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WATER UTILITIES CORPORATION, BOTSWANA.

BOTSWANA EMERGENCY WATER SECURITY AND EFFICIENCY PROJECT



FINAL RESETTLEMENT POLICY FRAMEWORK

Prepared and Submitted By



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20/11/2017



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LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|--------|--|
| AIA | Archaeological Impact Assessment |
| AIDS | Acquired Immune Deficiency Syndrome |
| BSO | Botswana Statistics Office |
| BR | Botswana Railways |
| DEA | Department of Environmental Affairs |
| DNMM | Department of National Museums and Monuments |
| DP | Deprived People |
| EA Act | Environmental Assessment Act, 2011 |
| EMP | Environmental Management Plan |
| ESIA | Environmental and Social Impact Assessment |
| GOB | Government of Botswana |
| IAPs | Interested and Affected Parties |
| IFC | International Finance Corporation |
| M & E | Monitoring and Evaluation |
| NDP | National Development Plan |
| PAP | Project Affected Persons |
| PWD | Persons With Disability |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework. |
| TOR`s | Terms of References |
| WB | World Bank |
| WUC | Water Utilities Corporation |
| WWTP | Waste Water Treatment Plant |
| WWTW | Waste Water Treatment Works |
| VDC | Village Development Committee |

LIST OF GLOSSARY

- **Abbreviated Resettlement Plan:** Establish a baseline through the census of PAPs which will comprise socio-economic data, the inventory of assets lost, and the compensation and resettlement benefits awarded to the PAPs.
- **Affected persons:** All persons who, as result of work carried out or to be carried out under the Project, would incur involuntary loss, temporarily or permanently, of land, shelter, productive assets or access to productive assets, or of income or means of livelihood and, as consequence, would have their living standards or production levels adversely affected.
- **Agricultural Land value:** the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;
- **Asset Inventory:** A complete count and description of all property that will be acquired.
- **Compensation:** Payment in cash or in kind for an assets or resource that is acquired or Affected by a project at the time the asset needs to be replaced.
- **Cut- off Date:** Date of start of the census and asset inventory of persons affected by the project. Persons occupying the project area after cut- off date are not eligible for compensation and/or settlement assistance. Similarly, fixed assets (such as built structures, crops, and fruit, trees, and wood- lots etc.) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
- **Displaced Persons.** The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
- **Economic Displacement:** Loss of income streams or means of livelihood resulting from Land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.
- **Economic Rehabilitation:** Economic Rehabilitation implies the measures taken for **income restoration** or economic recovery so that the affected population can improve or at least restore its previous standard of living.
- **Eligibility:** The criteria for qualification to receive benefits under a resettlement program.

- **Eminent Domain:** The right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain.
- **Host Community (Hosts):** The population in the areas receiving resettlers is called the host community or the **hosts**.
- **Household and Public Structures:** The cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractor' fees and any registration and transfer taxes.
 - In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
- **Grievance Procedures:** The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
- **Involuntary Resettlement:** Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
- **Initial Baseline Survey:** The population census, asset inventory, and socioeconomic survey together constitute the baseline survey of the affected population.
- **Land Acquisition:** The process of acquiring land under the legally mandated procedures of eminent domain.
- **Land Expropriation:** The process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for a public purpose, in return with compensation at replacement value.
- **Monitoring:** The process of repeated observations and measurements of environmental and social quality parameters to assess and enable changes over a period of time.
- **OP4.12** The World Bank Group Operational Policy on Involuntary Resettlement. OP4.12 embodies the basic principles and procedures that underlie the World Bank's approach to Involuntary Resettlement associated with its investment project.

- **Population Census:** A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation.
- **Project Cycle:** The process of identifying, planning, approving, and implementing a Bank-supported development activity. In the World Bank, the project cycle is divided into the following stages: **Identification, Preparation, Appraisal, Negotiations, Approval, Loan Effectiveness, and Implementation.**
- **Project- Affected Household:** All members of a household, whether related or not, operating as a single economic unit, who are affected by a project
- **Project Affected Person:** Any person who, as a result of the implementation of a project loses their right to own, use, or otherwise benefit from a built structure, land (residential. Agricultural, or pasture) annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
- **Project-Affected Family:** Any family (household) that loses a home, land, or business interests because of land acquisition.
- **Physical Displacement Cost: Costs associated with the** loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location
- **Primary stakeholders:** are those most directly affected in resettlement situations, the population that loses property or income because of the project and host communities. Other people who have an interest in the project such as the project authority itself, the beneficiaries of the project (e.g., urban consumers for a hydro-power project), and interested NGOs are termed **secondary stakeholders.**
- **Replacement Cost:** The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction cost with regard to land and structures
- **Resettlement Action Plan (RAP):** The document in which the responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to Persons and communities affected by an investment project.
- **Resettlement assistance:** Support provided to people who are physically displaced by a project. Assistance may include transportation, food shelter and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate

affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new location, such as moving expenses and lost work days.

- **Resettlement policy framework:** A resettlement policy framework is required for projects with subproject or multiple components that cannot be identified before project approval. This instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future implementation. The policy framework should be consistent with the principles and objectives of OP4.12
- **Rehabilitation/ Resettlement:** A term often used to describe the process of reestablishing lifestyles and livelihoods following resettlement.
- **Relocates, Relocated Communities, or Resettlers:** Those groups of people who have to physically move to new locations as a result of a project.
- **Resettlement Strategy (Rehabilitation Strategy):** The approaches used to assist people in their efforts to improve (or at least to restore) their incomes, livelihoods, and standards of living in real terms after resettlement. The resettlement strategy typically consists of payment of compensation at replacement cost, transition support arrangements, relocation to new sites (if applicable), provision of alternative income-generating assets (if applicable), and assistance to help convert income-generating assets into income streams.
- **Resettlement Entitlements:** Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
- **Socioeconomic Survey (SES):** A complete and accurate survey of the project-affected population. The survey focuses on income-earning activities and other socioeconomic indicators.
- **Social Impact:** An effect (both positive and negative) on a social issue resulting from development projects.
- **Stakeholders:** A broad term that covers all parties affected by or interested in a project or a specific issue, in other words, all parties who have a stake in a particular issue or initiative.
- **Stakeholders:** Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
- **Vulnerable groups:** People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits

1.0 BACKGROUND TO THE PROJECT

1.1 INTRODUCTION

Water is a scarce resource in Botswana owing to her semi arid climate characterized by low and unreliable rainfall, incessant drought and high rates of evaporation. Its scarcity is considered one of the major development constraints in many parts of the country particularly the southwest and western parts of the country. The Botswana Conservation Strategy recognizes the dependence of all sustainable development in Botswana on water resources. Water is central to Botswana's continued economic success and sustained development gains with demand projected to further rise to reach 285.8Mn³ by the year 2030 compared to 193.4Mn³ in 2000.

With respect to wastewater, the majority of systems inherited by WUC in 2013 suffer from operational issues related to under dimensioning and lack of critical maintenance, particularly those formerly operated by municipal authorities. WUC intends to develop capacity for greater reuse and recycling as this would reduce environmental degradation as increased reuse will require more stringent compliance with Botswana standards given that untreated effluent discharged into the environment is a threat to the already constrained ground and surface water sources. Greater water reuse will also contribute to demand management by reducing the need for development of new sources.

1.2 PROJECT DESCRIPTION

In order to achieve long term water security as well as to ensure efficiency of its wastewater treatment systems, the Government of Botswana has approached the World Bank for support in improving water supply availability to drought affected communities as well as building Botswana's medium to long term resilience to chronic drought and a path to long term water scarcity.

The Botswana Water Security and Efficiency Project is therefore aimed at improving availability of water supply to drought vulnerable areas, increase the efficiency of WUC and strengthen wastewater management in selected systems. The project is organized under three components' as follows:

Component 1: Improving the availability of water supply and efficiency of services for the following Sub-projects:

- a) Selebi-Phikwe to Serule water transfer scheme
- b) Boteti Southern and Central Cluster Villages Water Supply Scheme
- c) Mosu, Mokubilo and Mmea villages
- d) Ghanzi township water supply expansion
- e) Kuke water supply master plan project
- f) Bere Settlement water supply augmentation project
- g) North East and Tutume Sub District Water supply upgrading project
- h) Sowa Water Supply Master Plan (connection to Nata Cluster)
- i) Mathethe
- j) Mokatako
- k) Kanye/ Moshupa
- l) Malwelwe/ Molepolole / Thamaga / Thebephatwa Airbase

Component 2: Improving waste water and sludge management,\. It comprises the following sub projects:

- a) Mambo WWTP rehabilitation
- b) Letlhakane wastewater treatment ponds expansion
- c) Lobatse WWTP rehabilitation

The locations of the sub projects presented above are shown in Maps 1.1 and 1.2 for Components 1 and 2 respectively.

Component 3: Sector reform and institutional strengthening – this component will focus on strengthening the institutional, policy, and legal framework as a means to improve long-term water security and increase efficiency of services, hence will not be much dependent in this RPF.

The implementation of the project triggers the following World Bank Safeguard Policies and these have been expounded upon in Chapter Two:

Social safeguards policies:

- Involuntary Resettlement OP/BP 4.12
- Indigenous Peoples OP/BP 4.10

Environment safeguard policies

- Environmental assessment OP/BP 4.01
- Projects on International Waters OP/BP 7.50
- Safety of Dams OP/BP 4.37
- Physical Cultural resources' OP/BP 4.11

1.3 RESETTLEMENT POLICY FRAMEWORK OBJECTIVES

The purpose of this Resettlement Framework (RPF) is to outline the principles for social impact mitigation on PAPs regarding compensation for partial, full or other loss of property, livelihood, relocation or resettlement. The framework is valid for all sub-project activities executed under the Botswana Water Security and Efficiency Project attracting World Bank (WB) financing and in accordance with the WB Policy Objectives as stated in OP 4.12.

Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's (OP/4.12) policy on involuntary resettlement are the following:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

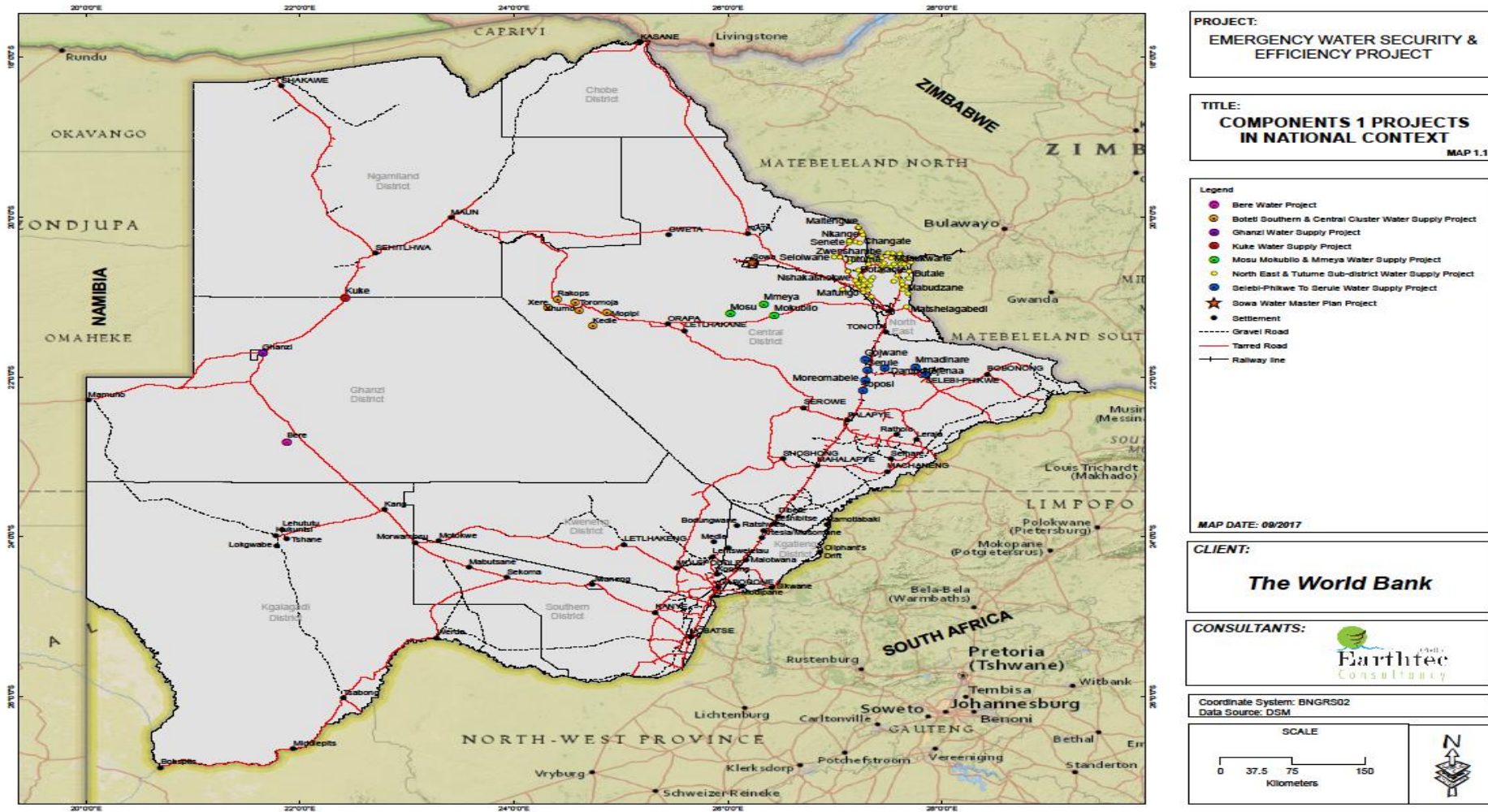
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
2. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgment of the Bank are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

