



**THE GOVERNMENT OF LESOTHO
LESOTHO WATER COMMISSION
LESOTHO WATER SECTOR IMPROVEMENT PROJECT II**

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**CONSULTING SERVICES FOR THE UPDATE DETAIL DESIGNS,
AND CONSTRUCTION SUPERVISION OF THE LESOTHO
LOWLANDS WATER SUPPLY SCHEME**

**RESETTLEMENT POLICY FRAMEWORK
(Part of D6)**



May 2018

**SMEC International Pty Ltd, Australia
in association with TCC Ltd, Lesotho**

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ABBREVIATIONS AND ACRONYMS

ACP	Annual Cash Payment
ACHPR	African Charter on Human and People's Rights
ADB	Asian Development Bank
AFDB	African Development Bank
BBA	Building Block Approach
BOS	Bureau of Statistics
BP	Bank Procedure (World Bank)
CC	Community Council
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEO	Chief Environmental Officer
CLO	Community Liaison Officer
CoW	Commissioner of Water
CPLO	Community Participation and Liaison Officer
CRC	Convention on the Rights of the Child
CSO	Chief Social Officer
DOE	Department of Environment
DRA	Demand Responsive Approach
DRWS	Department of Rural Water Supply
DWA	Department of Water Affairs
EA	Enumerator Area
EA	Environmental Assessment (World Bank)
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESU	Environmental and Social Unit (LLWSSU)
EU	European Union
FAO	Food and Agricultural Organisation of the United Nations
FGD	Focus Group Discussion
GC	Grievance Committee
GDP	Gross Domestic Product
GIS	Geographic Information System
GM	Grievance Mechanism
GO	Grievance Officer
GoL	Government of Lesotho
GP	Good Practice (World Bank)
GPS	Global Positioning System
Ha	Hectare

HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IAP	Interested and Affected Party
IGP	International Good Practice
IBRD	International Bank for Reconstruction and Development
ICM	Integrated Catchment Management
IFC	International Finance Corporation
IFR	Instream Flow Requirement
IMF	International Monetary Fund
kv	kilovolts
l/c/d	litres/per <i>capita</i> /per day
LAA	Land Administration Authority
LCN	Lesotho Council of Non-Governmental Organisations
LDS	Lesotho Demographic Survey
LEC	Lesotho Electricity Company
LEWA	Lesotho Electricity and Water Authority
LHDA	Lesotho Highlands Development Authority
LHWA	Lesotho Highlands Water Authority
LHWC	Lesotho Highlands Water Commission
LHWP	Lesotho Highlands Water Project
LLWSS	Lesotho Lowlands Water Supply Scheme
LLWSSP	Lesotho Lowlands Water Supply Scheme Program
LLWSSU	Lesotho Lowlands Water Supply Scheme Unit
LNDC	Lesotho National Development Corporation
LRI	Livelihood Restoration/Improvement
LRP	Livelihood Restoration Plan
LSPP	Department of Lands, Surveys and Physical Planning
M	Maloti
m	meter
MCA	Millennium Challenge Account
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goal
MDWSP	Metolong Dam and Water Supply Programme
M+E	Monitoring and Evaluation
MEC	Monitoring and Evaluation Consultant
MOAFS	Ministry of Agriculture and Food Security
MOT	Ministry of Tourism, Environment and Culture
NGO	Non-Governmental Organisation
NSDP	National Strategic Development Plan
ODK	Open Data Kit

O&M	Operation and Maintenance
OP	Operational Policy (World Bank)
OVC	Orphans and Vulnerable Children
PAC	Project Affected Communities
PAP	Project Affected People
PRA	Participatory Rural Assessment
PS	Performance Standard (IFC)
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RWG	Resettlement Working Group
SADC	Southern African Development Community
SDA	Special Designated Area
SEP	Stakeholder Engagement Plan
SES	Socio-Economic Survey
SGS	Social and Gender Specialist (SMEC)
SIA	Social Impact Assessment
SMEC	Snowy Mountain Engineering Corporation
STI	Sexually Transmitted Infection
TA	Traditional Authority
ToR	Terms of Reference
UN	United Nations
USD	United States Dollars
WAP	Willingness and Ability to Pay
WASCO	Water and Sewerage Company
WSIP	Water Sector Improvement Program
WTP	Water Treatment Plant
WTW	Water Treatment Works
XML	Extensible Markup Language

GLOSSARY OF TERMS¹

Affected household	All members of a household, whether related or not, operating as a single economic unit, who are affected by the program.
Annual Cash Payment (ACP)	The annual payment to a recipient for the loss of production on acquired agricultural fields and food gardens, calculated from the time of acquisition. For temporary land loss, any payment will be for the duration of the occupation according to confirmed compensation rates, based on an annual rate. For permanent land loss consideration needs to be given to payment covering x number of years after acquisition, to enable food security of those affected by land/production loss.
Arable land/Field	Land which is under regular cropping use in terms of the Land Act 2010.
Assets	Properties, including resources, income earning opportunities or livelihood means - for which compensation is due.
Asset inventory	Assembly of specified individual, communal, institutional and public assets (fixed properties) as determined or collected at a certain point in time using specific aerial photos, mapping, field survey, land survey, etc., for which assets register will be developed and compensation payments processed.
Assets register	A compiled record of affected assets and ownership as adjudicated and valued, and ready to be used for compensation discharge processing. The information may be stored in a computerised database for easy manipulation, long term tracking of compensation liability discharge, and settlement of disputes.
Brushwood	Naturally growing shrub, which is a communal fuel resource.
Business or commercial property	Licensed permanent buildings or structure, premises, facility or asset used primarily for the purposes of business activity.
Communal natural resources	Property such as land and vegetation (pastureland, medicinal plants, valuable grasses, wild vegetables, river sand, etc.) to which rights have traditionally been held by the community and which are currently under the management authority of Community Councils, District Councils or Principal Chiefs in terms of the Local Government Act 1997 as amended.
Community	A group of people linked together by common characteristics, aims, culture and environment, often with family ties.
Community Council	The local area council elected through the Local Government Act (1997), with administrative and development control responsibilities of the concerned area.
Compensation	Direct replacement or payment in cash or in kind for an asset, resource or income that is acquired or affected by the program at the replacement time, to which those affected by the program are entitled to, as decreed by state regulations or laws in order to replace the lost asset, resource or income.
Compensation register	A complete list of all the affected, together with their compensation entitlements as derived from the Assets Register.
Consultation	A tool for managing culturally appropriate two-way communications between project sponsors and the public. Its goal is to improve decision-making and build understanding by actively involving individuals, groups, and organisations with a stake in the program, thus increasing a program's long-term viability and enhancing its benefits to Project-Affected People (PAP) and other stakeholders.
Culture	Shared beliefs, customs practices, and social behaviour of a particular group.
Cultural resources	Buildings, land, and other tangible properties that have archaeological, paleontological, historical, religious and unique natural value. Examples include rock art, stone age, historical and living heritage sites (caves, sites of spiritual and ancestral significance, ruins, etc.), burial grounds, battlegrounds and any recovered artefacts.

¹ The definition of these terms is taken mostly from the MDWSP's Resettlement and Compensation Policy, given that it is a component of the LLWSSP. (Ministry of Natural Resources. February 2010. *Resettlement & Compensation Policy. Draft 7.*)

Cut-off date	Date of completion of the census and assets inventory of persons affected by the program (assets adjudication).
Displacement	The compulsory requirement for an asset to move out of the way or be destroyed by program activity or impact (physical and/or economic), hence triggering the need for compensation including resettlement or relocation in the cases of homesteads, premises and such facilities, or where the means of livelihoods get affected.
Displacement Allowance (Household and/or Business)	An allowance paid to physically displaced households and businesses, intended to meet the unforeseen but inevitable initial costs of moving above and beyond compensation for lost or damaged assets and/or income, and including the intangible emotional costs inflicted by the relocation process.
Disturbance Allowance	An allowance paid for the temporary disturbance of access to community assets, such as pastureland and natural plant material on that land.
Entitlement	The standard resettlement nomenclature, referring to what people who are defined as program affected can expect in terms of a compensation package. It embodies a range of compensation related measures designed to make up for direct assets losses and to address all other socio economic impacts.
Environment	Physical factors of the surroundings, including both the natural and built environment.
Evacuation allowance	A payment a relocating household or business owner receives to cover logistical expenses of moving in the absence of the program's logistical support. It can also be referred to as a Relocation allowance.
Expropriation	The action of a government in taking away or modifying property rights of an individual for public good.
Garden	Land forming part of homestead or forming part of a residential site, which is used for the cultivation of vegetables (not field crops or trees) for non-commercial purposes
Grievance procedure	The processes established under law, local regulations or administrative decision to enable property owners, possessors and other impacted persons to redress issues related to acquisition, compensation, or other aspects of resettlement as a result of the program.
Head of household	A person in the family who generally runs the affairs of the household and is regarded by other members as the main decision-maker.
Homestead	A building or group of buildings within a residential site, inclusive of any other associated structures and facilities, occupied by a household as a home.
Host population	People living in or around areas to which people physically displaced by the program will be resettled and who, in turn, may be affected by the resettlement.
Household	All members of a family, whether related or not, operating as a single economic unit and living together in a homestead.
Intangible culture	The knowledge and practices of a cultural group e.g. performance, music, language, social practice, rituals and traditional belief systems (and associated objects and artefacts).
Involuntary resettlement	Involuntary resettlement is related to the taking of land resulting in: i) relocation or loss of shelter; ii) loss of assets or access to assets; or iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. Resettlement is involuntary when it occurs without the informed consent of the displaced or if they give their consent without having the power to refuse.
Kraal	Unroofed structure serving as an enclosure for holding livestock, associated with the homestead, business or other facility that may keep livestock.
Local Authority	Local area chieftainship together with the Community Council having jurisdiction on the local administration affairs, including land allocation and development controls – as defined in the Local Government Act of 1997.
Natural resource	The environment, plants and animals and the products derived from them that are a benefit to humans.

Orphans and Vulnerable Children (OVC)	A child up to/including 18 years of age whose parent or parents are deceased, or whose parent/s may still be alive but are unable to perform parental duties due to illness or acute poverty (among other reasons) and who thus are at risk of exposure to stressful situations.
Production	Annual potential yield or harvest from land affected by the program.
Program Area	Area affected by major program components for construction, inclusive of infrastructure.
Project Affected People (PAP)	Includes any person who, as a result of the implementation of the program through an associated project, loses the 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.
Physical displacement	Loss of shelter and/or assets caused by acquisition of related land by the program and hence triggering resettlement or relocation.
Public disclosure	The process of making information available to affected people and other interested parties, particularly with regard to the environmental and social aspects of the program. Disclosure of information should be done in a timely manner, in publicly accessible locations, and in languages and formats readily understood by affected groups.
Rehabilitation	Re-establishing incomes, livelihoods, standard of living, and social systems.
Relocation	Physical moving of affected household, business, facilities, etc. from pre-program location to a new location.
Replacement	Re-building or re-establishing the affected asset or facility with a new one <i>in situ</i> or in a new location.
Resettlement	The entire process of relocation and rehabilitation or livelihoods restoration resulting from program-related activities and effects; covering all non-displaced persons experiencing land acquisition, and negative impacts on assets and income.
Resettlement assistance	Financial and logistical support provided to a displaced person when physically relocating, together with rehabilitation measures for longer term settling-in. It covers non-moving affected persons for rehabilitation and livelihood restoration measures to re-establish income-sustaining activities.
Residential site	A piece of land that is legally owned, allocated or leased for the purpose of residence.
Sharecropper	A person having a year-to-year agreement with an arable landowner to cultivate the field, in return on some expense and produce-sharing basis.
Stakeholder/s	Any/all individuals, groups, organisations, and institutions interested in and/or potentially affected by the program, have some vested interest in the resettlement, or play a critical role in developing the resettlement process.
Structure	A building of various shapes, forms and types of materials meant for human habitation. It extends to other constructed objects or facilities also meant for human activity purposes.
Tenant	A person who rents another person's property for residence or other use. It includes those with a long-term lease with an affected site/property owner who has allowed him/her to invest in the construction of his/her own structure/s.
The Program	The LLWSS Program
Trees	Stemmed woody plants of a size sufficient to make them useful for practical purposes such as fencing posts, construction timber or fuel, fruit bearing, etc.
Valuation	Calculation of the cash value of the affected asset, taking account of its market value and/or full replacement costs.
Voluntary resettlement	The free choice by the household to physically relocate as a result of irreparable damage to its homestead structure/s by program activity, with the choice exercised after first considering an option for <i>in situ</i> replacement.
Vulnerable person	A person who by virtue of gender, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by the program than others, and who may have limited ability to claim or take advantage of assistance, benefits and opportunities availed by the program.

1 INTRODUCTION

1.1 Project Overview

1.1.1 Introduction

Lesotho constitutes one of Southern Africa's principal water catchment areas. Rainfall and winter snowfalls in the mountains give rise to the major river systems of the Senqu (Orange), Mokhotlong (Caledon) and Makhale, and renewable groundwater resources. Since the implementation of the Lesotho Highlands Water Project (LHWP), water has become the country's most valuable natural resource, as well as being its largest single source of non-taxable revenue; and the current development of the LHWP Phase 2 is yet again reinforcing its central role in Lesotho's economy.

Although Lesotho possesses abundant water resources, limited access to these resources, and particularly in the Lowlands Region, has been an obstacle to growth and development. The Lowlands Region, which includes the more populous, less mountainous western and southern parts of the country, currently suffers from severe water shortages. Historically, the supply of water has been possible from river/stream extraction and pumping from underground sources. Increased rural-urban migration and commercial activities have, however, led to pressure on these resources and water supply facilities, and an increased demand for a regular, reliable water supply system. As the site of the garment and textile industry and light-manufacturing firms, improved supplies are especially important for Maseru and its surrounds.

Moreover, the rainfall pattern of Lesotho is typically unimodal, resulting in more than 85% of rainfall occurring during summer, from October to April (Figure 1.1). As a result, dry season flows in most rivers originating in the foothills of Lesotho are significantly low compared to the wet season flows. Drought that

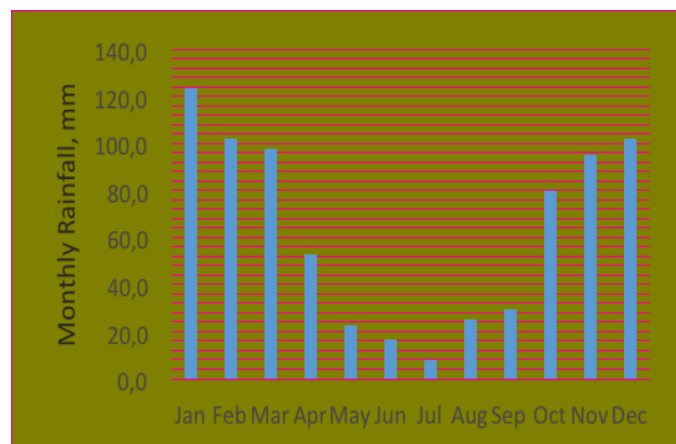


Figure 1.1 Mean monthly rainfall (1981-2010) for major stations in Lesotho

recently affected the country is expected to become more frequent and severe and of relatively longer duration due to climate change, leading to a significant decrease in the contribution of agriculture to the Gross Domestic Product (GDP). For these reasons, it is important that Lesotho develops a reliable water supply system for a multitude of purposes, such as for domestic usage, commercial activities, agriculture, ecotourism, hydropower generation, and environmental sustainability.

1.1.2 Lesotho Lowlands Water Supply Scheme

The supply of potable and reliable water was a commitment made under the United Nations (UN) Millennium Development Goals (MDGs), and to this end the Government of Lesotho (GoL) embarked on a program for the improvement of water supply across the country. At the Sustainable Development Summit in September 2015, UN Member States adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 Sustainable Development Goals (SDGs), otherwise known as Global Goals, to end poverty, fight inequality and injustice, and tackle climate change by 2030. The SDGs build on the MDGs; however, they go further, addressing the root causes of poverty and the universal need for development. Included is the specific SDG of the provision of Clean Water and Sanitation. Considerable support has been received from Lesotho's development partners, most notably the World Bank, the European Union (EU), the Millennium Challenge Corporation (MCC) and the Arab Funds, in attaining this goal.

In order to secure a potable water supply, the Government launched the Lesotho Lowlands Water Supply Scheme Program (LLWSSP), with the primary purpose of improving water supplies to those Lowlands settlements with a population in excess of 2,500.

The Scheme aims to support the development of technically feasible, economically viable, socially acceptable, and environmentally sustainable bulk-treated water supply systems. It includes:

- Development of new raw water sources;
- Treatment of water as necessary;
- Transfer of bulk water to demand centres; and
- Bulk storage of treated water at suitable locations serving those centres.

The GoL commissioned a Feasibility Study of the Scheme in 2003, to assess the water needs for domestic, industrial and agricultural uses in the Lowlands to ensure that approximately 75% of the Lowlands population has access to potable water supply and sanitation facilities.

The study was concluded towards the end of 2004, and covered the following:

- A detailed demographic and water needs assessment;
- A review of the condition and capacity of existing water supply works;
- An economic and financial impacts assessment;
- An evaluation of the institutional water sector structures;
- Identification of suitable raw water resources;
- An assessment of environmental and social impacts;
- The selection of optimum solutions; and
- Preliminary designs and recommendations for the implementation of schemes needed to meet the future water demands up to 2035 for the Lowlands region.

The study covered Lowland settlements, particularly those with populations in excess of 2,500.

Eighteen potential river sources and dam sites were investigated, as well as groundwater sources. The study recommended that conjunctive use be considered of run-of-river schemes, dams and, in some cases, groundwater sources, to ensure the reliability and sustainability of water supplies in the longer term. Metolong Dam on the Phuthiatsana River was identified as a long-term solution for bulk water supply to Maseru and peri-urban areas, with the establishment of river-extraction systems to serve the remaining parts of the Lowlands.

Subsequently, the detailed designs and cost estimates were completed in 2008, including financial and economic analyses and preparation of tender documents of five bulk treated water supply systems serving eight designated water demand zones. Accordingly, the Scheme included the development of:

- Five new intake works including potential proposals for new dams;
- Five new water treatment works;
- 52 new pumping stations;
- 138 new service reservoirs (bulk-treated water storage reservoirs and tanks – concrete and steel); and
- Some 760km of new mains running from the North West to the South West of the country.

The construction of Metolong Dam and Water Supply Program (MDWSP), officially launched in 2008, was fast-tracked for implementation under the multi-donor funding arrangement. The Program is in operation, providing safe drinking water mainly to Maseru town, the area north to Teyateyaneng and south to Morija. However, the other proposed systems have not been undertaken. In the past eight years since

design completion there have been many changes that warrant the review and update of the designs and assessments before the systems are cleared for implementation, as being currently undertaken for the Lesotho Lowlands Water Supply Scheme (LLWSS).

The overall objective of the current Project is to plan, design, procure and supervise the construction and installation of infrastructure required to abstract, treat, deliver and store bulk water supplies to Semonkong and those settlements in the Lesotho Lowlands with populations greater than 2,500. This involves enhancing and updating the findings of the 2008 studies and designs, and taking into account projects which have been planned or implemented since the start of the work, and studies completed by Lowlands Joint Venture, with an extension of the design horizon of that study to 2045. The updated scheme includes agricultural demands, where feasible, giving consideration to the vulnerability of the agriculture sector due to potential longer, more frequent droughts.

The assignment is divided into two phases:

- Phase 1, which includes planning, prioritisation, design and procurement support: and
- Phase 2, which includes support in contract administration and supervision of construction.

1.2 Purpose and Objectives

The purpose of this Resettlement Policy Framework (RPF) is to define the overarching principles for land access, compensation and resettlement planning, and is the precursor to the detailed Resettlement Action Plans (RAPs) and/or Livelihood Restoration Plans (LRPs) for individual Project components such as distribution systems, source water protection and on site sanitation facilities that will be designed during project implementation. Its overall objective is thus to ensure consistency between the Project documents for the various components in terms of principles, approach and implementation arrangements.

More specifically the objectives of this RPF are to:

- Establish the resettlement and compensation goals and principles for the LLWSS;
- Describe the applicable legal and administrative framework;
- Define the approach to be taken to resettlement and compensation;
- Identify categories of Project Affected People (PAP), and define criteria for determining the eligibility of the various categories to receive compensation and other forms of resettlement assistance;
- Develop an entitlement framework that defines the type of resettlement assistance to which the various categories of PAP would be entitled, based on the type of loss they would experience as a result of the Project;
- Describe requirements for consultation with PAP and other stakeholders, including a grievance mechanism through which people affected by the Project may raise their concerns; and
- Set out the relevant organisational arrangements and institutional responsibilities.

This RPF forms part of Phase 1 activities of the assignment, which includes the following relevant tasks and accompanying reports:

- Task 1: Socio-Economic Review and Update;
- Task 2: Demand Assessment;
- Task 3: Water Resources;
- Task 4: Infrastructure Requirements;
- Task 5: Update Detail Designs and Cost Estimates; and

- Task 6: Environmental and Social Impact Studies.

In respect of the Project's Terms of Reference (ToR), Task 6.2 states that, "following on from the environmental and social assessments, the Consultant shall prepare (a) Resettlement Policy Framework to guide the implementation of works – all in accordance with the World Bank's safeguard policies".

The report is to make recommendations to ensure that the Project is compliant with the GoL's legal and policy requirements, as well as International Good Practice (IGP) and guidelines, including the World Bank's Operational Policies.

1.3 The Program Area

The Program Area comprises eight zonal areas, and the town of Semonkong, with the eighth zone being extended into what is referred to as Zone 8A.

The original zones were delineated in the 2004 Feasibility Study. In order to determine the areas where water will be needed most in the future, the Project area was divided into 'demand zones' that could be easily used for planning purposes. The main population centres were identified, together with surrounding settlements of over 2,500 that fell into 'logical catchments'. Each zone was named after the principal town/s in the area, and did not necessarily correspond to particular Districts or Council areas.

In order to confirm the Program Area, the zonal delineations and listing of towns/villages forming settlements using a population greater than 2,500 as a baseline, were compiled from the following sources:

1. The Feasibility Study (2004) for the LLWSS;
2. The Environmental Impact Assessments (EIAs) for the LLWSS, conducted in the Northern, Central and Southern parts of the Lowlands (2008 and 2010);
3. The Enumerator Areas (EAs) of the 2006 national Census population data;
4. GIS mapping, using the above information and Google Earth;
5. Site visits, to observe what is currently on the ground; and
6. Discussion with stakeholders.

The Program Area, comprising towns/villages and corresponding settlements for each Zone, depict adjustments to delineated settlement areas to accommodate growth over time, and identify additional villages that warrant inclusion in the Program. This includes the area between Zones 7 and 8 that had not been included in the Feasibility Study, now included as Zone 8A.

Areas currently supplied with water, namely towns covered by the Water and Sewerage Company (WASCO) and rural areas by the Department of Rural Water Supply (DRWS), remain within the Study Area, to ensure their inclusion in the overall Program for the demand for bulk water supply to be re-assessed to year 2045. For example, the Southern section of Zone 3, including Teyateyaneng, the whole of Zone 4, including the greater Maseru area and the neighbouring towns of Mazenod and Roma, and the northern section of Zone 5, centered on Morija, have been covered by bulk water being supplied through the MDWSP.² As the first phase of the LLWSS, water was delivered to Mazenod, Roma and Morija in September 2014, to Teyateyaneng in January 2015, the Maseru High South Reservoir in Lithabaneng in March 2015, and the Lesotho Sun Reservoir in May 2015. End users are thus supplied with treated, potable water through the WASCO and DRWS infrastructure. Settlements delineated in the Semonkong supply area, based on the 2006 national Census data.

In addition, although a water supply system exists in Semonkong, it has some operational and asset deficiencies. The primary scope requirement thus includes the identification of solutions necessary to address these.

The Program Area comprising the revised Demand Zones is presented in Figure 1.2. Details on 2006 population estimates per settlement and zone, and zonal maps, are presented in Appendix A. All

² www.metolong.org.ls

settlements, including candidate extensions, will need to be agreed on to inform the next stages of the program.

1.4 Methodology and Consultation Process

Information collected for this Study was acquired through the sources described below.

1.4.1 Secondary Data

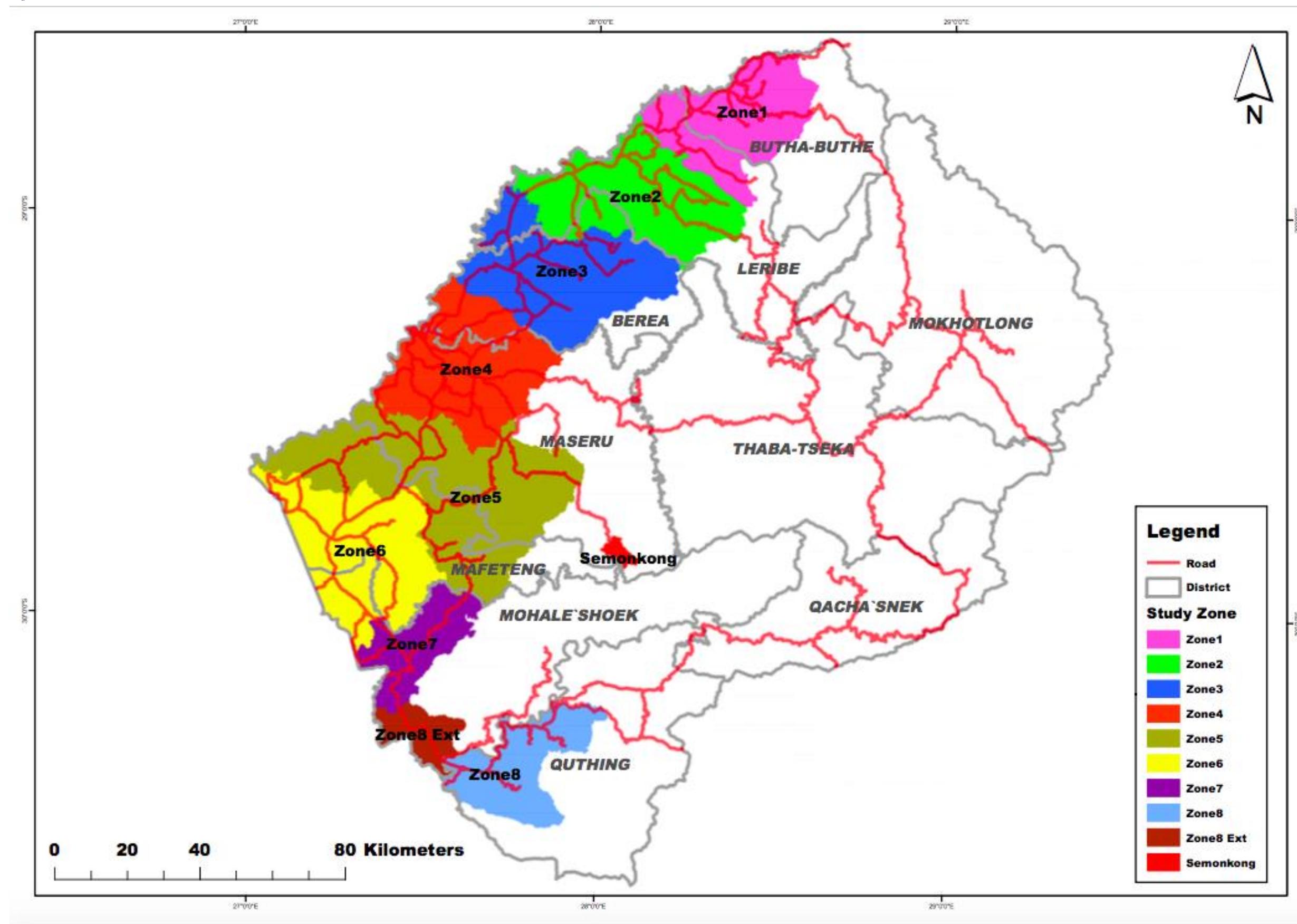
Studies undertaken for the Project to date:

- The Feasibility Study: Department of Water Affairs, Ministry of Natural Resources, Kingdom of Lesotho. August 2004. Lesotho Lowlands Water Supply Scheme. *Consultancy Services for a Feasibility Study of the Scheme. Final Report. Volume 1: Main Report, and Volume 2: Water Demand*. Prepared by Parkman.
- A Social Impact Assessment (SIA) report: D. Hall. (June 2008) *Lesotho Lowlands Bulk Water Supply Scheme. Social Impact Assessment*. This formed part of the following EIAs:

Kingdom of Lesotho. August 2008. *Consultancy Services for Conceptual Design of Lesotho Lowlands Bulk Water Supply Scheme and Implementation of a National Water Sector Information Management System. Environmental Impact Assessment – Northern Region/Central Region/Southern Region*. Prepared by SSI Engineers and Environmental Consultants (Pty) Ltd (SSI): Lowlands Water Joint Venture.

The EIAs for the Northern and Southern Regions were updated in April 2010 to fit in with the Project Engineering Designs. Although the SIA remained the same as for 2008, a revised public

Figure 1.2 Revised LLWSS Demand Zones



consultation report was included: Sechaba Consultants. (August 2009) *Lesotho Lowlands Bulk Water Supply Project 2. Central Region. Revised Public Participation Process Report*.

- Other RPFs, as referenced where applicable. Of particular importance was the Resettlement and Compensation Policy of the MDWSP. (Ministry of Natural Resources. February 2010. *Metolong Dam and Water Supply Programme: Resettlement & Compensation Policy. Draft 7*), and the Compensation Policy of Phase II of the Lesotho Highlands Water Project (LHWP) (Lesotho Highlands Development Authority (LHDA), Lesotho Highlands Water Commission (LHWC). August 2016. *LHWP Phase II Compensation Policy (v8.1)*).

In addition to this, secondary information was sourced from printed and electronic reports and documents, including relevant websites. Of particular use were demographic statistics from previous national Census reports and Demographic Surveys by the Lesotho Bureau of Statistics (BOS). The Socio-Economic and Income and Expenditure Reports for Phase II of the LHWP (2015), and the Environmental and Social Impact Assessment (ESIA) and Environmental Management Plan (EMP) of the Metolong Authority for the MDWSP (2008), gave valuable insights to specific areas of Lesotho.

1.4.2 Site Visits

As part of this assignment, SMEC's Social and Gender Specialist and Environmental Assistant undertook reconnaissance trips to the Project area with the Chief Environmental Officer (CEO) of the LLWSSU, to cover villages in the Demand Zones, and to see where infrastructure for the Project might be located. In addition, the team visited the local District Administration Offices, to introduce the Project and Project members to administrative staff, and to request local information. The visit covered:

- Semonkong, on Monday 10 October 2016;
- Southern Lowlands area, as far as the furthest village, Qomoqomong, on Tuesday 11 October 2016; and
- Northern Lowlands area, to the village of Makhunaone, the most northerly point, on Wednesday 12 October 2016.

In addition to this, site visits were undertaken as part of the Socio-Economic Survey (SES) and Focus Group Discussions (FGDs) for this Study.

1.4.3 Consultation with Stakeholders

Apart from regular meetings with the LLWSSU, public consultation included direct interviews through meetings with the following representatives of National and District level governmental bodies:

- Department of Water Affairs (DWA) (Senior Engineer, Water Rights Division), 15 September 2016;
- Department of Environment (DoE)³, Ministry of Tourism, Environment and Culture (Environmental Officer), 21 June 2017;
- Department of Rural Water Supply (DRWS) (Principle Sociologist), 22 June 2017
- Semonkong Urban Council (Clerical Assistant), 10 October 2016;
- Quthing District (Administration Manager), 11 October 2016;
- Mohale's Hoek District (Assistant Administration Officer, and Statistician), 11 October 2016;
- Botha-Bothe District (District Administrator), 12 October 2016;
- Mafeteng Water Committee (12 participants), 22 November 2016;

³ Previously known as the National Environment Secretariat (NES).

- LHWP (Resettlement Specialist), 20 June 2017;
- Metolong Authority (Environment and Social Manager, Chief Environment Officer, Environment Officer, Compensation and Mitigation Officer, Resettlement and Compensation Officer, HIV/AIDS Co-ordinator and HIV/AIDS Field Officers, and the Integrated Catchment Management (ICM) Manager), 13 October 2016;
- Lesotho Electricity Company (LEC), (Risk Manager), 21 June 2017; and
- WASCO (CEO and Environmental Officer), 22 June 2017.

The BOS was visited on 09 September 2016 to establish the status of the 2016 National Census; the Land Administration Authority (LAA) and Sechaba Consultants on 7 October 2016, for mapping and relevant studies on livelihoods and WAP respectively; and the Department of Culture, Ministry of Tourism, Environment and Culture 21 June 2017 for relevant legislation.

Consultation requirements to take the Study forward have included continual interaction with stakeholders at District and local community level, in the preparation and undertaking of the Socio Economic Surveys (SES) and FGDs with community members at villages at Project Zonal level.

A workshop was held on 30 January 2017, where the content of the Socio-Economic Review and Update Report was presented, and the Tariff Workshop on 22 June 2017, where existing tariff legislation and proposed tariff structures were reviewed. Both provided further opportunities for consultation with stakeholders.

Results of the discussions and workshop are incorporated in the different reports submitted for the Project. A synopsis of the discussions is presented in Appendix B.

1.4.4 Focus Group Discussions

A series of six Focus Group Discussions (FGDs) were held in November 2016, led by SMEC's Social Specialist and representatives of the LLWSSU, in a sample of the settlement areas visited for the SES Study. These comprised the following:

Table 1.1 FGDs undertaken for the Study

Community	No. of Participants
Quthing/Moyeni: Youth Group	24
Masitise: villagers; members of Letolotlo La Rona Association (pig, poultry group)	9
Ha Seeiso: villagers from Ha Matsa, Ha Lesoma, Ha Khotlela, Ha Sekheke, Ha Mokhothu, Liphakoeng, Ha Seeiso Lithabaneng, Ha Thamae/Thabaneng, Kabai Ha Seeiso, Koto, Botlo bo a Joela, Likotopong, Koebela	40+
Liphamoleng 'Muela: villagers from 'Muela, 'Muela Hlakoaneng, 'Muela Bolometsa, Mohloli and Sehlopha sa ka Motseng Ha Monts'o; included members of Repana Sebaka (agricultural group), Tsepanang Lihoae (sheep, goat project), Roohang Piggery	38
Bakaneng: representatives of 8 village committees, including water committees	14
Makhunoane: villagers from Qholotso, Ha Motsapi, Ropa, Moreneng, Mahlabatheng, Mporane, Makokoane, Taung, Thoteng, Ha-Tae, Ha Morake, Binone	46
TOTAL	171

The FGDs were used at the community level as a forum to achieve two main objectives:

1. To inform members of communities what the LLWSS involves, providing them with an opportunity to ask questions relating to the program: and
2. To gain information on the type of water services available to communities, the positive and negative attributes of these current water supply systems, recommendations around the coping strategies/solutions to overcome any problems with the systems, willingness and ability to contribute to improving the systems through the LLWSS, and options for the poor (if any). When time allowed, respondents were asked to prioritise the potential upgrading of water services in relation to other developmental needs.

