

**The Federal Democratic Republic of Ethiopia**

**Ministry of Urban Development Housing and Construction  
(MUDHCo)**



**RESETTLEMENT POLICY  
FRAMEWORK**

**URBAN PRODUCTIVE SAFETY NET PROJECT**

**September 2015  
Final**

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## Acronyms

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>BoA</b>	Bureau of Agriculture
<b>BoFED</b>	Bureau of Finance and Economic Development
<b>BUD</b>	Bureau of Urban Development
<b>EPA</b>	Environmental Protection Agency
<b>EPLAU</b>	Environmental Protection, Land Administration and Use Authority
<b>ESMF</b>	Environmental and Social Framework
<b>ETB</b>	Ethiopian Birr
<b>FDRE</b>	Federal Democratic Republic of Ethiopia
<b>GoE</b>	Government of Ethiopia
<b>IDA</b>	International Development Association
<b>IGA</b>	Income Generating Activity
<b>IO</b>	Infrastructure Office (for ULGDP)
<b>LIPW</b>	Labour Intensive Public Works
<b>MoFED</b>	Ministry of Finance and Economic Development
<b>MSE</b>	Micro and Small Enterprises
<b>MUDHCo</b>	Ministry of Urban Development Housing and Construction
<b>NGO</b>	Non-Governmental Organization
<b>O&amp;M</b>	Operations and Maintenance
<b>OM</b>	Operational Manual
<b>Public Works</b>	Public Works
<b>PAP(s)</b>	Project Affected Persons
<b>PCU</b>	Project Coordination Unit
<b>RAP</b>	Resettlement Action Plan
<b>REPA</b>	Regional Environmental Protection Authority
<b>RPF</b>	Resettlement Policy Framework
<b>SME</b>	Small and Medium Sized Enterprise
<b>ULG</b>	Urban Local Government
<b>ULGDP</b>	Urban Local Government Development Project
<b>UPSNP</b>	Urban Productive Safety Net Project

## **Executive Summary**

### ***Introduction***

This document provides a Resettlement Policy Framework (RPF) for the UPSNP. It addresses social impacts (issues of land acquisition resulting from implementation of Labour Intensive Public Work (LIPW) subprojects that may or will result in loss of property or disturbance affecting livelihoods) of the UPSNP. Another UPSNP document, the Environmental and Social Management Framework (ESMF) addresses physical environment impacts and can be read together with this RPF. The RPF serves as a guide to project implementers to ensure that, prior to implementation of any LIPW subproject likely to result in such social impacts, project-affected people (PAP) are consulted, and appropriate preventative and mitigating measures are exhaustively considered and implemented.

### ***Objectives of the RPF***

The objective of the RPF is to provide a process to be used in identifying individuals to be impacted by LIPW subproject activities as well as the type and magnitude of impact and outline the process for preparing a Resettlement Action Plan. The RPF includes methods for identifying processes for monitoring and evaluating resettlement impacts in planning in implementation of UPSNP LIPW subprojects. Specifically, the RPF will:

- Establish the UPSNP resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying Ethiopian approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of PAPs and entitlements;
- Define a participatory process by which potential reduced access to resources is identified and mitigation measures established;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Describe implementation and monitoring arrangements; and
- Provide procedures for filing grievances and resolving disputes.

### ***Project Description***

The Project Development Objective is to support the government of Ethiopia to increase income of targeted households living below the poverty line in selected urban areas.

The UPSNP will consist of three major components:

*Component I: Safety Net Support* (Total US\$411.00 million, of which: IDA US\$221.00 million, GoE US\$190.00 million). This component will support the delivery of a predictable, timely, and productive safety net through conditional and unconditional safety net transfers. The project will ensure that various safety nets principles such as primacy of transfer; adequacy, and predictability of transfer are respected.

*Under Subcomponent I: Conditional Transfers, the Project will support Labor Intensive Public Works.* The project will support the financing and development of sustainable community assets and public services implemented using labor intensive methods. A menu of public works appropriate for the urban areas and customized to the special environments in each of the participating cities will be provided as guidance to the communities in participating areas. These may include urban greenery development, solid waste management, construction of cobblestone roads, building drainages and community infrastructure and development of shelters and workshops for income generation SME activities etc.). In cities where there is an overlap with ULGDP the public works will be limited to urban greenery, environmental cleaning, solid waste management and social facilities/services projects. Specific guidelines and manuals will be

developed to guide the design and implementation of various public works sub-projects. In this process, reference will be made to various implementation manuals developed by the MUDHCo through ULGDP to ensure that overlaps will be overcome and that necessary synergies between the projects will be ensured.

Implementation of the public works will also build basic technical skills, such as specific skills for construction, catering or home care activities, as well as soft skills, like timeliness and discipline, amongst the project beneficiaries.

*Component II: Livelihood Services* (Total US\$107.00 million, of which IDA US\$57.00 million, GoE US\$50.00 million). This component will support interventions that will facilitate graduation from the program and promote moving out of poverty. The target group for these interventions are individuals in households receiving conditional transfers who desire more and higher-paid work. One individual per household can receive this support which will result in a total of 188,000 individuals eligible for this component. The individual will be selected by the household. The support will be implemented by the One Stop Centers Directorate in FEMSEDA which established One Stop Centers in woredas/kebeles. Some of the functions will be performed in collaboration with MOLSA.

*Component III: Institutional Strengthening and Program Management* (Total US\$41 million, of which IDA US\$22 million, GoE US\$19 million). This component will support the development and strengthening of project systems for targeting, monitoring and evaluation (M&E) and MIS, payments, and CE. It will also finance capacity building (human resource, training, administrative, and physical capacity) and strengthening program management (coordination, financial management, procurement, and safeguards).

*This RPF will apply to the activities in Component 1, Subcomponent 1 Conditional Transfers (specifically LIPWs).*

### ***Institutional Arrangements***

The overall coordination of the management and implementation of UPSNP will be under the responsibility of the Ministry of Urban Development, Housing and Construction (MUDHCo). The Ministry of Labor and Social Affairs (MoLSA) will closely work with MUDHCo to support the coordination and implementation of the unconditional support and transfers systems. The Ministry of Finance and Economic Development (MoFED) and MoLSA will also have an important role in providing an overall guidance, resource mobilization and allocation, and ensuring linkages with National Social Protection Policy and Strategy.

The overall management and coordination of the project will be supported by a Project Coordination Unit (PCU) reporting to the Urban Good Governance and Capacity Building Bureau (UGGCBB) under the guidance of the State Minister and/or Minister of MUDHCo. The PCU will be staffed with appropriate technical and management staff. The technical oversight and coordination responsibility for the LIPW component is with the Urban Good Governance and Capacity Building Bureau (UGGCBB) and the Urban Planning, Sanitation and Beautification Bureau (UPSBB) of MUDHCo. The PCU will coordinate institutional capacity development activities and facilitate effective coordination and implementation (including safeguard issues).

### ***Project Beneficiaries***

The GoE is developing a 10-year UPSNP, as an element of the Urban Food Security and Job Creation Strategy approved on May 8, 2015, to support over 4.7 million urban poor living in 972 cities and towns. It is envisaged that this will be achieved over a long-term period through a gradual roll-out plan of different phases starting with big cities having a population of over 100,000 people. The proposed Bank support will provide assistance for the first five year phase of the Government program and is targeting 11 major cities, including Addis Ababa and one city from each region (Adama, Assayita, Asosa, Dessie,

Dire Dawa, Gambella, Hawassa, Harar, Jijiga, and Mekele). In the first phase, 752,000 beneficiaries (the poorest 15 percent and about 70 percent of people living below the poverty line in these 11 cities) will be targeted through a gradual roll-out plan during a five-year period. Given the large size of Addis Ababa and the relatively high poverty rates it records, about three-quarters of the beneficiaries will be from Addis Ababa. The project will use a combination of targeting mechanisms to identify beneficiaries.

#### ***Justification for Resettlement Policy Framework***

The need for the RPF emanates from the potential risk that some of the LIPW subprojects (for example cobblestone roads) may require formal land acquisition or access changes within a community. Specific locations of subprojects within communities are not known at the moment as actual land sites will be selected as part of the participatory LIPW planning process. In this context, where LIPW subprojects may be implemented within high-density poor communities, all precautions must be taken to ensure that proper procedures are followed in the case of potential displacement or livelihood disruption.

#### ***Guiding Principles on Resettlement Issues***

The overall policy guidance on execution of UPSNP is to avoid resettlement related cases at the earliest opportunity. In this regard, the implementation of subprojects to be funded from the UPSNP will be orchestrated on a set of principles in order to minimise or avoid resettlement risks altogether. The principles revolve around the basic tenets of the World Bank Operational Policy on Involuntary Resettlement (OP/BP 4.12) as well as the existing policies and pieces of legislation of the Government of Ethiopia. The key principles include, among others:

- 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;
- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods;
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being;
- Ensure that UPSNP LIPW subprojects do not result in reduced access to resources; and
- Not operating or causing restriction of access to legally designed parks and protected areas.

In addition, PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

#### ***Community Consultations and support for RPF***

Public consultations were conducted in 12 cities (Addis Ababa: 21 September 2015, Dire Dawa: 22 July 2015, Harar 26 July 2015, Jijiga: 29 July, 2015, Gambella: 16 July, Asossa: 31 July 2015, Awassa: 6 August, 2015, Semera-Logyia and Assyata: 17 July 2015, Mekelle 24 July 2015, Kuiha Subcity, Mekelle: 22 July 2015, Bahir Dar: 28 July 2015, Adama: 30 July, 2015) which the UPNSP will serve. In addition to the consultations with the communities, consultations were also held with woreda staff. The community meetings were facilitated by two independent consultants in coordination with MUDHCo and ULGs. In total, 788 community members participated in the community meetings.

- Draft RPF procedures were endorsed by all. There is a high acceptance of the Proposed Project more generally and eagerness among communities to engage.
- There is a strong desire among communities to see procedures properly implemented (especially related to compensation). Community consultations underscored the need to implement it free from any form of corruption and with the popular participation of the community. Communities also showed their positive commitment to participate during its implementation.

- In line with OP 4.12, the RPF should be modified in such a way as to encourage subprojects to be redesigned as far as possible, to avoid involuntary loss of assets or access to assets.
- Any LIPW subproject with the potential to cause involuntary loss of assets or access to assets should be approved only on an exceptional basis, and should be referred to the Valuation and Compensation Committee, or its equivalent, for further study in order to determine whether or not it triggers OP 4.12, and if required, to develop the RAP.
- There should be training for implementers with respect to the implementation of OP 4.12 and this training should take region specifics into account.

### ***Legal and Institutional Framework***

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Ethiopia, and the standards set in World Bank OP 4.10 on involuntary resettlement. However, in case of discrepancy between the two sets of standards, OP 4.12 will be applied. This legal and institutional framework is presented in the following sections:

- *Political Economy and Governance in Ethiopia;*
- *Institutional Arrangements;*
- *Property and Land Rights*, as defined by Ethiopian law and customary practice;
- *Acquisition of Land and Other Assets*, including regulations over the buying and selling of these assets;
- *Human Rights and Compensation*, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
- *Dispute Resolution and Grievance Procedures*, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and
- *Comparison with World Bank OP 4.12*, using equivalence and acceptability standards.

### ***Grievance Redress***

As part of awareness creation on the project, the existence of GRM procedures for citizens will be effectively communicated. Project complaints and appeals committees will be established at the *ketena*, *kebele* and *woreda* levels, with a mandate to receive and register complaints, convene meetings to resolve the complaints, and respond to the appeals resulting from committees' decisions. The effectiveness of resolution of complaints and appeals will be monitored during implementation. Information on the complaints and appeals will be collected at the ketene, kebele and woreda levels, and if there will be referrals to the regional or Project Implementation Unit level, which is less expected, the PIUs will be required to report information on the cases management as well. Information requirements will include registered cases, cases resolve in a timely manner and cases referred to the next level of the complaints and appeals structure.

## **Part 1: Basic Information**

**Project Objective:** The objective of the UPSNP is to increase income of targeted households living below the poverty line in selected urban areas.

**Expected Social Benefits:** Social benefits include employment (including demand for skilled and unskilled labor, increase in income for local communities and indirect employment opportunities from provision of services to construction workers, such as sale of food and beverages); improvement of environmental health; improved access to basic health services; enhancing the productive potential of mothers and welfare of the vulnerable; improving the aesthetic appeal of cities; improvement in food security of the urban poor; improved transportation, resulting in improved access to markets and social support networks; avoidance of damaging floods in urban areas; and multiplied effects of providing integrated infrastructure and services.

**Identified Social Risks:** During subproject construction, social risks may include dust, noise, safety and accidents, influx of people to certain areas due to better facilities provision and access and involuntary resettlement.

**Responsible Government/Country Agency for RPF Implementation:** Ministry of Urban Development Housing and Construction (MUDHCo)

**Total Project Cost (USD million):** 559.00

**Government (USD million):** 259.00

**Name/Contacts of Consultant/Consulting Firm who prepared the RPF:** Ministry of Urban Development Housing and Construction (MUDHCo)



## **Part 2: Introduction**

The Ministry of Urban Development, Housing and Construction (MUDHCo) led the design of a systematic productive urban safety net and livelihood support intervention. The Ministry in close collaboration with other Ministries has finalized an Urban Safety Net Strategy as an element of Urban Food Security and Job Creation strategy and is in the process of finalizing a long term Urban Productive Safety Net Program Framework.

The long term objective of the government Urban Safety Net Strategy and Program framework is to reduce poverty and vulnerability among the urban poor living below the poverty line by implementing productive and predictable urban safety nets and complimentary livelihood interventions among the 4.7 million urban poor over a period of 10 years. Consistent with the poverty reduction and economic development objectives of the GTP and the National Social Protection Policy/Strategy, the Urban Productive Safety Net Strategy seeks to guide implementation of interventions that will alleviate the varying needs of the urban poor. To achieve this longer term objective, the government confirmed that a series of specific phases of up to five years each will be designed and implemented. This first phase project supported by the World Bank will run from 2016 to 2020 and will focus on putting in place basic safety net building blocks including productive and predictable transfers through public works, livelihood interventions and capacity building, in response to the GoE request for immediate safety net support for the urban poor. It is also expected that the first phase will create a platform for more policy dialogue and learning for the future integration of the urban safety net into a comprehensive national social protection system.

In the long run, the proposed Urban Productive Safety Net Program and the rural Productive Safety Net Program will allow the GoE to gradually expand the safety net to national coverage. Through its implementation in a series of phases, UPSNP will be an important instrument to operationalize the pillars of the Ethiopia's new Social Protection Policy in urban areas. Both UPSNP and rural PSNP will be guided by a common policy framework and will also share a number of operational modalities and systems to ensure a coherent national safety net program.

The UPSNP is grounded in the unique challenges that shape and perpetuate urban poverty. In particular, the approach underpinning the UPSNP recognizes that urban poverty is highly complex, dynamic and has its own unique features. While ensuring technical and operational rigor, the Project will put a significant premium on adaptation and learning, including establishing flexible arrangements that can be molded based on prevailing circumstances and are informed by systematic feedback loops as the program is gradually rolled out. The learning will draw from the UPSNP itself, as well as relevant lessons from the rural PSNP, the WEDP and ULGDP.

Taking into account the progress already made through the PSNP in moving from delivery of a safety net service to supporting the development of a national system, the design of the urban safety net will make linkages to benefit from those systems investments. These will include such areas as the national unified registry and the MIS. Efforts will be made to establish a strong coordination and resource and knowledge sharing mechanism between the implementers of the two programs. In addition to the lead ministries of MUDHCo and MoA, the Ministry of Labor and Social Affairs (MoLSA) and the Ministry of Finance and Economic Development (MoFED) will play important roles in this regard.

### Part 3: Objectives of the RPF

This document provides a Resettlement Policy Framework (RPF) for the UPSNP. It addresses social impacts (issues of land acquisition resulting from implementation of UPSNP LIPW subprojects that may or will result in loss of property or disturbance affecting livelihoods) of the UPSNP. Another UPSNP document, the Environmental and Social Management Framework (ESMF) addresses physical environment impacts and can be read together with this RPF (both the ESMF and RPF are disclosed together). The RPF serves as a guide to project implementers to ensure that, prior to implementation of any Labour Intensive Public Work (LIPW) subproject likely to result in such social impacts, project-affected people (PAP) are consulted, and appropriate preventative and mitigating measures are exhaustively considered and implemented. Specifically, the objectives of this RPF are to:

- Establish the UPSNP resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying Ethiopian approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of PAPs and entitlements;
- Define a participatory process by which potential reduced access to resources is identified and mitigation measures established;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Describe implementation and monitoring arrangements; and
- Provide procedures for filing grievances and resolving disputes.

This RPF will apply to *LIPW subprojects of Component 1, Subcomponent 1 Conditional Transfers*. The RPF procedures will be carried out throughout preparation and implementation of the subprojects concerned, and potential impacts and implementation of the required mitigating or compensation measures will be tracked by the UPSNP Monitoring and Evaluation (M&E) system.

Whenever a RAP is required, it will be prepared in accordance with the instructions provided in this RPF, including detailed measurement surveys, identification of PAPs and public consultation and disclosure procedures. This RPF follows the guidance provided in the World Bank Operational Policy 4.12, as described in Annex 1. This RPF aims to ensure that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, particularly against potential impoverishment risks. These risks can be minimized by:

- 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;
- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods;
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being;
- Ensure that UPSNP LIPW subprojects do not result in reduced access to resources; and
- Not operating or causing restriction of access to legally designed parks and protected areas.

