



**LOCAL DEVELOPMENT  
PROJECT**

**RESETTLEMENT POLICY  
FRAMEWORK**

**FUNDO DE APOIO SOCIAL  
FAS**

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>INTRODUCTION</b>	<b>2</b>
1.1 Background to the project	2
1.2 Summary description of the project	4
1.3 Preparation of the resettlement policy framework	8
<b>POSSIBLE ADVERSE SOCIAL IMPACTS OF PROJECT COMPONENTS</b>	<b>11</b>
1.4 Large to medium size buildings	11
1.5 Small buildings and infrastructure	12
1.6 Water supply and distribution projects	12
1.7 Positive Environmental and Social Impacts	13
1.8 Potentially Adverse Environmental and Social Impacts	14
1.9 Mitigation Measures	16
<b>THE LEGAL FRAMEWORK FOR LOSS OF LAND AND ASSETS</b>	<b>19</b>
<b>OBJECTIVES AND PRINCIPLES FOR ASSET REPLACEMENT AND RESTORATION</b>	<b>22</b>
1.10 Objectives	22
1.11 Principles	22
<b>PROCESS FOR DEALING WITH LAND AND ASSETS IN FAS PROJECTS</b>	<b>24</b>
1.12 Overall responsibility	24
1.13 Preliminary tasks	24
1.14 Identification and selection of projects	24
1.15 Environmental screening	24
1.16 Baseline survey	25
1.17 Negotiation of asset replacement or restoration measures	25
1.18 Ceding and reallocation of land	25
1.19 Replacement and restoration of other assets lost	25
1.20 Review and approval of project dossiers	25
1.21 Delivery of entitlements	26
1.22 Grievances	26
<b>MONITORING AND EVALUATION</b>	<b>28</b>
<b>BUDGET FOR IMPLEMENTATION OF RPF</b>	<b>29</b>

## ABBREVIATIONS AND ACRONYMS

CDC	Community Development Component
CDD	Community driven development
DP	Displaced person
EA	Environmental analysis/assessment
EMP	Environmental management plan
ESMF	Environmental and social management framework
FAS	Social Action Fund ( <i>Fundo de Apoio Social</i> )
GOA	Government of Angola
m	metre
MA	Municipal Administrator
MDC	Municipal Development Component
NC	<i>Núcleo comunitário</i>
NCC	National Co-ordinating Committee
NCU	National Co-ordinating Unit
OP	Operational procedures
PCC	Provincial Co-ordinating Committee
RAP	Resettlement action plan
RPF	Resettlement policy framework
TSS	Transitional Support Strategy
USD	United States Dollar
WB	World Bank

## EXECUTIVE SUMMARY

This updated version of the Resettlement Policy Framework (RPF) was prepared for the by the Angola Social Action Fund (Fundo de Apoio Social – FAS) for the Additional Financing to the Local Development Project (P160105). The total amount of the AF is of US\$ 70 million. The project has three main components; namely: (i) Local Social and Economic Infrastructure, which also includes a new sub-component focused on Productive safety nets; (ii) Local Economic Development which also includes a new sub-component focused on Productive inclusion; and (iii) Local Institutional Strengthening which also includes a new sub-component focused on Support to Health and Community Development Agents. The project duration has been extended until 2020.

The project development objective to improve access of poor households to basic services and economic opportunities, and to enhance local institutional capacities among Angola's municipalities, which remains unchanged with the implementation of this AF.

The activities developed under the AF would potentially trigger the safeguards under OP4.12 on involuntary resettlement. Potential impacts regarding the land, assets and economic activities of people living or using land in or around project sites are expected to be limited and involuntary displacement, if any, is likely to be highly localised. However, in order to cope with the limited negative impacts of the project, mitigation measures and institutional arrangement has been set up. Nonetheless, the project will generate significant positive impacts on socioeconomic and the environment.

The potential resettlement impacts that could arise as a result of the project and may cover the loss of: (i) agricultural land; (ii) non-productive fruit and shade trees; and (iii) economic trees. It is worth to mention, that the Angolan Land Law was passed by the National Assembly in 2004 and determines that the land is originally State property. Land classified as belonging to the States' public domain cannot be alienated in any form (Article 29-2). However, the Law recognizes the possibility of transmission of property over land classified as belonging to the States' private domain. In accordance with this principle, the transmission of land property and the acquisition of other rights over land is authorized (Article 34) to individuals or associations, both national and non-national. For the AF projects, communities, individuals or entities may agree to provide land or give up assets or access to assets in exchange for desired benefits. Any measures to protect voluntary land donations or impacts are covered in the Project's Environmental and Social Management Framework and therefore will not be considered under the RPF. However, an impact mitigation matrix is presented in this updated version of the RPF. In line with this and based on the potential limited impacts of the project a compensation matrix which also includes the compensation mechanism and the implementation approach it is presented in the RPF and sets the standards for compensation.

The updated RPF can be applied for the three project component for which the RAP will be required. RAP preparation will follow the four standard steps: (i) Prepare a Social and Economic Assessment; (ii) Based on the socio-economic assessment, develop a matrix of compensation for the different categories of affected persons/resettlement; (iii) Design a compensation/resettlement implementation plan; and (iv) Implement, monitor, and evaluate the compensation and resettlement plan.

The AF will maintain the structure of the parent Project, with the FAS as the implementing agency under the Ministry of Territorial Administration (MAT), and will promote synergies and complementarity with other institutions involved in Poverty Reduction in Angola such as the Ministry of Family and Gender Promotion (MINFAMU) and the Ministry of Reinsertion and Social Assistance (MINARS). Municipalities will play a more important role in the implementation of Project activities, in line with GoA's decentralization efforts.

## INTRODUCTION

This document represents an update of the RPF prepared for the implementation of the Local Development Project (LDP). The RPF has been updated to reflect the changes in Project components. No changes are expected in Project areas of implementation.

The process to prepare the RPF consisted of the evaluation of the safeguards activities under FAS I, FAS II, FAS III and the first phase of the LDP plus consultations with local, provincial and central Governments, civil society (NGOs and community representatives and donors (EU, WB, UNICEF).

### 1.1 Background to the project

The 27 years of armed conflict in Angola have had a profound effect on all aspects of social and economic life in the country. The conflict, and in particular the considerable internal displacement, caused widespread poverty, weak governance, resource mismanagement and stalled democratisation. Since the signing of a formal ceasefire agreement in April 2002, Angola has been struggling to complete a complex triple transition: from war to peace; from centralised to democratic government; and from a state-controlled economy to a market economy.

The peace agreement has provided Angola with a unique opportunity to achieve a permanent reduction in poverty. The World Bank (WB) is providing technical and financial support to the Government of Angola (GOA) to plan and implement the Interim Poverty Reduction Strategy. The framework for the WB/GOA co-operation is described in the Transitional Support Strategy (TSS) which is organised around:

- enhancing the transparency, efficiency and credibility of public resource management;
- expanding service delivery to war-affected and other vulnerable groups; and
- preparing the ground for broad-based, pro-poor economic growth.

In 1994 the Social Action Fund (FAS) was established with the intention of improving access to basic services and to generate temporary employment for the poor in rural and peri-urban areas, through rehabilitating and re-equipping community infrastructure in health, education and sanitation. FAS is a demand-driven funding mechanism intended to help the process of poverty alleviation and human resource development in the country. FAS directly supports all three pillars of the TSS and can be considered to be an important agent in the triple transition that the country is going through.

The initial FAS project (FAS I) included a wide range of sub-projects which primarily focused on the reconstruction and re-establishment of essential social services. Some 668 projects were financed. FAS I was successful in channelling resources and technical expertise to improve access and quality of basic social and economic services through the provision of community based infrastructure to poor communities. It did not, however, focus on the process of strengthening human and social capital at the community level.

A second project (FAS II) was implemented in late 2000 and financed 940 sub-projects. FAS II had a stronger performance in building physical capital and started to build human and social capital of project partners (both at intermediary and community levels) within the framework of the project cycle.

