

REPUBLIQUE DU DJIBOUTI



MINISTERE DELEGUE AUPRES DU MINISTERE DE L'HABITAT, DE
L'URBANISME ET DE L'ENVIRONNEMENT, CHARGE DU LOGEMENT



Resettlement Action Plan (RPF)

INTEGRATED SLUM UPGRADING PROJECT

Executive Summary

June 2018

Funding from the World Bank aims to support the Project Owner, namely the Delegate Ministry, under the authority of the Ministry of Housing, Town Planning and the Environment, in charge of Housing, implementing tools for strategic interventions and spatial planning that will enable it to better manage the urban restructuring of precarious neighborhoods as part of the implementation of the Zero Shantytowns policy. The Integrated Slum Upgrading Project (ISUP) will improve the living conditions of Old Balbala populations and low-income homeowners. It will particularly contribute to upgrading the neighborhood and preventing in-situ slums, to improve access to services and make accessible the precarious neighborhood of Old Balbala. The operational responsibility for the preparation of this program is entrusted to the Urban Rehabilitation and Social Housing Agency (ARULOS), which is also in charge of the Technical Secretariat of the Technical Committee for the ISUP.

Project presentation

As part of this project, it is planned to carry out the work of the road going across Old Balbala from East to West, along the market and the commercial area, in the 9A and 9Bn neighborhoods and extending over a distance of 1200 m in length. The civil works will result in the acquisition of land in the encroached road allowance. The road is part of PIRB's first year investments, while the civil works of the Balbala Ancien restructuring are planned for investments from the second year. Some encroachments are noted (houses, growths, businesses, etc.).

The realization of these infrastructures, although very important for the Municipality of Balbala, could lead to negative social impacts such as loss of property, loss of activities and/or loss of income sources which are likely to harm the project affected persons. This requires the activation of the World Bank Operational Policy 4.12 (OP 4.12) and, consequently, the development of a Resettlement Action Plan (RAP) to minimize these potential adverse impacts/effects and maximize the positive impacts/effects. This plan aims to prevent and manage, in an equitable manner, any potential negative impact that may result from the implementation of the project and to be in compliance with national legislation and the World Bank's environmental and social safeguard requirements, including the OP 4.12.

Objectives of the RAP

The objective of the RAP is to prevent potential negative social impacts that could arise from the implementation of the project, to propose fair and equitable measures to minimize potential negative impacts and social effects and to optimize positive impacts and effects, in accordance with the legislation of Djibouti and the requirements of the World Bank OP 4.12. The RAP was developed in accordance with the project's Resettlement Policy Framework (RPF).

Methodological approach

To proceed with the formulation of this RAP, a methodological approach was adopted based on several complementary approaches, with particular emphasis on informing the stakeholders and consulting the populations likely to be affected by the activities of the project.

Thus, the following approach has been adopted to achieve this RAP.

- Information meeting with the municipality of Djibouti City : it consisted of a meeting on the project with the Mayor of the city of Djibouti and her advisers, the local elected representatives and the population of the municipality of Balbala in order to gather the opinions, concerns and recommendations;
- Information and awareness-raising of the populations living along the project area It consisted of door-to-door interviews with people living along the road under construction in Balbala, to inform them about the project, the related surveys, the deadline, etc.;

Legal framework of resettlement

In Djibouti, Law No. 171 / AN / 91 / 2e L establishing and organizing the public domain classifies all property in Djibouti territory as part of the public domain. Thus, Article 1 provides "the public domain consists of all property of any kind, real or movable, classified delimited in the public domain, assigned or not for public use".

The private domain of the State is organized by Law No. 178 / AN / 91 / 2eL. This law lays down basic regime of the private domain of the State, which includes vacant lands and without an owner and those acquired by the State or from donations, inheritances or other legal ways. As for land ownership, it falls under Act No. 177 / AN / 91 / 2eL.

The legal context is connected with the land legislation (laws applicable to land matters, land status), public participation, mechanisms of land acquisition, resettlement and economic restructuring. It also contains a comparative analysis of the national legislation of Djibouti and the World Bank's Operational Policy on Involuntary resettlement, namely the OP 4.12. In the Republic of Djibouti, national land tenure includes the public domain, which includes the domain of the state structured as a natural and artificial domain and the private domain of the State.

