



# RESETTLEMENT POLICY FRAMEWORK FINAL REPORT

**Consultancy Services for the Design and Preparation of Bidding Documents for a Countrywide Roll-out of the Output and Performance Based Road Contracts - OPRC Region I**

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**ACRONYMS**

DDCC	District Development Coordinating Committee
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GCRC	Gross Current Replacement Cost
GRZ	Government of the Republic of Zambia
IRF	Involuntary Resettlement Framework
NGO	Non-Governmental Organization
OP	Operational Procedure
PAPs	Project Affected Persons
PFR	Primary Feeder Road
RAP	Resettlement Action Plan
RDA	Road Development Agency
RMS	Road Maintenance Strategy
ROW	Right of Way
RPF	Resettlement Policy Framework
SFR	Secondary Feeder Road
SIA	Social Impact Assessment
TFR	Tertiary Feeder Road
WB	World Bank
ZEMA	Zambia Environmental Management Agency
ZIRC-P	Zambia Improved Rural Connectivity Project

## EXECUTIVE SUMMARY

### Background and Objectives

The Government of the Republic of Zambia has made an application to the World Bank for a credit of US\$200 million towards improving rural roads infrastructure in Zambia.

The project objective is to enhance mobility in selected rural areas in support of inclusive agriculture and other livelihoods of local communities in the targeted Counties. The project development objective will be achieved through targeted interventions that will rehabilitate rural roads (primary, secondary, and tertiary) and build the capacity of the Road Development Agency (RDA) to participate in better planning, prioritization and management of road development and maintenance expenditures for rural roads, and improve overall quality of life of the rural poor and vulnerable groups.

The main objective of the RPF prepared for the Road Sector is to clarify the policies, principles and procedures that will govern the mitigation of adverse social impacts induced by the Zambia Improved Rural Connectivity (ZIRC) Project operations. The rationale for preparing the RPF is that: a) detailed designs of road operations are yet to be carried out, consequently, the impacts are not known. b) The bulk project roads to be financed under ZIRC Project have yet to be identified. c) The RDA found it useful to have a policy document establishing principles and procedures that will govern the mitigation of adverse social impacts induced by the ZIRC Project operations, to share with various stakeholders in the road transport sector. In preparing this RPF the Consultant made reference to existing laws, institutional and other documents such as the RDA Report of 2006 on resettlement policy framework in the road sector.

The Resettlement Policy Framework (RPF) covers the following themes:

- Operational Procedures
- Legal Framework
- Institutional Framework
- Assessment of Project Affected Persons
- Eligibility Criteria and Establishing of Entitlements
- Valuation Procedures
- Consultation and Participation
- Monitoring and Evaluation and
- Disclosure of Social Safeguards Instruments

### Operational Procedures

To ensure that best practices in resettlement/rehabilitation operations are adopted for the ZIRC Project, RDA and its agencies will follow procedures consistent with the World Bank operational policies OP 4.12 during all the phases of the project (i.e. identification, preparation, implementation, monitoring and evaluation). This means among others that baseline surveys and a social impact assessment will be carried out based on which a resettlement action plan (RAP) will be prepared and sent for approval to the World Bank.

According to the World Bank policy (OP 4.12 paragraph 2), quoted below, project designs will be reviewed to avoid or minimize involuntary resettlement where possible. Project affected persons will be consulted and enabled to participate in the planning, implementation and monitoring of the resettlement.

The World Bank operational policies OP 4.12 states in paragraph 2:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

### **Legal Framework**

The section addresses all legal frameworks that the RPF needs to comply with. These are the Zambian Laws and the Funding Agency, which is the World Bank.

The Zambian Laws governing land acquisition are largely consistent with the World Bank policy on payment of compensation for lost assets. Minor inconsistencies identified in the rate and timing of compensation payment will be addressed by adhering to the Bank's policy of paying compensation at full replacement cost, prior to the beginning of project implementation (civil works), offering resettlement assistance and recognizing all affected groups including tenants and squatters.

### **Institutional Framework**

The RPF also addresses the institutional arrangements available to implement the resettlement operations associated with the ZIRC Project. RDA and its implementing agencies: Ministry of Infrastructure and Housing and Ministry of Local Government have the ultimate responsibility for the mitigation of adverse project effects. They will identify safeguard issues associated with particular road projects, prepare and implement Resettlement Action Plans to address the adverse impacts. They will also coordinate the



roles of other statutory bodies participating in the resettlement/rehabilitation operations such as Government Valuation Department, Ministry of Agriculture, Ministry of Finance and Planning, Ministry of Local Government and Rural development agencies and many more commonly represented in the District development Coordinating Committee.

### **Assessment of Project Affected Persons**

The estimated number of persons expected to be affected under the project is not yet known under the RPF. A census/ socioeconomic survey will be undertaken to obtain the total number, categories and needs and preferences of PAPs as part of the preparations.

This will inform the choice of resettlement/compensation options and help estimate compensation cost.

### **Organizational Procedures for Delivery of Entitlements**

Whereas for the project to effectively implement resettlement operations, this section of the RPF defines the eligibility criteria noting that the criteria will be specified in each RAP and cover any person who suffers loss of or damage to an asset or loss of access to productive resources, as a result of the carrying out of any of the road projects under the ZIRC Project. Eligibility criteria will be informed by the three criteria given in Clause 15 of the World Bank's Operational Policy 4.12:

Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; Those who have no recognizable legal rights or claim to the land they are occupying.

### **Valuation Procedures**

For the Project to satisfy PAPs, the valuation procedures of all assets to be affected, as a result of the implementation of the project have been outlined under this section. The valuation of lost assets induced by the project will be undertaken jointly by the Consultants, Ministry of Agriculture and Government Valuation Department which is the statutory body mandated for valuation associated with government projects. The basis of valuation would comply with the stated legal provisions and this necessitates that the basis of valuation must assess the “Open Market Capital Value” which will ensure that compensation is paid at full replacement cost, in compliance with World Bank Policy.

### **Consultation and Participation**

To ensure effective participation of PAPs in resettlement/rehabilitation planning and implementation, the document addresses the consultation and participation of PAPs, indicating that persons affected by the project, communities, NGOs and all stakeholders will be given opportunity to participate in the resettlement/rehabilitation process. The specific plans/mechanisms for consultation and participation will be detailed in the RAP

and will include resettlement committees for PAPs and communities and interagency committees for participating stakeholders.

### **Monitoring and Evaluation**

The RPF underscores the importance of monitoring and evaluation of the ZIRC subprojects and highlights mechanisms for internal and external monitoring. Internal monitoring of the resettlement/rehabilitation process will be undertaken by Road Development Agency and its agencies following schedules itemized in the RAP, while external monitoring will be done by the Zambia Environmental Management Agency. World Bank supervision missions will also serve as external monitoring mechanisms. Cost of monitoring will be taken care of by individual implementing agencies or stakeholders.

### **Disclosure of Social Safeguard Instruments**

This section of the RPF addresses the issue of disclosure of the RPF and RAPs. RDA will disclose this RPF and the RAPs by making copies available at its head office and those of the agencies in Lusaka and will make copies available to the local government agencies and other stakeholders of the ZIRC Project. The World Bank will also disclose this RPF and other social safeguard instruments electronically through its Info Shop.

## CHAPTER 1

### 1 INTRODUCTION

#### 1.1 Background to the ZIRC Project

The Government of the Republic of Zambia (GRZ) has applied for a credit of US\$200 million from the World Bank towards improving rural roads infrastructure in Zambia. The project objective is to enhance mobility in selected rural areas in support of inclusive agriculture and other livelihoods of local communities in the targeted Counties. The project development objective will be achieved through targeted interventions that will rehabilitate rural roads (primary, secondary, and tertiary) and build the capacity of the Road Development Agency (RDA) to participate in better planning, prioritization and management of road development and maintenance expenditures for rural roads, and improve overall quality of life of the rural poor and vulnerable groups.

#### 1.2 ZIRC Project Objective and Design Strategy

The objective of the ZIRC is to improve rural accessibility for communities in selected areas in Zambia through provision of better roads and other rural transport related infrastructure and strengthening of institutional capacity.

##### 1.2.1 Project Components

The bulk of the project funds will be directed towards supporting the implementation of RDA's long term Road Maintenance Strategy (RMS). Specifically, the Bank support will focus on the part of the strategy that includes the roll-out of the Performance Based Contracting. While the strategy is primarily focused on improving the condition of Primary Feeder Roads (PFR)s, there will be a need to broaden and prioritize the interventions, in terms of geographical coverage and selection of road links. A road network approach will be adopted and extended to include roads below PFRs i.e. the Secondary and Tertiary (SFRs and TFRs). Priority provinces and district will be those with high poverty incidences as well as high agricultural potential. A Multi-criteria analysis will be used to prioritize road links, and to determine participating districts and provinces. To ensure sustainability of the project, the works will be executed through performance-based approach, to improve selected roads and to maintain them, as part of the same lump-sum contracts, to pre-defined levels of service. The intermediate results of this approach will be a new network of all-weather connectivity between the rural agricultural areas and the rest of the road network. For sustainability purposes, the project will also support institutional capacity strengthening at strategic and skills development levels. The support will aim to spotlight rural connectivity as a strategically essential part of the national road network and to improve institutions' ability to manage this part of the network. The project will therefore support two components: improvement of feeder roads, and institutional capacity building. The ZIRC Project will have the following components:

**i) Component 1: Feeder Roads Improvement**

The component will target primarily the unpaved feeder road network serving local communities. While it is too early to define in more detail, the overall concept would be packages of about 300-500 km of the classified rural road network linking these communities with their economic activities and the nearest good quality District roads. A total of about 6 packages could be financed over a period of about two-three years. In total an estimated 1,800 to 3,000 km would be improved and maintained under the Project. The works contract would cover improvement of feeder roads, construction of drainage structures, small bridges, emergency works, maintenance, and community facilities in support of agricultural development. Typical contract duration would be about five years and the contracts will include participation of local contractors. The contracts will provide an ideal opportunity for both short-term and longer-term employment opportunities for local labor, especially through labor-based methods. Local road authorities will be involved in the design and implementation of the eventual roads packages. The necessary concept design and monitoring consultancy costs, as well as other technical support services would also be financed under this component.

**ii) Component 2: Institutional Capacity Building**

This component will in general support the institutional capacity to manage rural roads. This would be achieved through policy and strategic aspects as well as direct support toward skills development. Areas of strategic and policy level support would include strengthening the procedures and processes of funding road maintenance with special attention to rural roads. Specifically, the support would include a review of the application of the road fund towards road maintenance. It would also strengthen the systems for road asset management. The component will furthermore support road safety efforts in relation to rural roads. It will also support the National Construction Council's role in the development and regulation of the road construction industry and RDA's efforts to reclassify the roads. Of particular importance will be the overall institutionalization of performance-based road contracting.