A third Project, FAS III, although continued along these lines, was designed to achieve a more concerted effort, centring its efforts not only on physical infrastructure but also on human and social resources at both community and district levels. In FAS III, therefore, the

investments in physical, human and social capital were organized in a more sharply-focused Community Driven Development (CDD) framework in order to give greater control over decisions and resources to community groups and local institutions, including municipal government.

FAS III also operated in an environment that was clearly distinct from FAS I and the greater part of FAS II. Benefiting from the transition from prolonged conflict to peace, FAS was now able to expand its activities to previously inaccessible areas and to adapt its menu of interventions to meet the changes of Community Driven Development. The new socio-political environment also enabled FAS to play a more crucial role in the transition from post-conflict emergency to development. Benefiting from this favourable circumstances, FAS III has promoted a total of 1253 sub-projects.

The LDP project and its Additional Financing (AF) builds on lessons learned from FAS I, FAS II and FAS III.

While also concerned with the need of further expand basic social infrastructure, the LDP, reinforcing the trend initiated by FAS III, particularly stresses the importance of human development, capacity building and poverty reduction. Reflecting this wider perspective, the project is designed to achieve the following broad objectives:

1. Reduce regional asymmetries through the amplification of the infrastructure network and the improvement of the quality of basic social and public services.
2. Harmonize social and economic policies and initiatives in order to stimulate job creation and to increase household revenue.
3. Disseminate planning capabilities to local stakeholders in order to enhance their ability to prioritize, design, manage and monitor local development plans.
4. Respond to the individual and household challenges as well as the needs of the chronic poor and vulnerable exacerbated by the current crisis.

Furthermore, in terms of its strategic approach, and benefiting from the conclusions extracted from previous experience, LDP contains three main conceptual innovations when compared to the preceding phases:

1. It has a territorial focus (instead of being focused on projects) in the sense that aims to enhance socio-economic capabilities on a territorial basis in order to reduce regional disparities.
2. Is designed to act at municipal level through a holistic local development approach promoting the interaction between three complementary components, namely the provision of infrastructure and basic social services, the development of the local economy and entrepreneurial culture, and the promotion of capacity-building initiatives aimed at enhancing local management skills.
3. It proposes to prioritize actions and investments based on quantitative and qualitative criteria and projected on the basis of management instrument.

It must also be highlighted that LDP identifies the environment as requiring special attention within the overall framework of the project.

Being said that, Angola is currently facing one of the most acute crises in its history, which is causing severe effects to the economy and the country's population. The crisis was ignited by the massive drop in oil prices and has represented a major shock for an oil-dependent economy like Angola. The difficulty Angola faces to diversify away from oil aggravates the problem and therefore mitigating measures to protect the poorest are necessary. In line with this, the AF to the LDP will support preserving the progress made by GoA in alleviating poverty and delivering services to the poor and vulnerable while partially compensating for lower oil revenue that has already been translating into lower social expenditure.

Considering the successful implementation of the LDP, Angola is on a positive path to initiate the implementation of social protection programs aiming at protecting the poorest and promoting their productive inclusion.

The AF – like the original LDP - will include three components and will add three additional subcomponents. The new subcomponents aim at (i) continuing supporting full integration of the CDD approach (including deconcentration and decentralization) into the government strategy for inclusive growth and shared prosperity; (ii) increasing the number of poor households with access to productive inclusion as part of the GoA economic diversification Strategy; and (iii) responding to individual and household challenges as well as the needs of the chronic poor and vulnerable exacerbated by the current crisis.

## **1.2 Summary description of the project**

The development objective of LDP is to achieve improved, expanded and sustainable utilisation of basic social and economic services and to support a governance system where local government and communities can gradually become mutually accountable. To reach that development objective,

The PDO of the LDO and its AF is to improve access of poor households to basic services and economic opportunities, and to enhance local institutional capacities among Angola's municipalities, will remain unchanged.

To reach those development objectives, LDP relies on the following components:

**Component 1 - Local Social and Economic Infrastructure.** This component finances works, goods and consulting services needed to construct and rehabilitate social and economic infrastructure. Sub-projects are identified following participatory procedures and prioritized in a local development plan prepared by the municipal authorities and councils as described in the LDP Project Document. Development of social infrastructure is guided by both vulnerability and actual needs. Component 1 will be implemented in 17 municipalities and the selection of municipalities will follow poverty and vulnerability criteria, which are based on: (i) poverty rates at provincial and municipal level according to recently developed poverty maps; (ii) coverage of basic public service; (iii) commitment from sectors to invest in the maintenance of the infrastructures and in the supply of human resources to run the facilities (teachers, doctors and nurses, mainly); and (iv) availability of other financial sources (no overlap with EU project). Component 1 will use a combination of direct execution through FAS and Block Grants to selected municipalities to execute their own development plans.

*New Subcomponent 1.1: Productive safety nets.* The objectives of this subcomponent are to provide additional income to poor and vulnerable households, by combining cash transfers with the creation basic local productive infrastructure and providing skills and on-the-job training. This subcomponent will be implemented in six municipalities, selected among the poorest in the country. Approximately 7,000 beneficiaries will participate in cash for work activities distributed on work sites of approximately 200 participants each. Working days will be of four hours to facilitate participation of women, who need to have time for other tasks. The type of activities to be carried out will be labor intensive: 60 percent of the cost will go to labor costs and 40 percent to materials and technical supervision. Activities will aim at improving the natural and productive environment, and will mostly consist of soil and water conservation interventions, and small productive infrastructure. The design and supervision of the works will be carried out by municipal technical services. Selected vulnerable households with no members able to participate in cash for work activities will benefit from direct cash transfers.

**Component 2 - Local Economic Development.** The objective of the Local Economic Development (LED) component is to improve the access to economic opportunities and skills to poor and vulnerable households and promote market access by the selected producer groups and individuals. The Component will finance *Matching Grants* in twelve municipalities in 4 provinces. *Matching grants* will support municipalities, beneficiary associations, cooperatives and micro-enterprises and will only finance activities that have potential to catalyze local economic development. Activities to be financed through *Matching Grants* will be screened, assessed and approved by FAS and the respective technical sector.

*Subcomponent 2.1: Productive inclusion.* In addition to supporting *Matching Grants*, Component 2 will also include a subcomponent aiming at promoting productive inclusion of poor and vulnerable households. These activities would include providing skills and grants to poorer population groups, who could not afford to match grants, to promote self-employment, entrepreneurship and increase local productivity and enhancing linkages with other existing Government initiatives on youth productive inclusion (e.g the new Commercial Agriculture Initiative, Farmer Field Schools, etc.).

The productive inclusion sub-component would be implemented through three main pillars. The first pillar would be a mandatory training/capacity building package to make sure that all productive inclusion participants receive training on soft skills, basic financial management, financial literacy (including savings) and entrepreneurship, including how to prepare a simplified business plan. At the end of the training, beneficiaries will develop a simplified business plan for a productive activity based on their capacity and potential returns. The second pillar would be an asset transfer based on performance. Beneficiaries of the productive inclusion component will receive two asset transfers. The third pillar of the sub-component would be related to technical assistance and extension services. FAS will ensure



that all productive inclusion beneficiaries have proper access to extension services or technical assistance for at least two years. This will be ensured through provision or direct technical assistance by FAS staff and through coordination with technical sectors (Agriculture, Commerce, etc.) at municipal level.

**Component 3 - Local Institutional Strengthening.** The AF will scale up capacity-building activities for participatory planning, management and monitoring of basic public service delivery and expenditure management in 33 selected municipalities. This Component will include capacity building to municipalities in public procurement, public management of infrastructures, social and environmental management and monitoring and evaluation of public expenditure among other activities. The Component will measure results and ensure adequate implementation of the project at central, provincial and local levels. This will include completion of the impact evaluation of the LDP by carrying out follow up surveys to the rigorous baseline survey implemented under LDP. The Component will add activities on social communication to enhance accountability by developing grievance and redress mechanisms to get feedback from local populations on the implementation of the different activities. The grievance and redress mechanism will be integrated in the municipal MIS developed under the LDP. Component 3 will invest in FAS' capacity to lead the decentralization processes and all training activities to be performed at municipal level will be implemented in partnership with the Institute of Local Administration Training (IFAL).

