

FEDERAL REPUBLIC OF ETHIOPIAN MINISTRY OF MINES**Volume II: Resettlement Policy Framework (RPF)***(Final Report)***Support to Improve the Economic, Social and Environmental
Sustainability of Artisanal Miners Project on RPF****Sponsored By: The World Bank****Prepared By:-****Eng. Assefa Bekele, Consultant****P.O.Box. 9834 Addis Ababa, Ethiopia****Tel: +251 -1- 440 02 41****Mob: +251 -9- 51 32 53****E-mail: asefabw@yahoo.com****December 2012****Addis Ababa, Ethiopia**

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Acronyms

ARAP -	Abbreviated Resettlement Action Plan
ESME-	Environment and Social Management Framework
GoE-	Government of Ethiopia
GSDF-	Japan Social Development Fund
IDA-	International Development Association
MoM	Ministry of Mines
NGO-	Non- Governmental Organizations
PAPs-	Project Affected Persons
RAP-	Resettlement Action Plan
RPF-	Resettlement Policy Framework

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1. INTRODUCTION

This document provides a Resettlement Policy Framework (RPF) for Support to Improve the Economic, Social and Environmental Sustainability of Artisan Miners Project in selected six regional governments of Ethiopia. Financing for the project is provided by the Japan Social Development Fund (JSDF). The Federal Ministry of Mines is the agency responsible for overall implementation of the project including the provisions of this RPF. The RPF addresses social impacts of the projects - issues of land acquisition resulting from implementation of activities of the projects that may or will result in loss of property or disturbance affecting livelihoods. Another document, the Environmental and Social Management Framework (ESMF) addresses physical environment impacts and can be read together with this RPF. The participating local governments are the main authorities responsible for identifying and implementing the Sub-projects.

This RPF document is to be used by all implementing agencies of the Support Project in order to ensure that all environmental and social safeguards are adequately addressed and that the relevant capacity and training needs are established in order for the recommended measures to be implemented effectively.

1.1 Objective and Scope of the RPF

The use of this Resettlement Policy Framework will be triggered when a proposed Support Project needs to acquire land and people or property is affected. The objectives of this Resettlement Policy Framework are the following:

- As far as possible ensure that involuntary resettlement and land acquisition is avoided or where it is necessary, is minimized, by exploring all viable alternatives;
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities are prepared and implemented by providing sufficient investment resources according to GoE Proclamation and Regulations; and
- Persons displaced by the Support Projects will be meaningfully consulted.

1.2 Ethiopian Compensation and Expropriation Law and Regulations

The ESMF will ensure compliance with the relevant requirements of the laws and regulations of Ethiopia, as described in:

- a) Proclamation No 455/2005 Expropriation of Landholdings for Public Purposes and Payment of Compensation establishes the legal principles and framework for expropriation and compensation. A detailed summary is provided in Box 1.
- b) Council of Ministers Regulations No. 135/2007, on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes provide the procedures for application of Proclamation No 455/2005.

Relevant environmental legislation and guidelines are described in the ESMF document and contained in:

- a) Proclamation No. 295/2002 Environmental Protection Organs Establishment;
- b) Proclamation No. 299/2002 Environmental Impact Assessment;
- c) EPA Environmental Impact Assessment Guideline Document, May 2000;
- d) EPA Environmental Impact Assessment Procedural Guidelines, Series 1, November 2003

Besides the national regulatory regime, the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) will also have to be activated.

1.3 Public Disclosure

For the envisaged types of projects the World Bank procedures require that the ESMF and RPF are prepared and publicly disclosed prior to project appraisal. This allows the public and other stakeholders to comment on the possible environmental and social impacts of the project, and for the World Bank's Appraisal Team to strengthen the frameworks, particularly measures and plans to prevent or mitigate any adverse environmental and social impacts.

To this end, this document will, when agreed between the GoE Ministry of Mines and the World Bank, be publicly released through the World Bank's Info Shop, and in public locations in the selected six regional governments prior to project appraisal.

1.4 Definitions

The terms in bold shall have the following meanings:

1. **Affected people**, means people who are directly affected socially and/or economically by Support Projects as a result of:
 - a) The involuntary taking of land and other assets resulting in
 - 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
 - b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
2. **Census** means a field survey carried out to identify and determine the number of Support Project affected persons (PAPs), their assets, and potential impacts; in accordance with the procedures for this RPF, satisfactory to the relevant government authorities.
3. **Environmental and Social Management Framework (ESMF)** is a safeguard instrument (document) which establishes a system for determining and assessing future potential environmental and social impacts of the Support Project activities and other activities associated with this Support 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 separate and stand-alone document to be used with this RPF.
4. **Compensation** means payment to be, made in cash or in kind or in both to a person for his property situated on his expropriated land holding. The amount of compensation for property situated on expropriated land shall be determined on the basis of the replacement cost of the property. Compensation payments will be made to displaced persons before small works commence and the displaced persons property is affected; i.e., during the early stages of implementation of the Resettlement Action Plan.

5. **Project Affected Persons (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and/or other assets as a result of the Support Project implementation, suffer direct economic and/or social adverse impacts, regardless of whether or not the said Support Projects caused persons to physically relocate. These people may have their:
 - a) Standard of living adversely affected, whether or not the PAP must move to another location;
 - b) 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;
 - c) Access to productive assets adversely affected, temporarily or permanently; or
 - d) Business, occupation, work or place of residence or habitat adversely affected.
6. **Involuntary Resettlement** means the involuntary taking of land resulting in direct or indirect economic and social impacts which 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.
7. **Land** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Support Projects.
8. **Landholder** means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon.
9. **Land acquisition** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Support Projects.
10. **Replacement cost** means replacement of assets with an amount sufficient to cover lost assets and related transaction costs as described in the definition for compensation in GOE Federal Proclamations.

2. THE SUPPORT PROJECTS

2.1 Background

The Federal Ministry of Mines through the Grant Support secured from Japan Social Development Fund (JSDF) designed a program to support improvement of economic, social and environmental sustainability of artisan miners with emphasis on women employment in selected parts of Ethiopia. The developmental objective of the program is to significantly reduce the poverty level of artisan and small scale mining communities (ASM) in rural Ethiopia.

The intervention shall involve small works (provision of safe drinking water, health and sanitary facilities), the adoption of improved mining technologies and procurement of mining equipment and tools.

Many of these interventions, which constitute community-level activities, are expected to enhance safeguard sustainability of the artisan miners. The interventions are also expected to impact the environment, and could possibly carry social risks. Since project specific locations are not yet established, ESMF is deemed necessary tool to identify the potential positive impacts and adverse environmental and social risks that are likely to emanate from implementing the project activities and also to recommend actions to address and mitigate the safeguard risks.

Closely related to ESMF, the project has also triggered the World Bank Operational Policy for Involuntary Resettlement (OP 4.12), which will require the draft of a Resettlement Policy Framework (RPF) although the Grant Support doesn't envisage supporting any actions that lead to resettlement.

The Ministry of Mines through support from the World Bank, has appointed a consultant Eng. Assefa Bekele, to carry out an Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) to provide a framework for taking effective steps and measures to mitigate adverse environmental and social impacts during project implementation.

The document on Environment and Social Management Framework (ESMF) is separately produced. This RPF is to be used in conjunction with the Environmental and Social Management Framework (ESMF) prepared for this program.

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 activities of the Support Project. The RPF is prepared to the standards of the Ethiopian Government policy on resettlement and the policy of the World Bank, OP4. 12.