**1.3 Potential Project Activities**

The project will involve the construction and rehabilitation of feeder roads and drainage structures in rural parts of Zambia. At the time of this appraisal the specific site of the actual road links is not yet established, though these will be rural access roads and tracks that are presently in bad condition but whose alignment is generally defined. The activities of the road improvement works will involve bush clearing to demarcate the road corridors and to improve safety, earthworks to achieve engineered road profiles and excavation of material for road layers. Installation of drainage structures will include channels, culverts, drifts and small bridges.

## **1.4 Potential Project Impacts**

The supported sub projects under this project will be small in size and constructed in areas set aside by communities for public use. In addition, this project will support community sub projects that will be identified, designed, implemented, commissioned and operated through a well-defined participatory process, thus no extensive involuntary resettlement is foreseen. Nevertheless, the Resettlement Policy Framework (RPF) is being prepared, which will be the basis for preparing the subprojects' specific Resettlement Action Plans (RAPs).

Principles and resettlement measures which will be applied in all ZIRC funded activities will be in accordance to this Resettlement Policy Framework (RPF), which is in compliance with the laws of the Republic of Zambia and the World Bank Operational Policy 4.12. Sub projects to be undertaken cover community roads.

These sub-projects will involve use of land. The impact of this demand for land will vary depending on the situation of the community. For communities without land use plan, the sub-project is likely to cause both positive and negative impacts due to demand of land.

Land might be under uses of some sort, either by individuals or community. Individual land uses include homestead building, crop cultivation, business running, etc.

## CHAPTER 2

### 2 REVIEW OF RESETTLEMENT POLICY FRAMEWORK

The World Bank has prescribed measures, which must be followed by implementing agencies. The World Bank's current policy on involuntary resettlement, OP 4.12, complements Zambia's laws in ensuring that adequate safeguards are made for people affected by compulsory land acquisition.

The preparation of the resettlement policy framework has its basis in World Bank policy OP.4.12. Paragraph 26 of the OP. 4.12, states:

*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.*

And OP 4.12 paragraph 28 and 29 specify:

*(para. 28) For other Bank-assisted project with multiple subprojects 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 siting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal. For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.*

*(para 29). For each subproject, included in a project described in para. 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.*

#### 2.1 Operational Procedures

Operational procedures to be followed during project identification, preparation and implementation will all be in line with the World Bank's operational procedures OP 4.12.

At project identification and preparation, a social impact assessment (SIA) of the road project will be conducted to determine whether or not a road project(s) would require a RAP as specified in World Bank policy. The principles of compensation/ rehabilitation will be triggered wherever there will be land acquisition and adverse social impacts. Should, however, the SIA findings reveal that more than 200 persons are affected by a subproject a resettlement action plan (RAP) will have to be prepared. In the case where less than 200 persons are affected by a subproject, an abbreviated resettlement plan (ARAP) will have to be prepared in accordance with OP4.12 para 25 that provides "...where impact on the entire population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower."

The World Bank operational policies OP 4.12 states in paragraph 2:

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

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

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

And OP. 4.12 paragraph 25 specifies:

*A draft resettlement plan that conforms to this policy is a condition of appraisal for projects referred to in para. 17 (a) above.*

*However, where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. The information disclosure procedures set forth in para. 22 apply.*

The Road Development Agency will ensure that no civil works will start until the RAPs are reviewed and approved by the Bank - and no displacement are made until people receive their entitlements.

As stated in Bank Policy OP 4.12 paragraph 24:

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

## 2.2 Principles Governing the Resettlement Policy Framework

In accordance with the operational procedures examined above, the principles underlying this Resettlement Policy Framework are summarized below:

- i) Involuntary resettlement would be avoided where possible and where population displacement is unavoidable, it would be minimized by exploring all viable project options
- ii) Persons affected by land acquisition and face relocation or loss of incomes associated with change in land use due to the project would be given compensation so that they can improve or at least maintain their former standard of living.
- iii) The estimation of the compensation cost and/or benefit would be based on the appropriate method so that the cost of land and other properties taken and demolished are accounted for. This will ensure that the living standards of the project affected persons are maintained or raised to a substantial level.
- iv) Project Affected Persons would be given full information on the qualification (eligibility), mode of compensation, the restoring plan of production income, and the project's progress and be involved in the enforcement of resettlement arrangements (community participation).
- v) The land and/or property affected would be taken **only after compensation has been paid** and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.
- vi) The implementing agency would supervise the resettlement activities including the payment of compensation as well as monitoring and evaluation



### 2.3 Objectives of the RPF

In the implementation of the ZIRC Project, it is anticipated that land will be required for the sub-project execution. In this case the project affected persons (PAPS) will have to face involuntary resettlement as a consequence. The World Bank safeguard policy OP 4.12 for Involuntary Resettlement Framework (IRF) will therefore be triggered in this case and accordingly this RPF is prepared.

The objectives of the Resettlement Policy Framework (RPF) are to:

- (i) Clarify the policies, principles and procedures that will govern the mitigation of adverse social impacts induced by the ZIRC project operations.
- (ii) Establish the resettlement and compensation principles and implementation arrangements;
- (iii) Ensure all types of losses are identified, clearly defined and properly categorized to reflect the nature of the loss.
- (iv) Describe the legal and institutional framework underlying approaches for resettlement, compensation and rehabilitation;
- (v) Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- (vi) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- (vii) Provide procedures for filing grievances and resolving disputes.
- (viii) Compliance with provisions under the World Bank Operational Policies (OP 4.12, paragraph 2(b)): That resettlement activity would be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits.

The rationale for preparing this RPF is on the understanding that the ZIRC subprojects could not be identified at this stage of appraisal where the Resettlement Action Plan (RAP) is required. This RPF will be the basis for preparing the subproject specific Resettlement Action Plans (RAPs) during implementation.

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## CHAPTER 3

### 3 LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING RESETTLEMENT IN ZAMBIA

#### 3.1 Legal Framework

There is no defined legal and institutional policy on resettlement in Zambia. However the Constitution, The Lands Acquisition Act of 1994 and the Agriculture Lands Acts of 1994 imply regulatory control of private land acquisition and resettlement issues related to road development projects. There are several Ministries and Departments that are involved in various issues of Land administration, environmental protection, resettlement, compensation associated with a road construction project such as the Ministry of Lands, Natural Resources and Environmental Protection, Zambia Environmental Management Agency, Lands Tribunal, Valuations Department, Ministry of Agriculture and Livestock and many more. The applicable laws with relevance to Land Tenure Compensation and Resettlement are the following:

##### 3.1.1 Legal Instruments Applicable to Resettlement in Zambia

Land in Zambia is vested absolutely in the Republican President and is held by him in perpetuity for and on behalf of the people of Zambia. There are two land tenure systems in Zambia, Customary land tenure and Leasehold land tenure system. Zambia has various pieces of legislations that provide for acquisition of property and land. Article 16 of the Constitution of Zambia provides for the fundamental rights to property and protects persons to deprivation of property. It states that a person cannot be deprived of property compulsorily except under the Authority of an Act of Parliament, which provides for adequate payment of compensation. Article 16 further provides that the Act of Parliament under reference shall provide that in default of agreement on the amount of compensation payable, a court of competent jurisdiction shall determine the amount of compensation.

Land Acquisition Act Chapter 189 of the Laws of Zambia Section Three empowers the President of the Republic of Zambia to compulsorily acquire property. Section 5-7 of the Act provides for the issuing of notice to show intention to acquire, notice to yield up property and to take up possession. Section 10 of the Act provides for compensation as consisting of such moneys as may be agreed from moneys appropriated for the purpose by Parliament. In addition, this section provides that where the property to be compulsorily acquired is land, the President, with the consent of the person entitled to compensation shall make, in lieu or in addition to any compensation payable under the section, grant other land not exceeding in value of land acquired. Section 11 of the Land Acquisition Act

provides for the settlement of disputes relating to the amount of compensation in the High Court.

The Land Acquisition Act premises the principles of compensation on the basis that the value of property for the purpose of compensation shall be the value of the amount which the property might be expected to realize if sold on an open market by the willing seller at the time of the publication of notice to yield up possession of property.

### **3.1.2 Lease Land Tenure System**

The land under leasehold tenure also referred to as state land is acquired by direct grant from the President through the Commissioner of Lands. For day-to-day land administration the Local Authorities or District Councils administers land on behalf of the President in whom all land is vested through the Commissioner of Lands in accordance with the provisions of the Lands Act No. 29 of 1995.

The Councils are responsible for the orderly alienation of land through advertising and interviewing those who require land in their area and recommends such applicants to the Commissioner of Lands for issuance of title. There are two leasehold types under the leasehold land tenure system namely:

- a) A 14year lease that entitles the lease to a 14 years ownership of such land, which is subject to renewal after expiry of this period.
- b) A ninety-nine year lease that entitles the lease to a title of ninety nine years and is also subject to renewal after this period.

### **3.1.3 Customary Land Tenure System**

Under Customary Land tenure system the chief is responsible for land under his jurisdiction, which is communally owned. The chief through its headmen provides lands to their subjects and clansmen without title. However should one wish to convert such land to leasehold tenure one seeks consent from the chief who recommends to the council using prescribed forms who in turn recommends to the commissioner of lands for title.

### **3.1.4 Expropriation**

The president may whenever he is of the opinion that it is desirable or expedient in the interest of the nation compulsory acquire any property.

Under such compulsory acquisition, the government is required to pay compensation for any improvement made to the land but not for the land or any associated inconveniences.

### **3.1.5 The Public Roads Act, 2002**

The Public Roads Act, 2002 section 18 (3) mandates the Road Development Agency to enter upon any land for purposes of extraction of materials for road formation. The Act under the same section provides for the notification to the property/land owner before preparation for commencement of extraction of materials starts. Under section 18 (4) of the Act, compensation should be paid to the affected land owner/occupier if such land is on title. Section 18 (5) of the said Act, allows the land/owner occupier to submit some written request to the Agency for any expense or loss that may be incurred if such land is appropriated.

Section 18 (6), the Act states that in the event of failure to agree upon the amount of compensation the matter shall be decided by arbitration in accordance with the Arbitration Act.

The Act under section 18 (7) provides a number of conditions, which shall form the basis for assessment of properties or envisaged losses that are the subject of disagreements.

### **3.1.6 Arbitration Act No 19 of 2000**

The Arbitration Act of 2000 provides for arbitration in cases where the land owner/occupier does not agree with the amount of compensation being offered. Under section 12 (2) of the Act, the parties to arbitration are free to determine the procedure for appointing the arbitrator or arbitrators. Under section 12 (3) (b), if the parties are unable to agree on the arbitration, the arbitrator shall be appointed, upon request of a party, by an arbitral institution.

## **3.2 Institutional Framework**

This section discusses the institutional arrangements available to implement the resettlement process associated with the ZIRC Project. The ultimate responsibility, however, rests with the Road Development Agency. Institutions with the responsibility to play in the implementation process involve a number of government institutions and organisations, both at central and local level, private enterprises, non-governmental organisations (NGOs) and local institutions of the project affected people.