*Sub-component 3.3: Support to Health and Community Development Agents (ADECOS).* This subcomponent will integrate the ADECOS in Component 3 to make the link between beneficiaries and social services. ADECOS are Health and Community Development Agents that will perform intermediation services to make the link between beneficiaries and social services. To do that, the ADECOS will be in charge of mapping existing social services and referring potential beneficiaries to these when necessary. The ADECOS are selected within the participating municipalities and need to be residents from the municipality where they will work. The support to ADECOS will be done in ten selected municipalities.

The following table summarizes the geographical scope of the AF to the LDP:

Province	Municipality	Basic Social Infrastructure	Productive Safety Nets	Matching Grants	Productive Inclusion	Local Institutional Strengthening	ADECOS
CABINDA	Buco Zau					1	1
ZAIRE	Tomboco				1	1	
BENGO	Bula Atumba					1	1
LUANDA	Cacuaco					1	1
LUNDA SUL	Muconda	1	1	1		1	1
MOXICO	Luacano	1	1	1		1	1
	Bundas	1				1	
	Luau				1	1	
MALANJE	Cacuso				1		
	Quela		1	1		1	1
CUANZA NORTE	Lucala					1	
UIGE	Uige					1	
BIÉ	Catabola					1	
CUANDO CUBANGO	Cuchi	1				1	
HUAMBO	Longonjo	1				1	
	Ucuma	1	1	1		1	1
	Huambo				1	1	
HUÍLA	Quilengues	1	1	1		1	1
	Cacula	1				1	
	Matala					1	
	Lubango				1	1	
CUNENE	Curoca	1				1	
NAMIBE	Camucuio	1				1	
	Virei	1				1	
	Bibala	1				1	
	Tômbwa				1	1	
BENGUELA	Chongoroi	1	1	1		1	1
	Caimbambo	1				1	
	Benguela				1	1	
CUANZA SUL	Seles	1				1	
	Conda	1				1	
	Cela				1	1	
	Amboím				1	1	
LUNDA NORTE	Cambulo	1				1	1

The LDP will continue to be co-ordinated by the FAS management institutions already established. FAS is an autonomous institution under the umbrella of the Ministry of Territorial Administration. At the national level it comprises the National FAS Directorship, which consists of an Executive Director, an Assistant Executive Director, an administration team and a central technical team known as the National Co-ordination Unit (NCU). Overall project oversight, including setting of FAS policy, is provided by the National Co-ordinating Committee (NCC), which consists of representatives of key government ministries, non-governmental institutions and civil society.

At the provincial level FAS is comprised of the Provincial FAS Directorship, with a Provincial Director, an administration team and a technical team. A Provincial Co-ordinating Committee (PCC), consisting of representatives of the provincial government, non-governmental institutions and civil society, ensures that FAS priorities are consistent with provincial priorities and to guarantee the involvement of line ministries in FAS activities. FAS operates in a fully decentralised way, with each Provincial Directorship responsible for selection and implementation of projects and activities in its geographical area with resources allocated from the centre directly to provincial accounts. Procurement activities are also carried out at the provincial level. Operationally, the main thrust of LDP implementation will be at the provincial level with each provincial FAS team (i.e. the FAS Team) working with communities, municipal governments and other implementing partners.

Municipal governments comprise municipal administrations, headed by a Municipal Administrator appointed by the central government, and municipal councils which comprise representative of municipal departments and sections and representatives from communities and civil society. In time, it is anticipated that the functions of the FAS Teams will be taken over by municipal governments. Social Promoters will provide the main link between the FAS Team and the communities.

Each FAS Team will be responsible for advising on all technical decisions required to successfully implement the civil works activities. Specifically, FAS teams will:

- advise the PCC on whether to approve the construction of a new project in a locality; and
- approve the selection of sites for the building of new projects based on submissions.

### **1.3 Preparation of the resettlement policy framework**

For WB supported projects the Bank requires that any project that causes involuntary displacement must be subject to the requirements of its Operational Policy on Involuntary Resettlement (OP 4.12). The policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in:

- relocation or loss of shelter;
- the loss of assets or access to assets important to production;
- the loss of income sources or means of livelihood; or
- the loss of access to locations that provide higher incomes or lower expenditures to businesses or persons.

Displacement may, therefore, be physical, economic, social or cultural. The WB describes these processes and outcomes as “involuntary resettlement”, or simply “resettlement”, even when people are not forced to move. For the purposes of WB OP 4.12 “involuntary” is taken to mean actions that may be taken without the displaced person’s informed consent or power of choice. Resettlement is involuntary if affected people do not have the option to retain the

*status quo* that they have before the project begins. WB OP 4.12 is applied whether or not the affected persons must move to another location.

Sector-wide projects and programmes, such as LDP, often involve multiple projects, some of which may require land and asset takings. Specific investment decisions are usually made during the life of the project. Individual projects are often not known at the beginning because they are to be selected at a later date. In such cases the WB OP 4.12 requires two types of resettlement planning.

The first is a Resettlement Policy Framework (RPF) which guides and governs LDP as projects are selected for inclusion. An RPF is prepared in situations where specific investment sites and details (i.e. individual projects) are not known. It is a statement of the policy, principles, institutional arrangements and procedures that will be followed for each project involving compensation and/or resettlement. It sets out the elements common to all the projects and allows for the principles and processes to be agreed. It, therefore, allows project implementers, who may be in many locations, agencies or communities, to undertake specific projects without having to renegotiate fundamental agreements. The RPF must be prepared, accepted and disclosed publicly before the WB will appraise the project.

The second element involves individual resettlement action plans (RAPs), based on the common policies, principles and arrangements contained in the RPF, the RPF and the RAPs being fully complementary to one another. They are undertaken for each project where displacement will occur, once more specific details of the location and nature of the project is known. When they are required individual RAPs must be prepared and reviewed before they are accepted for inclusion in the overall project or programme.

To assess and mitigate the potential environmental and social impacts of future CDC and MDC projects effectively an environmental and social management framework (ESMF), which includes an environmental management plan (EMP), is being prepared. The ESMF represents a screening process that facilitates the early identification of potential impacts related to site selection, soil erosion, soil and water pollution and waste management as well as operation and maintenance of projects. It outlines a process for assigning environmental categories to the proposed projects and outlines the institutional arrangements and time horizons for the implementation of mitigation measures and the monitoring of the implementation of these mitigation measures.

As part of the preparation of the LDP an RPF is required to meet the requirements of the GOA and the WB. Although an integral part of the EMP recommendations in the ESMF, the RPF is presented as a separate document.

For the LDP the nature and size of possible projects suggests that the magnitude of adverse environmental and social impacts will be minimal. Minor socio-economic impacts, including the need to permanently or temporarily acquire land and productive resources may, however, be encountered with certain projects. Displacement and the subsequent need for relocation and/or compensation, as a result of project implementation, is expected to occur only in a few exceptional cases and the degree of displacement is not expected to be significant.

As of March 2017, for the first phase of the LDP, no issues related with land acquisition were identified and none of the infrastructure built under the Project resulted on direct or indirect impacts on populations living in the Project areas.

One of the criteria for projects to be eligible for FAS financing is that the participating community needs to demonstrate an officially sanctioned right to use or benefit from the land where the facility is going to be built. In order to demonstrate or acquire such right, any

displacement (from land, resources other assets or access to assets) must be undertaken with the proved, agreed and informed consent of any displaced person/s or entity. No compulsory land acquisition will be entertained. In cases where there is need to voluntarily relocate affected people and/or provide replacements or compensation for losses incurred this must be arranged and implemented locally within communities and with the municipal administrations. No project will be approved if it would require involuntary displacement or resettlement or if a grievance is currently being filed or is unresolved.