A representative of the LLWSSU organised the FGDs through the local authorities, visiting the relevant District Administrations, local Councillors and traditional authorities in advance, to explain the aims of the meetings, organising a time and venue, and advising on whom should attend.

1.4.5 Socio-Economic Surveys

A Socio-Economic Survey (SES) was undertaken by SMEC to augment information on socio-economic studies undertaken, particularly for the LLWSS and within Lesotho generally:

- To obtain a socio-economic profile of communities in the Study Area;
- To identify and define domestic user types based on the socio-economic data which, together with other criteria, enabled the development of demand forecasts for the design horizon;
- To assess the impact of the proposed water supply schemes on the livelihoods of different sections of the community; and
- In addition to ability to pay, determine the willingness of community members to contribute to the services offered.

The SES covered the following topics:

- Household composition: number of household members; gender, age, education, residence and employment status for each household member; and added characteristics of the household head including marital status;
- Economic activities, and household income and expenditure patterns;
- Homestead details: tenure; description of structures; length of stay at residential site; and water and energy sources, and sanitation facilities;
- Ownership, usage and cultivation of agricultural fields;
- Ownership of livestock;
- Health factors;
- Water usage and willingness to pay for an improved service;
- Usage of other natural resources; and
- A ranking of service needs.

GK Consulting converted the survey form into Extensible Markup Language (XML) format for Open Data Kit (ODK), thus allowing data collection by enumerators using mobile devices/tablets, and for the data to be submitted to an online server managed by the Consultant.

Surveys were undertaken over a three-week period, from 14 November to 05 December 2016. The LLWSSU Chief Environmental Officer informed all District Administrators, Councillors and Traditional Authorities in advance of the study, to prepare them for the survey.

With input from the LLWSSU the sample was identified to cover:

- Two (deep) rural settlements, one in the north (Makhunoane) and one in the south (Matelile);
- Two rural settlements close to urban centres, one in the north (Corn Exchange) and one in the south (Alwyn'skop); and
- Three urban centres, one north (Maputsoe), one south (Mafeteng), and Semonkong.

The urban areas totalled 36.17% of the sample. Elements of Corn Exchange, Thaba Khupa and Alwyn'skop may be considered peri-urban in that they are, respectively, relatively close to Maputsoe, Maseru and Moyoeni, and some residents commute to work on a daily or weekly basis.

Using Google Earth, homesteads were selected according to random sampling in each Settlement Area. Apart from Mafeteng, where the sample size was 50, at least 100 households were surveyed from each of the settlements, with a total of 716 households interviewed, including the three surveys completed for the pilot study.

1.5 Potential Project Impacts

Project developments will have a range of positive and negative socio-economic impacts, classified as both direct and indirect, experienced at both micro and macro levels.

1.5.1 Positive Impacts

- The provision of access to a regular, secure, more accessible, potable water supply at household level.
- An expanded beneficiary population. The provision of such water will be to a large number of households in the Lowlands area, to their residential plots, at a reasonable cost, as illustrated in the table below. In particular, given that the principle of social equity is applied, it is anticipated that the LLWSS will benefit the vulnerable groups of society, those that may otherwise be unable to pay for water provided on site.

Table 1.2 Estimated population by Zone, Medium Growth Scenario

Zone	2020	2025	2030	2035	2040	2045
Zone 1	117,955	123,801	130,748	138,991	148,766	160,366
Zone 2	178,233	190,536	205,434	223,508	245,493	272,317
Zone 3	106,369	109,614	113,478	118,033	123,363	129,572
Zone 4	525,798	599,913	689,721	798,966	932,386	1,096,004
Zone 5	79,764	81,221	83,010	85,161	87,714	90,713
Zone 6	89,254	95,025	101,808	109,790	119,201	130,322
Zone 7	54,447	58,348	62,937	68,344	74,725	82,273
Zone 8	39,844	40,747	41,867	43,224	44,843	46,754
Zone 8A	17,157	17,189	17,237	17,302	17,385	17,488
Semonkong	6,277	6,665	7,113	7,629	8,223	8,908
TOTAL	1,215,098	1,323,058	1,453,353	1,610,947	1,802,098	2,034,718

- Employment opportunities presented through Project developments, directly during the construction phase of Project works, and indirectly through economic opportunities to provide services to supply the needs of contractors and the workforce over such times. In the long term, employment will be created through the operation and maintenance of the LLWSS.

It is estimated that over the full construction periods of all phases of the Project the LLWSS will generate approximately 7,185 jobs; 7,079 unskilled and 106 skilled. With an average of 4,68 people per household, as determined by the SES, and assuming that unskilled employees are from individual households, the creation of unskilled jobs could benefit approximately 33,130 people.

It is predicted that 20% of labour costs will go to construction works, with 75% of this comprising unskilled labour and 25% skilled labour. Thirty percent of those employed for Design and Construction Supervision are likely to be local personnel, with 70% foreign.

- The LLWSS will have a multiplier effect on economic development. An improved water supply, and better management of water resources, can boost economic growth and contribute to poverty reduction:
 - A water supply at the household's doorstep will not only alleviate the physical burden and insecurity experienced by those collecting water, but will free them of the time normally spent in water collection. It will provide more study time for the youth, to further their education and obtain skills for the workplace, and for adults, and particularly women, more available time to take up, or continue with, self-employment or other work opportunities.
 - Economically the water supply will potentially open up income-generating opportunities at a local level. The Project will also create the opportunity for industrial growth, particularly in the manufacturing industry.

Skills development from working on the Project will be of future benefit to the national economy, as long as these skills will be retained in Lesotho.

The Project is likely to stimulate the growth of local construction companies as many project activities can be carried out by local contractors using local skilled and unskilled labour. Other economic activities likely to benefit from the Project include: the service sector; real estate; warehousing; freight forwarding; and maintenance and repair. Formal job creation has numerous benefits for the informal sector and for small and medium enterprises, particularly those associated with the food, accommodation/rental and transport businesses.

- Improved infrastructure and services. A long-term economic benefit of the Project will accrue from the construction of infrastructure, such as new roads and electricity distribution systems.
- Safe and readily available water is important for public health, whether it is used for drinking, domestic use, food production or recreational purposes. Other livelihood benefits will be the potential for improved sanitation systems at a household level, and a healthier environment.

1.5.2 Negative Impacts

Negative impacts of the LLWSS may include the following:

- The loss of land-holding, and privately owned assets on that land, resulting in the possible need to relocate. Land loss incorporates:
 - Cultivation land, residential/homestead sites;
 - Productive resources on the land, such as crops and trees;
 - Household structures, such as homesteads, sheds, boreholes/water wells/pumps, animal shelters and animal kraals, fencing, stores/shops and other privately owned business enterprises; and
 - Assets owned by organisations, such as NGOs and religious bodies, such as buildings and other related infrastructure.

- The loss of communal resources and assets. This includes:
 - Land, such as pastureland;
 - Productive resources on the land, such as natural, wild plants used for culinary/medicinal purposes, grass for grazing, and fuel wood;
 - Usage of river resources, for domestic and commercial purposes; and
 - Structures, such as community halls, water supply points/tanks/pumps, and burial grounds.
- The loss of government property. This includes:
 - Land used by government bodies; and
 - Structures and infrastructure, such as government buildings, water supply points/tanks/pumps, road network and bridges, and archaeological sites.
- Disturbances to livelihoods, subsistence levels and income-earning capacity, primarily through the loss of economic assets/resources and the need to relocate, may in itself lead to an increase in poverty levels, and cause a decline in household nutritional and health standards.

1.5.2.1 Water Transmission

The estimated area of land take for the pipelines was calculated using the original engineering infrastructure design, where the pipelines extended over 771.82 km, and a 10m servitude buffer zone.⁴ An estimated 1,774 hectares of land will be acquired, affecting different land use categories, as presented in the table below.

Table 1.3 Estimated land take according to land use⁵

Zone	Arable Land (Ha)	Built-Up Land (Ha)	Thickets/Forestry (Ha)	Total Land Take (Ha)
Zone 1: Botha Bothe	7.09	53.01	-	60.10
Zone 2: Hlotse/Maputsoe	554.87	32.05	20.28	607.22
Zone 3: Peka/Mapoteng	0.50	47.34	478.05	525.88
Zone 4: Maseru/Mazenod/Roma	370.77	45.83	7.89	424.50
Zone 5: Morija/Matsieng	4.42	26.32	1.66	32.40
Zone 6: Mafeteng	5.39	32.27	10.90	48.56
Zone 7: Mohale's Hoek	0.09	4.27	47.94	52.29
Zone 8: Quthing	1.18	21.25	0.05	22.47
TOTAL	944.30	262.34	566.80	1,773.45

The extent of the impact will depend on the duration of the disturbance. The majority of pipelines will be built within the road reserve and thus most land loss will be temporary; a few cases will be permanent, such as if the pipeline servitude has to be cleared for long-term maintenance.

⁴ Of note, this land loss is likely to increase with extensions and/or re-alignments of the pipelines. Currently the pipelines have been extended to 935 km, the design of which is awaiting finalisation and approval.

⁵ Interestingly 1,042 ha of road reserve was calculated to fall within the buffer zone.

1.5.2.2 Water storage

The estimated land take required for the Water Treatment Works (WTWs), pumping stations and reservoirs totals 214 land parcels covering 65 hectares (see Table 1.4 below).

Although sites for water storage infrastructure have been selected such that they require as little clearing of occupied land as possible, the land will be required permanently, and will therefore have significant impact on those holding and using the land, and more so if assets on the land will be acquired. Access routes to the infrastructure will also be required, resulting in temporary and permanent loss of land.

Any loss of land due to infrastructure construction, and concomitant loss of assets on that land, including crops, trees, natural resources, and structures (formal and informal; residential, commercial, institutional; private, government, organisational, communal), may lead to possible resettlement and loss of livelihoods. Where permanent relocation is required, there will be some impact on host communities; directly through the requirement for replacement of land and structures, and accompanying pressure placed on service and infrastructure provision and natural resource use, and indirectly through social disturbances and tension that may occur between the resettled and host communities. However, it is anticipated that no resettlement will be required if the infrastructure is positioned without affecting existing structures.

Table 1.4 Estimated land take according to land use

Project/Zone	Parcels Land (No.)	Area (Ha)		
		Total	WTW	Reservoir
Project 1: Zone 1	43	15.93	3.95	11.98
Project 2: Zones 2 and 3	49	12.59	2.90	9.69
Project 3: Zones 4 and 5	74	21.54	1.40	20.14
Project 4: Zones 6 and 7	34	12.36	3.20	9.16
Project 5: Zones 8 and 8A	14	2.78	0.70	2.08
TOTAL	214	65.20	12.15	53.05

1.5.2.3 Construction works

Construction works and associated infrastructure may potentially have the following impacts:

- The severance of access to local footpaths, services, fields and grazing land through the demarcation of construction sites and water infrastructure sites.
- Dust from vegetation clearing, the movement of construction vehicles and heavy machinery, and construction activities such as trenching and blasting, impacting on local communities and Project employees, potentially resulting in respiratory tract infections.
- Increased noise levels, such as from traffic and blasting, on neighbouring communities, and on construction labour who work in close proximity to noise-producing machinery.
- Apart from a potential loss of government infrastructure, other impacts may occur which affect service provision, such as:
 - Interruptions in water supply during pipeline laying activities, and incidence of water turbidity resulting in reduced water quality;
 - Heavy construction vehicles causing damage to existing roads;
 - A greater likelihood of road traffic and pedestrian accidents, and a general disturbance in the flow of vehicles through villages; and
 - The disturbance of electrical and telecommunications supply lines.

- Health may be affected in that water storage facilities may become breeding grounds for disease vectors. In addition, there is likelihood of a potential increase in STDs, and particularly HIV/AIDS through in-migration, compounded by an increase in commercial sex work.
- Cultural heritage may be affected through loss of burial sites and sites of historical significance.

Indirect impacts

1.5.3 Cumulative Impacts

Cumulative impacts, positive and negative, will occur, including: improvement to water access, health and sanitation; economically, through development in the regional and national economy with the improved water provision and other services; livelihood impacts that will accrue to PAP, including diversified skills leading to improved income generating opportunities; the potential long-term implications on income generation and livelihood generation through permanent loss of cultivation land; and an increase in pressure on/disruptions to access to infrastructure and services through influx of people to the area.

2 LEGISLATIVE OVERVIEW

2.1 National Legislation, Policies and Procedures

Cognisance need be taken of the following legal and policy requirements for projects involving resettlement:

- **Lesotho Constitution, 1993**, protects citizens from the arbitrary seizure of property. Article 17(1) states that “no property, movable or immovable, shall be taken possession of compulsorily, and no interest in or right over any such property shall be compulsorily acquired, except where the following conditions are satisfied: (a) the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of any property in such manner as to promote the public benefit; (b) the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and (c) provision is made applicable to that taking of possession or acquisition for the prompt payment of full compensation.”

Article 17(2) grants a person with an interest in or right over property that is compulsorily acquired “a right of direct access to the High Court for: (a) the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right and the amount of any compensation to which he is entitled; (b) the purpose of obtaining prompt payment of that compensation”.

- **Local Government Act (No. 6 1997)** is the main legislation regulating local government policies, and establishing local authorities. Amongst other things, it grants powers to the Minister to establish Community, Rural, Urban and Municipal Councils, defines their functions and powers, and provides for their organisation and administration.
- **Environment Act (No. 10 of 2008)** provides a framework for the implementation of the **National Environmental Policy (1998)**, the overall aim of which is to achieve sustainable livelihoods and development for Lesotho. The Act makes provision for the protection and management of the environment, and the conservation and utilisation of natural resources. The Act defines the ground rules for environmental management, including the requirements for EIAs and environmental audits (Sections 19 to 27). The **Guidelines for Environmental Impact Assessment in Lesotho (2009)** sets out the steps to be taken in carrying out the EIA process, and the DoE uses this document in reviewing the EIA; however, the Guidelines have not been

updated to the 2008 Act, and there are some discrepancies between the Guidelines and the Act. Regulations are currently in draft form, and are yet to be gazetted.

- **Land Act (No. 8 of 2010)** (supported by the Land Regulations of 2011) is the principal legislation governing land ownership and occupation, and the acquisition of property for public and development purposes. The Act covers the grant of title to land; the administration of land; the expropriation of land for public purposes; the grant of servitudes; and the creation of land courts and the settlement of disputes relating to land.

Part IX of the Act differentiates between land acquired in the public interest and land acquired for public purposes.

Part X, on Compensation, states: “In all cases in which the implementation of this Act results in compulsory acquisition of property, the person deprived of such property shall be entitled to compensation at market value”, with the obligation to compensate lying “with the body conducting the expropriation”, and “In assessing compensation, regard shall be had (a) to the value of the property as certified by an odd number of valuers, one of whom shall be the Government valuer, having regard to the present and replacement value; and (b) to the expenses incidental to any necessary change of residence or of place of business”. It is also clear that compensation shall be made “before conclusion of expropriation”.

Section 10 (1) of the Act confers joint title to property to both spouses married in community of property (under civil, customary or any other law, irrespective of the date on which the marriage was entered into), and equal powers in land transactions.

- **Legal Capacity of Married Persons Act (No. 9 of 2006).** The Act confers equal powers on both spouses married in community of property, giving them equal capacity to dispose of the assets of the joint estate, contract debts for which the joint estate is liable, and administer the joint estate. It also requires the other spouse’s consent regarding actions relating to immovable property.
- **Roads Act (No. 24 of 1969).** Section 25 provides for compensation for any direct damage resulting from road construction or maintenance “to dwellings, buildings, gardens, plantations, crops, cultivated trees or lands under irrigation”.

Compensation and Resettlement Policy Framework (September 2003) of the Ministry of Public Works and Transport makes recommendation on the approach for valuation and compensation for transport sector projects. This includes a number of measures to support household re-establishment and livelihood restoration, including: household and business displacement allowances; a rent allowance for displaced tenants; and assistance with physical evacuation. Each transport sector agency responsible for preparation of a project RAP is required to ensure that project-specific entitlements are discussed with affected households and their representatives, including special provisions for vulnerable groups.

- **Water Act (No. 15 of 2008),** to provide for the management, protection, conservation, development and sustainable utilisation of water resources in an integrated and sustainable way. The principles underlying the Act include: sustainable usage; intergenerational equity; the equitable distribution of water and sanitation services; a public participatory approach; and, included in integrated water resources management, the integration of environmental and social issues, “among them, HIV/AIDS and gender mainstreaming”.

Section 30 deals with compensation and states that “where compulsory acquisition of land is required in terms of this Act, compensation may be paid in accordance with the Land Act 1979”⁶.

⁶ Superseded by the Land Act 2010.

The **Lesotho Water and Sanitation Policy (2007)** sets out objectives to improve the management of Lesotho's water resources for the purpose of improved environmental management and human use. It is "based on the recognition of a need for a holistic and sustainable water resources management and development approach, ensuring as wide a participation of water stakeholders as possible and treating the resource as an economic, environmental and social good"⁷. The Policy is based on the **Integrated Water Resources Management Strategy, 2007** and the **Water Demand Management Strategy, 2007**.

- **Mines and Minerals Act (No. 4 of 2005)**. Although specifically dealing with the development or utilisation of mineral resources, according to Section 57 acquisition of land for a public purpose is in terms of the Land Act 1979. Section 56 deals with compensation for disturbance of rights of a lawful occupier of land subject to a mineral concession, including damage done to the surface of the land which may concern "crops, trees, buildings or works damaged during the course of such operations".
- **National Heritage Resources Act (2011)**⁸, which provides for the preservation and protection of all heritage, such as San engravings and paintings on stone.
- **Forestry Act (No. 91 of 1998)** and **National Forestry Policy (2008)**. The Act provides for the sustained management of forests and forest reserves, and for the protection and preservation of forests and forest produce.
- The **Lesotho Highlands Water Project (LHWP) Treaty**, signed on 24 October 1986 between the governments of the Kingdom of Lesotho and the Republic of South Africa. The basis of the Compensation Policy is expressed in Article 7(18): "The LHDA shall effect all measures to ensure that members of local communities in the Kingdom of Lesotho, who will be affected by flooding, construction works, or other similar project-related works, will be enabled to maintain a standard of living not inferior to that obtaining at the time of first disturbance: Provided that such Authority shall effect compensation for any loss to such member as a result of such project related causes, not adequately met by such measures." Article 15 states that the "Parties agree to take all reasonable measures to ensure that the implementation, operation and maintenance of the project are compatible with the protection of the existing quality of the environment and, in particular, shall pay due regard to the maintenance of the welfare of persons and communities immediately affected by the project."

LHDA Order (1986) establishes the LHDA, and enables it to implement the LHWP. Section 44(2) states that LHDA will "ensure that as far as reasonably possible the standard of living and the income of persons displaced by the construction of an approved scheme shall not be reduced from the standard of living and the income existing prior to the displacement of such persons."

Article 15 (Compensation) of the **Agreement on Phase II of the Lesotho Highlands Water Project (2011)** states that "(1) The LHDA shall effect compensation in accordance with the provisions of Article 7(18) of the Treaty and the principles contained in Article 15 of the Treaty ... (2) Compensation shall be effected in accordance with the Phase II compensation policy and procedures to be developed by the LHDA and approved by the LHWC ... (3) The Phase II compensation policy shall be developed taking into account the compensation policy for Phase 1 as well as the Phase II Feasibility Study recommendations".

The **LHWP Compensation Regulations** make legal provision for the implementation of the LHWP Compensation Policy.

⁷ www.lewa.org.ls

⁸ Repealed the Historical Monuments, Relics, Flora and Fauna Act (1967).

- Lesotho's **National Strategic Development Plan (NSDP) 2012/13-2016/17 (2012)** compiled by the GoL, the World Bank and the International Monetary Fund (IMF), identifies primary areas of focus:
 - Reversing land degradation and protecting water sources through integrated land and water resource management;
 - Improving national resilience to climate change;
 - Promoting biodiversity conservation;
 - Increasing clean energy production capacity and environment-friendly production methods;
 - Improving land use and physical planning as well as increasing densification and ring-fencing of towns to avoid human encroachment on agricultural land and other fragile ecosystems;
 - Improving the delivery of environmental services, including waste and sanitation, and environmental health promotion; and
 - Improving coordination, enforcement of laws, information and data for environmental planning and increasing public knowledge and protection of the environment.

The NSDP succeeded Lesotho's **Poverty Reduction Strategy Paper (2012)** developed by the IMF, which underlined the importance of protecting water sources through integrated land and water resource management, and the means by which the environment's natural resilience to climate change can be improved.

- **Lesotho Water Security and Climate Change Assessment (2016)**, of the World Bank Group, looks at balancing opportunities afforded by the continued development of water resources within Lesotho, with the need to increase water security against potential future vulnerabilities of Lesotho's water management system to climate change. It examines these vulnerabilities by exploring a set of adaptation strategies across a wide range of potential future conditions, demonstrating that such strategies can provide benefits to water resources management over a broad range of possible future scenarios for possible positive outcomes.

2.2 International Standards and Agreements

Lesotho is party to a number of internationally acceptable policies, conventions, treaties and protocols in order to augment the national policies and laws. International laws and their institutions serve as the principal framework for international co-operation and collaboration between members of the international community in their efforts to protect local, regional and global societies and the environment. They assist in capturing and building consensus between nations on goals for environmental protection, resource conservation and sustainable use. Examples are given in Table 2.1 below.

Table 2.1 International and regional agreements

International
Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1987)
Convention on the Rights of the Child (CRC) (1989)
Vienna Declaration and Programme of Action: Vienna Conference on Human Rights (1993)
International Covenant on Economic, Social and Cultural Rights (1993)
Millennium and Sustainable Development Goals (2000, 2015)
Convention on the Rights of Persons with Disabilities (2006)
Convention for the Safeguarding of the Intangible Cultural Heritage (2008)
Regional
African Charter on Human and People's Rights (1986)
African Charter on the Rights and Welfare of the Child (1990)
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (1995)
Southern African Development Community (SADC) Protocol on Shared Watercourse Systems (1995) and Revised Protocol on Shared Watercourses (2000)
SADC Declaration on Gender and Development (1997)
SADC Protocol on Gender and Development (2008)

2.2.1 World Bank Policies

The international legal and policy framework within which projects operate, and implementation procedures and guidelines, have developed substantially since adoption of the Universal Declaration of Human Rights in 1948. Instruments supported by member states include those developed by the UN and the European Union/ Commission. Others have been developed by particular bodies, such as the World Bank Group, including the International Finance Corporation (IFC).

In developing this RPF the ToR stipulate that: "All environmental and social assessments to be carried out under this assignment shall be in accordance with World Bank safeguards operational policies and procedures", with the understanding that, where national legislation does not adequately address issues, the World Bank standards will apply.

The operations of the World Bank are guided by a comprehensive set of policies and procedures, dealing with the Bank's development objectives and goals, the instruments for pursuing them, and specific requirements for Bank- financed operations. The core of this guidance lies in the Bank's Operational Policies (OPs), which are critical to ensuring that potentially adverse environmental/social consequences are identified, minimised and mitigated so as to prevent "undue harm to people and their environment in the development process"⁹. Those relevant to the program, and particularly to resettlement that will be taken into consideration are¹⁰:

⁹ www.worldbank.org

¹⁰ World Bank. April 2013b. *OP 4.00 Table A1: Environmental and Social Safeguard Policies – Policy Objectives and Operational Principles*.

- OP 4.01 Environmental Assessment: “to help ensure the environmental and social soundness and sustainability of investment projects”.
- OP 4.04 Natural Habitats: “to promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions”.
- OP 4.11 Physical Cultural Resources: “to assist in preserving physical cultural resources and avoiding their destruction or damage, including resources of archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance”.
- OP 4.12 Involuntary Resettlement: “to avoid or minimise involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher”.
- OP 4.36 Forests: “to realise the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests”.
- OP 4.37 Safety of Dams: “to assure quality and safety in the design and construction of new dams and the rehabilitation of existing dams”.

OP 4.20 Gender and Development aims “to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development”.

In addition, of relevance are GP (Good Practice) 14.70: *Involving Nongovernmental Organizations in Bank-supported Activities*, and the *World Bank Policy on the Disclosure of Information* (2002).

In particular, the Bank’s involuntary resettlement safeguarding regulations and requirements¹¹ are triggered when a project leads to 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 person must move to another location.

OP 4.12 identifies three categories of affected people:

- a) Those who have formal legal rights to land, including customary and traditional rights recognised under the laws of the country;
- b) Those who do not have formal legal rights to land, but have a claim to such land or assets provided that such claims are recognised under the laws of the country or become recognised through a process identified in the resettlement plan. “Such claims could be derived from ... continued possession of public lands without government action for eviction (that is, with the implicit leave of the government)”; and
- c) Those who have no recognisable legal right or claim to the land they are occupying.

Category (a) and (b) people should be compensated for the land they lose, as well as provided with other agreed-upon assistance. Category (c) people should be provided with resettlement assistance in

¹¹ World Bank. 2013. *OP 4.12 - Involuntary Resettlement*, *OP 4.12 (Annex A) - Involuntary Resettlement Instruments*, and *Bank Procedure (BP) 4.12 - Involuntary Resettlement*.

lieu of compensation for the land they occupy as well as other assistance as necessary, if they have occupied the area prior to an agreed cut-off date for entitlements. All three categories should be provided with compensation for loss of assets other than land.

OP 4.12 requires that displaced people are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project; provided assistance (such as moving allowances) during relocation; and provided with residential housing or housing sites. The policy requires that the taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided.

Guidance is given to the identification and protection of vulnerable people, stating that they need be given special attention to remove the barriers that stand in the way of their equal participation in projects, or through special project components and targeting strategies tailored to their needs.

The World Bank has a number of policy, guideline and operations handbook items that address various aspects of public consultation/participation and public disclosure. Of particular relevance is the Bank's *Involuntary Resettlement Sourcebook*, which dedicates Chapter 7 to Consultation and Participation¹².

Public consultation and disclosure processes to be followed are specified in all OPs relevant to environmental/social issues. For example, in OP 4.01 *Environmental Assessment* it states on Public Consultation that for proposed Category A projects¹³ it is required that during the Environmental Assessment (EA) process the Borrower "consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The Borrower initiates such consultations as early as possible. For Category A projects, the Borrower consults these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalised; and (b) once a draft EA report is prepared. In addition, the Borrower consults with such groups throughout project implementation as necessary to address EA-related issues that affect them"¹⁴. On disclosure: "For meaningful consultations between the Borrower and project-affected groups and local NGOs on all Category A projects . . . , the Borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

"For a Category A project, the Borrower provides for the initial consultation a summary of the proposed project's objectives, description, and potential impacts; for consultation after the draft EA report is prepared, the Borrower provides a summary of the EA's conclusions. In addition, the Borrower makes the draft EA report available at a public place accessible to project-affected groups and local NGOs"¹⁵.

The EA report will keep a record of consultation meetings, including consultations for obtaining the informed views of affected people and NGOs. The record will specify any means other than consultations (e.g. surveys) that were used to obtain such views.

Public availability in the borrowing country and official receipt by the Bank of Category A reports for proposed projects are prerequisites to Bank appraisal of these projects. Bank policy requires all documents associated with environmental and social policies to be made available through the Bank for public comment, after the country concerned has given its consent for the release to the proposed disclosure and after the document has been officially accepted by the bank. Thus once the Borrower

12 International Bank for Reconstruction and Development (IBRD), World Bank. 2004. *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects*. Washington DC.

13 As classified by the World Bank: a proposed project is classified as Category A if it is likely to have significant adverse environmental/social impacts that are sensitive, diverse or unprecedented.

14 www.worldbank.org

15 www.worldbank.org

has officially transmitted the Category A EA report to the Bank, the Bank makes the report available through its InfoShop¹⁶.

Of particular relevance to the program is the Bank's OP 4.12: *Involuntary Resettlement*, which requires consultation of project-affected people (PAP), host communities and local NGOs, as appropriate. Opportunities to participate in the planning, implementation, and monitoring of the resettlement program must be provided, "especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms"¹⁷. Particular attention must be paid to the needs of vulnerable groups among those displaced, "especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation"¹⁸.

Table 2.2 World Bank OP 4.12 Involuntary Resettlement: A Summary

Operational policy (OP) 4.12 states, as a policy objective, that "displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs" (paragraph 2b).

The OP further requires that the resettlement plan or resettlement policy framework include measures to ensure that "the displaced persons are . . . consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives" (paragraph 6[a]).

The OP provides the additional guidance that "displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups" (paragraph 13[a]).

OP 4.12 provides a detailed outline of the elements of a participation plan: "Involvement 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 the 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 individuals, 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 centres, cemeteries); and
- d) institutionalised arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures are in place to ensure that vulnerable groups are adequately represented (Annex A, paragraph 15).

Draft resettlement plans are to be disclosed, including documentation of the consultation process, in a timely manner, in an accessible place and in an understandable form and language.

Source: World Bank. 2004. *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects*.

In GP 14.70: Involving NGOs in Bank-Supported Activities, the World Bank advises on how NGOs and other organisations of civil society are important actors in the development process; that they can

¹⁶ The InfoShop is the World Bank's public information and reference center located in Washington D.C, United States of America. It is a one-stop shop for economic development literature and for information on World Bank project activities. It offers various facilities ranging from free information in the form of reports and documents, products such as books and publications, to computer workstations allowing public access to the Bank's web site and CD-ROMs. Requests to the InfoShop may also be submitted through the Internet or Bank missions. See www.worldbank.org

¹⁷ OP 4.00: *Table of Operational Policies*. www.worldbank.org

¹⁸ World Bank. 2013a. Op cit.

make an important contribution towards ensuring that the views of local people are taken into account, promote community participation, extend the reach of the project to the poorest, and introduce ‘flexible and innovative’ approaches. The Bank therefore encourages Borrowers to consult with NGOs “and to involve them, as appropriate, in Bank-supported activities, including economic and sector work and all stages of project processing – identification, design, implementation, and monitoring and evaluation”.¹⁹

In a similar manner, the Bank encourages the inclusion of women in project design, appraising: (a) the local circumstances that may affect the different participation of women and men in the project; (b) the contribution that women and men could make to achieving the project’s objectives; (c) ways in which the project might be disadvantageous to one gender relative to the other; and (d) the project’s proposed mechanisms for monitoring the different impacts of the project on women and men.²⁰

2.3 Compliance with National and International Guidelines

Compliance requirements of the involuntary resettlement aspects of the LLWSS with GoL legislation and World Bank safeguards policies are indicated in the table below, with the understanding that, where national legislation does not adequately address issues, the World Bank standards will apply.

This RPF has been completed in compliance with the requirements of the legislation and policies, to ensure that all related future RAPs will conform to the principles and standards contained in this document.

It must be noted that other similar projects undertaken within Lesotho, such as those falling under LHDA, and the MDWSP, developed their own sets of principles and standards – in compliance with national and international guidelines. These, such as the LHWP Compensation Regulations that make legal provision for the implementation of the LHWP Compensation Policy, may be regarded as establishing a precedence for future projects such as the LLWSS.

¹⁹ World Bank. 2000. *GP 14.70: Involving NGOs in Bank-Supported Activities*.

²⁰ World Bank. 2003. *BP 4.20: Gender and Development*.

Table 2.3 Compliance status of GoL legislation with international (World Bank) standards

Components	International (World Bank) standards required ²¹	National legislation	Measures to address discrepancies
LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT			
Physical and economic displacement	Involuntary resettlement refers to both physical displacement (relocation or loss of shelter) and economic displacement (loss of assets or access to assets that leads to loss of income sources/other means of livelihood).	<p>Mostly covered by the following legislation:</p> <ul style="list-style-type: none"> Lesotho Constitution, 1993: Articles 17(1) and 17(2) relating to expropriation of land. Environment Act (No. 10 of 2008) provides a framework for the implementation of the National Environmental Policy (1998); it defines the ground rules for environmental management, including the requirements for EIAs and environmental audits (Sections 19 to 27). The Guidelines for Environmental Impact Assessment in Lesotho (2009) sets out the steps to be taken in carrying out the EIA process; however, they have not been updated to the 2008 Act. Regulations are currently in draft form. Land Act (No. 8 of 2010) (supported by the Land Regulations of 2011) is the principal legislation governing the acquisition of property for public and development purposes. Roads Act (No. 24 of 1969), and the Compensation and Resettlement Policy Framework (September 2003) of the Ministry of Public Works and Transport, 	<p>The Compensation and Resettlement Policy Framework is consistent with World Bank OP4.12. However, the higher standard will prevail, specifically, in accordance with World Bank policy:</p> <ul style="list-style-type: none"> Economic or physical displacement is recognised for formal, traditional and informal ('illegal') owners. Compensation rates will be consistent regardless of type of ownership. Where land is impacted by project investments, land for land compensation will be preferred. Compensation related to resettlement impact is an upfront cost. Affected persons, communities and households must be compensated prior to commencement of civil works. Where economic displacement is unavoidable, the transitional support provided to re-establish or replace livelihoods must be delivered within the first years of relation to ensure timely support.
Resettlement Action Plan (RAP)	Implementation of actions are to be managed through RAPs. RAPs will be developed: designed to mitigate negative impacts of displacement; identify development opportunities; include a resettlement budget and schedule; establish entitlements of all categories of affected people (including host communities).		
Minimising adverse effects	Where involuntary resettlement is unavoidable, adverse effects will be minimised, with appropriate measures taken to mitigate impacts planned/implemented: <ul style="list-style-type: none"> Alternative project designs will be explored. Forced eviction will be avoided. Compensation will be provided for loss of assets. Disclosure of information, consultation and informed participation of those affected will take place. Livelihoods/standards of living of displaced people will be ensured/improved. 		
The poor and vulnerable	Particular attention will be paid to the needs of the poor and vulnerable.		
Census	A full census will be conducted for each Project component, including appropriate baseline data, of		

²¹ This is presented here in summary form. Further detail is provided in the document as/where appropriate.

	affected people to determine eligibility and discourage inflow of ineligible persons.	provide for compensation for any direct damage resulting from road construction or maintenance “to dwellings, buildings, gardens, plantations, crops, cultivated trees or lands under irrigation”.	
Cut-off date	A cut-off date for eligibility will be established, and well documented and disseminated throughout each Project component area.		
Compensation	<p>Compensation and benefits to cover the following:</p> <ul style="list-style-type: none"> ▪ Compensation for asset loss at full replacement cost and other assistance to help improve/restore livelihood/standards of living. ▪ Community engagement and consultation and informed participation of PAP in planning, implementation, and monitoring and evaluation of compensation. ▪ Compensation standards transparent and applied consistently. ▪ Land based compensation offered where feasible. ▪ If people are required to move: (i) offered choices in resettlement options, including adequate replacement housing with security of tenure, or (ii) cash compensation where appropriate; and (ii) provided with relocation assistance. ▪ Take possession of acquired land/related assets only after compensation has been made available and, where applicable, resettlement sites and moving allowances have been provided. ▪ All transactions, compensation, relocation activities documented. ▪ Displaced people provided with opportunities to derive appropriate development benefits from the Project. 		
Economic displacement	<p>Those affected by economic displacement, regardless of physical displacement:</p> <ul style="list-style-type: none"> ▪ Provided with adequate opportunity to re-establish their livelihoods. 	<ul style="list-style-type: none"> ▪ Not specifically covered by legislation. ▪ Guidance for the LRP could be sought from the 2012 National Strategic Development Plan (NSDP) 2012/13-2016/17. 	World Bank OP4.12 will guide the project implementation in regards to economic displacement caused by or associated with the project investments.