In the road sector, the Ministry of Infrastructure and Housing, Ministry of Local Government, Ministry of Lands, Natural Resources and Environmental

Protection, Zambia Environmental Management Agency, Lands Tribunal, Valuations Department, Ministry of Agriculture and Livestock and many more with their respective departments are the key actors within government. In the case of participation of NGOs, this is dependent on locality and the type and scale of the resettlement activity. Both the resettlers and the host community must take part in this development process through the Ward Development Committees with the goal to strengthen their social and cultural institutions.

### **3.2.1 Department of Resettlement under the Office of the Vice President**

The Department of resettlement falls under the Office of the vice President and performs the following functions:

- Identification and acquisition of land for resettlement;
- Planning of resettlement schemes;
- Demarcation of farm plots;
- Processing applications for resettlement;
- Allocation of settlement farm plots to suitable applicants;
- Recommending deserving settlers to acquire certificates of title to their farm plots from, the Ministry of Lands;
- Co-ordinating provision of infrastructure in resettlement schemes and managing the resettlement programme and resettlement schemes.

#### **i) Roles and Responsibilities with respect to Resettlement**

- Livelihoods assessment and enumeration of PAPs;
- In consultation with the Road Development Agency under the Environmental and Social Management Unit, the Environmental and Social Management Unit will coordinate activities of land identification for resettlement;
- Land acquisition negotiations and documentation;
- Lay out planning of site(s) particularly for agricultural related land use;
- Work closely with local authorities; and
- Sit on the steering committee.

### **3.2.2 Zambia Environmental Management Agency**

The Zambia Environmental Management Agency (ZEMA) is a lead agency on all matters of environment in Zambia. It is empowered by the Environmental Management Act of 2011 (Cap 204) to do all such things as are necessary to protect the environment and control pollution so as to provide for the health and welfare of persons, animals, plants and the environment. It is further empowered to identify projects, plans and policies for which environmental assessment are necessary and ensure that the same is done in line with the provisions of EIA regulations. Its responsibilities include managing the EIA process, making decisions and ensuring that management occurs in accordance with the decision

made. In this regard the ZEMA approves the terms of reference for project assessments, reviews reports including the project brief, EIA and follow-up, monitoring reports. The Agency also helps the project proponent to establish a public consultation process.

The ZEMA has a Unit responsible for the management of environmental impact assessment in the country. This Unit has qualified personnel in environmental and social assessment, resettlement. The ZEMA already has experience in monitoring the implementation of resettlement activities, which has been acquired through different projects involving resettlement activities in Zambia funded by World Bank and other cooperation partners.

### **3.2.3 District Local Authorities**

The District Local Authorities under the leadership of the Council Secretary/Town Clerks are responsible for provision of services such as roads, water and other social amenities to particular persons in the districts under their jurisdiction.

The District Local Authorities being nearer to project affected persons will be critical in ensuring participation of such affected groups as they understand the cultural dimensions of such groups.

### **3.2.4 Ministry of Infrastructure and Housing**

The key functions of the Ministry include

- i) Implementation and maintenance of a decentralised planning system in Local Government,
- ii) Formulation of guidelines for the creation of efficient information systems management and application strategy for District Councils. Technical support on the development and management of roads which fall under the jurisdiction of District Councils,
- iii) Technical support in capacity and institutional building for infrastructure development and management in districts,
- iv) Institutional support to District Councils, in project planning, implementation and evaluation in infrastructure development and management in districts,

- v) Technical advice to Provincial Local Government Officers on the maintenance of a decentralized system, and
- vi) Advice and guidelines to the Ministry and Local Authorities on financial planning and capital budgetary systems.

### **3.2.5 Ministry of Local Government**

The key functions of this Ministry include:

- i) Co-ordinating and organising the resettlement programme within and outside the organisation,
- ii) Supervising and/or carrying out studies that will form the resettlement plan leading to the design of the Resettlement Action Plan,
- iii) Co-ordinate and carry out routine monitoring activities during the implementation of the resettlement plan, and

### **3.2.6 Carry out or cause others to carry out an evaluation of the plan once implemented - Non-Governmental Organizations**

There are various roles that Non-governmental Organisations (NGOs) could play in the resettlement process. At this stage the districts are not known where the sub-projects will be implemented thus the relevant NGOs, which may exist in those respective districts cannot be determined as they differ in each district. The NGOs could act as facilitators enabling the participation of the local community whether resettlers or host community. They could also play an advocacy role to ensure that community concerns are taken into account at every stage of the planning and implementation process. In essence, non-governmental organisations could participate in terms of:

- Providing information on behalf of the community about key aspects that require consideration in the assessment process, and
- Organising the community's participation in the planning and execution of the resettlement plan.

**Table 1: Summary of the Institutional Roles and Responsibilities in Resettlement Activities**

No.	Institution	Mandate	Potential Roles and Responsibilities under RPF
1.	Road Development Agency (RDA)	<ul style="list-style-type: none"> <li>• RDA is mainly responsible for planning, designing and supervision of road works.</li> <li>• Undertaking emergency road works and repairs.</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinating project implementation by the designated implementing agencies,</li> <li>• Supervision, quality assurance, monitoring and reporting,</li> <li>• Provide the secretariat (Resettlement Coordinator) for the project Steering Committee chaired by the Road Development Agency,</li> <li>• Disbursement of project funds</li> <li>• Ensuring the carrying out of social surveys and related assessments,</li> <li>• Ensuring the participation of other stakeholders such as the project affected community and non-governmental organisations,</li> <li>• Overseeing the implementation process and ensuring compensation and rehabilitation mechanisms are implemented adequately,</li> <li>• Monitoring and evaluation of affected projects.</li> </ul>
	Zambia Environmental Management Agency (ZEMA)	<ul style="list-style-type: none"> <li>• The Zambia Environmental Management Agency (ZEMA) is a lead agency on all matters of environment in Zambia. It is empowered by the Environmental Management Act of 2011 (Cap 204) to do all such things as are necessary to protect the environment and control pollution so as to provide for the health and welfare of persons, animals, plants and the environment. It is further empowered to identify projects, plans and policies for which environmental assessment are necessary and ensure that</li> </ul>	<ul style="list-style-type: none"> <li>• Its roles include managing the EIA process, making decisions and ensuring that management occurs in accordance with the decision made. In this regard the ZEMA reviews reports including the project brief, EIA and follow-up, monitoring reports. The Agency also helps the project proponent to establish a public consultation process.</li> </ul>



		the same is done in line with the provisions of EIA regulations.	
2.	Ministry of Local Government	<ul style="list-style-type: none"> <li>• Implementation and maintenance of a decentralised planning system in Local Government,</li> <li>• Formulation of guidelines for the creation of efficient information systems management and application strategy for Local Authorities,</li> <li>• Technical support on the development and management of roads which fall under the jurisdiction of Local Authorities,</li> <li>• Technical support in capacity and institutional building for infrastructure development and management in districts,</li> <li>• Institutional support to local authorities, in project planning, implementation and evaluation in infrastructure development and management in districts,</li> <li>• Technical advice to Provincial Local Government Officers on the maintenance of a decentralized system, and</li> <li>• Advice and guidelines to the Ministry and Local Authorities on financial planning and capital budgetary systems.</li> </ul>	<ul style="list-style-type: none"> <li>• Co-ordinating and organising activities within and outside the organisation,</li> <li>• Supervising and/or carrying out environmental and social studies that will lead to the design of the EMPs/RAP for the project,</li> <li>• Co-ordinate and carry out routine monitoring activities during the implementation of activities, and</li> <li>• Carry out or cause others to carry out an evaluation of the EMP/RAP once implemented.</li> </ul>
3	Department of Resettlement under the Vice President's Office	<p>The Department performs the following functions:</p> <ul style="list-style-type: none"> <li>• Identification and acquisition of land for resettlement;</li> <li>• Planning of resettlement schemes;</li> <li>• Demarcation of farm plots;</li> <li>• Processing applications for resettlement;</li> <li>• Allocation of settlement farm plots to suitable applicants;</li> </ul>	<ul style="list-style-type: none"> <li>• Livelihoods assessment and enumeration of PAPs;</li> <li>• In consultation with the Resettlement coordinator, land identification for resettlement;</li> <li>• Land acquisition negotiations and documentation;</li> <li>• Lay out planning of site(s) particularly for agricultural related land use;</li> </ul>

		<ul style="list-style-type: none"> <li>• Recommending deserving settlers to acquire certificates of title to their farm plots from, the Ministry of Lands;</li> <li>• Co-ordinating provision of infrastructure in resettlement schemes and managing the resettlement programme and resettlement schemes.</li> </ul>	<ul style="list-style-type: none"> <li>• Work closely with local authorities and Department of Infrastructure and Support Services;</li> <li>• Sit on the steering committee.</li> </ul>
4	District Councils	<ul style="list-style-type: none"> <li>• Implementation of the Local Government Act</li> </ul>	<p>Project identification, supervision, monitoring and evaluation.</p> <ul style="list-style-type: none"> <li>• District Councils being closer to project affected persons will be critical in ensuring participation of such affected groups as they understand the cultural dimensions of such groups.</li> </ul>
5	NGOs & Private Sector Agencies	<ul style="list-style-type: none"> <li>• Advocacy and facilitation</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring that community concerns are taken into account at every stage of the planning and implementation process.</li> <li>• Providing information on behalf of the community about key aspects that require consideration in the assessment process, and</li> <li>• Participating in the supervision, Monitoring and evaluation of project activities.</li> <li>• Organising the community's participation in the planning and undertaking of the resettlement planning activities.</li> </ul>
6	Ministry of Infrastructure and Housing	<p>Ministry of Infrastructure and Housing is responsible for infrastructure development and is supposed to improve co-ordination between the Local Authorities, Donors, NGO's and other Agencies. The Ministry is responsible for:-</p> <ul style="list-style-type: none"> <li>• Co-ordination and supervision of donor funded projects,</li> <li>• Formulation of guidelines for the</li> </ul>	<ul style="list-style-type: none"> <li>• Co-ordinating and organising the resettlement programme within and outside the organisation,</li> <li>• Supervising and/or carrying out studies that will form the resettlement plan leading to the design of the Resettlement Action Plan,</li> <li>• Co-ordinate and carry out routine monitoring activities during the</li> </ul>

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		<p>creation of efficient information systems management and application strategy for local authorities,</p> <ul style="list-style-type: none"><li>• Implementation and maintenance of a decentralized planning system in Local Government,</li><li>• Formulation of Local Authority Service Provision policy.</li></ul>	<p>implementation of the resettlement plan, and</p> <ul style="list-style-type: none"><li>• Carry out or cause others to carry out an evaluation of the plan once implemented.</li></ul>
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## CHAPTER 4

### 4 THE WORLD BANK SAFEGUARD POLICIES

#### 4.1 Environmental and Social Safeguard Policies

The World Bank safeguard policies are operational policies whose primary objective is to ensure that the Bank funded operations do not cause adverse social and environmental impacts and that they “do no harm”. As all other World Bank funded operation, the ZIRC project must comply with the requirements of the World Bank Safeguard Policies. They consist of the following Operational Policies (OP):

- Environmental Assessment (OP 4.01)
- Natural Habitats (OP 4.04)
- Pest Management (OP 4.09)
- Indigenous People (OP 4.10)
- Physical Cultural Resources (OP 4.11)
- Involuntary Resettlement (OP 4.12)
- Forestry (OP 4.36)
- Safety of Dams (OP 4.37)
- Projects on International Waterways (OP 7.50)
- Access to Information Policy

Among the above listed World Bank Safeguard Policies, the following are expected to be triggered by a number of the activities funded under the ZIRC project:

- Environmental Assessment (OP 4.01)
- Physical Cultural Resources (OP 4.11)
- Involuntary Resettlement (OP 4.12)
- Forestry (OP 4.36)

A brief overview of applicability and objectives of these safeguard policies are discussed in the sections below and for full policies, refer to the website: [www.worldbank.org](http://www.worldbank.org).