1.4 JUSTIFICATION FOR AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK (RPF)

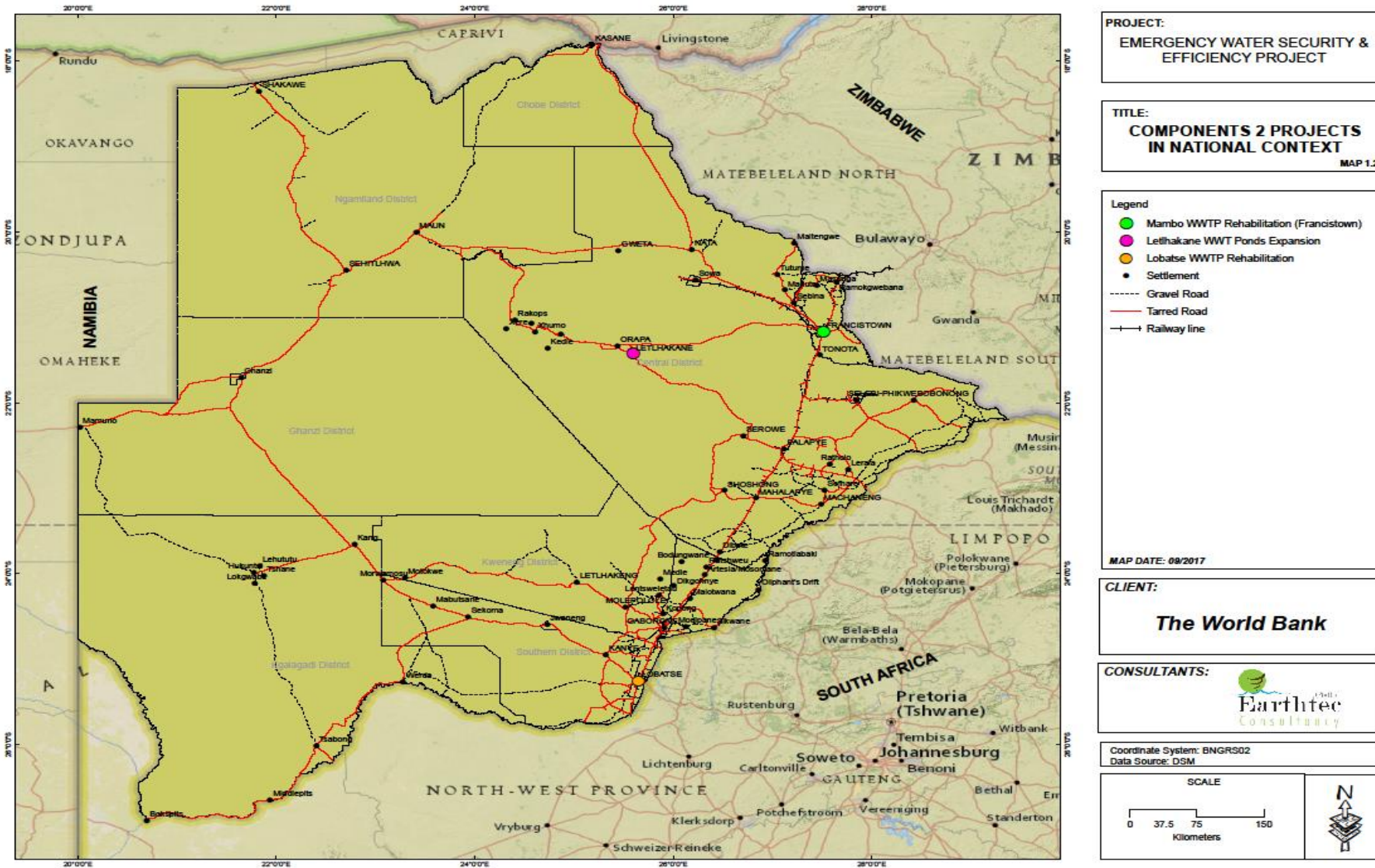
This Resettlement Policy Framework (RPF) is derived from the World Bank's Involuntary Resettlements Policy (OP 4.12). The scope of the Involuntary Resettlement Policy covers direct economic and social impacts that both result from Bank assisted investment projects and are caused by:

1. The involuntary taking of land resulting in
 - Relocation or loss of shelter
 - Loss of assets or access to assets; or
 - Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
2. The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

The Involuntary Resettlement Policy applies to all sub projects under components 1 and 2 that will result in involuntary resettlement, regardless of the source of financing and whether or not they are directly funded in whole or in part by the Bank.



Map 1.1 Locations of Component 1 Sub Projects



Map 1.2 Location of Component 2 sub Projects

This RPF will be used as the instrument to guide the process of addressing adverse impacts which are likely to include land acquisition leading to displacement or partial or full loss of other assets and other property of PAPs. This RPF would provide guidelines for the development of appropriate mitigation and compensation measures, for the impacts that would be caused by future project activities whose exact locations are not known. The RPF is to guide this process in accordance with policy objectives of OP 4.12 as outlined above in Section 1.2.

Most of component 1 and 2 projects will be built on the premises of the authority, where there are no activities or residences. However, as project design is further detailed, there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. Further, some land within residence compounds may have to be temporarily occupied for works such as excavation of trenches. The identified areas will need to be cleared of settlements (if any), and existing structures. Further, certain polluting/quality threatening activities will be restricted (e.g. livestock access). This activity will also include some mitigation measures such as installation of fences, septic tanks and drains.

The RPF will identify the possible impacts likely to arise from project implementation activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and specify the compensation rates and procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for activities during implementation of the comprehensive program. If any impacts are identified, individual Resettlement Action Plans will be developed for each sub project based on the guidelines and procedures highlighted in this RPF document.

The RPF will be approved by WUC, cleared by the WB and publically disclosed by both the WB and the client/WUC. Once the document has been approved, it will be uploaded to WB web-site and be available through the development centre/Info shop, in compliance with the WB policy. The RPF will be translated into Setswana and further will be distributed in such a way as to be available to central and local government agencies and potential PAPs. Implementation of the planned projects investments will only take place following these approvals and information sharing/consultation as well as public disclosure.

1.5 OBJECTIVES AND PRINCIPLES OF RESETTLEMENT PLANNING

The Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then WUC follows the procedures for involuntary resettlement in compliance with the Government's own applicable laws and regulations along with the WB policy OP 4.12 on Involuntary Resettlement. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures, grievance remedy mechanisms, entitlement payment procedures, and monitoring-evaluation procedures for land acquisition and resettlement under these projects.

The basic objectives of the RPF are to:

- (i) Guide WUC in properly identifying, compensating, and restoring the livelihoods of project Affected Persons (PAPs)
- (ii) Ensure inclusive consultations are held encompassing all groups of affected persons(ensuring gender participation)
- (iii) Serve as a binding document to ensure payment of compensation and assistance to PAPs
- (iv) Provide direction in preparing, updating, implementing and monitoring subprojects RAPs

- (v) The RPF includes measures to ensure that PAPs are;
 - a) Informed about their options and rights pertaining to resettlement
 - b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
 - c) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project.

The RPF is based on the following principles:

- (i) Involuntary resettlement is to be avoided or at least minimized
- (ii) Compensation must ensure (at a minimum) the maintenance of the PAPs' pre-project living standards, preferably an improvement of the PAPs living standards.
- (iii) PAPs should be fully informed and consulted on compensation options
- (iv) Lack of formal legal land title should not be a hindrance to rehabilitation
- (v) Particular attention should be paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc and appropriate assistance should be provided to help them improve their status
- (vi) Land acquisition and resettlement should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits
- (vii) Compensation/rehabilitation assistance will be paid prior to ground levelling, demolition, and in any case, before an impact occurs

1.6 SHORT DESCRIPTION OF LAND TENURE AND OWNERSHIP IN BOTSWANA

Land tenure is the system of land holding practice of any community as governed by its culture and laws. There are three (3) main land tenure categories in Botswana, being Tribal/Communal Land, State Land, and Freehold Land. The Land Control Act(1975), the State Land Act (1966) and the Tribal Land Act (1968) are the primary Acts dealing with the preparation of development plans, land acquisition and subdivision control. Components under this project for which investments are required are located either within tribal/communal land or state land. The main distinctions in these categories are in the title holding and the authority responsible for its administration. The land tenures are expounded as follows:

- Tribal/Communal Land – Land Boards under the Tribal Land Act administer this category of tenure, which is applicable to all land in rural areas with exception of land hold under freehold title or State land. Tenure on Communal land centers on a three-fold land use system namely residential, arable & grazing lands. Under customary law, all citizens are entitled to land for their own use; each villager is entitled to a residential plot in the village and arable land. If the villager rears livestock, he/she may also have a cattle post in the grazing land, but the use of grazing land is communal. Tribal land, whether under customary or common law is allocated free of charge, and cannot be sold. About 70 per cent of the land of Botswana is under tribal land tenureship.
- State land – The Minister of Land Management, Water and Sanitation Services through the Department of Lands is mandated with administering this category of tenure. State land is kept for the State and comprises of National parks, Game Reserves, Wildlife Management Areas, cities and towns. State land occupies about State land constitutes about 25 per cent of the total land area comprises National Parks and Wildlife Management Areas (19 per cent), Forest Reserves (1 per cent) and all urban land (4.6 per cent).
- Freehold Land – This category of tenure involves perpetual and exclusive ownership of land. Initially, Freehold Land was allocated for purposes of commercial farming and to

create a security buffer to guard against intrusions from neighboring countries. Currently, the land use in Freehold Land varies and depends on the needs of the owner. This land holding occurs mostly along the eastern and southern boundaries of Botswana. Since the coming into effect of the Tribal Land Act, no Freehold Land has been allocated. Freehold land constitutes 5 per cent of the total land area in the country.

2.0 LEGAL POLICY FRAMEWORK FOR COMPENSATION AND RESETTLEMENT

2.1 OVERVIEW OF LEGAL FRAMEWORK OF GOVERNMENT OF BOTSWANA RELEVANT TO THE RPF

The following laws and guidelines of the Government of Botswana are relevant to or support compensation and resettlement of PAPs.

2.1.1 Tribal Land Act (1968)

This Act transferred all the powers previously vested in a chief and a subordinate land authority under customary law in relation to allocation of land to the Land Board. Under this Act, the Land Board was established as an institution for managing all tribal/customary land. The Land Board grants customary land rights to citizens of Botswana. The Land Board also leases land under common law forms of tenure. Part V of the Act addresses specifically procedures for dealing with the application of expropriation for tribal land required for public purposes. Section 32 of the Tribal Land Act provides that land may be granted to the state for public purposes only if the president determines that the purpose for which it is acquired is in the interest of the public. The President poses power of the eminent domain for expropriation of land. The president may acquire any real (immovable) property where the acquisition of such is necessary for public purposes. Section 33 (2) of the Tribal Land Act (1968) provides that compensation is payable when land is acquired for a project and the acquiring body is financially responsible for all aspects of the project; this includes payment for compensation to claimants. The displaced may be granted the right to use other land if available, and is entitled to adequate compensation.

2.1.2. Tribal Land (Amendment) Act (Cap.32:02 of 1993)

The Act allows for determination of land use zones in tribal areas. According to the Act, a Land Board shall after due consultation with the District Council determine and define land use zones within a tribal area. The Land Board shall not make grants of land for any use which is in conflict with the use for which land is zoned. Land Boards may determine management plans for use and development of the zones.

2.1.3 Environmental Assessment Act of 2011

It constitutes the main piece of legislation on environmental and social impact assessments in Botswana. This act prescribes that no person shall undertake or implement an activity likely to cause significant adverse effects on the environment unless the environmental impact of the proposed activity is fully taken into account and the impact statement reviewed by a competent authority before authorization. The competent authority may hold a public hearing if after examining the statement, the competent authority is of the opinion that the activity is of such a nature that the public should have an opportunity to make submissions or comments at a public hearing. Section 7 of the act requires that the project proponent seek the views of the people or communities which are likely to be affected by the proposed activity. The environmental impact statement is expected to identify and evaluate the environmental impact of an activity with particular reference to:

- health, safety or quality of life of people;
- archaeological, aesthetic, cultural and sanitary conditions of the environment and;
- configuration, quality and diversity of natural resources

The land acquisition needs of the project implementation, and their resulting impacts on neighboring populations in terms of lost revenues, shelters etc are assessed as part of the EIA scope. The project proponent has to develop an environmental management plan that explicitly

outlines the administration of efforts that will be made to manage any significant environmental impact resulting from the implementation of the project. The competent authority may, in issuing an authorization, prescribe, in writing, specific requirements for monitoring during and after implementation of the proposed activity, by technical departments, local authorities and the developer. A person aggrieved by a decision of the competent authority may appeal to the High Court within 30 days of receiving the decision of the competent authority.