Analysis of the national system's gaps in regard to resettlement

In many respects, there is a convergence between the legislation of Djibouti and the OP 4.12 of the World Bank. The areas of convergence focus in particular on:

- people eligible for compensation,
- deadline for eligibility,
- type of payment

The following points do not match or are not taken into account in the legislation of Djibouti:

- irregular occupants are not covered by national law;
- monitoring and evaluation procedures do not exist in the Djiboutian legislation;
- economic rehabilitation is not provided for in the legal framework of Djibouti;
- the cost of resettlement is not addressed by the Djiboutian legal framework;
- the relocation of PAPs (Project Affected Persons) does not exist in the Djiboutian legislation;
- dispute resolution is more flexible and clear in the World Bank legislation;
- vulnerable groups are unknown in the Djiboutian law;
- participation is broader and more inclusive in the legislation of OP 4.12;
- compensation alternatives are not provided for in the Djiboutian law.

It appears that the areas which are not taken into account in the national legislation are not in contradiction with the guidelines of the OP 4.12: they are rather a deficiency of the national legislation. Therefore, nothing prevents the application of the OP 4.12 directives by the Djiboutian public authorities for the sake of compatibility. In the event of a difference between national legislation and OP 4.12, the higher standard (the most favorable to PAPs) will be applied.

Institutional context of resettlement

The institutional framework for resettlement management within the project involves the following stakeholders: Ministry of Housing, Town Planning and Environment; Ministry of Economy and Finance, in charge of Domains; Delegate Ministry of Housing (MdL); Urban Rehabilitation and Social Housing Agency (ARULOS); State Secretariat for Social Affairs (SEAS); Prefecture: Town Hall; Municipality; Evaluation Commission. All told, within the project, all the stakeholders will have to undergo capacity-building on the procedures of the World Bank, but also on land management, to ensure the integration of the social aspects in the activities of the project, particularly with regard to the procedures for survey, inventory, asset evaluation, implementation and monitoring of RAPs and social support for Project Affected Persons (PAPs) in accordance with the requirements of the OP 4.12.

Number of people affected - Loss of property and income

The impact assessment established after the investigations and inventory carried out is as follows:

- 81 physical assets affected;
- 131 sources of income affected;
- That is a total of 211 losses of property and income sources, belonging to 169 affected households.

However, it should be noted that the impacts of road construction will not result in any complete loss of housing or physical movement of people.

Eligibility for compensation and deadline for eligibility

The following are eligible for compensation: (a) persons who have formal legal rights over the land or other property recognized by the laws of the country; this category corresponds, for the purpose of this project, to PAPs owning a house or a facility on the rights-of-way of the road (with a land title or a title of temporary occupation); (b) persons who do not have formal legal rights to the land or other property at the time of the inventory, but who can prove their rights under the customary laws of the country. In this project, this category of PAPs has not been identified; (c) persons who have no rights, legal or otherwise, to be recognized on the lands they occupy, and which are not included in the two categories described above. In this project, this category corresponds to the itinerant PAPs or "squatters" installed for a long time in the right-of-way of the road (occupation of the public domain).

People in the first two categories receive full compensation for the land, facilities, and assets lost. The people of the 3rd category are entitled to resettlement assistance to enable them to improve their living conditions (compensation for loss of income-generating activities, livelihoods, crops, etc.), provided that they have occupied the project site before the deadline for eligibility. This category refers to the street vendors (male and female) of bread, itinerant restaurants, small trade stalls.

The deadline for resettlement eligibility is the start date of the inventory of affected persons and their facilities. The inventory in the intervention areas of the project started on March 5th 2018. Those arriving in the area after the deadline (March 5th 2018) will not be entitled to any compensation or any form of resettlement assistance. A statement from the Mayor of the Municipality of Balbala has been prepared and posted at the municipality's headquarters and along the way.

Summary of consultations conducted

The Project is favorably received by all stakeholders in that it meets a real need of the city in improving transport conditions and making suburban neighborhoods accessible. This decision to rehabilitate the road is strongly supported by the municipal authorities and local populations.