**Table 2: Applicability and Objectives of the World Bank Safeguards**

<b>Safeguard Policies</b>	<b>Triggered?</b>	<b>Explanation (Optional)</b>
Environmental Assessment OP/BP 4.01	<b>Yes</b>	The project will involve the upgrading and maintenance of an estimated 1,800 to 3,000 km of rural roads serving rural communities. Since the specific roads are yet to be defined, it will be required that ESMF be developed by the Road Development Agency (RDA) to address the environmental and social risks. Once the project scope and the exact roads have been identified, RDA will be required to develop an ESIA and the ESMP to comply with the Bank Safeguards policies and the ZEMA requirements at national level
Natural Habitats OP/BP 4.04	No	The policy will not be triggered since the project will focus on already existing feeder roads. The effects of road construction and maintenance on biodiversity will be further assessed once the feeder roads have been identified.
Forests OP/BP 4.36	<b>Yes</b>	The policy is triggered as maintenance and upgrade of feeder roads will require the clearance of vegetation and trees to allow for road works.
Pest Management OP 4.09	No	The policy is not triggered because project will not involve the use of pesticides.
Physical Cultural Resources OP/BP 4.11	<b>Yes</b>	The policy has been triggered since the upgrade and maintenance of feeder road will cover a total of 3,600km increasing the likelihood of chance finds. During project implementation the ESIA and ESMP will incorporate a chance find procedure to help manage artefacts of historical and heritage value.
Indigenous Peoples OP/BP 4.10	No	The policy is not triggered as the geographical areas in consideration have no indigenous people as defined by the Bank policy
Involuntary Resettlement OP/BP 4.12	<b>Yes</b>	The policy is triggered as the upgrade of feeder roads and possible encroachment on the road reserves may require relocation and resettlement. This RPF has been developed to address issues related to resettlement
Safety of Dams OP/BP 4.37	No	The policy is not triggered, as it will not involve the construction or maintenance of dams as defined by the Bank policy.

Projects on International Waterways OP/BP 7.50	No	The policy is not triggered, as it will not affect international waterways.
Projects in Disputed Areas OP/BP 7.60	No	The policy is not triggered as no disputed areas have been identified.

#### 4.2 World Bank Policy on Involuntary Resettlement (OP/BP 4.12)

The World Bank's policy on involuntary resettlement will be applied in any subproject of the ZIRC Project that displaces people from land or productive resources and which results in relocation, the loss of shelter, loss of assets or access to assets important to production, the loss of income sources or means of livelihood. For such projects the Bank requires the preparation this document, the resettlement policy framework, to guide the project as sub-projects are selected and specific resettlement action plans (RAPs) for each sub-project are prepared. The RPF must be ready, accepted and publicly disclosed before the Bank will appraise the project and it is expected to define the principles and procedures for resettlement operations: land acquisition; valuation; compensation and reporting; for the road sector investment; in accordance with national and Bank safeguard policies related to involuntary resettlement; (BP4.12).

The Bank's policy advocates that where feasible, involuntary resettlement should be avoided or minimized, the resettlement must be conceived and executed as a sustainable development program, providing sufficient investment resources to enable persons displaced by the project share in project benefit. Persons displaced must be:

- (i) Meaningfully consulted and should have opportunity to participate in the planning and execution of the resettlement.
- (ii) Compensated for their losses at full replacement cost prior to civil works,
- (iii) Assisted with the move and supported during the transitional period in the resettlement site and
- (iv) Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least to restore them.

#### 4.3 Comparison between Zambian Legislation and World Bank Safeguard Policies

The World Bank Operational Policy unequivocally makes sufficient provision for project affected persons who are either displaced or suffer other losses, as a result of projects, to be adequately taken care of. Livelihoods of persons to be affected must be preserved, however where a situation is inevitable, then minimal displacements should take place. In situations where displacement is unavoidable,

compensation should be paid to PAPs to help them to restore their social, economic and environmental livelihoods.

The Zambian statutes makes provision for compensation to be paid to only persons who have suffered any loss and can produce any form of title that is legal in the form of deeds, leaseholds, or legally binding tenancy agreement to the land in consideration. However the Operational Directive envisages all forms of losses without exception to be compensated for.

Under the Zambian Laws, in determining the cost of compensation the cost estimate is agreed upon or, in default of agreement, determined in accordance with the provisions of the Compulsory Acquisition Act whereas the World Bank OP 4.12, advocates the involvement of the project affected persons through out to ensure that the project enjoys the full support of the Bank and affected persons.

The Operational Policy advocates that the project affected persons be assisted during their transition period in the resettlement site and efforts made to restore their livelihoods whereas the Zambian laws are silent on that. Table 2 highlights some comparison between the Zambian Laws and the World Bank policy.

To operate within the directives of the Bank, the RFP is being developed in line with the OP4.12, with the involvement of affected persons through consultations and compensation paid based on full replacement cost, disturbance and restoration of livelihood.

#### **4.4 Differences between Zambian Legislation and World Bank Policy on Involuntary Resettlement**

The differences between the WB Safe Guard Policies and the Zambian Legislation relevant to this RPF are outlined below:

The national provisions for the management of resettlement related issues are not as fully developed and therefore not at same level with the World Bank safeguard policy requirements. Thus, it is expected that the WB OP 4.12 will be mostly applied under the ZIRC Project and a separate document to guide the process, i.e. a Resettlement Policy Framework (RPF) document will be prepared as a standalone report to support the social management and acceptability of the project.

##### **4.4.1 Cost of Compensation**

In determining the cost of compensation, the World Bank cost estimate is given as the new replacement value of property being lost whereas in the case of Zambia legislation, it is the value of the property at the time it is being sold.

#### 4.4.2 Restoration of Livelihoods

The World Bank emphasizes restoration or maintenance of previous livelihood levels whereas the Zambian Government the responsibility ends at replacing the depreciated value of the lost asset and does not assist with restoration of previous livelihood.

#### 4.4.3 Informal Occupancy

The World Bank, unlike the Zambian legislation, recognizes informal occupancy as a form of customary tenure. Informal settlers are therefore entitled to compensation if they can establish informal occupancy before the project cut-off-date.

**Table 3: Differences between Zambian Legislation and World Bank Policy on Involuntary Resettlement**

Issue	Zambian Laws	World Bank Policy Requirement
Timing of compensation payment	Prompt	Prior to displacement and relocation
Calculation of compensation	Fair and adequate	Full replacement cost
Squatters	No provision, they are deemed not to be eligible	Are to be provided supplementary assistance
Resettlement	In situations where inhabitants have to be displaced, the state is to resettle all on “suitable land with due regards for their economic well-being and social and cultural values”	Affected persons who are physically displaced are to be provided with residential housing, or housing sites, or as required, agricultural sites at least equivalent to old site. Preference to be given to land based resettlement for displaced persons whose livelihoods are land-based.
Resettlement Assistance	No specific provision with respect to additional assistance and monitoring	Affected persons are to be offered support after displacement, for a transitional period
Information and consultation	The owner/tenants on the land must be formally notified in advance of the intent to enter.	Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementation and monitoring of resettlement
Grievances	Formal and informal mechanisms and formal	Appropriate and accessible grievance mechanisms to be



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	access to court of law	established
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The discussion constitutes the basis for the compensation procedures and is nevertheless the national legal framework for the present resettlement policy framework.

Furthermore, by signing the credit agreements for the ZIRC project with the World Bank, the Government of Zambia will be required to abide by the involuntary resettlement policy of the World Bank. As OP 4.12 paragraph 23 states: The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

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## CHAPTER 5

### 5 PREPARATION AND IMPLEMENTATION OF RESETTLEMENT ACTION PLAN

#### 5.1 Assessment of Project Affected Persons

The Project Affected Persons (PAPs) in accordance with the World Bank policy refers to people who are directly affected socially, economically and spiritually by bank assisted investment project. A good knowledge of the population affected, their categories and special needs early in the planning process is critical to a successful resettlement operation.

Experience with the road projects shows that significant adverse impact could be expected and mitigation measures should therefore be planned. The ZIRC project in rural districts for instance, would affect farmlands, or buildings along the road, roadside markets as well as sites for borrow pits. If it is determined that more than 200 people would be affected then this will require preparation of resettlement action plan (RAP) for the sub-project. A census and socioeconomic survey will be undertaken to obtain the total number, categories and needs and preferences of PAPs as part of the RAP preparations. In the case where less than 200 persons are affected by a subproject, an abbreviated resettlement plan (ARAP) will have to be prepared in accordance with OP4.12 para 25 that provides "...where impact on the entire population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower."

This will inform the choice of resettlement and compensation options and help estimate compensation cost.

The size of the population affected is determined by the project design, which would be finalized early. In a situation where the design is reviewed, the data on PAPs will be updated to correspond to the current design. The census will be done as early as possible to avoid the inflow of other individuals into the affected right of way (ROW) once the cut-off date has been set.

The likely displaced persons will be categorized using identifiable groupings or demographics (such as occupational groups, gender, age groups) and their standards of living and specific needs identified, described and assessed. The socioeconomic survey will constitute the basis for evaluating the success of the resettlement operations in terms of whether the PAPs have been able to restore their incomes and improve their standards of living. The needs of vulnerable households such as the under listed will be particularly noted:

- i) Female headed households with dependents,
- ii) Disabled household heads,
- iii) Households falling under the generally accepted indicator for poverty,
- iv) Elderly households with no means of support,

## **5.2 Resettlement Action Plans**

Through the adaptation of this RPF all RAPs should be prepared following requirements and procedures given in this RPF. Additional actions or corrected activities should be undertaken by the Road Development Agency (RDA) if found necessary.

### **5.2.1 Screening**

The safeguard consultants recruited by RDA, based on the design of the subproject, shall carry out screening to identify the involuntary resettlement impacts and risks. If resettlement impacts are found as a consequence of the ZIRC subproject, the World Bank policy on Involuntary Resettlement (OP4.12) shall be triggered and RAP for the subproject shall be prepared and submitted to World Bank for review and clearance.

