**ANNEXURE F: LAND ACQUISITION AND COMPENSATION FRAMEWORK**

# introduction

## Background

This Land Acquisition and Compensation Framework (LACF) is presented as practical guide for instances where the Sustainable Urban Development Programme (the Programme) would result in the permanent or temporary displacement of people from land or there is a restriction on the occupation or use of land. The LACF is presented for use by Development Workshop Namibia (DWN) and its implementing partners.

In this regard is noted that involuntary expropriation of land or displacement is defined as an exclusion from the Programme scope. However, in cases where displacement cannot be entirely avoided and there is a robust and sound rationale to implement a certain activity, which is agreed between DWN and KfW, the LACF shall be implemented.

The rationale will be supported by early engagement with the relevant authorities, landowners, representatives of affected communities as well as directly with potentially affected households. The DWN must obtain broad-based political and community buy-in into the Programme and any land acquisition requirements.

## Application of this Framework

This LACF applies where there is permanent or temporary displacement of people from land, or there is a restriction on the occupation or use of land as a direct consequence of any intervention of the Programme or its associated facilities (as per WB ESS1). It applies in cases of:

1. Compulsory land acquisition (i.e., expropriation) of either formal or customary land rights consistent with national law.
2. The acquisition of land through negotiated agreement, but where compulsory land acquisition will be adopted should the negotiated agreement fail.
3. The risk of legal eviction of people residing on or using the target land, who do not have any formal, traditional, or legal recognizable usage rights (i.e., squatters)[[1]](#footnote-1).
4. The restriction of access to communal land used by local people or communities, who may not have any formal, traditional, or legal recognizable usage rights (i.e., squatters).
5. Where land is *donated* by the local authorities or local communities, unless it is shown that there is no relocation and consent is obtained from people using or occupying the land

This framework does ***NOT*** apply in cases where the land is acquired through entirely voluntary sale agreements (i.e., standard market sale on a willing-buyer, willing-seller basis), and ***ONLY*** where compulsory land acquisition will not be adopted by the Programme should the sale agreement fail.

This framework does ***NOT*** apply where the local authorities have donated land or provided land at a discounted price, but ***ONLY*** when demonstrated that the land has (1) no competing land ownership claims, (2) local communities have been appropriately informed and consulted, (3) no household relocation is involved, (4) land-users have not been evicted, (5) there is community consent of the donation.

## Users of this Framework

DWN will not seek to acquire land to support the Programme, rather it functions through partnership agreement with the local authorities. Under such agreement (i.e., MoU), the local authorities will provide the land to the Programme and may seek to enter into a government-led expropriation of private, communal, or state land in support of the Programme.

Under such an arrangement, the DWN has a *duty-of-care* in ensuring that the relevant government authorities comply with national land acquisition law and the provision of this framework. This include providing the needs capacity, resources, and support, as well as any supplementary compensation and resettlement support. DWN would reasonably be expected to provide the following:

1. Appointment and management of land acquisition / resettlement consultants,
2. Undertaking all Affected Persons registration, cadastral surveys, and asset inventories,
3. Support the relevant authorities in determine compensation schedules/valuations,
4. Undertake all form of engagement in collaboration with the relevant authorities,
5. Prepare and disclose any land acquisition / resettlement plans,
6. Obtain sign-off of any documentation from the relevant authorities,
7. Enter into negotiation with Affected Persons and obtain compensation agreements,
8. Secure funds for any compensation or replacement assets,
9. Support local authorities in securing alternative land or housing,
10. Implement any other provisions contained in this framework.

This framework directly applies to any governmental department, agency, subnational jurisdictions, or entities that are responsible for implementing the compulsory land acquisition process (i.e. the Implementing Agency). As a developmental partner with DWN, the relevant department will need to demonstrate that it understands and accepts the provisions of this LACF.

## Concepts of Physical and Economic Displacement

This LACF applies in all cases where Programme (land take or infrastructure) results in a physical or economic displacement of people that own or utilize the land, irrespective of their land tenure rights. These are two fundamental definitions related to compulsory land acquisition and resettlement, and need clearer definition as follows:

1. **Physical Displacement:** The loss or destruction of a person’s or family’s ***place of residence*** that is directly attributed to the Programme compulsory land acquisition process, and which requires the relocation of a household or entire community to another location.

Physical displacement may occur where land allocated to the Programme supports existing formal residences, informal occupants or squatters that would need to be relocated. In principle, the relocation of households or communities is not supported and should be avoided to the maximum extent possible. However, in cases where physical displacement cannot be avoided, this LACF will apply.

1. **Economic Displacement:** The loss of access to land or the benefits derived from that land that is directly attributed to the Programme land acquisition process, and results in the loss of income and livelihoods of affected people but does ***NOT*** directly lead to the loss of their place of residence.

Economic displacement may occur where land allocated to the Programme supports existing uses including subsistence agriculture, communal grazing, materials harvesting, businesses or informal trading. In principle, the Programme should avoid causing any economic displacement.

## Categories of Likely Displacement

As the exact sites for the inventions are not fully known, no definitive statement on the types of displacement and impact can be made. However, it can be reasonably be expected that one or more of the following forms of displacement may occur:

1. **Loss of Private Land:** The compulsory acquisition of private land under residential, commercial, agricultural, or unspecified uses as held under private title deed.
2. **Loss of Land under Informal Occupation or Use:** The legal eviction[[2]](#footnote-2) of informal occupants or users (i.e., squatters) residing on or actively using land that they do not have legal rights to.
3. **Loss of Communal/Community Land:** The compulsory acquisition of communal land owned under customary rights, or undesignated land used by local communities without any formal ownership.
4. **Loss of Access to Natural Resources:** The restriction of access to private or public land which is used by affected persons for natural resource harvesting (plant collection, sand mining etc.)
5. **Loss of Community Facilities and Services:** The destruction or removal of any structures, buildings, infrastructure used by or as community services (clinics, school, powerlines etc.)
6. **Loss of Structures:** The destruction or removal of any private residential or commercial structures, buildings, infrastructure, or any other fixed property located on the target land.
7. **Loss of Crops and Trees:** The destruction or removal of any standing crops and productive trees located on the target farmland.

# Regulatory and International Standards

## National Legislative Framework

Compulsory land acquisition, compensation and resettlement in urban areas is regulated under several national laws as follows:

* **The Namibian Constitution, 2010:** Article 16 permits the State to expropriate property but only in cases of the public interest and subject to the payment of just compensation, in accordance with law and procedures established under an Act of Parliament.
* **The Urban and Regional Planning Act, 2018:** Article 123(2) allows for the Minister or a local authority to expropriate land for the purpose of a zoning scheme or for the purpose of township establishment, consistent with the Expropriation Ordinance of 1978.
* **Expropriation Ordinance 13 of 1978:** This Ordinance grants the State legal powers to expropriate or otherwise acquire property for public and certain other purposes. This is the enabling legislation, alongside the Urban and Regional Planning Act of 2018, that will allow local authorities to compulsory acquire land as contemplated under this Framework.