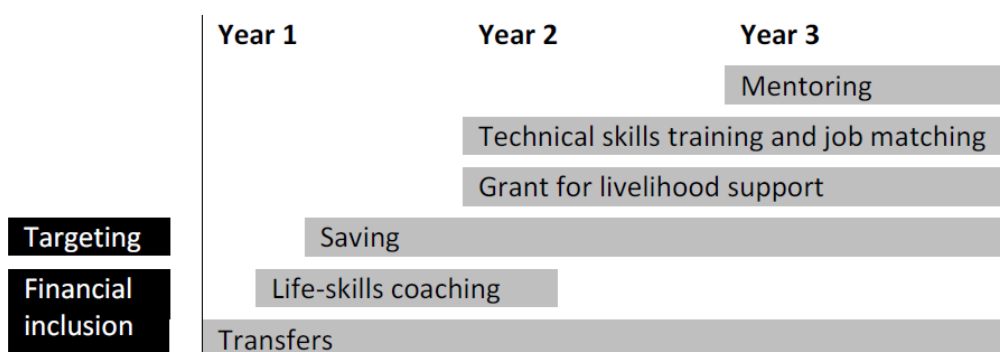
In addition, PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

## Part 4: Project Description

The project is targeted to the poorest 15% of people living in the 11 selected cities. The urban poor are a diverse group with diverse needs. Street children, homeless and beggars need housing, healthcare, counselling and often repatriation to families in addition to financial support. Elderly and disabled living in households with no working-age members need long term financial support. However, the largest groups of urban poor are those with working-age members but with too little work or in low-quality employment. This beneficiary group moves between unemployment, marginal self-employment and low-wage employment. Whilst some households do not have enough work, 48% of the target group live in households where at a given point in time all working age members are working (equal numbers in marginal self-employment and low-wage employment). This limits the time they have available to participate in program activities. The program components have been designed with these needs of the urban poor in mind (see Annex 6 for a profile of the urban poor).

The UPSNP will adopt a three-phase integrated support pathway designed to help beneficiaries move out of poverty and graduate from the program. In the first phase beneficiaries will receive transfers (conditional on beneficiaries meeting their co-responsibilities) and guidance on the employment pathway (both self and wage employment) to follow. In the second phase conditional transfers will continue and beneficiaries will receive training and further financial support to increase their employability. In the third phase beneficiaries will have the option to continue to engage in public works to supplement their employment income. Support will be provided for a maximum of three years but some beneficiaries may choose to graduate earlier.

**Figure 1: Three-phased integrated support pathway**



Based on the integrated model, the proposed project will have 3 major components:

- 1) Safety Net Support
- 2) Livelihood Services, and
- 3) Institutional Strengthening, Project Management and Coordination.

**Component I: Safety Net Support** (Total US\$411.00 million, of which: IDA US\$221.00 million, GoE US\$190.00 million). This component will support the delivery of a predictable, timely, and productive safety net through conditional and unconditional safety net transfers. The project will ensure that various safety nets principles such as primacy of transfer; adequacy, and predictability of transfer are respected.

*Under Subcomponent 1: Conditional Transfers, the Project will support Labor Intensive Public Works.* The project will support the financing and development of sustainable community assets and public services implemented using labor intensive methods. A menu of public works appropriate for the urban areas and customized to the special environments in each of the

participating cities will be provided as guidance to the communities in participating areas. These may include urban greenery development, solid waste management, construction of cobblestone roads, building drainages and community infrastructure and development of shelters and workshops for income generation SME activities etc.). In cities where there is an overlap with ULGDP the public works will be limited to urban greenery, environmental cleaning, solid waste management and social facilities/services projects. Specific guidelines and manuals will be developed to guide the design and implementation of various public works sub-projects. In this process, reference will be made to various implementation manuals developed by the MUDHCo through ULGDP to ensure that overlaps will be overcome and that necessary synergies between the projects will be ensured.

Implementation of the public works will also build basic technical skills, such as specific skills for construction, catering or home care activities, as well as soft skills, like timeliness and discipline, amongst the project beneficiaries.

**Component II: Livelihood Services** (Total US\$107.00 million, of which IDA US\$57.00 million, GoE US\$50.00 million). This component will support interventions that will facilitate graduation from the program and promote moving out of poverty. The target group for these interventions are individuals in households receiving conditional transfers who desire more and higher-paid work. One individual per household can receive this support which will result in a total of 188,000 individuals eligible for this component. The individual will be selected by the household. The support will be implemented by the One Stop Centers Directorate in FEMSEDA which established One Stop Centers in woredas/kebeles. Some of the functions will be performed in collaboration with MOLSA.

**Component III: Institutional Strengthening and Program Management** (Total US\$41 million, of which IDA US\$22 million, GoE US\$19 million). This component will support the development and strengthening of project systems for targeting, monitoring and evaluation (M&E) and MIS, payments, and CE. It will also finance capacity building (human resource, training, administrative, and physical capacity) and strengthening program management (coordination, financial management, procurement, and safeguards).

**Labour Intensive Public Works**

This RPF will apply to the activities in Component 1, Subcomponent 1 Conditional Transfers (specifically LIPWs).

**Table 1: Examples of Typical LIPW Subprojects**

Typical Subprojects	Description
Roads	- Cobblestone
Green Infrastructure	- Urban parks and greenery development projects - Nurseries for beautification
Urban Sanitation (Liquid Waste)	- Community washing facilities - Community public toilets/ventilated improved pit latrines - Community sewerage facilities and collection - Community soak away pits and septic tanks - Community drainage canals - Community roads drainages
Sanitation (Solid Waste Management)	- Dry waste collection up to primary collection center
Social Infrastructure	- Day Care Centers - Health Posts - Classroom construction/renovation

<b>Infrastructure that increases the productivity of urban work</b>	<ul style="list-style-type: none"> <li>- Building production sheds</li> <li>- Building market sheds for small business</li> <li>- Provision of childcare</li> <li>- Preparing food meals</li> </ul>
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**Developing urban service provision through a range of sub-projects:** Guidance will be provided to communities so that, where possible, they select LIPWs that improve the productivity of work in the urban environment. Implementation of public works in urban areas in Ethiopia and elsewhere has already shown that a range of infrastructure works can be implemented using labor intensive methods e.g. cobblestone roads, environmental management, building drainages and other communal infrastructure. In addition to infrastructure, the project will link to social care services such as programs also include an array of social services such as running child care services, elderly care, school kitchens, and the like. South Africa’s EPWP, for instance, offers “public social programmes” such as community-based health, care of AIDS patients, social welfare, and early childhood development. The Jefes program in Argentina includes child and elderly care, health program support, and community and school kitchens (Kostzer 2008). The PATI program in El Salvador includes cultural, sports, and health projects; urban agriculture; and educational programs to raise awareness about the environment, health, and sanitation. Where possible the project will aim to cement linkages to promote labor market participation and employability via skills training, and eligibility for livelihood interventions under Component 2. In order to reflect the needs of urban Ethiopia the project will conduct detailed feasibility studies to determine additional services that can be promoted through the project. It will start implementation on a pilot basis in the early stages of the project to determine which of these activities can be effectively provided and scaled up in the Ethiopian context.

**Setting clear project selection criteria:** The selection of the type of projects to be implemented within the public works component depends on program objectives; desired share of labor cost; program timing and duration; and the potential for participation of women, youth, and people with disabilities. Examples of eligibility criteria include: (i) a clear specified share of labor cost, for example in the range of 50–70 percent, in order to maximize the level of funds going to workers without jeopardizing the quality of the work done, (ii) demand driven in order to meet the needs of the poor, (iii) technically, socially, and economically viable, (iv) no adverse environmental impacts, and (v) participation of women and vulnerable groups. Programs that are ineligible may have harmful environmental and social impacts, onerous maintenance requirements. A menu of LIPWs appropriate for the urban areas and customized to the special environments in each of the participating cities will be provided as guidance to the communities in participating areas, as part of the Program Implementation Manual. In cities where there is an overlap with ULGDP the LIPW projects will be limited to urban greenery, environmental cleaning, solid waste management and social facilities/services projects. Specific guidelines and manuals will be developed to guide the design and implementation of various public works sub-projects. In this process, reference will be made to various implementation manuals developed by the MUDHCO through ULGDP to ensure that overlaps will be overcome and that necessary synergies between the projects will be ensured.

**Timing and duration of the program:** the design of the LIPWs will take into account the time beneficiaries need to look for wage employment or engage in self-employment activities. Whilst the investment of time by beneficiaries in LIPWs is inevitable, the LIPWs will be designed in such a way that participation in these schemes does not result in unnecessarily high levels of foregone income opportunities. This will be done by ensuring that engagement in LIPWs will not replace self-employment and job search activities but rather complement those efforts. Specifically: (i) individuals will self-select the number of days they spend on LIPWs up to a cap that is 60 days per household member in the first year and tapering off in the second and third year to 40 and 20 days respectively, (ii) the daily LIPW transfer will be set lower than the average wage rate received for unskilled work encouraging beneficiaries to pursue other work first, (iii) in the first year a matching grant will be provided for amounts saved from LIPW transfers encouraging individuals to use LIPWs to increase, not replace,

income Specific details of LIPW implementation schedules will be developed will be developed in the project implementation manual.

**Community-Based Planning Processes:** Planning for the LIPWs projects will be community based with technical assistance provided by city, woreda and ketene administrations. The responsibilities of the community will be varied and will include: Identification and prequalification of projects and beneficiaries, mobilization of community members to identify their needs, provision of data about community stakeholders. Community members may also play a role in contributing to sub-project monitoring and in facilitating community feedback through social accountability structures.

**M&E:** Ensuring transparency and accountability is a particular concern for public works programs; given their typical requirements for strong checks and balances against possible error, fraud, and corruption. In this context, a credible monitoring and evaluation system will be designed prior to program launch to allow for strong supervision and to respond to sudden changes inhibiting effective implementation. A number of principles will be followed to promote transparency and accountability including: clarity in selecting participating woredas, clear ground rules for beneficiary selection, adherence to procurement guidelines in buying process for materials, clear wage-setting processes, availability of a complaint handling system.

**Worksite Management:** Management of worksites and worker supervision are a key part of the implementation of a public works program. The structure of worksite management will depend on the scale and complexity of the project, and how labor will be organized. The tasks entailed in worksite management include the selection and organization of labor, attendance, payment of workers, provision of materials and technical assistance, physical execution of works, and resolution of the myriad issues that may arise in day- to-day operations. Woreda/Kebele site supervisors and foreman will be responsible for work site management activities.

### **Project Areas**

The GoE is developing a 10-year UPSNP, as an element of the Urban Food Security and Job Creation Strategy approved on May 8, 2015, to support over 4.7 million urban poor living in 972 cities and towns. It is envisaged that this will be achieved over a long-term period through a gradual roll-out plan of different phases starting with big cities having a population of over 100,000 people. The proposed Bank support will provide assistance for the first five year phase of the Government program and is targeting 11 major cities, including Addis Ababa and one city from each region (Adama, Assayita, Asosa, Dessie, Dire Dawa, Gambella, Hawassa, Harar, Jijiga, and Mekele). In the first phase, 752,000 beneficiaries (the poorest 15 percent and about 70 percent of people living below the poverty line in these 11 cities) will be targeted through a gradual roll-out plan during a five-year period. Given the large size of Addis Ababa and the relatively high poverty rates it records, about three-quarters of the beneficiaries will be from Addis Ababa. The project will use a combination of targeting mechanisms to identify beneficiaries.

**Table 2: Population, poverty rates and estimated number of beneficiaries by city**

	Population Estimates GoE 2015	Poverty Rate HCES 2010/2011	Adjusted poverty rates based on GTP reporting 2012/13	Estimated number of people below the poverty line	Estimated number of beneficiaries
<b>Addis Ababa</b>	3,195,000	0.28	0.24	766,800	523867
<b>Mekele</b>	306,972	0.1	0.09	27,627	18874
<b>Assayta</b>	25,144	0.13	0.11	2,766	1890
<b>Dessie</b>	177,688	0.20	0.17	30,207	20637
<b>Adama</b>	308,466	0.19	0.16	49,355	33719

Jijiga	154,364	0.15	0.13	20,067	13709
Asosa	43,204	0.19	0.16	6,913	4723
Awassa	284,426	0.25	0.22	62,574	42750
Gambella	62,093	0.17	0.15	9,314	6363
Harari	125,000	0.12	0.1	12,500	8540
Dire Dawa	268,000	0.35	0.3	80,400	54928
Total	5,039,336			1,072,982	730000
Urban destitute not captured in population statistics				22,000	22,000
Total including destitute				1,094,982	752,000

### ***Institutional Arrangements***

Institutional arrangement for UPSNP will be framed within the overall arrangement set in the GoE Urban Food Security and Job Creation Strategy under which the UPSNP is a major component. The implementation of the program will be fully streamlined into the existing government structure at the federal, regional, city and local levels. Additional technical assistances and coordination support will be provided through the project by capacitating existing institutions and systems for planning and implementation.

The overall coordination of the management and implementation of UPSNP will be under the responsibility of the Ministry of Urban Development, Housing and Construction (MUDHCo). The Ministry of Labor and Social Affairs (MoLSA) will closely work with MUDHCo to support in the coordination and implementation of the unconditional support and transfers systems. The Ministry of Finance and Economic Development (MoFED) and MoLSA will also have an important role in providing an overall guidance, resource mobilization and allocation, and ensuring linkages with National Social Protection Policy and Strategy.

The overall management and coordination of the project will be supported by a Project Coordination Unit (PCU) reporting to the Urban Good Governance and Capacity Building Bureau (UGGCBB) under the guidance of the State Minister and/or Minister of MUDHCo. The PCU will be staffed with appropriate technical and management staff. MoLSA and FEMSEDA will assign staff to constitute the respective sub-units that will closely support the coordination of project activities in both institutions.

The technical oversight and coordination responsibility for each component is assigned to the relevant institutions. For Public Works component, the Urban Good Governance and Capacity Building Bureau (UGGCBB) and the Urban Planning, Sanitation and Beautification Bureau (UPSBB) of MUDHCo will be responsible. For livelihoods component, Federal Micro and Small Enterprise Agency (FEMSEDA) in close collaboration with MoLSA will play an overall coordination role. For unconditional transfer support and safety net system, MoLSA will take responsibility in consultation with MUDHCo. The PCU will coordinate institutional capacity development activities and facilitates effective coordination and implementation of the project. Financial Management, Procurement, and Safeguard issues will also be coordinated by the PCU. The Ministry of Finance and Economic Development will be responsible for the financial management of the program.

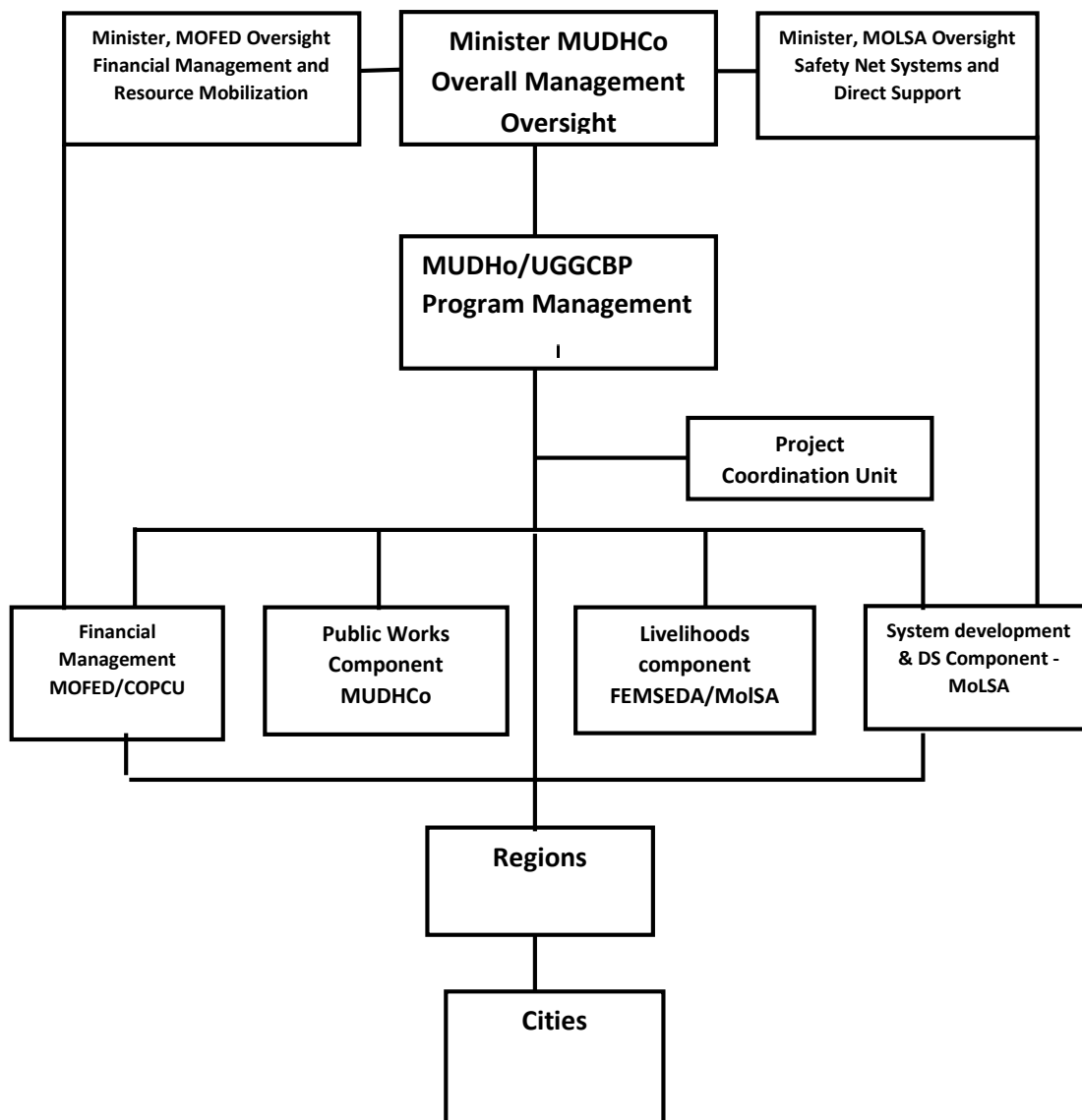
The regional Bureaus of Urban Development Housing and Construction and Labor and Social Affairs; Regional Micro and Small Enterprise Agencies and concerned city administrations will be responsible for the actual implementation of the project.