2.2 Description of the Support Project

The envisaged Support Project has the following four components:

Component 1-Baseline Assessment, Strategy Design and Environmental Safeguards Management;

Component 2-Capacity Building, Training and Support to Enhance the Sustainability of ASM Communities;

Component 3- Improvement of Basic Services and Access to Health Facilities to Improve the Social Sustainability of ASM Communities; and

Component 4-Grant Supervision and Administration by the Ministry of Mines and Energy

Brief descriptions of activities to be involved under each of the components are as provided below:

The envisaged Support Projects have the following four components:

2.2.1 Component 1-Baseline Assessment, Strategy Design and Environmental Safeguards

Component 1 will provide a baseline assessment as well as environmental safeguard management framework, and follow-up with a strategy design for 30 artisan and small scale (ASM) communities (a total of 159 ASM cooperatives exist nationwide) in Ethiopia, with a focus on five different minerals, namely Gold, Gemstones, Tantalum, Construction Minerals and Salt. The communities which will be selected (based on the baseline assessment) will be among the poorest based in Oromia, Tigray, Southern NNP, Benshangul-Gumuz, Amhara and Afar regional states. The assessment will ensure that the poorest communities are selected as well as the sustainability of the project activities through the establishment of Monitoring and Evaluation (M&E) Framework.

2.2.2 Capacity Building, Training and Support to Enhance the Sustainability of ASM Communities

Component 2 will focus on capacity building of ASM miners in ASM communities, and will put an emphasis on women in case they are significantly disadvantaged in or even excluded from formal employment. It will provide the selected communities with mining specific training, for instance economically and environmentally sustainable mining techniques and basic geological assessments which are to be carried out by an NGO specializing in artisan mining. For gemstone mining communities (in the case of Ethiopia this entails primarily opals, but also other colored gemstones), training will additionally include teaching and training in lapidary and gemstone cutting activities, which presents a huge potential for income for their members, and especially for women. Furthermore, this component will provide business support, managerial training and facilitate access to markets through the provision of microfinance and better access to gold trading centers (for gold mining communities) and thus help to mitigate the factors that so far were responsible for the low economic opportunities faced by ASM communities. Finally, training sessions will also be held to make ASM communities understanding the legal framework in which they operate, i.e. their rights and obligations.

2.2.3 Improvement of Basic Services and Access to Health Facilities to Improve the Social Sustainability of ASM Communities

Component 3 will address the social infrastructure for reducing poverty and deprivation, specifically the lack of even basic sanitation and health facilities, which results in extremely low levels of well-being and social development of artisan miners. Access to potable water and sanitation facilities as well as to mobile community health centers will be the priority goals in this respect. This component is expected to diminish the incidence of poor sanitation through the building of standard latrine systems (where the sewage will be collected in sewage tanks and biologically decomposed) as well as water tanks to improve access to safe drinking water. In addition, existing health centers and community extensions services will be upgraded or mobile public health facilities could be established that could roam between ASM sites in one region.

2.2.4 Grant Supervision and Administration by the Ministry of Mines

Component 4 will support grant implementation and capacity building for NGOs and the regional mines and energy bureaus and the Ministry of Mines. The project will be implemented under the auspices of the Ministry of Mines; selected NGOs that work with artisan miners and in mining techniques and community health will then directly work with the communities.

The key trigger for the beneficiary community's access to the support funds will be submission of proposal for planned investments on the activities of the artisan miners operation. These investment plans will form the core of the support project and annual applications for funding. The planning and budgeting for the Support Projects at federal, regional and Local Government levels will be integrated into and aligned with the plan of the Federal Ministry of Mines

As can be noted from the above description, Component 3 of the support project is designed to support the mining communities in achieving improvements in access to clean water, sanitation and health services. Accordingly, all selected communities shall be equipped with in total 135 latrines, 60 fresh water tanks and will have improved access to basic health care.

The respective Local Governments are encouraged to focus on projects that will contribute directly to improving social sustainability of the artisan miners specially women artisan miners Table 2.1 sets out a list of the types of small works projects in this regard that are likely to be undertaken as part of the Support Project.

Table 2.1 List of Eligible Investments under Component 3 of the Support Project

No.	Type of projects	Activities
1	Provision of safe drinking water	Provision of water wells
		Provision of 60 fresh Water tanks
2	Health facilities	Upgrading of community health extension services
		Upgrading of existing health facilities
		Provision of mobile health facilities.
3	Sanitation facilities	Provision of 135 latrines
		Provision of sewerage collection tanks
4	Improved mining technologies	Provision of equipment and tools

Table 2.2 below shows the potential impacts of the subprojects. The proposed mitigation measures are provided in ESMF document.

Table 2.2: Potential Environmental Impacts of the Subprojects

Type of Support Projects	Potential Impacts
Water Supply Subprojects	<ul style="list-style-type: none"> ➤ New access (road) construction ➤ Existing water sources supply/yield depletion ➤ Existing water users disrupted ➤ Downstream water users disrupted ➤ Increased numbers of water users due to improvements ➤ Increased social tensions/conflict over water allocation ➤ Sensitive ecosystems downstream disrupted ➤ Land Acquisition ➤ Private assets displaced ➤ Informal land uses displaced or access restricted ➤ Local incapacity/inexperience to manage facilities
School, Health and Sanitation Subprojects	<ul style="list-style-type: none"> ➤ In-migration/settlement induced by facilities development ➤ Alteration of existing drainage conditions ➤ Vegetation removal ➤ Wet season soil disturbance ➤ Construction materials impact on adjacent forests/lands ➤ Quarries and borrow pits created ➤ Water supply development effects in available supply ➤ Sanitation development effects on existing disposal fields ➤ Medical waste increase effects on existing disposal system ➤ Land Acquisition ➤ Private assets displaced ➤ Cultural or religious sites disturbed ➤ Informal land uses displaced or access restricted

2.3 Participating Regional Governments and Artisan Mining Communities

The following six regional governments will be invited to prepare and submit application proposal for fund support under this program;

- Oromia,
- Tigray,
- Southern N.N.P,
- Benshangul-Gumuz,
- Amhara and
- Afar Regional States

A total of 30 mining communities in these regional governments engaged in artisanal mining of Gold, Gemstones, Tantalum, Construction Minerals and Salt will be covered by the support project.

2.4 Access Criteria

Eligible Local Governments will need to meet the criteria set out in the Project Operation Manual to access funds under the Support Project. The criteria, at a minimum, provide assurances that: (a) funds will be managed adequately, and (b) proposed investments by the local governments adequately represent the priorities of artisan miners specially women artisan miners and can be implemented to acceptable standards and can be operated and maintained adequately.

2.5 Compensation Costs

Compensation and resettlement costs, if any will be borne by the concerned regional governments. The Bureau of Water and Energy in cases of sub-projects that involve provision of safe drinking water, the Bureau of Health in cases of sub-projects related to health and sanitation and the Bureau of Mines and Energy in cases of subprojects that involve provision of improved mining technologies are responsible for covering compensation costs. It is essential that sufficient budget is provided for all compensation and resettlement costs should implementation of any of the activities indicated in Table 2.1 above is likely to lead to displacement of people, village or loss of property. It is difficult to determine the budget required for resettlement activities and compensation, in advance of identification and screening of the support projects. But certain assumption can be used to estimate budgetary requirements.