The **Expropriation Ordinance 13 of 1978** is the primary enabling legislation for the compulsory acquisition of land, therefore its provisions require further consideration as below:

* Powers granted under the Ordinance may be conferred to a local authority (Section 3).
* Rights are granted to access and inspect the property being expropriated (Section 4)
* Notice of intent to expropriate is to be served upon the owner of the property (Section 5).
* Compensation is based on market value on a willing-seller/willing-buyer basis (Section 9).
* Compensation covers financial loss and inconvenience (Section 9).
* Rights to appeal the expropriation and compensation values (Section 13).

## World Bank Safeguard Policies

As a condition of receiving international funding, the Programme is required to conform with the World Bank Environmental and Social Framework (ESF) and associated Environmental and Social Standards (ESS) of 2016[[3]](#footnote-3). Contained in this framework is ***Environmental and Social Standard 5 - Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement*** (ESS 5). ESS 5 directly applies to any form of expropriation, compulsory land acquisition or displacement resulting from the Project.

As required under ESS 5, the Programme must conform with the following principal requirements:

1. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring Programme design alternatives.
2. To avoid forced evictions of persons, against their will, from their homes and/or land which they occupy without the provision of appropriate forms of legal.
3. To avoid the restriction of access to land from which people derive a benefit, income or supports their livelihoods (i.e., informal farmland, grazing land).
4. To provide fair and reasonable compensation, based on replacement value, replacement assets in lieu of cash compensation and resettlement support to displaced persons.
5. To improve living conditions of poor or vulnerable persons who are displaced, as well as structuring the process so affected people to benefit directly from the Project.
6. Promoting community engagement, participation, and joint decision-making.

Of critical importance, ESS 5 defines which people are deemed eligible to compensation and resettlement assistance under international good practice. ESS 5 applies fully and equally to:

1. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law.
2. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures.
3. Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights.
4. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a Programme specific cut-off date.
5. Displacement of people because of Programme impacts that render their land unusable or inaccessible.
6. Restriction on access to land or use of other resources including communal property and natural resources.

## Gap Analysis

Table 2‑1 overleaf provides a gap analysis of the World Bank ESS 5 against national land expropriation law. Where gaps have been found, the table provides broad measures to ensure alignment.

Table 2‑1: Gap Analysis

| **No.** | **World Bank BP / OP 4.12** | **National Law** | **Gap and Gap Closure** |
| --- | --- | --- | --- |
| 1 | Explore all viable alternative Programme designs to avoid, where feasible, or minimize displacement. | No specific provision under national law, however it must be shown that the land is needed for a public good (i.e. requires clear rationale). | The Programme needs to demonstrate that every effort has been undertaken to avoid or minimize expropriation, and this needs to be linked to the “*public good*” justification. This rationale needs to be justified where the Programme approaches the government to undertake land acquisition on the project’s behalf. |
| 2 | World Bank policies cover displacement related to the involuntary taking of land resulting in (1) relocation or loss of shelter; (2) loss of assets or access to assets; or (3) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. | National law on expropriation concerns “immovable property” and formal ownership on such property. It does not consider informal or customary rights, or loss of access to property that supports livelihoods and incomes. | The Programme needs to provide compensation and resettlement support to both affected persons with both formal rights, customary rights, or those with no rights that benefit from the land in question. The WB ESS interpretation is more stringent in this regard and will need to be adopted by the Programme over the provision of national law. |
| 2 | Displaced persons will include (1) those who legal rights to land (including customary and traditional rights), (2) those who do not have formal legal rights to land but have a recognizable claim to such land or assets, (3) those who have no recognizable legal right or claim to the land they are occupying. | National law on expropriation concerns “immovable property” and formal ownership on such property. It does not consider informal or customary rights, or loss of access to property that supports livelihoods and incomes. | The Programme needs to provide compensation and resettlement support to both affected persons with both formal rights, customary rights, or those with no rights. The WB ESS interpretation is more stringent in this regard and will need to be adopted by the Programme over the provision of national law. |
| 3 | Determine the type of resettlement instrument (resettlement plan, abbreviated resettlement plan, resettlement policy framework, or process framework) and the scope and the level of detail required | National law does not require a Resettlement Plan but requires that the expropriation process be strictly followed. This includes formal notices, investigations, offers of compensation etc. | The national expropriation law is the driving law for resettlement and will need to be followed by the Project. In addition, the Programme will need to prepare a parallel Resettlement Plan for submission to KFW. |
| 4 | Displaced persons, deemed eligible for assistance, are to be provided compensation for the loss of land and assets. Cash compensation should be sufficient to replace the lost land and other assets at full replacement cost in local markets. | National law makes provision for cash compensation based on market value, covering any immovable property (which includes land and fixed assets on the land). | The Programme will need to provide compensation based on full replacement value instead of market value. This may be in the form of top-up compensation above any local market-related valuations. |
| 5 | Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land based. Whenever replacement land is offered it should provide a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the land being taken. | National law makes provision for cash compensation based on market value, covering any immovable property, and does not make provision for replacement land. | The Programme will need to provide the option of replacement land *in lieu* of cash compensation. This may be presented as a bundle of options that may be selected by the affected persons. Ideally any replacement land should be located in the proposed planned township. |
| 6 | Preference should be given to replacement housing and assets in lieu of cash compensation which is at least equivalent to the living conditions prior to resettlement or ideally leads to improvements in living conditions. | National law makes provision for cash compensation based on market value, covering any immovable property, and does not make provision for replacement structures or assets. | The Programme will need to provide the option of replacement structures *in lieu* of cash compensation. This may be presented as a bundle of options that may be selected by the affected persons. Ideally any structures will be constructed on replacement land located in the proposed planned township. |
| 7 | Displaced persons are provided support after displacement, for a transition period, including transitional allowances and development assistance. | National law does not make provision for any additional resettlement or transitional support. It is limited to cash compensation and additional allowances. | The Programme will need to provide suitable disruption and moving allowances at minimum as well as moving support and development assistance through livelihoods restoration. |
| 8 | 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 Programme implementation, whichever is higher | National law does not make provision for the loss of income sources or livelihoods related to the loss of assets or land that support such livelihoods. | The Programme will need to provide livelihood restoration support consistent with the WB EES 5 and the provisions of this framework. This is above any compensation and allowances provided under national law. |
| 9 | Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs, | National law limits consultation to formal notices of intent to expropriate and does not define any explicit requirement for consultation and participation. | The Programme will need to show evidence of close consultation and engagement with affected persons, including regular meetings, a grievance mechanism, appeals process etc. as defined in this framework. |
| 10 | Particular attention is paid to the needs of vulnerable groups who may not be protected through national land compensation legislation. | National law does not make provision for vulnerable people. | The Programme will need to provide additional and targeted support to vulnerable affected people or households consistent with the provisions made in this framework. |
| 11 | Adequate monitoring and evaluation of the activities must be set forth in the resettlement instrument | National law does not make provision for monitoring and evaluation of the compensation process. | The Programme will need to undertake regular monitoring and review during the implementation of any resettlement or compensation process, consistent with the requirements made in this framework. Progress reports will be issued to KFW on a pre-agreed schedule. |

# ELIGIBILITY AND ENTITLEMENT FRAMEWORK

The Eligibility Framework defines persons that may claim compensation or resettlement assistance for the loss of land and assets. The types of compensation and resettlement support will vary based on the types of losses and this is defined in the Entitlement Framework.