Micro-finance institutions and saving and credit cooperatives will have a role in providing financial services including saving, credit and training on financial literacy. TVETs and other technical schools

as well as NGOs and the private sector will play an important role in the skill development and capacity building activities.



**Figure 2: UPSNP Implementation and Management Structure**



***Coordination Arrangements***

A National Steering Committee to be chaired by the Minister (MUDHCo) and co-chaired by MoLSA will be established. Members will include MUDHCo, MoLSA, MoFED, FEMSEDA, Ministry of Women Children and Youth Affairs (MoWCYA), Regions and Development Partners (WB). The PCU will serve as a secretariat. The steering committee will meet once every six months and the detailed roles and responsibilities will be outlined in a ToR to be developed.

A Project Management and Coordination Committee (MCC), which will report to the National Steering Committee, will be established. A MCC will have a role to follow up on regular project management and coordination issues. It will also be responsible for coordinating the Technical Committees. The MCC will be chaired by the Director of UGGCBB of MUDHCo, co-chaired by MoLSA (Director) and

will meet on monthly basis. Members will include MUDHCo, MoLSA, FeMSEDA, MWCYA and MoFED.

To ensure regular technical support and guidance for project implementation, a Technical Coordination Committee (TCC) for each component will be established. In this regard, MOLSA and MUDHCo will lead on the safety net transfer and Public Works technical committee respectively. MOFED and MoWCYA will be a member of this joint technical committee. For livelihood component, FEMSEDA will take the lead role and MOLSA will Co-lead. Other relevant institution such as Technical, Vocational Education and Training (TVET) and other service providers will be members. The Technical Committees will meet once every month and will regularly report to the Management and Coordination Committee. Similar structures will be established at the regional and city administration levels.

## Part 5: Community Consultations and Support for the Project and RPF

In order to gather comments and requirements on the RPF by communities, public consultations were conducted in 11 cities (Addis Ababa: 21 September 2015, Dire Dawa: 22 July 2015, Harar 26 July 2015, Jijiga: 29 July, 2015, Gambella: 16 June, Asossa: 31 July 2015, Awassa: 8 June, 2015, Semera-Logiya and Assyata: 16-17 July 2015, Mekelle 20 July 2015, Bahir Dar: 29 July 2015, Adama: 30 July, 2015) which the UPNSP will serve. In addition to the consultations with the communities, consultations were also held with woreda staff experienced in implementing the Urban Local Government Development Project (ULGDP).

There was active participation and rich discussion by community members to conclude support for the UPSNP and RPF. The UPSNP is seen as an inclusive project that can bring change and betterment for the poor and vulnerable living in cities. It is also seen as a timely project as urban poverty is becoming more rampant. Communities consulted appreciated that GoE is taking steps to ease the burden of communities with its plans to implement the UPSNP in a context-sensitive approach.

### *Consultation Methodology*

The invitations of community consultation meetings were announced by the staff of the City Administration Offices for the local community members of the kebeles, woredas, and/or sub-cities. Participants included elders from the locality, local prominent personalities, religious leaders, elderly women's groups, youth groups, representatives from community-based organizations (e.g., *iddirs* and forums), the Mayor's Office Officials, the City Administration Officials, local authorities, ULGDP Office Officials, disabled persons, people living with HIV/AIDS, street children, drug addicted persons, mentally ill persons, commercial sex workers, orphan and vulnerable children, unemployed and underemployed persons, MSE Office Officials, SME operators, indigenous NGOs' staff, and other non-targeted residents of the city.

The community meetings were facilitated by two independent consultants in coordination with MUDHCo and ULGs. In total, 788 community members participated in the community meetings.

**Table 3: Summary of Community Consultation Participation**

City and Region	Participation		
	Male	Female	Total
Adama/Oromiya	15	18	33
Addis Ababa (5 sub cities)	30	37	67
Assosa/Benishangul-Gumuz	17	10	27
Bahir Dar/Amhara	12	21	33
Dire Dawa	52	68	120
Gambella	37	11	48
Harar/Hariri	33	28	61
Hawassa/SNNP	52	26	78
Jigjijiga/Somali	72	51	123
Mekelle/Tigray	36	51	87
Semera-Logia & Ayssaeta/Afar	30	81	111
<b>Total</b>	<b>386</b>	<b>402</b>	<b>788</b>

### **Issues Discussed During the Consultation**

The consultations aimed at exploring and soliciting feedback on key elements of the RPF, particularly the procedures and implementation arrangements, land acquisition and compensation, grievance redress, and community participation, Entitlements Matrix and broader context of implementation arrangements and M&E, in addition to other general features of the UPSNP. Community members reflected on the

proposed Project design and provided constructive comments and suggestions based on their socio-cultural context and previous experiences.

### **General Features of UPSNP**

Community members consulted generally reflected on the beneficial impacts of the proposed UPSNP. Communities consulted insistently described the need for such a Project and specific interventions that would directly address accruing negative impacts associated with the severity of urban poverty, which is continuously exacerbated by a continuous influx of job seekers. In Mekelle, it was seen as a “delayed response to the timely and hot problems”. In Adama, it was seen as a “sudden and surprising” solution to problems. In Dire Dawa, participants concluded, “UPSNP can bring change for the betterment of poor people”. Some community members participating drew on their knowledge of the rural PSNP and felt that the “new policy direction for it to start in cities and towns is very good”.<sup>1</sup> Across all communities consulted was a plea for the UPSNP “to be properly implemented, free from corruption and with popular participation of the community”.

### ***Caseload***

All communities asked that UPSNP implementers consider the worsening severity of urban poverty facing the cities they are living in. Communities consulted spoke of the social challenges they are facing including orphan and other vulnerable children (including street children) without means of livelihood, the influx of job seekers from neighboring rural areas, immigration of youth from all regions to towns/cities. “Numbers are increasing day-by-day” causing the cost of living to increase. All communities expressed their concerns that the poverty situation is getting worse. Recognizing this situation, “the number to be targeted seems small compared to what exists in the real context”.<sup>2</sup> Many communities commented that the caseload numbers should be reconsidered, as “the proposed caseload cannot even support one woreda in the city”.<sup>3</sup> Community consultation participants in Addis Ababa stressed, “the need to study and approach the eligibility of beggars and street children and the youth without jobs, carefully”<sup>4</sup> in addition to “different types of immigrants from different parts of the country who have migrated from rural areas and smaller towns areas adding to the poverty situation in the city”.<sup>5</sup>

### ***Transfers***

Communities consulted expressed concern regarding the proposed payment amount, suggesting that it may not cover the monthly basic needs of individuals. Communities asked that it be reconsidered to ensure that an amount which can cover the cost of basic needs be considered. Community members also expressed that prices of basic items are increasing and living costs are rising.

### ***Targeting***

In general, targeting criteria was well accepted. However, communities consulted often highlighted specific groups that targeting should make sure to consider. For example, in Mekelle, “the large numbers of unemployed and underemployed graduated from different levels of education systems in the country but who have been staying idle at local brewery hours and even engaged in theft” should be considered. The consultation in Bahir Dar appreciated the need to ensure that the elderly, vulnerable and orphan children, unemployed or underemployed youth be targeted. Communities also urged for caution to ensure that the criteria is seriously accepted by City Municipality Offices and officials at sub-city level. Community consultations in Bahir Dar suggested that a mix of community targeting and targeting by local government officials be carried out. The consultations in Adama further endorsed participatory community-based targeting. In Semera, the importance of targeting being based on the Afar culture and existing local conditions must be taken into account during targeting.

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<sup>1</sup> Community consultation in Dire Dawa on 22 July 2015.

<sup>2</sup> Community consultation in Bahir Dar on 29 July 2015.

<sup>3</sup> Community consultation in Harar on 26 July, 2015.

<sup>4</sup> Community consultation in Addis Ababa (with 5 sub-cities) on 21 September 2015.

<sup>5</sup> *Ibid.*

### ***Labor Intensive Public Works***

All communities consulted accepted the proposed LIPWs activities. In Afar, the community noted that it could be difficult to engage in cobblestone construction without expropriation (and compensation) of legally owned plots of land. It was noted that timely implementation of LIPWs may be a challenge. In Adama, community consultation participants shared that in addition to the proposed LIPWs, additional types be included, such as construction of housing units. In Bahir Dar, the proposed LIPW activities were welcomed and it was recognized that there are different parts of the city, which require different types of basic infrastructure. In Asossa, LIPW were considered by the community as “more satisfactory than *injera* (national food of Ethiopia)” and appreciated that, “the poor and underemployed can engage in LIPW as much as their capacity will allow them”. In Dire Dawa, the types of LIPW were well accepted by the community and were seen as a source of help to those living under harsh conditions. In Gambella, community members underlined the importance of community participation in LIPW planning. The Addis Ababa community consultation echoed this, stating that “participatory planning would be wise”.

### ***Livelihoods***

Community consultations found that in general, innovative approaches related to job creation are believed to be useful. It was stressed that the appropriate types of training should be given and implemented accordingly. Community members in Mekelle commented that the training aspects would require significant commitment and significant monitoring and supervision. Consultation participants in Addis Ababa reflected on previous experiences working to improve livelihoods of poor sections through SMEs and shared that the positive and negatives of this experience should inform the UPSNP. Communities sometimes urged for caution noting that associations had been formed by micro and small scale enterprises in the past, “they worked for only a short time and failed to get sustainable livelihood income, disintegrated and dissolved”. Consultations recognized that the livelihoods support was especially encouraging for youth. Overall, the livelihoods activities were seen by community members as necessary but demanding and challenging to implement effectively. Livelihoods activities were accepted, as long as they are properly implemented.

### ***Direct Support***

Some of the communities consulted (and emerging stronger in Mekelle and Bahir Dar) urged for caution related to Direct Support targeting to ensure that a person “who could look inside of themselves and access their capacity to work” is not improperly targeted for Direct Support and that, “only those that are really incapable should be targeted”. In Mekelle, “if possible some of the elderly could engage in IGAs”. In Harar, consultation participants appreciated the “move to share the problems of the community with the government and support of donors”. They were happy to learn that unconditional transfers would be provided to people without labour and saw this as, “a good component of the UPSNP that recognizes the ‘right to live’ as citizens”. In Gambella, one elder shared that, “there are many elders in the city who are extremely vulnerable that the Government and others are trying to support. Such support should be coordinated with the UPSNP to offer better things to the elders”.

### ***Gender Mainstreaming***

Consultation participants in Semera shared that there are low levels of power and participation in decision-making by women. Although it was acknowledged that it would be a challenge in Afar, where the dominant culture does not permit women’s active participation in major community level interventions, it was therefore accepted that the UPSNP would promote opportunities for women. Consultations also recognized the risk that women could be over-burdened due to their household commitments. In Asossa, while it was felt that there was limited experience with gender mainstreaming in the past, community members felt that it is good to pay due attention to this and learn from good practice. In Dire Dawa, support to women was welcomed and it was recognized that they had significant recent experience engaging in IGAs in small-scale enterprises. The Harar consultation welcomed the chance to provide women with alternatives and recognized they are now increasingly participating in community development works. In Jijiga, women participants shared, “we women have started to

participate in matters concerning economic, social and political issues in our city and there are our sisters serving at different posts in different government offices up to the regional Council, the number of girls in higher learning is increasing”. Consultation participants stressed that it is important that the UPSNP recognize this.

### ***HIV/AIDS***

Communities consulted were aware that able-bodied people living with HIV/AIDS could participate in LIPWs and there should be no discrimination. People living with HIV/AIDS participating in the consultation themselves shared that they feel that they are now experiencing a reduced state of support (i.e. some NGOs have stopped their support activities) and have the hope things will change for the better through the UPSNP.<sup>6</sup>

### **RPF Procedures**

#### ***Legal Framework***

Consultations revealed gaps between Ethiopian Laws and Regional Laws and OP 4.12 including that the Ethiopian Law does not require timelines or a schedule for compensation completion to be followed. The Ethiopian Law does not provide for relocation assistance, transition support or provision of civic infrastructure. There is also no specific accommodation for vulnerable groups such as women, children, elderly, ethnic minorities, etc.

Communities felt that OP 4.12 *Involuntary Resettlement* which requires that resettlement be planned through a participatory process was geared towards satisfying PAP and adds value to the regional and national aspirations enshrined in the Constitution. The principle to support PAP to achieve a livelihood that is either equal or better than before was also accepted. That vulnerable groups should receive special consideration was also accepted.

All community consultations reflected on past experiences where procedures were not strictly followed. Based on this past experience, it was common for communities to state that they would only accept the legal framework, as long as it is strictly followed. A strong feeling emerging across all communities consulted was that significant numbers of people should not be displaced due to development interventions.

#### ***Institutional Arrangements***

Communities consulted accepted the GoE structure for implementation of the UPSNP and agreed to work with GoE to ensure an enabling environment. It was felt that capacity building would be required including sensitization related to targeting and transfers. In the case of Adama and Addis Ababa, it was proposed that universities and media should also be included in the institutional arrangements and management of the program.

Communities noted the importance of establishing Woreda and Kebele level committees for valuation and compensation and noted that worda and kebele levels are very important to ensure popular participation among PAP and the community at large is organized.<sup>7</sup>

#### ***Physical and Cultural Resources***

Communities consulted expressed that the known physical and cultural resources in the city need to be respected and promoted as means of income to improve livelihoods. Physical and cultural resources were also seen as a job creation/income generation resource and so also need to be protected for this reason. Consultations also reflected on the inclusion of religious sites in Master Plans (i.e. mosques and churches) demarcating them as, “sacred, holy and untouchable”. It was common for community

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<sup>6</sup> Community consultation in Harar on 26 July, 2015.

<sup>7</sup> Community consultation in Jijiga on 29 July, 2015.

members to list landmarks in their respective cities and it was also noted that *idders* also have their own burial grounds. The need to ensure that LIPW do not disturb any cultural sites was encouraged by communities. Communities suggested that physical and cultural resources would be confirmed by consulting with knowledgeable persons, historical documents, elderly, religious leaders, etc. Community members often discussed what needs to be protected, suggesting that football fields should be protected for the purpose of physical fitness and that sites where cultural sports and games are played should also be protected.

### ***Community Awareness of Rights***

Communities consulted generally had a low level of awareness about their rights, although this varied somewhat in the cases of Addis Ababa and Adama. However, there was more community awareness regarding the right of the State to expropriate private property for public use. A summary of city-specific consultation findings is described below:

- In Harar, participants noted that they “were not very aware of their rights before”. There was also, in general, low awareness levels regarding entitlements in relation to compensation and consultation.
- In Semera, most participants expressed that they had not been aware of their rights, especially in relation to improved living standards and sustainable development, policies and projects affecting their communities, “if we have such rights, they are very good”.
- In Asossa, participants shared that they did not know about their rights to be consulted on all issues which are associated in one way or another to their livelihoods because their representatives had been the ones who participate in such consultative meetings most of the time. They considered this awareness and actual implementation as part of a modernized way of life and as one step forward. In Asossa, community members noted instances of problematic implementation of entitlements related to land acquisition and expropriation in a few places. Community members stated that they preferred that LIPW be done on vacant areas or private land with payment of compensation according to stipulated procedures.
- In Amhara, community members consulted noted that, “we do not use our rights although we are aware about them,” and “...for this there are reasons. There have not been favorable conditions and there are no concerned bodies which could develop operational manuals and work towards its proper implementation”.
- In Dire Dawa, participants noted that before the consultation, they were not very aware of their rights and shared that activities to help internalize (such as mass media and other public education) proclamations and regulations were not undertaken.
- In Gambella, participants also shared they had not previously been very aware of their rights. In this regard, community members shared that it is a great moment for them to know their rights given by the constitution and other proclamations. They felt that as representatives of the community, they have good news to tell their communities about their rights.
- In Addis Ababa, participants expressed that they were aware of their right to socio-economic development in a sustainable manner. However, as there has not been practical support or promising conditions, the rights have not been realized properly on the ground, “officials in the City Administration have to be trained on all types of citizen rights so that they may practice them as much as possible”. There should be sensitization and awareness creation activities related to rights under discussion at different levels and as one major activity of the Project.
- In Adama, participants suggested that there should be sensitization and awareness creation activities related to the rights under discussion at different levels and as one major activity of the project. This is because although the rights are guaranteed, there is not always action taken to realize the stated rights.

All communities expressed need for clear and transparent information to be made available to them so they can engage in procedures. Overall, more information about entitlements, more sensitization and orientation is desired.

### ***Land Acquisition***

Across all consultations, communities expressed a preference for communal or vacant lands to be prioritized for LIPWs, rather than private land. The consultation in Semera noted that, “there is no scarcity of communal lands” and communal land is preferred. In Mekelle, both community members and the ULG did not accept that LIPW subprojects be undertaken in situations that would displace more than 200 persons. This decision and practice was seen as good governance by the community. In Adama, it was noted that land acquisition may not be required as there are ample vacant spaces for such types of construction, if it was decided that the project would benefit the community. In almost all consultations, there was a feeling that this would not be a major issue as there are many plots of available land for construction of LIPWs, already.

In Asossa, community members were also not in favor of land acquisition and felt that GoE and officials must work in their capacity to find alternatives. In Addis Ababa, consultation participants recognized that there might not be enough vacant land available for LIPWs. In this case, community members asked that procedures be strictly followed. That proper procedures for compensation related to involuntary loss of assets or access to assets must be followed was echoed across all communities consulted. This led to many consultation participants reflecting on previous experiences where procedures were not followed. For example, “in the past, legal documents have not always been properly followed or implemented in a strict sense”. Consultation participants in Gambella shared, “it happened in our city that people were relocated without notice and consultation or compensation paid. Although it was corrected later, community members were greatly disappointed”.