	<ul style="list-style-type: none"> Compensated at full replacement cost for loss of assets/access to assets. Given opportunities to improve or at least restore means of income-earning capacity, production levels and standards of living in addition to compensation. Provided with transitional support will based on a reasonable estimate of time needed to restore livelihoods. 		
PUBLIC CONSULTATION			
Stakeholder engagement	<ul style="list-style-type: none"> Stakeholder engagement is an ongoing process that involves: stakeholder analysis, disclosure and dissemination of information, consultation and participation. It will take place with PAP and PAC, including host communities. To continue during planning, implementation and monitoring/evaluation of compensation payments, livelihood restoration activities, resettlement. 	Although covered as a requirement by the Environment Act (No. 10 of 2008), the National Environmental Policy (1998), and the Guidelines for Environmental Impact Assessment in Lesotho (2009), the level of detailed required is not specified.	World Bank OP4.12 will guide the project implementation in regards to public consultation.
Process of consultation	<p>In-depth informed process of consultation with PAP and Affected Communities:</p> <ul style="list-style-type: none"> Begin early in the process of identification of risks/impacts, and continue on an ongoing basis. Based on disclosure/dissemination of relevant, transparent, objective, meaningful, easily accessible/ understandable information, culturally appropriate and in a local language/s. Tailored to needs of disadvantaged/vulnerable groups Free of external manipulation, interference, intimidation. Enabling meaningful participation. Captures both men's/women's views, if necessary through separate engagements, but reflects their different responses. 		

	To lead to the views of PAP being incorporated into decision-making e.g. on proposed mitigation, development benefits/opportunities, implementation issues.		
Disclosure of information, reporting	<ul style="list-style-type: none"> Implement/maintain procedure for external communication. Disclosure of information to stakeholders, in particular to PAP and PAC, on: purpose, nature, and scale of Project, duration of activities; risks, impacts and mitigation measures and plans – such as the RAP, including the grievance mechanism – with summaries of key issues/ commitments. Ongoing reporting to PAP and PAC on the progress of implementation of the RAP, and on any updates and changes. Documentation of process 		
COMMUNITY HEALTH, SAFETY AND SECURITY			
Risks on health and safety	Conduct an assessment of potential risks/impacts on health/safety of PAC during the Project life-cycle, and establish preventative/control measures to avoid/minimise risk, consistent with human rights principles and good international industry practice.	Health issues are guided by, for example: <ul style="list-style-type: none"> Lesotho Constitution, 1993, and its amendments (under the protection of health); Public Health Bill, which seeks to repeal the Public Health Order No.12 of 1970; Lesotho's Health and Social Welfare Policy (2004); Health Sector Strategic Plan 2012/13-2016/17; and National HIV and AIDS Strategic Plan (2006 – 2011), and related guidelines such as for HIV treatment. 	Under Lesotho law all employers have responsibilities in regards to providing measures to prevent the spread of HIV. In regards to broad community health, safety and security, the higher standard will prevail. Specific measures will be included in contracts in regards to labour influx, gender based violence, and HIV/AIDS.
Communicable diseases	Avoid/minimise potential community exposure to diseases resulting from Project activities, including communicable diseases associated with Project labour.		
CULTURAL HERITAGE			
	In addition to complying with applicable laws, to identify/protect cultural heritage by ensuring that internationally recognised practices for protection, field-based study and documentation of cultural heritage are implemented. Where there is a chance of	The National Heritage Resources Act (2011) provides for the preservation and protection of all heritage. However, it is	World Bank OP4.03 will guide project implementation in regards to cultural

	impacts to cultural heritage, competent professionals to assist in identification/protection of cultural heritage.	not detailed to the extent required for the LLWSS.	heritage, including provision of chance find procedures.
	Where cultural heritage may be affected, consultation to take place with: <ul style="list-style-type: none"> ▪ PAC who use/have used the cultural heritage for long-standing cultural purposes, to identify cultural heritage and incorporate their views into the decision-making process. ▪ Relevant national/local regulatory agencies that are entrusted with the protection of cultural heritage. 		
	Where the site contains cultural heritage or prevents access to previously accessible cultural heritage sites used by PAC, to allow continued access to the cultural site, or provide an alternative access route, subject to overriding health, safety, and security considerations.		
	Develop provisions for managing chance finds (i.e. tangible cultural heritage encountered unexpectedly during project construction/operation) through a Chance Find Procedure, to be applied in the event that cultural heritage is subsequently discovered. No chance find to be disturbed further until an assessment by competent professionals is made and actions consistent with the requirements of OP are identified.		
GRIEVANCE MECHANISM			
	<ul style="list-style-type: none"> ▪ A grievance mechanism to be established as early as possible to receive/facilitate resolution of PAP and PAC concerns/grievances about compensation/relocation, seeking to resolve concerns promptly, impartially, using an understandable/transparent consultative process that is ‘culturally appropriate’, readily accessible, at no cost, without retribution to the party that originated the issue/concern, and which should 	Although mentioned in environmental policy/guidelines, the level of detailed required is not specified.	The Project will follow international good practice in regards to establishing a project grievance mechanism and build on the experience from previous World Bank funded projects in the Lesotho water sector. World Bank OP4.12 requires that an effective grievance mechanism be established to

	<p>not impede access to judicial/ administrative remedies.</p> <ul style="list-style-type: none"> Affected Communities to be informed of the mechanism during stakeholder engagement. Grievances Mechanism to uphold and promote fundamental human rights. 		formalise the manner in which grievances are accepted, assessed and effectively resolved. The Project will provide accessible points where affected persons can access the grievance mechanism, and provide a predictable process and timeframe for response. The Project will monitor and evaluate the effectiveness of the response.
	Project workers to have access to a grievance mechanism to raise workplace concerns.		
MONITORING AND EVALUATION			
M+E process	<ul style="list-style-type: none"> Establish procedures to monitor/measure the effectiveness of the RAP, and compliance with related legal/contractual obligations and regulatory requirements. Periodic review of performance to be based on systematic data collection/analysis. Document monitoring results and identify necessary corrective/preventive actions to ensure the RAP is being implemented. Collaborate with government/third party who is responsible for managing risks/impacts and mitigation measures to implement the actions. Follow up on the actions in upcoming monitoring cycles to ensure their effectiveness. Implementation of the RAP will require an external completion audit to assess performance of process. PAP will be consulted during the monitoring process. Given that the Project has significant involuntary resettlement risks, resettlement professionals will 	Although mentioned in environmental policy/guidelines, the level of detailed required is not specified.	The World Bank good practice and policy will guide the project approach to monitoring and evaluation of the RAP implementation and associated activities, including the GRM effectiveness. Upon completion of all activities in the respective RAPs, an audit will ensure that implementation was adequate, identify any remedial actions required, and provide lessons learned for future investments.

	<p>provide advice on compliance and verify the monitoring information.</p> <ul style="list-style-type: none"> Affected PAC, external experts to be considered for participation in monitoring activities. 		
GENDER			
	<p>Guidelines and strategies to addressing gender disparities and inequalities that are ‘barriers’ to development.</p>	<p>Supported by the Constitution, women are given equal rights through the Lesotho Gender Policy of 2003, the Legal Capacity of Married Persons Act of 2006, the Land Act of 2010, and the Decentralisation Policy of 2014, and are facilitated to be able to take part in development activities.</p>	<p>Any RAPs required under the Project must consider gender as part of the vulnerability profile to ensure that resettlement activities enhance gender equality. The starting point is to address any potential gender imbalance as part of the public consultation, to ensure that no critical perspectives are lost or ignored during preparation.</p> <p>The ESIA for the Project provides the critical analysis related to gender issues that must be addressed and will provide further guidance and focus to ensure that the resettlement activities are conducted in a gender sensitive and inclusive manner.</p>

3 SOCIO-ECONOMIC OVERVIEW

The socio-economic environment of the Program Area has the following characteristics²²:

3.1 National economy

Lesotho's economy is dependent on diamond extraction, export of water to South Africa, and migrant remittances. Increasing foreign direct investment in the textile industry and commerce have created more jobs and strengthened the economy, and the GDP per capita, when adjusted by purchasing power parity, has increased. However, poverty, unemployment and high prevalence of HIV/AIDS remain obstacles to economic growth.

3.2 Population and demography

According to the latest national Census, in 2016 Lesotho had a total *de jure* population of 2,003,962, representing a population growth rate of 1.12% from 2011.

Trends in the national population growth rate are best illustrated in Figure 3.1 below. Although the growth rate increased from 1976 to 1986, it decreased from 2.6% in 1986 to 0.08% in 2006. Since then there has been a reverse of this downward trend, with steady increases.

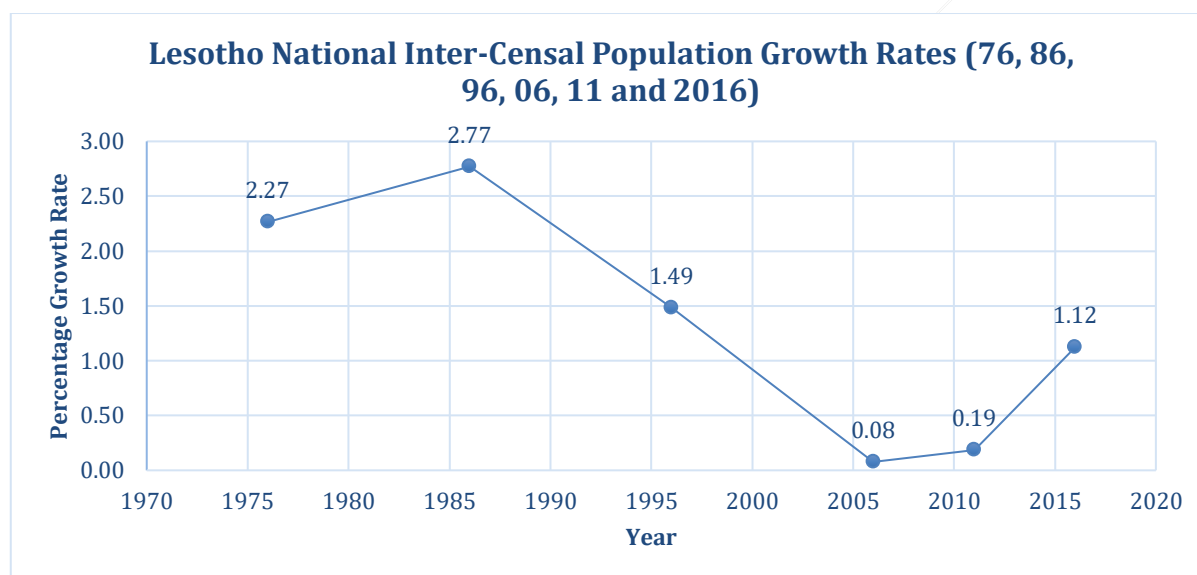


Figure 3.1 Lesotho national inter-censal population growth rates, 1976 - 2016

The urban drift has risen sharply, with 41.6% being classified as living in urban and peri-urban areas, and 58.4% in rural areas in 2016.

Table 3.1 Population of *de jure* urban and rural populations 1996 - 2016²³

Centre	Population		
	1996	2006	2016
Urban	293,323	421,655	682,607
Peri-Urban	-	-	149,204
Rural	1,414,239	1,444,816	1,170,135

²² The full analysis of the Socio-Economic Environment of the Program Area is to be found in the Social Impact Assessment.

²³ 2016 Census report, BOS.

For planning purposes the Building Block Approach (BBA) was adopted for determining future growth rates for the LLWSS. Based on growth factor adjustments and BBAs for the Median Growth Scenario, the population estimates and projection of the design horizon is provided in Figure 3.2. The total projection for 2015, using 2006 figures, was 1,123,079 in the Demand Zones, including Zone 8A and Semonkong. This increased to a total population of 2,034,718 in 2045.

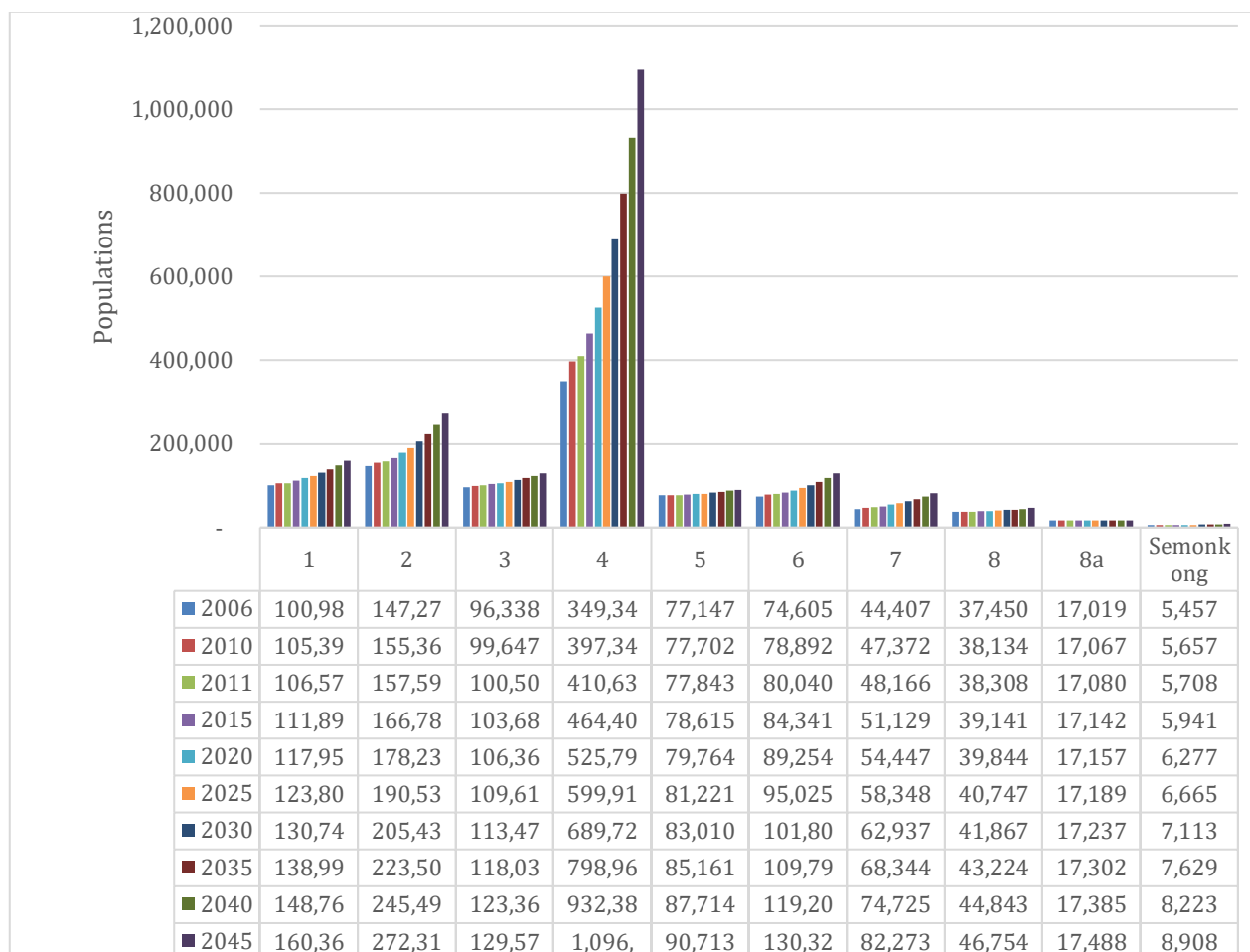


Figure 3.2 LLWSS population estimates and projections from 2006 to 2045

Other demographic features recorded by the BOS 2011 Lesotho Demographic Survey (LDS) include the following:

- The average population density nationally was 61.7 people per km². However, the density is higher in the Lesotho Lowlands than in the Highlands. On a District level, in Botha-Bothe it was 62, in Leribe 103, in Berea 112, in Maseru 100, in Mafeteng 91, in Mohale's Hoek 50, and in Quthing 42.
- There was evidence of a decreasing Fertility Rate, and stabilised Infant Mortality Rate (IMR):
 - a) The total Fertility Rate derived from the 2011 LDS fertility data showed an estimate at 3.07 children per woman, which was lower than the 2006 national Census estimate of 3.53.
 - b) The 2011 LDS found that the rural areas experienced higher IMR, with 96 infant deaths per 1,000 live births, compared to the urban areas estimate of 87 infant deaths per 1,000 live births; the total averaged 94, which was no considerable change from the 2006 national Census.

Although the risk of HIV/AIDS is perceived as high, it is assumed that it will not have the anticipated influence on mortality figures and thus on population projections due to greater awareness, testing and treatment.

3.3 Livelihoods

Livelihoods has been defined as “people’s capacity, including their capabilities, assets and activities, to generate their means of living and to enhance their well-being and that of future generations”²⁴. The emphasis in this definition is not only on current standards of living, but on the capability or capacity to generate and maintain the means (standard) of living over time. The concept makes provision for present *and* future generations, with ‘sustainability’ being closely associated with livelihoods. According to Murray, “a livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.”²⁵ This emphasises the importance of economic effectiveness (“the use of minimal inputs to generate a given amount of outputs”), and social equity (“that promotion of livelihood opportunities for one group should not foreclose options for other groups, either now or in the future”) as important components of sustainability.

In addition to sustainability, economic effectiveness and social equity, the livelihoods approach has a number of other identifiable features, such as²⁶:

- An emphasis that *puts people at the centre* of development and that encourages respect for the views and priorities of the beneficiaries of development.
- An *holistic approach* that transcends sector-specific analyses, and recognises the multiple influences, livelihood strategies and livelihood outcomes that impact upon people and their well-being.
- A *positive approach* to the strengths, capabilities and resources that people have, and an attempt to build on these strengths rather than focus on weaknesses and needs.
- Counterposed to the emphasis on strengths is *recognition of the vulnerability of the poor* and the shocks and stresses that poor people face.
- An *acknowledgement of the dynamic character of livelihoods* and to the constantly changing contexts and conditions within which the poor create and adjust their livelihood strategies.
- An attempt to bridge the gap between micro and macro levels of analysis, and to *locate detailed local analyses within their broader political and socio-economic contexts*.

Thus, although the socio-economic status of individuals and households may be assessed *at one time*, this is a rather static approach, and the above features need be taken into consideration when assessing the livelihood status for this Study.

Studies have been undertaken to understand livelihoods in a broad sense in Lesotho. Approaches take a broad range of assets into account, focusing not only on *economic or* financial resources that enable people to pursue their livelihoods, but also on *physical* assets (such as roads, markets, clinics, schools, bridges), on *human* assets or human capital (e.g. skills, knowledge, ability to labour and good health), on *natural* assets (e.g. land, water, common-property resources, flora, fauna), and on *social* assets (e.g. membership in groups, social relations, networks, and access to the institutions in society).

Emmett (2004) adds a further dimension that the livelihoods approach brings to conventional approaches to impact assessment, and that is an emphasis on vulnerability. He states: “Rather than simply measuring the quantities of resources or assets controlled by households, the livelihoods approach locates such resources within a vulnerability context, an external environment in which people exist and over which they may have little or no control. The vulnerability context (which may be broken down into trends, shocks and seasonal shifts) can critically influence people’s asset status and the options that are open to them to pursue specific livelihood outcomes. Shocks, such as floods, severe droughts, the loss of employment or a death in the family) can destroy assets directly or force people to dispose of productive assets in order to meet immediate needs”.

²⁴ Gill-Wason, D. 2004. LRAP Discussion Paper 5: *The Evolution of Livelihood Strategies of Rural Basotho: 1993 – 2002*. CARE Lesotho –South Africa, Maseru.

²⁵ Murray, C. 2001. *Livelihoods Research: Some Conceptual and Methodological Issues*. Background Paper 5, Chronic Poverty Research Centre, Manchester University.

²⁶ Emmett, T. 2004. *Livelihoods*.

Particular impacts on Lesotho livelihoods include HIV/AIDS, retrenchments of Basotho workers from South African mines, changes in currency exchange rates, and extreme fluctuations of climate due to environmental changes. It is the poor who experience this the most, with few resources other than natural resources and (limited) human capital to rely on.

3.3.1 Land Use and Agricultural Activities

Agriculture is an important livelihood activity for household subsistence. However, the drought over the last few years has seriously affected agricultural production. Households generally did not plant over the last annual agricultural season (2016/7), and if they did their crops mostly failed. In March 2016 the Food and Agricultural Organisation of the United Nations (FAO) reported on the state of the drought: that one in four people in Lesotho were at risk of food insecurity; nationally over 377,000 people required immediate food or cash assistance to enable them to access food from the market as well as livelihood support to resuscitate their own food production; the planting season had failed, and food prices in the region were rising sharply due to poor production in South Africa and the weak Rand-Maloti exchange rate against the United States Dollar (USD); that rangeland and water availability for livestock was poor, and livestock conditions had deteriorated with reported drought-related deaths, mainly in the Senqu Valley and Lowlands; and that support was required “for agriculture and livestock production, nutrition, social protection and resilience-building interventions”²⁷.

Detail of all land owned/used by households surveyed for the 2016 SES showed the following:

- Eighty-one percent of households had access to agricultural land for cultivation (including vegetable gardens and orchards), 96% of which was owned by household heads;
- The average number of land parcels owned/used by households was 1.1, with the average land parcel size being 1.9 ha;
- There was no evidence of large-scale commercial farming of the land; however, thirteen percent of households had 4 ha of land or more;
- 89.5% of the land was being used directly by the household, 9.7% in a sharecropping arrangement, and less than one percent through renting/leasing;
- Just over half of the land was at or adjacent to the homestead; 14.5% indicated that they lived less than thirty minutes walking distance from their land, and a further fifteen percent between half-an-hour to an hour. Land further afield required walking for long periods, or using a horse or donkey, or motor car, for transport;
- 62.2% of those with land relied on rainfed rather than irrigated agriculture;
- Nearly 60 percent of the land had not been cultivated the previous year, with no or late rain as the main reason given (84.9%). Other reasons included: a lack of agricultural equipment (8.1%); no seeds (4.1%); no labour (0.9%); that the land size was too small; or that the land had been abandoned;
- For those who planted, the primary crops grown were maize, wheat, sorghum and beans. Vegetables included cabbage, potatoes, peas, spinach, beetroot, pumpkin, onions, tomatoes and carrots. Fruit included peach, apricot and litchi trees, and watermelon. Animal feed was also cultivated;
- Few households had received an income from sale of agricultural products the previous month (4.2%); and
- Only 3.6% of households employed workers to work their land, and mostly a single worker, on a seasonal basis, paying a daily wage.

Although livestock plays an important role in farming activities in the Study area, only a relatively small percentage of households kept animals. Those that did averaged 8.4 animals, with larger herds owned by a few

²⁷ www.fao.org

households. Households mostly kept chickens (owned by 23.6%), goats (11.1%) and sheep (19.6%). Nearly thirty percent of households owned cattle, averaging four animals.²⁸

Livestock ownership details obtained in the Metolong census for 1,489 households²⁹ showed a total of 3,281 cattle, 1,167 sheep and 1,627 goats recorded. Interestingly, the majority of households owned no livestock. More than 53% of the households owned no cattle, while ownership of other livestock was lower; 92.4% owned no sheep, 88.9% no goats, and 72.7% no sheep. Furthermore, herd sizes were small, with few households owning more than six head of any of the livestock types.

In comparison, a study undertaken by CARE in 2004 in Ha Tumahole in the Lesotho Highlands³⁰, only 12% of the households surveyed owned sheep, with 4% owning more than ten; 18% owned goats, with stock theft and declining market prospects for wool and mohair affecting this sector; 72% owned chickens, with 8% owning more than ten; 17% kept pigs; and 49% of households owned cattle, averaging 2.3 animals per household.

3.3.2 Natural Resource Use

A range of natural resources play a significant role in the livelihoods of households and other resource users, particularly in rural areas. People rely heavily on their environment for the collection of a wide variety of natural resources, for numerous reasons, for food, medicines, fuel and house construction.

Usage of natural resources to households in the 2016 SES is illustrated through the request to name the three most important natural resources were most important for their household's survival.

Table 3.2 Natural resource usage (SES Study, 2016)

Natural resource	1 st %	2 nd %	3 rd %	Total %
Wood	34.2	25.4	14.4	74.0
Pasture land	21.9	12.7	9.1	43.7
Water from a river/stream	20.7	12.6	21.1	54.4
Wild vegetables	11.9	24.6	24.0	60.5
Building sand from the river	4.8	11.7	14.7	31.2
Medicinal plants	3.9	10.6	11.9	26.4
River reeds	2.1	1.7	3.2	7.0
Clay for bricks, pots	0.6	0.7	1.7	3.0
TOTAL %	100.0	100.0	100.0	

Of particular importance is the usage of rivers and streams, not only for water but also for other resources and activities, for domestic and commercial purpose. When asked, "Does any member of the household use the nearest river/stream for the following activities?", 20.3% said that they do not use a river/stream at all, either because none is available, it is too far away, or they use another water source. For the remaining households, the use of rivers and streams and their resources is presented in the table below.

Table 3.3 Household usage of rivers/streams and their resources (SES Study, 2016)

Activity/Resource	% Usage
Washing clothes	77.7
Washing other household items	46.6
Watering animals	28.3

²⁸ The national Census available at the time did not have information on animal ownership. Studies that I looked at on the internet are old – mostly dating to FAO studies in the 1990s

²⁹ Department of Water Affairs, Lowlands Water Supply Unit. February 2008. *Metolong Dam Environmental and Social Impact Assessment. Final Report. Volume One: Main Report.*

³⁰ Turner, S.D. July 2005. *Livelihoods and Sharing: Trends in a Lesotho village, 1976-2004.*

Agricultural irrigation	28.1
Brick-making, house construction, pottery (sand/clay, water)	6.6
Bathing	2.8
Household drinking water	2.1

3.3.3 Homestead and Household Characteristics

Rural population settlement patterns are characterised by scattered villages, small sized villages, and large extended family units. Urban settlements comprise large rapidly growing towns/townships with a degree of industrialisation.

All land is vested in the Basutho nation, with the King holding the land in trust for the nation, while individuals have user rights. According to the LDS (2011), different types of land titles exist: nationally, of those with landholding rights 58.7% had Form C, 2.2% Leasehold, 1% Title Deeds, while 34.3% had no title.

The majority of households in the 2016 SES indicated that their homestead was built by themselves (74.6%), inherited (14.5%), or given to them ‘free’ (3.1%). The rest bought their homestead, with a few resident in public or privately rented buildings, or were looking after someone else’s property. Most of the households (82.5%) had resided on their property for more than 5 years. Nearly all of the homesteads were owned by the household head (92%), or jointly owned by the household head and a relative (1.1%), with 1.3% owned solely by other relatives, and 5.6% by non-relatives

Ninety-two percent of the households had only one homestead. Of the 7.5% that owned another homestead, 94.4% were in Lesotho.

In support of the findings of the LDS, where most people (44.8 %) recorded living in modern ‘polata’ dwelling units, the main homestead structures in the SES were typically of a similar type, as seen in the table below. Nationally, the LDS recorded 23.1% households living in ‘rontabole’, with more in rural areas (31.8%) than in urban areas (2.7%); most people in the urban areas rented their units and lived in ‘Malaene’.

Table 3.4 Types of housing units (SES Study, 2016)

Homestead type		% Households
Traditional	Rontabole	8.9
	Heisi	2.8
Modern	Polata	56.2
	Optaka	12.7
	Bungalow	9.2
	Tin	1.5
Mixed Traditional and Modern		3.9
Commercial	Malaene/Linear	3.4
	Apartment/Town house	0.1
Informal structure		1.3
Total		100.0

Structures of homesteads have developed to accommodate familial relationships of the households, and gender/age differences. In the SES, homesteads consisted of: a multifunctional residential area (38.4% of the structures); sleeping area (7.8%); kitchen (6.9%); bathroom (0.1%); and toilet (27%). There were also livestock shelters/enclosures, tool/crop storage facilities, and garages. In some instances (1.3%) there was a business in the compound.

- Homesteads averaged 2.8% structures, constructed using a mix of materials: mud/earth (40.9%) or concrete (42.6%) floors; walls of concrete blocks (34.2%), stone (30%) or iron/tin (23.9%), with no

finishing (83%); those with windows, windows of iron/steel and glass (73.6%), or wood and glass (20.5%); and those with a roof, roofing of iron/tin (79.6%), or thatching grass (15.5%).

- Most households reported using a pit latrine toilet system in their yard; improved/ventilated, 39.1% of households a toilet on-site, and 0.7% a toilet off-site belonging to another household; unimproved, 38.4% on-site, and 6% off-site. Few had a toilet inside their house (1.5%). Some households indicated that they used open fields (14.1%) and/or rivers or streams (1.5%) for sanitation.
- The main energy sources used were mainline electricity, paraffin, wood, gas and candles, depending on the type of energy required. Dependence on local natural resources was shown through the use of wood, cow dung and crop residue as fuel.
- In the 2011 LDS, 61.4% of households had access to piped water as their main source of drinking water; 20.1% on their premises (common in Maseru and Berea Districts), and 41.3% from public standpipes. 23.5% of households used water drawn from private/public boreholes or wells, 3% used a covered spring, and 5.7% uncovered rivers and springs. The urban-rural divide was evident; access to piped water on premises was high in urban areas (56.7%) in contrast to rural areas (4.3%); the majority of households in rural areas had access to communal/public standpipes (50.8%), compared to only 19.3% of urban households.

Households comprised mostly of extended family units with a household head, spouse and children, with additional family members such as parents, siblings and grandchildren, and non-relatives such as domestic employees and shepherds. A large number of members were children and grandchildren, the latter giving evidence to grandparents looking after grandchildren, mostly in rural areas.

- 67.5% of the heads of the households of the LDS were males, and 32.5% females.

For the SES, over half of the households heads were married, 53.9% having one spouse, and less than one percent more than one spouse. A high percentage were widowed; a low percentage single or separated/divorced.

- Residential status showed that 84.3% of household members lived at the homestead, with a small percentage away working (11.1%) or studying (3.2%), both in and outside of Lesotho, or temporarily absent for other reasons such as looking for work, in hospital, or in prison.

Household size averaged 4.68 members; 4.96 in rural areas and 4.16 in urban areas. This was larger than the average household size recorded by the LDS in 2011, at 4.2 nationally, 3.3 in urban and 4.6 in rural areas.

Household members of the 2016 SES showed the following characteristics:

- A higher percentage of women (52.1%) than men (47.9%). Gender distribution nationally was 50.7% female and 49.3% male in the 2011 LDS;
- A youthful population, with 43.5% of household members below twenty years of age. The 2011 LDS showed a young population: 33.7% below 15, with 11.9% 10 to 14 years. In contrast, those aged 65 years and above constituted 6.1%. For the LHDA study (2015), nearly half of the population was below 19 years of age.
- Although there was a high dependence on pensions for household income, only 4.1% of household members were of pensionable age (70 years or older);
- In general, a higher percentage of males than females had no education or only functional literacy. Most household members older than school-going age had a primary education (43.6%); 5.8% were illiterate, with an additional five percent only being able to read and write; 5.5% had a university education, and 1.6% a post-school qualification.
- The 2011 LDS showed nationally, in the population aged 6 to 24 years: a decline in the percentage of those that had never attended school, from an estimated 4.7% in 2006 to 3.7% in 2011; there were more males than females that had never attended school, and likewise a higher percentage of females (51.4%)

were reportedly ‘still attending school’ than males (48.6%). In general, those who were classified as completely illiterate comprised 12.6%. As the highest level of education attained, there were more males than females that had completed Pre-school, with an estimated 5.4% and 24.6% respectively.

A Socio-Economic Baseline Study undertaken as part of the Lesotho Highlands Development Authority (LHDA) Contract 6000 for Phase II of the Lesotho Highlands Water Project (LHWP)³¹, which includes the construction of Polihali Dam on the Senqu River in the Mokhotlong District of the Lesotho Highlands, presented data based on an extensive socio-economic survey administered in the Project’s study area, between May 2013 and February 2014 to 11,006 households. The study found that people were poorly educated: only 7% of adults had completed high school, with very few subsequently attaining a tertiary education or vocational training, and people were low on skills to set them up in the wider economic market.

3.3.4 Employment Status and Occupation

The LDS detailed economic characteristics of Lesotho’s population in 2011:

- The crude economic activity rate was estimated at 37.4, implying that 37.4% of the population was economically active.
- 34.6% of the population of working age were employed, with higher rates for males (45%) than females (24.5%), and for urban areas (45.2%) compared to rural areas (33.2%); and
- The dependency ratio was estimated at 66%. This is close to the dependency ratio estimated for the LHDA study, at 68%.

For the 2016 SES, results of the employment status of household members showed:

- Nearly fifty percent of the sampled population was not of the economically active age group, and thus potential dependents;
- Only 28.1% of all household members were employed;
- 24.5% of household members in the economically active age category were ‘not employed’; this included the 1.1% that were classified as having a disability;
- Of those employed, most were in formal employment, in the 20-45 age group. More employed men (41.21%) than women (25.8%) were in this age category;
- In general, more women than men were not employed. More women (61.6%) than men were, however, self-employed. The most prevalent form of self-employment was in trading (40.9%). Farming only comprised 22.2%, possibly lower than normal given the extended drought.

³¹ LHDA. March 2015. Socio-Economic Baseline Report: Phase II of the LHWP. Prepared by EOH Coastal and Environmental Services (CES), Grahamstown, South Africa.

Table 3.5 Employment status of household members (SES Study, 2016)

Employment status		% Households
Pre-school, school-going age not at school		10.1
Student, scholar		32.9
Not employed	Not seeking work, disabled	11.3
	Actively seeking work	13.2
Employed	Formally (formal contract, agreement)	10.8
	Informally (no formal contract, agreement)	8.3
	Seasonal worker	1.3
	Self-employed	7.7
Pensioner, retired		4.5
Total		100.0

3.3.5 Income and Expenditure

A quarter of respondents to the 2016 SES received income from at least one household member who was working as a migrant worker outside of Lesotho, and 13.5% from a migrant worker in Lesotho. Earnings from full-time, part-time or casual employment, and from self-employment played a significant role in the economy. There was a high dependence on government pension. As mentioned, income from agriculture was minimal, as was income from animal sales and products. Sale of livestock was mostly small stock, sold as cash in hand to cover expenses; livestock supplied households with meat and dairy products.

Table 3.6 Income sources of SES households (SES Study, 2016)

Income source		%
Migrant remittances - outside Lesotho		25.0
Migrant remittances - inside Lesotho		13.5
Full-time, formal (local) employment		23.0
Part-time, casual (local) work employment		17.1
Self-employment (e.g. general dealer/store; informal shop/hawking; selling alcohol/traditional beer; selling handicrafts)		20.8
Agricultural service (e.g. renting draught animals/tractors, maintaining equipment)		5.2
Sale of agricultural produce	Corn/maize, cereals, legumes, vegetables, fruit	4.2
	Livestock	3.9
	Animal products	1.3
Government pension		20.9
Credit, loan		0.8
Gifts, donations		5.9
Other (e.g. grant from South Africa, mining compensation payout)		3.9

When asked the average monthly income of the household for 2016, a few respondents (3.8%) refused to answer (mostly from Semonkong), or said that they did not know. The table of results below show the households surveyed that gave a response.