## Eligibility Framework

***Eligible Persons*** covers any person, household, family, group, or community that is deemed to have a right to claim compensation for the loss or restriction of access of any property or land.

The Expropriation Ordinance of 1978 limits *eligible persons* to the registered owner of any real right or immovable property and does not include any other persons with customary rights, informal rights or without any legal rights (*i.e., squatters*). ESS 5 expands the definition of *eligible persons* to include, any person, household, family, group, or community that:

1. Have formal legal rights to land or assets.
2. Do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law (e.g., customary or traditional law).
3. Have no recognizable legal right or claim to the land or assets they occupy or use under national law (often termed squatters).

ESS 5 provide the stricter definition and will apply to the Project. As such, *eligible persons* under this framework is expected to include any person, household, family, group, or community that falls into one or more of the categories listed below:

1. **Private Titled Landowner:** Any persons that own land with full rights under formal title or similar legally recognized rights.
2. **Customary Rights Landowner:** Any persons that own land with full exclusive and individual rights under customary law or similar legally recognized rights.
3. **Informal Land-User or Occupant:**  Any persons that utilize or occupy land without recognized legal protections or rights, and (1) are undergoing eviction or (2) are not under threat of eviction by the State, landowners, the local council, or neighbouring landowners.
4. **Tenant:** Any persons that have short-term exclusive rights to utilize or occupy the land with a documented formal agreement, or without formal written documentation but are recognized by the State, landowners, the local council, or neighbouring landowners.
5. ***De-Facto* User or Occupant (Adverse Possession**): Any persons that have enjoyed and benefited from long-term utilization or occupation of land under. Eligibility is based on the principle of *Adverse Possession* – or when a person, who does not have legal title to a property, may make a claim based on a history of long-term possession or occupation.

Any persons actively encroaching or speculating on land that extends beyond the property for which they hold a title are not deemed eligible for compensation of land or assets that is constructed after the commencement of the development moratorium.

## Entitlement Framework

The Entitlement Framework establishes the compensation and resettlement support options for the loss of land or assets incurred by an eligible person. The basis for the framework includes the compensation requirements established in the Expropriation Ordinance of 1978 and ESS 5.

The framework makes provision for the loss of a range of potential properties and businesses that may occur in the establishment of the Programme and its various interventions. The term *property* is not limited to land only, but covers “land, buildings and its belongings that are attached to land or building, and its transfer are impossible without changing its nature”. Under this framework, the term *property* will cover all affected land as well as all unexhausted improvements on that land.

Table 3‑1: Eligibly and Entitlement Framework

| **Type of Loss** | **Application** | **Definition of PAPs/PAFs** | **Compensation Entitlements** |
| --- | --- | --- | --- |
| **1. Loss of Land** | | | |
| **Loss of / Restriction of Access to Commercial or**  **Residential**  **Land** | Eligible Persons that own or benefit from existing residential plots | **Titled Owner:** Owners with legal registered (land title) land ownership. | Cash compensation at *full replacement* cost or a replacement land plot *in lieu* of cash compensation.  If only a portion of the property is lost, but where the residual plot becomes unviable for use, the Programme will acquire the property in its entity, if the owner so desires.  An inconvenience allowance will be provided consistent with national law. |
| **Customary Owner:**  Persons with recognised customary rights as verified by (1) written documentation or (2) vouched by the traditional authorities. |
| **Informal Occupants:** Person with no legal or recognised rights to the land on which they are residing. | Cash compensation for improvements made on the land (i.e. structures, land preparation) at *full replacement* cost.  An inconvenience allowance will also be provided consistent with national law. |
| **Tenants:** Persons that are documented or undocumented tenants as verified by the landowners | A rental allowance equivalent to three (3) months’ rent at the prevailing market rate. An inconvenience allowance will be provided consistent with national law. |
| **Loss of / Restriction of Access to Farmland** | Eligible Persons that own or benefit from agricultural land. | **Titled Owner:** Owners with legal registered (Land Title) land ownership. | Cash compensation at *full replacement* cost or a replacement land plot of similar or superior productive value *in lieu* of cash compensation.  If only a portion of the farmland is lost, but where the residual land becomes unviable for farming, the Programme will acquire the plot in its entity, if the owner so desires.  An inconvenience allowance will be provided consistent with national law. |
| **Customary Owner:**  Persons with recognised customary rights as verified by (1) written documentation or (2) vouched by the traditional authorities. |
| **Informal Users:** Person with no legal or recognised rights to the land on which they are farming. | Cash compensation for improvements made on the land (i.e. crops, structures, land preparation) at *full replacement* cost.  An inconvenience allowance will also be provided consistent with national law. |
| **Tenants:** Persons that are documented or undocumented farmer tenants as verified by the landowners | A rental allowance equivalent to three (3) months’ rent at the prevailing market rate. An inconvenience allowance will be provided consistent with national law. |
| **2. Loss of Structures and Associated Infrastructure** | | | |
| **Destruction or Restriction of Access to any Structure or Infrastructure\*** | Eligible Persons that own or benefit from existing structures or infrastructure | **Owners –** Persons that own the structures and infrastructure regardless of their legal rights to the land on which the structures are situated. | Cash compensation at *full replacement* cost for all lost structures and/or infrastructure; or replacement assets *in lieu* of cash compensation.  An inconvenience allowance will also be provided consistent with national law. |
| **Tenants** – Persons that are documented or undocumented occupants of the affected structures. | A rental allowance equivalent to three (3) months’ rent at the prevailing market rate.  An inconvenience allowance will be provided consistent with national law. |
| **3. Loss of Income and Livelihood** | | | |
| **Loss of Standing Crops** | Standing crops on affected farmland | **Owners –** Persons with recognised claim to the crops regardless of their legal rights to the land on which the crops are situated. | Cash compensation at *full replacement* cost for all lost crops, as well as permission to harvest the crops.  An inconvenience allowance will be provided consistent with national law. |
| **Loss of Standing**  **Trees** | Standing productive trees located on affected farmland or residential land. | **Owners –** Persons with recognised claim to all standing productive trees regardless of their legal rights to the land on which the crops are situated. | Cash compensation at *full replacement* cost for all lost standing productive trees.  An inconvenience allowance will be provided consistent with national law. |
| **Loss of Business Income / Employment**  **Income** | Loss of access to land or structures used for any form of business or trade. | **Owners –** Persons with a recognised claim to a business location or premise regardless of their legal rights to the land on which the business operates. | Cash indemnity of 12 months net income based on paid taxes or in the absence of income proof, cash compensation based on a fixed rate of income of similar businesses in the area. |
| **Employees –** Persons with a recognised form of employment at the affected business. | Cash compensation of 12 months net income / salaries, or in case of absence of salaries, cash compensation based on typical employee income of businesses in the area. |
| **4. Loss of Community Infrastructure/Common Property Resources** | | | |
| **Community Structures** | Loss of / or restriction of access public facilities or services on the land being acquired. | **Benefiting Communities** - Any community benefiting from access and use of a public facility (e.g., schools, clinics etc.) | Provision of replacement public facilities or services at the new township (assuming affected persons are provided replacement land at the township) or a separate host site where Affected Persons are resettled to. |
| **5. Allowances** | | | |
| **Disruption Allowance** | - | All persons affected by the loss of land and/or shelters. | An inconvenience allowance will be provided consistent with national law, to be determined as part of the compensation valuations. |
| **Relocation/ Shifting** | - | All persons that are required to relocate any non-fixed assets. | An allowance covering transport and living expenses for the transitional period. |