### ***Entitlements (including Matrix)***

Communities again reflected on their previous experiences, including in Bahir Dar where it was noted that entitlements are not always implemented properly. Consultations cited cases where “land-for-land” was practiced in which land was given in compensation which was not equal to that land that was expropriated in the first place. It was noted that compensation is not paid to sufficient levels and that land is often far from center of city where economic activities are relatively “dormant”. Consultation participants shared examples of people being worse off after resettlement. There was a general concern for people who are resettled to areas of the city which are undeveloped and which could worsen their livelihoods.

To ensure good practice, communities felt that the establishment of Compensation Committees that are close and near to the community is important and need to be strengthened.<sup>8</sup> In Harar, it was noted that Compensation Committees are important forums for PAP to participate. “This also creates trust and commitment for projects benefiting entire communities”.<sup>9</sup>

Consultations revealed that entitlements are not always easy to understand and there was a call for more awareness raising among communities about the Entitlements Matrix, although there were no disagreements with the Entitlements Matrix itself. However, all communities agreed that if it should occur, then adequate compensation should be paid, in line with the entitlements set out in OP 4.12. In such a case “enough compensation must be given to the farmers” or alternatively, “land can be taken from communal land”, the preferred option in all the communities consulted.

### ***Development of RAPs***

In Jijiga, principles of timeliness and participation of PAPs during RAP preparation were taken as a strong and necessary point. In Harar, the socio-economic assessment and popular community participation and consultation were identified as the root causes of successful development project implementation and necessary for sustainability. Consultation participants underlined the importance of

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<sup>8</sup> Community consultation in Dire Dawa on 22 July 2015.

<sup>9</sup> Community consultation in Harar on 26 July 2015.



respecting the proper timing and notifications as per the regulations regarding the relocation of PAPs. Community consultations in Bahir Dar reflected on previous experiences when RAPs were not prepared in a participatory way. Community members asked that the essence of the RAPs well communicated to implementing officials to ensure that the procedures are properly followed. Participation of PAPs in RAP preparation was welcomed in Dire Dawa, where it was noted that, “it will create a transparent situation between implementers and PAP”. All community consultations accepted that the development of RAPs ahead of time and in a participatory way was a good commitment to welfare improvement and good practice.

For the reasons outlined above in the Land Acquisition section, community reactions to the preparation of RAPs was often negative from the point of view that these would not be necessary as there should be no land acquisition.

### ***Grievance Redress***

Opportunities for grievance redress were welcomed by all communities consulted. Many communities reflected on their particular approaches to grievance redress. In Harar, there is a guideline for grievance redress which is endorsed by the Regional Council of Representatives to handle cases of land issues. Community members felt that it would create an environment that enables beneficiaries to demand better responsiveness and accountability from implementers and managers. In Dire Dawa, two approaches to grievance were discussed: the court line and the administrative line. PAPs can file a grievance with the Kebele Court Council up to the Higher Court, according to context of the case in relation to the jurisdiction legal course. The administrative appeals starts from the grassroots level [from the block level (100 households)] and goes up to the City Administration level.

In Afar and Somali in particular, community consultations recommended that there are “age-old conflict resolution mechanism and socio-cultural institutions known for their effectiveness”. They concluded that the formal grievance redress mechanism could be effectively employed together with those traditional dispute and conflict resolution mechanisms. In general, it was noted that grievance redress should be, “tailored to existing traditional/cultural grievance redress mechanisms”. In Assosa, it was noted that when there is a disagreement or dispute, “local male elders and officials from Asossa City Administration are elected as customary dispute resolution committee members, composed of 3-5 elders, from the locality where the dispute has arisen. “The approach of the committee is to first solicit for pieces of information on the dynamics and the nature of the dispute between the disputants and then came up with evidence who was the first to cause the dispute or the cause of the dispute. If the disputing case further requires eye witnesses, these individuals will give their witnesses. Following this, after the members of the Committee have seriously analyzed the different aspects of the problem, they decide on the case under investigation and give a solution to the disputable issue in that particular locality of the city. If this decision does not satisfy any of the disputants, the dissatisfied party will appeal the case to the Kebele Social Court and then to the Wereda Court, and so on up the different levels in the regional and the national justice system in the country”.<sup>10</sup>

From the above-stated reflections of the participants in the community consultation one can deduce that they have developed positive attitude to the grievance redress mechanisms already set up and proposed in the Project document. Therefore, the proposed grievance redress mechanisms are well-accepted by the representatives of the community who participated in the community consultation held in Assosa City Administration.

In Mekelle, there is a feeling that the structure is good if it is implemented together with existing customary dispute redress mechanisms and cultural sensitivity. In Mekelle, the already well organized dispute redress procedure, including a village-based dispute appeal committee selected from the local community, was discussed. In Bahir Dar, the importance of an unbiased grievance redress process that identifies the root causes of disputes by focusing on causal factors, without pre-assumption or jumping

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<sup>10</sup> Community consultation in Asossa on 31 July 2015.

to conclusions, in a manner that is culturally and contextually sensitive was discussed.

### ***Monitoring & Evaluation***

Community consultations expressed the importance of continuous monitoring to ensure that procedures are properly implemented. “We have seen many policies, proclamation and regulations which are good and important to the well-being of the community, but they lack is proper implementation on the group and sometimes very limited participation”<sup>11</sup>. There is a feeling that that RPF implementation needs close monitoring and follow up to make it free from corruption.

### **Conclusions**

As a result of the community consultations, it is concluded that:

- Draft RPF procedures were endorsed by all. There is a high acceptance of the Proposed Project more generally and eagerness among communities to engage.
- There is a strong desire among communities to see procedures properly implemented (especially related to compensation). Community consultations underscored the need to implement it free from any form of corruption and with the popular participation of the community. Communities also showed their positive commitment to participate during its implementation.
- In line with OP 4.12, the RPF should be modified in such a way as to encourage subprojects to be redesigned as far as possible, to avoid involuntary loss of assets or access to assets.
- Any LIPW subproject with the potential to cause involuntary loss of assets or access to assets should be approved only on an exceptional basis, and should be referred to the Valuation and Compensation Committee, or its equivalent, for further study in order to determine whether or not it triggers OP 4.12, and if required, to develop the RAP.
- There should be training for implementers with respect to the implementation of OP 4.12 and this training should take region specifics into account.

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<sup>11</sup> Community consultation in Dire Dawa on 22 July 2015.

## Part 6: Legal and Institutional Framework

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Ethiopia and the standards set in OP 4.12; in case of discrepancy between these two sets of standard, OP 4.12 will prevail. This legal and institutional framework is presented in the following sections:

- *Political Economy and Governance in Ethiopia;*
- *Institutional Arrangements;*
- *Property and Land Rights*, as defined by Ethiopian law and customary practice;
- *Acquisition of Land and Other Assets*, including regulations over the buying and selling of these assets;
- *Human Rights and Compensation*, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
- *Dispute Resolution and Grievance Procedures*, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and
- *Comparison with World Bank OP 4.12*, using equivalence and acceptability standards.

### 6.1 Political Economy and Governance in Ethiopia

Land rights in Ethiopia do not explicitly provide private property rights. Following the *Proclamations No. 31/1975 and 47/1975*<sup>12</sup>, ownership of land was vested in the State, and Ethiopian citizens were given various forms of use-rights (usufruct) over land and other resources. Accordingly, the *1995 Constitution Article 40(3)* recognizes land as a common property of the Nations, Nationalities, and Peoples of Ethiopia and prohibits sale or any other exchange of land.

In some cases, the user of land has ownership of his/her possessions with the right to benefit from the fruits of his/her labor. This includes crops, perennial crops, trees for timber, etc. found on the land or any other permanent fixtures such as residential house, business installations, stores and fences, amongst others (*Proclamations No. 31/1975 and 47/1975*). The *1995 Constitution Article 40(7)* reiterates and furthers this point by stating, "Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, to bequeath, and, where the right to use expires, to remove his property, transfer his title, or claim compensation for it".

Regional states are responsible for administering land, enacting law that is in conformity with the provisions on environmental protection and federal utilization policies (*Proclamation No. 89/1997 and Proclamation No. 456/2005 Article 17(1)*). The law made the following provision for cash compensation for lost harvests: "A rural landholder whose land holding has been permanently expropriated shall, in addition to the compensation payable [for property and improvements made on the land] be paid displacement compensation which shall be equivalent to ten times the average annual income he secured during the five years preceding the expropriation of the land." (Art. 8(1) of Proc. 455/2005, Article 16(3) of Regulation 137/2007).

Additionally, *ZikreHig Regulation No. 6/2002* provides for the lease holding of urban land for a specific period of time, and also regulates the lease period for different functions, grade of land and payment of lease. Lastly, the law regulates manners of expropriation of land and designates land that can be expropriated for public use without payment of compensation.

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<sup>12</sup>Before 1975, the 1960 Civil Code of the Empire provide for private land ownership. As this law has been overruled by these laws and *Proclamation No. 455/2005* regarding compensation, it should not serve as the legal framework for resettlement.

These rights over “holding land” are open-ended (no time limit on this usufruct), subject to a proof of permanent physical property, ability to farm continuously and meet administrative dues and obligations (1995 Constitution Article 40(3)). Furthermore, *Proclamation No. 89/1997* confirms and details the Constitutional principle that holding rights on land can be assigned to peasants and pastoralists, and that these are to be secured from eviction and displacement. The 1995 Constitutions Articles 40(4) and 40(5) provide for free land without payment for farmers and pastoralists. Lastly, *Proclamation No. 80/1993* allows companies to attain access to land through auction, allocation, or lottery, similar to individuals.

Overall, the Constitution protects against unlawful seizure of property, stating “Everyone shall have the right to his privacy and physical integrity. This right shall include protection from searches of his person, his home, his property and protection from seizure of property under his possession” (1995 Constitution Article 26). “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” (*Proclamation No. 455/2005 Article 2(3)*).

## 6.2 Institutional Arrangements

At federal level, the Ministry of Urban Development, Housing and Construction (MUDHCo) is responsible for resettlement planning in Ethiopia. This responsibility was transferred from the Ministry of Federal Affairs (MFA) according to the *Proclamation on Revitalization of Federal Bodies/2006*.

At regional level, regional states have the responsibility to enact rural land administration and land use laws with detailed provisions on implementation and to establish institutions to support implementation of these laws. Following establishment of the Federal Environmental Protection Agency (EPA), regional governments established the Environmental Protection, Land Administration and Use Authority (EPLAU) vested with responsibility of the administering rural land. In the minority of regions, EPLAUs are embedded in the Bureau of Agriculture (BoA) and responsible for providing technical and administrative support as well as carrying out a review and monitoring function for implementation of regulations related to land acquisition. However, the majority of EPLAUs are independent Bureaus accountable to Regional Councils.

At woreda level, the local governments of Ethiopia (Kebele, Woreda and City Administrations) are key players in implementation of the land acquisition regulation and related guidelines. This is in line with the GoE’s policy of decentralization. The woreda administration in rural areas and the city administrations in urban areas have the power to expropriate rural or urban holdings for public purposes. They are responsible for setting up a resettlement committee, valuation committee and effecting compensation payments. The Woreda Administration is also responsible for establishing Kebele level implementation committees; clarifying policies and operational guidelines of Kebele compensation committees; establishing standards for unit rates, coordinating and supervising implementation by Kebele compensation committees and ensuring that appropriate compensation procedures are followed.

**Table 4: Compensation Committees**

Committee	Representatives
Woreda Resettlement and Compensation Committee	<ul style="list-style-type: none"> <li>• Woreda Administrator or Deputy (Chair)</li> <li>• Head of Woreda Office of Finance and Economic Development</li> <li>• Head of Woreda Office for Pastoral Development</li> <li>• Head of Woreda Office for Women, Children and Youth</li> <li>• Head of Woreda Office/Desk for Environmental Protection and Land Use Administration (if structure available at woreda)</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Representative from KDC and Community leadership (traditional)</i></li> </ul>
Kebele Compensation Implementing Committee	<ul style="list-style-type: none"> <li>• <i>Kebele Administrator (Chairperson);</i></li> <li>• <i>The Development Agent (DA) (usually NRM DA);</i></li> <li>• <i>Representative of PAPs (see definition below);</i></li> <li>• <i>Village elder or clan leader (rotating position with one leader representing a number of villages and attending in rotation, depending on the village and affected party being dealt with);</i></li> <li>• <i>Chairperson of Community Project Management Committee</i></li> </ul>

### 6.3 Property and Land Rights in Ethiopia

According to *Article 40(4) of the FDRE Constitution*, land acquisition, especially of individual holdings, is usually the last option when land is required for public purposes. Ethiopian peasants and pastoralists have right not to be evicted from their landholdings [FDRE Constitution Article 40(4)]. This constitutional guarantee can only be overridden for public purpose upon payment of commensurate compensation. Land is state owned in Ethiopia and citizens are given only a usufruct right over their landholding.

The *Rural Lands Proclamation No. 31/1975* and the *Government Ownership of Urban Lands and Extra Houses Proclamation No. 47/1975* abolished private ownership of land, which existed before the 1975 Ethiopian Revolution. The abolishment of private ownership of land was also reiterated in the FDRE Constitution. According to *Article 40 (3)*, land is the property of Nations, Nationalities and Peoples of Ethiopia and cannot be subject to sale or other means of transfer or exchange. However, Article 40 recognizes the right of farmers to land and right of pastoralists to free land for grazing and cultivation. The Constitution states that the state has the power to expropriate land in the interest of the public by paying compensation in advance commensurate to the value of the expropriated property. *Article 44* of the Constitution states the right of displaced persons to financial or alternative means of compensation including relocation with adequate state assistance.

Based on the framework provided by the Constitution, two proclamations were issued by GoE, including: *Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005* (Compensation Proclamation) and 2) *Rural Land Administration and Land Use Proclamation No. 456/2005* (Land Proclamation).

The *(2005) Compensation Proclamation* is issued with the view to defining the basic principles that have to be taken into consideration in determining compensation to a person whose landholding is going to be expropriated. The Proclamation is applicable on both rural and urban lands. The general condition for which land and property can be expropriated is for public purpose defined as use of land by the appropriate body or development plan to ensure the interest of citizens to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio-economic development. The basis and amount of compensation payment is prescribed under *Article 7* of the *Compensation Proclamation*.

According to this Article:

- A landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements s/he made to such land;
- The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property; and
- Compensation for permanent improvement to land shall be equal to the value of capital and labor expended on the land.

### 6.4 Valuation of Land and Other Assets

Land valuations are often done at the *woreda* and urban administration levels. These local government units establish valuation committees to value private properties (*Proclamation No. 455/2005*). In the case of publicly owned infrastructure with a designated right-of-way, the owners of the structures within the right-of-way would assess the value of properties to be removed. However, the law does not take into account depreciation values. The landholder is entitled to be compensated for the property on the basis of replacement. Permanent improvements to the land, equal to the value of capital and labor expended (*Proclamation No. 455/2005 Article 7*), are specified as a valid basis for determining replacement value. Where property is on urban land, the law specifies that compensation “may not be less than constructing a single room in low cost house as per the region in which it is located.” It is also required that the cost of removal, transportation, and erection be paid as compensation for a relocated property, continuing its service as before. Compensation will also be based on current cost, cost of demolishing, lifting, and reinstalling. Valuation formulae are to be provided by regulations (*Proclamation No. 455/2005 Article 7*).

Assets will be broken down into components to assess value (*Directive No. 135/2007*). Components for building costs include cost per square meter. Crops are subdivided into crops and perennial crops, and calculated based on yield per square meter of land multiplied by price per kilogram. Trees could be cut and used by owner plus payment of compensation for loss of continued income. The cost of machinery, labor for improvement, and any infrastructure as part of the improvement will be compensated based on current costs. Property relocation is based on the cost to relocate property given that it is not damaged while being moved. The amount of compensation for loss of land that is used for grazing or production of grass is based on the area of land and the current price per square meter. More detailed instructions for compensation are included within *Directive No. 135/2007.q*

Further, assets will be classified as movable and immovable. For movable assets, compensation will be paid for inconvenience and other transition costs (*Proclamation No. 455/2005 Article 7(2)*). Urban immovable assets include residential houses, business installations, institutional structures, stores, fences and public service providing installation. In rural areas, they include seasonal crops, perennial fruit trees, timber trees and other cash crops.

For losses that cannot be easily valued or compensated in monetary terms (e.g. access to public services, grazing areas, water points, fishing ponds, etc.), an attempt will be made to establish access to equivalent and culturally acceptable resources and earning opportunities (*Proclamation No. 455/2005 Article 7(2)*).

In addition to compensation according to *Proclamation No. 455/2005 Article 7*, displacement compensation shall be paid equivalent to ten times the average annual income he/she secured during the five years preceding the expropriation of the land (*Proclamation No. 455/2005 Article 8(3)*). Compensation will be in an amount sufficient to reinstate displaced people to their economic position prior to displacement; the regionally relevant administration is required to give another piece of land to any person who lost his land in favor of a public project (*Proclamation No. 455/2005*). The assessment of compensation does not include the value of the land itself because land is a public property and not subject to sale in Ethiopia.

Those with informal, or undocumented rights, and those without titles or use right (e.g. squatters, encroachers) are eligible for specific assistance. Such assistance recognizes some “typical claim to use rights or even ownership” after occupation of unused or unprotected lands has been established. Informal use-rights are likely to have structures or land improvements that are eligible for compensation, as stated in *Proclamation No. 455/2005*.

In general, valuation of property is to be carried out by a certified private or public institution or private consultants as per the valuation formulae (*Proclamation No. 455/2005 Article 9*). The committee must be made up of experts with relevant qualifications (*Proclamation No. 455/2005 Article 10*). This must be not more than 5 experts in rural areas and be designated by the *woreda* or urban administration. A

specialized committee of experts may also be set up separately if required.