Table 3.7 Household monthly income, SES

Income category M	N	%	Cumulative %
< 100	10	1.5	1.5
101 – 200	24	3.5	4.9
201 – 300	19	2.7	7.7
301 – 500	82	11.9	19.5
501 – 1,000	177	25.6	45.2
1,001 – 2,000	161	23.3	68.5
2,001 – 5,000	138	20.0	88.4
5,001 – 10,000	60	8.7	97.1
10,000 – 50,000	17	2.55	99.6
50,000 +	3	0.4	100.0
TOTAL	691	100.0	

Within the limitations of the local economy, households surveyed for the Metolong Reservoir SES (2006) used a range of income sources to diversify their livelihood-earning opportunities and to generate cash income. Income sources reported were mostly salaries (36.6% of male-headed; 25.3% of female-headed households), remittances from South Africa (32.3%; 18.1%) and from workers in Lesotho (17.3%; 14.8%), income from the sale of beer (21.3%; 34.1%), the sale of own vegetable produce (25.1%; 18.7%), and pensions (11.5%; 20.3%).

Over half (58.6%) of households reported monthly incomes of M300 or less; 70% had monthly incomes of M500 or less; and 11.6% reported monthly incomes above M1,100. The importance of subsistence agriculture was underscored by the low reported incomes; without contributions from subsistence agriculture these incomes alone could not sustain the livelihoods of households.

On average male-headed households reported higher incomes than female-headed households.

The Baseline Income and Expenditure Report for LHDA (2015) showed a monthly average household income of M968 for the average household size of 5.2, including non-cash components from a range of sources (agriculture, natural resource harvesting and gift giving between households) converted to cash equivalent. However, income varied considerably, with at least half the households classified as ‘poor’.

When asked the household’s expenditure items for the previous month, three households indicated that they had not spent any money. Of those who did, foodstuffs, and particularly basic items such as maize, were bought by most households. Transport, energy, mobile phone costs and savings were expenditure items for a large percentage of households.

Forty-five percent of the surveyed households had paid for electricity; of these, over half had spent more than M50 for the month. Twenty-seven percent of households had spent money on water the previous month (October 2016). These households were primarily urban, obtaining water through WASCO. The estimated amount paid for costs associated with water provision, including Water Association fees and the transporting of water was, for over half (55.6%), less than M50, with a further 22.5% between M51 to M100, 12.3% M101 to M200, and the remaining ten percent more than M200.

In general, little or no agricultural production and a greater dependence on cash to buy food, compounded with low income levels, has led to households experiencing increasing food insecurity. This was evidenced by minimal offering of agriculture as a source of income; that subsistence had mostly not been based on the households’ own produce the previous year, creating a heavy dependence on purchased food; and that seven percent of the households said that at least one of their members had not eaten the previous day due to “no

food in the house and no money to buy food”. With cash a less predictable source of income, poorer income groups become more vulnerable and food insecure³².

3.4 Water Provision

The provision of water supply and sanitation services in gazetted urban areas of Lesotho is the responsibility of WASCO.³³ WASCO receives water through a bulk water supply system, such as the MDWSP. The Company services approximately 300,000 people with potable water in urban centers, through post-paid, pre-paid and standpipe connections in 10 urban centers, including Maseru, Mazenod, Roma, Maputsoe, Peka, Morija, Mapoteng and Semonkong. It states that it has covered 49% of sites in urban centers with water connections, and customers comprise 60% of the total urban population. The Company also serves many industries and commercial premises, particularly in Maseru - the major users of the water supply.

In the rural areas the provision of water supply is, by law, to be assured through the DRWS and by the various local authorities/councils operating under the District offices of the Ministry of Local Government (MOLG). Water is provided through a communal tap/piping system to villages, free of charge. However, the DRWS encourages community ownership and management of the operation and maintenance of completed water systems, with outsourcing of work to private contractors and NGOs. The minimum walking distance to a water collection point set by the DRWS should not be more than 150m. DRWS also requires that each person be provided with a minimum of 30 litres per person per day.

Respondents to the 2016 SES ranked their most important service need; water was top of the list. They were asked where they get their water from, with the option of giving more than one water source. Results indicated that 64.1% used some form of communal water supply, either a standpipe, water tank, borehole/well and/or river, stream or spring; of these, two percent used the communal system in combination with their own private water source. Nearly one-quarter (23.6%) had their own private water source, through piped water to their house, to their yard, or through a water tank or borehole/well in their yard. 7.4% used a neighbour’s water supply. Only one household bought water.

Respondents who had no access to piped water to their house or yard were asked why they used their current water source. Responses related to not having a nearby alternative (70.1%), that they were waiting for a private connection (7.7%), or that they were located outside of the water reticulation area (0.7%). On the positive side 19.2% said that the water source they used was close/ convenient, that it was free (12.6%) or a good price (1.1%), 7.8% that it was reliable, 4.1% that the water had a good pressure/flow, 2.5% that they did not have to wait long to access it, and 0.4% that the water was of good quality/potable. These households indicated how long it takes to collect water from their homestead. One-third said that it was within 5 minutes walking distance; a further 35% from 5 to 15 minutes’ walk; 16.3% between 15 minutes to half an hour; 12.1%, over half an hour to an hour; and 2.7% more than an hour.

The SES also determined the total number of litres used by these households per day, again excluding households with piped water to their residence. The usage of water collected and water in storage gave an average of 58.6 litres used per household on a daily basis. With a mean household size of 4.68, each person used an average of 12.5 litres per day. Given the severe shortage of water in the rural villages due to the recurring drought over the past few years, this usage may be conservative; community members may not have had access to sufficient water, and may have been cautious in their usage of available water supply.

Results of the FGDs showed a level of dissatisfaction with current water supply systems, particularly in the rural areas. Factors given included the following:

- The supply of water does not cover demand; insufficient water for domestic use, for watering animals, and for undertaking income-generating activities;
- Lack of potable water, especially when using unprotected natural springs, rivers, streams and dams. Concern was shown towards livestock using the same water source, and pollution at the water source;

³² Neither the national census nor the LDS give information on income and expenditure.

³³ Established by the Water and Sewerage Company (Proprietary) Limited (Establishment and Vesting) Act of 2010.

- Linked to the above, unclean, unhealthy unpurified water, evidenced through the unpleasant colour and taste of the water, visible algae and microorganisms, and high levels of diarrhoea and other water-related illnesses;
- Lack of management and control over the water supply system;
- Faulty systems supplied by the government, with no assistance in maintenance, and with local people being in no position to fix breakages, financially or technically;
- Irregular water supply, with the water source drying out, including in taps (communal, or private linked to the mainline water reticulation system);
- Time spent in the collection of water, waiting in queues;
- Long distances required to travel to collect water, often by women, on foot more than once a day, and with no means of transport to carry the water; and
- Security issues, particularly sexual harassment of young girls and women, when collecting water at night, or from afar.

Although the dissatisfaction has been compounded by the drought, with regular water sources drying out requiring a need to use alternative sources, if available and often some distance away, most of the factors mentioned are standard ongoing complaints of communities. As a whole it seems that there is a willingness to pay for an upgrade of the water services, albeit the ability to pay in the rural areas is generally limited, largely due to high levels of unemployment and limited cash income.

4 OBJECTIVES AND GUIDING PRINCIPLES

4.1 Policy Scope

This Policy Framework applies to the geographic scope of the Program Area, that is, all components of the Lesotho Lowlands Water Supply Scheme Program (LLWSSP), namely:

- **Advance Infrastructure**, such as access roads, power lines, operation facility telecommunications, water supply and sanitation, feeder roads and bridges, and quarries;
- **Reservoirs, intakes and raw water pumping stations**;
- **Water Treatment Works**, including water treatment plants with water mains and pump stations; and
- **Downstream Conveyance Systems**, including water mains, treated pumping stations and service reservoirs.

The Policy Framework covers resettlement and compensation of all impacted private, public, institutional and communal assets within the LLWSSP. These are assets that can be readily identified and quantified. However, the loss of cultural heritage and resources, and of downstream impacts of transformed river flows on river resources, will need to be addressed separately through specialised studies and mitigation plans.

4.2 Policy Objectives and Principles

The primary goal of the Resettlement Policy Framework (RPF) is to ensure that those negatively affected by the LLWSSP through losses and impacts are not worse off after resettlement; that they are compensated in a participatory and timely way, and that any resettlement is effected in a systematic and beneficial manner.

The RPF is to be in keeping with the laws of Lesotho, and in accordance with International Good Practice (IGP). In particular, World Bank safeguard policies and criteria as described in OP 4.12. are as follows:

- Involuntary resettlement should be avoided, or minimised where unavoidable.
- Where resettlement is unavoidable, resettlement plans and activities should be seen and executed as development programs.
- Resettled people should be provided with sufficient investment resources and opportunities to share in project benefits.
- Displaced people should be meaningfully consulted, and participate in planning and implementation of resettlement programs.
- Displaced people should be compensated for their losses at full replacement cost, *prior to the move*.
- Resettled people should be assisted with the move and provided with support during the transition period.

The primary objective of OP 4.12 is thus to ensure that resettled persons are assisted to improve, or at least restore, their former living standards, income earning capacity, and production levels – whichever is higher. Indeed, IGP goes further than this and stipulates that resettled people should be program beneficiaries. Practical application of this is problematic; what constitutes ‘worse off’ is difficult to define with universal acceptance. The notion of whether the principle applies to every individual or to a household is also debatable. In order to ensure, however, that the core principle is considered, the following are key sub-principles that the LLWSS should adopt with respect to the resettlement process, with application to individual projects within the LLWSSP.³⁴

³⁴ The principles are based on the requirements of the GoL as well as those of the World Bank and AFDB. References: a) World Bank. April 2013a. OP and BP 4.12 *Involuntary Resettlement*; February 2011. OP 4.12 (Annex A) *Involuntary Resettlement Instruments*. b) African Development Bank (AFDB). November 2003. *Involuntary Resettlement Policy*.

Principle 1: Resettlement will be avoided or minimised

Involuntary resettlement will be avoided as far as possible by exploring feasible alternative project designs/configurations. To comply with the principle, the LLWSS should demonstrate that any proposed resettlement is both necessary and viable, and that its scope and extent cannot be lessened.

Principle 2: Affected people will be defined inclusively

Affected people are defined as those whose livelihoods and standards of living are adversely affected by project activities - whether through the loss of assets or access to assets, through being deprived of resources, through loss of income sources or means of livelihood, through physical relocation, or through other losses that may be identified during the process of resettlement planning.

Principle 3: Ongoing and meaningful consultation and disclosure of information will occur with affected people and communities

Project Affected People (PAP) and Project Affected Communities (PAC) have the right to:

- Be informed of project developments on an ongoing basis;
- Be consulted on issues pertaining to them, such as possible measures to restore their livelihoods, allowing participation in the final selection and design of such measures;
- Be informed in time of project proposals and implementation schedules, such as land acquisition dates, sufficiently in advance of execution; and
- Have access to relevant project documents at a place accessible to them “and local NGOs in a form, manner, and language that are understandable to them”³⁵.

Given its focus on resettlement, the primary concern of resettlement planning is to take into consideration the rights and interests of the displaced and ‘to-be-resettled’ people. Structures and procedures need to be put in place for this to occur, which should be through the formation of a local level consultative forum. This consultative body should be given official recognition within the LLWSS institutional framework.

Principle 4: All project impacts will be identified and losses properly recorded

To support the successful re-establishment of affected homesteads, the following activities should be undertaken prior to displacement or property acquisition:

- An inventory of landholdings and immovable/non-retrievable improvements (buildings and structures) to determine fair and reasonable levels of compensation or mitigation; and
- A census detailing household composition and demography, and other relevant socio-economic characteristics.

The asset inventory is used to determine and negotiate entitlements, while the census information is required to monitor homestead re-establishment.

The information obtained from the inventories and census should be entered into a computerised database to facilitate resettlement planning, implementation and monitoring.

Principle 5: Affected people will be entitled to full compensation and other rehabilitation measures, and will be assisted to improve their livelihoods, on an equitable basis

PAP who are identified as of the date of the asset survey will be entitled to full compensation and other rehabilitation measures, sufficient to assist them to improve or at least maintain their pre-project living standards. The livelihoods of PAP will be improved through:

- The replacement of productive resources and income sources;

³⁵ World Bank. April 2013a. *OP 4.12 Involuntary Resettlement*.

- The provision of relocation support measures (e.g. displacement allowances) where physical relocation is required; and
- The implementation of other livelihood restoration and development measures as required.

All PAP will be equally eligible to such rights, irrespective of social or economic standing, tenure status, or any other discriminating factor.

A set of compensation options must be negotiated, according to set rates that are deemed fair and equitable to all parties, and at least in accordance with the law and in line with IGP. No one will be resettled without full and fair compensation having been handed over.

Principle 6: Vulnerable social groups will receive special attention

Particular attention will be paid to adverse impacts on groups/social categories such as the elderly, the physically disabled, women-headed households, OVC-headed households, and households below the poverty line who, because of their social position, may be vulnerable to changes brought about by project activities or excluded from project benefits. Members of these groups are often not able to make their voices heard, and account will be taken of this in the consultation and planning process, and in the establishment of grievance procedures.

The LLWSS may identify vulnerable social groups in the pre-resettlement database through the baseline survey, to ensure they are included in consultative forums and receive their due benefits. Furthermore, the LLWSS should make specific reference to them being given particular attention in the monitoring process.

Principle 7: Cultural and religious practices will be respected

Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved in consultation with the affected communities. This extends to cultural heritage, tangible and intangible.

Principle 8: Relocation planning, budgeting and implementation will be an integral part of the program's projects

In order to ensure that resettlement, including land acquisition, is an integral component of a project:

- Land acquisition and relocation costs must be built into the overall project budget as an 'upfront' project cost. Resettlement costs that fall within the LLWSS's scope of commitment are to be built into an overall project budget, and clearly defined as such. Experience shows that, unless this occurs, the resettlement process tends to be under-budgeted, that money gets side-lined to 'more pressing' project needs, and that resettlement tends to be seen as peripheral to the overall project.
- An institutional framework will be developed as part of a project to ensure that management mechanisms are set up and maintained during implementation. These mechanisms will ensure that compensation is carried out timely and effectively, and that accessible grievance procedures are implemented, with particular reference to the situation of vulnerable groups.
- Where required, relocation and project schedules will be integrated, and any land and asset acquisition will commence only after the necessary resettlement and compensation procedures have been successfully initiated.

Principle 9: Monitoring and evaluation procedures will be in place

An independent team is to monitor the implementation of the resettlement components of a project. Monitoring should specifically take place via measurement against the pre-resettlement database.

Monitoring requires that a grievance procedure be in place. Grievance procedures are to be organised in such a way that they are accessible to all affected parties, with particular concern for the situation of vulnerable groupings. Resettlement planning documents are to spell out a grievance process for each particular project.

Principle 10: Resettlement must take place in accordance with legal requirements and IGP

Resettlement and compensation of PAPs is to be carried out in compliance with all legal obligations (national Lesotho legislation), and in accordance with IGP, particularly World Bank OP 4.12.

5 KEY TASKS FOR RESETTLEMENT PLANNING

A Resettlement Action Plan (RAP) provides a synthesis of the outcomes of key tasks required in the resettlement and compensation process of a project, ensuring compliance with local legislation and accordance with IGP. The document functions as a practical management tool for planning, implementation and monitoring of the process, specifying the procedures to be followed and actions to be taken to mitigate adverse effects, compensate for losses and impacts, and provide livelihood restoration and development benefits (enhancement) to affected persons and communities. It specifically shows a time-bound action plan with budget, setting out the resettlement strategy, objectives, entitlements, actions, roles and responsibilities.

As indicated, separate RAPs would be required, under World Bank stipulation, as subsequent documents to this RPF for each development phase of the LLWSSP.

Task 1: Screening

‘Screening’ may be defined as a pre-feasibility level assessment of a project, providing a preliminary analysis of the scope of resettlement, and defining a ‘way forward’ for the resettlement process.

Task 2: Stakeholder consultation

Consultation with stakeholders, and particularly PAP, is mandatory and the single most critical component in the resettlement process. Without effective consultation, ‘due process’ and best practice will not ensue.

Effective authority and community consultation should include the following:

- **Information Exchange:** to promote awareness building of the project and resettlement aspects in local communities.
- **Capacity Building and Education:** to inform affected people of their options and rights pertaining to resettlement, and compensation and mitigation measures.
- **Participation Promotion:** to allow all stakeholders to openly voice their concerns, any issues and possible disputes, without fear of recrimination.
- **Discussion and Negotiation:** to consult with PAP, and to offer choices among technically and economically feasible resettlement and compensation alternatives.

The first step within this task is at the scoping phase, to establish the relevant authorities and communities, and to open communication channels. Additional consultation measures are described in Section 6 of this document.

Task 3: Asset, Household and Community Social Surveys

The LLWSSU and its nominated agents will collect information on the following:

- **Cadastral Survey:** Registered land surveyors and their assistant technicians will survey project-affected land and non-moveable/fixed improvements to that land, through appropriate means.
- **Asset Inventory:** The inventory records all temporary and permanent losses likely to be incurred by households, enterprises and communities as a result of a project. It focuses on individual, household and community loss of land and physical structures and resources (crops and trees) on that land, providing a register of those affected and assets held.
- **Census:** A census is to be undertaken of directly affected households (i.e. either physically or economically displaced) to provide socio-economic and demographic baseline information. This census is critical as it provides a register of affected households, and allows for the determination of households that are eligible for compensation packages, and for inclusion in the RAP.
- **Socio-Economic Studies:** A broad SES was undertaken as part of the ESIA process. However, it is envisaged that a sample of directly affected as well as indirectly and marginally affected households should be surveyed for each component of the LLWSS, to determine the socio-economic condition/

status of PAPs at the time of the preparation of the RAP. These studies are to be addressed in the ToR of the ESIA, which forms a part of the Environmental and Social Scoping Study.

- **Status quo of service provision.** GPS coordinates will be taken of the location of all services provided by the GoL, NGOs and other institutions/organisations. This will include offices of local authorities, police stations, community halls, religious, educational, health and recreational structures and centres, and water points.
- **Mapping:** The resettlement process will be supported by a Geographic Information Systems (GIS) interface and field mapping. Maps may include both socio-economic spatial patterns and natural features (such as vegetation, soils, land use) of land affected at the resettlement and host sites, and their surrounds, and service providers in the area (as above).

Of note, the census and SES may be combined into one instrument and run as the same exercise, and conducted in line with the asset survey.

Task 4: Identification and Evaluation of Resettlement Sites

The process of identifying and selecting potential resettlement sites should be transparent and include consultation with affected households and notably the host community. This task should also give attention to the development of a livelihood restoration plan, land use, and continued access to natural resources.

Task 5: Determination and Negotiation of Entitlements and Compensation

The resettlement process requires the identification of households, individuals and communities deemed to be entitled to compensation. For the most part, the operation entity and unit of entitlement is envisaged as being the title deed holder or person with land use and asset rights. These criteria need to be defined early in the resettlement process, and agreed on by all stakeholders.

Compensation entitlements are based on agreed values; however, the nature of the entitlement varies between those affected.

Task 6: Resettlement Planning, Scheduling, Budget and Responsibilities

The RAP provides detailed information in terms of resettlement planning, schedules, budget and responsibilities. These various components are developed based on the outcomes of the previous steps, and negotiated and discussed with the consultative forums and relevant authorities. Some of the key factors that need to be defined include:

- **Resettlement Planning:** Overall strategy is defined in terms of resettlement requirements, likely phasing, means of compensation, and construction of any structures, labour and service provision.
- **Scheduling:** The RAP is potentially developed as a management plan post ESIA authorisation. Timing for implementation is defined by physical resettlement, payment of any cash compensation, and ensuring activities align with civil engineering required by the project. It is also often dictated by the progress of consultative processes, and the time needed to reach agreement with affected people.
- **Budget:** Detailed budgeting/costs for implementation are to be provided.
- **Roles and Responsibilities:** Organisational structures and responsibilities must be clarified prior to resettlement. This includes all actions that must be adopted by relevant stakeholders including, amongst others, the LLWSSU and other government departments.
- **Monitoring and Evaluation:** Determination of the methodology to be used in the process of monitoring and evaluation of the project, developing strategies for the short and long term.

Task 7: Approving Resettlement Plans

The RAP is to be approved by the Project Proponent, the Water Commission of Lesotho, and any funders involved in the development of the document, such as the World Bank, prior to disclosure and finalisation.

Task 8: Disclosure and Finalisation of the RAP

In order to meet IGP, the RAP is to be released to the public as part of the consultation process, ensuring it is subject to scrutiny by relevant stakeholders, including PAP and PAC, local authorities and, if necessary, peer review. It will be made available in English and Sesotho, in accessible venues, in hard copy and in electronic format at the LLWSSU, allowing for public review and comments over 60 days prior to finalisation. The final document will also be reviewed by the World Bank and disclosed on its website.

6 CONSULTATION

Public consultation is vital for the success of any development project, to ensure two-way communication between the project developer and relevant stakeholders, and assure accountability and transparency in the development process. Not only is it regarded as best practice on ethical and moral grounds, but it is widely documented as resulting in project developments that are more sustainable and cost-effective in the long term, and acceptable to all those who are affected directly and indirectly. In addition, the consultation process provides an opportunity for all stakeholders to express their views and opinions on a project.

Consultation comprises two aspects. The first is disclosure, with the timely dissemination of information regarding the project and its resettlement component. This is a one-way process of information provision from the project, its sponsors and staff to the public. The second, the most important in resettlement planning and implementation, is the two-way free-flow exchange of information that gives stakeholders a chance to air their concerns and have informed participation in the actual planning of the resettlement.³⁶

The participation of and consultation with the affected community and authorities is vital to the success of a resettlement and compensation program. The World Bank's OP 4.12 specifically states, as a policy objective, "displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs" (paragraph 2[b]).³⁷ Consultation with and participation of the public allows project management to design resettlement such that it is able to benefit affected people. Effective consultation can also assist in reducing the costs of implementing the RAP, by avoiding implementation that is contrary to the needs of PAP and which does not breed antagonism towards the project by withholding information. Consultation is an on-going aspect of the resettlement process that takes place through every stage of resettlement planning and implementation, and thereafter as necessary.

6.1 Stakeholder Identification and Development of a Stakeholder Engagement Plan

Broadly defined, resettlement stakeholders include any individual or group affected by the project, that may have a significant role to play in shaping or affecting the project, be it in a positive or negative manner. In a narrower vein, PAP are those individuals and groups who are directly affected by the project through the loss of assets, including land, or for whom the project disrupts or affects their livelihoods. A listing of potential stakeholders is detailed in Appendix C.

From an early stage the LLWSSU, must identify all stakeholders in the project, to include:

- PAP, including PAC
- Traditional Authorities
- Local Authorities (County, Government Departments)
- Local Businesses
- Individuals who feel they are impacted upon (positively or negatively) by the Project or the resettlement process.

Every effort should be made to inform stakeholders of a project and its resettlement component/s at every stage of project development.

A Stakeholder Engagement Plan (SEP) will be developed outlining the steps to be taken with stakeholders in the consultation process. The SEP will be put in place by the LLWSSU.

³⁶ Free, prior and informed consultation is a requirement in terms of IFC compliance (IFC PS 1, Guidance Note 1, Annex C).

³⁷ World Bank. 2013a. *OP 4.12 Involuntary Resettlement*. Washington DC.

6.2 Notification and Consultation Process

An initial public meeting should be held to inform the affected community of a project and of the potential for resettlement, providing a useful forum to introduce and explain the need for the RAP. This initiates the participatory process, by disseminating information to the relevant stakeholders.

Subsequent public meetings should be advertised with notices placed in the areas of highest impact e.g. the communities directly affected by the resettlement. Notices should be given at least one week in advance. Local authorities (e.g. District Administrations and relevant ministries) should be informed of the meetings and given invitations to attend.

Prior to the completion of the census and asset survey, a project should make formal application to the GoL to declare a cut-off date, placing a moratorium on determination and payment of compensation for the construction/development of new buildings or improvements to infrastructure in areas to be affected by the project. In terms of public acceptance of the project, it is good practice to ensure that the project is not delayed at this stage, since delays have a negative impact on PAP who have been discouraged from building or making improvements to their structures.

Once the RAP has been drafted, it should be made publicly available for comment. A further round of public meetings with the affected populace is recommended, via the recognised local authority channels, describing the RAP and its implementation.

6.3 Dissemination of Information

Dissemination of information in the pre-construction phase will be primarily through the establishment of a Project Information Centre in the project area, easily accessible to those directly affected.

The Centre will make available:

- A library of information (in digital and non-digital form), such as information sheets, news updates, project reports, newspaper articles and other documents of interest, the project's website, GIS information such as maps, and a poster display explaining the project's activities;
- Presentation of promotional material on the project, alternative livelihoods and income-generating activities, and other topics of interest;
- A database of affected households, consisting primarily of non-confidential information collected from surveys (restricted access will be maintained to respect confidentiality);
- A location for meetings and workshops, to facilitate dialogue and exchange; and
- A place for people to record their concerns and suggestions, in written form or through the website, to be submitted to the LLWSSU for a response.

Managed by the Community Participation and Liaison Officer (CPLO) with assistance from the Community Liaison Officers (CLOs), any additional positions within the Centre will, as far as possible, be filled by people from the affected communities who will be trained to provide information about the project to visitors to the Centre. The CLOs would be members of the PAC, employed and trained by the LLWSSU with the specific responsibility of working in direct consultation with the communities on Project-related matters. They would fall under the supervision of the CPLO, employed specifically by the LLWSSU as having particular skills in community development work, focusing on participation and liaison.

Other methods of disseminating information will be through the consultation process; radio or television programs; newspapers; and the distribution of Project Information Sheets, news updates and posters through, or displayed in, public places such as schools, health centres, and market places.

6.4 Consultative Body

Prior to resettlement it is recommended that a consultative body, possibly termed the Resettlement Working Group (RWG), is constituted to act as the primary advisory body in all matters relating to resettlement of a

project, with various sub-groups such as a Grievance Committee (GC). This would form part of the broader SEP.

The composition of the RWG could be as follows:

- The Water Commissioner or nominated representative;
- Representatives of affected communities, that may include community leaders from each affected town and/or village;
- A representative of the LLWSSU;
- Representatives from relevant regional government departments including Administrative Districts;
- Traditional leaders; and
- Elected Councillors.

The precise nature and format of the RWG should be reviewed at the outset of the RAP process. It should be constituted in such a manner as to be regarded as the principal representative voice of those affected by resettlement, and should be recognised by all stakeholders as such. Under the overall authority of its chairperson (elected by the group itself), the forum should have the following functions:

- To act as the primary channel of communication between the various interest groups/organisations involved in the resettlement process. In particular, it will serve to facilitate communication between the LLWSSU and the affected populace;
- To act as a focus group forum in which the LLWSSU can consult on various resettlement aspects;
- To debate the Entitlement Framework that is generated for the RAP, and make recommendation as to how it is best structured to ensure equity to all parties involved in the resettlement process;
- To serve as the ‘court of first appeal’ to solve any grievance that arises relating to the resettlement process. If it is unable to resolve any such problems, it is to channel them through the appropriate grievance procedure; and
- To assume primary responsibility for assisting the LLWSSU in overseeing the resettlement processes in all its phases.

The RWG will operate according to an agreed ToR, which will detail the composition of the body, its roles and responsibilities, and lay out procedures for organisation and management, such as frequency of meeting. Included in the ToR, and following standard accepted practice, should be the requirement of making relevant documentation available to Interested and Affected Parties (IAPs). It should also make such records and minutes of meetings available to the independent monitoring team.

Preparation of the social environment is essential for the establishment of the relevant structure, to enable effective consultation and dissemination of information to take place. This will involve designing and implementing a capacity building program for all participants of the RWG as appropriate, including training around background to the project and methods of reporting back to their constituents. The details of this will be included in the SEP.

In summary, the steps to be taken around consultation include:

- To establish the relevant authorities and affected communities, and open communication channels.
- To identify other relevant stakeholders for inclusion in the consultation process.
- The RWG is constituted and established, and the capacity building program implemented.
- To hold an initial public meeting, to inform affected communities of the project, and the potential for resettlement; to include an introduction and explanation of the RAP, and related activities. Local authorities (e.g. District Administrations and relevant ministries, Traditional Authorities and Councillors) are to be invited.

- To hold additional meetings to update PAP and PAC of the status of the project, including their involvement, and obtain their views on relevant issues.
- Prior to the completion of the adjudication process, including the asset survey and census, to make formal application to the GoL to declare a cut-off date, placing a moratorium on determination and payment of compensation for construction/development of new buildings or improvements to infrastructure in areas to be affected by the project.
- Once the RAP has been drafted, to make it publicly available for comment. A further round of public meetings with the affected populace is recommended, via the recognised local authority channels, describing the RAP and its implementation.

7 ENTITLEMENT FRAMEWORK

The LLWSS, through its project components, will acquire a range of privately owned assets and communal resources for which appropriate compensation and/or mitigation measures are required.

The types and levels of compensation and other resettlement and supplementary measures are detailed to assist each category of eligible-affected people, and at the same time achieve the objectives of national legislation and policies, and IGP. As stated by the World Bank, however, “in addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced (affected) persons, and prepared in consultation with them”³⁸.

As a guideline, OP 4.12 of the World Bank specifies measures required for specific impacts: “compensation at full replacement cost for losses of assets attributable directly to the project”; “assistance (such as moving allowances during relocation)”; and “support after displacement, for a transition period” and “development assistance in addition to compensation measures” if incomes have been affected³⁹. The Bank uses a combination of ownership/claim and severity of impact to determine the relevant resettlement entitlements, generally defined in proportion to the impact on the affected individual; more than ten percent of loss of land/resources, physical relocation from residence or place of business, and significant loss of livelihood and income are determining factors for ‘severe’ impact. Instruments that assist in assessing severity of impact are the Cadastral and Asset Surveys – used to determine the proportion of land acquired from each household, and the assets lost on that land – and the Census and SES – used to assess income sources and thus the level of impact on total household income.

7.1 Eligibility Criteria

Those who will be affected directly by resettlement and are eligible for compensation and other assistance require definition and identification, with criteria set for determining their eligibility.

7.1.1 Determining Criteria

Although the responsibility for establishing eligibility criteria rests with the Lesotho Water Commission within the national and regulatory framework, the World Bank recommends that “this procedure include provision for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, NGOs”⁴⁰.

The World Bank defines categories of eligibility in terms of land tenure, classifying as affected people⁴¹:

- a) Those who have formal legal rights to land (not only the government, but including registered leasehold and customary/traditional rights recognised under GoL law);
- b) Those who do not have formal legal rights to land but have a claim under certain provisions (provided that such claims are recognised under GoL law or become recognised through the resettlement plan); and
- c) Those who have no recognisable legal right or claim to land they are occupying.

This is in recognition that the acquisition of land and associated assets will affect not only formal landholders but other users of the resources, including people informally settled on the land, those with usufruct rights to the land, tenants, and those renting space in a homestead or business. In addition, agricultural wage labourers and employees of households and business enterprises need be regarded as eligible for assistance if directly impacted by the loss of assets.

³⁸ World Bank. April 2013b. *Op cit.*

³⁹ World Bank. 2004. *Op cit.*

⁴⁰ World Bank. April 2013b. *Op cit.*

⁴¹ World Bank. April 2013a. *Op cit.*

7.1.2 Identifying the Eligible

All PAP who sustain losses due to program-related causes, whether individual, institutional or communal, and whether physically displaced or otherwise, will be eligible for compensation in terms of this Policy⁴².

The PAP will include the following categories of people:

- The population resident in areas affected by construction and operational works of the LLWSS, including the WTPs and pipelines;
- Landholders and/or users of land in areas affected by construction and operational works of the Scheme, including the WTPs and pipelines;
- Those who will be economically displaced losing income through loss of employment, such as employees of households and business enterprises, and agricultural labourers
- The population affected by downstream effects of water storage/dam facilities on rivers; and
- The host populations of resettlement areas.

Table 7.1 summarises the categories of PAP potentially eligible for entitlements.

Table 7.1 Categories of affected individuals/groups

Affected categories		Key impacts
The government, as legal owner of land tracts		Loss of land Loss of fixed assets, including government structures Loss of production, productive capability (income, service to the community) Loss of rental income from buildings, land
Landholders with registered rights to land		Loss of land Loss of production, productive capability (subsistence, income) Loss of usufruct arrangements on land Loss of fixed assets, including homestead/business structures Loss of rental income from buildings, land
Unregistered landholders with socially recognised traditional/customary rights to land		Loss of land Loss of production, productive capability (subsistence, income) Loss of usufruct arrangements on land Loss of fixed assets, including homestead/business structures Loss of rental income from buildings, land
Unregistered landholders with no recognisable legal right/claim to land they are occupying	People with usufruct rights to land (e.g. renters, leaseholders, sharecroppers)	Loss of usufruct arrangements on, and thus access to, land Loss of production, productive capability (subsistence, income) Loss of fixed assets on the land
	People who have encroached on land without legal rights or claims to land	Loss of land Loss of production, productive capability (subsistence, income) Loss of usufruct arrangements on land Loss of fixed assets, including homestead and/or business
	Building tenants/renters	Loss of rented accommodation Loss of rented space for business enterprise (income, business networks/clientele) Loss of production, productive capability (subsistence, income)
Agricultural labourers		Loss of income
Employees of households and business enterprises		Loss of income Loss of accommodation

⁴² In compliance with international standards the scope of eligibility is broader than legal owners of resources and assets; in particular OP 4.12: *Involuntary Resettlement* of the World Bank (April 2013), as described above for determining categories of eligibility around land tenure.

Affected categories	Key impacts
Communities	Loss of communal assets Impeded/constrained access to facilities, services, social networks
Households/families	Loss of gravesites
Neighbouring and host communities	Loss of land (communal and private) Loss of production, productive capability (subsistence, income) Loss of usufruct arrangements on land Loss of fixed assets on the land Impacts on services, facilities and utilities

Most of those fitting the eligibility criteria will be identified through the adjudication exercise, that is, a Cadastral Survey, and Asset, Census and Socio-Economic Surveys. Information on special groups, such as those that are vulnerable, will be identified through the surveys, and confirmed through the consultation process.

7.1.3 Unit of Entitlement

The program will impact on a wide range of households, business operators, institutions and community members. These impacts, however, manifest at individual and group level. A definition of the unit of entitlement is required:

- For compensation against the loss of arable land (fields and gardens) – the unit of entitlement is the landholder and those with usufruct rights;
- For privately-held assets and resources – the unit of entitlement is the owner;
- For loss of employment – the unit of entitlement is the individual directly affected
- For livelihood restoration assistance – the unit of entitlement is a household member. For example, where household subsistence and survival strategies may be disrupted through the loss of land or the relocation of business enterprises, rehabilitation measures may be extended to an adult household member or members other than the household head to support the restoration and diversification of household livelihoods.
- For loss of communal assets (pastureland, medicinal plants, thatching grass, trees, river sand, etc.) and impeded/constrained access – unit of entitlement is the affected community through the Community Council (CC).
- For affected gravesites – the unit of entitlement is the affected household/family.