2.1.4 Acquisition of Property Act 1955

This Act empowers the State President to acquire any real (immovable) property where the acquisition of such property is necessary or expedient (a) in the interest of defense, public safety, public order, public morality, public health, town and country planning or land settlement or (b) in order to secure the development or utilization of that or other property for a purpose beneficial to the community. Compensation for such an acquisition is payable on agreed terms or in accordance with the provisions of the Act¹

Notice of intention to acquire the property (in the form specified by the Act) must be given by the responsible Minister to all persons interested or claiming to be interested in the property². The notice must be personally served on the interested persons or left at their last usual place of abode or business. If the person(s) are out of the country or their last place of abode or business cannot be found, the notice should be served on the occupier of the premises or his agent. Failing all these, the notice may be affixed upon some conspicuous part of the property. The notice must be published at least once in the Government Gazette and a newspaper circulating in Botswana³.

If any person holding or claiming any interest or title in the property subject to the acquisition notice disputes the legality of the proposed acquisition, he may apply to the High Court for the determination of the dispute⁴.

If after three months of publication of the notice of acquisition, no claim has been lodged with the President in respect of the property, or if the claimant and the President cannot agree as to the amount of compensation to be paid, or there is some query about the title of the claimant, these matters shall be settled in terms of the Act⁵. In this regard an Assessment Board has been constituted to deal with disputes⁶. The Board shall hear any person, by themselves or their counsel, attorney or representatives, who claim to own, or to have any title or interest in the property, the subject of the acquisition⁷.

In determining compensation, various considerations including market value of the property at the date of service of the notice of acquisition are taken into account by the Assessment Board. If the market value has been increased by means of any improvements made within the year immediately preceding the service of the notice of acquisition, such increase shall be regarded unless it is proved that the improvement was made bona fide and not in contemplation of the property being compulsorily acquired under the provisions of the Act.⁸ In certain cases compensation will be paid for loss of rents and profits⁹. The decision of the Board respecting any compensation or any

¹ See s. 3 of the Act.

² See s. 5 of the Act.

³ See s. 8 of the Act.

⁴ See s. 9 of the Act.

⁵ See s. 10 of the Act.

⁶ See s. 11 of the Act.

⁷ See s. 12 of the Act.

⁸ See s. 16 of the Act.

⁹ See s. 17 of the Act.

question of disputed interest or title shall be final and conclusive as respects all parties upon whom notices have been served in terms of the Act¹⁰.

2.1.5 State Land Act 1966

The Act defines what constitutes “State Land” and provides for its disposal and incidental matters. “State Land” means unalienated State land and reacquired State land and includes any land outside Botswana ownership of which is vested in the Republic of Botswana. “Unalienated land” means any land in Botswana other than tribal land or land in the Borolong Farms or land within a township established under the Township Act. It also includes any grant made by or on behalf of Her Majesty Queen of England prior to the independence of Botswana and farms in “Ramatlabama Kuil”, “Forest Hill”, “Traquair” and “Crocodile Pools”.

Reacquired State land is presumably reacquired freehold land. The State has a more concrete title over this category of land, which may be reflected by the issue to it of a certificate of registered state title in terms of the Deeds Registry Act 1961¹¹. The most likely use for this category of land is for urban use and settlement. The process and procedure for acquisition of state land or freehold land is outlined in the Acquisition of Property Act.

The power to dispose of State Lands is vested in the State President, which power may be exercised on his behalf by any person authorised by notice in the Government Gazette to do so.¹² Any contract or other disposition, which does not comply with this requirement, would be devoid of legality.

2.1.6 Principles of Compensation Guidelines

The compensation guidelines are in line with the Tribal Land Act of 1968 and deals with both customary land rights and common law grants. The compensation guidelines are prepared by the Department of Lands and are revised annually/ periodically.

Compensation Guidelines Objectives

When the government or a statutory body undertakes a project which is of national importance and the only suitable land for that project is already occupied the president shall determine in accordance with section 32 of the Tribal Land Act that it is in the public interest that the land be acquired for the project. When such land is taken, compensation is payable as per section 33(2) of the Tribal Land Act. The acquiring body is responsible for aspects of the project including payment of compensation direct to the claimants. National projects include new airports, power stations, dams, schools, roads, village expansions etc. The Compensation Guidelines provide a set of practical rules and procedures to deal with land acquisition by ensuring fair and just compensation to the affected people. But beyond the provision of such compensation the guidelines do not seek any further objectives for the sake of the persons/households affected.

Admittedly, in the course of implementing a project for the public interest, affected people are at best left in the same state as prior to the project, or worse off, depending on their personal vulnerability situation. If deemed necessary affected people might have to be displaced before payment of compensation.

• Land Rights and Entitlements

Compensation for tribal land is considered under two categories:

- Customary Land Rights

¹⁰ See s. 20 of the Act.

¹¹ See the proviso to s. 17 of the Deeds Registry Act. See also C. Ng’ong’ola “Land tenure reform in Botswana...” *op. cit.* at p. 11.

¹² See ss. 3 & 4 of the Act.

- Common Law Land Rights

Customary Land Rights

Regarding customary land the displaced people are entitled to adequate compensation for the following, where applicable:

- The value of any standing crops taken over by the state
- The value of any improvements effected to such land, including the value of any clearing or preparation of land for agricultural or other purposes
- The costs of resettlement, and
- The loss of the right of user of such land (this refers to where no alternative land is identified or any portion of land taken cannot be replaced. Compensation shall include the value equivalent to loss of right to use that land).

Common Law Land Rights

When dealing with leases, there may be complications arising due to the following factors;

- The lease being registered
- The lease being mortgaged
- Subletting of one or more portions of lease property
- The disruption or closure of business operations

Where there are complications, such cases are referred to the Department of Lands. Acquisition procedures in the case of leased properties are as follows:

- The Land Board acquires vacant possession and negotiates the best price. Where the occupier agrees and there is no burden to personal interest, compensation would follow.
- The Land Board may use its powers under the lease to permit construction of pipelines, power lines, roads, drains etc for public purposes. Compensation is paid only for direct damage to improvements, nuisance and for any land taken for the above servitudes and cannot be replaced
- The Land Board may exercise its right to terminate the lease as provided for in the lease agreement in which case “adequate compensation” is payable.

Other Cases

- Where fixed costs which are compensated can in fact be salvaged and transported to the alternative site, then removal costs shall be payable based on the actual costs incurred or 10% of the total compensation sum per affected household, taking the higher value.
- In the case of existing business operations, the following situations are also covered:
 - ✓ Loss of goodwill
 - ✓ Injurious affection and severance where access or other conditions are changed
 - ✓ The loss sustained by reason of moving to an alternative site (disturbance)

- **Land Acquisition Procedures**

When government or a statutory body undertakes a project which is of national importance and the only land suitable for that project is already occupied the President shall determine in accordance with Section 32 of the Tribal Land Act that it is in the public interest that the land be acquired for the project. When such land is taken, compensation is payable as per Section 32 (2) of the Tribal Land Act. The Acquiring body is responsible for aspects of the project including payment of compensation direct to the claimants. National projects include new airports, power stations, dams, schools, roads, village expansions etc.

The compensation guidelines requires that the acquiring body informs the relevant land board of its intention at least six months prior to commencement of the project, both of which shall consult the affected parties as appropriate and specified in the guidelines. The required consultation shall involve the District Land Use Planning Unit (DLUPU), District Council, as well as National Conservation Strategy Unit. In accordance with the guidelines, the Land Board shall in the case of big projects insist that an Environmental Impact Study be commissioned to assess the project's implications. The results of the study are to be used as a factor in deciding the nature of the development and enable the Land Board to state the appropriate conditions under which the application may be approved. The identification of amelioration measures to overcome the suggested impacts should be included in a programme for compensation.

In the event of acquisition of already occupied tribal land, Regulation 15 of the Tribal Land Regulations of 1970 is invoked. The acquiring authority with the assistance of the Land Board, make reasonable effort to identify and contact all occupiers within the zoned land. If deemed necessary, the Land Board shall request for a Kgotla (community) meeting to advise the people of the scheme and their rights. The views of the affected communities are documented to ensure that they are taken into consideration when a decision to implement the project is made.

Using an Environmental Impact Study, DLUPU or the National Steering Committee should give an early recommendation, in principle, to the Land Board, which then forms the basis of subsequent detailed recommendations.

Once it has been decided to proceed with the project the compensation assessment committee conducts a physical inspection recording all the details of all improvements to the land and any other fixed assets affected within the zoned area. The inspection report is the basis upon which compensation is assessed. The assessment committee invites the various affected occupiers to submit any additional or counter claims for their improvements if they so wish.

Some claimants may engage the services of professionals and should be given time to do so. The compensation assessment committee then meets to discuss and agree on the appropriate rates of compensation. Compensation rates are reviewed yearly and for improvements they are based on depreciated replacement value. Where only part of the land is required and the part remaining cannot be used by itself because of size, access or negative impact of the project, the assessment report gives full details as the acquiring authority may be required to take the whole land and pay compensation for improvements.

The Land Board should consider the compensation assessment and submit its recommendations to the Department of Lands for checking and adjustment where necessary. The Department of Lands then advises the acquiring authority of the approved report. The acquiring authority then immediately releases payment directly to claimants. In the case of emergencies, an order is issued by the Minister of Lands and Housing to the effect that people should vacate their land before compensation is paid with commitment by the acquiring authority for full compensation at a subsequent date with interest. In the event of the applicants being dissatisfied with the compensation assessment, they are advised to appeal to the Minister of Lands and Housing who may then appoint an arbitrator in accordance with section 25 (2) of the Tribal Land Act, Cap. 32:02. The claimants have the right to take the appeal to Court if they so wish. Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on these appeals.

2.2 WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP.4.12)

The World Bank's Policy on Involuntary Resettlement (OP.4.12) applies to all project components that have only direct economic and social impacts due to expropriation of land or restriction of access to natural resources irrespective of the number of affected people, severity of loss and land ownership rights. Key principles and policy objectives of OP 4:12 can be summarized as:

- To minimize or avoid involuntary resettlement where feasible and to explore all viable alternative project designs;
- To conceive and implement resettlement activities as sustainable development programs where affected people are provided with sufficient investment resources and opportunities to share in project benefits;

The overall objectives of the Bank's OP 4.12) policy on involuntary resettlement is:

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

OP. 4.12 makes requirements for the following:

The Operational Policy OP4.12 has requirements for:

- (i) High levels of consultation and disclosure and a participatory process;
- (ii) Assistance with physical displacement;
- (iii) Particular attention must be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons;
- (iv) Exploring all viable alternative project design to avoid physical displacement of affected peoples to the extent possible;
- (v) Replacement of assets rather than cash compensation, unless in specific circumstances;
- (vi) A process to define eligibility for benefits according to certain criteria and determination of entitlements according to eligibility;
- (vii) The development of appropriate resettlement planning, implementation and monitoring documents including a resettlement plan or framework that achieves the objective of OP4.12. RAP for each subproject shall be prepared by the Client cleared by the Bank and disclosed by both parties prior to implementing resettlement activities;
- (viii) Grievance mechanisms to be in place at the early stages of the resettlement processes
- (ix) Inclusion of costs of resettlement in the overall cost of the Project; and
- (x) Monitoring and evaluation of resettlement and its impacts, and determination of whether requirements under the RPF and subsequent RAPs have been effectively implemented.

The Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the PAPs in accordance with the provisions of the RAP.

In addition, OP 4.12 provides a framework for the compensation of various types of assets as highlighted below:

- For agricultural land, land of equal productive use or potential, prepared to a similar level and located in the vicinity of the affected land;
- For residential land, land of equal size and use, with similar infrastructure and services and located in the vicinity of affected land;
- For structures, full replacement cost to purchase or build new structures of a similar size and quality to affected houses and other affected structures; and
- Subsidies to assist AP with costs associated with the transition period in the resettlement site e.g., moving costs, living allowance, business losses lost production etc.

2.3 ANALYSIS OF PRINCIPLES OF ACQUISITION OF LAND AND COMPENSATION IN BOTSWANA AND THAT OF THE WORLD BANK OP 4.12

The main gap in Botswana's compensation guidelines and the World Bank's OP 4.12 is related to their objectives. The World Bank OP 4.12 first and foremost is a policy document, whose operational principles are also informed by key social development objective, which is to restore, if not improve the livelihood of affected persons, while the national compensation guidelines is mainly an operational guidance to acquire land and compensate asset losses for a public interest investment.

OP 4.12 holds as a principle that displaced people should be assisted in their efforts to improve their livelihoods or at least to restore their lives in real terms, to pre investment levels or to levels prevailing prior to the beginning of project implementation or whichever is higher. Where necessary, to achieve the objective of the policy, the resettlement plan or resettlement policy framework also includes measures to ensure that displaced persons are offered support after displacement, and provided with development assistance in addition to compensation measures (e.g.: land preparation, credit facilities, training, or job opportunities, in-kind compensation, or whatever measures have been identified as a subject of concerns to the displaced people.) In conducting communities' consultation and socioeconomic survey for the resettlement plan, special attention is paid to vulnerable households or persons such as: elderly, disabled, single-headed, or child-headed households; but also gender discriminating impacts. Appropriated accompanying measures are taken to assist such households or persons.