3. ORGANIZATIONS RESPONSIBLE FOR IMPLEMENTATION OF THE SUPPORT PROJECT

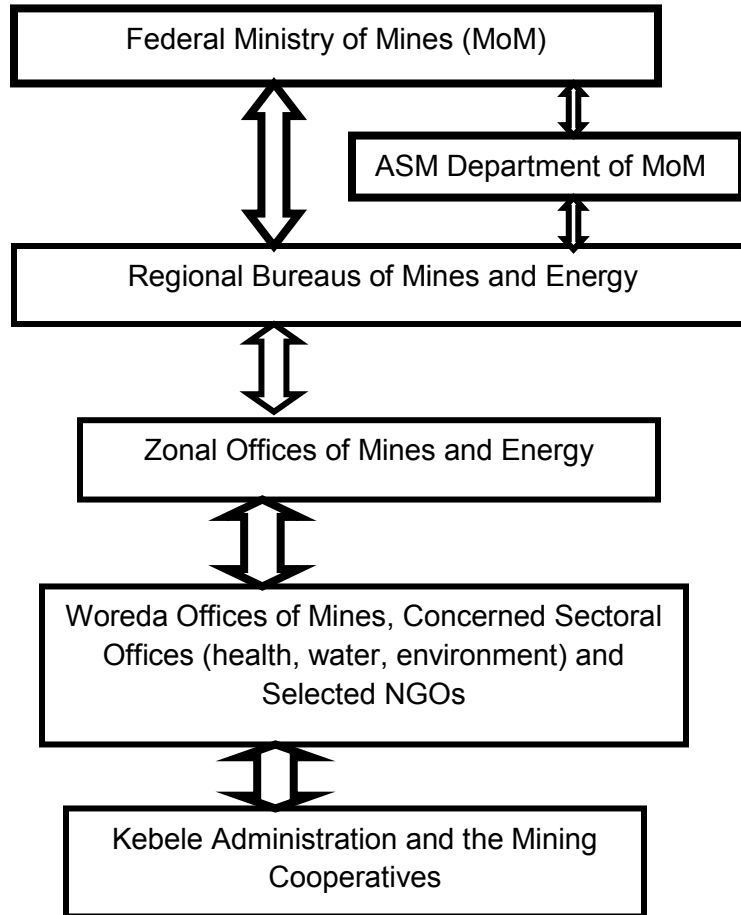
Immediately after project appraisal, an exercise will be carried out to review existing capacity of all implementing agencies (procurement, financial management, contract management, design & supervision, planning, environmental assessment, resettlement & compensation, etc) to identify:

- Any human resource gaps and the means of and deadline for filling gaps;
- Any other gaps in office space, equipment, etc; and
- Any financial needs/resources that need to be included in the indicated budget year and subsequent budgets.

A simple guideline will be prepared by the Federal Ministry of Mines to guide the Regions in carrying out and reporting back on this exercise which will aim to ensure that all project implementation capacity and resources required are identified and secured.

Figure 3.1 below depicts organizational arrangements available for implementation of the Support Projects.

Figure 3.1: Support Project Management Organizational Arrangements



The following section describes the organizational responsibilities for the Support Project implementation. The two main project management systems required for Support Project implementation are:

- a) For overall project management – led by the Federal Ministry of Mines only those responsibilities relating to the implementation of the ESMF and RPF are included. Full details of overall project management responsibilities are to be contained in the Support Project Operational Manual;
- b) For transfer of funds, financial management and reporting – led by the World Bank. Organizational responsibilities relating to transfer of funds, financial management and reporting are excluded from this RPF document as they are to be covered in Support Project Operational Manual

3.1 Federal Organizational Responsibilities

The implementation of the Support Project will use existing government structures with Ministry of Mines having overall implementation responsibility in accordance with its federal mandate. No new organizational structures will be established at the Federal or Regional levels.

At the federal level, the Ministry of Mines in general, and the corresponding Regional Mines and Energy bureaus in particular, will be responsible for the Support Project as a whole. The Ministry of Mines will have overall responsibility for the oversight, coordination, and monitoring and evaluation of project activities. It will ensure the overall quality and timeliness of project implementation, including compliance with all aspects of the Support Project Operational Manual. It would also be responsible for determining reallocations between regions based on assessments of performance. The Ministry will be responsible for:

- a) Ensuring that the Support Projects operate according to the operational manual,
- b) Preparing annually for the Government and IDA review of the Support Projects performance,
- c) Consolidating annual plans and budgets based on the pipeline of support activities and proposals received from the Regional Government,
- d) Supervising and monitoring the activities of the Support Projects (including compliance with the operational manual and environmental safeguards frameworks), and reporting on a quarterly basis to oversight authorities and IDA,

- e) Determining re-allocations of the Support Grant for the selected six regional governments, and
- f) Proposing changes to the operational manual in consultation with regions and Grant Task Team Leader.

The JSDF Task Force and the Project Coordinator will be in charge of day to day management of the Support Projects. The Department will serve as the coordinating body across federal, regional and local agencies. If needed, additional staff may be recruited to complement or strengthen existing capacity for supervising the implementation of the ESMF and RPF.

3.2 Regional Organizational Responsibilities

At the regional level, the Bureau of Mines and Energy will be responsible for:

- a) coordinating project implementation, and providing technical assistance to zones and woredas where artisan mining communities are found in the preparation of proposal for fund support ,
- b) ensuring the overall quality and timeliness of the Support Project implementation,
- c) supporting and motivating mining cooperatives to meet their performance targets,
- d) determining reallocations between zones and woredas with mining cooperatives;
- e) reviewing and consolidating annual plans of zones, and
- f) ensuring that the local governments (woreda and kebele where mining communities are being supported follow the requirements of the operational manual and ESMF and RPF.

The regional bureau of Mines shall execute the above responsibilities through its structure found at zonal and woreda levels.

3.3 Local Governments Responsibilities

The operational framework for planning and implementing the Support Projects will be through a consultative process with the appropriate stakeholders at the local government level. The woreda Office of Mines and Energy will have the overall responsibility for the Support Project implementation. The major stakeholders include the office of health, environment and water supply. The woreda office of Mines and Energy in consultation with the Council of the Woreda Administration has the responsibility to coordinate implementation of the support project at the woreda level.

The woreda administration council will provide a review role and provide political and administrative support for the implementation of RAPs while the regional bureau of mines and energy /zonal office will ensure that there is compliance with the ESMF and RPF and national legislation, and that information is gathered in one place for overall Support Project monitoring and progress reporting.

4. RPF MAIN PRINCIPLES, ASPECTS, LAWS & REGULATIONS

The use of this Resettlement Policy Framework will be triggered when a proposed support projects needs to acquire land and people or property is disturbed. For example: a piece of land is needed and people are affected because they have houses, shops or other permanent or temporary buildings on that land; use the land for water and grazing of animals; or they otherwise have access to the land for economic, religious, residential or other purposes which will not be possible during and after the support project is implemented.

4.1 Main Principles of the RPF

The aims of this Resettlement Policy Framework are:

- a) As far as possible to ensure that involuntary resettlement and land acquisition is avoided or where it is necessary, is minimized, by exploring all viable alternatives.
- b) Any persons adversely affected by the support project will be compensated;
- c) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities are prepared and implemented by providing sufficient investment resources according to GOE:
 - Proclamation No. 455/2005 Expropriation of Landholdings for Public Purposes and Payment of Compensation; and
 - Council of Ministers Regulations No. 135/2007, on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes.

Project affected persons (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and/or other assets as a result of the Support Projects, suffer direct economic and/or social adverse impacts, regardless of whether or not the said Support Project caused persons to physically relocate. These people may have their:

- Standard of living adversely affected, whether or not the PAP must move to another location;
- Lawful possession of any house, 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;

Compensation means payment to be, made in cash or in kind or in both to a person for his property situated on his expropriated land holding. The amount of compensation for property situated on expropriated land shall be determined on the basis of the replacement cost of the property. Compensation payments will be made to displaced persons before small works commence and the displaced persons property is affected; i.e., during the early stages of implementation of the Resettlement Action Plan.

Replacement cost means replacement of assets with an amount sufficient to cover lost assets and related transaction costs as described in the definition for compensation in GOE Federal Proclamations and the respective regional government proclamations.