*\* Infrastructure denoted any installed private services or infrastructure at the residential plots including by not limited to waterpipes, electrical connections, sewages, driveways, internet connections, etc.*

# Asset Inventories and compensation Valuations

The *Expropriating Authority* (in this case likely to be the respective local authorities) will undertake a detailed Asset Inventory and Valuation Study to register *eligible persons* and demarcate the affected properties (e.g., residential land, farmland) and assets (e.g. residential houses) as per below:

## Census / Registration

*Eligible persons* will be identified and registered by the *Expropriating Authority* via the Asset Inventory and Valuation Study. This will include the registration of all persons with a vested interest (landowners, members of cooperatives, community leaders, etc.) as well as persons benefiting from the land or assets (tenants, informal occupants, etc.). In cases of households, the registration will include the household head, the spouse of the household head and next-of-kin.

The day that the registration is done will function as the *de-facto* cut-off date (See Section 3.3). Being absent during the Asset Inventory and Valuation Study does not preclude people from claiming compensation or resettlement assistance. Should a potential person not be present during the inventory period, they will be required to provide proof of their claim to the relevant authority for verification.

## Asset Inventories

The *Expropriating Authority* will undertake a detailed inventory of all affected land and assets. The inventory will include the registration of affected land and properties, all interests on that land, including the cadastral mapping of the land and property boundaries, total area, and land-use.

The inventory will include the surveying of all fixed assets located on the affected land and properties. This will include detailed surveys of residential and business structures, all non-residential structures, residential or business infrastructure, as well as an inventory of annual and perennial crops on agricultural land. All public or communal assets will also be surveyed including communal agricultural land, grazing land, and natural resource harvesting areas, as well as cultural sites and resources (if any).

## Development Moratorium

A ***development moratorium*** is an announcement or notification that all forms of development and investment on the affected land and associated assets is to cease. The commencement of the moratorium is linked to a declared cut-off date. There is no explicit legal provision for the declaration of a development moratorium under national law.

Compensation is determined on the assets and information collected by the Asset Inventory and Valuation Studies, which implies that these investigations are a *de-facto* cut-off date. Once the Asset Inventory and Valuation Studies are concluded and a cut-off date declared, compensation and resettlement assistance will ***not*** be provided for:

1. People settling or undertaking new developments on the land proposed for acquisition.
2. Construction of any new structures or other fixed assets whatsoever.
3. Significant upgrades or investment in the existing structure.
4. Any further construction of private infrastructure (including roads, bridges, culverts, etc.).
5. Any newly planted economic trees not already enumerated in the Asset Inventory.
6. No alienation of property, land, or any fixed assets by the Affected Persons.

The ESS 5 requires that the development moratorium and associated cut-off date be disclosed to Affected Persons. At a minimum, this should include suitable briefings (with supporting documents) with affected persons and communities on the restrictions and implications of the moratorium, and signed acknowledgment of their understanding of the moratorium.

## Valuations

The Expropriating Authority will undertake a detailed valuation of all affected land and assets. The valuation will determine compensation rates based on prevailing local market-rates and additional requirements established under the Expropriation Ordinance 13 of 1978. It must also meet ESS 5 requirements that compensation is based on full-replacement value[[4]](#footnote-4). Further detail is provided on valuation methods below:

### Valuation of Land

Land will be valued by means of the ***Comparative Method*** – or by determining the market value of the land through an analysis of market rates of similar land parcels sold in the local and neighbouring areas by a willing seller to a willing buyer.

The above method will be amended to include all additional costs (overhead expenses, taxation), but exclude any forms of depreciation to establish the ***full replacement value*** of the land to be acquired as defined under ESS 5. Full replacement value, with respect to land, include the market value of the land (including all form of taxation, fees and other costs and excluding any form of depreciation or deductions). The valuation should be sufficient to acquire suitable replacement land of equal size and/or productivity to the land being acquired, without financially prejudicing the affected landowner.

### Valuation of Structures and Infrastructure

The valuation of structures and infrastructure will be based on ***full replacement*** cost methodconsistent with ESS 5 requirements. This method factors the actual cost of replacing the affected buildings and other structures based on the cost of materials, type of construction, labor, transport, transaction costs and taxation costs and all other forms of overheads that may apply. The method excludes deductions from any forms of depreciation or the salvage of materials.

### Valuation of Crops and Trees

To ensure alignment with ESS 5 requirements, the value of crops and trees will be determined using the ***Income Method***. This means crops and economic trees are valued based on the estimated income generated from the produce over a pre-determined transition period.

The Income Method should also factor in costs for the re-establishment of annual crops, perennial crops and trees, including costs of seedlings/saplings, input costs as well as the loss of productivity over the period which perennial crops and trees need to become productive.

### Loss of Profit by Businesses

Affected formal and informal businesses are entitled to compensation for the loss of profit. The loss of profit will be valued based on the net monthly income[[5]](#footnote-5) multiplied by (1) the duration of any lease agreement, (2) the transition period to move any businesses, or (3) a maximum of 3 months to arrive at the loss of profits payable. This will also include indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

### Allowances

Allowances will be provided as transitional support to affected persons. The allowances will vary depending on the types of losses, but will include:

1. **Inconvenience Allowance**: Affected Persons will be granted an inconvenience allowance to the value of 10% of the value of the affected land and fixed assets (structures and infrastructure that is lost), consistent with Article 9 of the Expropriation Ordinance 13 of 1978.
2. **Moving Allowance**: Affected Persons who are required to relocate to a new property will be provided a moving allowance. The allowance will be calculated as the actual cost of transporting all mobile assets to the replacement property. This will factor in both labor and vehicle requirements for the salvage of all materials and household good, and their transport to the replacement property / house.
3. **Rental Allowance**: House or land tenants who are forced to relocate will receive a rental allowance equivalent to three (3) months’ rent at the prevailing market rate and will be assisted in identifying alternative accommodation.