The unit of entitlement for other losses will vary depending on the category of affected individual/group.

7.1.4 Cut-Off Date to Entitlements

It is necessary to publicly declare a cut-off date, to determine eligibility and thus entitlements to resettlement and compensation for each project component of the program as it enters the implementation stage. A public notice of the date shall be displayed following completion of the adjudication exercise on affected land.

Compensation cannot be claimed for structures constructed after this assessment procedure, and the cut-off date has been publicised. The onus will be on a person who is not recorded in the verification studies to prove that s/he qualifies for project entitlements.

7.2 Compensation Entitlement Framework

The objective of relocation, compensation and other rehabilitation measures is to mitigate and manage, the negative impacts of the involuntary resettlement aspects of the program. However, the overall aim may be regarded as three-fold:

- At least restore, and preferably improve, the pre-project living standards of affected people;
- Offer development opportunities for resettled and host communities; and
- PAP becoming project beneficiaries.

The entitlements detailed here are recommendations for the entire program. They are based on national legislation and policy, and international standards and requirements.

For example, the World Bank's OP 4.12 specifies general measures required for specific impacts: "prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project" (paragraph 6[a]); "assistance (such as moving allowances during relocation" and "residential housing, or housing sites, as required" "if impacts include physical relocation" (paragraph 6[b]); and "support after displacement, for a transition period," and "development assistance in addition to compensation measures" if incomes have been affected (paragraph 6[c]).⁴³

In addition, as stated, before finalisation the entitlements require a process of public consultation and disclosure. OP 4.12 requires that displaced people must be informed of their rights and consulted on options.⁴⁴ In addition, the OP suggests project proponents "consult project-affected persons, host communities and local nongovernmental organisations, as appropriate. Provide them opportunities to participate in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance". Resettlement alternatives need to be presented to enable choices to be made by PAP regarding options available to them, "including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as part of pre-existing communities or kinship groups, to sustaining existing patterns of group organisation, and to retaining access to cultural property (e.g. places of worship, cemeteries)"⁴⁵.

The program entitlements are summarised in an Entitlement Framework (Appendix G), and detailed below.

7.2.1 Agricultural Fields and Food Gardens

- a) Landholders will be compensated for permanent land loss, either through the provision (identification, allocation and preparation) of replacement land, with assistance in registration of that land or in the form of cash compensation as specified in c) below.
- b) The principle for cash compensation is the payment of 'market value' for acquired land.
- c) According to the World Bank, cash compensation is to be at replacement cost, where replacement value for agricultural land is the pre-project or pre-displacement market value of land (whichever is higher) of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer fees or 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 the asset.⁴⁶
- d) The provision of replacement land is to hold the same principles as to cash compensation; that is, the land is to be of equal productive potential or use, and is to be located in the vicinity of the affected land, with the project preponent covering the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer fees or taxes.
- e) For temporary acquisition of land, 'good practice' recommends that PAP receive: (i) compensation equivalent to the net average income/value of agricultural production that would have been obtained from the land during the period of temporary acquisition; and (ii) restoration of the land to its original productive use or full compensation for the cost of restoration.⁴⁷ The latter may be through explicitly delineating in contractors' contracts the responsibility for restoring the land to its former productive use.
- f) For (permanent) residual landholdings that do not remain viable after land acquisition may be acquired, the World Bank's OP4.12 states: "If the residual of the asset being taken is not economically viable,

⁴³ World Bank. April 2013a. *Op cit.*

⁴⁴ World Bank. April 2013a. *Op cit.*

⁴⁵ World Bank. April 2013a. *Op cit.*

⁴⁶ World Bank, April 2013b, *Op cit.*

⁴⁷ World Bank. 2004. *Op cit.*

compensation and other resettlement assistance are provided as if the entire asset had been taken”⁴⁸. In support of this the Bank’s Involuntary Resettlement Sourcebook recommends: ”A good practice is to give those people losing 80 percent or more of their total agricultural land an option allowing them to relinquish the remainder at replacement cost, acquire replacement land equivalent in size or productive value to their entire holdings, or choose among other rehabilitation measures, as appropriate. However, in cases in which acquisition of less than 80 percent of the landholding renders the remainder of the landholding no longer viable, Bank policy recommends that the entire plot be acquired”⁴⁹. The project may follow this principle, giving an affected landholder the option of receiving compensation for both the lost asset and the remaining unproductive asset, where the acquisition of his/her affected landholding might render the entire plot economically unviable.

- g) Households that are relocated from their localities and who can no longer access and use their unaffected fields will be compensated for all their fields in full. The unaffected fields will be available for reallocation (as a compensation option) to other affected households in the vicinity
- h) Where land for land compensation is feasible, the LLWSSU shall ensure appropriate tenure arrangements for the replaced land in terms of the Land Act 2010.
- i) If partial acquisition of residential land does not directly affect residential structures, but leaves insufficient area for small-scale family farming activities, such as fish ponds, chicken coops or vegetable plots, the impact is considered severe, and the affected household is entitled, at its option, to: i) alternative land of the same size, or ii) of a size that permits relocation of the affected structures and resumption of the activities. To enable relocation, reconstruction of structures or facilities, or compensation at replacement cost is required. However, “If land acquisition does not directly affect residential structures, cash compensation at replacement cost for the portion of land acquired (and any assets on it) is sufficient, provided an area acceptable and appropriate for farming activities remains”⁵⁰
- j) Where a household is relocated to a project-designated resettlement site, the project will ensure, as far as reasonably possible, that garden land ready for cultivation is provided at the new residential site, irrespective of whether the household had a garden or not. The area of the new garden will be 300 m2. For households who had a larger garden, the project will endeavour to provide an equivalent area, failing which the balance will be paid as a lump sum. However, this arrangement will not apply to households relocating to sites of their own choice outside the project area.
- k) According to the World Bank’s Involuntary Resettlement Sourcebook, “landless laborers have no reasonable chance of re-employment if landowners involuntarily cede their property and move away. A good practice in these instances is to establish arrangements for the laborers’ economic rehabilitation”⁵¹. This would mean inclusion in the project’s Livelihood Restoration/Improvement (LRI) program.
- l) Workers and employees losing their livelihood temporarily through loss of employment are “eligible for wages during the transition”. For employees losing their jobs permanently and who do not have a reasonable opportunity for re-employment (at equal or higher wages), “a good practice is to provide them with alternative jobs or to take other rehabilitation measures to allow them to restore their incomes. Workers not assured of alternative employment are normally given the equivalent of at least three years’ wages.”⁵²
- m) All affected by land loss, and as a result becoming economically displaced, will be assisted in gaining access to the project’s LRI programs, being offered agricultural or non-agricultural activities, as detailed in a Livelihood Restoration Plan (LRP). Assistance in agricultural activities may include: training in farming methods appropriate to the conditions, and the identification of alternative agricultural production opportunities. This could be extended to, or be replaced by, support services such as the provision of

⁴⁸ World Bank. 2013a. Endnote 12. *Op cit.*

⁴⁹ World Bank. 2004. *Op cit.*

⁵⁰ World Bank. 2014. *Op cit.*

⁵¹ World Bank. 2004. *Op cit.*

⁵² World Bank. 2004. *Op cit.*

refrigerated and/or dry storage facilities, the establishment of marketing points, the development of seed production centres, and the supply or loan of agricultural equipment.

- n) When affected lands are communally owned, such as pastureland, compensation is to the community through the Community Council, and ownership of replacement lands, if any, remains vested in the community (see Section 7.2.5.2 below).

On land loss, the World Bank's OP 4.12 accepts cash compensation "where (a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based"⁵³.

7.2.2 Structures and Improvements

- a) Compensation for the loss of permanent structures and other improvements will entail the following:
- Provision of replacement housing and business enterprise structures at an agreed resettlement area or cash compensation at full replacement value for those electing to settle at a place of their choice; and
 - Cash compensation for the full or partial loss of other structures not provided in the resettlement option, such as fencing, cattle kraals.

Replacement value for buildings is defined as the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure; plus the cost of transporting building materials to the construction site; plus the cost of any labour and contractor's fees; plus the cost of any registration fees and/or transfer duties for the land.

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 the asset.⁵⁴

- b) Owners will be allowed to salvage materials from affected buildings and other structures, with no deduction from their compensation entitlements.
- c) Those who will be affected through loss of buildings and improvements in the short term, over the period of construction, will receive full compensation. They will be allowed to return to their original sites after completion of the works, unless in the instance where they have encroached on land which is legally owned by the government.
- d) Compensation will be provided to all those affected by the loss of structures and improvements, for permanent or temporary loss, whether registered landholders of the land on which the structures/improvements are, or not.
- e) Households that are required to relocate for project developments will receive a Housing Displacement Allowance to cover expenses incidental to the change of residence. It is recommended that the value of the allowance be ten percent of the affected residential buildings and structures⁵⁵. Informal settlers who do not formally own the land they have been occupying will also qualify for this allowance.

⁵³ World Bank. April 2013a. Paragraph 12. *Op cit.*

⁵⁴ These definitions of replacement values are provided by the World Bank. The Bank also requires that, where domestic law does not meet the standard of compensation at full replacement cost, compensation be supplemented by additional measures so as to meet the replacement cost standard. This supplementary measure is separate from other required resettlement measures. (World Bank, 2013b, *Op cit.*)

⁵⁵ Ten percent is not a requirement, by national legislation or international standards. It is a recommendation, based on the theory that the amount will need to vary based on the size of the homestead/household of those who relocate, given that it acts as a 'start-up' fund over and above the replacement of structures.

- f) The project will be responsible for covering the costs of any person required to be relocated as a result of the project. This will be in the form of an Evacuation Allowance, where the relocating household moves itself, or the provision of transport and physical relocation by the project.
- g) If a commercial activity cannot be continued following acquisition of land, the enterprise is entitled to the cost of re-establishing its activities elsewhere. According to the World Bank “this means the provision of alternative land of the same size or of a size that permits relocation of the affected enterprise. In addition, the affected enterprise is entitled to compensation at replacement cost for structures, compensation for lost net income during the period of transition, and compensation for the costs of the transfer and reinstallation of the plant and machinery”. If an enterprise can be relocated within the existing holding, “compensation at replacement cost for the affected portion of the land must be paid, along with any transfer or reconstruction costs for affected structures, plants, or machinery”.⁵⁶ Apart from compensation for land and structures, it is recommended that owners of affected commercial enterprises thus receive a Business Displacement Allowance equal to two months average income of the business⁵⁷, and the Evacuation Allowance as above.
- h) Displaced occupants of rented accommodation will receive assistance as outlined by the World Bank: “Renters occupying residences to be acquired are eligible for relocation assistance because they have to move. Relocation assistance typically covers assistance in locating replacement housing, as well as in packing and moving; financial payment for the cost of the move and possibly for refitting the new residence; and follow-up services for the individuals in their new locations. Businesses using rented properties are given assistance in finding a new location, compensation at replacement value for any immovable assets, compensation for the loss of income during transition, assistance with the physical transfer, and follow-up services”⁵⁸.
- i) Employees of relocating households and businesses who are to lose their incomes temporarily because of dislocation or disruption directly related to a project, but are likely to eventually be reemployed, “may be given a transition allowance equivalent to lost wages for the duration of their unemployment”⁵⁹. However, as with employees on farms, those who do not have a reasonable opportunity for reemployment (at equal or higher wages) will be given the equivalent of at least three years’ wages.

It is the LLWSSU’s responsibility to fulfil the requirement that affected people are assisted in their efforts to improve their standards of living, or at least to restore them, in real terms, to pre-displacement/pre-implementation levels. As housing is a vital element of this requirement, the LLWSSU is obliged to support all those who are affected by involuntary resettlement in acquiring replacement housing. The option of a project providing replacement housing is thus to be presented to the PAP.

If cash is selected as the preferred option by a PAP, standardised procedures need be put in place to produce the required outcome of replacement housing, such as payment with clear conditions as to how the money is spent, and where practicable supervision and monitoring of building construction to ensure compliance.

In order to deter the sale of replacement housing, a legal provision should be made in the compensation contract whereby structures may not be sold within the first five years of acquisition.

7.2.3 Standing Crops

- a) Construction works will as far as possible be planned to allow for the harvesting of standing crops before land is acquired permanently or occupied temporarily. Harvesting of standing crops will be permissible with no deduction made from the compensation payment.

⁵⁶ World Bank. 2004. *Op cit.*

⁵⁷ Again this is a recommendation, based on the assumption that businesses will require at least a two-month secure income while they re-establish their business.

⁵⁸ World Bank. 2004. *Op cit.*

⁵⁹ World Bank. 2004. *Op cit.*

- b) Where fields and food gardens have been cultivated prior to a declared cut-off date and the destruction of crops is unavoidable, a once-off compensation/lump sum will be paid for the loss of the standing crops, including for fields and food gardens that have been cultivated but the seeds have not yet germinated. In addition, an Annual Cash Payment (ACP) rate for fields and food gardens will be paid covering a 5-10 year period calculated from the time of acquisition, based on area of land loss and compensation rate on an index-linked basis. The recipient will be given a choice – an annual payout of the ACP rate each year over the payment period, or a lump sum payout calculated on the compensation rate, covering the payment period.
- c) Cash compensation will be paid for the loss of crops to the crop cultivator/s, whether landholder or not.
- d) Where land was cultivated according to a renting, leasehold or sharecropping arrangement at the time of acquisition, compensation for the lost crops will be apportioned according to the arrangement.

7.2.4 Trees

- a) Owners of trees located in areas required by a project will be given advance notice to remove their trees if they so wish, and will have rights to all resources from the trees.
- b) Productive fruit and timber/fuel trees will be compensated as follows:
 - Compensation will be paid for future production losses, at net present value calculated for the productive life of the various fruit and timber tree species.
 - Trees that are not yet in production (saplings) will be compensated on a lump sum basis based on an average market rate for saplings;
 - Lump sum payments could be based on a set rate for individual trees, or for an area calculated in square meters, particularly where thickets are affected;
 - The owner will be provided with 3 replacement saplings per tree, in addition to compensation for production losses as defined above; and
 - The owner will have rights to all other resources (timber, firewood) from privately-owned trees that are felled.
- c) Forests play a key role in the livelihoods of people if forest resources are used in a rational, efficient and sustainable manner, creating jobs and opportunities for trade, and contributing to food security and rural development. In their productive role, forests provide fuel wood, and poles and timber for construction and furniture; non-wood products include fruits, gums, nuts, tannins, fibre, fodder and bark that can be used for food, medicine, and raw materials in small industries; and forests protect the agricultural environment resulting in higher yields. Forests also bring about improvements to the country's physical environment, acting as the habitat for a wide variety of wild flora and fauna, and playing an important role in environmental/ecological protection through their influence on air, soil and wind.

If suitable replacement land is secured for forests from Community Councils, the Ministry of Forestry and Land Reclamation (at District and National level) could assist in establishing community forestry and the development of social forestry programs as part of LRI. The Ministry could provide the seeds and saplings, and technical advice, whilst encouraging effective popular participation and presenting a model for sustainable development.

In addition, existing natural forests in the surrounding areas need protection and conservation as forest reserves, whether under governmental, communal or private ownership.

7.2.5 Natural Resources

7.2.5.1 Water

- a) Access to water for domestic use will be affected through relocation. Mitigation is through the establishment of water harvesting systems at relocated homesteads, and connection to the LLWSS water reticulation system, supplying water directly to affected homesteads. As part of the broader social development program, communal boreholes with water pumps could be constructed in host villages.

- b) Where access to livestock watering points is impeded/severed permanently, the project will ensure that suitable and safe alternative watering points are identified and established in cooperation with affected communities, and particularly affected livestock owners.
- c) Instream Flow Requirements (IFRs) will need to be performed to establish the volume and frequency of water to be released downstream of any reservoirs. Downstream effects on water flow will thus be mitigated by environmental flow releases.

7.2.5.2 Communal natural resources

- a) Affected communities shall be entitled to compensation for the loss of communal assets such as pasture/rangeland, brushwood, wild vegetables and medicinal plants.
- b) If possible, permanent loss of communal pastureland will be replaced as land-for-land in a location close to the area affected. If no replacement land is available, or pastureland is not required, cash compensation will be based on the size of the pastureland.
- c) Compensation for the permanent loss of natural resources on that land will be determined by the number of affected households.
- d) A Disturbance Allowance will be paid specifically for loss of temporary access to communal pastureland and natural plant material on that land for the period access is denied/inhibited.
- e) Cash compensation will be paid separately for individual agave/aloe plants, used for various medicinal purposes, shelter and fencing, and for reeds, used for fencing, thatching, bedding and basketware.
- f) The cash compensation shall be payable to the relevant Community Council/s, to be used for agreed development and social mitigation undertakings in the directly affected areas.
- g) It is recommended that traditional healers be allowed to collect important medicinal species prior to commencement of construction activities. In some instances there may be a request from local communities to remove the important species and replant them elsewhere. A project plant nursery may be established for the cultivation of medicinal and other useful plants. Initially the nursery will be a temporary holding facility for rescued plants. In the longer term it will become a focal point for propagation, use and conservation of plants. It will be established to: (i) supply medicinal plants to surrounding communities; (ii) act as a plant conservation measure; (iii) serve as a reference centre on aspects of education and the horticultural potential of indigenous plants; and (iv) through the sale of plants and through employment of staff, act as an income generating activity for local community members, possibly included as an LRI project. The project will investigate and assist with the implementation of the nursery, with the LLWSSU taking the lead in cooperation with project committees and relevant government departments.
- h) Rehabilitation of disturbed areas is to be undertaken as soon after construction has been completed as possible. Rehabilitated areas are to be monitored for sustainability and for the spread of alien vegetation.

7.2.6 Community Structures

If community buildings/facilities are affected by a project, they will be repaired to at least their previous condition, or replaced in areas identified in consultation with affected communities and the relevant authorities, particularly in resettlement areas.

7.2.7 Government Buildings/Infrastructure

Consultation and coordination will occur between government ministries regarding any impacts that a project may have on government assets, such as schools and health centres. This includes informing them of any construction activities that will exceed the expected construction nuisance levels.

Although the Project design will avoid interruption or damage to public utility infrastructure, those affected will be repaired to at least their previous conditions or replaced, and the service improved and expanded where necessary, in host villages.

7.2.6 Access and Movement

Impeded access is defined as barriers caused by project components that obstruct local people's usual movements, across rivers or along pathways, thus curtailing their economic and social interactions and access to services and facilities.

- a) For permanent impediment, compensation will take the form of the development of roads.
- b) For temporary impediment, impeded access caused by construction activities will be mitigated by provisions specified in construction contract documents as covered in this RPF.
- c) If required, a Transport Feasibility Study will be undertaken to consider road networks in the area and how they might be affected by the project.

7.2.7 Health

The following public health objectives may mitigate against project impacts:

- Enhance collaboration and coordination between government and NGOs in the provision of health services in the area;
- Develop the service provided by local health facilities through: expanding road networks and upgrading road access; ensuring an uninterrupted supply of drugs and equipment; increasing the number and qualifications of staff and health workers; and improving community outreach activities;
- Sensitise the PAC on hygiene promotion, and on the prevention of diseases such as HIV/AIDS, Sexually Transmitted Infections (STIs), diarrhoea and schistosomiasis;
- Employees of Contractors are to be trained on STIs and HIV/AIDS, with Contractors developing and implementing comprehensive STI and HIV/AIDS plans aligned to national objectives. Access to camp sites should be limited to labourers only, to mitigate commercial sex worker activities on site.
- Provide psychological support to relocating families; and
- Provide sufficient agricultural land to relocated people for cultivation, and enough compensation to enable the construction of better housing and sanitary facilities.

7.2.8 Cultural Heritage and Resources

7.2.8.1 Cultural sites

Any cultural heritage sites identified require the following mitigation measures:

- Archaeological sites require subsurface probing (test pitting) to adequately assess their significance and integrity;
- Rescue archaeology needs to be carried out on archaeological sites reported as being impacted, and possibly on additional sites as more information becomes available during construction work;
- The nature and extent of these sites need be assessed. Depending on the outcome, more extensive excavations may be required; and
- Constant monitoring during the construction phase by qualified cultural heritage specialists, to record any archaeological objects recovered as chance finds.

Any work on the identified sites needs to be conducted before project construction starts.

7.2.8.2 Gravesites and cemeteries

- a) It is recommended to re-route the pipeline and re-position other infrastructure to avoid disturbance of individual graves or graveyards.
- b) Families with affected graves will be entitled to exhumation and reburial of affected family graves, or symbolic or spiritual removal, with all due ritual and ceremony;
- c) The procedures and processes of exhumation and relocation of graves need to be followed in consultation with all relevant stakeholders, and particularly surviving relatives. Affected graves will be exhumed and

reburied at sites selected through a consultation process with the family members of those to be buried, and the leadership of respective communities.

d) Recommended procedural guidelines include:

- Obtaining authority/permit to have the grave exhumed and relocated;
- Locating family members or next of kin of the deceased. If they cannot be located, submitting a notice of intent to the GoL, with copies to the District Administrator where the grave is located;
- Conducting detailed research and surveys in order to establish the history of the grave, detailed head-count of the graves (date of birth, religion, and cause of death), and family background;
- Giving adequate notice before the exhumation and reburial of the remains is to take place;
- Identifying and establishing a new gravesite before exhuming the remains. Through consultation this could involve finding an alternative cemetery for sites affected by the project, close to villages affected by the loss, including homesteads that will be relocating; and
- As with sites of cultural heritage, being aware of chance finds during construction.

e) All costs for exhumation and reburial, including associated and traditional ceremonies, will be borne by the project.

f) Funds for reburial ceremonies will be paid directly to the concerned household, on a per household/ family basis, not per individual affected grave.

7.2.9 Employment Policy

A significant positive impact of the project will be the generation of employment from project activities, through:

- Employment for the direct construction workforce; and
- Contractual and work-related opportunities in the provision of direct support services to the construction works (procurement of goods and services).

The LLWSSU can only encourage a contractor to maximise opportunities for the employment of PAP. In order to achieve this objective the following is recommended:

- A Project Employment Policy be developed for utilisation by Consulting Engineers, and included in all tender documents to be implemented through contractors. The Policy will be in line with national legislation around labour-related matters, and best employment practices, and outline procedures and mechanisms for: (a) selection criteria; (b) selection and recruitment guidelines, and (c) training proposals.
- Consideration be given for the establishment of a Labour Committee for each project; an independent body constituted and driven by relevant stakeholders, including the LLWSSU, the Consulting Engineer, PAP, and contractors. This Committee will monitor the recruitment, working conditions and training of local labour for the duration of the project, and provide a channel for mediation.
- An open and well-publicised process be conducted by the LLWSSU to inform the public about job opportunities. Although the actual advertising of job opportunities and recruitment of a workforce is the responsibility of a contractor, an Information Sheet will be produced by each project in Sesotho, and distributed to PAP well in advance of the commencement of construction. This will set out: (a) the number of jobs available, the type of work/skills required, and the proposed length of contract for each job; (b) the job advertising, selection and recruitment procedures that will be followed as per the Project Employment Policy; and (c) the time frame for the recruitment of job seekers. This will allow sufficient time for people to respond, and to apply for suitable jobs.
- A full assessment of skills and training requirements be made for the project's workforce, including PAP. As an outcome to this, training will be offered by contractors and training agents, primarily through attendance at courses, and on-the-job training and skills transfer.

- Those employees gaining skills from various tasks they are assigned will be issued letters of recommendation at the end of the assignment to certify skills acquired, to enable them to be better positioned to succeed in a competitive job market.

7.2.10 Host Communities

Resettlement areas, and thus host communities, require identification for a project. Certain activities will be required regarding host communities, including but not limited to:

- Consultation with host communities on their viewpoints and concerns relating to possible impacts of receiving resettlers, and proposed mitigation measures. This includes augmenting affected services, “to make them at least comparable to services available to resettlers”⁶⁰.
- Consultation with relevant stakeholders: for example, with local governments on information around possible relocation sites and related service provision; and with NGOs on aspects of interest relating to host communities, on the possible provision of assistance in resettlement activities, in service provision, and in future development of the area.
- Arrangements for addressing conflicts that may arise between resettlers and host communities, as part of a participative consultative approach in which all parties are involved.
- Determination, and arrangements for the payment of compensation resulting from asset loss, private, public and communal.

7.3 Vulnerable Households

Affected households that are particularly vulnerable to project implementation will be identified through the Census and SES of the affected population, and confirmed with the relevant authorities.

In addition to other compensation and rehabilitation measures, vulnerable households will be supported through the following measures:

- A recommended payment of a Vulnerable Household Allowance;
- Advice regarding project impacts, compensation alternatives and risks, and resettlement options;
- Advice on alternative subsistence and livelihood strategies as offered by the project, including skills/training enhancement; and
- Assistance to gain access to government poverty alleviation/social welfare programs.

7.4 Methods of Valuation

The valuation of assets will be based on those approved for the Metolong Dam and Water Supply Programme (MDWSP), updated to include allowances since the values were determined, including compounded inflation and other potential contingencies.

To quote: “the valuation of lost assets will be carried out through the Land Act 1979 and the approved Compensation Rates. In the case of dwelling, business and institutional buildings, they will be valued through the Government Valuer”.⁶¹ According to the Policy, the Compensation Rates “are required to standardise entitlement benefits to the affected persons, including allowances for relocation, evacuation and settling-in. Compensation rates also help to fill any gap where technical valuation of assets falls short due to lack of historical involvement e.g. valuation of natural resources such as grazing land, bushes and shrubs, trees, thatching and valuable grasses has not been a common occurrence; the Lesotho Highlands Water Programme (LHWP) is the first to come up with comprehensive compensation rates for such resources in 1996/97. Such rates are still applicable now and have been updated to take account of inflation.

⁶⁰ World Bank. April 2013b. *Op cit*.

⁶¹ Ministry of Natural Resources, GoL. February 2010. *Metolong Dam and Water Supply Programme (MDWSP). Resettlement & Compensation Policy. Draft 7*. Maseru, Lesotho.

“Government Departments and Agencies rely on rates supplied by the Department of Lands, Surveys and Physical Planning (LSPP), including valuation of structures. For natural resources referred to above, LSPP has had to rely on the LHWP rates since they have so far not been able to carry out studies with a view to establishing comprehensive ‘national compensation rates’.

“This leaves the market-based technical valuation applying mostly to properties that are frequently transacted upon such as structures, undeveloped sites and land, standing crops destruction, intensive farming ventures, etc. Since market-based valuations are normally accompanied by negotiations or contestations, the history of compensation rates application in Lesotho has been generally free of legal disputes despite the freedom to challenge them. Compensation rates should be seen as a stop-gap measure until such time that ‘national rates’ that cover most resource sectors are established or until ‘property market’ starts covering them.

The World Bank requirement of fair market value will be adhered to, following OP4.12 requirement that “cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets”.

More detail is provided in Annex A of OP4.12⁶²: “With regard to land and structures, ‘replacement cost’ is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of 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”.

Of note, the OP is clear that “Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard”.

7.5 Inventory of Affected Assets

The Asset surveys will record information on the acquisition of assets, providing an inventory of land, including type, ownership and size, the crops and trees on that land, and fixed assets, such as housing, business and other structures affected by the land acquisition, and public infrastructure and social services.

It will comprise a comprehensive inventory of all those affected, including not only the owners of the land or assets, but others who occupy, reside or work in homesteads or businesses, or on the land, including tenants, renters and workers/employees.

The whole process needs to be rooted in the broader public consultation and disclosure of information campaign, informing people of what is happening each step of the way, and offering an opportunity for raising and discussing issues.

7.6 Delivery of Entitlements

A computerised database of all information acquired through the Asset, Census and Socio-Economic surveys, and the inventories of assets, will be required, not only for each affected PAP, household and business enterprise, but also for affected communities. This will enable the development of Compensation Packages for implementation, and a record of the status of implementation of such packages.

The following principles will apply to the notification of acquisition of land and associated assets, and the delivery of entitlements:

⁶² The World Bank. December 2001. *OP4.12 – Annex A: Involuntary Resettlement Instruments*.

- The GoL will not take possession of any private property prior to the full payment of compensation entitlements and, where applicable, initiation of relocation arrangements and/or rehabilitation measures.
- A project will ensure that displaced households and business enterprises have access to replacement structures prior to their evacuation, through appropriate and sufficient advance compensation and allowance payments or other forms of relocation assistance.
- Acknowledgement of receipts of compensation will be issued to each entitled person, who will be required to sign an acknowledgement of their acceptance of the compensation amount as full and final payment for their losses. Affected people must understand and agree to the compensation offered, and be informed of the grievance appeal mechanisms available through the project.
- Any government taxes and duties related to the acquisition and registration of affected and new assets will be the responsibility of the project.
- Payment of compensation will be through means acceptable to those affected. A project may acquire the services of a local bank to assist with payments, and will assist the affected population in obtaining cash compensation through this bank.
- The importance of promptness in compensation payment is underlined, and principles need be established by LLWSSU should delays occur. It is recommended that compensation be adjusted for actual inflation on an annual basis; that is, one year from the completion of the initial asset assessment. This will encourage implementation of the RAP close to approval date, and an accompanying prompt payment of compensation due.
- If delays occur to RAP implementation, an addendum to an existing RAP may occur. However, if a maximum of two years pass without the RAP being approved, a new RAP will be required with all related requirements, including a revised cut-off date and census, and asset verification and valuation.

8 Livelihood Restoration/Improvement Program

Although compensation and allowances will contribute to the re-establishment of livelihoods, other rehabilitation programs will be required to compensate people and/or communities that will suffer economic displacement, and offer other assistance to restore their livelihoods. As outlined in the Entitlement Framework, compensation will cover the loss of assets, including loss of agricultural land and production on that land. However, in the event of economic displacement additional measures are required to supplement such compensation, and thereby enhance and improve livelihoods, as developed in a livelihood restoration/improvement (LRI) program for inclusion in a RAP.

In the case of a project involving economic displacement only, a detailed Livelihood Restoration Plan (LRP) will be required that establishes the means to implement, monitor and guide a project in livelihood restoration, describing how, when and by whom outcomes are to be achieved, the activities and resources required to achieve these, and related timescales.

8.1 Livelihood Restoration/Improvement Options

As part of a LRI program all households affected by economic displacement will be given:

- Advice on the assessment of their current economic activities, and the potential for improvement to these; and
- Options to alternative income-generating activities, both agricultural and non-agricultural, and related training and support.

Although a degree of independence should be given to the selection of LRI activities, proposed alternative livelihood strategies include:

8.1.1 Agricultural Development Programs

Agricultural production is an important source of income for the affected population. Agricultural projects will focus on the use of alternative agricultural methods to increase and improve production. Other projects may include, for example, the cultivation of fodder, to replace lost pastureland; and the rearing and fattening of livestock for resale.

For PAP who participate in an agricultural program, the following is essential:

- Training in agricultural methods;
- Capacity building in the establishment and management of agricultural schemes/societies/groups, where appropriate;
- Timely delivery of appropriate agricultural inputs, such as fertiliser and seed;
- Access to markets for the purchase and sale of goods;
- The offer of agricultural extension programs, as support to the farmers; and
- The option of credit facilities, with affordable interest rates.

In addition to this there needs to be protection of children against child labour, and supporting children's rights to be released to go to school and receive an education – as embodied in the CRC. Women, too, need to be protected against discrimination in the performance of agricultural activities.

8.1.2 Tourist Development Programs

Projects may be developed in the area that have investment potential which, through the provision of tourist services, encourage domestic tourism, create job opportunities for local residents, and contribute to the regional economy and thus to sustainable development. These can be linked directly to sites of cultural heritage that have been identified in the area and/or to other developments proposed, such as recreational facilities at nurseries for the cultivation of replacement plants and trees and at forestry reserves.

8.1.3 Property Development Programs

Rental stock, through construction of blocks of rooms for rent, has proved successful in that it provides a steady, guaranteed income, with little requirement for on-hand management.

These livelihood restoration programs will be implemented by outside agencies, including development agencies and educational facilities.

8.1.4 Additional Measures

The rehabilitation of those affected will also be supported through additional measures, where appropriate, such as: assistance to gain access to national poverty alleviation or other development programs; counselling regarding the effects of s project impacts on the household; and, advice on saving schemes and cash management.

8.2 Selection of Individual LRI Household Plans

Households eligible for LRI will be given the option of agricultural or non-agricultural LRI development activities.

An audit of the current skills of members of affected households will provide input into a database source made accessible to a common database platform. This will provide information on educational levels, and training needs, of household members eligible for the selected livelihood restoration package.

The selection of training and the development programs will require extensive public consultation with relevant stakeholders, and particularly affected households.

9 GRIEVANCE PROCEDURES

Appropriate grievance and dispute resolution procedures and mechanism will be established by the LLWSS, by which all stakeholders impacted or affected by the project, and particularly PAC and PAP, who feel that they have been treated inadequately or unfairly, can bring grievances and complaints on any project-related aspect of land acquisition, compensation and livelihood restoration to the project for consideration and redress.

These are essential tools for allowing affected individuals or groups to voice concerns as they arise and, where appropriate, for corrective action to be taken expediently and in a satisfactory and culturally sensitive manner. Providing credible and accessible means for PAC and PAP to pursue grievances allows the project to address genuine issues in a timely manner, and decreases the chances of overt resistance to the project from disgruntled PAP. Further, the implementation of a Grievance Mechanism may go some way to ensuring that lengthy and expensive court settlements can be avoided.

Having a grievance procedure in place, comprising an appropriate grievance mechanism, will provide the following benefits to all parties involved:

Benefits to the project	Benefits to PAC, PAP and other stakeholders
<ul style="list-style-type: none">▪ Complies with international standards and requirements▪ Provides feedback about project implementation, identifying any gaps that may exist that require resolution▪ Provides a forum for resolving grievances and disputes at individual and community level▪ Builds trust and confidence of PAC/PAP in the project as integral components of broader community relations activities, creating productive relationships between parties▪ Facilitates effective communication between the project and PAC/PAP▪ Enables systematic identification of emerging issues and trends, allowing for corrective or preventive action and pre-emptive engagement▪ Resolves disputes relatively quickly before they escalate to an unmanageable level▪ Helps avoid project delays and cost increases, and improves quality of work	<ul style="list-style-type: none">▪ Provides a cost-effective and accessible method to report grievances and complaints▪ Facilitates early indication and prompt remediation for those who have a complaint or grievance about project activities▪ Gives access to a fair hearing and remedy▪ Provides a forum for PAC/PAP to negotiate and influence decisions and policies of the project that might adversely affect them

9.1 Types of Grievances

Grievances may occur at different stages of the project, and are useful indicators of the project's performance. A high number of grievances may show the need to adjust work practices or procedures in order to mitigate adverse impacts and conflicts.

