation prevailing in Eritrea as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, it is the local communities who are to claim ownership of this project for it to be successful and their wealth of knowledge of local conditions are invaluable assets to the project. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the development plans are being prepared. The participation strategy would evolve around the provision of a full opportunity for involvement. This process would not be an isolated one because of the very nature of the project, which through its implementation and design ensures continuous public participation and involvement at the local level. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the; (i) during the school mapping exercise, (ii) immediately after the project is effective when local communities are sensitized on the project and for them to come together and make a request to the MoE to finance a school in their communities, (iii) during the land identification, screening and selection process (iv) the socio-economic study, (v) the resettlement and compensation plan and (v) during the drafting and reading of the compensation contract.

Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/forms, public readings and explanations of project ideas and requirements, making public documents available at the, district, town, and village levels at suitable locations like the official residences/offices of local chiefs/elders. These measures would take into account the low literacy levels prevalent in these communities by allowing enough time for responses and feedback. All documents would also be disclosed at these locations in Tigrinya and
English and meetings held with the communities would be in Tigrinya and/or other local languages.

Notwithstanding, the best guarantor for public interest is the chiefs and other local leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced individuals/households either in part or in whole.

Monitoring of this process would be through the village chief as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project.

This requirement is line with the Bank policy on disclosure.

M. ARRANGEMENTS FOR MONITORING BY THE IMPLEMENTATION AGENCY AND, IF REQUIRED, BY INDEPENDENT MONITORS.

The arrangements for monitoring would fit the overall monitoring plan of the entire ESIP which would be through the Project Management Unit (PMU) of the Ministry of Education. The PMU will institute an administrative reporting system that:

(a) alerts project authorities to the necessity for land acquisition,
(b) provides timely information about the valuation and negotiation process,
(c) reports 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.

Consistent with the Environmental and Social Management Framework, the Environmental and Social Officer in the PPU would be responsible for periodically transferring the information compiled by the VA’s to the PPU and hence the PMU and MoE so that it is alerted in a timely manner to any difficulties arising at the local level.

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

(i) if affected people have been paid in full and before implementation of the subproject,
(ii) if the people who were affected by the project 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.

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.

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.

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 areas where a new school is built by the VA and the PPU,
- 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 VA's and PPU will maintain a complete database on every individual impacted by the 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 contention 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
- 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

The following indicators will be used to monitor and evaluate the implementation of resettlement and compensation plans:

<table>
<thead>
<tr>
<th>VERIFIABLE INDICATORS</th>
<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>
<td></td>
</tr>
<tr>
<td>Communities unable to set village-level compensation after two years</td>
<td>Outstanding village compensation contracts.</td>
<td></td>
</tr>
<tr>
<td>Grievances recognized as legitimate out of all complaints lodged.</td>
<td>All legitimate grievances rectified</td>
<td></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 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>
<td></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>
<td></td>
</tr>
</tbody>
</table>

Financial records will be maintained by the VA's and the PPU at the PMU/MoE 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 biological information,
The Government of Eritrea
Resettlement Policy Framework (RPF)
Education Sector Improvement Project (ESIP)

- 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.

Each time land is used/acquired by a project, the dossier will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation(resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The VA's and PPU will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feed back from:

- Indicators monitored by the VA's to determine whether goals are being met, and
- a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.