If there is no resettlement impact identified then the World Bank policy on involuntary resettlement OP 4.12 shall not be triggered and no RAP is required but the Due Diligent Report specifying no demand on land acquisition and resettlement impact should be prepared and submitted to the World Bank for clearance.

### **5.2.2 Resettlement Instrument**

The RAP shall be prepared for subproject causing involuntary resettlement impacts according to this RPF. The scope and details of RAP depends on the resettlement scale and complexity. Each RAP shall cover elements below, as relevant.

- Project introduction.
- Potential impacts.
- Project objectives.
- Socio-economic survey.
- Legal framework.
- Institutional framework.
- Eligibility.

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- Valuation of and compensation for losses.
  - Resettlement measures.
  - Site selection, site preparation and relocation.
  - Housing, infrastructure and social services.
  - Environment protection and management.
  - Community participation.
  - Integration with host population.
  - Grievance procedures.
  - Organizational responsibility.
  - Implementation schedule.
  - Cost and budget; and
  - Monitoring and evaluation.

Each RAP should be submitted to the World Bank in good time before the commencement of the subproject works for review and approval. Activities for compensation and support can be started only when the World Bank has approved each RAP. The payment for compensation, allowances and other support or assistance should be completed before taking of land and related assets.

### **5.2.3 Preparation of Resettlement Plan**

If it is determined as a result of screening that the implementation of the subproject will lead to resettlement impact then a RAP must be prepared.

Based on the RPF, the RDA consultant shall prepare and submit subproject RAP for review and approval. Consequently the RAP will be submitted to the World Bank for clearance before final approval is granted. Below are indicative procedures for RAP preparation:

- i) Undertake dissemination and public consultation and participation
- ii) Undertake a census of all PAPs within the subproject areas.
- iii) Undertake the Inventory of Losses or detailed measurement survey of all losses of all PAPs. At the same time, inform potential PAPs (without discrimination) of the subproject, its likely impacts, and principles and entitlements as per this RPF;

- iv) Undertake a socioeconomic study of at least 20% of all subproject-affected households and 100% of subproject severely affected households;
- iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates. Determine the losses in accordance with the entitlement matrix of the RPF;
- v) Provide subproject and resettlement information to all affected persons in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation;
- vi) Prepare and finalize the subproject RAP;
- viii) Disclose draft and final RAP to the affected communities and on World Bank's information centre.

#### **5.2.4 Census of all PAPs and inventory of Affected Assets**

A census of PAPs and their households and the inventory of assets to be acquired serve two vital functions. The primary function is to identify PAPs eligible for resettlement entitlements, which is especially important if disclosure of subproject plans is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory also supply an important part of the resettlement database used for subproject monitoring and supervision.

Where establishing ownership or length of residency is difficult, the census should be conducted as soon as possible, to determine a cut-off date for eligibility for entitlements. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets acquired or affected can be determined later.

The census study needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census study and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field tested, to ensure that the questions and the phrasing of them elicit the required information.

#### **5.2.5 Socio-economic Survey**

The census and inventory of loss are supplemented with data from socioeconomic study. The socioeconomic study data and information are used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information constitutes a reference point against which income restoration and the results of other rehabilitation efforts can be measured.

Other areas of socioeconomic analysis may include: land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities. Interviews are conducted with a systematic sample and using uniform questionnaire. The sample should provide a sufficient number of cases for statistical analysis.

### **5.2.6 Replacement Cost Survey**

The replacement cost study will be carried out during RAP preparation (if necessary during the RAP updating) by the certified valuer, and must be verified by the Chief Government Valuer. Compensation is based on the principle of replacement cost. Replacement cost is the amount calculated before displacement, which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- i) Productive land (agricultural, aquaculture, garden) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value;
- ii) Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- iii) Houses and other related structures based on current market prices of materials and labour without depreciation nor deductions for salvaged building materials;
- iv) Annual crops equivalent to current market value of crops at the time of compensation;
- iv) For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.

The objective of evaluation for land is to determine the prices or rates that will enable PAPs to purchase the same type and quantity of land. The valuation of compensation for the loss of land is based on its market value. Direct interviews with land-owners in the subproject area, including those whose land is affected and those whose land is not; and consultation with the land and real-estate agency service staff, the valuer, etc. are required. The information to collect and include the recent land transfers (buying/selling transactions) in the area; the price, at which owners are willing to sell their land; or/and price of the recent transaction; type of land;

In the case for annual crops, the survey team needs to calculate the value of crops that are lost, the market price of the crops during last 3 years.

Whereas for perennial trees, the information about production and benefit of their fruit tree during last 3 years and the market price of the trees are needed.

As for structures, the survey is to determine whether the prices can enable PAPs to rebuild their affected structures. The valuation of compensation for affected structures is based on the principle of replacement cost.

### **5.2.7 Relocation Arrangement**

The Local Authority in the affected areas will propose a relocation site for receiving displaced households. Households will be consulted on relocation options. The relocation strategy will:

- i) Identify land in a setting similar to the land that is recovered;
- ii) Ensure that PAPs are provided with sites that have access to infrastructure and basic services at a level similar to their previous location.
- iii) If necessary to relocate a number of households, the Local Authority will designate a new settlement area. The new settlement area will be provided with security of tenure, infrastructure and basic services. The Local Authority will design the site and the costs will be covered by the investor.
- iv) Be described in the RAP.

### **5.2.8 Income Restoration Program**

If it is found that there are severely affected households and/or relocation households by the subproject, income restoration program shall be prepared.

In order to assist PAPs to restore livelihoods and income levels, the subproject will provide an income restoration package adapted to the needs and situation of PAPs as identified in the socioeconomic surveys.

The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while PAPs restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to reinforce or initiate income-generating activities will also be provided. Such assistance will be decided in consultation with local authorities and PAPs eligible for the income restoration, and will be fully developed in the RAP for each subproject. The type of assistance may include, but are not limited to:

- i) Support for income-generating activities including appropriate technical support, assistance in vocational planning, small business planning, financial planning and to access and utilize credit, and other measures to promote existing or new income-generating activities.
- ii) Subproject related employment whereby priority will be given to severely affected and vulnerable PAPs for work on construction.

### **5.3 Update Resettlement Action Plan**

When there are changes during the detailed design phase that lead to change of affected persons compared to those specified at the RAP or change of value of assets, etc due to inflation or late delivery of compensation, allowance and support to the RAP should be reviewed and updated by RDA.

Once the World Bank adopts the updated RAP, the RDA in collaboration with local Authority will take responsibility for RAP implementation.

No taking of land and related assets will take place unless RDA has completed the compensation, resettlement, and land acquisition and implement necessary measures to support the affected people, especially vulnerable affected persons to recover their living conditions.

### **5.4 Implementation of Resettlement Action Plan**

#### **5.4.1 Information, dissemination and public participation**



Publicizing and disseminating information is an obligatory and essential stage in the implementation of all subprojects. Disseminating information to PAPs and concerned agencies, and gathering comments from relevant people and social and political organizations at every stage will create the foundation for planning the Project's implementation, and expose contradictions and difficulties to be dealt with to avoid delays. This will facilitate the design of resettlement and rehabilitation works as a comprehensive program, which meets the project requirements and PAPs' expectations.

The RPF will be posted for PAPs and their community in public places such as the local newspaper, Local Authority offices; ward councils once they are approved by RDA. The approved RPF is also posted on WB information centres.

The RAP and RPF documents will also be broadcast widely using the mass media, local radio, TV, newspapers or posters and leaflets.

#### **5.4.2 Award of Civil Works Contract**

No physical or economic displacement can occur until after all PAPs affected have been compensated and relocated in accordance with the approved RAP for the specific subproject.

#### **5.4.3 Organizational Arrangement for Implementation of Resettlement Action Plan**

At the time of implementing the resettlement programme, it is imperative that roles and responsibilities of all the relevant stakeholders are clearly defined and outlined. Stakeholders in this document are defined as individuals, groups or institutions that are involved and affected by or that are believed to be affected by the project; and individuals or groups that can play a significant role in shaping the project, either positively or negatively. It is recommended that the implementation of the resettlement programme for the displaced households should be done based on the following organizational arrangement.

**RDA** will be responsible for funding and technical support to RAP implementation, as well as external monitoring of RAP implementation as summarized below.

- Funding of the implementation of resettlement programme;
- Technical support for RAP implementation, and
- External monitoring of RAP implementation

**The District Councils** shall be responsible for overall coordination and implementation of resettlement programme. The main focus of the District Councils shall therefore include:

- Overall co-ordination of Resettlement Programme implementation;
- Planning of the implementation of resettlement programme;
- Addressing grievances.

**District level:** A District Development Co-ordinating Committee at District drawing its membership from local leaderships, affected community, relevant government departments and civil society which are presented in **Table 1**, shall be responsible for coordinating the implementation of the RAP programme. The main focus of this committee shall be:

- Monitor the disbursement of funds;
- Guide and monitor the implementation of resettlement programme;
- Coordinate activities between the various organizations involved in resettlement;
- Monitor resettlement activities;
- Review progress reports and report to DDCC; and
- Serve as a pool of technical expertise for resettlement

For effective execution of these mandates, the District Councils shall ensure that the capacity of this committee is built. The civil society in the area shall be engaged into dialogue aimed at supplementing efforts of this committee especially in the area of livelihood restoration.

**District Sub-committee level:**

This committee will act as a sub-committee for the District Development Co-ordinating Committee (DDCC). This committee shall also be used in the grievance redress system if need arises. The main focus of this sub-committee shall be:

- Serve as a channel for grievance redress
- Monitoring the day to day implementation of RAP activities
- Negotiating for compensation
- Link for community to district office
- Serve as a channel for on-going RAP disclosure to the community

**Community level:** At community level, a sub-committee reporting to the coordinating committee and drawing its membership from the affected community, host community and local leadership shall be formed and should be responsible for spearheading the actual implementation of the resettlement plan. The committee is expected to play a pivotal role when negotiating for compensation on behalf of the affected people as well as monitoring the day to day implementation activities of the resettlement programme. The main focus of this committee will include:

- Act as representative body for the affected community;
- Monitor the implementation of programme at community level;
- Serve as a channel of communication for grievances of the affected community by processing and channeling grievances to the main committee
- Negotiate for compensation on behalf of the affected community; and
- Serve as a channel of on-going disclosure of RAP implementation status to the affected community

The capacity of this committee shall be built by District Councils for easy articulation of issues pertaining to implementation of resettlement programme.