When the government of Botswana or a statutory body undertakes a project which is of national importance and the only suitable land for that project is already occupied the president shall determine in accordance with section 32 of the Tribal Land Act that it is in the public interest that the land be acquired for the project. When such land is taken, compensation is payable as per section 33(2) of the Tribal Land Act. The acquiring body is responsible for aspects of the project including payment of compensation direct to the claimants. The Compensation Guidelines provide a set of practical rules and procedures to deal with land acquisition by ensuring fair and just compensation to the affected people. But beyond the provision of such compensation the guidelines do not seek any further objectives for the sake of the

persons/households affected. Admittedly, in the course of implementing a project for the public interest, affected people are at best left in the same state as prior to the project, or worse off, depending on their personal vulnerability situation. If deemed necessary affected people might have to be displaced before payment of compensation.

This Resettlement Policy Framework will apply the following principles to fill this operational gap, and fulfill both the requirements of the Government of Botswana and the World Bank's.

The measures to fill the gaps and satisfy the requirements to Botswana's existing legal frameworks and guidelines as well as the World Bank Safeguard Policy (OP4.12) are presented in Table 2.1 below.

Table 2.1: Comparison of Botswana's legislation and principles of compensation with World Bank Policies and measures to fill the gap

| Areas of Concern | Botswana Legislation, Policy & Guidelines | World Bank Policy Requirement | Measures to Fill Gaps |
|---|--|---|---|
| Timing of compensation payment | Compensation paid before displacement except in the case of emergencies, where an order is issued by the Minister of Lands and Housing to the effect that people should vacate their land before compensation is paid with commitment by the acquiring authority for full compensation at a subsequent date with interest. | Compensation to be paid prior to displacement and relocation. The displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher. | Compensation to be paid prior to civil works, |
| Calculation of compensation | Compensation value for land to be acquired/repossessed does not rely solely on land markets especially where the markets are weak or non-existent. It considers the need to strike a balance between the public need/good, security of tenure and protection of private property rights. | Compensation at full replacement cost for loss of assets attributable directly to the project. Depreciation of structures and assets should not be taken into account. | Market prices should be used for assessing and evaluation compensation. Depreciation of asserts should not be used. |
| Form of compensation | Land-for-land compensation when land is available. If land is not available, cash compensation is paid for all improvements on the land including the value equivalent to the loss of right to use the land. | Recommends land-for-land compensation. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. If land is not available at reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. | Botswana laws and Bank OP 4.12. are in agreement that there be land compensation for land-based livelihoods if available. In cases where land is not available, Botswana laws supports cash payments while Bank OP 4.12 requires cash payments plus other assistance measures. To bridge this gap, all Compensation Programmes or Resettlement Plans must have a budget for other assistance measures in addition to cash compensation. |
| Squatters/Land users without formal title | No compensation shall be payable in a case where a dispossessed person is not in a position to adduce lawful title to the | Land users without formal title are provided resettlement assistance in lieu of compensation for the land they occupy, and | The Laws of Botswana will take precedence in as far as it recognizes rights of tenure. In cases where project affected persons have no |

| | | | |
|---------------------------|---|--|---|
| | <p>improvements which are affected by the proposed project.</p> <p>No compensation shall be payable for improvements which are in conflict with the land use zoning unless the owner-occupier can show that developments were carried out with authority of the land Board or were carried out prior to the zoning of the land in question.</p> | <p>other assistance as necessary, if they occupy the project area prior to a cut-off date.</p> | <p>rights of tenure or his/her land use is in conflict with the land use of the area he/she occupies according to Botswana laws, the provisions of the Bank OP 4.12 would apply in terms of their rights for compensation, consultation, grievance mechanism etc, where they have been affected by the project. Where there is conflict between Laws of Botswana and the Bank OP 4.12, the latter must take precedence.</p> |
| Special/vulnerable groups | <p>No specific provision with respect to additional assistance and monitoring.</p> | <p>The Work Bank policy encourages that special attention should be paid to the needs of vulnerable groups (those below poverty datum line, the landless, the elderly, women and children, indigenous people, ethnic minorities, persons with disabilities (PWD) etc.) among the displaced.</p> | <p>All Compensation Programmes or Resettlement Plans must have a budget for other assistance measures in addition to cash compensation.</p> |
| Resettlement Assistance | <p>No specific provision with respect to additional assistance and monitoring.</p> | <p>In case of physical relocation, displaced persons are provided assistance (such as moving allowances) during relocation. The displaced should be provided with development assistance (such as land preparation, credit facilities, training, or job opportunities) in addition to compensation measures. Affected persons are also to be offered support after displacement, for a transitional period</p> | <p>All Compensation Programmes or Resettlement Plans must have a budget for other assistance measures in addition to cash compensation.</p> |
| Consultation | <p>In the event of acquisition of already occupied tribal land, Regulation 15 of the Tribal Land Regulations of 1970 is invoked. The acquiring authority with the assistance of the Land Board, make reasonable effort to identify and contact</p> | <p>Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement option, and offered opportunities to participate in planning, implementing and monitoring</p> | <p>There is no gap between the Botswana Law and OP 4.10 as far as consultations with affected communities and PAPs. Affected communities as well as PAPs are targeted and consulted as a group and as individuals. Timely and relevant information will be</p> |

| | | | |
|---|---|--|--|
| | <p>all occupiers within the zoned land.</p> <p>The EIA Act of 2011, Section 7 – states that an applicant shall take all measures necessary to seek the views of the people or communities which are likely to be affected by the activity. The views of the affected communities should be documented to ensure that they are taken into consideration when a decision to implement the project is made.</p> | <p>resettlement.</p> | <p>shared with PAPs during the project lifetime.</p> |
| <p>Grievance mechanism and dispute resolution</p> | <p>In the event of the applicants being dissatisfied with the compensation assessment, they must be advised to appeal to the Minister of Lands and Housing who may then appoint an arbitrator in accordance with section 25 (2) of the Tribal Land Act, Cap. 32:02. The claimants have the right to take the appeal to Court if they so wish. Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on these appeals. Any party who is aggrieved by the decision of the Land Tribunal may appeal to the High Court on a point of law only.</p> | <p>Appropriate and accessible grievance mechanisms to be established</p> | <p>There is no gap in the grievance mechanism and dispute resolution for Botswana and the World Bank OP 4.12</p> |

3.0 ORGANIZATIONAL PROCEDURES

3.1 INTRODUCTION

The following institutions have roles during the planning and implementation of the RAP:

3.2 INSTITUTIONS INVOLVED IN THE PLANNING AND IMPLEMENTATION OF RAPs

3.2.1 Ministry of Land Management, Water and Sanitation Services

The Ministry of Land Management, Water and Sanitation Services is responsible for the management of land related functions as well as facilitation of housing water and sanitation delivery throughout the country.

The ministry has the overall responsibility in ensuring the successful implementation of the project and ensuring that the beneficiary communities have access to potable and regular water supply and proper sanitation.

3.2.2 Water Utilities Corporation

WUC is the client and front leader or main driver responsible for the successful implementation of the project, and will lead the coordination and the development of RAPs by appointing consultants, ensuring that the reports or RAPs produced follow this RPF and ensure that they are of high quality useable and meets the requirement of the bank. WUC is also to ensure that all PAPs are adequately compensated before civil works commences.

3.2.3 Department of Roads

The Roads Department within the Ministry of Transport and Communications is responsible developing and maintaining the country's road network. The department plays a role as an institution to permit the laying of water pipes within its reserves following an application for a way leave.

The department manages all the primary and secondary roads in the country. The roads have various servitudes or reserves depending on their level of service. The road reserves may vary from 61m to about 30m wide. It is designed (according to the urban design standard of Botswana) that infrastructure such as water pipes are laid within the road reserve to service places of need.

3.2.4 Botswana Railways

Botswana Railways provides rail transportation services in the country. However its services are limited to the southern and eastern parts of the country. The railway lines also have servitude of about 100m. It therefore also provides land for laying of pipe lines when required following an application for a way leave.

3.2.5 Department of Lands

The main purpose of the department is to administer state land through the State Land Act, to regulate freehold land through Land Control Act and provide professional and technical advice on tribal land matters. The department has four technical divisions that carry out its functions. The four divisions are Administration, Estates and Land Valuation, Land Inventory and Management, Land Use and Development. The department is to validate or approve all

compensation values before they are paid out. They are also responsible for transferring rights of land within State land to WUC for their pipelines and tanks.

3.2.6 The Land Board

The Land Board derives its statutory responsibilities to hold land in trust for the citizens of Botswana from the Tribal Land Act of 1968. The functions of the Land Board involves granting of rights to use land, cancellation of the grant of any rights to use any land, imposition of restrictions on the use of tribal land, authorizing any transfer of tribal land and hearing appeals from decisions of Subordinate Land Board in respect of any of its functions conferred on such Sub-Land Boards. The granting and repossession of tribal land are carried out through the land board and in accordance with the provisions of the Tribal Land Act (1968).

The Land Boards through their appropriate Sub- Land Boards are to assess and evaluate all properties to be affected by the sub projects and also provide the value of compensation for each PAP.

3.2.7 Compensation Assessment Committee

The compensation assessment committee is set up by the respective Land Board Secretary and consists of the following:

- Member of the Land Board (other than the Land Board Chairman) – who chairs the committee
- Land Board Secretary – Secretary
- Acquiring Authority
- Land Officer (Land Use) – Member
- District Agricultural Officer – Member
- Sub Land Board Chairman of the relevant area – Member
- Clerk of the relevant Sub Land Board
- Council Chief Technical Officer – Member
- Land Board Technical Officer – Member
- Land Valuer

It must be noted that a minimum of five (5) members including a Land Value forms a quorum for a compensation and evaluation assessment exercise.

This committee is to be formed and will undertake the assessment and evaluation of properties to be affected.

3.2.8 Land Tribunal

The Tribal Land Act was amended in 1993 to provide for the establishment of a specialized court to attend to appeals against the decisions of the Land Boards and for enforcement of the Land Board decisions. The Land Tribunal's official commencement date was the 13th of October 1997. Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on appeals. Any party who is aggrieved by the decision of the Land Tribunal may appeal to the High Court on a point of law only.

The Land Tribunal is a three member team chaired by a President. The President of the Tribunal is a qualified lawyer appointed in accordance with the provisions of the Public Service Act. The members are also appointed in terms of Public Service Act, on contract terms renewable for two terms. The Tribunal is also empowered to co-opt two advisory members to assist, but not

participate in decision making, in any matter before it that involves local cultural or traditional aspects or values.

The Land Tribunal will be engaged should any PAP feel aggrieved in the process of land acquisition

3.2.9 Department of Environmental Affairs

The Department of Environmental Affairs (DEA) within the Ministry of Environment, Natural Resources Conservation and Tourism is responsible for protection and improvement of the quality and safety of the environment, to promote conservation and sustainable use of natural resources.

The Department of Environmental Affairs (DEA) is also responsible for receiving and reviewing of Environmental and Social Impact Statements on environmental and social impacts of plans, programmes and projects. It is also responsible to ensure that mitigation measures for adverse impacts are adequately implemented. This it ensures through auditing of the project and receiving periodic monitoring reports.

The department through auditing will ensure that all PAPs are compensated adequately.

3.2.10 City, Town and District Councils

The duty of the councils is to exercise good governance and take responsibility for development in their areas of jurisdiction. Councils in Botswana are corporate bodies with distinct names by which they are established. In terms of Section 31 of Local Government (District Councils) Act and Regulation 32 of the Townships Act, Councils are to:

- Provide primary schools and other educational services in relation to primary education.
- Provide sanitary services for the removal and disposal of refuse.
- Safeguard and promote public health and prevent occurrence of any outbreak or prevalence of any disease.
- Construct and maintain public roads and streets other than those constructed and maintained by central government.
- Act as fire authorities to maintain fire brigades and to be responsible for extinction of fires and protect life and property in case of fire
- Control urban building design and standards
- Organize the collection, retention and where applicable, sale of lost cattle's (*Matimela*)
- Establish, maintain and control markets

The councils also do have Roads Departments that are responsible for roads at the district levels. Normally the roads are of tertiary levels as they are within the cities, towns or villages. The road reserves vary between 45m to as low as 15m. As most of the villages are not planned or existed before plans were made most of the road reserves have been encroached upon. The councils are also to permit the use of their road reserves.

The councils have a Social and Community Development Department which deals with social issues including taking care of vulnerable people in the society. The department can also help in identifying vulnerable groups or PAPs within the administrative districts

3.2.11 Communities

The communities are to help find directly affected PAPs, through their land overseer. In addition where they have been affected appoint their representatives through the Tribal leadership. In our case the village / ward development committees may be used.

The communities are also to allow in sharing some of their resources such as use of their roads which may produce dust and probably cause road crashes during transportation of materials, affecting their land, increase in noise pollution and blocking access to services due to trenching just amongst others.

3.2.12 PAPs

The PAPs are the beneficiaries of all this exercises of preparing this RAF and the RAPs to be prepared. Their role is to avail themselves on time before the cut-off dates and to be truthful or sincere in providing information to enable the provision of an amicable compensation.