From the experience of FAS I, FAS II, FAS III and the first phase of the LDP most communities were able to demonstrate rights over the land on which infrastructure was to be located. In cases where an individual had the right to use or benefit from the land in question (whether officially recognised or not) it was usually agreed that the affected person would voluntarily cede the land (and/or assets) in return for replacement land (and/or assets) being provided by the community or local administration.

For the LDP and its AF this RPF has been prepared to present the procedures to be followed when a project is identified as having impacts on land rights, assets or access to assets and which will entail the involuntary ceding of land and assets by affected persons or entities in return for replacements or other forms of restoration. Exact procedures will differ according to local circumstances but the procedural guidelines will be incorporated in the FAS Operational Manual. The RPF has been structured according to the requirements of WB OP 4.12, taking into consideration that, in principle, no compulsory land or asset acquisition or involuntary resettlement is involved. Also in principle, therefore, individual project RAPs will not be required although the RPF requires that certain planning documents and certificates be submitted with project dossiers for approval.

Consistent with the WB's Disclosure Policy, the RPF, as part of the overall ESMF and EMP will have to be disclosed prior to appraisal. Disclosure will take place in Angola as well as in the WB Infoshop. Thus, the GOA will disclose the document in-country while forwarding a letter to the Bank, authorising the latter to disclose the document in the WB Infoshop.

## **POSSIBLE ADVERSE SOCIAL IMPACTS OF PROJECT COMPONENTS**

Although a “menu” of possible eligible types of projects for the LDP has been formulated the exact nature, size and location of individual projects is not known. It is therefore not possible to predict with any degree of certainty the type and extent of any adverse social, economic and cultural effects.

LDP projects will, however, be relatively small in physical and financial terms. Given the nature and size of the civil works it is highly unlikely that significant quantities of land will be required for project infrastructure and activities and that no or little involuntary displacement of affected persons is likely to occur. If a particular project does require land for project infrastructure and activities, it is probable that the amount of land involved will be very small. Therefore, any potential impacts regarding the land, assets and economic activities of people living or using land in or around project sites are expected to be limited. Involuntary displacement, if any, is likely to be highly localised.

The only components that is likely to generate any impact is component 1 on creation of basic social infrastructure and subcomponent 1.1 on productive safety nets.

On the basis of available information, possible projects and project activities that may require land to be acquired, either permanently or temporarily, and which may adversely affect assets or livelihoods of displaced persons (DPs) are briefly described below.

### **Component 1: Construction of Basic Social Infrastructure**

#### **1.4 Large to medium size buildings**

Many LDP projects are likely to involve the construction of new fairly large to medium size buildings, such as educational facilities (e.g. schools, training centres, kindergartens, orphanages and multi-purpose social centres) and health facilities (e.g. health posts and centres, maternity posts and hygiene posts), or the rehabilitation of existing structures. Most such projects may include ancillary facilities, such as water supply, sanitation, drainage, fences and access.

The construction of new buildings will result in the loss of a certain amount of land but will, in most instances, not lead to the permanent displacement of affected people or entities, particularly if a building is sited on unoccupied and otherwise unclaimed land “held” by the benefiting individual community.

Certain public or community buildings may, however, have to be constructed on land which is being occupied or utilised, in one form or another, by other people or entities. An example is a primary school in a rural or peri-urban area which is to be constructed on land that currently contains residential structures or is being used by farmers for growing crops on or by communities for grazing livestock on. In such a case the construction of the school buildings would lead to displacement through the loss of residence, productive land, assets or access to resources. During construction existing trees and vegetation may need to be cut down, which will represent a permanent loss of assets to some DPs. The areas of land involved are, however, likely to be very small and it is highly unlikely that LDP projects involving the construction of fairly large to medium size buildings will require the involuntary acquisition of land or cause displacement. Buildings should always be sited so as to cause as little disturbance to human activities and private property and assets as possible. Where possible, buildings should be sited on unused public or “waste” land.

During the construction of the buildings some losses may be experienced due to the need to acquire land for activities such as gaining access to sites, storage of construction materials and storage of spoil. Losses might include small areas of land, crops, fruit trees, other

plants, paved areas and fences. Losses are generally expected to be mostly temporary and are most likely to be due to damage caused by construction machinery and personnel.

The construction of buildings and, particularly, the erection of fences around buildings, may, in certain cases, cut off traditional access routes, such as pathways and livestock routes, and impede accessibility to locations and resources. The result is likely to be inconvenience rather than displacement but remedial measures may need to be considered.

### **1.5 Small buildings and infrastructure**

It is likely that most of the LDP projects will involve the establishment or rehabilitation of small buildings or structures. These may include, for example, health related facilities, sanitation facilities (e.g. family latrines, public toilets, simple laundry structures (e.g. washing slabs), bath houses and combinations of these with other sanitation facilities or water supply facilities) and production related infrastructure or materials (e.g. markets and market stalls), structures for bread making (e.g. bakeries) and small livestock slaughter facilities).

The amount of land required for such facilities, and therefore any resultant involuntary displacement, is generally likely to be minimal. During construction some losses may be experienced due to the need to acquire land for activities such as gaining access to sites, storage of construction materials and storage of spoil. Losses might include small areas of land, crops, fruit trees, other plants, paved areas and fences. Losses are generally expected to be mostly temporary and are most likely to be due to damage caused by construction machinery and personnel. Such impacts can be minimised by careful site selection, so as to avoid disturbance to human activities and private property and assets. Where possible, they should be sited on unused public or “waste” land.

### **1.6 Water supply and distribution projects**

Small water supply and distribution infrastructure is most likely to include wells, boreholes and other water supply points, with or without manual pumps. Small reticulation systems, together with storage tanks and standpipes, may also be installed.

Such water supply systems are unlikely to take up any land of significance and they should, as far as is possible, be located so as to cause as little disturbance to human activities and private property and assets as possible. In the unlikely event that areas of land may need to be compulsorily acquired, the area required is expected to be insignificant

In most cases any displacement is likely to be temporary in nature and will usually be experienced during construction and installation due to the need to acquire land for activities such as gaining access to sites, storage of construction materials and storage of spoil. Losses might include small areas of land, crops, fruit trees, ornamental plants, paved areas and fences. Such temporary losses are most likely to be due to damage caused by construction machinery and personnel.

### **Component 1.1: Productive safety nets**

Since subproject activities are not known, their associated potential environmental and social impact cannot be determined. Nonetheless, considering the loan conditions, and the type of project support, potential environmental and social risks can be anticipated, together with some mitigation measures. The project will finance small scale, focused, short term, labour intensive works (i.e., at least 60% labour) as a mechanism to effect transfers to poor communities and create basic social infrastructure.

Public works will mainly consist of road and bridges rehab and maintenance, which intervention is in most cases limited to clearing, patching, and building or rehabilitating drainage infrastructure; building or repairing community infrastructure such as hospitals, warehouses, schools, parks, cemeteries, and piers; building small sanitary facilities such as septic tanks, canals, and cleaning and maintaining sewage infrastructure; and cleaning and collecting and disposing solid waste. Impacts will result from production and potential dispersion of debris and construction waste, liquid waste management, occupational and industrial risks, soil erosion and degradation in construction zones, noise and air pollution from the movement of vehicles, materials, waste and other equipment. The table below presents some of the potential subproject activities that could be financed under the project, grouped by the type of environmental potential impacts.