The local and federal governments have different roles in compensation. The woreda and urban administrations are responsible that compensation is paid and giving rehabilitation support to the extent possible, and maintain data regarding properties removed from expropriated landholdings (*Proclamation No. 455/2005 Article 13*). The Regional authorities have a duty to ensure there is compliance with *Proclamation No. 455/2005* at the regional level, to provide technical and capacity building support in implementation at the regional level, and prepare the valuation formulae (*Proclamation No. 455/2005 Article 12*).

Valuation of property is done by certified institutions or individual consultants on basis of a valuation formula determined at the national level or, where such capacity does not exist, by a committee composed of five persons (in rural areas) designated by the wereda or city administration. Procedures for valuation are to be determined by specific regulations or directives. To this end, the Council of Ministers issued *Regulation No. 135/2007 Payment of Compensation for Property Situated on Landholding Expropriated for Public Purposes*. Some regional states also issued further details through directives, including:

- It is good practice for compensation to be completed prior to the start of the project's civil works, construction, or activities in addition to provision of relocation assistance, transitional support, civic infrastructure, etc.
- Affected communities should be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement.
- High risk groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living under the poverty line should receive special consideration to assure that they can maintain at least the same standard of living after displacement takes place.

A rural landholder whose landholding has been permanently expropriated (where substitute land is not available) shall be paid displacement compensation, in addition to compensation payable for property situated on the land and for permanent improvements made to such land, which shall be equivalent to ten times the average annual income s/he secured during the five years preceding expropriation of the land.

On the basis of *Proclamation No. 455/2005 Article 7* for expropriation of landholdings for public purposes, compensation will be made at replacement cost. With this method of valuation, depreciation of structures and assets will not be taken into consideration. Compensation rates and valuation of properties are based on a nationally set formula based on data collected from local market assessments.

## **6.5 Entitlements and Compensation**

The people of Ethiopia have the constitutional right to improved living standards and sustainable development and the right to be consulted with respect to policies and projects affecting their communities (*1995 Constitution Articles 43(1) and 43(2)*). Additionally, all international agreements and relations by the State must protect and ensure Ethiopia's right to sustainable development (*1995 Constitution Article 43(3)*). Lastly, the *1995 Constitution Article 44* guarantees the right to a clean and healthy environment.

The *1995 Constitution Article 40(8)* provides that “without prejudice to the right to private property, the State may expropriate private property for public use with the prior payment of adequate compensation.” The words “prior” and “adequate” are in line with the Universal Declaration of Human Rights. This manifests rights to citizens for basic services and programs, including facilities to guarantee education, health, and housing.

Persons who have been displaced or whose livelihoods have been adversely affected by a State program are provided, under the *1995 Constitution Article 44*, to some form of compensation for their loss. This includes relocation expenses.

Eligibility for compensation is discussed in *Article 44(2)* of the 1995 Constitution and *Proclamation No 455/2005*. 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 landholder 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*”.

In order to ensure that *displaced persons who do not have legal title* are not adversely affected by UPSNP LIPW subprojects, they will be enabled to maintain their livelihood and assisted to secure accommodation. It is anticipated that ULGs will, as part of the ESMF/RPF screening and project preparation processes, investigate closely potential project impacts on resident’s livelihoods and fixed improvements to ensure that negative impacts are avoided or minimized and the assistance in a) and b) must be sufficient to improve, or at least restore, lost livelihoods.

Assistance will be provided to *legal tenants* of ULG property affected by the project to maintain their livelihoods and find alternative accommodation. Tenants of private landlords will seek redress from their private lessor by reference to the terms and conditions of their tenancy and civil law.

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Persons who have been displaced or whose livelihoods have been adversely affected by a State program are provided, under the *1995 Constitution Article 44*, to some form of compensation for their loss. This includes relocation expenses.

The *(2005) Compensation Proclamation* is issued with the view to defining the basic principles that have to be taken into consideration in determining compensation to a person whose landholding is going to be expropriated. The Proclamation is applicable on both rural and urban lands. The general condition for which land and property can be expropriated is for public purpose defined as use of land by the appropriate body or development plan to ensure the interest of citizens to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio-economic development. The basis and amount of compensation payment is prescribed under *Article 7* of the *Compensation Proclamation*. According to this Article:

- A landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements s/he made to such land



- The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property
- Compensation for permanent improvement to land shall be equal to the value of capital and labor expended on the land.

According to the (2005) *Compensation Proclamation*, a landholder is an individual, government or private organization or any other organ that has legal personality and in lawful possession over the land to be expropriated and owns property situated thereon. *Article 2 (3)* notes that compensation is paid to those who have legally occupied the land and those who have property on such land developed through their labor and capital. Lawful occupants are expected to produce evidence for their legal landholding. The most important evidence for this could be the landholding certificate. However, all rural landholders may not produce landholding certificates as the issuance of such certificate has not yet covered all rural landholders in the country.

#### *Priority to land- for-land compensation*

According to the (2005) *Compensation Proclamation*, a landholder is an individual, government or private organization or any other organ that has legal personality and in lawful possession over the land to be expropriated and owns property situated thereon. *Article 2 (3)* notes that compensation is paid to those who have legally occupied the land and those who have property on such land developed through their labor and capital. Lawful occupants are expected to produce evidence for their legal landholding. The most important evidence for this could be the landholding certificate. However, all rural landholders may not produce landholding certificates as the issuance of such certificate has not yet covered all rural landholders in the country. As observed during the field trips, in the regional states where landholding certificates have not been issued for all of the rural landholders, (e.g. Benishangul-Gumuz) those who occupied land customarily or other legal means were eligible to compensation payments.

#### *Expropriation and Compensation Regulations*

Land acquisition and property rights are defined in the 1995 *Constitution Article 40(8)*, which empowers the Government to expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property. Under *Proclamation No. 455/2005*, purchases of land and other assets are established in detailed procedures and time limits where land could be acquired after a request is received from the proponent along with compensation.

The power to expropriate landholdings for a development project belongs to a woreda or urban administration (*Proclamation No. 455/2005 Article 3*). The implementing agency is required to provide written notification, with details of timing and compensation, which cannot be less than 90 days from notification (*Proclamation No. 455/2005 Article 4*). Any entitled landholder who has been served with an expropriation order shall hand over the land to the local *woreda* or urban administration within 90 days from the date of payment of compensation should the leaseholder accept payment. Furthermore, where there is no crop or other properties on the expropriated land, the title holder shall hand over the land within 30 days of receipt of expropriation order.

The implementing agency is responsible for gathering data on the land needed and works, and sending this to the appropriate officials for permission. It is also required to compensate affected landholders (*Proclamation No. 455/2005 Article 5*).

For example, regarding the removal of utility lines, the relevant government body must give a written request to the affected landholder, and this body must determine a fair compensation within 30 days (*Proclamation No. 455/2005 Article 6*). Compensation must be paid within 30 days of the receipt of the valuation, and the landholder must vacate the land within 60 days of receipt of compensation. The law requires that the expropriation order has to be given prior to relocation. Such order shall not be less than 90 days before relocation; however, if there is no crop or perennial plant, farmland could be expropriated within 30 days of receipt of the expropriation order. The law regulates that compensation has to be paid

before relocation.

*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 Annex 4. The regulations provide the methodology for assessing compensation or replacement of expropriated assets under the following headings:

- 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.
- Formulas for calculating compensation are provided for: buildings, crops, unripe perennial crops, ripe perennial crops, relocated property and for protected grass.
- Provision of replacement for urban and rural land.
- Displacement compensation for crops and perennial crops, protected grass or grazing land and for provisional expropriation of rural land.
- Miscellaneous provisions state:
  - ⇒ There shall be no payment of compensation with respect to any construction or improvement of a building, any crops sown, perennial crops planted or any permanent improvement on land, where such activity is done after the possessor of the land is served with the expropriation order.
  - ⇒ A ULG shall, for the purpose of the implementation of the Proclamation and these Regulations, record properties situated on a landholding subjected to an expropriation order.
  - ⇒ Any person who claims for payment of compensation shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation.

**Table 5: Proclamation 455/2005: Expropriation of Land Holdings for Public Purposes and Payment of Compensation**

	Article Description
<b>Part I: General</b>	<ul style="list-style-type: none"> <li>• <i>Article 1</i>: Provides a title for the Proclamation</li> <li>• <i>Article 2</i> Gives definitions of the terms used in the Proclamation, including “compensation”, “region”, “landholder”, “urban administration”, “public purpose”, “utility line” and “implementing agency”.</li> </ul>
<b>Part II: Expropriation of Land Holdings</b>	<ul style="list-style-type: none"> <li>• <i>Article 3</i> gives the power to expropriate landholdings to a woreda or urban administration for a development project.</li> <li>• <i>Article 4</i> 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 leaseholder 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.</li> <li>• <i>Article 5</i> 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.</li> <li>• <i>Article 6</i> 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 60 days of receipt of compensation.</li> </ul>
<b>Part III: Determination of Compensation</b>	<ul style="list-style-type: none"> <li>• <i>Article 7</i> 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</li> </ul>

	<p>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.</p> <ul style="list-style-type: none"> <li>• <i>Article 8</i> relates to displacement compensation relating to permanent and temporary displacement for rural and urban landholders.</li> <li>• <i>Article 9</i> 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.</li> <li>• <i>Article 10</i> 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).</li> <li>• <i>Article 11</i> sets out procedures for complaints and appeals relating to compensation in rural &amp; urban areas.</li> </ul>
<p><b>Part IV: Miscellaneous Provisions</b></p>	<ul style="list-style-type: none"> <li>• <i>Article 12</i> gives powers and duties to the Ministry of Works and Urban Development in relation to ensuring that there is compliance with the Proclamation at regional level, technical and capacity building support in implementation at regional level, and preparation of valuation formulae.</li> <li>• <i>Article 13</i> gives responsibilities to woreda and urban administrations to ensure that compensation is paid and to give rehabilitation support to the extent possible, and maintain data regarding properties removed from expropriated landholdings.</li> <li>• <i>Article 14</i> gives the Council of Ministers the power to issue Regulations, and power to the Regions for issuing Directives.</li> <li>• <i>Article 15</i> states that Proclamation 401/ 2004 is repealed and that no other law, regulation, directive or practice will be applicable if it is not consistent with the Proclamation 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.</li> </ul>

## 6.6 Dispute Resolution and Grievance Redress Procedures

Complaints are addressed by a grievance committee established by a woreda or city administration. The second level of grievance is a woreda or municipal appellate court and the decision of the court will be final. According to the law, execution of an expropriation order will not be delayed due to complaint regarding compensation payments.

The *(2005) Rural Land Administration and Land Use Proclamation No. 456/2005*, in addition to providing detailed rights and duties of landholders on rural lands, also regulates compensation payment in some of its Articles. For instance, *Article 7 (3)* provides that:

Holder of rural land who is evicted for purpose of public use shall be given compensation proportional to the development he has made on the land and the property acquired, or shall be given substitute land thereon. Where the rural landholder is evicted by federal government, the rate of compensation would be determined based on the federal land administration law. Where the rural landholder is evicted by regional governments, the rate of compensation would be determined based on the rural land administration laws of regions.

The basics of the rules related to compensation payment provided by the Land Proclamation are not different from that of the Compensation Proclamation. The Land Proclamation regulates administration and use of rural land and recognizes farm, pastoral, semi-pastoral and communal landholdings. It outlines a grievance redress and dispute resolution system. It requires that all landholding types to be issued a certificate.

The Constitution provides a broad framework for systematizing the *Grievance Redress Mechanism (GRM)* concept with its emphasis on respect for human rights and fundamental freedoms, especially the right of access to justice, rule of law, and democratic governance. The *Civil Service Reform Program (CSR)* (1996) influenced reforms to the federal and regional state administrative systems. CSR is relevant because one of the initiatives in the “Service Delivery Sub-Program” was the promulgation in of a “Grievance Handling Directive” in 2002, which provided the initial stimulus for the GRMs that are being devised, improvised and implemented in various jurisdictions, particularly in the regional states. Subsequently, the GOE pushed the GRM concept even further towards sustainability by making grievance redress a key goal of the *Business Process Reengineering (BPR)* initiative. The handling of citizens’ grievances was given an important place in the BPR package that was distributed to regional and wereda governments, and a draft grievance handling guideline was accordingly circulated as part of the BPR package. Thus, the BPR provided the impetus and the initial template for the birth of GRMs in a number of regional states and municipalities, most notably Tigray, SNNPRS, Benishanghu-Gumuz Regional States, and Addis Ababa City Administration. The GRM covers wide range or sector specific grievances across national and sub national governments.

*Proclamation No.211/2000* provided for the Establishment of the Ethiopian Institute of Ombudsman (EIO), a federal level institution accountable to Parliament.

A number of regional states (most notably Amhara and Tigray) have begun the process of creating grievance procedures approximating international standards which provide grievance in those states with a forum to complain about governmental maladministration and seek redress for any harm done to the grievant. Amhara has grounded its grievance redress mechanism in legislation approved by the regional cabinet council. Tigray used Amhara’s GRM procedures as a “benchmark” for its draft regulation and procedures manual. Other regional states such as SNNPR, Benishangul-Gumuz and Oromia, used the GRM from the two regional states as template for strengthening existing GRMs through introduction of new work processes through the Business Process Re-engineering (BPR) or enacting regulations which provide new GRMs strong legal underpinnings. *ANS Directive No. 7/2002* provides for the expeditious decision making system with regard to expropriation of urban land. It provides the composition of the jury members: a justice officer as chairperson, two residents of the town where the land is located, and two representatives of government offices. The decision of the Appeals Court regarding basic land expropriation issues is final; however, an appellant could take the cases related to the amount of compensation, delays in payment, or similar cases all the way up to the High Court.

The *kebele* (local level of government that is smaller than a *wereda*) shall discuss and agree to the proposed expropriation (*ANRS Proclamation No. 133/2006*). The *ANS Directive No. 7/2002* provides for the expeditious decision making system with regard to expropriation of urban land. It describes the composition of the jury members: a justice officer as chair person, two residents of the town where the land is located, and two representatives of government offices. The decision of the Appeals Court regarding basic land expropriation issues is final; however, an appellant could take the cases related to the amount of compensation, delays in payment, or similar cases all the way up to the High Court.

If misunderstandings and disputes arise between the principal parties (e.g. local government bodies and affected parties) involved in the resettlement and compensation process, the preferred means of settling disputes is through arbitration (*Proclamation No. 455/2005*). The number and composition of the arbitration tribunal may be determined by the concerned parties. Though *Proclamation No. 455/2005* provides for appeals from valuation decision, such action will not delay the transfer of possession of land to the proponent.

A complaint related to the amount of compensation shall be submitted to the regular court having jurisdiction (*Proclamation No. 455/2005 Article 11(1)*) if the administrative body for handling disputes has not yet been established. Appeals for dispute resolution may be referred to the High Court (*Regulation No. 51/2007*). The regular court having jurisdiction within the region may also be involved in implementation and compensation of resettlement if the administrative organ to hear land grievances

has not yet been established (*Proclamation No. 455/2005 Article 11(1)*). Similarly, if the land holder is not satisfied with the decision of the compensation grievance review committee, the case may be referred to the High Court (*Regulation No. 51/2007*).

Complaints are addressed by a grievance committee established by a woreda or city administration. The second level of grievance is a woreda or municipal appellate court and the decision of the court will be final. According to the law, execution of an expropriation order will not be delayed due to complaint regarding compensation payments.

Regarding, dispute resolution and grievance procedures,

- The *Ethiopian Institution of Ombudsman (EIO)*, currently with six branches is a federal entity accountable to the Federal Parliament and is responsible for supervising that the constitutional rights of citizens are not violated by the executive organs; receives and investigates complaints with respect to maladministration; conducts supervision to ensure the executive carries out its functions according to the law; seeks remedies in case of maladministration. If the cases fall within EIO's jurisdiction, they are forwarded to investigators.
- *Regional Public Grievance Hearing Offices (PGHOs)* are regional entities accountable for their respective regional Presidents and are responsible to receive appeals, complaints and grievances related to public services and good governance, investigate and give recommendations and decisions to redress them. Most regions have established their PGHOs and have branches at zonal, Wereda and Kebele levels which are accountable to their respective chief administrator. At the Kebele level, Kebele Manager serves as the focal point. There are wide variations in the availability and application of Grievance Redress Mechanisms (GRMs) in the regional states.
- *Civil Service Charter or other internal complaint handling mechanisms of sector offices* was designed by the Ministry of Civil Service in 2012 to serve as complaint handling mechanism of government institutions to address complaints of citizens. Other internal complaint handling mechanisms of sector offices/ agencies exist at wereda level such as through project management committees, focal persons.
- *Woreda Information and Complaint Handling Desks* exist at specific offices of weredas or at administration office and in some cases for pooled offices to serve as information and complaint handling centers in accordance to the guideline of wereda good governance.
- *Urban and Rural Social Courts as Complaint Resolving/Reconciling Bodies* are responsible to hear and redress the grievances.

## **6.7 Comparison with World Bank OP 4.12**

The comparison of the Ethiopian Law with that of the World Bank's Operational requirement for implementing such types of development projects has resulted in an identification of differences. Below is a short discussion of the most important differences:

- While OP 4.12 requires that compensation be completed prior to the start of the project's civil works, construction, or activities, there are no similar timetables set out in Ethiopian Law or regulations. Additionally, there is no provision for relocation assistance, transitional support, or the provision of civic infrastructure under Ethiopian law.
- Ethiopian law does not make any specific accommodation for squatters or illegal settlers, other than recognition of some use-rights, such as when settlers can claim rights to the land. OP 4.12 requires that affected communities be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement. However, Ethiopian law states that, when it is determined that a right of way must be established, the expropriation rights of the State take precedence, although the *Constitution* protects the individual's use-rights.
- Ethiopian law makes no specific accommodations for potentially vulnerable groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living

under the poverty line. These groups are at highest risk to experience negative effects due to resettlement, and should receive special consideration during the preparation of a resettlement policy framework to assure that they can maintain at least the same standard of living after displacement takes place.