**Table 4: Summary of Roles for Respective Key Stakeholders**

No.	Key Stakeholder	Roles in RAP Implementation
1.	RDA	<ul style="list-style-type: none"> <li>• Funding</li> <li>• Technical support for RAP implementation</li> <li>• External monitoring of RAP implementation</li> </ul>
3.	District Development Co-ordinating Committee (DDCC)	<ul style="list-style-type: none"> <li>• Monitor the disbursement of funds</li> <li>• Guide and monitor the implementation of resettlement;</li> <li>• Coordinate activities between the various organizations involved in resettlement</li> <li>• Review progress reports; and</li> <li>• Address resettlement grievances</li> <li>• Serve as a pool of technical experts for Addressing Resettlement Issues</li> </ul>
2.	District Council	<ul style="list-style-type: none"> <li>• Co-ordination of programme implementation</li> <li>• Disbursement of compensation and other entitlements to the affected people</li> </ul>

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4	Sub - Committee	<ul style="list-style-type: none"><li>• Serve as a channel for grievance redress</li><li>• Monitoring the day to day implementation of RAP activities</li><li>• Negotiating for compensation</li><li>• Link for community to district office</li><li>• Serve as a channel for on-going RAP disclosure to the community</li></ul>
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## CHAPTER 6

### 6 ELIGIBILITY AND ENTITLEMENTS

#### 6.1 Definition of Potentially Displaced persons or Project Affected Persons

A good knowledge of the population affected, their categories and special needs early in the planning process is critical to a successful resettlement operation.

##### Assessment of Project Affected Persons

Although the exact nature and locations of sub-projects are not known, the following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts:

- Project Affected Persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a direct result of the involuntary taking of land by 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 the subproject.

Vulnerable Groups of People from these households, the subproject will separately identify the vulnerable members, such as those who are too old or too ill, children, people with disabilities, those stricken with HIV/AIDS, women, unemployed youth, etc. Households headed by women that depend on sons, brothers, and others for supports are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

If a sub-project requires land or any other assets, a rapid social survey will be carried out to identify the areas or sites expected to suffer resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed:

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

- (iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project; and
- (iv) Sub-projects specific Grievance mechanisms should be established which are easily accessible to the PAPs.

**Screening:** This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site (sub-project).

**RAP Preparation:** As soon as the list (sub-projects) is approved by the responsible Project Coordinator, a consultative and participatory process for preparing a RAP will be started, as follows:

- (i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts;
- (ii) A socio-economic study will be carried out to collect data in the selected sub-project sites; and
- (iii) The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihood, the local participation process, and establishing baseline information on livelihood and income, landholding, etc.

The RAP contains the following information:

- (i) Baseline Census;
- (ii) Socio-Economic Survey;
- (iii) Specific Compensation Rates and Standards;
- (iv) Entitlements related to any additional impacts identified through the census or survey;
- (iv) Site Description;
- (v) Programs to Improve or Restore Livelihood and Standards of Living;
- (vi) Site specific grievance mechanism;
- (vii) Monitoring and evaluation; and
- (viii) Detailed cost estimates and Implementation Schedule.

The RAP will be prepared by the respective Local Government Authorities.

The following guidelines are used when a RAP is developed:

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- (i) Consultation and participatory approaches. 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 for identifying eligible PAPs and throughout the RAP preparation process.
  - (ii) Disclosure and notification. All eligible PAPs are informed about the subproject 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 an independent agent (e.g. local organization or NGO; other Government agencies; land valuer) 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.
  - (iii) Documentation and verification of land and other assets. The Government authorities at both national and 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 sub-project, 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.
  - (iv) 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 respective Local Government Authorities will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. All compensation should occur in the presence of the affected persons and the community local leaders.
  - (iv) Community payments. Although most sub-projects 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 sub-project, 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 authority. Examples of community compensation include expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation water pumps; construction of wells; creation of market places; and reconstruction of community roads.

- (v) Grievance mechanism. The sub-project RAP team within the LGA will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through Village Committees. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation, relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include traditional institutions as these can be an effective first step in both receiving and resolving grievances.

The experiences with previous road projects show that significant adverse impact should be expected and mitigation measures should be planned. The ZIRC project in rural districts for instance, would affect farmlands, structures along the road; roadside markets as well as sites for borrow pits. Where it is found that far more than 200 people are expected to be affected then this will require preparation of resettlement action plan (RAP) for the sub-project. A census and socioeconomic survey will be undertaken to obtain the total number, categories and needs and preferences of PAPs as part of the RAP preparations. In the case where less than 200 persons are affected by a subproject, an abbreviated resettlement plan (ARAP) will have to be prepared in accordance with OP4.12 para 25 that provides "...where impact on the entire population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower."

This will inform the choice of resettlement and compensation options and help estimate compensation cost.

The size of the population affected is determined by the project design, which would be finalized early. In a situation where the design is reviewed, the data on PAPs will be updated to correspond to the current design. The census will be done as early as possible to avoid the inflow of other individuals into the affected right of way (ROW) once the cut-off date has been set.

The likely displaced persons will be categorized using identifiable groupings or demographics (such as occupational groups, gender, age groups) and their standards of living and specific needs identified, described and assessed. The socioeconomic survey will constitute the basis for evaluating the success of the resettlement operations in terms of whether the PAPs have been able to restore their incomes and improve their standards of living. The needs of vulnerable households such as the under listed will be particularly noted:



- v) Female headed households with dependents,
- vi) Disabled household heads,
- vii) Households falling under the generally accepted indicator for poverty,
- viii) Elderly households with no means of support,

## **6.2 Assistance to Vulnerable Persons**

Vulnerable persons may be such prior to the compensation process because of a disability or disadvantage, and/or may be made more vulnerable as a result of the compensation process.

Vulnerable persons includes orphans, people with disabilities, elderly persons, HIV/AIDS affected/or infected, widows, widowers, people suffering from serious illnesses, women and children at risk of being dispossessed of their productive assets –land - as a result of the land compensation process that may benefit the sole male household head and malnourish children.

### **6.2.1 Safety Mechanism**

**(i) Assistance to vulnerable people includes the following steps/obligation:**

- a) Identification of person and cause of vulnerability. This may either come directly or through the communities. This step is critical because often vulnerable people do not participate in community meetings, and their disability/vulnerability may remain unknown;
- b) Identification of required assistance at the various stages of the process, negotiation, compensation, moving;
- c) Implementation of the above measures; and
- d) Monitoring and continuation of assistance after moving, if required to.

**(ii) Assistance shall take the following form depending upon the vulnerable people's requests and needs:**

- a) Assistance in effecting compensation;
- b) Assistance in moving, providing vehicle, driver and facilitation at the moving stage, providing ambulance services for disabled persons during moving;

- c) Assistance in building, providing materials, workforce or building houses; and
- d) Health care if required at critical periods: moving and transition period.

### **6.3 Criteria for Determining Eligibility for Compensation**

The PAPs, who must be resettled (change their residence) or are affected by the ZIRC Project are eligible for compensation and assistance, including:

- a) Those who have formal rights to land and assets, including customary and statutory rights of occupancy recognized under the Laws of Zambia;
- b) Those who do not have formal legal rights to land at the time the Project census and socioeconomic study begins but have a claim to such land or assets provided that such claims are recognized under the Laws of Zambia or become recognized through a process identified in the resettlement and compensation plan and;
- c) Those who have no legal rights or declarations for legal land-use certificates for the land on which they are living.

The PAPs covered under (a) and (b) will be compensated for their land and other affected assets at replacement cost and provided other sufficient assistance. The PAPs covered under (c) are given compensation for assets other than land, resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the subproject area prior to a cut-off date determined in each RAP. Persons who encroaches the area after the cut-off date determined in each RAP are not entitled to compensation or any other form of assistance.

### **6.4 Cut-off date**

The cut-off date of each subproject shall be the date of census survey. Affected persons who move to the subproject areas after this time will not be entitled to receive compensation. They must relocate and/or dismantle their properties on requisitioned areas before the commencement of the subproject.

The cut-off date for a particular area shall begin immediately following the conclusion of the census.

The underlying concern is not only how quickly a census can be done however it is the time that will elapse from the time the census is undertaken and cut-off date

are completed and when resettlement activities shall actually begin. Where it is observed that a lot of time has elapsed then the census will have to be redone to reflect people who have died, moved away, or whose income and household sizes may have significantly changed since the initial census was completed.

## 6.5 Entitlement Policy

Affected persons of the Project will be entitled to compensation, assistance, and resettlement as specified in the Entitlement matrix of the Project in Table 5 under Entitlement Matrix.

**Table 5: Entitlement Matrix**

Asset	Land	Immovable assets	Other
Residences	Allocate new plot acceptable to resident; or compensate at replacement cost	Reimburse un-depreciated value of house at replacement cost	Reimburse other infrastructure (e.g. fence, well, animal pens). Replacement in kind of common properties, Moving assistance
Residential Renter	Allocate new plot to landlord; or compensate at market value	Reimburse landlord the un-depreciated value of house and structures.	Provide renter a sum (equivalent to 6 months' rent) to find and secure new housing Moving assistance
Squatters	Relocation to resettlement of choice or similar environments where possible.	Reimburse un-depreciated value of house and structures	Provided resettlement assistance and compensate for Loss of business income, e.g. lump sum payment, ability to salvage material
Industrial or commercial enterprise	Either replace with equivalent plot or pay replacement cost	Reimburse un-depreciated value of structure	Compensate costs of move. Reimburse for lost business profits. Reimburse employee wages
Commercial renter		Assistance to find new locale	Moving assistance Reimburse for lost business profit. Reimburse employee wages (if any)
Kiosk trader	None	None (kiosk to be relocated outside of area)	Assistance to relocate kiosk
Agricultural	Preference for		Un-depreciated market

<b>Asset</b>	<b>Land</b>	<b>Immovable assets</b>	<b>Other</b>
(rural) Land	replacement land. Otherwise, compensation at replacement cost (market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.)		rate for infrastructure (e.g. borehole, fences)
Productive trees (e. g., Bananas, Coffee bushes, mangoes, citrus)	Replacement land provided	Based on value of lost production until new trees mature to same level as lost tree (minus value of timber trees salvaged)	
Timber Trees (e.g. Eucalyptus)	Replacement land provided	Based on value of lost production until new tree matures to same level as lost tree (minus value of timber trees salvaged)	
Crop loss (temporary loss during construction)			Average market value of crop lost at prices halfway between harvests
Compensation for scenic beauty		Negotiate with local community with guidance from valuation surveyor	Replacement in kind of common properties
Movement of people from streams and rivers		Ensure PAPs are relocated to similar environments where possible.	Compensate the PAPs during the period when relocation is being conducted until re-establishment has been fully achieved.

## CHAPTER 7

### 7 VALUATION OF AND COMPENSATION FOR LOSSES

#### 7.1 The Process of Valuation Inspection/Referencing

The process of valuation inspection and referencing depends on the key points, which the valuation will take care of as follows:

- i) Collection of all relevant primary and secondary data on the affected property during final detailed valuation inspection and referencing to serve as basis for assessment of loss;
- ii) A comprehensive primary database for monitoring, evaluation and audit.

Some relevant data to be captured by the valuers will be:

##### a) Land

- Capture location details of the land
- Identify the boundaries of the area/section of the land to be affected.
- Take detailed measurement of the land area to be affected along the affected boundaries.