## Special Consideration of Vulnerable People and Women

*Vulnerable People* is a term given to individuals, households, or groups of people that may be disproportionately affected by the land acquisition and resettlement process based on their gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status within their community.

Each eligible person, family or group will need to be assessed on a case-by-case basis to determine their vulnerability status. The determination of vulnerable people will be based on the general categories detailed below:

1. **Elderly Headed Households:** Households solely comprised of elderly with limited or no support from economically active mature adult males (aged between 21 and 65 years of age). Such households are particularly vulnerable in resettlement processes because they often lack the physical capacity or economic opportunity to obtain new sources of income after resettlement, or the ability to fully engage in the land acquisition and resettlement process.
2. **Female-Headed Households:** Female-headed households are likely to be disadvantaged from gender discrimination with respect to the ownership of land and assets. The often-complex interplay of legal and customary practices in determining land ownership is likely to undermine the rights of female-headed households.
3. **Child-Headed Households:** Child-headed households or households exclusively comprised of children (persons under the age of 18) are generally deemed vulnerable due to lack of support from an adult family member. Children may be vulnerable to exploitation from extended family members, guardians, or local villagers where their parents are not present.
4. **Persons with No Rights to Land:** People that derive benefits from land, or any structures or any assets on that, but have no legal protections or rights to those assets, are deemed vulnerable. The commencement of the land acquisition process may incentivize either the State, private landowner, or communities to evict illegal occupants in anticipation payment of compensation.
5. **Persons with Disabilities:** Households, where one or more household members are defined as physically or mentally disabled, are deemed vulnerable. They are vulnerable due to the reduced labor/income producing potential and require additional resources and support in the care of the disabled person.

Specific measures that can be considered in supporting vulnerable people and in particular women may include:

1. Identify vulnerable households during the stakeholder engagement process,
2. Undertake a systemic land registration process of persons without land-rights,
3. For persons without land rights, secure land tenure rights on replacement land,
4. Provision of separate and confidential consultation with vulnerable people,
5. Ensure that the privacy and safety of vulnerable people is maintained,
6. Assigning guardians, proxies, or dual signatories during negotiations,
7. Additional labor support in the preparation of new fields and salvage of movable goods,
8. Provision of financial literacy training / guidance on use of allowances.
9. Linking vulnerable people or households to any functioning State-support programs,
10. Undertake regular monitoring and surveillance of households.

# Livelihoods and Income REstoration

Livelihood and income restoration are a fundamental requirement and extends beyond only the provision of cash compensation for fixed assets. It requires that suitable provisions and measures be put in place to ensure that the income generating potential and livelihoods of affected persons are not undermined by physical and economic displacement. Such measures may include:

1. **Provision of Replacement Land:** Provision of replacement parcels at the new township in*-lieu* of cash compensation, or provision of parcels at discounted prices, with formal land tenure. This offer may be extended to formal landowners, short-term and long-term occupants, and informal occupants. All persons affected by physical displacement and are required to be relocated will be eligible for this option.
2. **Provision of Replacement Structures:** Provision of replacement structures *in lieu* of cash compensation. Ideally the replacement structures will be constructed on a suitable replacement plots and be of better build quality than the lost structure. All persons affected by physical displacement and are required to be relocated will be eligible for this option.
3. **Restoration of Land-Based Activities:** The expropriating authority in collaboration with the relevant government departments may provide additional support to restore land-based activities (such as agriculture, orchards, etc.) that sustain local livelihoods and income. Central to this support is the provision of the alternative land and additional support with respect to:
   1. Land clearance, preparation, and input to reinstate agricultural practices.
   2. Provision of agricultural inputs (seeds, fertilizer) to reinstate crop production.
   3. Provision of preferential links to the value-chains established by the Project.
4. **Restoration of Businesses-Based Activities:** Provision of replacement commercial structures or land *in lieu* of cash at the proposed township. This may be supported with the establishment of market spaces in the township.
5. **Construction Phase Preferential Employment:** Affected Persons may be given preferential employment during the construction of the Programme infrastructure. This may include the prioritization of women in employment. This requirement would need to be established as a contractual obligation to be met by third-party construction contractors as part of the bidding process.

# Expropriation process & resettlement plans

Compulsory land acquisition, compensation and resettlement assistance will be undertaken under two separate but interlinked processes – the expropriation process under the Expropriation Ordinance 13 of 1978, and a Resettlement Plan (RP) under the World Bank Environmental and Social Standard 5. A generic process of a combined expropriation process and RP is depicted in Figure 5‑1 overleaf:

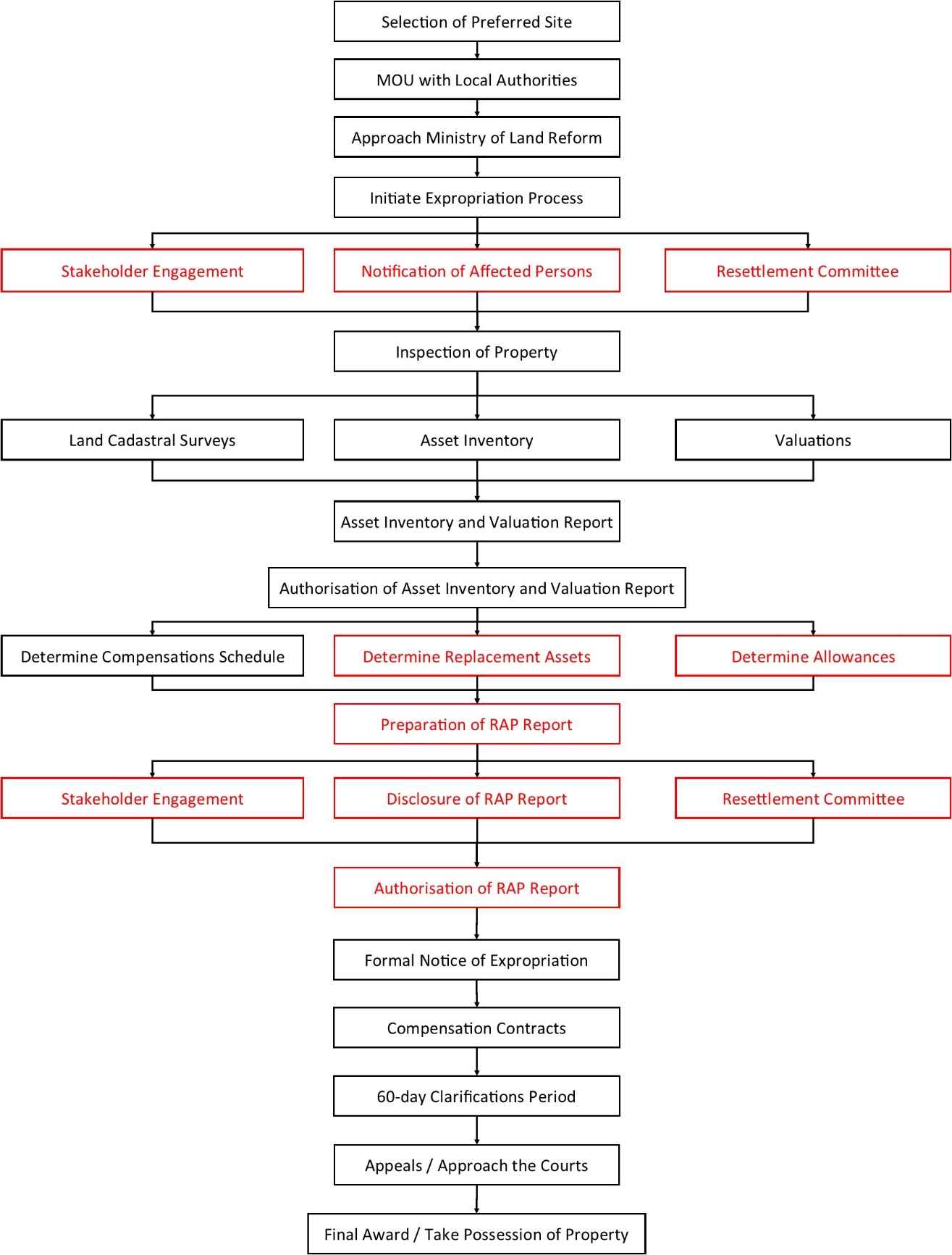


Figure 5‑1: Generic Expropriation and RP Process

DWN, via the expropriating authority, will be required to strictly follow the Expropriation Ordinance 13 of 1978 in all cases of legal compulsory land acquisition of any private titled land. In cases, of where the land is informally occupied or used, it is expected that the same process is adopted as summarized below follows:

1. **MOU with Local Authority:** The DWN establishes a MOU with the relevant Local Authority and agrees on the target land parcel. The MOU makes provisions for any form of land expropriation or displacement of people from the land to be formally adopted by the Local Authority
2. **Local Authority Commence Land Expropriation:** The Local Authority will formally commence the land expropriation process or eviction process of informal occupants or users consistent with legal procedure as well as this LACF.
3. **Notification and Stakeholder Engagement:** The DWN and the Local Authority provides an initial notification of potentially affected persons and undertaken the first round of stakeholder engagement. This includes the formation of a Resettlement Committee.
4. **Surveys of Affected Properties:** The DWN and the Local Authority undertake the required property (cadastral) surveys, asset inventories and valuation of affected titled land, land used by informal occupants or users, as well as all fixed assets on the land. This will be linked to an Affected Persons Census and Household Socio-Economic Survey.
5. **Authorization of the Valuation Report:** Where required under national law, the Affected Persons Register, Asset Inventory and Valuation Report will be authorised by the relevant authority. In addition, these reports will be submitted to any Lenders for further comment and sign-off.
6. **Determine Compensation Schedule:** The DWN and the Local Authority will establish a compensation schedule based on the Valuation Report, as well as determine options for replacement assets (new land or structure *in lieu* of cash compensation) and well as any additional allowances and resettlement support.
7. **Prepare the Land Acquisition and Compensation Plan:** The DWN and the Local Authority will prepare a draft Land Acquisition and Compensation Plan (LACP). The LACP will be submitted to the Lenders, as well as to any authorities (where requested), for review and authorisation,
8. **Publish the Land Acquisition and Compensation Plan:** The DWN and the Local Authority will publish the LACP on the Project, Local Authority and Funder websites. In addition, a second formal round of stakeholder engagement will be undertaken with affected persons and key role-players. This includes the second round of meetings with the Resettlement Committee.
9. **Finalisation of the Land Acquisition and Compensation Plan:** The LACP will be finalised and submitted to the Lenders for final review and authorisation before any resettlement funds are made available and land acquisition may commence.
10. **Formal Notice of Expropriation:** The DWN and the Local Authority will provide formal notice to Affected Persons of the intent to acquire the land or evict informal occupants or users from the land. This is the formal notice to commence the implementation stage of the resettlement process.
11. **Presentation of the Compensation Contracts:** The DWN and the Local Authority will present the legal compensation contracts to each Affected Person. The contracts will be negotiated and signed before the provision of any cash compensation and replacement assets.
12. **60-days Appeals Process:** Consistent with the Expropriation Ordinance 13 of 1978, a suitable clarifications and appeals period of 60 days need to be provided to Affected Persons. Where any appeals cannot be resolved, the relevant parties may approach the Courts for resolution.
13. **Final Award:** The Local Authority provides all due cash compensation, allowances, replacement assets and resettlement support ***prior*** to the displacement of Affected Persons and taking possession of the land.

# STAKEHOLDER ENGAGEMENT

Stakeholder engagement and participation will be supported throughout the land acquisition and resettlement process. This section establishes the principles and general steps to be adopted by the DWN and its implementing partners in promoting such engagement.

## Engagement Principles

The key principles for engagement are based on Free, Prior, Informed Consultation and Participation (FPICP) principle which includes the following:

1. The opportunity to engage and participate in the land acquisition and resettlement process is offered to each affected person and key stakeholders.
2. Effective consultation will be undertaken in an open and transparent manner, that respects the dignity of each affected person and key stakeholders.
3. Engagement with stakeholders will be in a manner that is appropriate and culturally sensitive and tailored to the characteristics and interests of different stakeholders.
4. Informed consultation and participation will be supported via direct one-on-one engagement, community meetings, and via suitable public consultative forums.
5. Engagement and participation should support affected persons and key stakeholders to actively contribute to the land acquisition and resettlement planning process.
6. Information is disclosed in an accessible, transparent, and timely manner to allow affected persons and key stakeholders to gain a clear understanding of the land acquisition and resettlement process.
7. All stakeholder engagement will be free of external manipulation, interference, coercion, or intimidation; and no eligible stakeholder is denied an opportunity to be part of the engagement process.
8. Ensure the meaningful representation of those identified as disadvantaged or vulnerable, including the participation of women in the land acquisition and resettlement process.
9. A Grievance Mechanism is established to receive, process, and resolve any potential concerns or grievances in a transparent and timely manner.

## Key Engagement Stages

Stakeholder engagement will be supported throughout the land acquisition and resettlement process. However, targeted, and detailed engagement will be undertaken at the following key stages:

* **LACP Preparation:** The DWN and the Local Authority will support engagement through the resettlement planning process, notably at the following key stages:
  + **Initial Notifications:** The initial notification and disclose to affected persons of the Programme land requirements and intent to commence a land acquisition and compensation process.
  + **Asset Inventories and Valuations:** Direct engagement with affected persons prior to the commencement of the Affected Persons Census, Asset Inventory and Valuation Study, including declaring the Development Moratorium.
  + **Public Disclosure of the LACP:** Disclose of the draft LACP in such a manner that is readily accessible and understandable by affected persons and key stakeholders.
* **LACP Implementation:** This phase commences when the Local Authority provide formal notice of expropriation and the 60-day appeals process. This is considered the *de-facto* start of the land acquisition process. Ongoing consultation will be required as part of the day-to-day operational requirements.