4.0 ESTIMATED POPULATION DISPLACED, ELIGIBILITY CATEGORIES AND ENTITLEMENT

4.1 INTRODUCTION

This section of the RPF sets out eligibility and entitlement criteria for those who would require resettlement and benefits.

4.2 ESTIMATED DISPLACED POPULATION.

At this stage in the entire project, it is difficult to determine the number of PAPs to be affected. As studies to determine the number of people to be affected by some of the sub-projects has not yet been commissioned. This RPF will guide in the determination of identifying PAPs and involving them in the planning process and preparation of the RAPs. The total number of PAPs is not discernible at this stage as studies and designs of some subprojects are either on-going or has not been commissioned as at yet. They will become discernible after the commissioning of studies for all the subprojects. However the anticipated impacts and estimated PAPs, and proportions of ownership of land uptake are summarized in Table 4.1

Table 4.1 Summaries of Anticipated Impacts and Estimated PAP

| SUB-PROJECTS | ANTICIPATED IMPACTS | ESTIMATED NUMBER OF PEOPLE TO BE AFFECTED |
|---|--|--|
| 1. Selebi-Phikwe to Serule water Transfer scheme | <ul style="list-style-type: none"> • Permanent Land uptake for pipelines (within servitudes belonging to Roads Department; national and district council and Botswana Railway and individuals) and reservoirs and storage tanks. • Temporary disturbance in the use of part of a borrow pit and pan, which contains water for livestock watering during laying of pipeline • Temporary blockage of access to homes or land uses during construction. • Cutting of main and minor roads for crossing of pipelines. Laying | Community Land : 3 State Land : 1 Individuals plots : 10 Parastatals (BPC, etc) : 2 Roads Department : 1 Botswana Railways : 1 Total 18 Estimated Cost = Cost of Compensation + Disturbance + Administrative cost = P 200,000 |
| 2. Boteti Southern and Central Cluster Villages Water Supply Scheme | <ul style="list-style-type: none"> • Temporary, physically and economic displacement of table top traders. Studies are still on -going | Individuals 6-10 |
| 3. Mosu, Mokubilo and Mmea villages | Yet to be determined as studies are still on -going | Yet to be determined as studies are still on -going |
| 4. Ghanzi township water supply expansion | Yet to be determined as studies are still on -going | Yet to be determined as studies are still on -going |

| SUB-PROJECTS | ANTICIPATED IMPACTS | ESTIMATED NUMBER OF PEOPLE TO BE AFFECTED |
|--|--|---|
| 5. Kuke water supply master plan project | Yet to be determined as studies are still on -going | Yet to be determined as studies are still on -going |
| 6. Bere Settlement water supply augmentation project | Yet to be determined as studies are still on -going | Yet to be determined as studies are still on -going |
| 7. North East and Tutume Sub District Water supply upgrading project | Yet to be determined as studies are still on -going | Yet to be determined as studies are still on -going |
| 8. Mathethe | <ul style="list-style-type: none"> • Permanent land uptake for pipelines (within servitudes belonging to Roads Department and individuals) and reservoirs and storage tanks. • Temporary blockage of access to homes or land uses during construction. • Cutting of main and minor roads for crossing of pipelines. | Community Land : 3 Individuals plots : 20 Parastatals (BPC, etc) : 2 Roads Department : 1 : Total 26 Estimated Cost = Cost of Compensation + Disturbance + Administrative cost = P 220,000 |
| 9. Mokatako | Not known at this stage, as studies are still on going. | Not known at this stage, yet to be determined as studies are still on going. |
| 10. Kanye/ Moshupa | Not known at this stage, as studies are still on going. | Not known at this stage, as studies are still on going. |
| 11. Malwelwe/ Molepolole / Thamaga / Thebepatswa Airbase | Not known at this stage, as studies are still on going. | Not known at this stage, yet to be determined as studies are still on going. |
| 12. Mambo WWTP rehabilitation | <ul style="list-style-type: none"> • Improved water quality to a farmer down stream of WWTP using effluent to farm. • Land Uptake for laying transmission pipe to the Tati River | Individual 1-5 Yet to be determined as studies are still on -going |
| 13. Letlhakane wastewater treatment ponds expansion | Not known at this stage at stage as studies still on going, | Yet to be determined as studies are still on -going |

| SUB-PROJECTS | ANTICIPATED IMPACTS | ESTIMATED NUMBER OF PEOPLE TO BE AFFECTED |
|---------------------------------|---|---|
| 14. Lobatse WWTP rehabilitation | <ul style="list-style-type: none"> Prevention of livestock in gaining access to drinking effluent water. | Yet to be determined as studies are still on -going |

4.3 ELIGIBILITY REQUIREMENTS FOR COMPENSATION

Those who would be affected by the implementation of sub projects and would be eligible for compensation include:

- (a) Those who have formal rights to land (including customary/communal land, statutory rights) as recognized under the laws of Botswana.
- (b) Those who do not have formal legal rights to land at the time of the project or commences but have a claim to such land or assets provided that such claims are recognized under the laws of Botswana or become recognized through a process identified in the RAP
- (c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date.

All affected persons identified and covered under provisions (a) and (b) will be compensated for their land and any other affected assets at a replacement cost and other reasonable assistance.

Affected persons covered under provision (c) are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established in each RAP.

Persons who encroach on the area after the cut-off date will not be entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land.

It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

4.3.1 Cut-Off Dates

The date that the census begins is the cut-off date for eligibility for resettlement and compensation for each sub project. It is key; therefore, that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their

availability for the census. Any affected persons who move into the sub project areas after the cut off date will not be entitled to any compensation.

This communication will be done through the Consultants and in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives. The cut off date for census should also be announced on radio and the print media as well. This should be announced on the day of the commencement of the census survey. The announcement should describe the route or locations of the infrastructure to be provided.

Once the census had been undertaken, the lists will be verified and validated by the relevant authorities such as the district Land Board, local authorities, etc. Once land users have been identified, their details and eligibility will be submitted to the WUC and these new PAPs will be considered eligible for compensation. After these lists have been approved, thereafter, no new cases of affected people will be considered.

Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on. Special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAPs and signs that inform general public of intended use of site.

Infrastructure projects frequently require temporary use of private lands or structures for access, material storage, borrow pits, work sites or other purposes. OP.4.12 recognises that temporary loss of lands or structure can adversely affect incomes or standards of living and as such involuntary temporary acquisition should be minimised and that project plans should provide compensation for any involuntary acquisition as highlighted in Box 4.1 below. This should be entrenched in the ESIA's to ensure commitment on the part of the contractor in order for compensation to be adequately. This will be monitored by the environmental and social monitoring team and or project implementation personnel.

Box 4.1: Compensation Guidelines for Temporary Acquisition of Assets

For land

Good practice recommends that DPs receive (a) compensation equivalent to the net average income that would have been obtained from the land during the period of temporary acquisition; and (b) restoration of the land to its original productive use or full compensation for the cost of restoration. Another good practice is to explicitly delineate in contractor's agreements the responsibility for restoring the land to its former productive use.

For structure

Good practice recommends that DPs receive compensation based on the remaining extent of access or use. If temporary land acquisition produces only minor inconveniences (for example, periodic disruption of access), compensation to restore the structure to its original condition and an inconvenience allowance can be paid. If structures themselves are temporarily acquired, or if use of the structures is precluded, alternative comparable accommodations rental allowance for equivalent temporary housing, or payment for constructing temporary housing of a reasonable standard can be provided. Compensation should also be paid for any moving or restoration expenses.

For businesses

Temporary loss of access to facilities, suppliers, or customers can diminish business income significantly. A good practice is to pay compensation equivalent to the estimated net loss to the owner of the business. Because estimating may be unavoidable when planners determining losses (or income), compensation amounts are usually negotiated business owners. If an affected business cannot continue in its current location, another good practice is to provide new premises or a rental allowance for new premises (including the cost of relocating business personnel and equipment to and from these new premises).

For wages

Good practice recommends paying allowances, equivalent to regular wages, to workers temporarily losing employment.

Source: Adapted from World Bank, 2004

4.4 ELIGIBILITY CRITERIA AND ENTITLEMENTS

Defining eligibility criteria is essential for the resettlement/ rehabilitation process and compensation payments. The census and property inventories will provide the basis of the identification of PAPs with special emphasis on gender and affected assets. This section outlines the categories of Project Affected Peoples who are recognised as potentially affected by project activities and describes the categories of entitlements.

- *Land occupiers whose land may be permanently acquired for these projects*

In the event that this category of PAP is identified, every effort will be made to provide an equivalent plot of same value and size in a nearby area to ensure that other aspects of economic and social life (e.g. job, school, kin support) is not disrupted. If a tenant is occupying the property, the land lord should give the tenant adequate notice or compensate him/her as per the individual rental agreement between the two parties.

- *Plot owners / tenants where land within the residence compound may be temporarily occupied for excavation works or whose access to the residential compound is temporarily disrupted by such works.*

The land will be restored to its original condition after the project works are completed. During the works, the project will take all precaution to ensure that there is minimal disturbance to the residents. However, in the case that the residents are affected (e.g. access to compound main

entrance is not possible), the project will compensate the affected person to ensure that they can meet their needs through alternative means (e.g. allow street parking or pay for nearby car park). A reasonable amount of money determined by the compensation assessment committee of the Land Board/Department of Lands will be paid to the affected PAPs as a disturbance allowance normally 10 per cent of total value of compensation is given as disturbance. Where the PAP is a tenant, this compensation and disturbance allowance will be paid directly to the tenant as he/she is experiencing the disturbance.

The house owner/landlord will be informed of this compensation and disturbance allowance amount so he/she is aware of it and hence not obliged to compensate the tenant through reduction in rent.

- *Vendors or other commercial businesses disrupted by excavation works.*

Any legal or illegal shop/vendor who was carrying out business prior to finalization of design and cut-off date, and whose business is disrupted, will be compensated for the loss of business for the period that they cannot carry out their trade. This will be calculated by the relevant Land Board assessment committees based on any records the vendor can show of business in the preceding 3 months. Where there are inadequate paper records, the daily business profit will be estimated by comparing to the average income of similar businesses. An additional disturbance allowance equivalent to 7 days of business profit will be paid.

Every precaution will be taken not to damage existing structures. Where any structure is damaged, adequate compensation to replace that part will be paid at replacement cost. In the event that a structure has to be demolished, compensation will be at full replacement cost. However, in the event that the vendor is provided an alternative market site and a new structure to carry out business, the compensation will only be for loss of business which will be paid for actual days of business lost, plus the additional 7 days of lost business profit in lieu of disturbance allowance. The project will also bear full cost of transportation of goods to the new location of the business or to any storage area, and cover the cost of storage for the period of disruption.

For legal structures additional compensation will be paid if there is title to land, equivalent to the market cost of the land as well as full compensation for all fees needed to make the replacement structure legal.

- *Vulnerable Sub-Groups*

Particular attention is to be given to identify PAPs falling into vulnerable groups such as the landless, gender especially women-headed households, households with orphans, elderly living alone, persons with disabilities, sick head of household to ensure that their needs are identified and that they are provided adequate support.

Vulnerability will be defined at the household level and could be based on economic vulnerability (e.g. a street vendor who has minimum profit and survives on a daily basis on his income) or social vulnerability (e.g. a tenant in an apartment who lives alone, has HIV and jobless) or a combination of these. The socio-economic survey for each RAP will clearly identify the households that are deemed vulnerable in terms of project impact, provide a detailed justification describing the project impact and rationale for vulnerability.

The criteria must be linked to project impact. The RAP should clearly describe the nature of the impact, the vulnerability and the detailed provisions offered to the household by the project that are specific to its particular needs and cater to its limitations. All vulnerable households will be

included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement. Similarly, any grievance complaints made by vulnerable households will be given preference and they will be provided assistance to submit such complaints.

- *Persons whose structures are demolished or where use and access to services is denied or restricted.*

It is understood that all structures in the project areas are legal with few or no privately owned land. Hence as per WB, OP 4.12 PAPs will be recognised as those persons who own or use structures/ services in these areas prior to the announced cut-off date and project social survey.

The preference will be to replace the structure with another one of equivalent size, material and value. Where deemed appropriate, an alternative will be to compensate the structure at replacement cost. The compensation will be paid at a minimum of 3 months prior to the demolition of the affected structure to ensure that the new structure is fully operational when access to the old structure is restricted.

Where access to a service/facility is restricted, the project will finance such a service accessible to the affected people at a distance which is, at most, not more than the distance of the lost service from their house. The new service will be fully operational prior to restriction of the affected service.

- *Owners of livestock falling into trenches and livestock deprived of watering from ponds*

Owners of livestock (cattle) that may fall into trenches during civil works and die will need to be compensated in cash at the current market rate by the contractor

Again, alternate water source should be provided to cattle owners through negotiations with the owners where WWTW are to be improved upon and the livestock may permanently lose their source of drinking water.

- *Eligibility for Community Compensation*

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored. Eligibility criteria will also be determined by the status of development up to when the census starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

Table 4.2 below summarises the eligibility criteria and compensation guidelines to be followed throughout the proposed projects. In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However this is for guidance only and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation. Similarly, amounts of disturbance allowance and other benefits will also be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The Consultants will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Botswana law as long as it meets the requirements of WB OP 4.12.