**Table 2: Lists of Potential Sub-Projects**

<b>List of Potential Sub-Projects</b>	
<b>CONSTRUCTION</b>	<b>SANITATION AND WASTE MANAGEMENT</b>
<ul style="list-style-type: none"> <li>• Production of construction blocks;</li> </ul>	<ul style="list-style-type: none"> <li>• Construction/rehab of small sewage facilities;</li> </ul>
<ul style="list-style-type: none"> <li>• Rehabilitation/renovation of community buildings;</li> </ul>	<ul style="list-style-type: none"> <li>• Parks and public space cleaning;</li> </ul>
<ul style="list-style-type: none"> <li>• Market repairing and rehabilitation;</li> </ul>	<ul style="list-style-type: none"> <li>• Garbage and domestic waste collection;</li> </ul>
<b>WATER AND DRAINAGE</b>	<ul style="list-style-type: none"> <li>• Digging of septic tanks;</li> </ul>
<ul style="list-style-type: none"> <li>• Construction of water harvest facilities;</li> </ul>	<ul style="list-style-type: none"> <li>• Waste disposal site conditioning;</li> </ul>
<ul style="list-style-type: none"> <li>• Rehabilitation of drainage channels;</li> </ul>	<ul style="list-style-type: none"> <li>• Recyclable waste collection</li> </ul>
<ul style="list-style-type: none"> <li>• Construction of water pumps;</li> </ul>	<b>GARDENING</b>
<ul style="list-style-type: none"> <li>• Construction of water standpipes;</li> </ul>	<ul style="list-style-type: none"> <li>• Gardening at parks, cemeteries, public spaces;</li> </ul>
<ul style="list-style-type: none"> <li>• Construction/rehab of small water channels;</li> </ul>	<ul style="list-style-type: none"> <li>• Cleaning of drainage channels;</li> </ul>
<ul style="list-style-type: none"> <li>• Construction of small dams and irrigation channels;</li> </ul>	<ul style="list-style-type: none"> <li>• Landscaping in urban areas;</li> </ul>
<ul style="list-style-type: none"> <li>• Drilling of boreholes;</li> </ul>	<ul style="list-style-type: none"> <li>• Pruning and fertilization;</li> </ul>
<b>ROAD AND BRIDGES</b>	
<ul style="list-style-type: none"> <li>• Construction of culverts;</li> </ul>	
<ul style="list-style-type: none"> <li>• Bridge repairing;</li> </ul>	
<ul style="list-style-type: none"> <li>• Road rehabilitation and maintenance;</li> </ul>	

### 1.7 Positive Environmental and Social Impacts

The overall project impact is expected to be positive, in particular as subprojects provide new jobs and income generation opportunities for poor families. Following is a list of the most prominent positive environmental impacts associated with the type of subproject activities:

#### Waste Management and Sanitation

In general, all waste management and sanitation activities will bring about improved health conditions of people, through

- Reducing disease risks and sickness vectors, through reduction in pest hosting places



- Reducing exposure to, and bad odours which may generate unpleasantness, headaches, and nausea
- Reducing emissions of dust and particle matter, which may affect vision and create respiratory and pulmonary diseases.
- Reducing exposure to unpleasant views, where exposed garbage may induce nausea and unpleasantness.
- Reducing exposure to sharp edges from wastes.
- Reducing exposure to contaminated water and soils, direct or through the food chain, which may convey gastric and respiratory diseases

### **Road and Bridges**

Positive environmental and social impacts from road and bridges maintenance and repair relate to the gains in efficiency for moving goods and people, which have economic (ie, lower costs) and health implications (ie, proximity to hospitals and health centers, less accidents, and less dust emissions).

### **Water and drainage**

Positive environmental and social impacts from water and drainage relate to:

- Health improvement, as a result of better water access
- Potential economic gains from water use in agriculture and pastoral activities
- As water becomes more available, conflicts will also decline.
- Drainage also helps mitigate damage to buildings, infrastructure, housing and agriculture as flooding risks and erosion get better management
- Cleaning of drainage channels also have health effects as production of methane gas, odours, and garbage related problems is also diminished

### **Construction**

Construction of community facilities has many benefits, relating to the type of infrastructure being built, or rehabilitated, but include health and education, to governance and economic benefits. Health facilities, schools and educative centers, community centers, administration buildings all lead to better and healthier communities. Market and logistic infrastructures help improve economic potential of local population.

### **Parks and gardening**

Landscaping, gardening, and taking care of parks and public spaces bring about benefits such as public safety, as more people is attracted, and social control is easier. Also, pleasant views improve quality of life of town inhabitants. Moreover, plants and trees get healthier under proper pruning and fertilization practice.

Soft activities not involving works or construction also have potential environmental and social benefits. Vaccination campaigns help prevent disease, bringing about health benefits, which can be even more important under drought conditions and poor health care coverage. Other activities such as tourist guides help improve tourism potential which generate additional income sources for the local population. Nursing and elderly care brings about social benefits, as the most vulnerable can get their conditions of life improved.

## **1.8 Potentially Adverse Environmental and Social Impacts**

The overall project impact is expected to be positive. Nonetheless, there will be potential negative environmental impacts, related to the construction or implementation phase.

Adverse impacts may result from production and potential dispersion of debris and construction waste, liquid waste management, occupational and industrial risks, soil erosion and degradation in construction zones, noise and air pollution from the movement of vehicles, materials, waste and other equipment. Soft activities with potential minor environmental impacts include vaccination campaigns, as medical waste needs to be properly managed and disposed of. Potentially adverse impacts may be grouped according to the type of environmental and social risks attached:

### **Air pollution**

Emissions can be generated during construction as a result of machinery and equipment involving gasoline and diesel engines. Diesel power plants may also be harmful, as incomplete combustion of its fuel generate emissions of NO<sub>x</sub>, SO<sub>x</sub>, CO, VOCs, and fine particles. Particles are especially harmful, and exposure can aggravate or induce respiratory diseases. Dust is also harmful, moreover for people with allergy conditions.

### **Noise**

As with emissions, the use of machinery or equipment may generate high level of noise, which can affect local exposed population. Prolonged exposure to noise may generate nervous affections.

### **Water pollution**

Liquid waste from machinery and equipment may spill and contaminate soil and nearby water bodies. Also, rainwater sitting on old tyres, or empty containers may become a host media for insect reproduction and disease spread.

### **Solid Waste**

During construction, debris and wastes are usually generated, creating unwanted and unpleasant views, but moreover, generating the potential emission of dust. Also, improperly managed construction waste may generate accidents to both workers and by-passers. Other type of waste such as empty and dirty packages and containers, may generate spills and contamination. Organic waste may also be hazardous, as disease vectors may develop.

### **Green areas**

During construction, some affections to green cover may be generated, as new materials and debris temporary deposits may be generated. Also, traffic detours during construction may impact plants and grass. This may also be a problem in material borrow source areas.

### **Traffic restrictions and safety**

During construction, traffic deviations and restrictions are usually necessary, and may generate accidents, especially when there are conflicts of modes (ie, pedestrians, motorbikes, buses, cars, horse carts). In some other cases, it may be necessary to temporarily change pedestrian accesses and paths, which may induce discomfort from local shops and residents.

### **Occupational health and safety**

During construction, there are occupational health and safety risks that need proper management. Risks are usually associated to the practice for handling tools and equipment, to the lack of proper clothes and protective gear, and to the management of contingencies

and accidents. Works in heights, such as tree pruning or bridge maintenance are particularly risky. Also, digging and drilling boreholes and water wells may generate safety risks.

### Affection of cultural heritage

In works involving digging and drilling, there may be chance finds of objects of cultural and heritage value.

### Social impact

Local communities may be impacted, due to exposure to noise or pollutants, restrictions in traffic and access, and potential interest in being employed in the field works.

### Involuntary resettlement

The overall project impact is expected to be positive. Nonetheless, there will be potential negative effects. New works, such as a new channel may affect pasture land areas or ranching. Actual displacement of residences or businesses is not envisioned, due to the nature of project activities.

## 1.9 Mitigation Measures

Following is a set of measures that can mitigate the potential environmentally and socially adverse impacts that may arise as a result of implementing subproject activities. The table below links the general impacts to potential mitigating measures. All category B and C projects are to use this table as a guide. EAS for category B projects should carefully devise specific mitigation measures for the specific subprojects, as part of the EMP to be developed.