##### b) Buildings (Immovable Structures)

- Photograph all affected immovable properties – detailed internal measurement of buildings will be done
- Collate property details, which will include noting affected accommodation details, constructional details of affected parts and external works (fence walls, gates, pavements) affected owner's details etc.

##### c) Crops

During the inspection and enumeration exercise details such as type, age, stage of growth, size of farm (or number of crops for isolated economic/perennial trees) nature of farm etc are captured.

**d) Temporary Structures (Movable Properties)**

Collate data on temporary structures by categorizing temporary structures based on constructional details (wall materials, affixed to concrete slabs or not), size of structure and use of structure (business/residential) and type of business.

**e) Borrow pit**

Royalties on borrow pits will be assessed based on quantities of materials taken from the pits. Contractors will be advised to keep record of or find a way of calculating quantity of materials taken from each borrow pit. The recorded quantities will be submitted to the Valuation Section of the RDA and other implementing agencies for assessment of the appropriate royalties.

**f) Intangible Assets (loss/impact arising from disturbance)**

Obtain relevant data on households affected (tenants, owners, relatives), apprentices/trainees and determine intangible loss on households, business and livelihoods

## **7.2 Identification and categorization of Loss and Impact**

The project-affected persons will be identified by the types of losses they suffer or the impact of the project on them. Project personnel will:

- i) Ensure that identification and categorization of the likely loss or impact is undertaken during the planning and design stages of each sub-project;
- ii) Establish the magnitude and coverage of impacts early in the project planning in order to justify the resettlement instrument to adopt. General categorization of losses will be done to reflect extent of loss in terms of the following:-
  - Permanent or Temporary Loss;
  - Full or Partial Loss;
  - Minimal or Significant Loss.

- iii) Determine specific losses or impacts to reflect the exact nature of loss whether visible and tangible or intangible and categorize into the following losses:-
- Physical loss of assets, which will be determined by assessing the interest or right to ownership, occupation and possession;
  - Loss of income, loss of livelihood and opportunities to employment;
  - Impacts arising from disturbance/disruptions

Categories of losses will be as indicated in Tables 4a and 4b below:

**Table 6: Categories of losses**

<b>Table 4a: Physical Loss of Assets</b>	
<b>Category</b>	<b>Type of Loss</b>
Land	- Loss of urban land for residential, commercial or industrial use
	- Loss of rural land for agriculture, forestry, pasturing
Structures	- Main Buildings - Ancillary Buildings - Fence walls - Other Civil works – pavements, concrete kerbs, concrete wells or reservoirs
<b>Table 4b: Loss of Income and Livelihood</b>	
<b>Category</b>	<b>Type of Loss</b>
Business	Loss of business income - Loss of business goodwill - Loss of rented income - Loss of wage income - Loss of fees from trainees or apprentices
Impact on accommodation	- Loss of Business, Residential or Industrial Accommodation or Room
Opportunity to Livelihood	- Loss of training or apprenticeship
Plants & Crops	- Loss of economic or perennial trees - Loss of food crops

	- Loss of grazing land
<b>Table 5: Impacts arising from Disturbance/Disruptions</b>	
<b>Category</b>	<b>Type of Loss</b>
Temporary structures	- Loss of location and expense for moving structure
Impact on Access to Utilities	- Disconnection of utility services
Disturbance	- Removal of chattels, movable assets – incurring removal expenses - Loss of peaceful enjoyment of property

### 7.3 The Basis and Method of Valuation

The basis of valuation is derived from the stated legal provisions where valuation must be linked to the “Open Market Capital Value”. The methods for valuation for the various losses are presented below.

Largely there are two methods used to value property. These are the replacement cost method and the full compensation method. Irrespective of method, valuation surveyors shall provide values for community property such as churches, social/recreation facilities, and health and education facilities. The methodologies also provide asset values such as replacement cost and current market value. The value shall also be given to trading and investment interests. Sacred sites like shrines, cemeteries and other divine sites shall be encouraged to be preserved, so that compensation shall be limited, in most cases, to the cost of the requisite propitiatory rites.

#### 7.3.1 Replacement costs

The replacement-cost approach is based on the premise that the costs of replacing productive assets that have been damaged because of project activities or improper on-site management can be measured. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management practises and thereby prevent damage. It involves direct replacement of expropriated assets and covers amount sufficient for asset replacement, net depreciation, moving expenses and other transaction costs. This minimum value is then compared to the cost of the new measures.

Within the rural electrification sector, this is arrived at by analysing current construction costs relative to design, materials employed, workmanship and final finish of the subject properties.

#### a) Basis of valuation



The basis of valuation is Gross Current Replacement Cost (GCRC). Gross Current Replacement Cost is defined as ‘the estimated cost of erecting a building as new having the same gross external area as that existing with the site works and services on a similar piece of land’.

The valuation process should also consider the use of “full compensation value” for affected properties. “Full compensation value” is defined as ‘the amount to be paid to the leaseholder which is calculated as an amount which is above the gross current replacement cost, including the costs for the inconvenience caused to the leaseholders by relocation, and to enable the same leaseholders to build slightly better houses than what they currently occupy’.

### **7.3.2 Valuation Information/Data**

The Valuation Department keeps records of transactions and other data prevailing in the various asset markets. The experience, exposure and skill enable the valuation surveyor to conduct the analysis of market values at a particular date and thereafter make valuation assessments for other assets taking note of those that are not done at arms distance i. e. where there is special interest to sale or purchase or otherwise so that the valuation analysis and assessment is not distorted.

Every valuation is done as per the terms of reference and as per date given on which the assessment should be done. Sources of information/data for asset valuations include Zambia Revenue Authority, Estate Agents, GVD in-house assessments, retailers, manufactures etc, the appropriate valuation of subject assets are determined from the range of values of similar assets prevailing on the market in different areas at a particular time. Landed property valuation is localized – each town and locations therein have different ranges of values which the valuation surveyor analyses and uses for valuation assessments of other assets.

### **7.3.3 Compensation**

#### **a) Basis of Valuation**

According to the compensation principle of this RPF it holds that project affected people (PAP) should at least be as well off and/or ideally, better off after displacement and compensation. This principle implies use of basis of valuation called “current market value,” which is equivalent to full (un-depreciated) replacement cost. In valuation surveying, this basis means that PAPs will receive the worth of their assets in involuntary displacement given what they could get if they themselves at their own time and will were to move voluntarily from one place to another.

**b) Compensation for Land and Improvements**

Under this aspect the difference must be shown between displacing legal owners of land (either statutory ownership or customary ownership) and displacing squatters. Legal owners are statutorily entitled to compensation under the Land Acquisition Act CAP 189 including land and improvements thereon, whereas squatters may not be compensated for land, but improvements and other assets. This does not bar the compensating authority from allocating similar sizes of alternative land to squatters.

In addition, a difference needs to be shown between what people are actually entitled to for compensation due to loss and otherwise, and what they may be provided in alternative settlements for mitigation and not that they are necessarily legally entitled to such land because in the first place they have no claim to the initial land they were squatting on. Squatters may claim easement rights for long stay. In generally, compensation valuation shall be assessed for the following claims: Injurious – affecting (i.e., loss of assets constructed); severance and disturbance. Loss of income in investments can also be assessed.

**c) Compensation for Buildings and Structures**

In this aspect compensation will be paid by replacing structures such as huts, houses, farm buildings, latrines, and fences on alternative land provided as in in-kind compensation. Where necessary, other formal of compensation not excluding cash compensation would be available as a preferred option for structures (i. e. extra buildings) lost, that are not the main house or house in which someone is living. The going market price for construction materials will be determined by the valuer.

Compensation will be provided for structures that are

- Abandoned because of relocation or resettlement of an individual or household, or
- Directly damaged by construction activities.

**d) Replacement Values will be based on**

- Related structures and support services,
- Average replacement costs of different types of homestead buildings and structures based on collection of information on the numbers and types of

materials used to construct different types of structures (e. g. bricks, rafters, bundles of straw, doors, etc) without depreciation

- Prices of these items collected in different local markets,
- Costs for transportation and delivery of these items to acquired/replacement land or building site, and
- Estimates of construction of new buildings including labour required.

**e) Compensation for Sacred Sites**

The use of sacred sites, ritual sites, tombs and cemeteries shall not be allowed at any time unless it is absolutely necessary.

**f) Compensation for vegetable gardens and beehives**

These are planted primarily for use within the household. Until a replacement garden starts to bear, the family losing gardens or beehives will have to purchase vegetables and honey in the market. The replacement costs therefore, will be calculated based on the local market rates for these products at the time.

**g) Compensation for Large fruit and crop trees**

In the case of large fruit trees such as mangoes these are taken for

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

Notwithstanding their significance to the local economy, mango trees and other fruit trees will be compensated on a combined replacement/market value. Mango and other fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind. Compensation rate can be based on information obtained from the socio-economic study and shall incorporate the following goals.

- Replace subsistence mango production yields as quickly as possible,

- Provide subsistence farmers with trees to extend the number of months of the year during which fruit is produced and can be harvested as a supplemental source of food for their families during their “hungry season”, and
- Provide cash payments to resettlers to replace income derived from the sale of excess production until replacement trees produce the equivalent (or more) in project cash income.

Where minor pruning of trees shall happen this will not attract compensation. However compensation for removal of limbs will be pro-rated on the basis of the number of square metres of surface area removed.

In the case of other domestic fruit and shade trees, compensation shall be based on the species and age; individual compensation for wild trees “owned” by individuals, located in affected areas shall be paid. Note that wild, productive trees belong to the community when they occur in the tree bush as opposed to a fallow land. These trees will be compensated under the umbrella of the village or community compensation. The valuation surveyors will provide each affected family, through the project Authority, an itemised list of property affected, along with valuation unit rates.

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## CHAPTER 8

### 8 COMMUNITY CONSULTATION AND PARTICIPATION

The project-affected persons will be consulted and involved in all resettlement activities: planning, implementation and monitoring. Their involvement provides them with greater understanding of the project, the resettlement issues and gives them opportunities to voice out their concerns about the project, and they may offer alternatives and compromises that tend to promote implementation.

Mechanism for community entry, consultation and participation of PAPs will be addressed in the RAPs for the sub-projects and will be defined by cultural prescriptions which will be carefully studied and adhered to in each affected community. The mechanisms will include public meetings, participation in site preparation, resettlement committees for PAPs and communities and interagency committees for participating stakeholders.

- a) Public meetings: meetings with Community leaders, utility agencies, NGOs, and PAPs as individuals (as during the survey) and in their groups.

At the meeting with the project-affected persons, the resettlement team will explain the various options of resettlement so that they can choose what they want; for instance cash compensations, alternative land or building, or group resettlement.

Group resettlement ensures that social networks and community institutions are not disintegrated and is appropriate for projects affecting whole settlements or sites.

PAPs will also be briefed on the compensation/resettlement process and each affected person will be given the chance to air their views on a draft resettlement plan on issues of concern to him or her.