The following are examples of resettlement-related grievances that may arise during the different stages of the project:

Feasibility studies and acquisition of assets:

- Lack of public consultation around the process; for example, before commencement of activities, with no 'permission' granted to work on private, communal or government property;
- Damage to assets prior to their acquisition by the project: structures; land, crops and trees; pastureland and other communal natural resources;

- At compensation determination, disputed asset surveys (counting and measurement), and valuation and compensation amounts;
- Amount, and timing, of payment of compensation for assets, both temporarily and permanently acquired;
- Confirmed ownership of assets, involving disputed or incorrect identification of landholders;
- Eligibility criteria and associated compensation, particularly around unregistered land users, and informal settlers on land; and
- Implementation of compensation procedures, such as independence and integrity of body undertaking the payments.

Resettlement implementation:

- Affected people who do not qualify for eligibility;
- Delay in resettlement activities ahead of construction;
- The location of resettlement sites, for villages and for individual households, and site-related service provision;
- Allocated land, such as land size, land suitability (structure, soil composition and productivity), distance from residence and access to water for irrigation;
- Livelihood restoration, rehabilitation and support, including replacement of lost business/income-generating opportunities; and
- Potential conflict between resettlers and host communities.

Construction period:

- Disruption or damage to local roads, and closure of access routes;
- Increase in traffic load, and road accidents;
- Disruption or damage to water sources (such as wells), electricity and telephone lines and other infrastructure;
- Nuisance from dust, noise and vibrations;
- Health problems and accidents;
- Seemingly unfair selection practice of employees for project-related jobs; and
- Misconduct of project personnel/workers.

These grievances can be avoided or minimised through correct procedures for, and management of, project activities. However, a grievance redress process, with appropriate involvement of project-related structures, need be established to address those that do emerge during the course of project implementation.

9.2 Grievance Redress Principles

According to IFC Performance Standard (PS)1, a Grievance Mechanism (GM) for the PAC is to be put in place for the project, to “receive and facilitate resolution of affected communities’ concerns and grievances about the client’s environmental and social performance”⁶³.

The grievance mechanism should:

- Resolve concerns “promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution to the party that originated the issue or concern”; yet

⁶³ IFC. PS1. January 2012. *Assessment and Management of Environmental and Social Risks and Impacts*.

- Not “impede access to judicial or administrative remedies”.

Local people need a trusted way to voice and resolve concerns arising from the project, and a locally based project grievance resolution system will provide an effective way to offer a reliable structure and set of approaches where PACs and PAPs can resolve issues together with the project.

The following principles are to apply to grievance management:

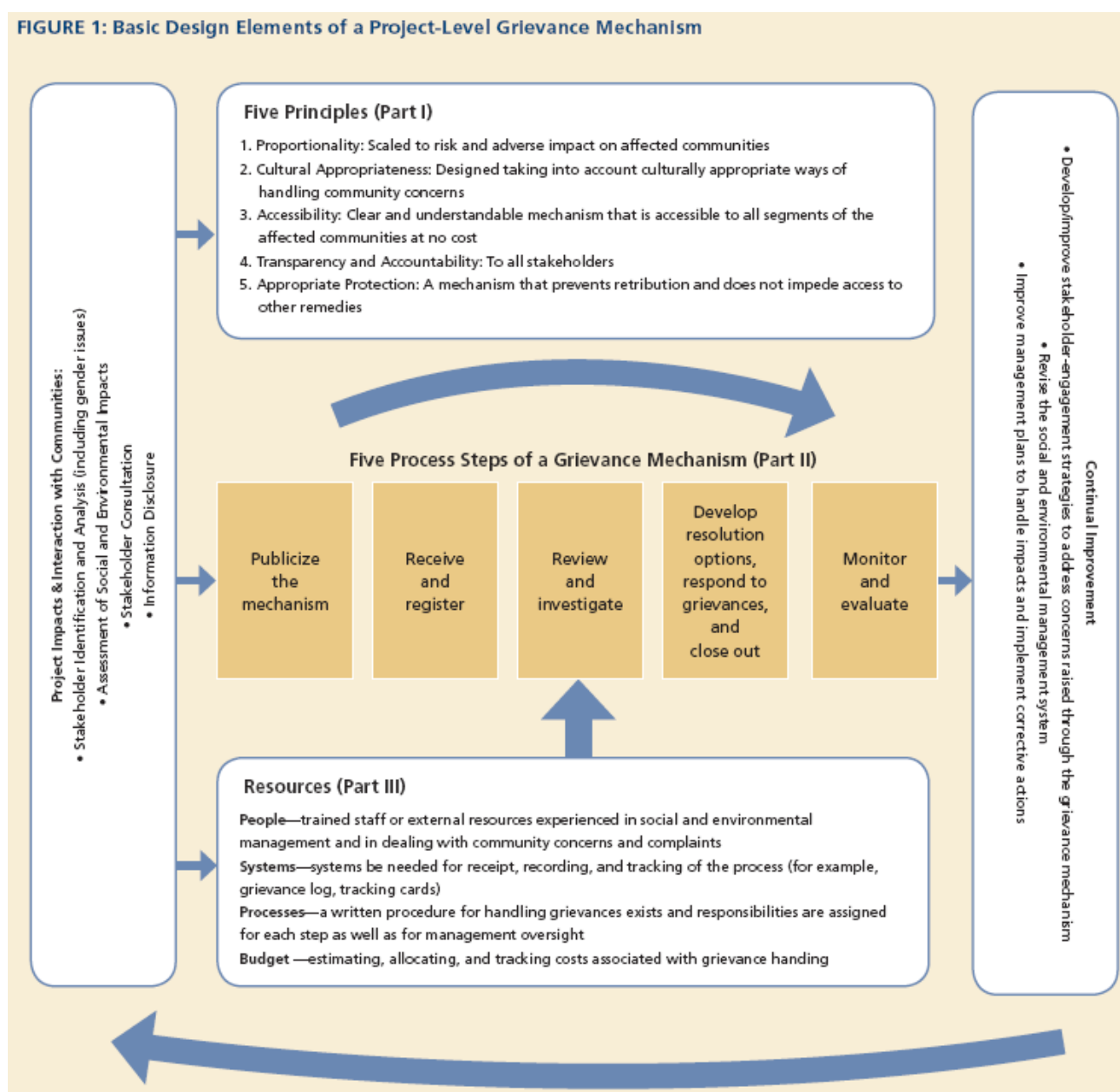
- Any procedure followed needs to take into account community and traditional dispute settlement systems. Historically people have approached community leaders to resolve disputes, particularly in issues relating to use and ownership of land. Although it may be inevitable that, in the process of grievance management, PAP continue to follow customary procedures, they are likely to accept project-related structures if they are consulted on the matter, and community leadership is incorporated into the structures.
- Information about all dispute and grievance procedures, including the functions of each structure and the processes to follow, needs to be widely disseminated to all stakeholders, through project structures, governmental and non-governmental organisations, an on-site Project Information Centre CPLOs and CLOs, and the media. This will not only fulfil the function of dissemination of information, but also transparency around project-related matters.
- Affordable and accessible procedures will be made available for the settlement of disputes arising from resettlement.
- Anybody reviewing grievances requires independence and impartiality, to foster the trust and confidence of all stakeholders.
- A written record of all disputes/grievances raised and dealt with on a project level will be kept by appropriate structures, including the LLWSS. The entire grievance resolution process will be recorded in a fit-for-purpose database. A copy of the record of grievance and outcome will be made available to the aggrieved person/s.
- All records will be monitored regularly by the LLWSS, by an independent monitoring team, and by an Evaluation Panel appointed for the project, as part of an on-going monitoring and evaluation process. The Evaluation Panel’s ToR will include the function of reviewing reported grievances and grievance management. In particular, monitoring is to ensure that the process by which grievances of the PAC and PAP are handled is a fair and equitable one that respects the fundamental rights of those affected.
- The principle of confidentiality needs to apply to all processes: confidentiality of the complainant, if requested, and to information provided by any party to a complaint.

9.3 Development of a Grievance Mechanism

It is in the interest of all concerned that project-related grievances are resolved from the start in a standardised procedure, through project-related mechanisms with representation from the LLWSSU and other relevant stakeholders, the relevant District Administration, and particularly the PAC and PAP.

The basic elements of a project-level Grievance Mechanism is outlined below:

FIGURE 1: Basic Design Elements of a Project-Level Grievance Mechanism



Given that there is currently no formal grievance process that is available to the PACs or PAPs through the LLWSS, the following activities are required in the development of a GM for a project:

9.3.1 Establishment of Institutional Base

It is necessary to establish a defined institutional base to implement and manage the GM, with input from all relevant stakeholders, including the PAC and PAP.

Responsibility for matters relating to grievance and dispute resolution lies with the LLWSSU. It is recommended that a Grievance Officer (GO) be appointed as a member of staff of the LLWSSU, to co-ordinate all functions relating to program/project grievances. The GO needs to be based primarily at the Project Information Centre, working in close consultation with the CPLO and CLOs.

The GO would liaise closely with a Grievance Committee (GC) of each sub-project. As part of the proposed organisational framework, GCs would be best placed to address grievances and disputes that are not resolved by the GO.

The ToR of this Committee would include the definition of membership, roles and responsibilities, powers and *modus operandi*, and the process for further action if required. A draft ToR of a GC is presented in Appendix E.

9.3.2 Grievance Procedure Methodology

Grievances relating to any aspect of a project must be dealt with through negotiations aimed at reaching consensus between the project and the affected parties.

With this in mind, grievances will be dealt with in the following stages:

GM Procedure

- Aggrieved persons to lodge a grievance in writing, or verbally, to dedicated staff of the LLWSSU, to the GC, local traditional leaders or councilors, or witness NGO;
- Record, register and sort (eligibility of) grievance in a complaint log as part of the Grievance Database
- Conduct an initial assessment of, and investigation into, the grievance
- Refer grievances to appropriate person or organisation
- Determine the resolution process
- Direct relevant agencies responsible for implementing action
- Close out the case, and notify complainant of the outcome
- Track, monitor, document and evaluate

If the aggrieved person is not satisfied with the decision taken by the LLWSSU or GC, s/he will be able to resort to the judiciary system.

A flow chart of the grievance procedure and detailed methodology is presented in Appendix D.

9.3.3 Timeframes

The timeline for completion of the proposed action and subsequent closeout of the complaint will depend on the nature of the complaint and the requirements to address it. However, the following is recommended:

All complaints will be given to the GO for recording on the Grievance Database. The GO will acknowledge receipt in writing of the complaint, and reply to the complainant within 14 days of receiving a complaint, to inform him/her of one of the following:

- The complaint is not within the scope of the project and has been referred elsewhere;
- The complaint will be dealt with at GO level and an investigation will be conducted; or
- The complaint will be dealt with at the GC level, which will sit and consider the results of the investigation on a particular date.

Within 30 days of receiving the complaint (or within 14 days of the GC sitting) the GO will inform the complainant of the proposed solution and attempt to get acceptance of the plan for resolution.

9.3.4 Public Awareness Program

The GM will need to be widely publicised among stakeholder groups such as the PAP and PAC, the District Administrations, other government agencies, institutional organisations, NGOs/CSOs and project-related structures. An effective awareness campaign would typically include the following components:

Public awareness components

- Purpose and scope of the GM
- Who can access the GM
- Roles of different personnel and bodies involved, such as the GO, CPLO, CLOs and the GC
- How complaints can be reported, required information, and to whom, detailing the address of the Project Information Office, and phone numbers and email addresses of the GO, CPLO, CLOs and GC members
- Procedures and time frames for initiating and concluding the grievance redress process

A variety of methods can be adopted for communicating the information, including community forums and discussions, poster displays, brochure distribution, websites and print media. It is proposed that the GM be fully transparent, with important information being readily available on a linked website.

The GM will be managed by the LLWSSU, but be open to scrutiny by IAPs.

9.3.5 GM Management System

A dedicated management system will be developed which will:

- Incorporate database and reporting functionality. The database will have sufficient capacity to record and track the logging and management of reportable grievances, and provide reporting on an *ad hoc* and regular basis. It will have sufficient levels of security access to ensure confidentiality.
- Have a document management system that includes all correspondence relating to grievances, and ensures procedures and systems are regularly updated and managed.

Adequate resources will be required to ensure the smooth running of such a system. A supportive training and orientation program will also be required for all personnel involved, and particularly for the GO, to manage the system efficiently and appropriately from the start. This could involve:

Capacity building

- Methods of creating awareness of the GM amongst stakeholders
- Procedural training on receiving, registering, and sorting grievances
- Grievance assessment
- Effective communication, negotiation, and facilitation skills

10 GENDER MAINSTREAMING

10.1 Supportive Legislation

The Constitution of Lesotho recognises and promotes gender equality as one of the ways to promote the welfare and development of the people of Lesotho. However, although the Constitution prohibits discrimination, discrimination is evidenced through Customary Law. The country has enacted a number of progressive laws that partly address the gender inequalities, such as the Legal Capacity of Married Persons Act of 2006, that places women at a par with men, and the Land Act of 2010 which empowers women to register land in their names. These laws are further strengthened by the Lesotho Gender Policy of 2003. The Decentralisation Policy of 2014 has also been formulated to provide a framework for deepening and widening the economic and social benefits of democracy to all citizens.⁶⁴

Women and gender equality as a basic human right is affirmed in a number of international and regional instruments and commitments to which Lesotho is a signatory. These include: the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (www.un.org); the Convention on the Rights of the Child (CRC) (www.unicef.org); the World Conference on Human Rights held in Vienna in 1993 (www.ohchr.org); and the Protocols on Gender and Development (2008) and to the African Charter on Human and People's Rights on the Rights of Women in Africa (1995) (ACHPR) (www.achpr.org), of SADC (www.sadc.int). In addition, Lesotho aspires to the UN MDGs and SDGs, which promote gender equality and empower women.

OP 4.20: *Gender and Development* of the World Bank promotes a gender and development policy “to assist member countries to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development”⁶⁵. Gender equality is central to the World Bank Group's goals of ending poverty and “boosting shared prosperity in a sustainable manner”. As the Bank states, “No society can develop sustainably without transforming the distribution of opportunities, resources and choices for males and females so that they have equal power to shape their own lives and contribute to their families, communities, and countries. Promoting gender equality is smart development policy”⁶⁶.

In support of this the World Bank has developed a Gender Strategy for 2016 to 2023⁶⁷. The strategy holds that households, markets and institutions, and interactions between them, influence gender equality and empowerment/economic development. The Strategy looks at three domains of gender equality: (i) human endowments; (ii) economic opportunity; and (iii) voice and agency. Within this framework, the Strategy focuses on four objectives:

- Improving human endowments, such as health, education and social protection. This is linked to decreasing maternal mortality, improving women's access to health facilities (and particularly for the aged and for communicable diseases), closing gender gaps in education, and expanding social safety nets.
- Removing constraints to economic opportunities, with more/better employment. This would involve increasing women's participation in the labour force, in income-generating activities, and access to/control over productive assets, through, for example, reducing skill gaps and occupational gender discrimination, and promoting an environment which Promotes women's entrepreneurial development.
- Removing barriers to ownership of/control over assets, such as land (individual and communal ownership), housing and technology. Enabling the process is access to financial/insurance services, identification.

⁶⁴ Lesotho Council of NGOs. November 2015. The Status of Women in Lesotho with Respect to Participation in Local Government Processes. *Policy Brief No 2015/01*.

⁶⁵ www.worldbank.org

⁶⁶ <https://openknowledge.worldbank.org>

⁶⁷ World Bank Group. 2015. *Gender Strategy (FY16-23): Gender Equality, Poverty Reduction and Inclusive Growth*.

- Enhancing women's voice and agency, expressed in freedom from violence, and their ability to participate/have a say in governance and political processes, and exercise control in decisions around issues such as marriage, sexuality and child-bearing. It will also involve supporting the reduction in gender-based violence, and mitigating its support in conflict situations.

Gender equality is a core development objective, and the Strategy believes that “no society can develop sustainably without transforming the distribution of opportunities, resources and choices for males and females so that both have equal power to shape their own lives and contribute to their families, communities and countries”. It is imperative that such gender equality is core to all aspects of a project.

10.2 Gender and Resettlement

Although the Government promotes gender equality and the rights of women within this legislative and policy framework, women, and especially female-headed households, are often more vulnerable to the effects of involuntary resettlement.

The Asian Development Bank (ADB) provides some examples of how women/girls may suffer the negative impacts of resettlement disproportionately to men⁶⁸:

- Gender disparities that already exist (often embedded in traditional practices) seem to be aggravated in times of social/economic stress, such as relocation to a new area;
- Gender dimensions of land ‘ownership’, control of money, and vulnerability come to the fore, and are often overlooked when it comes to compensation for lost assets; for example, women may not have property rights;
- Women as providers to the family income, working in the formal and informal sector, may lose access to these sources. With lower levels of education/skills, it is harder to adapt to a new situation; for example, in seeking employment or making choices for exploring alternatives in livelihood options;
- Restricted mobility and lack of exposure to other contexts reduces women/girl's ability to adjust to new situations;
- Loss of familiar sources of water, energy and other resources has a large impact on women/girls as it is usually their responsibility to collect them;
- The breakdown of community and social networks greatly impacts women as they are a source of support during times of crisis, and provide security for the household;
- Socio-economic distress can cause further deterioration to women's health. This, and the compounded adverse effects on women, may have an impact on the general well-being of their families, particularly children and the elderly;
- Any situation of economic and social distress may create more scope for violence against women, adding to their vulnerability. Gender disparities embedded in social practices and traditions render women vulnerable to violence and stress; and
- Women are less likely to be in a position to organise a move to another area, in terms of transport or the construction of a new home.

10.3 Gender-Based Actions

Given the potential impact of the program on women, it is important that it proactively implements gender mainstreaming⁶⁹, on a conceptual level – bringing gender towards the centre of the program – and on an operational level – responding to the impact of gender on the program, and responding to the impact of the program on gender. Successful gender mainstreaming begins at the concept, planning stage and continues

⁶⁸ Asian Development Bank. February 2003. *Gender Checklist: Resettlement*.

⁶⁹ Gender mainstreaming can be defined as “the process of identifying gender gaps and making women's, men's, girls' and boys' concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that they benefit equally”. SADC. 2008. *SADC Protocol on Gender and Development*.

through design, implementation, monitoring and evaluation, integrating gender sensitive initiatives into all elements of the program.

In order to implement a gender-based program, the following actions will be applied at project level:

- Incorporation of legislative requirements of gender equality in all aspects of the LLWSSP. Equal opportunity for all men and women landholders (including unmarried/married women);
- Awareness raising among relevant stakeholders, including where community leadership is dominated by males, and engaging in advocacy to ensure that gender issues are identified and addressed;
- Recognising the possible need to identify ‘champions’ to facilitate all actions focused on gender inclusiveness;
- Creating partnerships with gender-sensitive NGOs on implementation of aspects of the RAP, to address gender at the grassroots level;
- Working with local organisations that have an interest in/insight into gender issues, such as groups with women membership, particularly Women’s Associations at village level. This will not only ensure participation of women but also provide required gender-based knowledge for the program;
- Including gender issues into all ToR and contracts for RAP implementation;
- Actively including women in the consultation process, and ensuring that their participation is sought, from planning, through to implementation and monitoring;
- Gender sensitive social analysis; and
- Gender-sensitive project monitoring and evaluation, using gender indicators.

Women as a vulnerable group, and especially women-headed households, should obtain equal benefit to men in the program, to enhance their economic and social wellbeing.

11 MONITORING AND EVALUATION

In order to check whether or not a project is meeting relevant national and international principles, standards and guidelines, the resettlement implementation program of the project needs to be monitored and evaluated on a regular basis against agreed upon qualitative and quantitative targets.

The overall objective of a monitoring and evaluation (M+E) program is thus to monitor, assess and report on the effectiveness of the implementation of resettlement, and particularly the application of mitigation measures. This includes asset acquisition, disbursement of compensation, physical progress with land resettlement and rehabilitation activities, effectiveness of consultation and participation, and the sustainability of livelihood restoration efforts.

M+E will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of a project, measuring the extent to which the goals of the RAP have been achieved, and the effectiveness of mitigation measures. This Section outlines the methods to be employed, frequency of measurement, reporting procedures, and the organisational arrangements to be made to undertake the activities, including the involvement of those affected in the process.

11.1 Good Practice Principles of M+E

The main principles around M+E adhering to IGP that will be adhered to for the program for individual projects are:

- All project impacts will be identified and all losses properly recorded, with a database of affected people, assets and resources. This will include:
 - A census detailing household composition and demography, and other relevant socio-economic characteristics, as a baseline for the monitoring of household re-establishment; and
 - An inventory of landholdings and non-retrievable improvements (buildings and structures) to determine fair and reasonable levels of compensation and mitigation.
- Social and environmental management systems are to be established for the mitigation of negative impacts and the enhancement of positive ones. Monitoring procedures will be put in place and implemented to assess the effectiveness of the project, including whether the management systems are being effective at managing impacts, as well as being compliant with all judicial requirements.

As part of setting up management systems, appropriate indicators, targets, or acceptable criteria that can be tracked over defined time periods are to be identified.
- Monitoring will be an ongoing activity, employing mechanisms such as:
 - Internal performance and impact monitoring;
 - External monitoring through an independent source; and
 - A completion audit “once all mitigation measures have been substantially completed and once displaced persons are deemed to have been provided adequate opportunity and assistance to sustainably restore their livelihoods”⁷⁰.
- A grievance and impartial recourse mechanism is to be established, and early on in the development process to enable a timeous response to issues raised.
- Adequate resources, financial and human, are to be allocated for the implementation of M+E, and suitable responsibilities assigned to implementers.
- Effective stakeholder engagement is to be an ongoing process, conducted in a structured and culturally appropriate manner with affected communities and other stakeholders. The quality of engagement is critical, including around M+E and grievance procedures.

⁷⁰ IFC. January 2012. *Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts*.

11.2 Indicators and Measuring M+E

The identification of indicators will allow a project to monitor and evaluate its performance around involuntary resettlement.

There are different types of indicators:

- **Input indicators** measure the resources (financial, physical and human) allocated for the attainment of the resettlement objectives.
- **Output indicators** measure the services/goods and activities produced by the inputs.
- **Outcome indicators** measure the extent to which the outputs are accessible and used, and how they are used. They also measure levels of satisfaction with services and activities produced by the inputs.
- **Impact indicators** measure the key dimensions of impacts to establish whether the goals of the RAP have been achieved.

Mostly, inputs and outputs are monitored, whereas outcomes and impacts are evaluated.

In addition to these indicators, external evaluation may consider process and sustainability indicators:

- **Process indicators** measure and assess the implementation processes.

Examples:

- Level of commitment/capability of the LLWSSU (for funding, staffing etc.);
- Capacity of LLWSSU to undertake the required tasks; and
- Appropriateness of the consultation and participation process.

- **Sustainability indicators** measure and assess the long-term sustainability of elements of a project.

Examples:

- Degree of autonomy of affected community leadership structures;
- Dependencies on developmental aspects of the project (e.g. ongoing project maintenance of services); and
- Sustainability of natural resource utilisation patterns in host areas.

Indicators can be **quantitative** or **qualitative**:

- **Quantitative indicators** are indicators that ‘define’, are numeric, and indicate how much.
- **Qualitative indicators** verbally describe a situation, focus on qualities, and are not quantified, although they can be transformed into quantitative indicators.

There needs to be at least one indicator for each component or outcome of the resettlement process. However, it is possible that a single outcome may have a number of dimensions, requiring a number of indicators (such as livelihood restoration, or sustainable agriculture). Indicators themselves might be simple (derived from one measurement) or composite.

The ideal is not to have too many indicators and/or too many measures of those indicators.

While some monitoring indicators are developed on a sound scientific base, and their measurability and interpretation are straightforward, others require a several-year practice of M+E to adjust indicators and determine the best-suited methods and techniques.

Examples of indicators according to different resettlement components are presented in Table 11.1.

Table 11.1 Examples of indicators

Resettlement component		Indicator
Land	Acquisition of land	<ul style="list-style-type: none"> Area of cultivation land acquired for the project - public, private, communal Timely acquisition of land
Buildings/ Structures	Acquisition of buildings Acquisition of other structures	<ul style="list-style-type: none"> Number, type and size of public, private, communal buildings acquired Number, type and size of other public, private, communal structures acquired
Trees and Crops	Acquisition of trees	<ul style="list-style-type: none"> Number, type, ownership of private productive trees acquired, by area
	Destruction of crops	<ul style="list-style-type: none"> Number, type, ownership of crops destroyed, by area
Compensation, Re-establishment and Livelihood Restoration/Improvement (LRI)	Compensation and re-establishment of PAP household	<ul style="list-style-type: none"> Number/register of PAP assets (buildings, land, trees, crops) Number/register of businesses affected (buildings) Number/register of PAP compensated by type of loss; amount compensated Number/register of PAP classified as vulnerable Replacement residential land: location, size, access to services Number of replacement houses/business structures constructed Size, construction, durability and environmental suitability of replacement houses/business structures Water supply and electricity access Physical relocation of PAP households into replacement structures
	Re-establishment of community resources	<ul style="list-style-type: none"> Number of community buildings replaced Size, location of pasture/rangeland lost, replaced
	Re-establishment of public resources	<ul style="list-style-type: none"> Number, type of public structures acquired Number, type of public services re-established
	PAP LRI	<ul style="list-style-type: none"> Replacement landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops), and status (tenure) Changes to livestock ownership: pre-, post-disturbance Employment status of economically active members, and skills of household members, by gender Number of project-affected household members trained in project-related training courses, by gender Earnings/income by source, other than compensation payments, by gender Changes to income-earning activities (agriculture and non-agricultural) pre- and post-disturbance, by gender
Social/ Demographic	Changes to project-affected household structure	<ul style="list-style-type: none"> Household size (births, deaths, migration in/out) Age distribution Gender distribution Household head, and related relationships Status of vulnerable households Residential status of household members (place and residence of homestead members)

Resettlement component		Indicator
	Changes to access	<ul style="list-style-type: none"> Distance/travel time to nearest school, health centre, shop, market for purchase/sale of goods, and churches
	Changes to health status	<ul style="list-style-type: none"> Nutritional status of resettled household members Number of people with disease, by type Mortality rates Access to health care services (distance to nearest facility, cost of services, quality of services) Disease prevention strategies (e.g. HIV/AIDS programs)
	Changes to educational status	<ul style="list-style-type: none"> Literacy, educational attainment of project-affected household members School attendance rates (age, gender) Access to number, type of educational establishments
	Changes to status of women	<ul style="list-style-type: none"> Participation in project-related activities and enterprises Participation in project-related training programs Landholding status Use of credit facilities Income-earning capacity
	Changes in social organisation	<ul style="list-style-type: none"> Organisational membership of household members Leadership positions held by household members, by gender
Consultation	Consultation program operation	<ul style="list-style-type: none"> Establishment of project institutional base e.g. RWG, GC Composition of committees, by gender; ToR Number and dates of committee meetings; attendance at committee meetings, by gender Number of committee members trained, by gender; type of training Involvement of government, NGOs Establishment of Project Information Office Employment of CPLO and CLOs Production of material for distribution of information
Management	Institutional development	<ul style="list-style-type: none"> Staffing component of LLWSSU for the project Number, function of implementing agencies
	Procedures in operation	<ul style="list-style-type: none"> Census and asset verification/quantification procedures Effectiveness of compensation delivery system Number of land transfers effected Co-ordination between project-related structures and government agencies/LLWSSU
Grievances	Grievance Mechanism	<ul style="list-style-type: none"> Employment of GO Creation of GC, composition, ToR Development of Grievance Mechanism Development of Grievance database Status of cases

11.3 M+E Methodologies

There are three basic components of an M+E framework, each with its own methodology, depending on what it aims to achieve:

- Internal M+E;

- External M+E; and
- Completion audit.

Although M+E is the responsibility of the LLWSSU, it is recommended that an M+E Specialist take responsibility for coordinating and managing M+E functions, with assistance from a Safeguards Officer within the LLWSSU.

11.3.1 Internal M+E

Internal M+E is an ongoing management function of the LLWSSU, and any consultancy or body working for them.

Internal M+E is a process whereby physical progress is measured against a schedule of required actions. Information may be obtained through:

- A review of available project documentation, including internal reports, minutes of meetings, computer databases and analyses, and GIS mapping;
- On-the-ground observation, such as through site visits and attendance at community-based meetings;
- Personalised interviews with selected stakeholders; and
- Focus group discussions with PAP, particularly those with specialised interests, such as chiefs and elders, farmers, women, and vulnerable groups.

Internal M+E may also comprise Standardised (Quantitative) Monitoring using baseline surveys. With physical/economic displacement, the changing socio-economic status of affected individuals is to be continually monitored, measuring the impact of loss of assets and relocation upon their well-being, and the restoration of their livelihoods.

Through the creation and regular updating of a database using information obtained through the Assets, Census and Socio-Economic Surveys, socio-economic status can be tracked over time against the baseline condition of the PAP prior to resettlement, and for monitoring thereafter.

Baseline data is a solid and reliable benchmark only when it is developed in time, or at the initial stages of a project. Relying on a retrospective baseline, dependent on beneficiaries' memories or on disorganised data, faces the risk of forgotten information and/or factors being over- or under-estimated.

Once the baseline is obtained it is recommended that the monitoring be conducted every five years, preferably scheduled to occur at the same time of the year to enable meaningful trend analysis. Standardised survey instruments should be used, containing a number of objectively verifiable quantitative indicators, such as those included in Table 11.1.

11.3.2 External M+E

11.3.2.1 Independent review

External M+E will be required to contribute to the RAP implementation process, to assist with overall due diligence, and assess compliance with required resettlement implementation principles.

An **independent review** of the outputs of the environmental and social assessments and management plans (ESIA, ESMP, RAP) and systems, and the engagement process, is to be carried out by a qualified independent Environmental/Social Consultant, or Monitoring and Evaluation Consultant (MEC), not directly associated with or tied to the Lesotho Water Commission or its implementing bodies.

In line with World Bank recommendations for Category A projects⁷¹, to engage an **independent Evaluation Panel**, comprising “independent, internationally recognised” specialists, “to advise on all aspects of the project

⁷¹ Category A projects are defined by the Bank as projects likely to have significant adverse environmental impacts “that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works “highly risky or contentious, or that involve serious and multidimensional environmental concerns”, and “likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works”. A proposed project is classified as Category B “if its potential adverse environmental impacts

relevant to the EA”⁷², which will include evaluation of the resettlement component of a project. According to the Bank, the role of the advisory panel would depend on “the degree to which project preparation has progressed, and on the extent and quality of any EA work completed, at the time the Bank begins to consider the project”. The Panel is in addition to the independent expert/s not affiliated with the project for Category A projects; for Category B projects the individual expert/s are regarded as sufficient.

The functions of the individual and/or panel would, amongst other things, entail M+E of the performance of resettlement activities through:

- Establishing the progress of the resettlement program;
- Examining all internal and external reports, with an emphasis on the evaluation of monitoring reports;
- Random site visits and consultation with the affected population, to verify the success of implementation;
- Evaluating project institutions, including capacity and operational constraints;
- Reviewing grievances, grievance redress, and the grievance management system;
- Analysing budgets and expenditure in relation to milestones and realities on the ground; and
- Advising the LLWSSU, and affected communities, of any emergent issues, together with recommendations on how to address issues and improve the practices, focus and orientation of the resettlement program.

In addition to the various indicators assessed by the other forms of monitoring, external evaluation would consider process and sustainability indicators, as described in Section 11.2 above.

11.3.2.2 Participatory Monitoring and Evaluation (PME)

The participation of those affected in the M+E process occurs through a continual process of engagement between affected individuals, the LLWSSU, and other relevant stakeholders such as project-related structures. Participation in M+E is also ensured through formal activities, such as the periodic quantitative socio-economic surveys.

A community-based participatory monitoring component is an additional tool to be used to gauge the effectiveness of resettlement implementation in meeting the needs of the affected population. This can be conducted at the initiative of the LLWSSU, running parallel to the quantitative monitoring process. A suitable agency, such as an NGO, may be appointed as a facilitator to undertake the PME program.

Through the process PAP and PAC are assisted in:

- Monitoring their own progress towards recovering their pre-project standard of living;
- Evaluating the effectiveness of mitigation measures;
- Developing their own solutions to outstanding problems; and
- Communicating their findings to the LLWSU, and requesting remedial action where required.

This monitoring component uses Participatory Rural Assessment (PRA) or similar exercises, with qualitative indicators which emerge from the process, such as:

- Attitudes to key resettlement initiatives and implementation operations (e.g. relocation sites, compensation);
- Perceptions and suggestions relating to positive/negative impacts;

on human populations or environmentally important areas - including wetlands, forests, grasslands, and other natural habitats - are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases mitigatory measures can be designed more readily than for Category A projects” (World Bank. April 2013c. *OP 4.01 Environmental Assessment*).

⁷² World Bank. April 2013c. *Op cit*.

- Disturbances to social practices and fabric (e.g. resettlement to another area, influx of construction workers);
- Pressure on the service provision required of local authorities; and
- Attitudes to the consultation/participation process.

The outcome of this process is an assessment of the PAP's and PAC's attitudes, perceptions and views, with identifiable solutions, regarding both general and specific elements of the resettlement implementation process.

11.3.2.3 Completion Audit

The M+E program must be developed to an extent that a Completion Audit can be performed by an independent agency at the end of the project's resettlement program.

According to the IFC, "The (external) completion audit should be undertaken once all mitigation measures have been substantially completed and once displaced persons are deemed to have been provided adequate opportunity and assistance to sustainably restore their livelihoods.

"The completion audit will be undertaken by competent resettlement professionals once the agreed monitoring period is concluded, and will involve a more in-depth assessment than regular resettlement monitoring activities, including at a minimum a review of the totality of mitigation measures with regard to physical and/or economic displacement implemented a comparison of implementation outcomes against agreed objectives, a conclusion as to whether the monitoring process can be ended and, where necessary, a Corrective Action Plan listing outstanding actions necessary to meet the objectives"⁷³.

The overall aim of the Audit will thus be to verify that all resettlement implementation activities have been undertaken in compliance with the objectives and principles of the project, and in particular for both the RAP and LRP.

Specific aims of the Audit will be to:

- Confirm that all physical inputs have been delivered;
- Confirm all outputs achieved under the program; and
- Assess whether the outcomes of the program have had the desired beneficial impacts.

The Audit will assess whether the criteria for completion of resettlement implementation have been met, and describe any outstanding issues that require attention prior to the closing of a project's resettlement program.

11.4 M+E Reporting

Reporting on the activities around involuntary resettlement forms an integral part of monitoring and evaluation, to:

- Ensure early detection of conditions that necessitate particular mitigation measures, and
- Provide information on the progress and results of mitigation.

Specific project-related monitoring reports need be prepared at regular intervals, monthly, quarterly and/or annually, as determined when developing the reporting aspects of the M+E framework. These may include:

11.4.1 Internal Reporting

Internal reporting – reporting within the LLWSSU – will comprise the following aspects:

- The results of all resettlement activities carried out during the course of the project by anybody in any way involved in the project, to be documented and archived by the dedicated M+E person within the LLWSSU on an ongoing basis.

⁷³ IFC. January 2012. Performance Standard 5: *Land Acquisition and Involuntary Resettlement*.