Element	Impact	Mitigating Measure
Air Pollution	Emissions from equipment and machinery	<ul style="list-style-type: none"> <li>Equipment maintenance practice</li> <li>Equipment specifications avoid old vehicles</li> </ul>
	Dust emissions	<ul style="list-style-type: none"> <li>Permanent coverage of construction waste and materials</li> <li>Surface wetting depending on water availability</li> <li>Transportation truck tarp coverage</li> </ul>
Noise	Noise from machinery and equipment	<ul style="list-style-type: none"> <li>Equipment specifications avoid old vehicles</li> <li>Working schedule agreed with exposed community</li> </ul>
Water pollution	Liquid waste from machinery	<ul style="list-style-type: none"> <li>Equipment maintenance practice</li> <li>No fuel charge or oil change on works area</li> <li>Lining under liquid chemicals or fuel or oil</li> </ul>
	Rain water sitting	<ul style="list-style-type: none"> <li>Proper disposal of containers and tires</li> </ul>
	Waste water	<ul style="list-style-type: none"> <li>Proper portable WC containers and proper maintenance, located at least 50 m away from water bodies</li> <li>No spillage to take place during WC cleaning. Use of lining or impermeable material</li> </ul>
Solid Waste	Dispersion of dust from construction waste	<ul style="list-style-type: none"> <li>Permanent coverage of construction waste and materials</li> <li>Daily removal of debris</li> <li>Works enclosure and proper signalling</li> </ul>

Element	Impact	Mitigating Measure
	Waste management	<ul style="list-style-type: none"> <li>• Garbage collection at works area</li> <li>• Disposal at authorized sites</li> </ul>
Site demarcation	Signalling and zoning	<ul style="list-style-type: none"> <li>• Clear works isolation (eg, plastic)</li> <li>• Materials covered and organized</li> <li>• Materials and debris storage areas in places where stormwater runoff is avoided</li> <li>• Stockpiles not taller than 1.5 m</li> <li>• Space for vehicles clearly marked</li> <li>• If possible, no fueling or smoking on the site</li> <li>• Contingency plan ready</li> <li>• WC properly maintained</li> <li>• Proper drainage for rain event protection and erosion avoidance</li> </ul>
Equipment and Machinery	Equipment maintenance	<ul style="list-style-type: none"> <li>• Maintenance on work site premises should be avoided</li> <li>• Maintenance and fueling should take place on workshop outside works area</li> <li>• Equipment and vehicle must have maintenance records and be in good condition</li> <li>• Washing of vehicles on camp premises, not on nearby water bodies</li> <li>• Washing areas must be lined or covered with waterproof material</li> </ul>
Green cover	Green cover removal	<ul style="list-style-type: none"> <li>• Use proper lining to set materials, debris, equipment</li> <li>• Except to the extent necessary for establishing the construction site and carrying out the construction works, vegetation shall not be removed, damaged or disturbed.</li> <li>• Trees should be trimmed rather than removed wherever possible.</li> <li>• When intended, removal must be compensated</li> <li>• After leaving works area, camp and sites need to be restored to original conditions</li> </ul>
Traffic restrictions	Traffic restrictions and deviations	<ul style="list-style-type: none"> <li>• Traffic plan agreed with authorities and socialized with community</li> <li>• Proper signalling</li> <li>• Pedestrian paths properly segregated and signalled</li> <li>• New access roads to be avoid if possible</li> <li>• Public roads to be kept out of mud and sand</li> </ul>
	Accidents risk	<ul style="list-style-type: none"> <li>• Proper pedestrian paths</li> <li>• Signalling and traffic auxiliary personnel at crossings</li> </ul>
Occupational Health and Safety	Occupational risks	<ul style="list-style-type: none"> <li>• Training for dangerous procedures and for emergencies</li> <li>• Safety protocols in place for risky tasks</li> <li>• Proper clothing and protective gear</li> <li>• Contingency plans and first aid kit</li> </ul>

Element	Impact	Mitigating Measure
		<ul style="list-style-type: none"> <li>• Fire prevention equipment must be in place</li> </ul>
Interference with Utilities and Services	Existing or new utility network	<ul style="list-style-type: none"> <li>• Coordination with public service or utility providers is necessary</li> <li>• In case of damage, repairs will have to be bore by the subproject developer</li> </ul>
Cultural heritage affection	Chance finds	<ul style="list-style-type: none"> <li>• Chance find procedures in EMP</li> <li>• The developer will be required to produce description for all construction activities that will occur within or close to grave sites, graveyards or other cultural, historical or archaeologically sensitive areas.</li> <li>• If remains or artefacts are discovered on site during earthworks, chance finds procedures recognize that work shall cease and the subproject developer shall immediately contact the relevant authority.</li> </ul>
Construction Camp	Restriction and EMP for camp	<ul style="list-style-type: none"> <li>• If a construction camp is to be established, it need to be more than 20 m from watercourses and wetland</li> <li>• Must have proper toilet and worker change facilities</li> <li>• Must have first aid kit and contingency plan</li> <li>• Must have clearly marked areas for fuel, material, waste storage</li> <li>• Cooking and eating restricted to designated areas</li> <li>• Area must be restored to original conditions after camp dismantlement</li> <li>• Fuelling on designated, lined or impermeable areas</li> <li>• The developer shall ensure that all liquid fuels and oils are stored in tanks with lids and that these are kept firmly shut and locked at all times</li> <li>• The storage tank shall generally not exceed a capacity of 9000 litres and shall not be used for the storage of liquids other than those with a flash point in excess of 40 °C, and should allow for expansion of the stored product with any rise in temperature</li> </ul>
Social Impact	Potential exposure to environmental risks	<ul style="list-style-type: none"> <li>• Socialization meetings</li> <li>• Point of contact for information, requests, and claims</li> <li>• Grievance mechanism</li> </ul>
Involuntary resettlement	Involuntary economic or physical displacement	<ul style="list-style-type: none"> <li>• Resettlement Policy Framework and Resettlement Action Plan for specific subproject cases</li> <li>• Agreed compensation measures</li> <li>• Avoid displacement</li> </ul>

## THE LEGAL FRAMEWORK FOR LOSS OF LAND AND ASSETS

The Land Law was passed by the National Assembly in 2004 and determines that the land is originally State property (Article 5). Land classified as belonging to the States' public domain (Article 29-1) cannot be alienated in any form (Article 29-2). However, the Law recognizes the possibility of transmission of property over land classified as belonging to the States' private domain (Article 6). In accordance with this principle, the transmission of land property and the acquisition of other rights over land is authorized (Article 34) to individuals or associations, both national and non-national (Article 42).

Private property rights, however, are limited to urban land plots (Article 35-2), private ownership of rural land not being permitted (Article 35-3). Also, and in principle, rights to land use and occupation may not be issued in rural areas occupied by rural populations (Article 37-3).

The right to property, use and benefit from land may be acquired by individuals or associations, both national and non-national, based on the authorisation of a formal request made by the proponent. The Law allow individuals or entities to purchase land from the State. However, the processes dealing with land legislation are very bureaucratic, obscure and expensive and it is highly probable that many occupiers and users of land in LDP project areas (e.g. in rural and peri-urban areas) do not have official title to the land that they occupy and use. Most people in such areas rely on informal arrangements, including an unofficial land market, to obtain title to land or to use and benefit from land. While such arrangements are not always legally recognised they are usually recognised by communal authorities.

Land rights may be extinguished by the State in the public interest and in such cases the land reverts to the State, However, it is incumbent upon the State to pay a fair and just compensation.

The GOA does not have a specific resettlement policy for cases where vulnerable groups are displaced. Other than stating that compensation should be paid when land is expropriated in the public interest, the Land Law does not expand on issues related to compensation, in terms of the principles, forms, eligibility, valuation, adequacy, procedures, timing and responsibilities.

There are no specific guidelines regarding compensation and fairness and the principles and procedures are often drawn up and agreed to among the main stakeholders on a case by case or individual project basis.

It is sometimes problematic when only a very small portion of a DP's land holding is required for a development project and where the loss of this small portion does not effect the overall viability or productivity of the whole land holding. It might be impractical or impossible to provide alternative small parcels of land in the immediate vicinity and other forms of compensation or restoration have to be considered.