- b) Involvement in site preparation

Participation will also be fostered through use of local know-how and materials; the contractor will be encouraged to use local people to supply materials and goods needed for the sub-project implementation.

- c) Group formation: using existing groups or assisting PAPs to form groups provides institutional framework for participatory resettlement

- d) Involvement in resettlement committees and monitoring teams: participation in committees would be one of the key mechanisms for involvement of PAPs in the planning, implementation and monitoring of the RAPs.
- e) The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team shall ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Furthermore, the project will sensitize communities and the public at large on involuntary resettlement. In addition, village committees will continue to provide land for implementation of projects.

**Data collecting phase.** Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. Levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, etc, as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing community baseline situations.

- f) **Implementation phase.** During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. Participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

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## CHAPTER 9

### 9 REDRESS AND GRIEVANCE PROCEDURES

A grievance mechanism must be made available to parties who have grievances or are not satisfied with any part of the resettlement and compensation process. These grievances could relate to the valuation of assets, amount of compensation paid, level of consultation, non-fulfilment of contracts, and timing of compensation, amongst others. Complaints and grievances also concern issues related to construction safety and nuisances caused by construction. Grievances will be handled through negotiation aimed at achieving consensus.

ZIRC project will work closely with all communities in the determination of subproject alignments/sitings, and will consider all locally preferred alternatives from a technical, economic and social perspective.

In those instances where some land is required to improve the alignment of the sections of the road, RDA will fully inform the affected parties, and negotiate fair compensation at full replacement value. Limited acquisition of additional land should result in limited complaints being raised. However, as stated above, prior to starting any works, RDA will institute a multi-level process for resolving any disputes over asset inventories and valuations as recommended in the document. First, on the premise that disputes are most amicably resolved informally at the local level, RDA will first work through the District Development Coordinating Committee (DDCC) where it shall also be represented to resolve disputes, which may be referred for resolution. In the event that there is dissatisfaction from affected groups, the provisions of the Arbitration Act No. 19 of 2000 shall apply.

The Complaints shall be forwarded through the DDCC to the DDCC sub-committee. Upon receipt, the sub-committee shall determine whether the complaint can be resolved without the involvement of the DDCC. If it requires the involvement of the DDCC, it shall then forward to the DDCC. If the DDCC fails to resolve the issue, then the provisions of the Arbitration Act No. 19 of 2000 shall apply. If it is resolved at that level, then the DDCC shall report back to the complainant in writing with a copy to the chairperson of the DDCC.

On the understanding that the project is intended to be implemented at district and sub-district levels, therefore the District Development Coordinating Committee shall be composed of the main stakeholders commonly represented in the DDCC which includes the Road Development Agency, the Ministry of Infrastructure and Housing, Department of Wildlife, Zambia Environmental Management Agency, and Affected District Councils **as tabulated in Table 1**. While the DDCC sub-committee will have members derived from the District Development Coordinating Committee (DDCC). This sub-committee shall also be used in the

grievance redress system if need arises. The RDA Environmental and Social Management Unit shall form the link between the DDCC and the sub-committee. The RDA ESMU shall report progress to the DDCC.



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## CHAPTER 10

### 10 MONITORING AND EVALUATION

Monitoring and evaluation will be a continuous process and will include internal and external monitoring.

The objective of monitoring is to provide the World Bank, RDA and relevant stakeholders with feedback on RAP implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements. Areas relating to the effectiveness of RAP implementation, include the physical progress of resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities should be monitored and reported internally by RDA and externally by qualified resettlement specialists, and integrated into the overall Project management process.

Internal monitoring of the resettlement/rehabilitation operations will be undertaken by the RDA, local authorities, etc following the schedules in the RAPs.

The day-to-day field supervision will be conducted by the Resident Engineers and captured in the monthly and quarterly progress reports which are subject to review by the RDA Environmental and Social Management Unit.

The RDA will continuously take stock of all expropriation and compensation report and discuss them on regular basis. Cost of monitoring will be taken care of by implementing agencies or stakeholders.

#### 10.1 External Monitoring

External monitoring will be done by externally qualified resettlement specialists, and integrated into the overall Project management process.

The main objective of external monitoring is to provide an independent periodic review and assessment of: (i) the success of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) the reinstallation of the economic and social conditions of PAPs; (iv) the effectiveness, impact and continuity of assistance measures; (v) the necessity for supplementary mitigation measures, where necessary; and, (vi) to look for strategic lessons for potential policy formulation and planning.

The indicators to be included in the external monitoring to measure these impacts are, among others, a comparison of income levels before-and-after; access to livelihood and employment; changes in standards of housing and living conditions; and improvement in the level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of children in school; changes in health standards; and changes in access to markets or roads – all of which may reflect the overall improvement in the standard of living.

It is planned that the ESMU through the Resettlement Co-ordinator shall be the focal point for monitoring issues in collaboration with the Zambia Environmental Management Agency who shall provide supervision monitoring. As for reporting monitoring progress this shall be communicated to the Steering Committee on a quarterly basis or as may be agreed with steering committee members.

## **10.2 Completion Audit**

An audit will be done to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed.

This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used as a measure against their socio-economic status after the resettlement.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the financial commitments to the programme are finished. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

## CHAPTER 11

### 11 COSTS AND BUDGET

To prepare the budget for resettlement, preliminary cost estimation will be made during the subproject preparation. Costs for the RAP implementation will be made based on updated compensation unit prices developed by the qualified valuer and approved by the Government Valuation Department, reflecting the replacement cost of all affected land and assets at the time the RAP is implemented.

The RDA will be responsible for mobilizing fund for the subproject's site clearance and compensation costs. Training costs for RAP implementation will be taken from the Project's budget.

The RAP will have a section on costs and budget of resettlement which cover the followings:

- (i) An itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of RAP during implementation.
- (ii) Flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) A justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and contingencies), plus replacement costs.
- (iv) Information about the source of funding for the resettlement plan budget.

**Table 7: Indicative Outline of RAP estimated Cost**

A	COMPENSATION COST	Unit	Quantity	Amount
<b>1</b>	<b>Loss of land</b>			
1.1	Agricultural land	m <sup>2</sup>		
1.2	Residential land	m <sup>2</sup>		
1.3	Public land	m <sup>2</sup>		
<b>2</b>	<b>Loss of buildings, structures</b>			
2.1	Loss of buildings	m <sup>2</sup>		
2.2	Loss structures (wells, toilet, fence, etc.)	-		
2.3	Other (give description, etc.)	-		
<b>3</b>	<b>Loss of trees/crops</b>			
3.1	Trees (give name of tree, etc.)	No		
3.2	Crops (give name of crop, etc)	No		
<b>4</b>	<b>Loss of business/profit</b>			
4.1	Formal business	HH		
4.2	Informal business	HH		
<b>5</b>	<b>Relocation of graves</b>	No.		
	<b>Sub-total A</b>	ZMW		
<b>B</b>	<b>SUPPORT AND ALLOWANCES COST</b>			

1	Disturbance	HH		
2	Transportation	HH		
5	Loss of accommodation	HH		
	<b>Sub-total B</b>	ZMW		
<b>C</b>	<b>Income restoration program (if any)</b>			
	<b>Sub-total C</b>	ZMW		
	<b>Total A + B+ C</b>	ZMW		
<b>D</b>	<b>Administrative Management Cost</b>	ZMW		
<b>E</b>	<b>Contingency (% of C)</b>	ZMW		
<b>F</b>	<b>GRAND TOTAL</b>	ZMW		

## CHAPTER 12

### 12 DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS

The RDA will disclose this Resettlement Policy Framework by making copies available at its head office and in affected sub-project areas and will make copies available to the local government's agencies, the Zambia Environmental Management Agency and other stakeholders of the ZIRC Project. The World Bank will also disclose this RPF electronically through its InfoShop.

In the same way, all RAPs to be prepared under ZIRC Project, will be disclosed by the RDA, which will make copies available at its head offices in Lusaka, and will make copies available to the local governments and other stakeholders of the ZIRC sub-project areas.

**Annex 1: List of Stakeholders Consulted**

No.	Name	Designation	District	Mobile	Email Address
1	Sifaya Mainga	Council Treasurer	Mkushi	0972-136130	maingasifya@yahoo.com
2	Frank Mupesha	Director Works	Serenje	0977-394386	
3	Kabimba	District Planning Officer	Chibombo	0975-757571	
4	Enock Ngulube	Director of Works	Serenje		
5	Milly Muluti	Council Secretary	Kapiri Mposhi	0977-891774	lombemilly@yahoo.com
6	Teckler Mujala	District Planner	Kapiri Mposhi	0979-914279	
7	Chibefwe Tapson	Councillor	Kapiri Mposhi	977175200	
8	Victor Chawinga	Director Engineering	Kabwe	0977-883162	
9	Cosmas Sakala	Superintendent	Mkushi	0974-737453	
10	Kephas Mushikwa	District Building Superintendent	Mkushi	0962-301151	
11	Julia Mulenga	Education Standards Officer Acting DESO	Mkushi	979335152	
12	Naomi Sakala	Director planning	Kabwe	973863184	
13	Graphine Walubita	District Planning Officer	Itezhi-tezhi	977561968	
14	Stanely Mwanakayaya	District Planning Officer	Mumbwa		
15	Mr Chipili	Director administration	Mazabuka	0965-087809	
16	Wisdom Bwalya	Town clerk	Mazabuka	0977-635722	
17	Douglas Mumba	Director of Engineering	Mazabuka	0976-460737	md_doug@yahoo.com
18	Chifunilowilliam	Social Economist	Mazabuka	0979-323538/	williamchifunilo@yahoo.com

19	Jeff Mweenge	District Planning Officer	Gwembe	0968-909077	jeffmweenge@yahoo.com
20	Peter Madubeko	Director of Works	Gwembe	0955-584635	petermadubeko@yahoo.com
21	Lubasi Munalula	Director of Works	Senanga	977660004	
22	Tyson Chunga	Council Secretary	Monze	0977 - 282923	
23	Lynda Mapara	Council Secretary	Monze	0977-604419	lynda.mapara@gmail.com
24	Francis Mpiana	District Planning Officer	Monze	0973-029357	
25	Scriviner Kalundu	Road Superintended	Monze	0977-836707	kalunduscriviner@yahoo.com
26	John Ndumba	Director of Works	Sesheke	977877005	
27	Mr Kalumba	Council Secretary	Senanga	0973-902747	
28	Mr Mungalu	Council Secretary	Kaoma	0977-743601	
29	Mrs Banda	Council Secretary	Kalabo	0971-629846	
30	L Muteto	Council Secretary	Sesheke	0966-684975	
31	L Siwale	Chief Planner	Choma		
32	Kennedy Mubanga	Provincial Planner	Choma	0977-372974	kennedymubanga@gmail.com
33	Matthews Mashapi	Director of Works	Kalomo	0977-616545	matthewsmashapi@yahoo.com
34	Mrs Machai	Council Secretary	Kalomo	0977805344	
35	Benson Choongo		Kapiri Mposhi		