- A monthly progress report submitted from the project's locally based Project Information Office, for inclusion in a monthly internal report compiled by the LLWSSU, and in a quarterly report for distribution to the RWG.

All activities will be monitored against planned milestones by the M+E of the LLWSSU.

11.4.2 Participatory M+E

If undertaken, PME will be coordinated by the LLWSSU. The information will be recorded for use by the LLWSSU, with copies of reports provided to the communities that participated in the exercises.

11.4.3 External Reporting

External reporting will be as follows:

- Reporting to all stakeholders on project-related matters, on an ongoing basis, primarily through project structures.
- Reporting by and to an Evaluation Panel. The Panel will initially undertake bi-annual site visits; thereafter they will meet annually for the duration of the project.
- Undertaking a Completion Audit at the end of the compensation/relocation program.
- Reporting in line with policies of external financial institutions funding the project, such as the World Bank.

As stated by the World Bank, the M+E process is to continue “for a reasonable period after all resettlement and related development activities have been completed”⁷⁴.

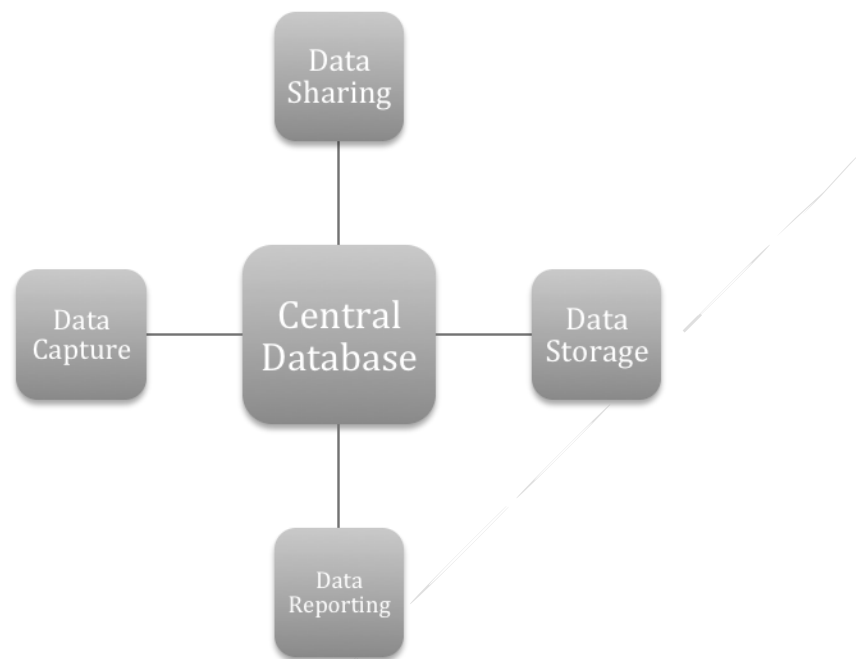
⁷⁴ World Bank. February 2011. *OP4.12 Annex A: Involuntary Resettlement Instruments*.

12 DATA MANAGEMENT AND REPORTING

A strong focus on data and information management is required as a critical enabler for successful project implementation. Data management is the process of managing data collection, capturing, maintenance and reporting systems, and the usage of that data.

12.1 Database as an Information System

All information collected for the RAP is to be stored in an information system. Of particular use are databases, linked to a Geographic Information System (GIS). The elements of a database can be illustrated diagrammatically:



Through **data capture**: all data is collected in support of a RAP. The sources of information, and the procedures of data collection (quantitative or qualitative), follow from the objectives of the study and the selected choice of methods of enquiry. For example, the Asset, Census and Socio-Economic Surveys are quantitative; FGDs are qualitative.

Through **data sharing**: the database enables easy access to information for LLWSSU personnel, stakeholders and other IAPs, maintaining a level of confidentiality where required, such as around compensation determination, and grievances.

Through **data storage**: the database ensures that information:

- Is integrated and kept securely together in one place, and
- Is organised in such a way that it can be quickly and easily retrieved.

Through **data reporting** tools: the database provides records of all data input, and tracks the status of that data. Summary reports can easily be produced, with a high level of reliability.

12.2 Database Development

A comprehensive, practical and effective Central Database is to be created for the capture and storage of components of a RAP. This is the basis for future database build and development. This includes:

- **A database build project**, based on the above model, which serves to integrate all aspects of resettlement implementation. The Central Database will include:

- GIS mapping of the Project Area, depicting directly affected villages, local service provision (such as religious, educational and health facilities), roads and bridges, river crossings, and grave sites;
- Areas of relocation, for resettlement and grave sites;
- Information on consultation, and GIS mapping of places of consultation; and
- Data on PAP (cadastral survey of affected land and structure, register of affected assets; socio-economic baseline information).

This can be extended to the development of linkages to this database, with:

- A Compensation Package, including a Compensation Register and livelihood restoration elements, for each PAP, linked to the Assets Register. The database would enable the tracking of progress on compensation payments and other mitigation measures;
- A Grievance Database, detailing the complainant, grievance type, and stage of resolution; and
- Reporting from the M+E process.

The addition of information to the Central Database will be an ongoing activity, as data is obtained from various studies and sources.

- **Defining roles and responsibilities** of those involved in the Central Database upgrade, for ongoing operation of information systems and databases. This may require the creation of a post within the LLWSSU, dedicated to GIS and database development, coordination and maintenance.
- **Capacity building** for LLWSSU staff involved in the project, for optimal utilisation of GIS mapping, databases, and the relationships between them. In particular, those giving input into, and using, the database include the GIS expert, and the personnel responsible for grievance database entry, the compensation packages, and M+E. This involves training in database management and GIS skills.

When collecting data, the goal is not to collect as much as possible but to collect what is needed. Too much data leads to information overload, and difficulty in data analysis. Rather, it is important to narrow the focus to the most important indicators of outcome and impact, taking into consideration available time and resources. However, the quality of data is important, in terms of validity (how well a test measures what it claims to measure) and reliability (degree to which an assessment tool produces consistent results)⁷⁵.

12.3 Data Reporting

Reporting forms an essential component of the requirements for consultation and dissemination of project information. Once data has been collected and analysed, reports are generated to disseminate the information to the respective personnel within the LLWSSU and/or to other relevant stakeholders, including the PAC and PAP. This may be, for example, for aspects of compensation payments, grievance tracking and M+E.

Different reporting formats can be used with different content, depending on requirements. Reporting can be either written or oral. Examples include:

- Written evaluation or performance reports;
- Short summary reports/presentations;
- Oral briefing session with charts, posters, visual data;
- Discussion groups;
- Brochures, pamphlets, newsletters, briefing notes, handouts; and/or
- The use of email, websites or other forms of social media.

⁷⁵ www.uni.edu

13 RESETTLEMENT IMPLEMENTATION AND SCHEDULE

A full schedule covering all resettlement activities, from preparation through to implementation, including monitoring and evaluation in the long term, is to be linked to the overall project plan, and particularly to the implementation of civil works delineated in a Construction Program.

13.1 Institutional Arrangements

The Water Commission of Lesotho, as the Project Proponent, established the Lesotho Lowlands Water Supply Scheme Unit (LLWSSU) to undertake all technical, administrative and financial responsibilities related to the Project.

In essence, the LLWSSU is responsible for ensuring that all aspects of this RPF, and any possible subsequent amendments, are implemented and monitored.

Implementation of the Resettlement Plans for the different Project phases will be dependent on the development of a strong institutional base. This will require not only the co-ordination of related activities within the LLWSSU, but the establishment of Project-related structures, involving relevant stakeholders such as national bodies and affected stakeholders, with input from other organisations as appropriate.

Currently all socio-economic and resettlement issues of the LLWSS within the LLWSSU, including the implementation of safeguard requirements, are managed by the Chief Environmental Officer (CEO), overseen by the LLWSSU Director, with input from the Chief Engineer, Water Resources, and the Technical Assistant to the Project.

Clearly the tasks required for resettlement implementation as embodied in this RPF will require additional support staff. In order to fulfil its functions it is thus proposed that an Environmental and Social Unit (ESU) be established within the LLWSSU, dedicated to social and environmental affairs. The scope of the Unit will include co-ordinating, managing and implementing all matters relating to resettlement issues.

It is recommended that the ESU comprise the CEO, supported by a Chief Social Officer (CSO), and a project team with sufficient personnel and resources, to include:

- A *Resettlement/Livelihoods Restoration Specialist* dedicated to the Program, given that the Project components will involve loss of land and potentially involuntary resettlement;
- A *Grievance Officer (GO)*, to co-ordinate all functions relating to Project grievances, as delineated in Section 9;
- A *Community Participation and Liaison Officer (CPLO)*, employed specifically as having particular skills in community development work, focusing on participation and liaison;
- A number of *Community Liaison Officers (CLOs)*, drawn from Project-affected Communities (PACs), with the specific responsibility of working in direct consultation with the communities on Project-related matters under the supervision of the CPLO;
- A *GIS and Database Specialist*, dedicated to GIS mapping, and to database development/upgrade, coordination and maintenance, for ongoing operation of information systems and databases, including for compensation, grievances, and monitoring and evaluation, as described in Section 12; and
- A *Monitoring and Evaluation Specialist*, a position with the responsibility of overseeing both internal and external M+E processes, as detailed in Section 11, with assistance from a *Safeguards Officer* within the LLWSSU to ensure compliance.

Although the CEO and CSO will assess any measures required to strengthen the Section's capacity to design and carry out resettlement activities, including technical assistance, all staff should, on appointment, be given extensive induction and training in resettlement-related issues, including:

- Environmental and social overview of a project, including any ESIA and ESMP undertaken to date;
- National regulations and acts, and international resettlement/compensation best practice;
- The Project's compensation and relocation objectives, principles and procedures;
- Land acquisition procedures;
- Livelihood restoration and diversification;
- The Grievance Mechanism, and how it is applied;
- The process of M+E, and how it relates to their specific tasks community participation and development, with specific focus on the requirements of vulnerable social categories; and
- GIS, and the project's database on socio-economic information and assets, including records of grievances.

It is recognised that the ESU may expand or contract in alignment with project components and active project sites, depending on the level of impact and related resettlement.

The ESU will be supported by Consultants to provide additional expertise if and when required, according to Terms of Reference (ToR) prepared by the LLWSSU; for example, they will assist in the preparation of any RAPs and/or LRPs.

Recognising that the resettlement process is consultative and representative, the LLWSSU will work in co-operation with Project structures set up specifically for components of the Program.

The Department of Rural Water Supply (DRWS) and the Water and Sewerage Company (WASCO), as beneficiaries and end users of the infrastructure that will be developed as part of this Project, also hold the responsibility of ensuring that environmental and social compliance is adhered to over Project implementation.

The institutional arrangements will assist in taking the Project forward, and particularly in relation to undertaking the different Phases of the Project as planned and discussed in the sections below.

13.2 Resettlement Schedule

In line with recommendations made in this RPF, based on legal and IGP requirements, the following key activities are to be built into the Resettlement Schedule to take the RAP forward for the different phases of each project:

13.2.1 Preparatory Phase

Requirements at the project preparatory phase include the following resettlement-related activities:

- Developing a SEP and commencing the consultation process;
- Appointing and training staff within the PMU of the LLWSSU to commence with resettlement-related activities, including: a CSO; a GIS and Database Specialist to establish and operate a Database Build and GIS system; a CPLO and CLOs to co-ordinate an ongoing consultation program; a GO to develop and implement the Grievance Mechanism; and a Monitoring and Environmental Specialist dedicated to M+E;
- Opening a Project Information Office on site, with available information for dissemination, and as an access point for grievances; and
- Establishing Project structures, such as a RWG, with appropriate Sub-Committees, including a GC. Preparation of the social environment is essential for the establishment of the relevant structures, to enable effective consultation and dissemination of information to take place. This will involve:
 - finalising the ToR of all organisational structures, including the roles and responsibilities of members; and

- designing and implementing a capacity building programme for all participants as appropriate, including training around background to the Project and methods of reporting back, with a focus on the community-based representatives on Project structures.

13.2.2 Pre-Construction Phase

The law requires that compensation be paid before acquisition of property. Pursuant to that a timetable shall be prepared for disbursement of compensation to entitled persons, taking into account schedules of land takings due to construction of advance infrastructure and the major works.

The required pre-construction activities can be staggered depending on where and when project construction starts. The activities will involve a step-by-step process:

- Approving the detailed configurations of the various project components so that the final land acquisition requirements and recording exercises can be undertaken;
- Verifying asset acquisition for sign-off, prior to resettlement implementation, through the asset adjudication process;
- Providing PAP with options around resettlement, and determining what their selection is;
- Identifying land for resettlement, and assessing the suitability of the land;
- Liaising with relevant District Administration Offices around co-ordination of activities that will be required during implementation, such as: sensitising communities on issues relating to resettlement; the provision of services and infrastructure, including roads/streets, power supply lines, education, health, water and sanitation, and other community and social facilities serving the area.
- Contracting suitable NGOs to assist with the preparation of the social environment, including social service programs, and capacity building and skills enhancement for project structures if required;
- Creating a database of compensation requirements, based on the asset verification process; identifying the vulnerable; and disbursing compensation entitlements;
- Facilitating the relocation of people onto the alternative land sites; and
- Determining and implementing LRI requirements.

Parallel to this process the following ongoing activities will occur:

- Consultation around issues at hand relating to resettlement;
- Ensuring the GM and accompanying database is operational; and
- M+E of activities.

13.2.3 Construction

Pre-construction activities will take place in some areas while construction is underway elsewhere, depending on the phase of the project.

Once construction is underway, concentration will be on:

- The handing back of temporarily acquired land;
- The resolution of grievances; and
- M+E, to ensure that the RAP and accompanying mitigation measures have been implemented, until project closure.

14 COSTS AND BUDGET

As stated in Section 4, a principle for resettlement is that relocation planning, budgeting and implementation will be an integral part of the program's projects. It is therefore imperative that the costing for resettlement is undertaken upfront as far as possible.

The costs for implementation of resettlement can be divided into Capital Costs and Operating Costs, as detailed below.

14.1 Capital Costs

Capital Costs include the payment of compensation and other entitlements, including for land acquisition, compensation for structures and associated infrastructure, and for standing crops and productive trees. It includes costs relating to payment for workers that will lose their jobs, either permanently or temporarily, through the acquisition of assets.

Added to this are rehabilitation allowances, such as Evacuation, Displacement and Vulnerable Household Allowances.

14.2 Operating Costs

Apart from the running costs of the LLWSSU, Operating Costs for implementation of a RAP include: costs for contracting service providers, for organisational support (committees, sub-committees etc.), for undertaking validation surveys, for public consultation, and for monitoring and evaluation.

14.3 Funding Arrangements

As with Metolong, the Government of Lesotho (GoL) will fund all resettlement activities.

Arrangements for the timely flow of funds is essential to the implementation of a RAP according to the time schedule.

15 PREPARATION OF RESETTLEMENT ACTION PLANS

“Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance, including (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required”⁷⁶. So says the World Bank, and in sum this is what a RAP comprises.

A separate RAP is required wherever a project component of the LLWSS program causes displacement of households, or where there is severe loss of, or access to, assets, loss of income sources or means of livelihood.

Although an outline of a RAP is presented in Appendix F, in the presence of this Policy Framework the content of a RAP need not detail the information already covered. Rather, each RAP will focus on issues relating to:

- The consultation process undertaken;
- Any institutional arrangements established for the project, with particular reference to resettlement;
- Socio-economic information specific to the applicable area;
- Determination of impacts as relevant to the RAP, primarily through the asset adjudication exercise;
- Adjudicated assets information, including the creation of a database;
- Entitlements related to the specific impacts;
- Resettlements sites;
- An implementation schedule for resettlement activities; and
- Detailed costs estimates.

A RAP will therefore be the vehicle for implementing this Policy, tailored to meet the particular project activity circumstances and aligned to the World Bank O.P. 4.12.

Updated versions of a RAP may be required if project approval is delayed and/or the project configurations or components alter in any way. Additional activities may be required, such as a Validation Asset Survey and an updated Census. However, the amended RAP will use the same principles as outlined in this document, and include disclosure in the same form as before.

⁷⁶ World Bank. April 2013a. *Op cit.*

APPENDIX A ZONAL SETTLEMENTS AND MAPS

Settlements identified for each zone, including those identified as candidates for extension, are given in the table below. Population data are based on the 2006 national Census. Each zone has a corresponding map.

Table A-1: Zonal settlements and corresponding 2006 populations

Settlement	Original Settlement Population (2006)	Population Extension (2006)	Total Population (2006)
ZONE 1: BOTHA-BOTHE			
BOTHA-BOTHE	27,116	4,969	32,085
Ha Belo/Makong	3,259		3,259
Seboche	5,218		5,218
Ha Selomo	9,681		9,681
Khukhune	6,150		6,150
Makhunoane	2,226		3,729
Nqechane	5,473	2,843	8,316
Phelantaba	3,395		3,395
Pitsi'snek to Ha Khabo	15,083		15,083
Qalo	3,706		3,706
Qholaqhoe	4,576		4,576
Serutle	5,787		5,787
SUBTOTAL	76,587	7,812	100,985
ZONE 2: HLOTSE/MAPUTSOE			
HLOTSE	17,582	335	17,917
Bela Bela	6,248		6,248
Corn Exchange	3,275		3,275
Ha Jonathane	2,888		2,888
Hleoheng	2,351		2,351
Makhoa	2,351	4,382	6,733
Ha Nchee	2,120		2,120
Khanyane	3,022		3,022
Kolojane	3,022	1,017	4,039
Likhetlane	8,259		8,259
Mahobong	5,630		5,630
MAPUTSOE	30,552	4,056	34,608
Matlameng	3,790	2,475	6,265
Pitseng	7,147		7,147
Tabola	2,666		2,666
Tsikoane	2,560	3,619	6,179
Kotsana		4,110	4110
Likhelane		946	946
Likhakeng		2,866	2,866
Mamokoaqo		1,870	1,870

Settlement	Original Settlement Population (2006)	Population Extension (2006)	Total Population (2006)
Mathokoane		6,408	6,408
Matukeng		4,056	4,056
Peka		799	799
Qoqolosing		3,663	3,663
Tabola		3,206	3,206
SUBTOTAL	103,463	43,808	147,271
ZONE 3: PEKA/MAPOTENG			
Kolonyama	6,119		6,119
Ha Makhaketsa	3,070	1,217	4,287
Mamathe	6,246	6,737	12,983
Ha Mohlokaqala	3,288		3,288
Majaheng	4,518		4,518
‘Makhoroana	4,436		4,436
Mapoteng	10,158		10,158
Peka	4,317		4,317
Sefikeng/Koali	1,478	4,510	5,988
Tabola		822	822
TEYATEYANENG	30,602		30,602
SUBTOTAL	77,187	19,151	96,338
ZONE 4: MASERU/MAZENOD/ROMA			
MASERU	241,661		241,661
Baruting	3,951		3,951
Bethany/’Matholoane	719		719
Boinyatso	2,681	626	3,307
Ha Buasono	1,200		1,200
Ha Hlalele	1,357		1,357
Ha Mantsebo	9,271		9,271
Ha Mofoka	2,874	1,131	4,005
Hangers Drift	2,056		2,056
Ha Ntsi	4,031		4,031
Ha Ramokotjo	1,441		1,441
Ha Ramorakane	1,932		1,932
Ha Rankhelepe	4,017		4,017
Ha Senekane	4,976		4,976
Ha Tlebere	1,992		1,992
Korokoro	1,926		1,926
Maqhaka	4,699		4,699
Matukeng	1,928		1,928
MAZENOD	13,655		13,655
Metolong	6,295		6,295

Settlement	Original Settlement Population (2006)	Population Extension (2006)	Total Population (2006)
Mokema	1,445		1,445
Mokhethoaneng	1,629		1,629
Nazareth	5,158	3688	8,846
Popa	1,993		1,993
ROMA	10,453	509	10,962
Thaba Bosiu	2,769		2,769
Thaba Khupa	7,282		7,282
SUBTOTAL	343,391	5,954	349,345
ZONE 5: MORIJA/MATSIENG			
Boleka	1,982		1,982
Kolo	4,520	4,596	9,116
Ha Makhakhe	3,603	2,633	6,236
Ha Mokhalinyane	4,057		4,057
Ha Moruthuane	2,223		2,223
Makhanyeng	2,961		2,961
Maputo	2,957	1,827	4,784
Matelile	6,011		6,011
MATSIENG	7,045		7,045
Mauteng	2,223		2,223
MORIJA	3,875	982	4,857
Motsekuoa	3,386	540	3,926
Ha Ramokoatsi	2,826		2,826
Rothe	5,746	8,027	13,773
Tebang	2,463		2,463
Ts'akholo	2,664		2,664
SUBTOTAL	58,542	18,605	77,147
ZONE 6: MAFETENG			
Bataung	2,973	1,566	4,539
MAFETENG	28,331	4,761	33,092
Ha Khobotle	3,007	3,108	6,115
Matlapaneng	2,511		2,511
Matelile (Extension)		1,405	1,405
Motsekuoa (Extension)		3,393	3,393
Ha Ramohapi	2,913	1,491	4,404
Qalabane	1,813	517	2,330
Siloe	3,843	2,569	6,412
Thabana-Morena	5,357	1,978	7,335
Van Rooyen	1,868	1,201	3,069
SUBTOTAL	52,616	21,989	74,605
ZONE 7: MOHALE'S HOEK			

Settlement	Original Settlement Population (2006)	Population Extension (2006)	Total Population (2006)
MOHALE'S HOEK	22,212	992	23,204
Mesitsaneng	5,578	1,289	6,867
Ha Maphohloane	2,338	2,230	4,568
Ha Ts'epo	4,247	2,238	6,485
Mpharane	3,283		3,283
SUBTOTAL	37,658	6,749	44,407
ZONE 8: QUTHING			
Alwyn'skop	6,808	2,955	9,763
Ha Ntho	3,433	1,180	4,613
MOYENI (QUTHING)	9,681		9,681
Mount Moorosi	4,361		4,361
Qomoqomong	2,581	3,694	6,275
Tele Bridge	2,757		2,757
SUBTOTAL	29,621	7,829	37,450
ZONE 8A: QUTHING EXTENSION			
Braakfontein		1,898	1,898
Holy Cross		3,005	3,005
Mekaling North		4,475	4,475
Mekaling South		4,409	4,409
Morifi		3,232	3,232
SUBTOTAL		17,019	17,019
SEMONKONG			
Ha Lepae	1,144		1,144
Ha Leteketa	772		772
Ha Khonyeli	1,782		1,782
Polateng	345		345
Ha Leloko	317		317
Ha Lesala	298		298
Ha Matekela	529		529
Ha Tsekiso	270		270
SUBTOTAL	5,457		5,457

Zone 1

Legend

Candidate Extensions

Zone Boundary

Zone 1

Settlements

- Butha Buthe
- Ha Belo
- Ha Pokane
- Ha Selomo
- Khukhune
- Kololong
- Likhahleng
- Makhunoane
- Manamela
- Nqechane
- Phelandaba
- Pitsi's Nek/Khabo
- Qalo
- Qholaqhoe
- Seboche
- Serutle