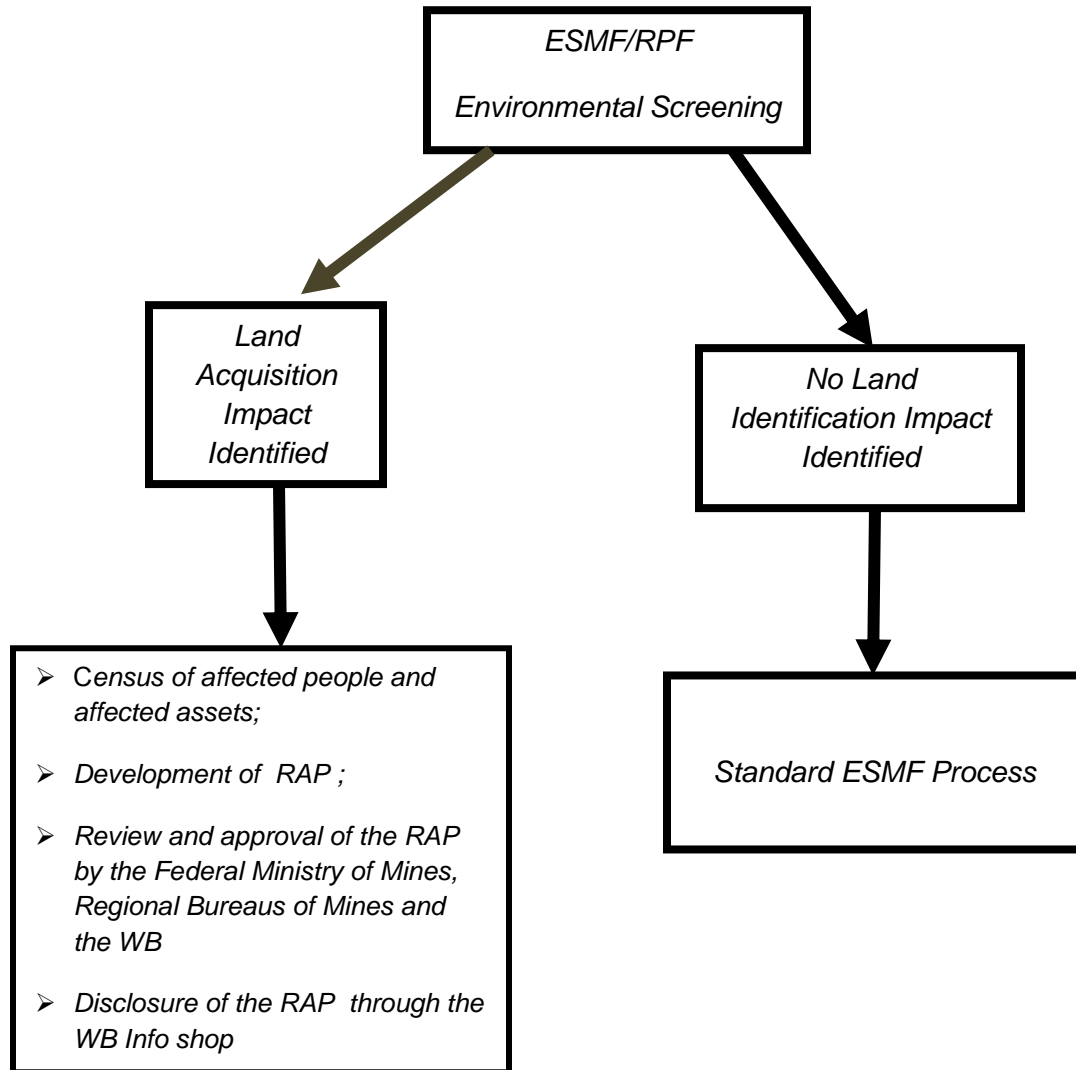
Resettlement Action Plans: The implementation of Resettlement Action Plans as shown in Figure 3.1. Resettlement Policy Framework – is required for the implementation of each Support Project t that causes resettlement. Where relocation or loss of shelter occurs, the RPF requires that measures to assist the displaced persons be implemented in accordance with the Resettlement Action Plans.

Consultation: The RPF seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process.

Training and capacity building for implementation of this RPF includes sensitization and awareness-raising. These are included in the ESMF in the section that describes ESMF Training and capacity building components.

Since the environment impact for this project is Category B, physical displacement of people is not expected. However, should there be any displacement to be entailed; the framework to be followed is as depicted in Figure 4.1 below.

Figure 4.1: Resettlement Policy Frameworks



4.2 Legislation Related To Resettlement Planning

The 1995 Constitution of Ethiopia, Article 40(2), 40(4), 40(5) and 40(8) includes provisions that protect the Ethiopian citizen's rights to private property and set conditions for expropriation of such property for state or public interests. For immovable property built on land, the Constitution states that "Every Ethiopian shall have the full right to the immovable property he builds on the land and to the improvements he brings about on the land by his labour or capital." According to Article 40(8) of the Constitution, the State may expropriate private rights over land: "without prejudice to the right to private property, the government may expropriate private property for public purpose" with prior payment of adequate compensation. Again, Article 44(2) of the 1995 Constitution stipulates that all people who have been displaced or whose livelihoods have been adversely affected as a result of State programs shall have the right to receive adequate monetary or other alternative compensation, including transfer with assistance to another locality.

Proclamation No 455/2005 Expropriation of Landholdings for Public Purposes and Payment of Compensation establishes the legal principles and framework for expropriation and compensation.

Council of Ministers Regulations No. 135/200, on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes provide the procedures for application of Proclamation No 455/2005.

4.3 Expropriation of Land for Public Purposes and Compensation

4.3.1 Eligibility/ Entitlement

Eligibility for compensation is discussed in Article 44(2) of the 1995 Constitution and Proclamation No455/2005. These give entitlement only to those who have formal legal rights over their land holdings (properties). Proclamation No 455/2005, Article 2 (3 stipulates that "Landholder means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon." According to Article 7(1) and (2), "a land holder whose holding has been expropriated shall be entitled to payment of

compensation for his property situated on the land and for permanent improvements he made to the land”. “The amount of compensation for property situated on the expropriated land shall be determined on the basis of the replacement cost of the property”.

Three criteria are suggested by OP4.12 for the classification of persons affected by a project (PAPs). These are:

- I. Those who have formal rights to land (including customary land traditional and religious rights, recognized under the Laws of Ethiopia);
- II. 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 Ethiopia or become recognized through a process identified in the resettlement plan;
- III. Those who have no recognizable legal right or claim to the land they are occupying.

Those covered by (i) and (ii) above are to be compensated for the land they lose, and given other assistance in accordance with this policy. Provided that they occupy the project area prior to a cut-off date established by the Government and acceptable to the Bank, persons covered by (iii) above are to be provided with resettlement assistance instead of compensation for the land they occupy, and other assistance necessary to the achievement of the objectives of this policy. All persons included in categories i – iii above are to be provided with compensation for loss of assets other than land. Thus 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 on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

4.3.2 Expropriation and Compensation Regulations

Council of Ministers Regulations No. 135/2007, on the Payment of Compensation for Property situated on Landholdings Expropriated for Public Purposes is provided in full in Section 8 Annex C on page 37. The regulations provide the methodology for assessing compensation or replacement of expropriated assets under the following headings:

- 1) Assessment of Compensation for buildings, fences, crops, perennial crops, trees,

- protected grass, permanent improvement on rural land, relocated property, mining licenses and compensation for burial-grounds.
- 2) Formulas for calculating compensation are provided for: buildings, crops, unripe perennial crops, ripe perennial crops, relocated property and for protected grass.
 - 3) Provision of replacement land.
 - 4) Displacement compensation for crops and perennial crops, protected grass or grazing land and for provisional expropriation of rural land.

Box 1 below outlines provisions of Proclamation 455/2005 of the GOE on Expropriation of Land Holdings for Public Purposes and Payment of Compensation. Comparisons with the World Bank policies are provided in table 4.1 below. Where there is a difference, World Bank OP 4.12 will apply.