- Finally, there is also no provision in the law that the state should attempt to minimize involuntary resettlement. However, this appears to be implicit in the country's *Constitution*.

To ensure the interest of project affected persons and mitigating the negative impacts of the subprojects, this RPF is based on the existing national laws on expropriation and compensation payments and the OP4.12 requirements. To bridge the gaps mentioned above and address the negative impacts of the resettlement activities on these groups, the standards set by OP4.12 and the following strategies will be followed:

- Capacity building training on different technologies, and technical support to participate/engage on different livelihood activities;
- Participate on different income generating/livelihood activities that UPSNP will create;
- Create access and opportunity for PAPs to participate/engage on different livelihood activities;
- Follow up and monitoring of the resettlement and livelihood restoration activities.

## Part 7: Compensation for Land and Other Assets

This RPF applies to activities of LIPWs subprojects under UPSNP, whether or not they are directly funded in whole or in part by UPSNP, affecting those who would be physically displaced or who would lose some or all access to resources, and regardless of the total number affected, the severity of impact, and their legal status (e.g. the RPF guidelines apply also to those with ill-defined or no title to the land).

The RPF provides special attention to the needs of vulnerable groups among the PAPs, especially poorer households, including the landless, elderly and disabled, women and children, vulnerable groups and ethnic minorities, and other historically disadvantaged groups.

The activities in UPSNP that could potentially have some land acquisition or restriction of access include the following: (a) urban greenery development; (ii) solid waste management; (iii) construction of cobblestone roads; (iv) building drainages (v) community infrastructure; and (vi) shelters and workshops for income generation SME activities.

If community members elect to voluntarily donate land/assets without compensation, they must be fully informed about the project and its grievance redress arrangements ahead of the agreement, and it must be documented that this act is performed freely and voluntarily, without any coercion.

Although the exact number and locations of the projects are unknown, the following categories of PAP will be used in identifying the groups of PAPs for the purposes of determining impacts:

*Project Affected Persons (PAPs)* are individuals whose assets may be lost, including land, property, other assets, and/or whose access to natural and/or economic resources may be reduced as a result of activities related to sub-project(s).

*Project Affected Households* are groups of PAPs in one household and where one or more of its members are directly affected by PSNP IV. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

*Underserved and Vulnerable groups of people.* These include groups which are tied to their traditional or customary lands and natural resources, but these lands might not be under legal ownership pursuant to national law. Therefore, land-take might impact them seriously, and the project will avoid, and if not feasible, will document land-take and use with the PAPs. They will be informed of their rights under national laws and this RPF (and eventual RAPs), including any national laws recognizing customary rights or use and the project will offer them adequate compensation as stated in the entitlement matrix together with culturally appropriate development opportunities. Furthermore, UPSNP will identify the vulnerable members in these households, such as those who are too old or too ill; children; those living with HIV/AIDS; women; unemployed youth; minority ethnic groups, etc. Households headed by women that depend on sons, brothers, and others for support are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

In the RAP,

- All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);
- PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and



- PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

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## 7.1 Screening<sup>13</sup>

Screening is used to identify the types and nature of potential impacts related to the LIPW subproject proposed under UPSNP, and provide adequate measures to address the impacts. It also ensures that the ULG, 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 ensures that UPSNP LIPW subprojects comply with the requirements of Ethiopian Law according to *Proclamation No 455/2005* and *Council of Ministers Regulations No. 135/2007*.

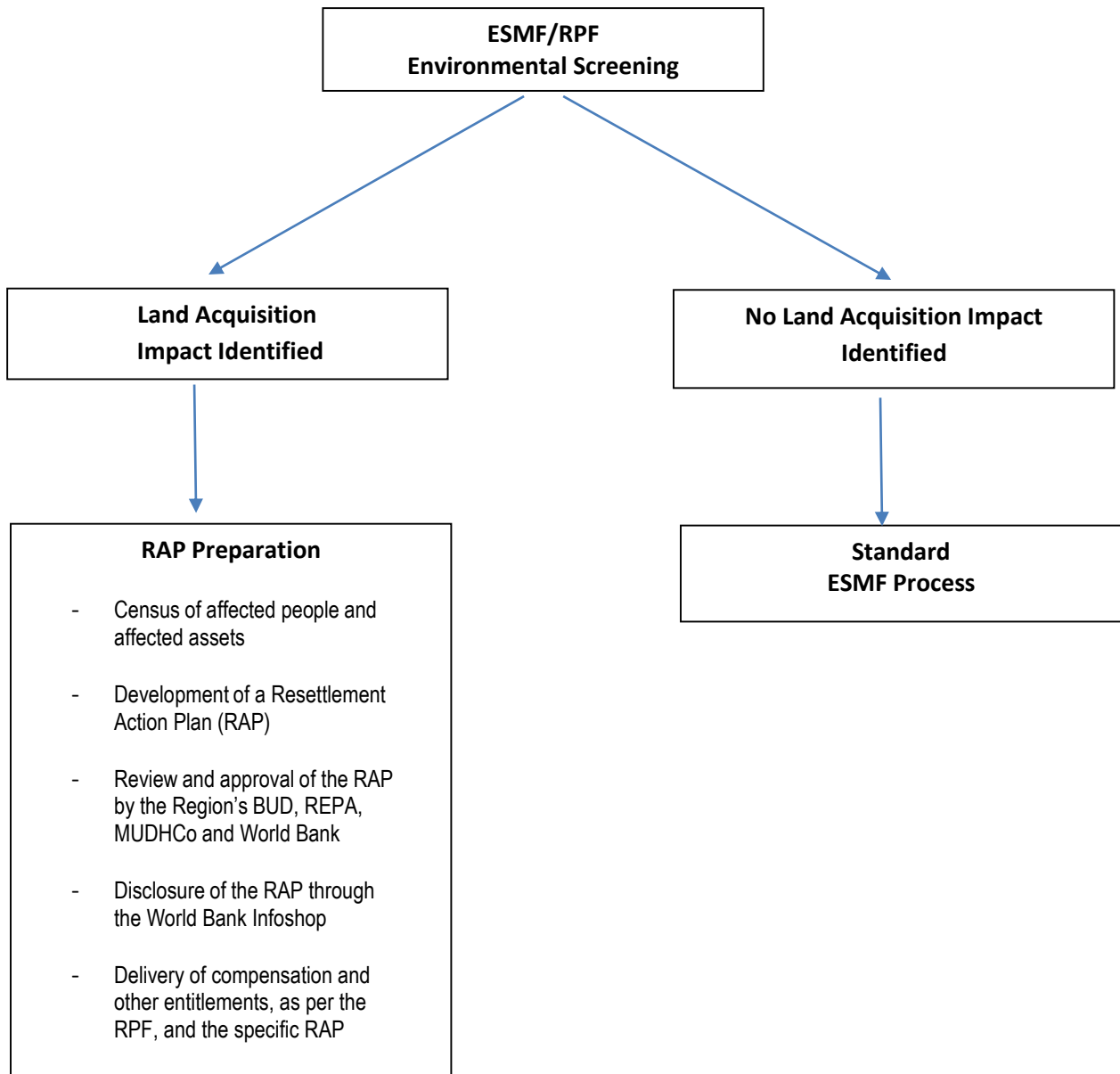
Screening will be undertaken by the relevant ULG Infrastructure Office (e.g. roads, water, sanitation, etc.) with the use of the Screening Tool (see Annex 5)<sup>3</sup> as part of the environmental and social screening process for each UPSNP LIPW subproject as detailed in the ESMF. It will take place as early in the UPSNP LIPW subproject identification process as possible and will identify land that is to be taken for the project and PAP who will need to be resettled and/or compensated. This will be in consultation with the affected parties to ensure that all considerations are taken into account and all potential impacts are identified.

The Screening Report will be submitted by the ULG Infrastructure Office to the ULG Executive (City Manager and Mayor's Committee) for review. If the Screening Report shows that no resettlement is required, the development of a Resettlement Action Plan is *not* necessary. However, if the Screening Report shows that resettlement will be required a *Resettlement Action Plan (RAP)* will be developed;

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<sup>13</sup>This is the same form as in the ESMF to enable a simple screening process for initial identification of social and economic impacts.

**Figure 3: Resettlement Policy Framework**



## 7.2 Census (Socio-Economic) Survey (including Land Asset Inventory)

Data must be collected to identify the persons who will be displaced, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. The Census will:

- Provide initial information on the scale of resettlement to be undertaken;
- Identify gaps in information and give an indication of further socio-economic research needed to quantify 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.

The Census (Socio-Economic) Survey is a socio-economic survey that may be undertaken by a consultant contracted by MUDHCo or the BUD. When this is not possible, and where the resettlement is minimal (e.g. a very small percentage of a person's land and livelihood is affected), the relevant ULG Infrastructure Office will carry out the survey with the use of the sample socio-economic survey in Annex 6.

The Census (Socio-Economic) Survey will be accompanied by a Land Asset Inventory to determine what assets will need to be compensated for during the resettlement process. A sample inventory form can also be found in Annex 6.

## 7.3 Development of the RAP

Following the Census Survey and identification of PAP, a RAP will be developed according to the structure as set out in Figure 3. The preparation of a RAP will be done by the ULG Infrastructure Office with the support of a consultant contracted by MUDHCo or the BUD and in consultation with the affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

### *Preparation of RAP*

The level of detail and extent of the RAP must be related to the extent of the resettlement impact. Where the resettlement impacts are substantial (e.g. the physical displacement of 200 or more individuals), an extensive and detailed RAP will be required.

The RAP preparation process must ensure that a specific, auditable process has been followed, that is appropriate to the impacts and that allows for consultation throughout the process. It must also ensure that those affected by resettlement, whether economic or physical, are no worse off, and preferably better off, than before. The RAP should include the following:

- Identification of project impacts and PAPs
- Legal framework for land acquisition and compensation
- Compensation framework
- Description of resettlement assistance and restoration of livelihood activities
  - o Detailed budget
  - o Implementation schedule
- Description of organizational responsibilities
- Framework for public consultation, participation, and development planning
- Description of provisions for complaints and appeals
- Framework for monitoring, evaluation, and reporting

## 7.4 Review and Submission to Regional and Federal Authorities

Following completion of the RAP, the ULG Infrastructure Office/City Manager must submit the RAP to the BUD and Regional Environmental Protection Authority (REPA) for approval, ensuring compliance with the RPF. The RAP is also to be submitted to MUDHCo – and through MUDHCo to the World Bank - to ensure compliance with the RPF and Ethiopian Law.

Capacity for RAP review and approval will be developed at each ULG through support of the regional BUDs and the federal MUDHCo. This will be through training and technical assistance to ensure that all implementing agencies and other stakeholders involved discharge their different responsibilities effectively.

## 7.5 RAP Implementation Procedures and Implementation Schedule

Compensation payments will be made to displaced persons before LIPW subprojects commence and the displaced persons property is affected (i.e., during the early stages of implementation of the RAP).

Following the approval of the RAP, the process of implementation will follow the following process. The comprehensiveness of these steps will depend on the nature and extent of resettlement required.

***Step 1: Consultation and Participatory Processes.*** A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process, therefore, seeks the involvement of PAPs throughout the Census Study for identifying eligible PAPs and throughout the RAP preparation process.

***Step 2: Disclosure and Notification.*** All eligible PAPs are informed about the UPSNP LIPW subprojects and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information (affected persons, community leaders and representatives, and other government agency, land valuation expert) may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

***Step 3: Documentation and verification of land and other assets.*** The GoE authorities at both *woreda* and community local levels; community elders and leaders; will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the subproject, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be witnessed by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

***Step 4: Compensation and Valuation.*** All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the ULG Infrastructure Office will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the

community local leaders. Acquired assets will be compensated at replacement costs, and in calculating replacement cost, depreciation of structures and assets is not taken into account, nor is the value of materials salvaged by the PAP from an asset (e.g. building materials, the pump from a well etc.) acquired under a community project. For houses and other structures, the replacement value, if provided as cash compensation, is the market costs of materials to build a similar or better structure than the one affected, plus costs of labor/contractors, and the cost of any registration and transfer taxes. For agricultural land, the replacement cost is the pre-project or pre-displacement (whichever is higher) market value of land that is of equal size, or use plus the cost of any registration and transfer taxes.

Displaced persons/families will receive relocation assistance to cover (i) the costs of moving to their new location, and (ii) an allowance equal to the local average costs of living during a two month transition period to resettle in their new location of residence or business.

*Community Payments.* Although most subprojects do not normally take land and other assets belonging to a community (such as a community center, school, or sacred site), if this occurs in a subproject, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation are expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

### ***Grievance Procedure***

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. Resolution of different types of grievances regarding land acquisition, resettlement and/or reduced access to natural resources will be attempted at different levels:

- Solutions to grievances related to land acquisition impacts or reduced access to natural resources should be pursued at the community level with facilitation by the subproject RAP team together with design consultants in order to find technical solutions that avoid or further minimize the need for land acquisition or reduced access to natural resources use.
- Solutions to grievances related to voluntary land donations (e.g. pressure on individuals to donate land) or sale of private land for project use should likewise be attempted at the community level with facilitation by the ESMF Specialist, assisted by other specialists as appropriate.
- The project team will describe the process for resolving disputes relating to reduced access to natural resources use that might arise between or among communities, and grievance that may arise from members of communities who are dissatisfied with community planning measures, or actual implementation;
- Solutions to grievances related to compensation amounts, delays in compensation payments or provision of different types of resettlement assistance should be pursued directly by the designated RAP team through liaison with the relevant actors.
- Arbitration by appropriate local institutions such as Local Authorities, including a Resettlement or Land Committee and through community leaders
- Where satisfactory solutions to grievances cannot be achieved, the aggrieved party may take the matter before the courts.

The subproject RAP team will ensure that community members and in particular PAPs are informed about the avenues for grievance redress, including specific concerns about compensation and relocation, and will maintain a record of grievances received, and the result of attempts to resolve these. This information should be included in UPSNP regular progress reporting.

**Entitlements**

The Entitlements Matrix below defines the eligibility for compensation and/or rehabilitation assistance for impacts/losses for different types of assets for different categories of project affected persons.

**Table 6: Entitlement Matrix**

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural Land	Cash compensation for affected land equivalent to market value  Less than 20% of land holding affected  Land remains economically viable.	Title holder	- Cash compensation for affected land equivalent to replacement value, taking into account market values for land, where applicable
		Tenant/ lease holder	- Cash compensation for the harvest or product from the affected land or asset, equivalent to ten times the average annual income s/he secured during the five years preceding the expropriation of the land.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	- Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. - Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. - Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature ) assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )
		Tenant/ Lease holder	- Cash compensation equivalent to ten times the average annual income s/he secured during the five years preceding the expropriation of the land. - Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature ) - Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature ) - Relocation assistance (costs of shifting + allowance).
Commercial Land	Land used for business partially affected  Limited loss	Title holder/ business owner	- Cash compensation for affected land, taking into account market values, where applicable - Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	- Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected  If partially affected, the remaining assets become insufficient for business purposes	Title holder/ business owner	<ul style="list-style-type: none"> <li>- Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.</li> <li>- Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>- Relocation assistance (costs of shifting + allowance)</li> <li>- Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</li> </ul>
		Business person is lease holder	<ul style="list-style-type: none"> <li>- Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</li> <li>- Relocation assistance (costs of shifting)</li> <li>- Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.</li> </ul>
Residential Land	Land used for residence partially affected, limited loss  Remaining land viable for present use.	Title holder	<ul style="list-style-type: none"> <li>- Cash compensation for affected land, taking into account market values, where applicable</li> </ul>
		Rental/ lease holder	<ul style="list-style-type: none"> <li>- Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)</li> </ul>
	Title holder	<ul style="list-style-type: none"> <li>- Land for land replacement or compensation in cash according to PAP's choice.</li> <li>- Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</li> <li>- When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</li> <li>- Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>- Relocation assistance (costs of shifting + allowance)</li> </ul>	
	Land and assets used for residence severely affected  Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/ lease holder	<ul style="list-style-type: none"> <li>- Refund of any lease/ rental fees paid for time/ use after date of removal</li> <li>- Cash compensation equivalent to 3 months of lease/ rental fee</li> <li>- Assistance in rental/ lease of alternative land/ property</li> <li>- Relocation assistance (costs of shifting + allowance)</li> </ul>
Buildings and	Structures are partially affected	Owner	<ul style="list-style-type: none"> <li>- Cash compensation for affected building and other fixed assets</li> </ul>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Structures	Remaining structures viable for continued use		- Cash assistance to cover costs of restoration of the remaining structure
		Rental/ lease holder	- Cash compensation for affected assets (verifiable improvements to the property by the tenant). - Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected  Remaining structures not suitable for continued use	Owner	- Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. - Right to salvage materials without deduction from compensation - Relocation assistance (costs of shifting + allowance) - Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/ lease holder	- Cash compensation for affected assets (verifiable improvements to the property by the tenant) - Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) - Assistance to help find alternative rental arrangements - Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/ informal dweller	- Cash compensation for affected structure without depreciation - Right to salvage materials without deduction from compensation - Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project - Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) - Rehabilitation assistance if required assistance with job placement, skills training)
Street vendor (informal without title or lease to the stall or shop)	- Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. - Relocation assistance (costs of shifting) - Assistance to obtain alternative site to re- establish the business.		
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	- Cash compensation equivalent to ten times the average annual income s/he secured during the five years preceding the expropriation of the land.
Trees	Trees lost	Title holder	- Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	- Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)



## Part 8: Implementation Schedule, Budget and Arrangements for Funding

### 8.1 Implementation Schedule

It is essential that the timeframes and action plans associated with the RAPs are linked to the UPSNP LIPW subproject 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. For project activities requiring relocation or resulting in loss of shelter, this RPF further requires that measures to assist PAPs are implemented in accordance with the individual RAPs.