## Key Stakeholders

The DWN, and its implementing partners, will identify and profile the key stakeholders that will be directly affected and other interested and influential parties in the land acquisition and compensation process. Their need, and interest will be analysed, and a communication plan will be developed discussing the frequency and nature of information sharing and consultation methodology to be implemented. This will include, where required, the stakeholders listed in Table 6‑1 overleaf.

Table 7‑1: List of Key Stakeholders

|  |  |
| --- | --- |
| **Administration Level** | **Priority Stakeholder Groups** |
| National and Regional  Authorities | Ministry of Agriculture, Water and Land Reform  Ministry of Environment, Forestry and Tourism  Ministry of Gender Equality, Poverty Eradication and Social Welfare  Ministry of Health and Social Services  Ministry of Urban and Rural Development  Ministry of Works and Transport  National Planning Commission  Regional Councils |
| Local Authorities | Urban town / municipal councils  Municipal Departments\*  Ward Councillors |
| Communities | Communities residing on/ making use of the potential development sites |
| Individuals | Directly affected titled landowners.  Directly affected informal land-occupants or land-users. |
| Vulnerable People | Women as potential homeowners / female-headed households  Elderly as potential homeowners / elderly-headed households  Persons with disabilities |

## Information Disclosure

The DWN, and its implementing partners, will ensure the regular disclosure of information to help affected peoples and other stakeholders to understand the land acquisition and resettlement process. The DWN will ensure that the Draft LACP will be made public for review. This will include the publication of the Draft LACP in physical form at local public offices, as well as digital copies posted on the DWN, Local Authority and Funder websites and World Bank external websites. The information should be in the appropriate language(s) and accessible and understandable to Affected Persons with differing levels of literacy and skills.

## Resettlement Committee

The Expropriating Authority will establish a suitable consultation and advisory forum (i.e., the Resettlement Committee). This Committee will be solely an advisory body and will not have statutory standing under national law, nor will replace any legal body required under the Expropriation Ordinance 13 of 1978 or any other law. The mandate of the Committee should include:

* Allow the Programme to engage and collaborate with local authorities on land acquisition and resettlement matters.
* Ensure the co-ordination differing role-players in land acquisition and resettlement across differing administrative areas and levels.
* Facilitate engagement with community representatives and obtaining the needed permissions to engage directly with affected persons.
* Facilitate the disclosure of Programme information as well as information on land acquisition and resettlement matters.
* Establish a common forum that can review, comment, advise and where needed authorize any resettlement planning documentation.

## Grievance Mechanism

The Programme will establish a Grievance Mechanism – or a procedure for receiving and facilitating the resolution of public concerns and grievances specifically concerning resettlement matters.

A generic Grievance Mechanism process is depicted in Figure 2, while the key steps are presented overleaf.

1. **Step 1: Receive Grievance –** The Programme receives a complaint/grievance via the various established communication lines to a nominated Stakeholder Engagement Manager (See Section 9). This person will be mandated to manage the day-to-day aspects of grievance management and documenting the grievance using pre-established Grievance Forms.In support of this first step, the Programme will establish suitable lines of communication (including communication via traditional authorities, community liaison officers, suggestion boxed, telephone hotlines) which can be accessed by relevant stakeholders.
2. **Step 2: Screening and Assessment –** An initial assessment of the grievance will be conducted to determine whether the grievance can be resolved at the local level by the Stakeholder Engagement Manager, or where needed escalated to the Programme Manager, the Programme Director, or an external independent body.
3. **Investigate and Resolve Grievances –** The Stakeholder Engagement Manager (or responsible party) will investigate the underlying cause(s) of the grievance and develop corrective actions needed to resolve grievances as well as prevent recurrence of similar grievances. The timing of the investigations and corrective actions will vary depending on the nature of the grievance as:
   1. **Minor Grievances –** To be reported, investigated and corrective actions established internally by DWN within 30 days. The Stakeholder Engagement Manager will provide feedback and obtain agreement from the individual that lodged the grievance within a further 14 days.
   2. **Moderate Grievances –** To be reported, investigated and corrective actions established internally by Stakeholder Engagement Manager, Programme Manager, and the Programme Director within 30 days. The Stakeholder Engagement Manager will provide feedback and obtain agreement from the Claimant within a further 14 days.
   3. **Major Grievances** – All grievances that could not be resolved directly by DWN will be escalated to relevant Local Authority / Council for investigation and resolution. Where required, the grievance may be forwarded to the Resettlement Committee for their opinion on a potential resolution.
4. **Close Out Grievances –** The Stakeholder Engagement Manager will provide feedback and obtain sign-off from the individual or group that laid the grievance that the grievance has been resolved to their satisfaction. This signed resolution will be in written form in order to close out the grievance.

The Programme will be required to ensure that the grievance mechanism is suitably disclosed to the public and local communities. This should be undertaken (1) during public meetings, (2) included in any disclosure documents as well as establishing a suitable contact number.

A screenshot of text

Description generated with high confidence

Figure 2: Generic Example of a Grievance Mechanism

# Implementing arrangements

## Roles and Responsibilities

To implement the land acquisition, resettlement, and compensation process several key role-players will have a defined set of roles and responsibilities as follows:

1. **DWN:** The DWN as the Programme Executing Agency will have an overall *duty-of-care* in ensuring that the resettlement process is correctly planned and implemented. It is expected that DWN will play a central management role including:
   1. Providing resources, staffing and finances to management the resettlement process on behalf of the *Implementing Agency*.
   2. Undertake all forms of stakeholder engagement and participation with support from the *Implementing Agency.*
   3. Ensure that the Affected Persons Census, Asset Inventory and Valuation Report is prepared consistent with the provision of this LACF.
   4. Prepare the draft and final LACP Report and ensure that it is appropriately disclosed as part of the stakeholder engagement process.
   5. Ensure that the draft and final LACP Report is submitted to Lenders for review and authorisation before applying for any resettlement related funds.
   6. Support the *Implementing Agency* in terms of its regulatory and statutory requirements and obligations.

Within DWN, the Programme Manager Land Development and Basic Infrastructure will be responsible to ensure that DWN fulfils the requirements of this LACF.