Questions asked:

- How are the PAPs who will lose more than half of their construction going supported?
- Will commercial tenants be compensated in the same way as the owners of business premises?
- Will the 12-meter right-of-way be a source of road accidents?
- How will the PAPs, holders of land titles (TF) and who lose some of their construction (1 or 4 meters), be compensated?
- Will the PAPs be compensated before or during construction? Will merchants stop their activities for the duration of the works?

Answers given:

- The PAPs, holders of Temporary Occupation Rights (TOP) and which will be the have their facade moved back, will benefit from the land regularization and the permanent reconstruction of their facade.
- PAPs with a loss of income will be compensated according to the proposals of the project and will be treated on a case-by-case basis.
- The realization of an access road of 12 meters is a decision of the authorities to allow the population of Balbala Ancien access to basic services.
- The PAPs holding a land title will be compensated by surface area at the applicable price.
- PAPs will be compensated before works
- Activities on the actual duration of works.

Recommendations

- The proposals in the compensation matrix in the table below for the compensation of losses have been approved by the PAPs.
- PAPs wish to be compensated before the demolitions and losses of their property.
- The scale of unit costs that will be used to calculate compensations will be validated by an advisory commission.

- The PAPs want this road to be secured by the municipal and local authorities.
- Communication and awareness-raising sessions on the project must be organized on a regular basis.

Grievance Resolution Mechanism

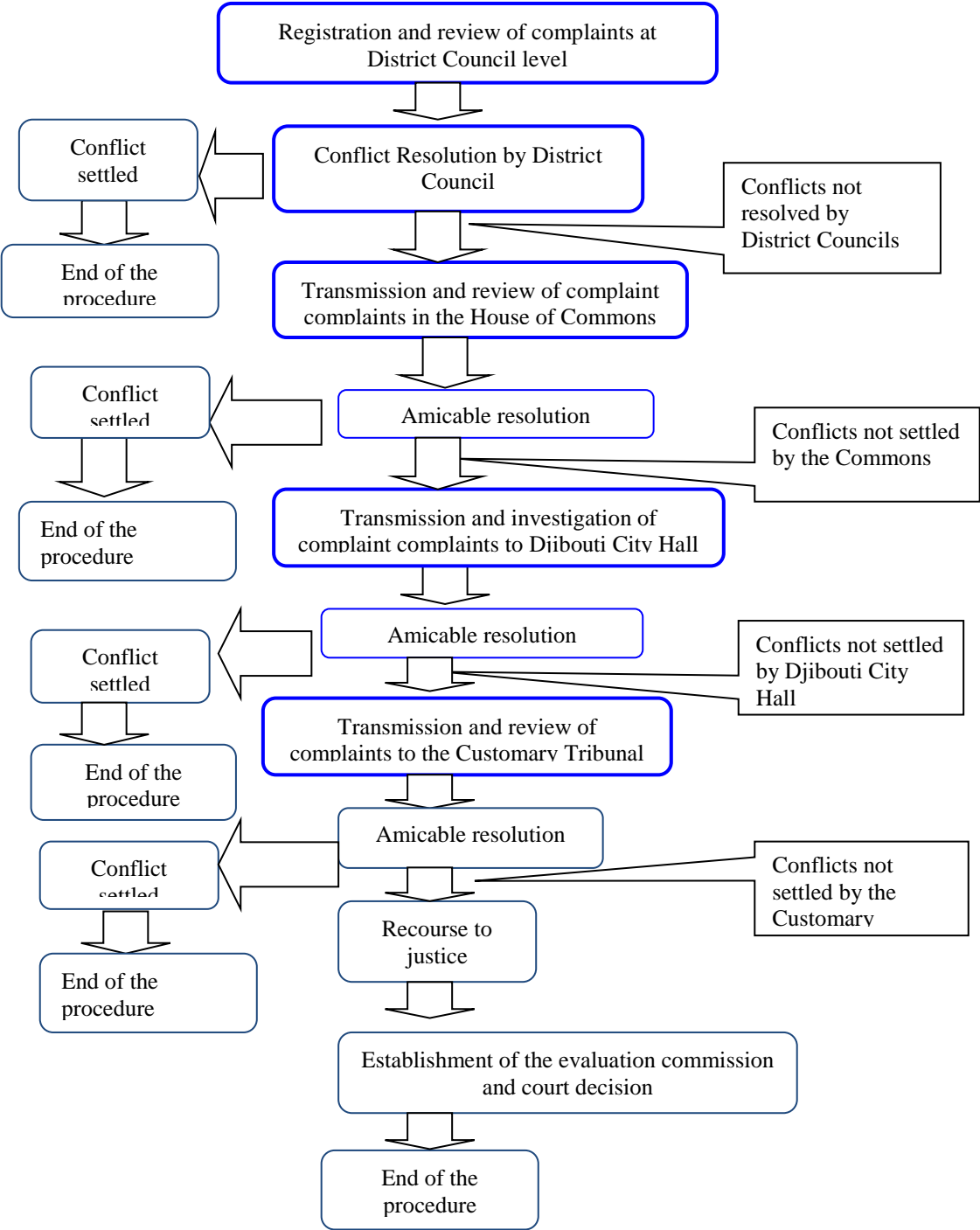
The dispute resolution process is an important element of the recovery mechanism of PAPs' livelihoods. Thus, all affected persons who consider that the provisions of the RAP are not respected (or who feel prejudiced by the RAP or its execution), may file a complaint:

- with the Neighborhood Council;
- the President of the Municipality of Balbala, the project site, to whom a book will be given for the registration of possible complaints;
- to the Mayor of the City of Djibouti;
- at the Customary Court of Djibouti;
- in court, if the dispute is not settled with the above-mentioned amicable ways. If the disagreement is about the evaluation of the property, an Evaluation Commission will be set up and chaired by a magistrate who will issue a ruling authorized by a court.

The settlement procedure recommended by this RAP favors the amicable resolution of conflicts that may arise from the implementation of the works and the RAP. Resorting to courts and tribunals may be suggested as a last resort.

The settlement of disputes will be established as soon as possible, at least 2 months before the start of work and one month before the start of the payment of compensation.

Grievance Resolution Mechanism



Organizational responsibilities for the implementation of the RAP

Stakeholders		Responsibilities
Institutions	Relevant services	
Ministry of Budget	State Property Department	<ul style="list-style-type: none"> ● Instruction of the declarative act of public utility ● Financing of compensations
Delegate Ministry of Housing (MdL)	Steering Committee of the ISUP	<ul style="list-style-type: none"> ● Supervision of the process
	Urban Rehabilitation and Social Housing Agency (ARULOS),	<ul style="list-style-type: none"> ● Submission of the RAP for approval by the World Bank and the Directorate of the Environment and DATUH ● Dissemination of the RAP ● Compensation for loss of property and sources of income ● Collaboration with local execution bodies ● Coordination and monitoring of resettlement and compensation ● Submission of progress reports to the World Bank ● Validation of the RAP report ● Monitoring of the implementation of resettlement
City of Djibouti	Djibouti Town Hall	<ul style="list-style-type: none"> ● Awareness-raising, mobilization and support of PAPs ● Processing of complaints in case of incompetency of the Municipality of Balbala ● Dissemination of the RAP ● Participation in the monitoring of resettlement and compensation
	Municipality of Balbala	<ul style="list-style-type: none"> ● Awareness-raising, mobilization and support of PAPs ● Resettlement of PAPs who lost business spaces ● Identification and clearing of the sites to be expropriated ● Processing of complaints in case of incompetency of the neighborhood Council ● Dissemination of the RAP ● Participation in the monitoring of resettlement and compensation
	Neighborhood Council (9A and 9B) of the Balbala Municipality	<ul style="list-style-type: none"> ● Awareness-raising, mobilization and support of PAPs ● Collection of grievances in case of complaints ● Participation in raising awareness of populations and monitoring
Social Science Consultants		<ul style="list-style-type: none"> ● Capacity building ● Stage evaluation, mid-term and final
Justice	Judge	<ul style="list-style-type: none"> ● Establishment of Evaluation Commission in case of disagreement ● Judgment and conflict resolution (in case of disagreement during the amicable stage)
	Evaluation Commission	<ul style="list-style-type: none"> ● Contradictory evaluation of property and judgment

Apart from the actors of Justice, the stakeholders mentioned in the institutional arrangement below (Steering Committee, Domain, Environment, DATUH, ARULOS Djibouti City Council, Commune and District Councils in Balbala) were consulted and confirmed on their roles and responsibilities in resettlement.