There may be a few cases where some people are occupying and using land for which they have no legal right of use and benefit. Such land may include, for example, total or partial protection zones or land for which other people and bodies have legal rights of use and benefit (i.e. rented housing and land). In some cases it may also be possible that people have been granted land by the authorities but they do not have "authorisation" to use and benefit from the land. However, it has been common practice to treat such cases in the same way as people with legal rights to use and benefit from land and this is not at variance with the WB requirement that all DPs, regardless of their tenure status, should be provided with compensation and resettlement measures. This principle will apply to all projects to be developed under LDP.

There is no explicit legal provision for DPs to appeal against levels of compensation or other resettlement measures provided although DPs have final redress to the courts. Generally, there are well established local mechanisms for conflict resolution amongst communities.

Since all transfers of land and/or assets involved with LDP projects are to be conducted purely on a voluntary basis the question of compulsory acquisition will not apply.

For LDP projects communities, individuals or entities may agree to provide land or give up assets or access to assets in exchange for desired benefits. Any measures to protect voluntary land donations or impacts are covered in the Project's Environmental and Social Management Framework (ESMF) and therefore will not be considered under the RPF.

The following compensation matrix could be applied for the AF.

General Description	Definition	Compensation approach/Types	Compensation Mechanism	Implementation Approach	Monitoring & Evaluation
<i>Loss of Agricultural Land</i>	Area in cultivation, being prepared for cultivation, or that was cultivated during the last agricultural season	Loss of land, labor, and crop loss shall be compensated by FAS and Beneficiary Community and groups through provision of land of equal productive capacity and which is satisfactory to the affected people.	Using a single rate regardless of the crop, incorporating the combined at market value of all staple crops lost, preparing new land (the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop), which is to be updated to reflect values at the time compensation is paid.	Land mapping shall be performed at the time of micro screening by FAS and Beneficiary Community and groups or a contracted service provider.	DPs shall review the compensation determination to ensure transparency and adherence to the policy, subject to World Bank's approval
Temporary Loss Of Land: By voluntary agreement between a contractor and a landowner only	Land that will be acquired for a set period of time as a result of the project	Communities shall be compensated for their (temporary) loss of income, standing crops, and or the cost of soil restoration and damaged infrastructure based on prevailing market rates.	All damages to private land or property including crops shall be compensated at prevailing market rates including compensation for tenants, if any, that includes rental fees and dislocation allowances for when the land/structure is inaccessible.	Negotiations between contractors and landowners so that expenses can be included in the bid price.	FAS and Beneficiary Community and groups shall provide a mediator/technical assistance if necessary to facilitate negotiations
<i>Loss of productive fruit and shade trees</i>	Trees/vegetation that does not provide income-generating activities, but are used for other purposes.	These trees often have recognized local market values, depending on species and age.	Younger trees may be replaced with trees of the same species, in addition to supplies to support the trees' growth (e.g., a water bucket, fencing and a shovel).	No compensation for minor pruning of trees.	DPs shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval



## **OBJECTIVES AND PRINCIPLES FOR ASSET REPLACEMENT AND RESTORATION**

### **1.10 Objectives**

The overall objective during the planning and implementation of FAS projects is to displace no or as few people, businesses and public bodies as possible (i.e. move people or deprive them from resources or access to resources or deprive them from income earning capacity or opportunities). Where displacement does occur, and such displacement is totally voluntary, the objective is to ensure that sufficient investment resources are appropriately allocated by participating project communities to ensure that DPs are provided with:

- adequate and appropriate replacement of assets ceded, or restoration in some other, agreed manner; and
- adequate and appropriate measures to enable them to relocate when physical relocation is involved.

### **1.11 Principles**

The following basic principles will govern preparation and implementation of all LDP projects:

- no project will be approved where a participating community cannot demonstrate that it has the officially sanctioned right to use and benefit from the land;
- no project will be approved if a person or entity currently having rights to use or benefit from the land in question (whether officially recognised or not) does not voluntarily agree to cede the land or rights over the land and assets;
- no project will be approved if a grievance is currently being filed and is unresolved;
- alternative project designs, which avoid or minimise displacement, will be explored in all cases;
- all possible means will be used to ensure that no people are harmed in any way by project preparation and implementation activities and project outcomes; and
- planning and implementation activities will be undertaken in participation with DPs and other relevant project affected people who will be continuously consulted throughout the process;

Where involuntary displacement is being considered:

- DPs will be informed about their options and rights pertaining to displacement, restoration and relocation and about grievance mechanisms available to them;
- lack of legal rights to land and assets occupied or used will not preclude a DP from entitlement to restoration and relocation measures;
- restoration, relocation and rehabilitation measures will be as fair as possible to all parties concerned;
- where restoration, in cash or kind, is provided for loss of assets, access to assets or damage caused to assets it will be provided on the basis of full replacement cost and will include necessary additional costs incurred to achieve full restoration;

- where replacement land is to be provided it will have a combination of productive potential, location advantages, accessibility, availability of services and other factors at least equivalent to the advantages of the original site and will be as near as possible to the original site;
- DPs that are physically relocated will be provided with relocation assistance (such as moving and translocation assistance) during relocation. Where necessary or appropriate, development assistance, such as land preparation and training, will be made available to beneficiaries in addition to restoration and relocation measures;
- the costs, in cash or kind, associated with replacement and restoration of losses (e.g. provision of replacement tree seedlings or clearing and ploughing replacement land) will be borne by the beneficiary community as negotiated with DPs; and
- construction work will not commence until DPs have been satisfactorily provided with replacements for assets lost and/or relocated.

## **PROCESS FOR DEALING WITH LAND AND ASSETS IN FAS PROJECTS**

### **1.12 Overall responsibility**

The Provincial FAS Director will be responsible for overseeing the RPF and its requirements. Responsibility for ensuring that land and asset issues are dealt with lie with the NCs, with assistance and input from the provincial FAS team, the Social Promoters and the municipal administrations. Specific responsibilities are described below for each of the tasks within the project cycle.

### **1.13 Preliminary tasks**

Before planning and implementation of the first project commences the FAS NCU within the National FAS Directorship will ensure that a number of preliminary tasks are completed.

An initial task will be for the national FAS team to design and produce standard forms and formats to be used during project planning and implementation and which will be included in the FAS Operation Manual. These will include, for example:

- environmental screening forms to be used to determine whether or not a project will cause displacement, in one form or another;
- survey forms to be used, where necessary, for collecting baseline information on DPs (or entities) and other project affected people within the footprint of the project. These forms will be used to record the manner of likely displacement, whether physical, economic or social, and the extent of the displacement;
- entitlement agreement contracts to be signed by DPs or entities, the NC and the MA. These will record any final agreed measures for replacing or restoring lost assets and relocation entitlements; and
- entitlement receipt forms to be signed by beneficiaries, the NC and MA on receipt of replacements or restoration for lost assets or for relocation entitlements.

### **1.14 Identification and selection of projects**

Projects will be identified and selected by communities through community general assemblies where community problems and priorities will be discussed. Community representative structures, such as the NC, which will be assisted by the provincial FAS team and/or any other intermediary agency, will be responsible for submitting project ideas to the municipal administration which will then forward its list to the FAS Team and PCC. Once a project idea has been approved project planning commences and a project dossier is prepared.

### **1.15 Environmental screening**

Once a new project has been identified an environmental and social screening process will take place on the basis of the environmental and social check-list for desk-top and field appraisal, which is completed jointly by the community, the FAS team and the NC and, in some cases, the municipal administration. The screening process identifies potential environmental and social impacts of project activities, including impacts on land, assets and socio-economic activities. This process will be applied to all LDP projects.

### **1.16 Baseline survey**

Where the screening process indicates that a project may lead to displacement a baseline survey will be undertaken to:

- determine who (individuals, households and entities) will be potentially displaced (physically, economically or socially) by project activities;
- determine the nature and extent of potential displacement;
- compile a preliminary list of potential DPs (or entities) and their affected assets.