The Implementation Schedule is agreed between ULG Infrastructure Offices and PAPs and must include:

- Target dates for start and completion of civil works;
- Timetables for transfer of completed civil works to PAPs;
- Dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation);
- The link between RAP activities to the implementation of the overall subproject.

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

### 8.2 Budget

It is difficult at this stage to provide an estimate of the cost of resettlement and compensation activities related to the implementation of UPSNP.

Relevant subprojects under UPSNP will have to assess budget needs related with compensation and resettlement in accordance with principles in this RPF, and identify and secure the source of funding.

### 8.3 Arrangements for Funding

The World Bank loan under which the UPSNP will be funded will not finance cash compensation or land acquisition for resettlement purposes. Compensation and land acquisition for resettlement sites (if any) will be funded by the GoE.

An indicative RAP budget outline can be found in Table 7 below.

**Table 7: Indicative Outline of a RAP Budget**

Asset Acquisition	Amount or number	Total Estimated Cost	Agency Responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
<b>Land Acquisition and Preparation</b>			
Land			

Structures			
Crops areas and others			
Community infrastructure			
<b>Relocations</b>			
Transfer of possessions			
Installation costs			
<b>Economic Rehabilitation</b>			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ethiopian average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ethiopian market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes ( decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ethiopian market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Ethiopia
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

## **Part 9: Public Consultation and Disclosure Plan**

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 will be informed of the approval of the RAP and the implications for all PAPs, as well as the likely implications in terms of resettlement, expropriation and compensation. Importantly, this needs 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 about the project, from the beginning. Public consultations and participation take place through individual, group, or community meetings, and are adopted as on-going strategy throughout the entire project cycle.

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP Team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. During implementation, PAPs will be informed about their rights and options.

## Part 10: Monitoring & Evaluation of Impacts

Throughout implementation, the UPSNP is required to carry out safeguards monitoring to ensure that the Project brings intended benefits, while ensuring that potential adverse environmental and social impacts are avoided or minimized. The arrangements for monitoring the resettlement and compensation activities will fit into the overall monitoring program for the entire UPSNP, which will fall under the overall responsibility of MUDHCo. In order to assess whether the goals of the resettlement and compensation plan are being met, a *Monitoring and Evaluation Plan* (MEP) will be required. It will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities. The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP identifies the specific indicators to be monitored; define how they will be measured on a regular basis; and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process). The detail and complexity of this plan will depend on the nature and extent of the resettlement that takes place.

MUDHCo will institute an administrative reporting system, that:

- Alerts project authorities about 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;
- Provides timely information about the asset valuation and negotiation process;
- Maintains records of any complaints and appeals that require resolution;
- 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 losses, as well as unanticipated, additional construction damage; and
- 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 subproject 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 BUD shall develop the monitoring and evaluation component of the project/program. This will take the form of giving the BUDs 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:

- If affected people have been paid in full and before implementation of the ULGDP investment project, and
- If the people who were affected by the ULGDP investment 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.

### *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 7 provides a set of indicators which can be used.

**Table 8: Types of Verifiable Indicators**

Monitoring (of issues)	Evaluation (of impacts)
Number of compensation (and valuation) contracts not completed	- Outstanding individual compensation or resettlement contracts. - Changes (+/-) in PAPs conditions during transition process
Number of subprojects unable to settle compensation after 2 years	- Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	- Quality of grievances or disputes resolved (qualitative)
Pre-project production and income (year before land used) versus present production and income of resettled PAPs who earn income from affected property (e.g. shops, kiosks, market stall, MSEs)	- Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation. - Equal of improved production/household
Number of livelihood restoration programs completed	- Changes (+/-) in affected households income levels

*Indicators to determine status of PAPs*

A number of indicators can be used to determine the status of affected people. For instance: 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.

*Indicators to measure RAP Performance*

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

- Questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- 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;
- Each individual will have a compensation. The ULG 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
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation;
  - Proposed use of payments;
  - The number of contentious cases as a percentage of the total cases;
  - The number of complaints and appeals and time and quality of resolution;
- The ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
  - Income generating productive enterprises;

- Number of impacted locals working on LIPW; and
- General relations between the project and the local communities.

## **Annex 1: World Bank Resettlement Policy Framework (RPF)**

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP / BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.*

*Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.*

### **Resettlement Policy Framework**

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A<http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C19E5F010F97E04485256B180070DD3E?OpenDocument><http://lnweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocument><http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>, paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A<http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C19E5F010F97E04485256B180070DD3E?OpenDocument><http://lnweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocument><http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>, paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects<http://wbln0011/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/8BC51CC87982E5BD85256B18006D964D?OpenDocument><sup>26</sup> that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A<http://lnweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A300>

[61BEB6/46FC304892280AB785256B19008197F8?OpenDocument](http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/CA2D01A4D1BDF58085256B19008197F6?OpenDocument)<http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>, paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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



## Annex 2: Glossary of Terms

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Project Affected Persons (PAPs) or Displaced Persons (DPs)	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of EASP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
Project Implementing Unit (PIU)	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient's agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.
Rehabilitation	Rehabilitation assistance is the provision of development assistance in addition to

Assistance	compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on <b>Market rate (commercial rate)</b> according to Ethiopian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Ethiopia to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
Resettlement Policy Framework (RPF)	The RPF is an instrument to be used throughout the project’s implementation. The RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement, that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Witness NGO or Independent Monitor	Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.

### Annex 3: Relevant Ethiopian Laws

Property Rights and Land Rights	Law/Regulation
Ownership of land is now vested in the State and Ethiopian citizens have only a use right (usufruct) over the land. This gives the user ownership of his/her possessions with the right to benefit from the fruits of his/her labor. This includes crops, perennial crops, trees for timber etc. found on the land or any other permanent fixtures such as residential houses, business installations, stores and fences, amongst others. This overturned the 1960 Constitutional degree of private ownership of land.	Public Ownership of Rural Land (No 31/1975)
In 1975 Ethiopia nationalized urban land and extra houses ( <b>Proc. No. 47/1975</b> ). Residents have usage rights, urban centers must take inventory of land and plan sustainable land use. Urban residents get one plot of land for personal housing.	Proclamation No. 47/1975
A) All urban lands shall be property of the Government. B) Tenant shall be free from payment to the landowner. C) Any person or family owns only a single dwelling.	Proclamation No. 47/1975, Article 2(3), Article 6(1) and Article 11(1)
According to these proclamations, land holders have open-ended usufruct rights over their possessions (ie there is no time limit on this usufruct), subject to a proof of permanent physical residence, ability to farm continuously and should meet administrative dues and obligations. In rural villages, farm households have a legal right to possess land through state mandated peasant associations.	Constitution of Ethiopia (No 1/1987, Article 13(2) and No 1/1995, Article 40(3))
Proclamation N° 89/1997 establishes the principles of rural land administration, which is devolved to the Regions states that each Regional Council shall enact a law on land administration, which is in conformity with the provisions on environmental protection and federal utilization policies.	Proclamation N° 89/1997 "Federal Rural Land Administration Proclamation"
Proclamation N° 89/1997 recognizes the lawfulness of "holding rights" over land;	Proclamation N° 89/1997 "Federal Rural Land Administration Proclamation"
Proclamation N° 89/1997 confirms and details the Constitution principle that holding rights on land can be assigned to peasants and nomads, and that these are to be secured from eviction and displacement;	Proclamation N° 89/1997 "Federal Rural Land Administration Proclamation"
It provides various details with respect to redistribution of land, including that this redistribution is a Region responsibility It establishes the possibility for Regions to perceive fees for the use of land and forest.	Proclamation N° 89/1997 "Federal Rural Land Administration Proclamation"
The leasehold policy ( <b>Proc No. 80/1993</b> ) allows individuals and companies to attain access to land through auction, allocation, or lottery.	Proclamation No. 80/1993
Article 26 of the Constitution states that "Everyone shall have the right to his privacy and physical integrity. This right shall include protection from searches of his person, his home, his property and protection from seizure of property under his possession."	Constitution Article 26
The 1995 Constitution of the Ethiopia, <i>Article 40(2), 40(4), 40(5) and 40(8)</i> includes legal frameworks that protect the Ethiopian citizen's rights to private property and set conditions for expropriation of such property for state or public interests.	Constitution Article 40(2) Constitution Article 40(4) Constitution Article 40(5) Constitution Article 40(8)
<b>Article 40(3)</b> vests the right to ownership of rural and urban land, as well as of all natural; resources, in the government and in the peoples of Ethiopia;	Constitution Article 40(3)
<b>Article 40(3)</b> recognizes land as a common property of the Nations, Nationalities of, and peoples of Ethiopia and prohibits sale or any other exchange of land;	Constitution Article 40(3) Proclamation N° 89/1997 "Federal Rural Land Administration Proclamation"
<b>Article 40(4)</b> guarantees the right of farmers to obtain land without payment and the protection against eviction from their possession; and	Constitution Article 40(4)
<b>Article 40(5)</b> guarantees the right of pastoralists to free land for grazing and cultivation as well as the right not to be displaced from their own lands.	Constitution Article 40(5)
<b>Article 40(7)</b> states that "Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital.	Constitution Article 40(7)

Property Rights and Land Rights	Law/Regulation
This right shall include the right to alienate, to bequeath, and, where the right to use expires, to remove his property, transfers his title, or claim compensation for it.	
<b>Article 41(9)</b> sets out the State responsibilities to protect and preserve historical and cultural legacies.	Constitution Article 41(9)
The Research and Conservation of Cultural Heritage <b>Proclamation No. 209/2000</b> of Ethiopia defines cultural heritage broadly as "anything tangible or intangible which is the product of creativity and labour of man in the pre-history and history times, that describes and witnesses to the evolution of nature and which has a major value in its scientific, historical, cultural, artistic and handcraft content."	Proclamation No. 209/2000
Prior approval of the Authority for Research and Conservation of Cultural Heritage is required to remove from its original site of an immovable cultural heritage ( <b>Art. 21/1</b> ).	Proclamation No. 209/2000, Article 21/1
Whenever registered, movable cultural heritage is encountered during the execution of the project it is possible to remove such property by notifying the Authority in advance ( <b>Art. 21/2</b> ).	Proclamation No. 209/2000, Article 21/2
ZikreHig Regulation No.6 2002 provides for the lease holding of urban land for a specified period of time. It regulates the lease period for different functions, grade of land and payment of lease. It regulates manners of expropriation of land. It regulates that land could be expropriated for public use against payment of compensation	ZikreHig Regulation No. 6/2002
Several Regions of Ethiopia have taken steps to develop regional land regulations.	<i>Regional Land Regulations Land use Administration Proclamation, (No 456/2005 Article 17(1))</i>
Eligibility for compensation is discussed in <i>Article 44(2)</i> of the 1995 Constitution and <i>Proclamation No 455/2005</i> . These two legal documents give entitlement only to those who have formal legal rights over their holdings (properties).	Constitution Article 44(2) Proclamation No 455/2005
<i>Proclamation No 455/2005, Article 2 (3)</i> 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."	Proclamation No 455/2005
<b>Rural Land Administration and Land use Administration Proclamation (No. 456/2005 Article 17(1)</b> gives regional states the power to enact regional laws for rural land administrations. The regional laws are to be consistent with the Federal Constitution (No. 1/1995, Article 52(2) (d))	Proclamation No. 456/2005
Several regional states (including Amhara, Oromia and Tigray) are now building on the constitutional provisions to improve security of tenure, albeit within the general framework of State ownership of land. Leases are being introduced, that would guarantee lessees a long-term right of usage. Where leases are concluded between a regional administration and peasant farmers, it does not seem that these leases are reflected in any cadastral documentation (including maps) kept at <i>woreda</i> or region level.	<i>Land Tenure</i>
"Non-owners like renters and business are eligible for relocation and other assistance in finding a new location, compensation at replacement value for any immovable assets, compensation for loss of income during transition, assistance for physical transfer and follow-up services."	Uncited
"People without titles or use right (e.g. squatters, encroachers) will be for specific assistance. They typically claim use rights or even ownership after occupation of unused or unprotected lands. They are likely to have invested in structures or land improvements that are eligible for compensation."	Uncited

## **Annex 4: Compensation and Expropriation Regulations**

### **Regulations No. 135/2007 on the Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes**

#### **Council of Ministers Regulations No. 135/2007**

#### **COUNCIL OF MINISTERS REGULATIONS ON THE PAYMENT OF COMPENSATION FOR PROPERTY SITUATED ON LANDHOLDINGS EXPROPRIATED FOR PUBLIC PURPOSES**

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 14(1) of the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 with a purpose of not only paying compensation but also to assist displaced persons to restore their livelihood.

#### **PART ONE: GENERAL**

##### **1. Short Title**

These Regulations may be cited as the “Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007”

##### **2. Definitions**

In these Regulations unless the context requires otherwise:

“Proclamation” means the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005;

1. “Committee” means a property valuation committee established pursuant to the Proclamation;
2. “Crops” means any plant sown or planted and harvested in one season;
3. “Ripe crops” means plant sown or planted on a land holding to be expropriated for public purpose and that could be harvested within the notice period given under Article 4 of the Proclamation;
4. “Perennial crops” means species of crops harvested regularly for years;
5. “Building” means any structure constructed or under construction in an urban centre or a rural area for residential, manufacturing, commercial, social or any other service;
6. “Formula” means the methodology used for valuating compensation in accordance with these Regulations for Properties Situated on Landholdings Expropriated in Accordance with the Proclamation;
7. The terms “region”, “compensation”, “public purpose”, “utility lines” and “implementing agency” shall have the meanings given to them under the Proclamation;
8. “Person” means any natural or juridical person.

## **PART TWO: ASSESSMENT OF COMPENSATION**

### **3. Compensation for Buildings**

1. The amount of compensation for a building shall be determined on the basis of the current cost per square meter or unit for constructing a comparable building
2. The compensation for a building shall include:
  - a) The current cost for constructing floor tiles of the compound, septic tank and other structures attached to the building; and
  - b) The estimated cost for demolishing, lifting, reconstructing, installing and connecting utility lines of the building.
3. The owner of a building shall have the right to claim compensation for the entire building by surrounding the total land in his possession where part of the building is ordered to be removed.
4. Compensation shall be paid only for the demolished part of a building where the owner prefers to use the unwanted part of the land; provided, however, that such preference shall be acceptable only where the condition of the partly demolished building conforms to the requirements of the appropriate city plan.

### **4. Compensation for Fences**

The amount of compensation for a fence shall be determined by calculating the current cost per square meter or the unit cost required for constructing a similar fence.

### **5. Compensation for Crops**

1. The amount of compensation for crops shall be calculated by multiplying the amount of yield that would have been collected from the land at maturity by the current market price of the crops.
2. The owner of ripe crops may, in lieu of compensation, harvest and collect the crops within the period fixed pursuant to Article 4 of the Proclamation.

### **6. Compensation for Perennial Crops**

1. The amount of compensation for unripe perennial crops shall be determined by calculating the estimated cost for growing the plant.
2. The amount of compensation for ripe perennial crops shall be determined on the basis of the average annual yield, the current local market price of the crops and the cost of permanent improvement on land.

### **7. Compensation for Trees**

1. The amount of compensation for trees shall be determined on the basis of the level of growth of the trees and the current local price per square meter or per unit.
2. The owner of trees may, in lieu of compensation, cut and collect the trees within the period fixed pursuant to Article 4 of the Proclamation.

### **8. Compensation for Protected Grass**

1. The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter.
2. The owner of protected grass may, in lieu of compensation, cut and gather the grass within the period fixed pursuant to Article 4 of the Proclamation.

### **9. Compensation for Permanent Improvement on Rural Land**

The amount of compensation for permanent improvement made on a rural land shall be determined by

computing the machinery, material and labour costs incurred for clearing, levelling and terracing the land, including the costs of water reservoir and other agricultural infrastructure works.

**10. Compensation for Relocated Property**

The amount of compensation for a relocated property shall be determined by computing the estimated costs of labour, material and transport to be incurred at market value for removing, transferring and installing the property.

**11. Compensation Payable to a Mining Licensee**

Where a mining site is expropriated pursuant to the provisions of the Proclamation, the compensation due to the licensee shall be determined by the relevant mining law.

**12. Compensation for Burial-ground**

1. The amount of compensation for a burial-ground shall be determined on the basis of the estimated costs to be incurred for removing the grave stones, preparing other burial-ground, transferring and relocating the corpse and for conducting religious and cultural ceremonies in relation thereto.
2. The amount of costs stipulated under Sub-Article (1) of this Article shall be determined on the basis of the current local market prices of materials, transport services and labour.

**13. Formula**

The formula for calculating the amount of compensation payable in accordance with the Proclamation and these Regulations shall be as follows:

1. Compensation for building = cost of construction (current value).  
+ cost of permanent improvement on land  
+ the amount of refundable money for the remaining term of lease contract
2. Compensation for crops = the total area of the land (in square meters)  
x value of the crops per kilo gram  
x the amount of crops to be obtained per square meter  
+ cost of permanent improvement on land
3. Compensation for unripe Perennial Crops = number of plants (legs)  
x cost incurred to grow an individual plant  
+ cost of permanent improvement on land
4. Compensation for ripe Perennial crops = the annual yield of the Perennial Crops (in Kilograms)  
x the current price of the produce of the perennial crops  
+ cost of permanent improvement on land
5. Compensation for relocated Property = cost of removal  
+ cost of transferring  
+ cost of reinstallation
6. Compensation for protected grass = area covered by the grass per square meter x the current market price of the grass per square meter

**PART THREE: PROVISION OF REPLACEMENT LAND AND PAYMENT OF DISPLACEMENT COMPENSATION**

**14. Provision of Replacement Urban Land**

The provision of replacement land to an urban dweller whose landholding has been expropriated for public purpose shall be governed by directives issued by Regional States in accordance with Article 14 (2) of the Proclamation.

**15. Provision of Replacement Rural Land**

Where land used for growing crops or a protected grass or pastoral land is expropriated for public purpose, the possessor of such land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose.