As for the dissemination of RAP, the targeted institutions (ARULOS, Djibouti Town Hall and Balbala Municipality) were also consulted on these responsibilities, which they accepted.

Monitoring and evaluation of the implementation of the RAP

The implementation of the RAP is the responsibility of the Directorate of the ARULOS which will take all the necessary measures for the execution and the correct follow-up of the economic resettlement measures in particular the demolition and reconstruction of the affected property and the compensation of the PAPs.

Proximity monitoring of the RAP implementation will be provided by a Specialist in Environmental and Social Safeguards (SESS) that the ARULOS will recruit as part of its mission. It will be about signaling to the project authorities any problem that arises and ensuring that the RAP procedures are followed.

The evaluation of the RAP will be carried out by an independent consultant who will be recruited by the project to ensure the final evaluation of the social measures proposed in the RAP which can be carried out once the compensations are fully paid and the entire resettlement is completed. The purpose of the evaluation is to certify that all assets are dismantled and rebuilt, that all PAPs are resettled, fully compensated and that all economic activities are well restored.

Estimated budget of the Resettlement Action Plan and sources of funding

N°	Topics	Budget in FD and USD	Source of funding
01	Total affected physical assets	12 396 900 FD (of which 12 214 000 FD can be included in the works)	Government of Djibouti and ISUP
02	Total sources of earmarked revenue	11 700 000 FD	Government of Djibouti
	Total 1 valuation of destroyed property	24 096 900 FD (136 141 USD)	
03	Recruitment of an SSES (6 months)	2 160 000	ISUP budget
04	Training of actors (ARULOS, steering committee)	1 800 000	ISUP budget
05	Monitoring the implementation of RAP	Not applicable (followed by SSES)	ISUP budget
06	Communication / awareness	300 000	ISUP budget
07	Final evaluation of RAP	900 000	ISUP budget
	Total 2	5 160 000 FD (29 152 USD)	
	Total RAP costs	29 256 900 FD (165 293 USD)	

Source of funding

PAPs' assets that are going to be demolished (canopies, fence walls, stairs and access ramps, etc.) are considered minor degradations and are planned to be rebuilt as part of the works, as suggested in the RPF. In this respect, the related compensation costs, estimated at **24,096,900 DF (136,141 USD)**, will be covered as follow: by ISUP for those associated to reconstruction works for an amount of 12,214,000 DJ; and by the Government of Djibouti for the rest, which includes compensation for loss of revenues and other cash compensation in the amount of 11,882,900 DJ. Recruitment costs of a SESS, Training of stakeholders; awareness-raising/ communication and monitoring and evaluation of the RAP (**5,160,000 DF, 29,152\$**) are supported by the ISUP budget.

Compensation matrix

Type of PAP			Types de pertes				
			Partial loss of land	Partial loss of construction in relation to housing	Partial loss of construction for commerce	Loss of income	Tree loss
Owner	With recognized property document Land Title (TF)	In cash	Compensation in cash for the value of the loss in area at the full replacement price	Not applicable	Not applicable	Allowance of two (2) months rent (in loss of rental income) ¹	At full replacement cost
		In kind	Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation	The project will reconstruct the fence of the facade, and other legal achievements on a case by case basis	The project will reconstruct the fence of the facade, and other legal achievements on a case by case basis	Other support: case by case (examples: food kits) (examples: food kits)	Integral replacement by another tree of the same nature
		Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation		Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation			
	With Temporary Occupation Title (TOP) or others	In cash	Not applicable	Not applicable	Not applicable	Allowance of two (2) months rent (in loss of rental income)	Integral replacement by another tree of the same nature
		In kind	Land regularization procedure	The project will reconstruct the fence of the facade, and other legal achievements on a case by case basis	The project will reconstruct the fence of the facade, and other legal achievements on a case by case basis	Other support: case by case (examples: food kits) (examples: food kits)	Integral replacement by another tree of the same nature
		Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation		Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation			
	WITHOUT recognized	In kind	Land regularization procedure	The project will reconstruct the fence of the facade, and other legal	The project will reconstruct the fence of the facade, and other legal	Allowance of two (2) months rent (in loss of rental income)	Integral replacement by another tree of the same nature