Table 4.1: Comparison of GOE Legislation with World Bank Policies on Land Acquisition and Compensation Payment

Topic	GOE Legislation	World Bank Policy Requirement
Calculation of compensation	The amount of compensation for property situated on the expropriated land shall be determined on the basis of the replacement cost of the property.	Recommends land-for-land compensation. Other compensation is at replacement cost.
Resettlement	All people who have been displaced or whose livelihoods have been adversely affected as a result of State programs shall have the right to receive adequate monetary or other alternative compensation.	Affected persons who are physically displaced are to be provided with residential housing, or housing sites, or as required, agricultural sites...at least equivalent to old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based.
Resettlement Assistance	All people who have been displaced or whose livelihoods have been adversely affected as a result of State programs shall have the right to receive adequate monetary or other alternative compensation, including transfer with assistance to another locality.	Affected persons are to be offered support after displacement for a transitional period.
Information and consultation	<i>The law requires notification in writing, with details of timing and compensation, which cannot be less than 90 days from notification. It requires that land should be handed over within 90 days of payment of compensation should the lease holder accept payment.</i>	Displaced persons and their communities ...are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementation and monitoring of resettlement
Grievances	Procedures for complaint and appeal are set (Article 11)	Appropriate and accessible grievance mechanisms to be established

Box 1: Proclamation 455/2005: Expropriation of Land Holdings for Public Purposes and Payment of Compensation

PART ONE -GENERAL

Article 1: Provides a title for the Proclamation and Article 2 Gives definitions of the terms used in the Proclamation, including “compensation”, “region”, “landholder”, “urban administration”, “public purpose”, “utility line” and “implementing agency”.

PART TWO –EXPROPRIATION OF LAND HOLDINGS

Article 3 gives the power to expropriate landholdings to a woreda administration for a development project;

Article 4 describes the requirements for the notification of an expropriation order. This requires notification in writing, with details of timing and compensation, which cannot be less than 90 days from notification. It requires that land should be handed over within 90 days of payment of compensation should the lease holder accept payment. If there is no crop or other property on the land; it must be handed over within 30 days of notice of expropriation. It further gives power to seize the land through police force should the landholder be unwilling to hand over the land;

Article 5 sets out the responsibilities of the implementing agency, requiring them to gather data on the land needed and works, and to send this to the appropriate officials for permission. It also requires them to pay compensation to affected landholders;

Article 6 describes the procedures for the removal of utility lines. It requires the relevant government body to give a written request to the affected ‘owner’, and for this body to determine a fair compensation within 30 days, to the requesting body. Compensation must be paid within 30 days of the receipt of the valuation, and the owner must vacate the land within 60 days of receipt of compensation

PART THREE – DETERMINATION OF COMPENSATION

Article 7 describes the basis and amount for compensation. This entitles the landholder to compensation for the property on the land on the basis of replacement cost; and permanent improvements to the land, equal to the value of capital and labour expended. Where property is on urban land, compensation may not be less than constructing a single room low cost house as per the region in which it is located. It also requires that the cost of removal, transportation and erection will be paid as compensation for a relocated property continuing its service as before. Valuation formulae are to be provided by regulations.

Article 8 relates to displacement compensation relating to permanent and temporary displacement for rural and urban landholders.

Article 9 requires that the valuation of property is carried out by a certified private or public institution or private consultant as per the valuation formulae as mentioned above. Until the capacity is created to enable valuation by a certified valuer, valuation will be done by a committee.

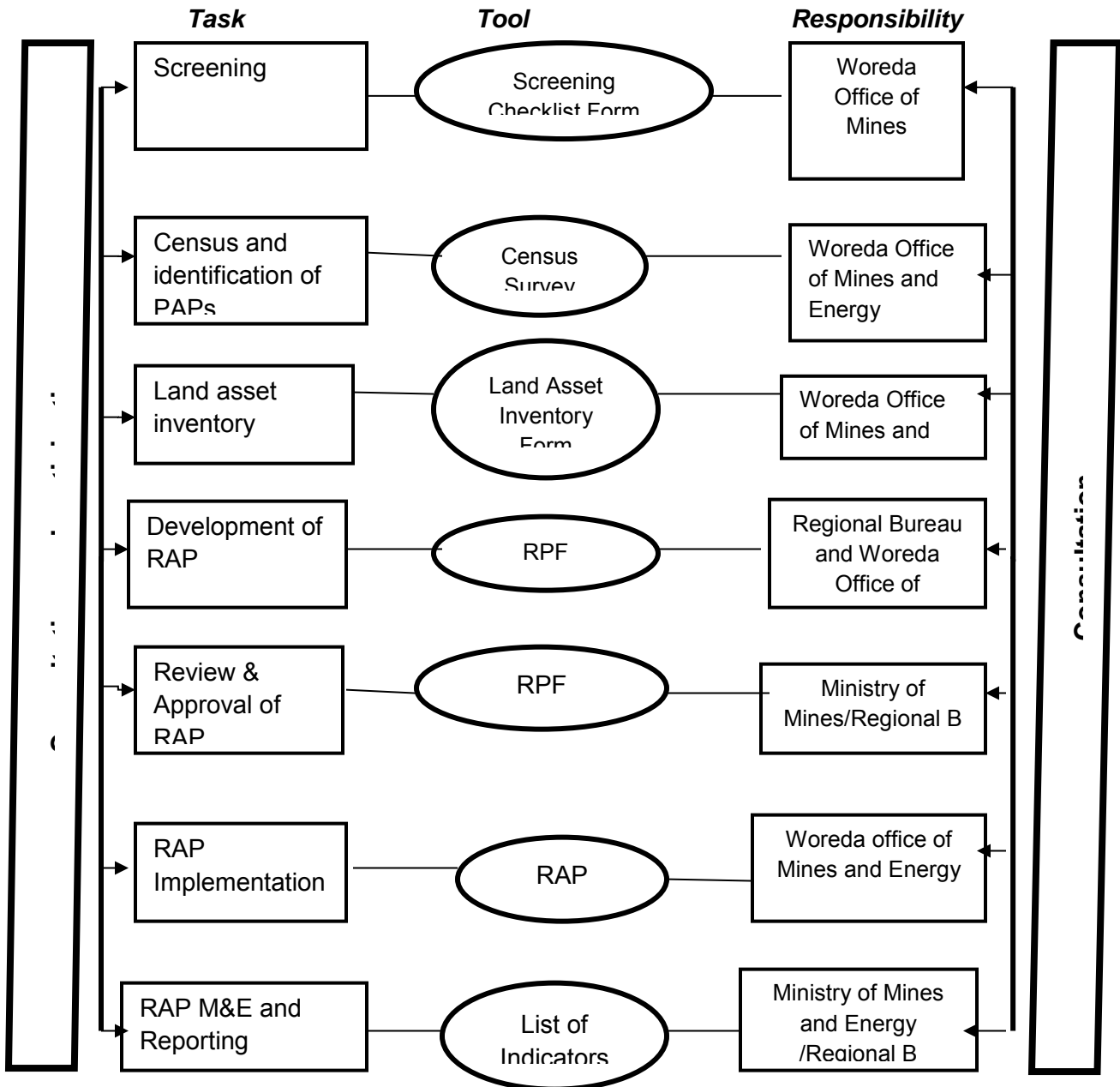
Article 10 describes these committees. The committee must be made up of experts with relevant qualifications. This must be designated by the urban administration in urban areas. A specialized committee of experts may also be set up separately if required. (Committee procedures will be determined by directives).

Article 11 sets out procedures for complaints and appeals relating to compensation in rural & urban areas.