Table 4.2: Entitlement Matrix, Eligible PAPs, Assets and Compensation Estimates/Guidelines.

| Project Impact | PAP Category | Category of Impact | Compensation Guide/Entitlement Benefits |
|---|----------------------------------|---|---|
| Permanent acquisition of land for works | Land occupier/title holder | Land | For individual/institutions- Replacement of land of within 3km radius or equivalent market value as priority. |
| Permanent land within road/railway reserves/ national parks | Government of Botswana. | Land | Government to Government institutions. Pay of wayleave fees upon application |
| Permanent acquisition of legal structure. | Owner of structure/ title holder | Any structure including house, fence, sanitation structure etc. | Replacement of structure or cash compensation at replacement value of new structure plus full compensation for all fees required to replace lost asset. |
| Permanent acquisition of illegal structure | Owner of structure/ title holder | Any structure including house, fence, sanitation structure etc. | Replacement structure at replacement value plus full compensation for all fees required to replace lost asset |
| Tenant or House owner | | Section of residential compound temporarily affected or access to house affected by works | Restoration of land to original condition after works. In kind compensation for affected persons need such as alternative car parking facility. Disturbance allowance for each week (7 days) of disturbance calculated on pro rata basis. |
| Loss of business (Vendors or businessEntrepreneurs) | Licensed and unlicensed business | Loss of income due to inability to operate business. | To be compensated in cash for loss of income for the for the duration for which the project implementation affects them. |
| | | Loss of business due to works | Cash compensation of estimated business loss assessed from records of preceeding 3 months or equivalent business (if no records). |
| | | Loss of space to operate small business | Disturbance allowance/compensation of 10 per cent of average business income per day for the past/previous week for the duration of loss of space due to project |

| Project Impact | PAP Category | Category of Impact | Compensation Guide/Entitlement Benefits |
|---|---|--|---|
| | | | implementation.. |
| | | Demolition of shop | Replacement structure or cash compensation equivalent to replacement value of structure or provision of alternative structure in market area. Disturbance allowance equivalent to 7 days of business profit Transportation of goods to new shop and/or storage of goods until shop is functional again. |
| Building/structure. | Owner of structure | Demolition of structure or restriction of access to it | Replacement of structure or cash compensation at replacement cost for structure, payable at a maximum of 3 months prior to the demolition or restriction of access to the affected structure. |
| Service user (individual or community whose access to a service in the proposed project site is disturbed or curtailed. | Individual or community | Restriction of access to service | Provision of equivalent service (eg. Household consumables through car or table top sales), at a distance which is, at most, not more than the distance of the restricted service from house. The new service will be fully operational prior to restriction of access to the old service. |
| Farmer occupying land | Land occupier | Crops | Will be allowed to take standing crop and cash compensation for 2 seasons or annual crop whichever higher at highest market rate. Labour invested also compensated. |
| Temporary acquisition | PAPs, whether owner, tenant or squatter | Land/assets | Cash compensation for any land/assets affected |
| Fruit tree owner | Owner | Fruit tree | Cash compensation for highest market price of 5 years harvest of full mature tree or 7 years if tree already at full maturity. |
| Affected utilities | Utility providers | Public utilities | Structures to be restored or repaired to satisfaction of utility service provider. Repairs undertaken by service provider and project through the contractor charged for repairs |
| Temporary loss of access to community land; for example for | Community | Grazing areas, watering points of animals, access to | A fair agreement with the community to be affected is to be made and documented (particularly if the community is donating the |

| Project Impact | PAP Category | Category of Impact | Compensation Guide/Entitlement Benefits |
|--|---------------------------|--|---|
| grazing or watering of livestock. | | services, severance of access to plots | land for the temporary use) or the community is compensated adequately through their Village Development Committee or leaders prior to disturbance of use or civil works. Provide crossing facilities to all plots, and no more than 50m of trench should be left open at any point in time. |
| Temporary acquisition of assets during civil works. | Individual | Land (space) for storage of materials. | Contractor to enter into a fair agreement with owner of land and compensate adequately prior to use of assets of individual and reinstate the site or land after use. |
| Permanent loss of livestock through falling into trenches during civil works | Individual | Livestock | Market price of livestock (cattle) to be paid by contractor to the owner |
| Permanent deprivation of livestock from getting water from ponds (WWTW) | Individuals/ Community | Watering Points/ Source of water | Negotiations entered with PAPs and alternative water sources for livestock provided . Such meetings need to be recorded with the final agreements. |

4.5 METHOD OF VALUING AFFECTED ASSETS

This section sets out the guidelines for determining the value of affected assets.

4.4.1 Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

4.4.2 Gross Current Replacement Cost

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

Other methods:

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Schedule of rates: The Land Boards as well as the Department of Lands have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

Compensation Calculation for Assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

4.6 COMPENSATION FOR VARIOUS ASSETS

4.6.1 Compensation for Land

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes; registration fees will need to be included in the compensation.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labour, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

4.5.2 Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined, taking into account the Government recommended rate and the highest market price, and whichever is higher. Where land is rented, 2 seasons or annual crop estimate, whichever is higher will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimate, whichever is higher. The crops used will be the ones that are currently or have most recently been cultivated on that land. In addition, PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned.

The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Fruit trees will be compensated to the owner by estimating the value of a full grown fruit tree of that kind for 5 years, using Government or highest market price, whichever is higher. For trees that are already at their maximum potential, the value of seven years of harvest will be given. Where the fruit tree is given on rent, the tenant will also be entitled to compensation along the same grounds for 2 years mature harvest and 3 years mature harvest if the tree is already at full maturity.

4.5.3 Compensation for Buildings and Structures

The preferred option is to provide alternate structures (huts, houses, farm outbuildings, latrines, storage facilities and fences etc.) of improved quality where possible. Where structures are dwellings, the replaced structure should provide improved living conditions.

The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

- Measurements of structures and detail of materials used
- Average replacement costs of different types of household buildings
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters,
- Bundles of straw, corrugated iron sheets, doors.
- Prices of these items collected in different local markets
- Costs for transportation and delivery of these items to acquired/ replacement
- Land or building site
- Estimates of construction of new buildings including labour required
- Any associated taxes and registration fees.

Compensation will be made for structures that are;

- (i) Abandoned because of relocation or resettlement of an individual or household, or
- (ii) Directly damaged by subproject activities.

4.5.4 Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

4.6.5 Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and genocide war memorial sites include but not restricted only to; museums, altars, initiation centres, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project.

4.6.6 Compensation for Loss of Businesses

Any structures will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income and production during the transition period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

5.0 RESETTLEMENT ACTION PLAN PREPARATION AND IMPLEMENTATION ARRANGEMENTS

5.1 INTRODUCTION

Following adoption of this RPF, all RAPs will be prepared following requirements and procedures set out in the RPF.

5.2 IMPLEMENTATION ARRANGEMENTS'

The overall coordination of subprojects will be provided by the Water Utilities Corporation which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given that projects locations are scattered all over Botswana, WUC will collaborate and rely on the appointed consultant(s) for certain procedures.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall Botswana emergency water security and efficiency project
- The implementation arrangements for resettlement and compensation activities in line with OP 4.12 and relevant Botswana legislations outlined in this document.

Actors involved including WUC, respective relevant Land Boards, Town and City Councils (Lobatse Town Council, Francistown City Council), Roads Department in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for all sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

5.2 Screening

Screening will be undertaken by consultants engaged by WUC to identify the involuntary resettlement impacts and risks. Where resettlement impacts are found, a RAP for the subproject will be prepared and submitted to the World Bank and WUC for review and clearance. The purpose of the RAP will be to identify resettlement objectives, principles, organizational arrangements, overall design of the resettlement program, and funding mechanisms for any resettlement operation that may be necessary during the preparation and implementation phases of WUC projects. Sample of a Resettlement Screening Form is presented in Annex A.

Where no resettlement impact is identified, no RAP will be required. However there would be a need for a Due Diligent Report specifying no demand on land acquisition and resettlement impact to be prepared and submitted to WUC and the World Bank for clearance.

5.3 RESETTLEMENT INSTRUMENT

During project appraisal, it is essential that determination be made on resettlement instruments that would be appropriate for the project to be undertaken.

When the precise location and exact extent of land acquisition by WUC for sub projects becomes known at the appraisal phase, site specific Resettlement Action Plans (RAPs) or Abbreviated Resettlement Plans (ARPs) should be prepared. Depending on the scale and severity of impacts, an abbreviated RAP will be acceptable if fewer than 200 people are displaced (Figure 5.1). Even if more than 200 people are affected, if all land acquisition is minor (10 percent or less of all holdings is taken) and no physical relocation is involved, an abridged RAP will be acceptable. Hence the RAP submitted may not include all the sections listed below and could be abbreviated accordingly, with adequate reference to the RPF for the common sections. Further, those sections that are not applicable may be omitted. For example, if there is no temporary disruption and the compensation is just cash, then there would be no need for a section on site selection or housing infrastructure. However, each RAP must contain the specific details of the affected PAPs and assets in detail, with costing and schedule.

A full RAP will be required whenever land acquisition in a project affects more than 200 people, takes more than 10 percent of any holding, and involves physical relocation of population.

The outline and content for an abridged and full RAP is presented below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available in the World Bank website (www.worldbank.org) or in the World Bank Resettlement and Rehabilitation Guidebook. A template for Preparing Resettlement and Compensation Plans (RAPs) is presented in Annex C.

Abbreviated/abridged RAP- this plan should at a minimum contain the following elements:

- a census survey of displaced persons and valuation of assets;
- description of compensation and other resettlement assistance to be provided;
- consultations with displaced people about acceptable alternatives;
- institutional responsibility for implementation and procedures for grievance redress;
- arrangements for monitoring implementation.
- Project specific impacts/losses
- A mechanism for disclosure of information
- The entitlement matrix.

World Bank OP 4.12, Article 25 sets the requirements of a full RAP to include;

- Description of the project
- Potential Impacts
- Objectives
- Socioeconomic Studies
- Legal Framework
- Institutional Framework.

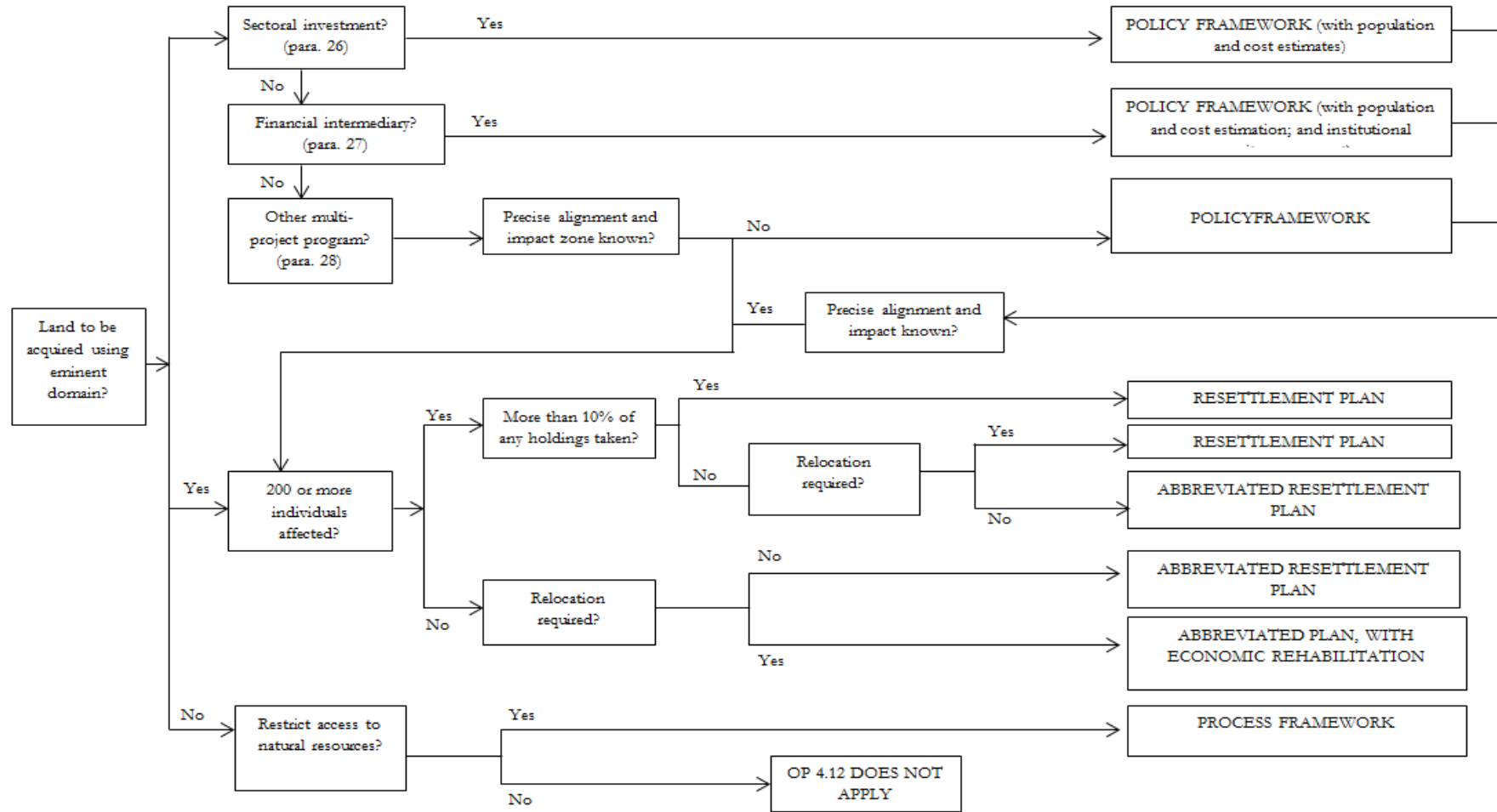


Figure 5.1: Decision Tree: Resettlement Instrument

Source: *Involuntary Resettlement Sourcebook (2004)*

- Eligibility
- Valuation of and compensation for losses
- Mechanism for disclosure of information
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Cost and budget

5.4 PREPARATION OF A RESETTLEMENT PLAN

The consultant will prepare and submit a sub project Resettlement Action Plan based on the RPF to WUC and WB for review and approval. This action plan will then be submitted to the World Bank for clearance before final approval by WUC. The procedures to be followed in preparing the plan are highlighted below:

- (i) Undertake dissemination and public consultation and participation
- (ii) Undertake a census of all PAPs within the subproject areas and record all consultations. Use instruments as presented in Annexes A- D.
- (iii) Undertake the Inventory of Losses (IOL) or detailed measurement survey (DMS) of all losses of all PAPs. At the same time, inform potential PAPs (without discrimination) of the subproject, its likely impacts, and principles and entitlements as per this RPF;
- (iv) Undertake a socioeconomic study of all subproject affected households;
- (v) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates. Determine the losses in accordance with the entitlement matrix of the RPF;
- (vi) Provide subproject and resettlement information to all affected persons in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation;
- (vii) Prepare and finalized the subproject RAP;
- (viii) Disclose draft and final RAP to the affected communities through a Kgotla meeting, the mass media (news papers) and on World Bank's Info Shop.