¹ During the consultations in Balbala, it emerged that a tenant could find rental housing within a month. However, for more margin, it is proposed two (2) months of compensation

	property document			achievements on a case by case basis Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation	achievements on a case by case basis Other support: case by case (examples: food kits) PAPs will be able to recover materials without deduction on their compensation	Other support: case by case (examples: food kits)	
Tenant	Housing	In cash	Not applicable	Compensation of 2 months rent	Not applicable	Not applicable	Not applicable
		In kind	Not applicable	The elected officials and district chiefs of the Commune will assist PAP to find a home Food kit case by case	Not applicable	Not applicable	
	Trade	In cash	Not applicable	Not applicable	Not applicable	Financial compensation calculated over the actual duration of the work (estimated at three months) ²	
		In kind	Not applicable	Not applicable	Not applicable	Other support: case by case (examples: food kits)	
Sellers at the stall		In cash	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
		In kind	Not applicable	Not applicable	Not applicable	Moving around (central intersection of the axis, alleys, neighborhood market, etc.)	
						Moving assistance (maneuvers to transport the displays)	
						Food kit case by case	
Vulnerable people		In cash	Not applicable				
		In kind	All vulnerable PAP will receive assistance in the form of a food kit (rice, sugar, oil, flour, etc.)				

Note: Compensation for loss of income for tenants (residential or commercial) must be at the rental market price applied in the Balbala perimeter at the start of the works

The compensation matrix was approved by the stakeholders during the RAP return consultation

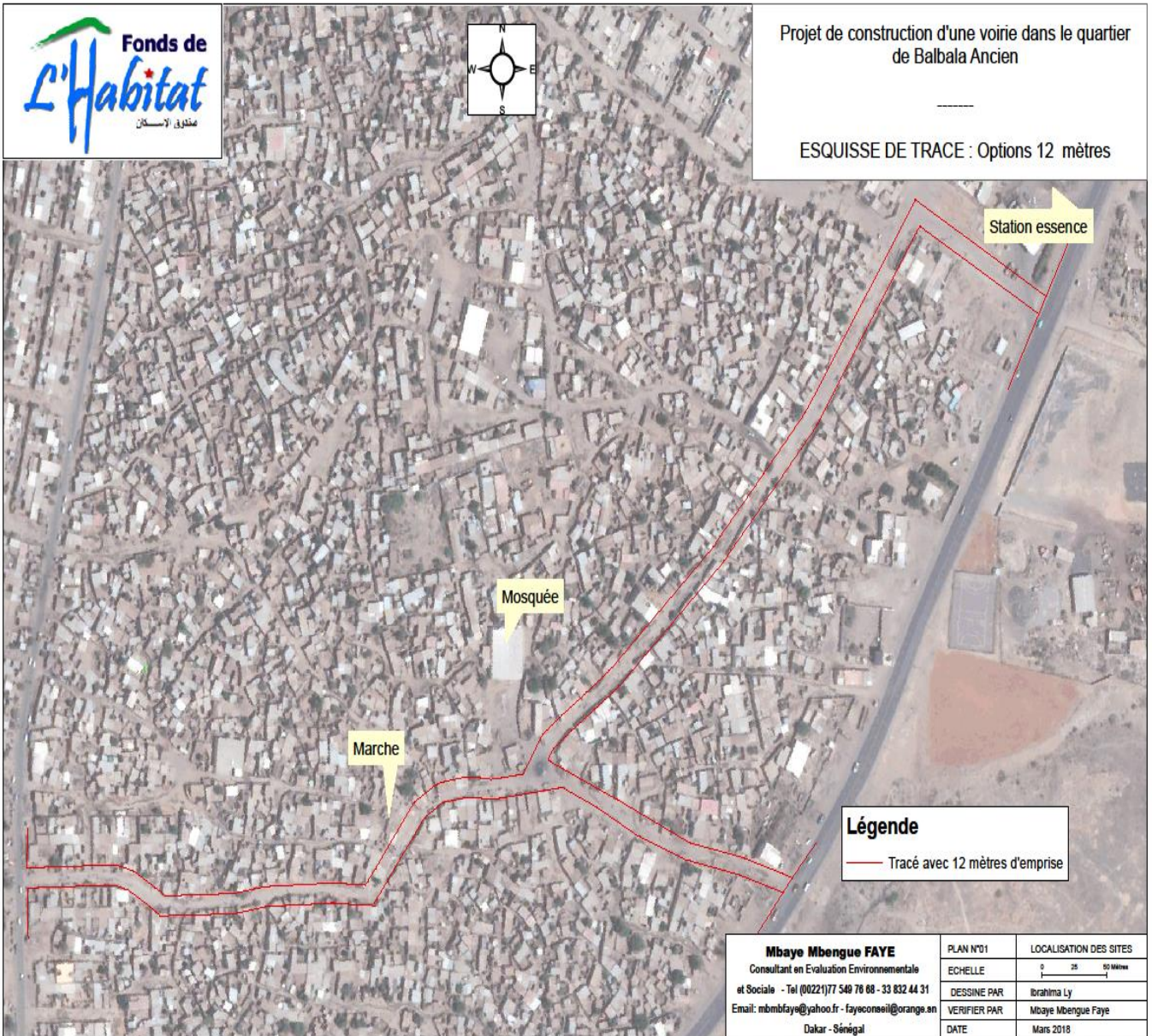
² These three (3) months are explained by the fact that it is more difficult to find a rental for business than a rental for housing. That is why three. That is why three (3) months of rental compensation have been retained, instead of 2 months as for housing