5. RAP PREPARATION, REVIEW AND APPROVAL

The steps to be undertaken for each individual RAP include a screening process; a socio-economic census and land asset inventory of the area and identification of the Support Project Affected Parties (PAPs). This is followed by the development of RAP, review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps are shown in Figure 5.1 below:

Figure 5.1: Individual RAP Preparations, Review and Approval Process



5.1 Step 1- Support Project Screening

The first step in the process of preparing individual resettlement and compensation plans is the screening process to identify the land or areas that may result in environmental and social impacts, including resettlement. The Support Projects screening is used to identify the types and nature of potential impacts related to the activities proposed under the Support Project, and provide adequate measures to address the impacts. It also ensures that the Support Projects, in consultation with the local community members, chooses a site with the least environmental and social impacts, and lowest chance of resettlement.

The screening process presented below will ensure that proposals presented for the Support Projects funding comply with the requirements of Ethiopian Law according to Proclamation No 455/2005 and Council of Ministers Regulations No. 135/2007.

Screening will be undertaken by the relevant woreda offices (mines, health, water, sanitation, etc.) that proposes the Support Projects, with the use of the screening tool as attached to the RPF (see Annex I) and ESMF. This will be part of the environmental and social screening process for each Support Project as detailed in the ESMF. It will take place as early in the Support Projects processes possible and will identify land that is to be taken for the project and Projected Affected Persons who will need to be resettled and/or compensated. This will be in consultation with the affected parties to ensure that it takes all considerations into account and all potential impacts are identified.

If the Screening Report shows that no resettlement is required, the development of a Resettlement Action Plan is not necessary. If there are persons affected by the Support Projects, Resettlement Plan (RAP) will be developed.

5.2 Steps 2 and 3: Census Survey and Land Asset Inventory

An important step in the process of preparing RAP is to establish appropriate data to identify the persons who will be displaced by the Support Projects, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In essence, a census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identify gaps in information with respect to losses to be compensated and, if

- required, to design appropriate development interventions; and
- Establish indicators that can be measured at a later date during monitoring and evaluation.

A sample inventory form can also be found in Annex II.

5.3 Step 4: Development of Resettlement Action Plan (RAP)

Following the identification of affected parties, RAP will be developed according to the structure as set out in the box below.

Box 1. Required Elements of RAP

1. *A census survey of displaced persons and valuation of assets;*
2. *Description of compensation and other resettlement assistance to be provided;*
3. *Consultations with displaced people about acceptable alternatives;*
4. *Institutional responsibility for implementation and procedures for complaints and appeals;*

5.4 Step 5: Review and Submission to Regional & Federal Authorities

Following completion of the RAP for a Support Project, the Regional Bureaus of Mines must submit the RAP to the Federal Ministry of Mines for approval and ensuring compliance with the RPF. The RAP is also to be submitted through Federal Ministry of Mines to the IDA - to ensure compliance with the RPF and Ethiopian law.

Capacity for RAP review and approval will be developed at each regional bureau through support of the Federal Ministry. This will be through training and technical assistance to ensure that all implementing agencies and other stakeholders involved discharge their different responsibilities effectively. To this end, capacity building training shall be provided to personnels drawn from the focal units of the implementing institutions.

5.5 Step 6: RAP Implementation Procedures and Implementation Schedule

Compensation payments will be made to affected persons before small works commence and persons property is affected; i.e., during the early stages of implementation of the Resettlement Action Plan.

5.5.1 RAP Procedures

Following approval of the Support Projects RAP, the process of implementation must take place. This will involve:

- a) Consultation (a continuation of the process entered into during the site selection, screening and RAP development process);
- b) Notification to affected parties;
- c) Documentation of assets;
- d) Agreement on compensation;
- e) Preparation of contracts, and
- f) Compensation payments and provision of the required assistance.

The detail of these steps will depend on the nature and extent of resettlement required.

a) Consultation

An essential element in the RAP implementation process is consultation and public participation. This will be a continuation of the process entered into during the site selection, screening, census and RAP development process, and will depend on the extent of the resettlement impact. The community and landholder would be informed of the approval of the RAP and implications for all PAPs, as well as the likely implications in terms of expropriation and compensation. Importantly, this would need to be part of an ongoing process, to 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.

b) Notification

At the earliest possible opportunity, the concerned woreda office (health, water, sanitation and environment) will provide notification regarding land acquisition to land holders and 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 Kebele representative.

c) Documentation

The relevant woreda office will arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the woreda official will complete a compensation dossier containing necessary personal information on the affected party and those that he/ she claims as household members, total landholdings, inventory of assets affected, and information for monitoring their future situation. 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 so that the resettlement process for each individual PAP can be monitored over time. All claims and assets will be documented in writing.

d) Agreement on Compensation and Preparation of Contracts

All compensation options and types must be clearly explained to the affected individual or household. The concerned woreda office 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 will have an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and other relevant community leaders prior to signing.

e) Compensation Payments

All handing over of property such as land and crops on it and compensation payments will be made in the presence of the affected party and kebele representative. **Table 5.1 below depicts the compensation entitlement matrix for the envisaged support projects.**

Table 5.1: Compensation Entitlement Matrix

Category of Loss	Type of Entitlement	Unit of Entitlement	Details of Entitlement
Loss of agricultural land	<p>Full replacement of land with same or better productive potential and title for permanently affected land</p> <p>OR</p> <p>Average annual income of the farmer secured during the five years preceding the land expropriation for ten years</p> <p>Crops on land, for improvement made on land and land preparation for the new cropping season</p>	<p>Individual land holders (formally or informally registered or unregistered</p> <p>Individuals with usufruct rights to land (informal settlers, share croppers of land) yet with no recognizable legal right/claim to land they are using at the time of verification</p>	<p>Land to land compensation</p> <p>Compensation for the loss of equivalent to ten times the average annual income secured during the five years preceding the expropriation calculated on basis of current market value of crops</p> <p>Compensation for crops based on average annual income secured over the past three years</p> <p>Compensation for permanent improvement on land calculated</p>

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			based on the total labor cost and at the prevailing market rate and
Private grazing land or communal	Alternative grazing land or cash compensation for permanent loss payable for 10 years	Customary and title deed landholders Kebele administration	Compensation based on size of grazing land, quantity of grass in bale per sq.m multiplied by current market price of grass per bale
Loss of crops (annual and perennial)	Cash compensation Valuation of ripe crops: average annual yield for 10 years. Unripe crops: labor and material cost incurred to grow the plant plus cost of permanent improvement to the land	Title holder family	
Loss of Tree	Cash compensation	Title holder, land holder	The owner can cut and collect the trees within the period fixed by law The level of growth of tree and the current local price for tree
Loss of private	• Full compensation for house, fence, septic	Title holder	Kebele shall

<p>and kebele house and structures – fully impacted</p>	<p>tank, water tank, trees at replacement cost</p> <ul style="list-style-type: none"> • Adjustment/disturbance allowance <p>Land for house construction based on size of current holding</p> <p>Removal of salvage materials and debris</p>	<p>Family</p>	<p>construct similar or better structures for the same tenants previously living in the kebele structures</p> <p>For kebele tenants are entitled to displacement compensation</p>
<p>Partially impacted houses and other structures</p>	<p>Compensation at replacement cost to rebuild/ restructure in similar or better conditions</p> <p>Removal of salvage materials and debris</p>	<p>Title holder House owner family</p>	<p>Replacement cost for lost assets during demolishing and relocation</p>
<p>Restoration assistance for Vulnerable groups</p>	<p>Structures, businesses and rental accommodation</p> <p>Compensation as per the above variables</p> <p>Replacement cost for lost assets</p>	<p>Including elderly, female headed households, orphans and youth unemployed</p>	<p>Logistical support</p> <p>Employment opportunities</p> <p>Priority for construction rented houses</p>

5.5.2 RAP Implementation Schedule

It is essential that the timeframes and action plans associated with the RAPs are linked to the Support project implementation schedule. Provisions must be made for compensation and assistance 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 affected people.

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 concerned woreda offices and PAPs must include:

- a) Target dates for start and completion of small works;
- b) Timetables for transfers of completed small works to PAPs;
- c) 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);
- d) 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 small works, in compliance with this policy. Proper timing and coordination of the small works shall ensure that no affected persons will be displaced (economically or physically) due to small works activity, before compensation is paid and before any project activity can begin.