**16. Displacement Compensation for Land Used for Crops and Perennial Crops**

1. Where a replacement land has been provided in accordance with Article 15 of these Regulations with respect to expropriated land used for crops or perennial crops, displacement compensation equivalent to the following amounts, shall be paid:
  - a) The price of the annual average yield of crops obtained from the land; or b) The price of the annual average yield of perennial crops multiplied by the number of years required to attain the level of growth of the perennial crops.
2. The amount of displacement compensation payable with respect to land used for growing crops or perennial crops shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the price of the average yield of crops or perennial crops obtained from the land.
3. The average annual yield of crops or perennial crops shall be calculated on the basis of:
  - a) The yield obtained from the land for the last five years; or
  - b) Where the land was used for less than five years, the yield obtained for the actual years the land was used; or
  - c) Where the crops or perennial crops have not yet started giving annual yield, the yield of similar crops or perennial crops obtained from a similar area of land in the locality for the last five years.

**17. Displacement Compensation for Protected Grass or Grazing Land**

1. Where a replacement land is provided in accordance with Article 15 of these regulations with respect to expropriated protected grass or grazing land, displacement compensation equivalent to the annual average income obtained from the land shall be paid.
2. The amount of displacement compensation payable with respect to the protected grass or grazing land shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the annual average income obtained from the land.
3. The provisions of Sub-Article (3) of Article 16 of these Regulations shall, mutatis mutandis, be applicable with respect to calculating the average annual income derived from a protected grass or grazing land.

**18. Displacement Compensation for Provisional Expropriation of Rural Land**

Where a rural land is expropriated only for a limited period of time, the multiplication factor for calculating the displacement compensation shall be the number of years for which the land is cleared; provided, however, that the compensation obtained by such calculation shall not exceed the amount payable under Article 16 or 17 of these regulations

**PART FOUR: MISCELLANEOUS PROVISIONS**

**19. Properties for which Compensation is not payable**

There shall be no payment of compensation with respect to any construction or improvement of a building, any crops sown, perennial crops planted or any permanent improvement on land, where such activity is done after the possessor of the land is served with the expropriation order.

**20. Furnishing of Data**

1. The committee shall request the relevant federal, regional or other bodies to furnish any data necessary for determining the value of a property in accordance with the Proclamation and these



Regulations.

2. Anybody requested under Sub-Article (1) of this Article shall hand over the data immediately to the Committee.
3. Where the data is not available with the requested bodies, the committee shall conduct its own survey on the local market price of the property.

**21. Records of Property**

A woreda or a city administration shall, for the purpose of the implementation of the Proclamation and these Regulations, record properties situated on a landholding subjected to an expropriation order.

**22. Evidence of Possession and Ownership**

Any person who claims for payment of compensation in accordance with the Proclamation and these Regulations shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation.

**23. Valuation Costs**

1. Woreda and city administrations shall cover the costs of valuation of properties in accordance with these regulations, including payment of per diem to members of the Committee in accordance with the relevant laws.
2. The costs referred to Sub-Article (1) of this Article shall be covered by the concerned implementing agency where the expropriation is made upon its request.

**24. Effective Date**

These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 4<sup>th</sup> day of July 2007

**MELES ZENAWI**

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

## Annex 5: ESMF and RPF Screening Form Template

Type of LIPW Subproject:

Location (include map/sketch): *(e.g. region, district)*

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

Estimated Cost: (Birr):

Proposed Date of Works Commencement:

Technical Drawing and Specifications Yes/No

Reviewed:

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This report is to be kept short and concise.

### 1. Site Selection

<b>Physical data:</b>	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
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.*

### 2. Impact identification and Classification

*When considering the location of a LIPW subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable – it indicates a real risk of causing adverse impacts involving resettlement and compensation. The following table should be used as a reference.*

#### 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

3. Checklist of Impacts

UPSNP LIPW Subproject	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Economic or physical resettlement required					
New settlement pressures created					
Other (specify):					

4. Detailed Questions

<b>Public participation/information requirements: Yes/No answers and bullet lists preferred except where descriptive detail is essential.</b>	
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.	
<i>Refer to relevant legislative acts in Ethiopia.</i>	
<b>Land and resettlement: Yes/No answers and bullet lists preferred except where descriptive detail is essential</b>	
What is the likelihood of land purchase for the ULG investment project?	
How will the ULG go about land purchase?	
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.*

<b>Actions:</b>	
List outstanding actions to be cleared before ULG investment project appraisal.	
<i>Approval/rejection If the proposal is rejected for environmental reasons, should the LIPW subproject be reconsidered, and what additional data would be required for reconsideration?</i>	

**Recommendations:**

Requires RAP is to be submitted on date

\_\_\_\_\_

Requires Census & Land Inventory to be submitted on date

\_\_\_\_\_

Does not require further environmental or social studies

\_\_\_\_\_

Reviewer:

Name:

Signature:



6.													
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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: 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer. Residential Status: 1 PRP (Permanent Resident) ; 2 RA (Resident absent) ; 3 Member of non-resident HH; 4 Visitor; 9 Other (specify) ; 0 No Answer. Occupations: Principle Occupation: 1. Farmer ; 2 Shepherd; 3 Household ; 4 Merchant; 5 Religious leader, teacher ; 6 Artisan ; 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 ; 4 Secondary 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 UPSNP investment Project Affected People

Kebele: \_\_\_\_\_ Date: \_\_\_\_\_

City/Town: \_\_\_\_\_

Survey no.	Name of Head of Household	No. of Persons in household	Total land holding of HH (m <sup>2</sup> )	Land to be acquired (m <sup>2</sup> )	Land Use Type *	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses			
							Structures Permanent (m2)	Structures temporary (m2)	Area of residential land lost (m2)	Fruit trees lost type and number	Agricultural land lost (m2)	Other (specify)		E.g. graveyards, wells, etc. (type and no.)	Residence (rented)	Business lost	Income loss

Land types are as follows (please fill in the types of land for Ethiopia

- 1.
- 2.
- 3.
- 4.



## **Annex 7: Annotated Outline for Preparing a Resettlement Action Plan (RAP)**

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website.

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

**Description of the subproject:** General description of the sub-project and identification of sub-project area or areas.

**Potential Impacts:** Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

**Objectives:** The main objectives of the resettlement program as these apply to the sub-projects.

**Socio-economic studies:** The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and



- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**Legal Framework:** The analysis of the legal and institutional framework should cover the following:

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- (ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- (iii) Relevant laws ( including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- (v) Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- (vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

**Eligibility:** Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**Valuation of and compensation for losses:** The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

**Resettlement Measures:** A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**Site selection, site preparation, and relocation:** Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at

least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

***Housing, infrastructure, and social services:*** Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

***Environmental protection and management.*** A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

***Community Participation:*** Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- (iii) Conflict resolution involving PAPs and host communities; and
- (iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

***Grievance procedures:*** The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

***RAP implementation responsibilities:*** The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some

responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc.).

***Implementation Schedule:*** An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

***Costs and budget:*** The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

***Monitoring and evaluation:*** Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

## Annex 8: Sample Grievance and Resolution Form

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

## **Annex 9: Sample Table of Contents for RAP Consultation Report**

### **1. Introduction.**

- 1.1 Project Description
- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders

### **2. Stakeholder Analysis**

- 2.1 Areas of Influence/Stakeholders
- 2.2 Description of Stakeholders

### **3. Stakeholder Engagement**

- 3.1 Previous Consultation Activities
- 3.2 Implemented Community Engagement Activities
- 3.3 Project Sponsor’s Community Engagement Plan
  - 3.3.1 Phase 1 – Initial Stakeholder Consultation
  - 3.3.2 Phase 2 – Release of the RAP Terms of Reference
  - 3.3.3 Phase 3 – Release of RAP Consultation Report

### **4. Summary of Key Issues**

### **5. Future Consultation Events**

- 5.1 Phase 4 – Release of the RAP
- 5.2 Phase 5 – Ongoing project Communications

### **6. Disclosure Plan**

#### **Tables**

- Table 2.1: Consultation Activity Summary
- Table 3.1: Initial Government Agency Consultations
- Table 3.2: Summary of NGO Meetings
- Table 3.3: Sub-County Committee Composition
- Table 3.4: Summary of Community Discussions
- Table 3.5: Local Community Comments
- Table 4.1: Summary of Key Issues and Responses
- Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

#### **Template for Table on Consultation Activity Summary**

<b>Location and Communities Represented</b>	<b>Meeting Dates</b>	<b>Attendees</b>	<b>Discussion Summary</b>
Example:			

**Annex 10: List of GoE Officials Consulted**

S No.	Name of participant	Organization	Position	Remark
<b>Adama</b>				
1	Ato Chala Lemi Argene	Adama City Administration Office	Manager	
2	Ato Dawit Aberra	Labor and Social Affairs Office	Head of the Office	
3	Ato Paulos Hailu	Women and Children's Affairs	Expert, Women's Empowerment and Social Mobilization	
4	Ato Muhammed Ibrahim	Finance and Economic Development Office	Procurement and Finance Process Owner	
5	Ato Hussein Tashitie	Adama Micro and Small Enterprises Development Agency	Urban Manufacturing and Agriculture Process Owner	
6	Ato Tilaye Ayano	Adama City Justice Office	Head of the Office	
<b>Semera-Logia and Assayeta</b>				
1	Ato Yasin Mohammed Oumer	Semera-Logia City Administration Office	Representative of the Mayor	
2	Ato Hussein Oumer	ULGDP, Semera-Logia City Administration Office	Head of Human Resources	
3	Ato Muhammed Oumer	Logia Kebele 1 Administration Office	Administrator	
4	Ato Ahmed	Logia Kebele 2 Administration Office	Administrator	
5	W/ro Zenebech	Logia Kebele 3 Administration Office	Administrator	
6	Ato Belay W/Michael	Bureau of Labor and Social Affairs	Representative of the Bureau Head	
7	Ato Yasin Oumer	Assayeta City Administration Office	Deputy Mayor	
<b>Assosa</b>				
1	Ato Sherif Haji Senur	Assosa City Administration Office	Mayor	
2	Ato Gebrekidan Abbay	ULGDP, Bureau of Urban Development and Construction	ULGDP Coordinator	
3	W/rt Metasebiya Gessese	Bureau of Women, Youth and Children's Affairs	Representative of Bureau Head, and Children's Rights and Welfare Protection Process Owner	
4	Ato Desalegn Geremew	Assosa City Administration Office	ULGDP Coordinator	
5	Ato Fida Workneh	Assosa City Administration Office	Environmental and Social Safeguards Officer for ULGDP	
6	Ato Akasha Ismael	Bureau of Finance and Economic Development	Head of the Bureau	
7	Ato Mohammed Ayalew	Bureau of Labor and Social Affairs	Social Protection Officer	
8	Ato Amsalu Tadesse	Bureau of Labor and Social Affairs	Occupational & Vocational Safety Officer	

9	Ato Abebe	Assosa City Administration Office	Representative of the City Administration Spokesperson, and the City Administration Office Public Relations Officer	
<b>/Bahir Dar</b>				
1	Ato Yibeltal	Bahir Dar City Administration Office	ULGDP Coordinator	
2	Ato Mesfin Gebremedhin	Bureau of Finance and Economic_Development	Deputy Head of the Bureau (Economic Development Sector)	
3	Ato Mulugeta Kindyahun	Bureau of Industry and Urban Development	Housing Infrastructure and Urban Development Chief Process Owner	
4	Ato Mulugeta Mekuriaw	Bureau of Finance and Economic_Development	Bilateral and Multilateral Resources Mobilization Officer	
5	Ato Tilahun	Bureau of Finance and Economic_Development	Deputy Head of the Bureau (Finance Sector)	
6	Ato Jantirar Abbay Yigzaw	Bureau of Industry and Urban Development	Deputy Head of the Bureau	
7	Ato Chuchu Alebachew	Bureau of Labor and Social Affairs	Deputy Head of the Bureau	
8	Ato Melak	Bureau of Justice	Regional Civil Code Legal Advocate Process Owner	
9	W/ro Zimam Assefa	Bureau of Women, Children and Youth's Affairs	Head of the Bureau, including the Deputy Bureau Head	
<b>Mekelle</b>				
1	Ato Andom Gebreselassie	BoFED, Statistical Information and Policy Study Process	Expert	
2	Ato Girmay Zeradawit	BoUDTI; Land Development, Support, Monitoring and Management Process	Expert	
3	Ato Girmay Tesfaye	Mekelle City Administration, Mayor's Office	Socio-economic Advisor to the Mayor	
4	Ato Atsebeha	BoLSA, Social Affairs Process	Process Owner	
5	Ato Teklay Hagos	Bureau of Justice, Legal Process	Process Owner	
6	Ato Berihu Belay	Bureau of Justice	Legal Expert	
7	Ato Atakiliti Gebrehiwot	Bureau of Urban Development, Trade and Industry	Head, Urban Land Administration	
8	Ato Teklay Gebremedhin	Bureau of Agriculture and Rural Development	Regional Food Security Coordinator	
9	Ato Hailemariam Negashe G/Selassie	Kuiha Sub City Administration Office	Executive Manager	
10	Ato Senay Abisa	Mekelle City Administration Office	ULGDP Coordinator	
11	Ato Mulubrehan Amare	Mekelle City Administration Office	M and E Focal Person for ULGDP	
12	Ato Afework Abreha	Mekelle City Administration Office	CIP Focal Person for ULGDP	
13	W/ro Keria Ibrahim	Bureau of Women's Affairs	Head of the Bureau	

14	W/ro Yalem Tsegaye Asfaw	BoLSA	Head of the Bureau	
<b>Gambella</b>				
	Cheb cheb Agwa	Municipality	Mayor	
	Kassa Dinsa	Municipality	Mayor's office head	
	Tigist Befekadu	"	planning	
	Tesfahun	ULGD cordination	planning	
	Gatodor Dang	Kebele 01	Administrator	
	Umed Uchan	Kebele04	Administrator	
<b>Dire Dawa</b>				
	Mohamed Abdurahiman		Mayor's Off. head	
	Gebeyhu Tilahun	Municipality	Mayor's off. head representative	
	Azeb Abate	"	Secretary and office administrator	
	Melkamu Zewdie	"	Compliant officer	
	Armiyas Tafese	Kebele 07	Administrator	
	Mehdi Abdulahi	kebele	Administrator	
	Abdulselam mohammed	ULGD coordination	Representative	
<b>Harar</b>				
	Romedan	municipality	manager	
	Munib Bekre	ULGDP	Focal person	
	Kalid abdurahim	ULGDP	Vice head	
	Dejene Meshesha	Abadir kebele	Administrator	
	Abdi Nuer	Abdi lmay kebele	Administrator	
	Mohammed Yousph	Danela kebele	Administrator	
<b>Jijiga</b>				
	Ahmed Mohammed Ahmed	Municipality	Mayor	
	Abdiaziz Muad ahmed	Municipality	Mayor's off.head	
	Abdu Jebal	"	Mayor's off.expert	
	Abdihakim Sahanr	"	" " "	
	Ayan Abdi	"	Secretary and office administrator	
	Hmashi Ebrahim	Kebele 02	Administrator	
	Abdi Amed Umer	Kebele 03	Administrator	
	Mhad Ebrhim Abdi	Kebele 05	Administrator	
<b>Awassa</b>				
	Belay Bekele	Municipality	Mayor's off.head	
	Mebrate Melese	ULGDP- CO.	coordinator	
	Abenet Alemayhu	Municipality	Data officer	
	Hiwot lalago	"	Secretary and office administrator	
	Sevn kebele Administratos		Attendace is attached	



Annex 11: Community Consultation Participation<sup>14</sup>

Addis Ababa

በዕውቀት ላይ የተሰጠው የግንኙነት ስልጠና የሚከተሉት ሰዎች ተገኝተዋል፡፡ ቀን፡ 10/1/2023  
 ሰዓት፡ 2:30 - 6:30 የሰዓት ቦታ፡ ባለስልጠና ቤት

ተ.ቁ.	ስም	ጾታ	ዕድሜ	የወኪልነት	ስልክ/የስልክ	ፊርማ
1	አበበ አሸናፊ	ወ	48	ገንዘብ ስራ	091338877	አበበ
2	ሙሉ ገብረ	ወ	60	ፍትህ ስራ	09115255000	ሙሉ
3	ገብረ ገብረ	ወ	42	አገልግሎት	0913580937	ገብረ
4	ባሕር ዳር	ወ	60	ጥራት	0913079322	ባሕር
5	አብነት ገብረ	ወ	73	ጥራት	0913204726	አብነት
6	አብነት ገብረ	ወ	62	ጥራት	0942129735	አብነት
7	አብነት ገብረ	ወ	68	ጥራት	0912918939	አብነት
8	አበበ አሸናፊ	ወ	50	ጥራት	0926765584	አበበ
9	አበበ አሸናፊ	ወ	77	ጥራት	0913580040	አበበ
10	አበበ አሸናፊ	ወ	44	ጥራት	0911530057	አበበ
11	አበበ አሸናፊ	ወ	52	ጥራት	0911709403	አበበ
12	አበበ አሸናፊ	ወ	31	ጥራት	09-11-084372	አበበ
13	አበበ አሸናፊ	ወ	35	ጥራት	0922538442	አበበ
14	አበበ አሸናፊ	ወ	39	ጥራት	0912383461	አበበ
15.						
16.						
17.						
18.						
19.						
20.						

<sup>14</sup> For full participant list, please double left click on image which will take you to PDF file of full participation list.

## Annex 12: Sample of Photos from Community Consultations

Figure 1: Community Consultation in Harar



Figure 2: Community Consultations in Semera- Logia and Assayeta



Figure 3: Community Consultations in Semera- Logia and Assayeta





**Figure 4: Community Consultation in Asossa**



**Figure 5: Community Consultation in Gambella**



**Figure 6: Community Consultation in Mekelle**



**Figure 7: Community Consultation in Adama**