5.4.1 Public Consultation and Participation

Consultation with, and participation by, the affected communities and individuals with emphasis on gender is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons.

5.4.2 Census of all PAPs and inventory of affected assets

A census of PAPs and their households with emphasis on gender and the inventory of assets to be acquired serve two vital functions. The primary function is to identify PAPs eligible for resettlement entitlements, which is pertinent if disclosure of subproject plans

is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory would also provide relevant information related to the resettlement database that used for subproject monitoring and supervision.

The asset inventory will be informed by the census survey, and will be carried out once an activity design is finalized and approved. In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey.

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the principles and guidance in the entitlement matrix. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

It is crucial that the census be conducted as soon as possible. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets acquired or affected can be determined later. The census study needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census study and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field tested, to ensure that the questions and the phrasing of them elicit the required information. A sample census and land asset inventory form as well as a questionnaire for PAPs are presented in Annexes A- D.

5.4.3 Socio-Economic study

Data from the census and inventory of loss will be supplemented with information that would be obtained from the socioeconomic study. An important input to preparing a RAP is to establish appropriate data to identify individuals who will be displaced by the project activity, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In essence, the census will achieve the following:

- Provide initial information on the scale of resettlement to be undertaken
- Identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions
- Establishes indicators that can be measured at a later stage during monitoring and evaluation.
- Highlight on gender issues.

The socioeconomic study (SES) data and information will be used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information will constitute a reference point against

which income restoration and the results of other rehabilitation efforts will be measured against. Other areas of socioeconomic analysis may include - land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities.

The socio-economic census will be initiated by the consultant, under close supervision of the WUC and/or WB. The consultant will work closely with the relevant institutions such as the overseeing land boards, chiefs, and local elders who will be carrying out the design of the activity. It will be accompanied by a land overseer and asset inventory.

5.4.4 Replacement Costs Survey

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

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

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

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

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

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

5.4.5 Relocation arrangement

Where there is a need to permanently relocate households of PAPs, the Land Boards whose jurisdictions cover the affected areas will propose relocation sites for receiving of the displaced households. Households will be consulted on relocation options. The relocation strategy should:

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

5.4.6 Income restoration

If there are severely affected households and/or households that need to be relocated by the subproject, income restoration program shall be prepared. In order to assist PAPs to restore livelihoods and income levels, the subproject will provide an income restoration package adapted to the needs and situation of PAPs as identified in the socioeconomic surveys. The scope of the entitlements will include an allowance to cover living costs during a period of reduced income while PAPs restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided. Such assistance will be decided in consultation with local authorities and PAPs eligible for the income restoration, and will be fully developed in the RAP for each subproject. Forms of assistance may include, but are not limited to:

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

5.4.7 Implementation of Resettlement Action Plan

The implementation of the plan will entail the following:

- Information, dissemination and public participation
- Establishment of Resettlement Committees and Grievance Committee
- Capacity building for resettlement staff
- Pricing Application and Compensation of PAPs
- Compensation and allowance payment
- Relocation of PAPs
- Income restoration and social support assistance
- Addressing grievance and disputes resolution
- Monitoring and evaluation

6.0 GRIEVANCES REDRESS MECHANISMS

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Grievances may arise from members of communities who are dissatisfied with;

- (i) The eligibility criteria,
- (ii) Community planning measures
- (iii) Compensation resettlement assistance
- (iv) Exclusion of affected persons/families during census or survey etc

6.1 OVERVIEW

A key element of resettlement activities will be the development and implementation of a grievance mechanism. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainant being informed of the outcome. The grievance procedure will be simple and will be administered as far as possible, at the subproject level by the consultant to facilitate access by PAPs.

The grievance procedure does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

The overall process of grievance is as follows:-

- (i) During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
- (ii) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.
- (iii) The project will use a local mechanism, which includes land board representatives, peers and any established local representative bodies of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- (iv) The response time will depend on the issue to be addressed but it should be addressed with efficiency.
- (v) Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

6.2 GRIEVANCE REDRESS PROCESS

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channelled to the existing structures in Botswana for handling grievances. A grievance log will be established by the WUC (or their representatives who normally are consultants working for WUC) and copies of the records kept with all the

relevant land authorities at the district, sector and village level and will be used in monitoring of complaints.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

All grievance complaints submitted by vulnerable households will be dealt with as priority and assistance provided to them to submit and follow up these complaints.

WUC being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the grievance committee for resolution. The grievance committee will be comprised of at least 5 representatives from; WUC, Land Board, local representative, consultant. These professionals will be paid sitting fees for these sessions and will not be regular employees of any of the project agencies.

6.2.1 Management of Reported Grievances

The procedure for managing grievances should be as follows:

The affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the subproject consultant. The grievance note should be signed and dated by the aggrieved person. A selected member of the committee will act as the Project Liaison Officer (PLO) who will be the direct liaison with PAPs. The PLO should be working in collaboration with an independent agency/consultant person to ensure objectivity in the grievance process. Where the affected person is unable to write, the local Project Liaison Officer will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the Project Liaison officer. The note should be embossed with aggrieved person's thumbprint. A sample grievance form is provided in Annex E. A copy of this completed form should be submitted by the Project Liaison Officer to the consultant on daily basis as they come, in order to promptly respond to the complaints.

- a) The Project Liaison Officer and the sub-project consultant will consult to determine the validity of claims. If valid, the consultant will notify the complainant and s/he will be assisted.
- b) The sub-project consultant will respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.
- c) If the complainant's claim is rejected by the Consultant, the Project Liaison Officer will assist the aggrieved person to take the matter to the Land Adjudication, legally responsible for resolving formally lodged grievances.

OR

- a) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the relevant land departments. If requested, or deemed necessary by the sub-project Consultant, the Project Liaison Officer will assist the aggrieved person in this matter.
- b) The relevant Land Administration Department will then attempt to resolve the problem (through dialogue and negotiation) within 30 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is dealt with through the Botswana courts (Civil Court) where possible.
- c) The Consultant will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

6.2.2 Grievance Log

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported
- Date the Grievance Log was uploaded onto the project database
- Date information on proposed corrective action sent to complainant (if appropriate)
- The date the complaint was closed out
- Date response was sent to complainant

A sample format for grievances redress is presented in Annex C.

6.2.3 Monitoring Complaints

The Project Liaison Officer will be responsible for:

- a) Providing the sub-project Consultant with a weekly report detailing the number and status of complaints
- b) Any outstanding issues to be addressed
- c) Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

7.0 IMPLEMENTATION SCHEDULE

7.1 OVERVIEW

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the consultant and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land/structures/services that PAPs are using. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review, clearance and disclosure as well as disclosure in Botswana.

7.2 IMPLEMENTATION SCHEDULE

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Target dates for completion of compensation and various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation.

To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching to ensure a common understanding of the implications of this RPF. The workshops will focus on;

- (i) Taking stock of the legal framework for compensation
- (ii) Settling institutional arrangements and mechanisms for payment of compensation
- (iii) Defining tasks and responsibilities of each stakeholder

- (iv) Establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

When the resettlement and compensation plans are submitted to the WUC and WB for approval, part of the screening process that would be used to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank and WUC for final review and approval.

8. MECHANISM FOR CONSULTATIONS AND PARTICIPATION OF DISPLACED PERSONS IN PLANNING, IMPLEMENTATION AND MONITORING

8.1 OVERVIEW

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. Particular attention will be given to vulnerable groups such as the landless, women-headed households, households with orphans, persons with disabilities, elderly living alone, to ensure that they are represented adequately in such arrangements.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and WUC. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the;

- (i) The socio-economic study
- (ii) The resettlement and compensation plan
- (iii) The environmental impact assessment
- (iv) During the drafting and reading of the compensation contract

Public participation and consultation could take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the national, local and homestead levels at suitable locations like the community centres. The compensation document for each household detailing the resettlement package will also serve to inform and guide PAPs.

It is important that all public participation and consultations need to be inclusive (of all ethnic and religious groups, gender, youth, disabled, old age etc), participatory and well informed. The feedback from the consultations will be used to inform the project design or performance of the project.

Monitoring of this process would be done as a specific output, but within the overall monitoring and evaluation mechanism of the entire project. This requirement is in line with the World Bank policy on disclosure.

8.2 IMPLEMENTATION OPERATION

During implementation, the PAPs will be informed about their rights and options, at which point they will air their views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

8.3 MONITORING AND EVALUATION PHASE

The PAPs representatives will participate in the project workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other activities. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

9.0 ARRANGEMENTS FOR MONITORING AND EVALUATION

This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for the project.

9.1 OVERVIEW

The arrangements for monitoring will fit the overall monitoring plan of the entire project which will be implemented through WUC. All RAPs will set major socio-economic goals by which to evaluate their success which will include;

- (i) Affected individuals, gender, households, and communities being able to maintain their pre-project standard of living, and even improve on it
- (ii) The local communities remaining supportive of the project
- (iii) The absence or prevalence of conflicts

In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. WUC will institute an administrative reporting system that will;

- (i) Provide timely information about all resettlement arising as a result of project activities
- (ii) Identify any grievances that have not been resolved and require resolution through the involvement of the grievance committee or higher authority
- (iii) Document the timely completion of project resettlement obligations for all permanent and temporary losses
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement
- (v) Alert project authorities to the necessity for land acquisition in the project's planned activities

The objective will be to make a final evaluation in order to determine;

- If affected people have been paid in full and before implementation of any project activity that is causing resettlement
- If the people who were affected by the project activities have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or are they actually poorer than before.
- Specific impacts on vulnerable households

9.2 INDICATORS TO MEASURE IMPACT ON PAPs

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation and gender in project activities compared to before, access to services compared to before etc). Therefore, the resettlement and compensation plans will set major socio-economic goals by which to evaluate its success as indicated in Section 9.1

Most of the information for these indicators will be gathered from information collated through survey. The information for these indicators should be collated at regular intervals (e.g., quarterly or half yearly depending on circumstances) and compared over time. The pre-project Census

information should provide most, if not all of the required information to set a baseline against which performance can be tracked.

9.3 INDICATORS TO MEASURE RAP PERFORMANCE

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following provides a list of potential indicators for monitoring, which assess the change in the following for those who have been affected by project activities:

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementing the RAP:

Percentage of individuals selecting cash or a combination of cash and in-kind compensation;

- The number of contentious cases as a percentage of the total cases
- The number of grievances and time and quality of resolution
- The ability of individuals and families to re-establish their pre-displacement activities, land and crops (if affected) or other alternative incomes
- Number of vulnerable households identified and given special assistance
- Number of impacted locals employed by the civil works contractors
- General relations between the project and the local communities

These will be determined through the following activities;

- Questionnaire data through the initial census, during preparation of RAP and in follow up M & E
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- WUC will maintain a complete database on every individual impacted by the project activities and land use requirements including
- Relocation/resettlement and compensation, land impacts or damages; and the Consultant should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports

All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement.

It is the responsibility of WUC to document information ideally integrated into existing databases. WUC will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality.

The Consultant will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The project will finance any training and technical support to ensure that this happens.