### **1.17 Negotiation of asset replacement or restoration measures**

With assistance from the FAS team negotiations will be conducted between the DP and the community (represented by the NC) and, where appropriate with the municipal administration, concerning the voluntary ceding of the land and assets by the DP to the community for the project and the subsequent replacement, relocation or restoration measure to be applied. Negotiations will include inspecting any replacement land to be offered.

Once the details of land and other asset donation or loss have been agreed to entitlement agreement contracts will be signed by DPs or entities, the NC and the MA. These will record any final agreed measures for replacing or restoring lost assets and relocation entitlements. If no agreement is reached no entitlement agreement contracts will be signed and the project, as originally proposed, will not be approved. The entitlement agreement contracts will be included in the project dossier.

### **1.18 Ceding and reallocation of land**

Where the land is in the public domain or is officially recognised as belonging to the community the MA will issue a certificate stating that the land to be used for the project is not encumbered. This will be included in the project dossier.

Wherever possible, land that has to be acquired for FAS projects will be replaced with land of at least equal area and characteristics. Any replacement land provided to a DP who has ceded land for a project will be officially allocated to the DP or entity and registered in his or her name. The MA will issue a certificate, to be included in the project dossier, certifying that land required for the project has been voluntarily ceded and reallocated to the community or beneficiary organisation.

### **1.19 Replacement and restoration of other assets lost**

In cases where a DP agrees to giving up assets or access to assets, such as small infrastructure, standing crops or fruit trees, or where restoration measures are needed (e.g. clearing and ploughing of replacement land) the community, represented by the NC and assisted by the FAS Team, will negotiate with the DP regarding measures to replace or restore the asset (e.g. compensation in cash or kind to be provided by the community). The nature of such restoration is likely to be highly variable from one situation to another.

### **1.20 Review and approval of project dossiers**

With assistance from the FAS Team and other implementation partners, the NC is responsible for preparing the project dossier. Standard, nationally approved designs will be used for infrastructure. When completed, the project dossier will be submitted to the Provincial FAS Directorship for approval by FAS and the PCC.

## 1.21 Delivery of entitlements

Replacement land will be provided by the community from its own resources or may be provided from unallocated land through the municipal administration. Where assets, such as fruit trees, are to be replaced these will also be provided by the beneficiary community, although the method by which a community is able to provide such replacements will vary from one situation to another. On receipt of replacement land and/or replacement or restoration of other assets, the DP will sign an entitlement receipt form, indicating that he or she has received the entitlements outlined in the original entitlement agreement contract and that no further claims against the community or other parties will be made.

The MA will issue a certificate certifying that the land on which project infrastructure is to be constructed is legally in the public domain, has been allocated to the community or beneficiary and that any previous owners or users have voluntarily given up the land and associated assets and have been adequately and appropriately provided with replacement land or assets and restoration measures.

## 1.22 Grievances

The grievance process is important in order to provide a “safety net” to ensure that land and/or assets are voluntarily given, rather than coerced. Since the process of giving up land and assets for FAS projects must be negotiated, grievances concerning the adequacy and appropriateness of replacement and restoration entitlements are unlikely to be encountered. However, should a DP or other party, feel aggrieved by any project related activities or measures he or she will be able to voice a complaint. Initial grievances will need to be initially directed to local or traditional leaders with appeal made to the municipal administration and then to the Provincial FAS Director. It is FAS policy that if a DP is not satisfied with any replacement or restoration measure then the project will not be approved in its present form or for the specific intended location.

Activities will be implemented with intensive participation and constant consultation of and feedback by beneficiary households. It is foreseen that a grievance and redress system will be put in place as well as a regular monitoring of the operation including follow up of special cases (case management). Individuals who believe that they are adversely affected by the project may submit complaints to existing project-level grievance redress mechanisms or the WB’s Grievance Redress Service (GRS). The GRS will ensure that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB’s independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures.

The procedure to address claims and the resolution of differences during the process of negotiating agreements on compensation is the following:

- The publication of the list of owners, tenants, residents, workers and occupants, and potentially, inform the compensation options, assistance and support that exist for each.
- 1 month after publication of the lists, household visits will be carried out, in which the interested parties can express their concerns, questions and disagreements; or accept the offers
- Within three months following the publication of the lists, FAS and the municipal Government will reply, doing the best they can to achieve an agreement between the parties

The possible types of claims are the following:

Related to their form, claims could be:

- Informal complains, when anxieties, doubts and/or information on the Project are required. They can be given an immediate verbal response.
- Formal complaints that require response in writing and supporting information, visiting the site and probably require time to be resolved.
- Single complains that require a case-by-case management.
- Collective complains, in cases where the request is performed by various members of the community.

Related to the type of complaints:

- Related to land, crops, trees and related to the process of acquisition, valuation, negotiation, compensation, payment and legalization.
- Related to the process of resettlement, both the preparation and the implementation, and concerning the information, dissemination, communication processes and timely, equitable participation, etc. Also, complaints about the selection process, evaluation, compensation, payment and completion of resettlement.
- Related to the execution of the work, with respect to the impact or damage to third parties, and quality of the work, implementation of preventive measures and protection for the civil works.

Related to the timing:

- During and after Preparation of the Resettlement plan.
- Before, during and after the construction of the works

FAS will be the main responsible for addressing the claims in straight collaboration with municipal Governments.

All processes related to grievance redress and its institutional arrangements will be accurately detailed in the Project's operational manual.

All identified DPs will be informed of the grievance mechanism during the environmental and social screening exercise or through the subsequent baseline survey.

## MONITORING AND EVALUATION

Following the requirements of the WB, during compensation and restoration implementation, and possibly for some time afterwards, both internal and external monitoring and evaluation exercises will be carried out in order to monitor progress and ensure that DPs are adequately catered for and are left in a position no worse off than they were prior to project commencement. Monitoring and evaluation will be part of, or be closely aligned to, the monitoring and evaluation process agreed to for monitoring of other environmental impacts of the project. The monitoring should address the following:

- delivery and usage of replacement, restoration and rehabilitation entitlements;
- allocation of replacement land, where applicable;
- reconstruction of infrastructure, where applicable;
- compensation measures applied to cater for damage during construction activities;
- reported grievances and action taken;
- meetings with officials and DPs;
- problems encountered and action taken; and
- general issues related to the success of the asset replacement and restoration exercise.

External monitoring will be conducted under the auspices of the overall LDP project. The main aim will be to determine whether the objectives of the asset replacement and restoration exercise have been achieved and to assess, to the extent possible, implementation and the restoration of the livelihoods of DPs. The external monitoring and evaluation exercise should include, but not be limited to, evaluation of:

- implementation progress;
- asset replacement and restoration policies;
- delivery of entitlements, including replacement land where applicable;
- changes in livelihoods and incomes among DPs; and
- consultation with and participation of DPs and other stakeholders.

Six to eight months after the relocations and replacement economic activities and ex post evaluation of the effectiveness and efficiency of the implementation of the plan will take place, which will make special emphasis on the re-establishment of the socioeconomic conditions of the population which was object of PR.

The objective of the ex-post evaluation is to assess the effects of different actions or programs that under the RP. The final evaluation of the Plan will hold, depending on the number of units affected, a professional or a team of professionals in social sciences that are not linked to the implementation.

## BUDGET FOR IMPLEMENTATION OF RPF

<b>Activity</b>	<b>Cost (US\$)</b>
<b><i>RFP implementation</i></b>	
Preliminary tasks	200,000.00
Baseline survey -	100,000.00
Livelihood restoration measures	400,000.00
Monitoring and evaluation	100,000.00
Final audit of the implementation	200,000.00
<b><i>RAP</i></b>	
Resettlement Action Plan	75,000.00
Livelihood restoration measures	100,000.00
Evaluation by and independent agency	1000,000.00
<b>Total</b>	<b>1,275,000.00</b>