TABLEAU SOMMAIRE DES DONNÉES DE BASE DU PAR

N°	Sujet	Données
1	Localisation du projet	République de Djibouti
2	Ville/Commune	Ville de Djibouti – Commune de Balbala
3	Construction de la route (Voie 8-65) traversant Balbala Ancien d'est et ouest et longeant le marché et la zone commerçante du Quartier 9	Projet de 1200 ml, avec une emprise de 12 m
4	Type de travaux	Travaux routiers (réhabilitation de voirie urbaine)
5	Date Butoir	05 mars 2018
06	Budget total du PAR	29 256 900 FD (165 293 USD)
07	Budget des compensations	24 096 900 FD (136 141 USD)
08	Nombre de ménages affectés par le projet	169
09	Nombre total de personnes affectées par le projet (PAP)	909 PAP
10	Nombre de ménages féminins affectés	107
11	Nombre de ménages vulnérables	60 dont 41 femmes et 19 hommes
12	Nombre de ménages ayant perdu totalement une terre à usage d'habitation	00 (aucune perte totale de maison et de déplacement physique)
13	Nombre de biens et de sources de revenu affectés	<ul style="list-style-type: none"> • 65 habitations et dépendances affectés (dont partiellement 3 terrains et 30 logements) • 15 arbres • 131 sources de revenus affectées (dont 59 vendeuses de Khat, fruits et légumes) • Soit un total de 211³ pertes biens et de sources de revenus affecté, appartenant à 169 ménages affectés.
	<ul style="list-style-type: none"> • Nombre d'habitation totalement affectées ; 00 • Nombre d'habitation partiellement affectés ; 30 • Nombre de boutiques (activités commerciales) totalement affectées ; 00 • Nombre des boutiques (activités commerciales) partiellement affectées ; 39 • Nombre des « boutiques » qui vont momentanément fermer ; 34 • Nombre d'habitations à reconstruire sur place ; 30 • Choix de modalités de compensation/recasement par nombre de ménages ; <ul style="list-style-type: none"> ○ 30 habitations dont 04 choix de compensation cash, 20 choix d'auto-construction assistée ; les indécis (ne peuvent pas répondre sans consulter la famille) 02 ; Sans réponse (absents) : 04 ○ 03 titres fonciers, choix de compensation en espèce ○ 11 clôtures, dont 02 choix de construction par le projet (en dur) et 09 choix de construction assistée ○ 08 excroissances avec choix de compensation en espèce ○ 03 rampes avec choix de compensation en espèce ○ 07 dalles dont 03 choix de compensation cash, 03 choix de reconstruction par le projet et 01 pas de réponse ○ 15 arbres avec choix de compensation en espèce pour l'ensemble • Nombre de personnes consultées : 384 	

³ Il faut préciser que certains ménages ont plus d'un bien ou revenu affecté

Carte de la zone du projet



(Source : Paul André Turcotte, mars 2018)