5.5.3 Complaints and Appeals in Relation to Compensation

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 complaints and making appeals in relation to compensation. The relevant law is found in Article 11, Part Three of Proclamation No. 455/2005 Expropriation of Land Holdings for Public Purposes and Payment of Compensation. While grievances could eventually be referred to the formal courts if unresolved, it is preferable and effective to set up a grievance mechanisms at local levels to address possible disputes arising from land acquisition such as determination of property ownership, valuation of properties,

determination of sizes of plots, payment modalities for compensation.

- 1) A grievance committee composed of 5 members should be established in each kebele where land acquisition is required. The composition of the committee should include 2 members elected by the community and other relevant members from the kebele administration .
 - 2) All grievances should be submitted to the committee in writing and grievances will be recorded and documented.
 - 3) Grievance committee will review each grievance application and make a decision within 10 days and inform the aggrieved of the decision.
 - 4) The aggrieved if not satisfied with the kebele level grievance committee can appeal to the regular woreda grievance committee. Woreda grievance committee should make decisions within two weeks and inform the aggrieved. If not satisfied with the decision of the Woreda grievance committee the aggrieved can apply to the regular regional grievance committee.
 - 5)
6. **At each Kebele a designated place is assigned for recording complaints in writing**
 7. **Aggrieved persons record their grievances and submit in writing to the kebele grievance committee providing details of the grievance or cause of dispute**
 8. **All decisions made by the grievance committee should be in writing and communicated to the aggrieved.**

shall be addressed in the following manner:

- 6) A party dissatisfied with the decision rendered may appeal to the regular appellate court;

- a) The decision of the court shall be final.

An indicative example of a form that can be used in submitting a complaint is provided in Annex III,

8.1 Step 7: Monitoring and Evaluation

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. Once again, the detail and complexity of this plan will depend on the nature and extent of the resettlement that takes place.

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the entire Support program, which will fall under the overall responsibility of the different executing agencies. The executing agencies (Ministry of Mines concerned Regional Bureaus and Woreda Offices), with support from the Ministry of Mines Task force 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 of technical specifications and budgets;
- b) Provides timely information about the asset valuation and negotiation process,
- c) Maintains records of any complaints and appeals 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 suggests that where appropriate and where it is determined to be cost-effective, the regional Bureaus of Mines and Energy shall develop the monitoring and evaluation component of the project/program. This will take the form of giving the Bureau of Mines and Energy 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 Support Projects , and
- b) if the people who were affected by the Support Projects 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.

Indicators

A number of objectively verifiable indicators 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, Table 5.1 provides a set of indicators which can be used.

Table 5.1: Types of Verifiable Indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next Ethiopian Financial Year	Outstanding individual compensation or resettlement contracts.
Complaints recognized as legitimate out of all complaints lodged.	Outstanding village compensation contracts
Pre-project production and income (year before land used) versus present production and income of resettled PAPs who earn income from affected property – perennial crop etc.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project income versus present income	Equal or improved production per household.

a) Indicators to determine status of affected people

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 access whether these goals are met, the RAP 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 settlement and compensation plans performance:

- a) Questionnaire data will be entered into a database for comparative analysis at all levels of local government;

- b) 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;
- c) The local authorities 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;
- d) Percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- e) Proposed use of payments;
- f) The number of contentious cases as a percentage of the total cases;
- g) The number of complaints and appeals and time and quality of resolution;
- h) The ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- i) Income generating productive enterprises;
- j) Number of impacted locals employed by the civil works contractors;
- k) General relations between the project and the local communities.

ANNEXES

ANNEX I: SUPPORT PROJECT ESMF AND RPF SCREENING FORM

The results of the Screening Report will be included in the Support Project Application Form in conformity with the Project Operational Manual

Support Project name:	
Location (include map/sketch):	e.g. region, district, etc)
Type of activity:	e.g. new construction of water well, upgrading of health post, etc
Estimated Cost: (Birr)	
Proposed Date of Works Commencement	
Technical Drawing and Specifications Reviewed :	circle answer): Yes No

This report is to be kept short and concise.

Site Selection:

Physical data:	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to project	
Any plans for new construction	

Refer to project application for this information.

Impact identification and classification:

When considering the location of a Support Project, 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 – it indicates a real risk of causing adverse impacts involving resettlement and compensation. The following table should be used as a reference.

Table I.1: Impact Identification and Classification

Issues	Site Sensitivity		
	Low	Medium	High
Involuntary resettlement	Low population density; dispersed population; legal tenure is well-defined; well-defined water rights	Medium population density; mixed ownership and land tenure; well-defined water rights	High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights

Checklist of impacts

Checklist	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Support project infrastructure & services:(water supply, sanitation, health services, etc)					
Economic or physical resettlement required					
New settlement pressures created					
Other (specify):					

Detailed questions

Public participation/information requirements: Yes/No answers and bullet lists preferred except where descriptive detail is essential.	
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 relevant legislative acts in Ethiopia	
Land and resettlement: Yes/No answers and bullet lists preferred except where descriptive details essential	
Will people's livelihoods be affected in any way, therefore requiring some form of compensation?	
Will people need to be displaced, and therefore require compensation and resettlement assistance?	
Are the relevant authorities aware of the need for a Resettlement Process, involving a census, valuation, consultation, compensation, evaluation and monitoring?	
What level or type of compensation is planned?	
Who will monitor actual payments?	
Refer to the Resettlement Policy Framework.	
Actions:	
List outstanding actions to be cleared before Support Project appraisal.	
Approval/rejection	
If proposal is rejected for environmental reasons, should the Support Project be reconsidered, and what additional data would be required for reconsideration?	

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Recommendations:

	Requires an RAP to be submitted on date	
	Requires Census & Land Inventory to be submitted on date	
	Does not require further environmental or social studies	

*Place tick in applicable box

Reviewer:

Name:

Signature:

Date:

ANNEX II: CENSUS SURVEY AND LAND ASSET INVENTORY FORM

1. Socio-economic Household Datasheet of PAPs

Name of Interviewer ID Code		Signature
Name of Supervisor ID Code		(after verification of interview)

, Woreda, Kebele,	
-------------------	--

Date: Day _____ Month _____ Year _____

Name of Head of Extended Family :	
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)	

2. Household Interview

Name and Surname	Relationship to Head of Family	Sex		Place of Birth	Age	Marital Status	Residence Tenure	Ethnic Group	Religion	Educational Level	Income Earner		Economic Activities	
		M	F								yes	no	Primary	Secondary
1														
2														
3														
4														
5														

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: Other (specify) ; 0 No Answer

Marital Status: 1Married; 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 Shepherd; 3 Household ; 4 Merchant; 5 Religious leader, teacher ; 6Artisan ; 7 Transport ; 8 Unemployed;9 Other (specify) ;0 No Answer

Secondary Occupations: idem.