1. **Local Authorities (Implementing Agency):** No private developer may expropriate land and legal force under the Expropriation Ordinance 13 of 1978 is given, in the case of urban land, the Local Authorities. ***As such, the resettlement process falls under the direct responsibility of each Local Authority for each Programme location***. Consistent with national law, the Local Authority is legally liable for the following:
   1. Undertaking the required site inspections, surveys and inspections required to determine the target land and the compensation values.
   2. Undertaking all formal notifications of affected landowners consistent with procedures and timeframes set in the Expropriation Ordinance 13 of 1978.
   3. Presenting and negotiation of compensation agreements and making all compensation payments.
   4. Making provision of replacement land and replacement structures consistent with any agreements.
   5. Addressing any grievance, appeals as well as any court applications as per the procedures and timeframes set in the Expropriation Ordinance 13 of 1978.
2. **Resettlement Consultant:** The DWN and the Local Authorities may defer one or more of their responsibilities (as listed above) to a competent Resettlement Consultant, however fully legal liability remains with the DWN and the Local Authorities.
3. **National and Regional Authorities / Departments:** Where relevant, national ministries and regional authorities may be included in the resettlement process related to:
   1. Any procedural authorisations of the expropriation process etc.,
   2. Provide input and support into resettlement process,
   3. Provide for infrastructure investment into the proposed townships
4. **Ward Councillors and Local Leaderships:** Supporting engagement and participation of affected persons as well as representing their respective constituencies and communities during the resettlement process.
5. **Resettlement Committee:** See Section 6.5

## Budget

As the specific interventions or sub-projects are not fully established, no estimate of costs can be provided for the development and implementation of the LACP. It is however expected that the DWN will make withdrawal application to the Funder in multiple tranches as follows:

1. **Tranche 1 – Funds for the Development of the LACP:** Covering all costs for the appointment of the Resettlement Consultant, as well as resourcing for the stakeholder engagement and asset inventories, as well as related activities. The funding will be sufficient to allow the development and finalisation of the LACP.
2. **Tranche 2 – Funds for LACP Implementation:** Covering all costs for the LACP implementation, which will be based on the detailed budget provided in the LACP. This will include funds allocated for (1) cash compensation, (2) replacement assets, (3) livelihoods restoration as well as management costs.

## Schedule

As the specific interventions or sub-projects are not fully established, no specific schedule for the LACP development and implementation can be provided. It is expected that land acquisition, resettlement and compensation activities are included in each schedule prepared for each interventions or sub-project.

## Monitoring and Evaluation

It is expected that DWN will undertake regular monitoring and reporting during the planning and implementation of the land acquisition and resettlement process. While the LACP will provide more specific monitoring parameters, they are expected to cover those presented in Table 7‑1

Table 8‑1: Monitoring Parameters

| **Category** | **Monitoring Parameter** | **Interval** |
| --- | --- | --- |
| **Performance Monitoring** | | |
| **Programme Management** | * Actual versus predicted LACP implementation schedule. * Actual versus predicted household relocation implementation schedule. * Actual versus predicted replacement land implementation schedule. * Actual versus predicted payment of compensation. * Actual versus predicted Programme spend on livelihoods restoration programs. * Actual versus budgeted cost expenditure. | Monthly |
| **Moratorium**  **Violations** | 1. Number of recorded violations of the moratorium. 2. Record of responses to violations (pending resolution or closed-out) | Monthly |
| **Asset**  **Replacement** | 1. Number of disclosed compensation packages. 2. Number of signed compensation packages. 3. Progress on replacement land preparation and handover. 4. Number of households that have been relocated against predicted schedule. | Monthly |
| **Compensation** | 1. Number of signed compensation packages. 2. Actual versus Predicted Compensation Payment Schedule. 3. Number of households that have received and signed-off on compensation payments. | Monthly |
| **Vulnerable Groups** | 1. Number of households that have been identified as vulnerable. 2. Number of vulnerable households supported during the transition period. 3. Type of support given to vulnerable households | Monthly |
| **Livelihood Restoration** | 1. Livelihood restoration and development programs initiated. 2. Actual versus predicted project-spend on livelihoods restoration programs 3. Number of actual versus predicted Programme beneficiaries | Quarterly |
| **Engagement** | 1. Actual versus Predicted Committee / Commissions Meetings. 2. Actual versus Predicted Community Meetings. | Quarterly |
| **Grievance Tracking** | 1. Number of Grievances Received 2. Number of Grievances Under Investigation 3. Number of grievances resolved and or pending 4. Number of Grievances Pending Acceptance of Corrective Action by Authorizing Body 5. Number of Grievance with Authorized Corrective Action, but Pending Implementation 6. Number of Correction Action being Implemented 7. Number of Grievance Closed Out after the Conclusion of Corrective Actions | Quarterly |
| **Impact Monitoring** | | |
| **Demographic**  **Change** | 1. Quantitative and qualitative assessment, including a repeat of the household survey to determine longitudinal (over-time) change in the following:    1. Demographic profile    2. Education levels    3. Skills level.    4. Changes to the status of women, children, and vulnerable groups.    5. Access to primary and other healthcare.    6. Access to potable water.    7. Changes in nutritional status.    8. Employment levels.    9. Access to livelihoods and resources.    10. Homestead asset profiles including homestead structures.    11. Homestead landholding.    12. Security of tenure for affected households.    13. Income levels and sources.    14. Livestock ownership.    15. In-migration and population changes.    16. Health facility usage.    17. Impact on vulnerable groups | Annual |
| **Livelihood Change** | 1. Quantitative and qualitative assessment, including a repeat of the livelihoods survey to determine longitudinal (over-time) change in the following:    1. Size and productivity of replacement land versus existing land assets.    2. Productivity of replacement tree crops versus existing tree holdings    3. Size and productivity of horticultural gardens.    4. Number of households engaged in salt farming (or alternative livelihoods)    5. Number of households engaged in fishing (or alternative livelihoods)    6. Number of re-established and new business enterprises.    7. Number of local people employed by the Proponent or third parties.    8. Number of beneficiaries included in local content plans.    9. Level of livelihood restoration of vulnerable groups | Annual |

1. *International good practice provides special safeguards for squatters (irrespective of their legal standing under national law) given that they are often vulnerable households or persons. World Bank standards (under ESS5) makes provision for various support measures in lieu of direct cash compensation for any lost assets. In addition, any situation that leads to the legal eviction of squatters is covered under the World Bank standards as well as the UN Basic Principles and Guidelines on Development-based Evictions and Displacements. Both standards will apply to the Project.*  [↑](#footnote-ref-1)
2. Any form of extra-legal or forced eviction will not be permitted, and compulsory land acquisition or any legal eviction is only permitted where it is allowed under national law – specifically the Urban and Regional Planning Act, 2018 and Expropriation Ordinance 13 of 1978 [↑](#footnote-ref-2)
3. A copy of the framework is available on: https://www.worldbank.org/en/projects-operations/environmental-and-social-framework [↑](#footnote-ref-3)
4. *International good practice requirements for valuation expand on market value and require the adoption of the replacement value principle. This means compensation that is sufficient to acquire or construct replacement assets at current market value, including all transaction and overhead costs and excluding any depreciation or salvage of materials* [↑](#footnote-ref-4)
5. *Monthly income can be determined evidenced by audited accounts for formal businesses. Income generated by informal businesses can be determined via the comparative analysis of similar businesses operating in the same area and servicing the same client base.*  [↑](#footnote-ref-5)