9.4 MONITORING OF RAP IMPLEMENTATION

The Consultant will be responsible to manage the compilation of basic information on all physical or economic displacement arising from the project, and convey this information to WUC, on a quarterly basis. They will compile the following statistics;

- a) Number of activities requiring preparation of a RAP

- b) Number of households and individuals physically or economically displaced by each activity
- c) Length of time from design finalization to payment of compensation to PAPs
- d) Timing of compensation in relation to commencement of physical works
- e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind)
- f) Number of people raising grievances in relation to each sub-project
- g) Number of unresolved grievances

WUC will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, if there appear to be any discrepancies. Financial records will be maintained by the Resettlement Committee and WUC, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis.

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. The Local Authority and Consultant will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio-data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts.

Each time land is used by the project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for. It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle.

This framework is suggesting that the M & E of resettlement is structured into the whole M&E component of the project. This would take the form of giving WUC the responsibility to contract an independent consultant/firm to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the WUC and World Bank and become part of the official documents of the project.

9.5 ANNUAL AUDIT

The annual audit of RPF implementation will include;

- (i) A summary of the performance of each sub-project and its RAP
- (ii) A summary of compliance and progress in implementation of the processes
- (iii) A presentation of compliance and progress in the implementation of the RPF

The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in

the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

9.6 SOCIO-ECONOMIC MONITORING

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each sub-project RAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. For each activity with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement.

10.0 RESETTLEMENT ACTION PLAN IMPLEMENTATION BUDGET

Resettlement and compensation will be adequately financed either through the existing budget for such land acquisition in the affected areas or through allocated project funds.

Deducing from Table 4.1 it is estimated that about P2.8 million will be used for compensation. However, the actual cost of resettlement will depend on final designs and current market rates and hence might vary.

As indicated earlier, at this stage, it is not possible to estimate all the exact number of people who may be affected since the technical designs and details have not yet been developed and some studies are still on-going. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However some cost estimate has been given for some sub-projects in Table 4.1

However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

- (i) an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of RAP during implementation.
- (ii) flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items).
- (iii) a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and contingencies), plus replacement costs.
- (iv) information about the source of funding for the resettlement plan budget.
- (v) In addition to the cost of actual physical loss. The budget should include support and allowances cost (disturbance, transportation, loss of accommodation) and administrative management cost.
- (vi) A 15 per cent contingency should be included in the budget

WUC and WB will manage and monitor the resettlement budget and will finance it through the administrative and financial management rules and manuals as for any other activity eligible for payment under this project.

11. CONCLUSION

This has been a presentation of RPF to guide the preparation of RAPs in line with World Banks Safe Guard OP4.12.

It must be iterated that compensation evaluation and assessment is very sensitive and from practice may take a long time to complete before effectiveness. It is therefore urged that all those involved in the preparation of the RAPs for the sub projects are commissioned on time and with the assistance of WUC pep those institutions involved in identifying the PAPs in the various settlements, as well as the various Land Boards and their subsidiaries for the evaluation and assessment exercises. The valuers are to be educated on the measures taken to fill the gap between that of OP 4.12 and that of the Compensation Guideline of Botswana for effective and quick assessment.

ANNEXURES

ANNEX A: QUESTIONNAIRE FOR PAP

Introduction

This Survey is been conducted to evaluate the implementation of the Resettlement Action Policy (RAP) of the World Bank in connection with Civil Works that are carried out in Botswana.

The RAP provides a policy framework to ensure the normal transitioning of Project Affected People (PAP). Although resettlement is one of the possibilities that could take place, the Bank desires where possible to avoid resettlement due to its disruptive nature on the normal lives of community members and the costs incurred. Cognizant of the possibility of resettlement, the Bank has come up A Socio-economic survey which is one of the instruments that will inform the Bank of strategies to be undertaken to restore the PAPs. This survey thus serves solicit response from PAPs as an evaluative endeavor to guide the resettlement process.

Interviewer's Name: _____

Contact Tel No: _____

Complete **TABLE 1** for all, For **INDIVIDUAL** PAPs, complete **TABLE 2**, For **GROUPS OR SYNDICATES**, complete **SECTION 2**

| Table 1: Locality Identification (All) | |
|--|--|
| 1. District | |
| 2. Extension Area | |
| 3. Village | |
| 4. Ward / Location | |
| 5. Village Chief / Headman | |
| 6. Land Over seer | |

| Table 2: Demographic Information (Individuals) | |
|---|--|
| 1. PAP's Name | |
| 2. ID [Omang] Number | |
| 5. PAP's age at last birth day | |
| 6. PAP's Sex | 1. Male <input type="checkbox"/> 2. Female <input type="checkbox"/> |
| 7. PAP's Marital Status | 1. Single <input type="checkbox"/> 2. Married <input type="checkbox"/> 3. Divorced <input type="checkbox"/> 4. Living Together <input type="checkbox"/> 5. Widowed <input type="checkbox"/> 6. Separated <input type="checkbox"/> |
| 8. PAP's Educational Status ¹³ (Insert Code) | 01. Preschool 11. Primary 21. Secondary 31. Tertiary 41. Non-Formal 00. No School |

¹³ EDUCATION CODES: P – Primary; S – Secondary; T – Tertiary Education (Post-Secondary) and N – None-Formal.

PRE-SCHOOL: 01;

PRIMARY: 11 = P1, 12 = P2; 13 = P3; 14 = P4; 15 = P5; 16 = P6; 17 = P 7;

SECONDARY: 21 = S1; 22 = S2; 23 = S3; 24 = S4; 25 = S5; 26 = S6

| | | |
|--|---|---|
| | (Age <15)1. Males <input type="checkbox"/> | (Age ≥15 & ≤64)1. Males <input type="checkbox"/> 2. <input type="checkbox"/> Females <input type="checkbox"/> |
| 9. Number of dependents | 2. Females <input type="checkbox"/> | 1. Males <input type="checkbox"/> 2. Fema <input type="checkbox"/> |
| 10. Is PAP with a disability or in a Vulnerable Group | 1. Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| | Type of Vulnerability : | |
| 11. If yes, please specify the type of disability | | |
| 12. PAP's Contact Details | Telephone No: | Postal Address: |

SECTION 2: ASSETS OWNED

A. LIVESTOCK

Q4. Type of Livestock owned?

| Livestock | Numbers |
|----------------|---------|
| Goats | |
| Sheep | |
| Cattle | |
| Tswana Chicken | |

Q5. Land type for livestock use: 1. Communal 2. TGLP¹⁴ Ranches 3. Freehold
 4. Lease 5. 1991 Fencing Component Ranches

How did you acquire your livestock?

- 1. Poverty Eradication.....
- 2. ISPAAD/LIMID.....
- 3. Youth Development Fund.....
- 4. Young Farmers' Fund.....
- 5. Gender Affairs Grant.....
- 7. RADP.....
- 8. NDB.....
- 9. CEDA.....
- 10. Other. Specify. _____

6. Use Table in Annex D 1 for collecting information on household incomes of PAPS.:

What are your sources and of income and other members of your household?

TERTIARY: 31 = T1 (Certificate); 32 = T2 (Diploma); 33 = T3 (Degree); 34 = T4 (Above Degree);
NON FORMAL: 41 = N1; 42 = N2; 43 = N3; 44 = N4; 45 = N5;
NO SCHOOL: 00

¹⁴ Tribal Grazing Land Policy

1. Farming.....
2. Formal Employment.....
3. Informal Employment.....
4. Rental income (e.g. rental from land, house, animal, etc).....
5. Interest on savings.....

ANNEX B: SAMPLE OF AFFECTED HOUSEHOLD STATISTICS

- a) -Name of Subproject:
- b) -Name of Village:.....
- c) Name of Sub Land Board:.....
- d) -Name of ward.....

| No | Name of household head | No of family Member | Total land area | Type of acquired land | % affected land | Affected assets on land to be acquired. | | | Affected Crops | | | Other Affected assets | Other losses | | | Temporary Losses (description) |
|----|------------------------|---------------------|-----------------|-----------------------|-----------------|---|---------------------------------------|---------------------------------------|--------------------------------|-----------------------------|---------------------|-----------------------|---------------------------|--------------|---------|--------------------------------|
| | | | | | | No and types of affected structure | Permanent structures(m ²) | Temporary structure (m ²) | Affected fruits trees type &no | Rice Field(m ²) | Other (Description) | | Graves wells (no.t& type) | Rented house | Trading | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

ANNEX C: SUBPROJECT LEVEL DATA SUMMARY TABLE (BY VILLAGE)

| Name of village | No. of PAPs under WUC Compensation and Rehabilitation policy categories (*) and (**) | | | | | No. of PAPs eligible for jobs | Total no. of PAPs (***) | Total land and amount acquired | | | |
|-----------------|--|--------|-------|--------|---------|-------------------------------|-------------------------|--------------------------------|-----------------------------|----------------------------|----------------------------|
| | A (i) | A (ii) | B (i) | B (ii) | B (iii) | | | Private_ total and acquired | Revenue_ total and acquired | Common_ total and acquired | Forest_ total and acquired |
| | | | | | | | | | | | |

(*) Legend for PAP categories: (These categories are only indicative and would vary by project)

| | | |
|---------|---|--|
| A (i) | = | Person from whom land acquired, including tribals cultivating under traditional rights |
| A (ii) | = | Person whose homestead/ plot is acquired |
| B (i) | = | Sharecroppers, land lessees, tenants, and day labourers |
| B (ii) | = | Landless |
| B (iii) | = | Person without title whose homestead is lost |

(**) = Numbers in brackets are total PAPs in households in each category

(***) = Total PAP numbers less than A (i) – B (iii) totalled due to overlapping impact categories

| Age categories (no. of PAPs) | | | | Occupational categories (no. of PAPs) | | | | | Income categories (no. of PAPs) | | | |
|------------------------------|-------|-------|-----|---------------------------------------|-----------------|------------------------|----------------------|--------|---------------------------------|------|--------|----------|
| 0-15 | 15-32 | 33-59 | 60+ | Ag. Self employed | Ag. Wage labour | Non-land self-employed | Non-land wage labour | Others | Below Poverty line | Poor | Middle | Well off |
| | | | | | | | | | | | | |

ANNEX D: SUB PROJECTS AND HOUSEHOLD INFORMATION

Sub project Level Public facilities/Services and Common Resources Acquired for Projects

| Village? Town no. | Village/ Town name | Schools | Health clinics | Public buildings | Religious buildings | Common grazing areas | River and/or river access | Forest with foraging access | Roads - tarred and unsealed |
|----------------------|-----------------------|---------|-------------------|---------------------|------------------------|-------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Detailed Household Level data from Sampled Survey or Combined Census and Socioeconomic Survey (i.e., Less Than c. 500)

| ID # | PAPs in households | Economically active | | Age | Level of Education (*) | Income generation skills | Type of employment | Estimated total PAP income |
|------|-----------------------|---------------------|-----------|-----|---------------------------|-----------------------------|-----------------------|----------------------------------|
| | | Full time | Part time | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Level of education legend:

| | |
|-----|---|
| L | = Literate |
| I | = Illiterate |
| N | = No formal schooling/ never been to school |
| P | = Primary school |
| JSS | = Junior Secondary School |
| SSS | = Senior Secondary School |
| T | = Tertiary institute |

ANNEX E: SAMPLE GRIEVANCE REDRESS FORM

| | | | | |
|---|--|--|--|--|
| Grievance Number | | Copies to forward to: | | |
| Name of the Recorder | | (Original)-Receiver Party | | |
| District/Settlement | | (Copy)-Responsible Party | | |
| Date | | | | |
| INFORMATION ABOUT GRIEVANCE | | | | |
| Define The Grievance: | | | | |
| INFORMATION ABOUT THE COMPLAINANT | | | | Forms of Receive |
| Name-Surname | | <input type="radio"/> Phone Line <input type="radio"/> Community / Information Meetings <input type="radio"/> Mail <input type="radio"/> Informal <input type="radio"/> Other | | |
| Telephone Number | | | | |
| Address | | | | |
| Village/ Settlement | | | | |
| District | | | | |
| Signature of Complainant | | | | |
| DETAILS OF GRIEVANCE | | | | |
| 1. Access to Land and Resources a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other | 2. Damage to a) House b) Land c) Livestock d) Means of livelihood e) Other | 3. Damage to Infrastructure or Community Assets a) Road/Railway b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other | 4. Decrease or Loss of Livelihood a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other | 5. Traffic Accident a) Injury b) Damage to property c) Damage to livestock d) Other |
| 6. Incidents Regarding Expropriation and Compensation (Specify) | 7. Resettlement Process (Specify) | 8. Employment And Recruitment (Specify) | 9. Construction Camp and Community Relations a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other | 10. Other (Specify) |

Annex D: Template for Preparing Resettlement and Compensation Plans (RAPs).

This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the sub project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;

- (a) The results of a census survey covering;
 - (i) Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
 - (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population
 - (iii) The magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic
 - (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and

- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (w) Other studies describing the following;
 - (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.
 - (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project
 - (iii) Public infrastructure and social services that will be affected; and
 - (iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering,

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities,
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for

recognizing claims to legal rights to land, including claims that derive from customary and traditional usage .

Institutional Framework: The findings of any analysis of the institutional framework covering;

- (a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) An assessment of the institutional capacity of such agencies and NGOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

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

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
 - (b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
 - (c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

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

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

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including

- (a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan,
- (c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including:

- (a) consultations with host communities and local governments,
- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities, and
- (d) any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the

project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent RAPS.