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

Religion: 1 Muslim; 2 Christian (specify denomination); 3 Animist. 9 Other (specify) ; 0 No Answer

3. Land asset inventory for Support Project Affected People

Kebele: _____

Date: _____

Survey no.	Name of Head of House hold	No. of Persons in house hold	Total land holding of HH (m ²)	Land to be acquired (m ²)	Land Use Type *	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses			
							Structures Permanent(m ²)	Structures temporary (m ²)	Area of residential and lost (m ²)	fruit trees lost type and number	Agricultural land lost (m ²)	Other (specify)		e.g. graveyards, wells, etc.(type and no)	Residence (rented)	Business lost	Income loss

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4. Entitlements of Support Project Affected People

Woreda: _____ Date: _____

Kebele: _____

Survey no.	Name of Head of Household	Compensation for Land			Compensation for building and structures			Compensation for crops and trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			Total (Birr)
		Quantity (m2)	Unit price (Birr) per m2	Entitlement (Birr)	Quantity (m2)	Unit price (Birr) per	Entitlement (Birr)	Quantity Unit	Unit price (Birr)	Entitlement (Birr)	Quantity Unit	Unit price (Birr)	Entitlement (Birr)	

ANNEX III: SAMPLE COMPLAINT FORM

Complaint Form		
Complaint Number		Copies to forward to:
Name of the Recorder		Original)Receiver Party
Region/Kebele		(Copy)Responsible Party
Date		
INFORMATION ABOUT THE COMPLAINANT		
Name Surname		
Telephone Number		
Address		
Kebele/Community		
Region/woreda		
Signature of Complainant		
DESCRIPTION OF THE COMPLAINT		

ANNEX IV : LIST OF CONTACTED PERSONS AND INSTITUTIONS

No	Consulted Personnel	Position	Address
1	Mrs. Sofia Mahamed	Head, Gender Mainstreaming Directorate Director and Project Coordinator, MoM	0911 683363
2	Mr. Tamirat Mojo	Artisanal Mining and Transaction Coordinating Directorate Director, MoM	0913 371497
3	Mr. Melkamu Kifetew	Environment and Communities Directorate Director, MoM	0912 619447
4	Mr. Mekonen Asrat	Process Owner, Mining Operation Support and Inspection Process, OWMEB	0911 388549
5	Mrs. Shitaye Lemma	Process Owner, Gender Mainstreaming Performer	0911 417292
6	Dr.Asferachew Abate	Environmental Specialist, WB	0911 243043
7	Mrs. Desta Solomon	Resettlement Specialist, WB	0911 748023

ANNEX V: TERMS OF REFERENCE (TOR) AND SCOPE OF SERVICES

Support to Improve the Economic, Social and Environmental Sustainability of Artisanal Miners Project in Ethiopia

The TOR for the Preparation of an Environmental & Social Management Framework (ESMF)

1. Introduction

The Ministry of Mines of the Government of Ethiopia has received a Grant of under the Japan Social Development Fund (JSDF) to support improvement of economic, social and environmental sustainability of Artisanal miners with emphasis on women employment in selected parts of Ethiopia. Grant funds will be used: (i) to provide a baseline assessment as well as an environmental safeguard management framework; (ii) to provide capacity building to ASM miners, particularly women in ASM communities, in economically and environmentally sustainable mining techniques and basic geological assessments; (iii) to address the social infrastructure needs, specifically the lack of even basic sanitation and health facilities, by providing better access to potable water and sanitation facilities and to mobile community health centers as well as the provision of a Small-Grants Program; and (iv) to provide grant support and capacity building for NGOs, the federal Ministry of Mines and its regional bureaus. The project will be implemented under the auspices of the federal Ministry of Mines and through selected NGOs and the regional bureaus for mines to better ensure sustainability of the projects.

2. Objective of the Assessment

While this project is expected to enhance safeguard sustainability, the need to develop an environmental and social management framework (ESMF) at this stage of the project is predicated on the fact that grant funds will be used in supporting activities which might impact the environment, and could possibly carry social risks. These activities with potential risks include small civil works (provision of safe drinking water, health and sanitary facilities), the adoption of improved mining technologies and procurement of mining equipment and tools. Possible social conflicts could include disagreements over

land access and / or land use, as well as influx of people to communities that are being supported. ESMF is the appropriate instrument because project-specific locations are currently unknown and the nature and type of site-specific activities remain undetermined. The environmental category assigned for this Project is Category B. The objective of the assignment is to identify the potential positive impacts and adverse environmental and social risks that are likely to emanate from implementing the project activities and also to recommend actions to address and mitigate the safeguard risks. Thus, the study will also consider time-bound and costed preventive and remedial measures, institutional arrangements and capacity improvements needed to enhance implementation of the mitigation actions.

3. Scope of Assignment/Work

The consultant's work would entail, but not exclusively, a review of the potential environmental impacts and social risks likely to be associated with the project activities. Specifically, for those interventions areas outlined in the project, he/she would assess the level of procedural due diligence that need to be upheld during execution of outstanding sub-projects to ensure optimal utility benefits. Working directly with the World Bank and the Client staff as well as with the project implementing agencies, the consultant is expected to cover the following:

- Identify any aspects of the proposed components and interventions that may pose any potential environmental impact and/or social risks;*
- Identify any sub-projects that may pose environmental impacts and/or social risks;*
- List those significant environmental and social impacts that are likely to manifest because of the project. Quantify the magnitude and severity of these impacts;*
- Determine what remediation measures would be appropriate to be applied and what success levels are likely to be obtained;*
- Clarify what roles should be taken by the various actors and players within and outside the sector to ensure effective implementation of the project and mitigations measures;*

- *Assess the mechanisms to ensure effective and sufficient levels of participation and consultations during project implementation, including sufficient disclosure and information dissemination.*

4. The ESMF Report

The consultant will provide an ESMF report that is concise, identifies potential significant adverse safeguard risks and makes recommendation on how effectively to execute remedial actions. It should be structured as follows:

- *Executive Summary*
- *Policy, Legal and Administrative Framework*
- *Description of the Proposed Project*
- *Description of Significant Adverse Environmental Impacts and Social Risks*
- *Analysis of Alternatives*
- *Environmental & Social Management Plan, incl. mitigation, monitoring, capacity development and training and implementation schedule and costs*
- *List of References*
- *Appendices (to include (i) Terms of Reference; (ii) List of people/institutions met; (iii) References, etc)*

5. Consultant Qualification

The consultant should have at least a Masters degree in Natural Resource Management, Environmental Studies, Mining Engineering, Community/ Rural Development, Anthropology/Sociology and other related disciplines. The consultant will have significant experience in the field of environmental and social assessment of Artisanal mining related type operations in Africa. He/ She is expected to be familiar with the safeguard policies/guidelines and regulations of the Government of Ethiopia and the World Bank. It is expected that an individual consultant will be hired to undertake this work and he/she will be an environmental and/or social safeguards specialist and have extensive local knowledge of customs and practices in those regions to be supported by

the project. The World Bank will hire the consultant to conduct the study. The consultant will be selected under Individual consultant selection method.

6. Schedule

*The duration of the consultancy will be 20 man-days. The work is expected to commence on or before May 15. An interim report on preliminary findings will be prepared for discussion with the **Ministry of Mines** and the World Bank task team within 2 weeks of the start of the consultancy. The consultant will plan to submit a draft final report by July 20. A revised final report will be submitted no later than one week after receipt of all final comments.*

ANNEX VI: REFERENCES

1. Federal Democratic Republic of Ethiopia, Council of Ministers Regulations No. 135/2007, on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes, Addis Ababa.
2. Federal Democratic Republic of Ethiopia, Environment Protection Authority: Environmental Impact Assessment Guideline Document, May 2000, Addis Ababa.
3. Federal Democratic Republic of Ethiopia, Environment Protection Authority: Environmental Impact Assessment Procedural Guidelines, Series 1, November 2003, Addis Ababa.
4. Federal Democratic Republic of Ethiopia: Proclamation No 455/2005 Expropriation of Landholdings for Public Purposes and Payment of Compensation, Addis Ababa.
5. Federal Democratic Republic of Ethiopia: Proclamation No. 295/2002 Environmental Protection Organs Establishment, 2002, Addis Ababa.
6. Federal Democratic Republic of Ethiopia: Proclamation No. 299/2002 Environmental Impact Assessment, 2002, Addis Ababa.
7. Federal Democratic Republic of Ethiopia: Rural Land Administration and Use Proclamation No.456/2005, Addis Ababa
8. The World Bank: OP 4.12 Involuntary Resettlement, the World Bank Operation Manual (Operational Policies), updated March 2007.