Scale: 0, 3.5, 7, 14 Kilometers

Figure 0.2 Revised Demand Zone 2: Village/Settlement Areas

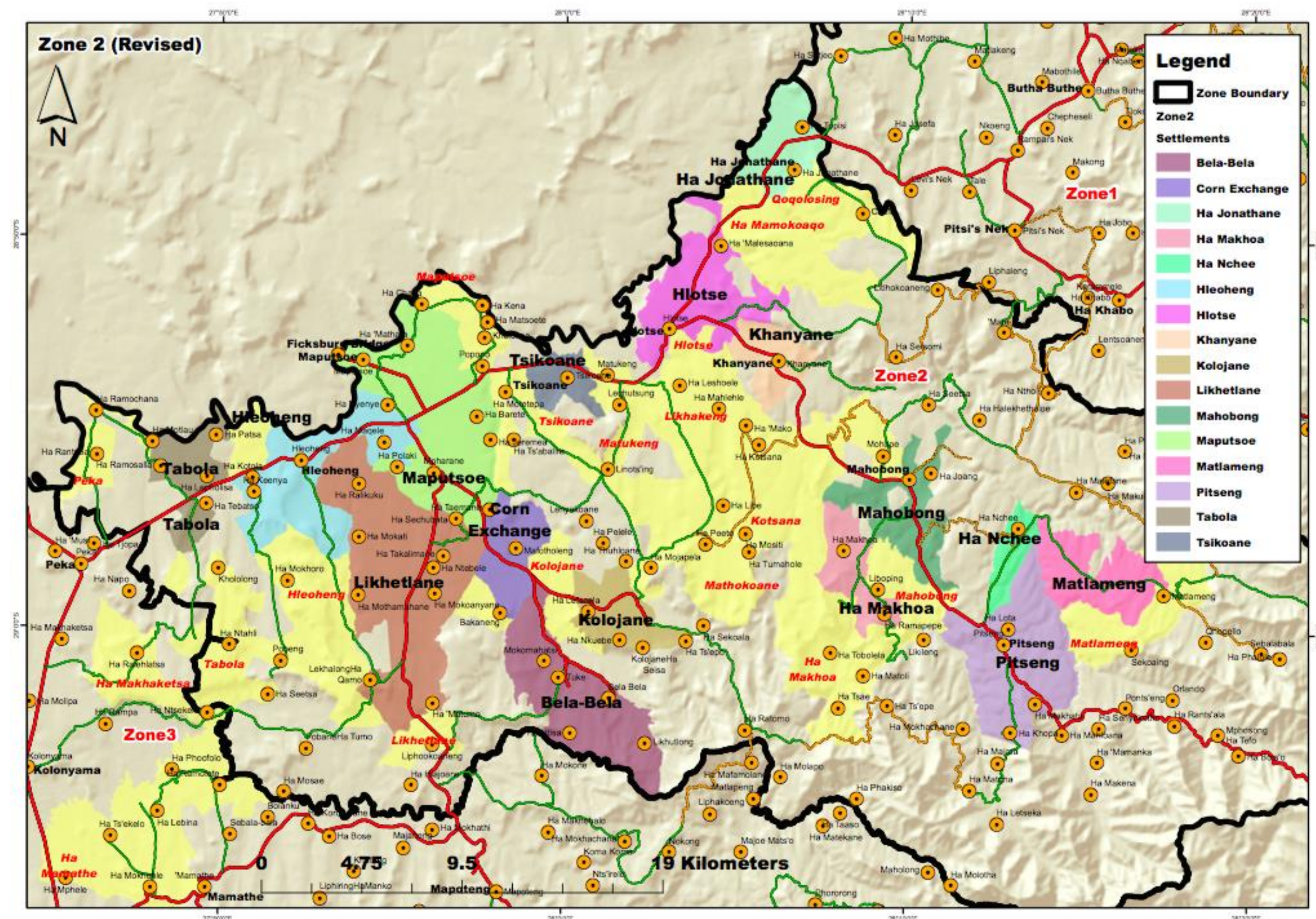


Figure 0.3 Revised Demand Zone 3: Village/Settlement Areas

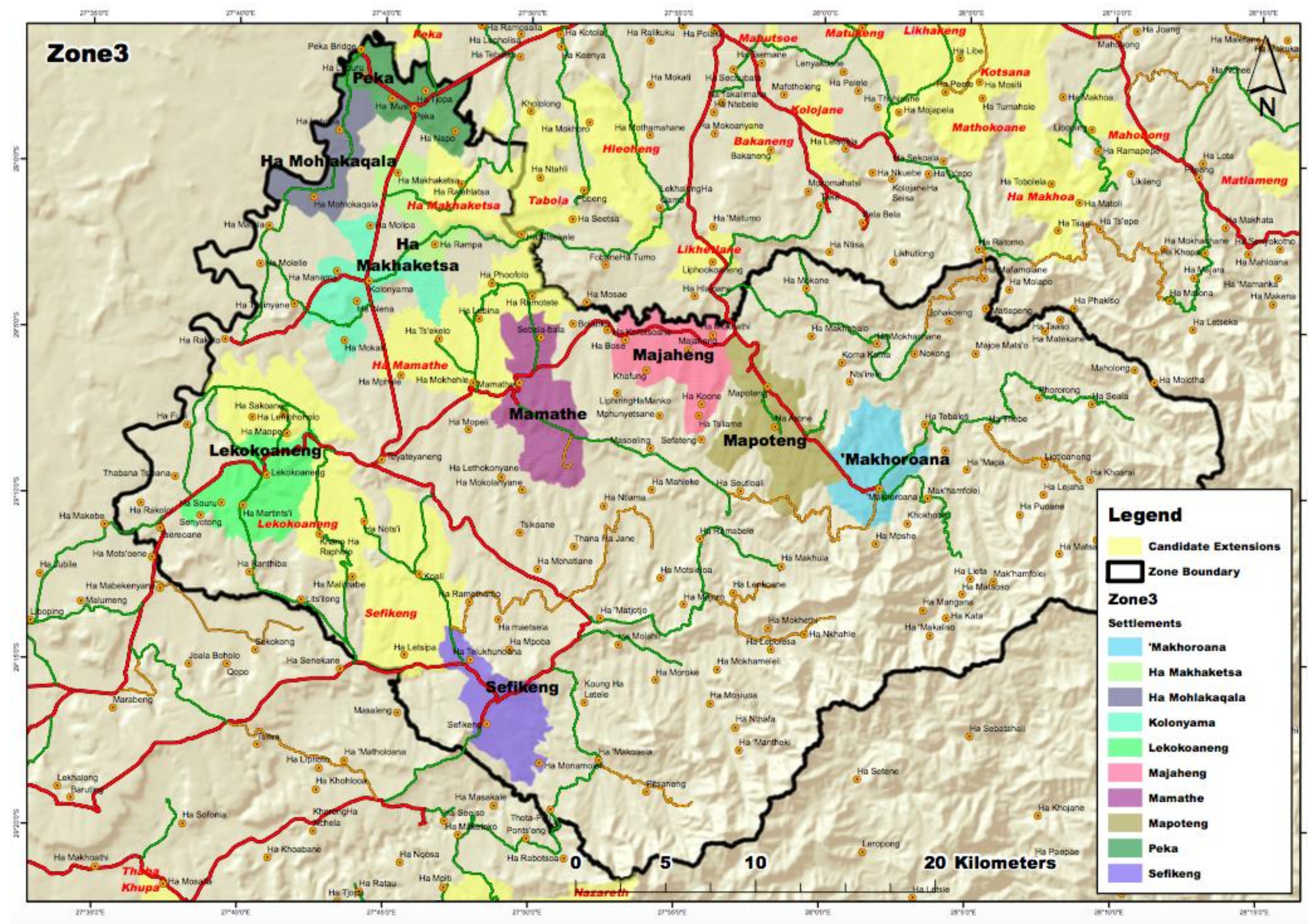


Figure 0.4 Revised Demand Zone 4: Village/Settlement Areas

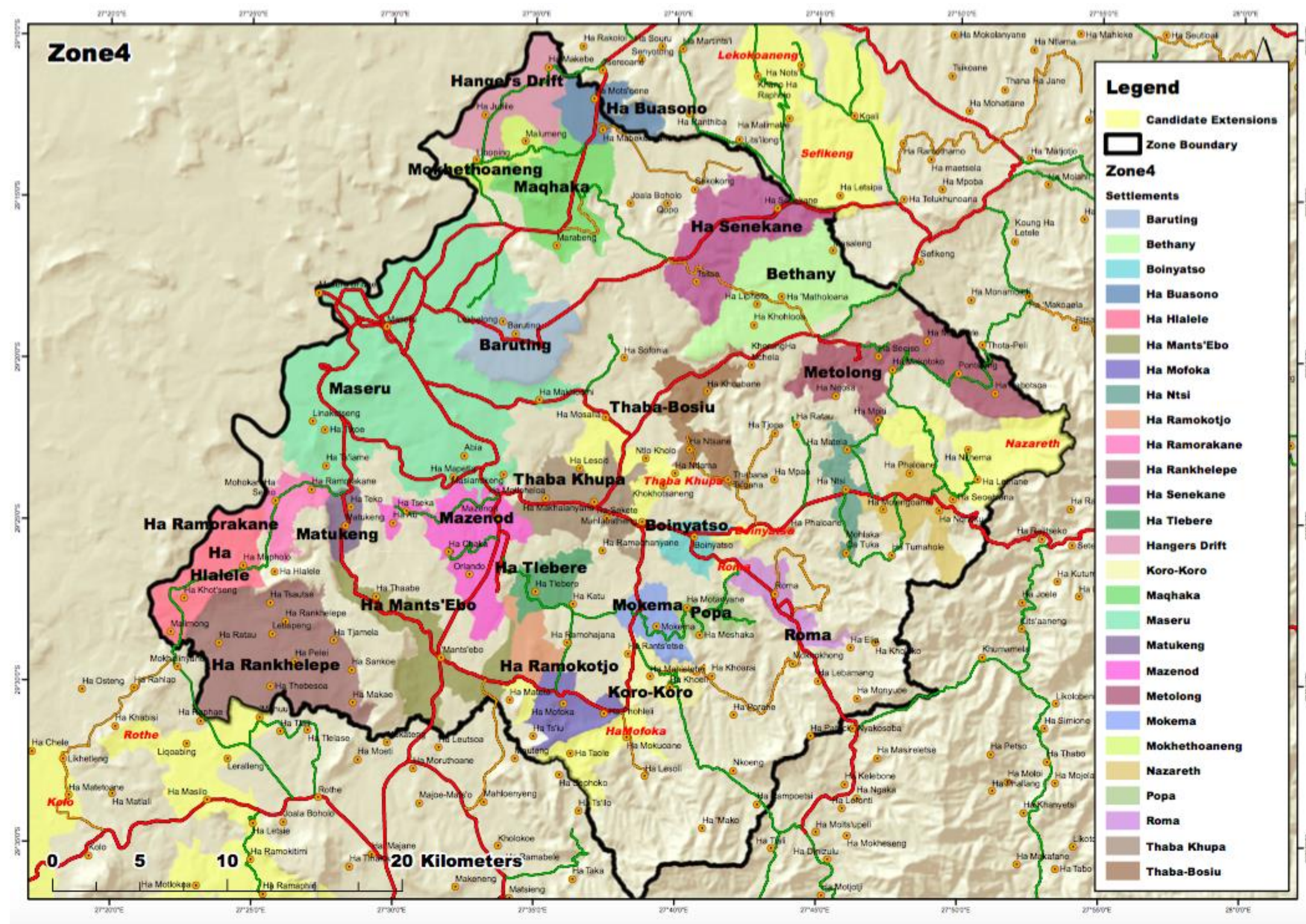


Figure 0.5 Revised Demand Zone 5: Village/Settlement Areas

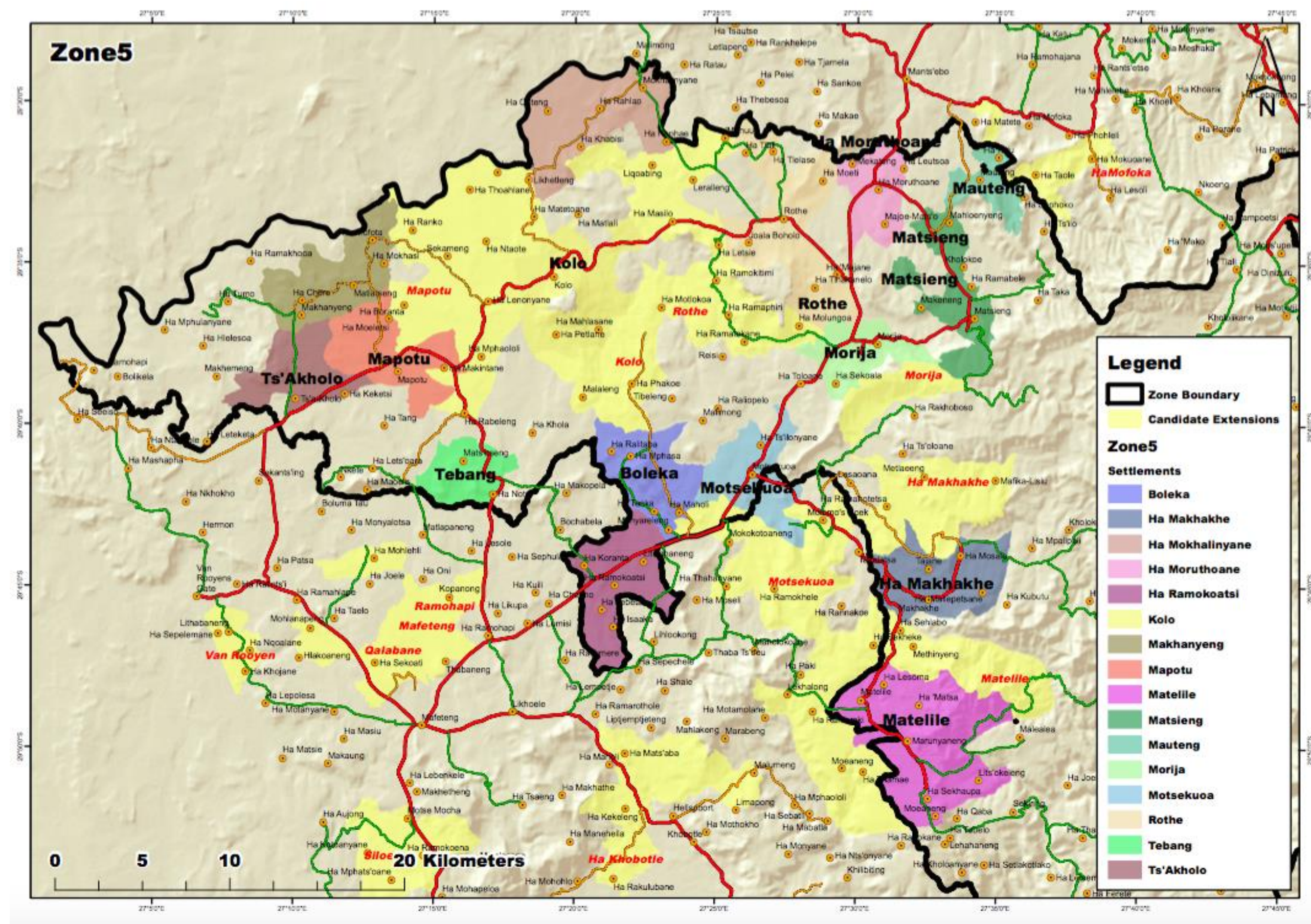


Figure 0.6 Revised Demand Zone 6: Village/Settlement Areas

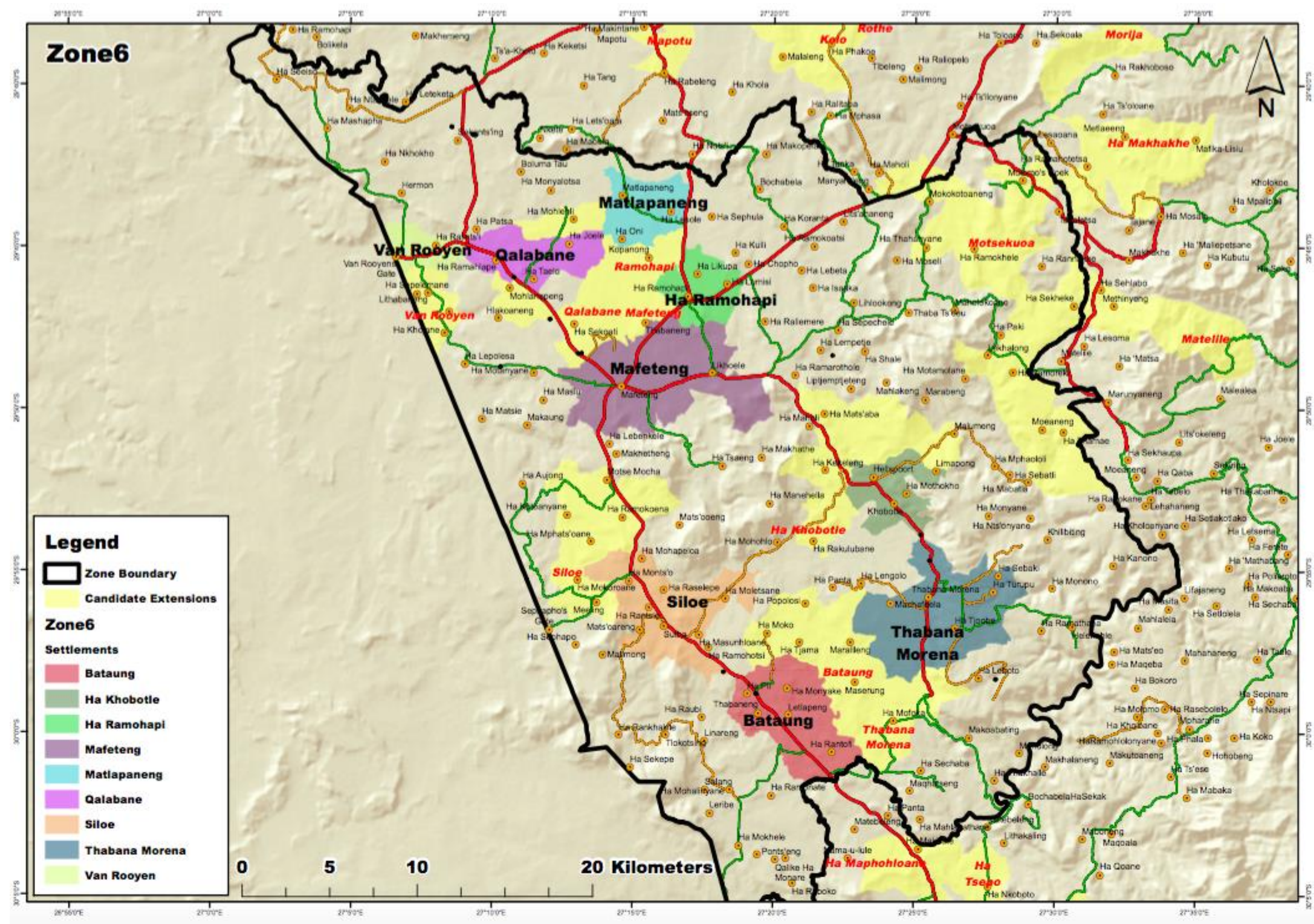


Figure 0.7 Revised Demand Zone 7: Village/Settlement Areas

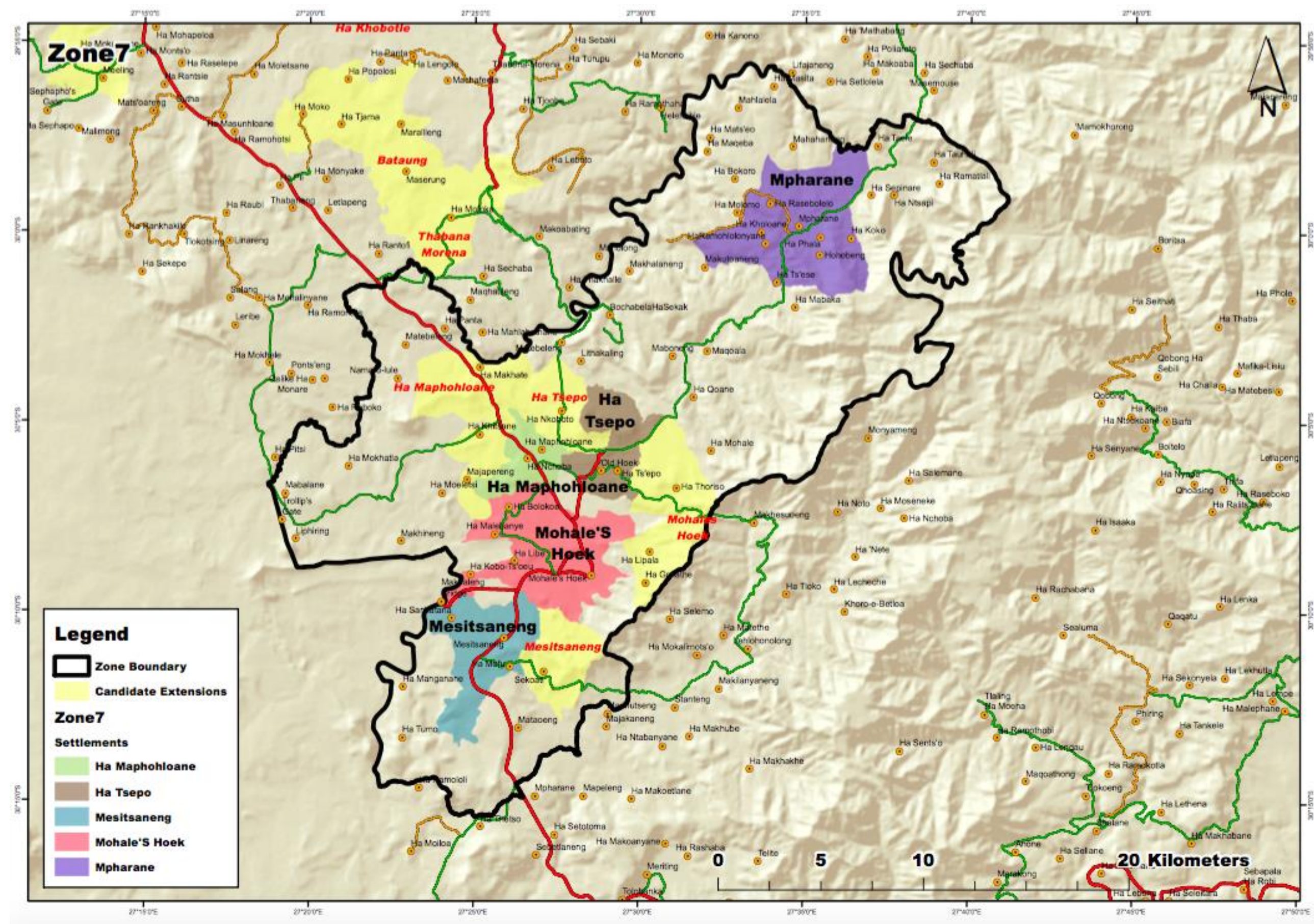


Figure 0.8 Revised Demand Zones 8 and 8A: Village/Settlement Areas

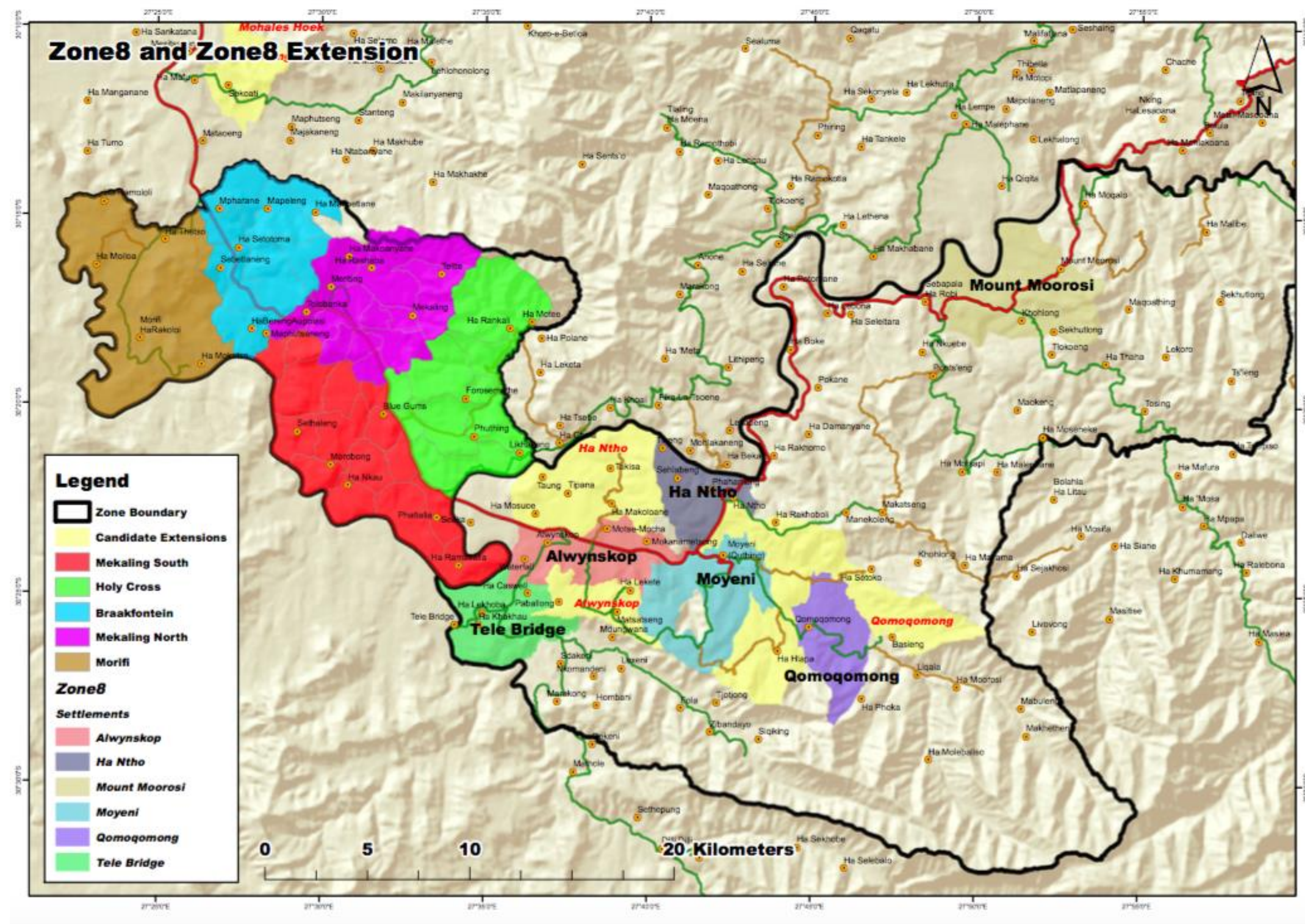
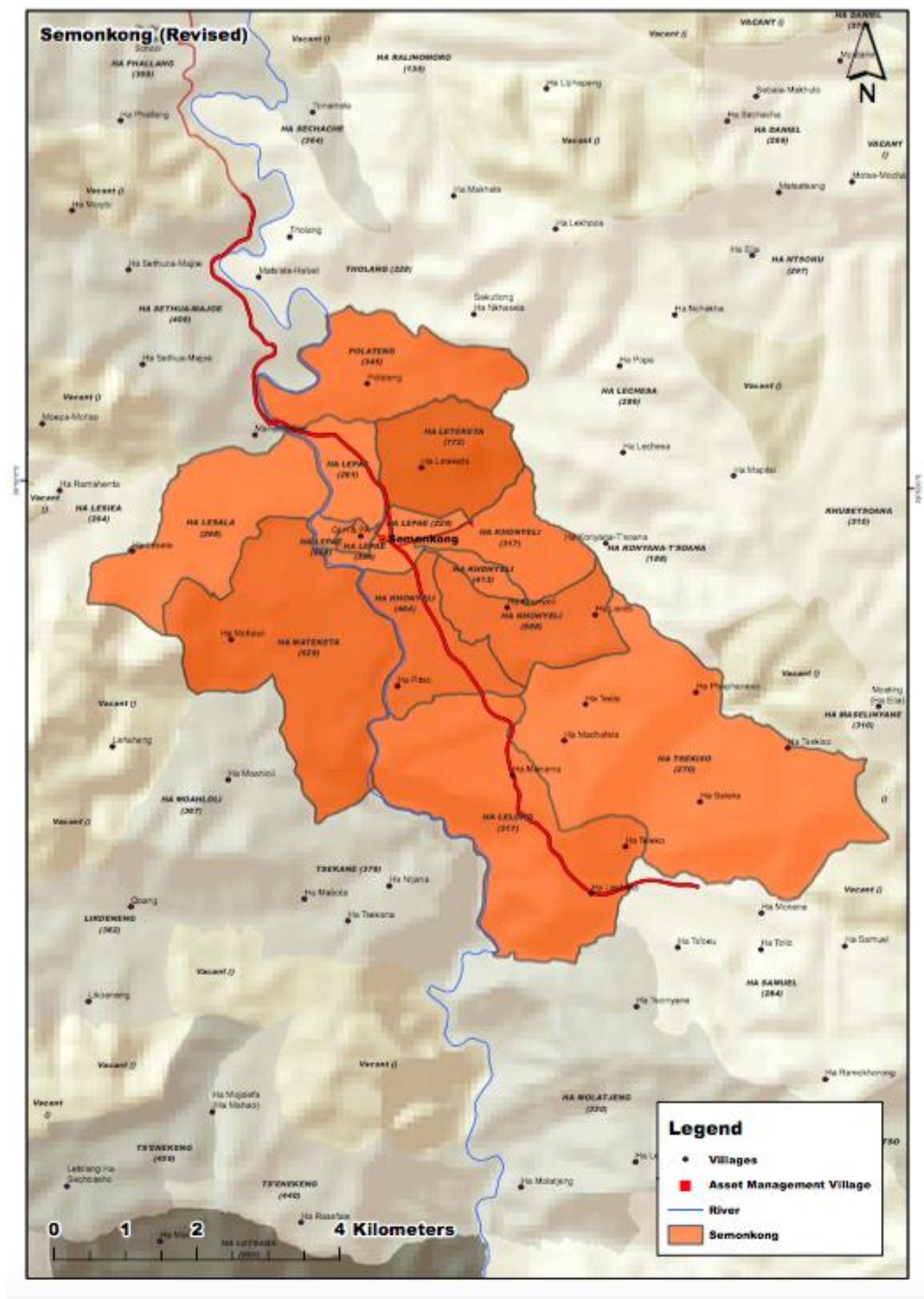


Figure 0.9 Semonkong Village/Settlement Areas



APPENDIX B STAKEHOLDER INTERVIEWS, MEETINGS

Stakeholder interviews/meetings were guided by the following questions:

- What is the function of the organisation? How does it relate to water supply?
- Any updated information on socio-economic profiles of villages in the Lowlands? Livelihoods?
- Population figures? Projections into the future (2045)?
- Any studies of relevance undertaken recently (since 2008) by the organisation?
- What is happening now around water supply? Who is providing the service? If there is no formal provision, what are communities using as a water source?
- Any information around other service provision (e.g. health, education, religion organisations) as water users? Agriculture (commercial, co-operatives, water user groups)?
- Any people/organisations (government/NGOs) they recommend speaking to?
- Issues to be aware of, social and/or environmental?
- Social, environmental impacts from the project? Ideas on mitigation measures?
- Legislation/policies/procedures to be aware of (relating to water, environment, EIA/SIA, resettlement, compensation)?
- How to prioritise areas for selection? Criteria? Ideas on clustering villages/settlements?
- Ideas about tariffs? Who to pay? Subsidised by government? What would make the scheme economically viable?
- How to get information around land ownership e.g. landholders/title deeds etc.
- Mapping in the areas, with details of villages? Year the mapping was undertake

DATE	PLACE	DISCUSSION/ISSUES	PARTICIPANTS
SEPTEMBER 2016			
06	Department of Water Affairs (DWA) offices, Maseru	Collection of hydrological data in Project area. To obtain LHDA data from LHDA, which it maintains itself.	SMEC: Deputy Team Leader; Senior Hydrologist; Social and Gender Specialist (SGS) LLWSSU: Chief Engineer DWA: Hydrology Engineer
10	Bureau of Statistics (BOS) office, Maseru	Query on status of 2016 census, requesting the latest figures; still not available. Contact: Mr Pelesana Moerane (ph: +266 2232 6393; email: moeranepw@gmail.com) requested that SMEC sends him an email to ensure the results are sent directly when they become available. Email with the request was sent 12 September.	SMEC: SGS BOS: Statistician
14	Avantl Hotel, Maseru	Inception Report Workshop. Presentation by SMEC; discussion around issues (see Minutes).	SMEC: Deputy Team Leader, Project Manager, SGS Water Commissioner, LLWSSU, and other government departments
15	DWA offices, Maseru	Population projections obtained from Dept. of Water Supply under Ministry of Water. Water resources management: control quantity/quality of water resources. On quantity: users to obtain permit through Ministry of Local Government as all natural resources are the responsibility of local authorities, including catchment management; limited compliance; includes domestic use (borehole, spring development), and for industrial/commercial usage. Any development of a water scheme requires a permit (e.g. Metolong Authority required a permit for dam construction); however, the Commissioner of Water has a right to develop water resources; causes some confusion in application. See the Water Act (2008) on government website re permits. On quality: see if water is suitable for domestic use in its natural state; advise about pollution, sediment loads etc.; monitors before it becomes the responsibility of the service providers; work with project to establish monitoring stations to monitor quality. Work with consultants on Instream Flow Requirements (IFRs) and Assessments (IFAs); national World Bank study on environmental flows (looking at river health and amount of available water); at inception stage; chosen 3 sites; could link sites with LLWSS. Social impact of LLWSS: project will improve livelihoods of people; people must be involved e.g. communities need be involved in catchment management (i.e. management of land and water as they are interlinked); livelihoods are dependent on land and agriculture, so need to improve land activities (e.g. overgrazing, fields near river banks). Environmental impact: clean water means better health. Look at whole water source as it affects every aspect of life.	SMEC: SGS LLWSSU: Chief Environmental Officer (CEO) DWA: Senior Engineer, Water Rights Division
OCTOBER 2016			
07	Land Administration Authority (LAA) office, Maseru	Request for mapping of project area. Few maps required were available.	SMEC: SGS

07	Sechaba Consultants	Request for relevant studies on livelihoods, willingness to pay/affordability undertaken by the company. Referred to the SIA report: D. Hall. (June 2008) <i>Lesotho Lowlands Bulk Water Supply Scheme. Social Impact Assessment.</i>	SMEC: SGS Sechaba: Researcher (ph: 58150905; 22316555)
10	Semonkong Urban Council Offices, Semonkong	Could not provide relevant information e.g. stats and development plans for the area; other stakeholders (e.g. Statistics) were not in the office. Referred to Town Clerk (Rorisang Motsopa) and Assistant Physical Planner (Me Makhethe).	SMEC: SGS LLWSSU: CEO Semonkong Urban Council: Clerical Assistant (ph: 63142710)
11	Quthing District Offices	District Administrator (DA), Ntate Phelane (ph: 58746951, 22750217) referred us to Administration Manager. Water mainly comes from the weir on the Senqu River; pumped up to Treatment Works; pumped to reservoir; gravitates to Moyeni, Quthing and all villages; use WASCO and DRWS for water supply services. Believe government should pay for bulk services; people to pay for direct supply. People will benefit from having water in their yards e.g. inside flush toilets will improve sanitation. To send district plan by email. 6 Councils, including urban; Motjanyane, Qomoqomong, Tele, Mphaki, Urban Council, Tosing. Information regarding Chiefs from the DA's Office. Provided a GTZ booklet: <i>Quthing District Council Information Handbook</i> for 2008.	SMEC: SGS LLWSSU: CEO Quthing District: Administration Manager (ph: 62715729)
11	Mohale's Hoek District Offices, Mohale's Hoek	Referred to Assistant Administration Officer by DA Secretary (ph: 22785212; 68651561); if require information on district e.g. plans, to write a letter to the DA (Me Tsepang Koele; tsepangk@yahoo.com). District comprises 9 Councils – 8 Community Councils and one urban council; 5 Principal Chiefs: Tajane, Taung, Likoeneng, Thaba Lioen, Phamong; Likoeneng and Thaba Lioen are nominees of King Letsie; many area, traditional chiefs; don't have population figures of each village, only the number of villages (to get information from the 2016 population census, with Mohale's Hoek Constituency #28. Positive impact of project: it will provide employment opportunities for local people, skilled and unskilled. Current water is from abstraction point at weir on Mohale River; need to update/augment system of WASCO. Statistician obtains population information from national census/BOS e.g. 2006 Population and Housing Census	SMEC: SGS LLWSSU: CEO Mohale's Hoek District: Assistant Administration Officer (ph: 56845989); Statistician (ph: 58095170; 28785294)
12	Botha-Bothe District Offices, Botha-Bothe	DA Matlotlo Ramaboli (ph: 66320169; ramabolimatlotlo6@gmail.com). Currently WASCO services urban area, DRWS rural areas. Recommendx that Zones 4 and 5 (Metolong) be fasttracked. Weir on Hololo river provides water for whole of Zone 1; proposal for a dam at Mojane, being multipurpose for hydroelectricpower, irrigation, water supply; plans to 2045. Rural people are most vulnerable to water supply, with inadequate water at villages; supports individual standpipes. Requested that project be extended further north, to reach all communities in district; provided information on service providers and government buildings in areas e.g. Seboche Hospital, police stations, schools, immigration offices, military bases. No new population figures; uses census statistics.	SMEC: SGS Botha-Bothe District: District Administrator (Secretary: Mangaka Motsamoi, ph: 63831690; 22460202; motsamoi@yahoo.com)
13	Metolong Authority (MA), Maseru	Authority was established in 2010; implementd LLWSS; custructed dam, WTP, pipelies; provides bulk water supply. Conducted ESIA, RAPs for dam, pipeline, roads, construction camp, electricity etc. Resettlement and Compensation Policy (available on website) developed for the program was verified by national parliament; followed IGP, not LHDA. Socio-economic data for compensation was obtained from 2006 ESIA. Operation and Maintenance (O & M) studies were undertaken for handover to WASCO; Monitoring and Evaluation to be done by operators (WASCO, DRWS). TRC, nominated by the NGO umbrella body, participates in monthly meetings. Concerns: vandalism of pipes; HIV/AIDS: lessons learnt from LHDA; realised from EIA that people had no real knowledge of the disease, thus an educational program was required e.g. contractor programs; provision of services	SMEC: SGS LLWSSU: CEO Metolong Authority: Environment and Social Manager, Chief Environment Officer, Environment Officer, Compensation and Mitigation Officer, Resettlement and Compensation Officer,

		<p>e.g. distribution of condoms; follow up on treatment; monitor that structures are doing what they are supposed to be doing, activities in communities are well co-ordinated, implemented; work with local health centres; figures of those infected are stabilising, not declining because of treatment.</p> <p>MA program partners with government ministries and departments to ensure that, when they exit, the services will continue e.g. Dept of Forestry, Dept of Environment, Dept of Housing.</p> <p>Integrated Catchment Management program: aims to reduce sedimentation, improves the livelihoods of communities within the catchment area; increase awareness of conservation; worked on LRI program.</p> <p>Need input of primary resource users, and encourage active engagement of stakeholders.</p>	HIV/AIDS Co-ordinator and HIV/AIDS Field Officers, and the Integrated Catchment Management (ICM) Manager
NOVEMBER 2016			
14	Mokanametson Community	<p>Introduction of the team to the community to undertake the socio-economic surveys.</p> <p>Questions from the community: How have the villages/households been selected?; concerned that the project will tamper with current historical water source, which is sustainable; what will the estimated price of the water be?; how will payment be made – per family/household?; after the study is finished, will anything be left behind to benefit the community?; will there be job opportunities in the future?</p>	<p>SMEC: SGS, Fieldwork Enumerators</p> <p>LLWSSU: CEO</p> <p>Mokanametson community: traditional leaders, ~ 80 community members</p>
22	Mafeteng District Offices, Mafeteng	<p>Mafeteng DA, Hlalele Letsaba (ph: 62854781; 58854781) organised meeting with Mafeteng Water Committee. Discussion centred around issues that WASCO is experiencing in providing water to the area, and included the following points:</p> <ul style="list-style-type: none"> • Urban areas are covered by WASCO, but not all ‘urban sectors’ are defined. Rapid expansion, with previously ‘rural’ areas becoming ‘urban’, and unplanned settlements, with people building houses without permission, has placed a constraint on funding and finances. WASCO is not able to continually expand the network; • Old infrastructure (an outdated rehabilitation system), and vandalism along pipelines, are problematic; • Demand for water is greater than supply. In dry areas such as Mafeteng, WASCO has introduced a rationing program, through not supplying water to some areas, in an attempt to conserve water; • WASCO sells a <i>service</i>, water provision. Debts outstanding is a concern; although non-paying users are given letters warning of disconnection, this takes time to operationalise, so company is looking at other processes; • No subsidisation program is considered in urban areas, based on the assumption that people in urban areas can pay; however, this is not necessarily true, and a subsidy program could be considered, or, if people do not have the capacity to pay, to install communal standpipes. 	<p>SMEC: SGS</p> <p>LLWSSU: CEO</p> <p>Mafeteng Water Committee: 12 Committee members</p>
JANUARY 2017			
06	Water Commissioner’s office, Maseru	<p>Socio-Economic Review and Update Report. Presentation by SMEC; discussion around issues (see Minutes). Issues raised included:</p> <ul style="list-style-type: none"> • Water <i>per se</i> and ‘potable’ water are different; people to pay for the latter, for services, and not for the asset; need more education around this i.e. an educational campaign; role of government is intervention e.g. DRWS to have training/education program; • To look at employment status x settlement status x water demand; • Look at why some people are not willing to pay e.g. free in the past and so should remain so; vast, adequate natural resource, which is a ‘right’; people can’t afford it due to high levels of unemployment; • Those who don’t have water, and thus aren’t happy, will be more willing to pay - for a better service; if people have experience of a connected service, they will continue paying; • Memorandum of agreement between user and supplier to be signed; • Can’t disconnect people for non-payment of water as water is a ‘right’; 	<p>SMEC: Team Leader, SGS</p> <p>Water Commissioner, LLWSSU, and other government departments</p>

		<ul style="list-style-type: none"> • Have free basic amount of water for all users; next portions charged at increasing rates; rising block tariffs; • Water in urban areas is used for what? Consider willing/not willing to pay linked to water for sanitation; develop a marketing plan; • Combine services of WASCO, DRWS and the private sector as an institutional arrangement; user-pay principle for money recovery; • Need recovery of costs of infrastructure on site, including installation and operational/sustainability costs; amount of money to maintain overrides recovery costs. 	
JUNE 2017			
20	LHWP offices, Maseru	Advice on LHWP Phase II Compensation Policy, and explanation of what the policy entails; obtained relevant documentation.	SMEC: SGS LHWP: Resettlement Specialist
21	Ministry of Tourism, Environment and Culture (previously NES), Maseru	Discussed Lesotho's legal environmental framework e.g. Environment Policy (1996), Environmental Law (2008), EIA Guidelines (2010), EIA Regulations in law office (to be gazetted ~ October 2017), no formal RAP procedures (Local Government?); LHDA have set precedents. Responsible for reviewing EIAs, guiding in procedures to follow; in disclosure process, engage competent line ministries and NGOs; conduct site visits; make recommendations, pass comments; approval through DoE Director. At expense of LLWSSU, have to advertise on radio that stakeholders can come in to review documentation at the DoE; DoE will compile all comments. Where there is water storage, conveyance of water through pipes/rivers, will consider climate change issues as dam construction has environmental issues; whether public participation/sensitization measures have been put in place	SMEC: SGS Department of Environment (DoE): Environmental Officer (ph: 63175389)
		Request for relevant legislation around cultural heritage. Historical Monuments and Relics Act (1967) has been repealed; replaced with the Heritage Resources Act (2011).	SMEC: SGS Department of Culture: Museum Curator (ph: 63097058)
21	LEC offices, Maseru	As Risk Manager, involved in Safety, Health, Environment and Quality; Labour Code 1992 for Health & Safety, and have their own policy LEC is responsible for rural electrification; Rural Electrification Unit (Dept. of Energy) help communities in establishing a network, form a payment scheme, and facilitate development of infrastructure; hand over to LEC for maintenance. All residential electricity is prepaid; domestic = M135 per unit. LEC consult with DoE on powerline development, after scoping and prior to construction; use draft Environmental Regulations; development of EIA/EMP by Proponent, in consultation with LEC; depends on length of pylons, and level of impact (e.g. residential areas affected, wetlands); also depends on servitude i.e. for 11kv = 8m from centerline (16m), 33kv = 13m from centerline (26m), 88kv = 16m from centerline (32m); most loss of/damage to land is temporary and during construction; in long term allow continuation of use of fields, other than acquisition of land for 1m radius around a pole (as pole might fall) and access roads; recognise that EIA procedure is governed by the Land Act 2010 as amended, whereby valuers, including the Government Valuer, is empowered to decide on the compensation amount; use valuers from Land Survey and Physical Planning (LSPP) to value the land; have standard rates e.g. for pole hole; asked LHDA to keep to standard LEC rates for power lines; LEC negotiates rates for crops, depending on type of crop and amount of loss; assess with chief and landowner; draw up pre-construction agreement with landowner.	SMEC: SGS LEC: Risk Manager (ph: 58887010)
22	Water Commissioner's office, Maseru	Tariff workshop, with presentation by SMEC on findings around tariffs (see Minutes). Review of existing legislation and proposed tariff structure, with a view to agree of fair tariffs for the LLWSS. Considered National Strategic Development Plan (NSDP) and Lesotho Water and Sanitation Policy (LWSP).	SMEC: Team Leader, Economist, SGS

		Looked at WASCO operational challenges e.g. skewed distribution of income, culture of non-payment exists; need reconnection campaigns	Water Commissioner, LLWSSU, and other government departments
22	WASCO offices, Maseru	WASCO has an environmental policy, and Resettlement and Compensation Procedure; to send electronically. Recommend: World Bank, Water Global Practice, 2016, <i>Water Security and Climate Change Assessment</i> . Semonkong was a Special Designated Area (SDA) declared by the government; 5-town study undertaken in 2016. In urban areas people have affinity/ability to pay a reasonable price for water. Potential Pay As You Drink i.e. pay through phone (prepaid lines) and then convert into water e.g. 20l = 30c (being done in Uganda, Mali); offer maximum number of litres free; need to tell people that if they want clean water they must pay for it; avoidance of paying is a priority of management for management of budget; Corporate Investment/CIS program, out of WASCO budget, targets mainly orphans, where they are given a free amount of water, and taught how to use it, but need guidelines with clear mandate for implementation; need to empower people over time, teaching them how to manage their water; follow an holistic approach.	SMEC: SGS WASCO: CEO (ph: 222622221; 57137722), Environmental Officer (ph: 59465828)
23	DRWS offices, Maseru	No environmental expert, only social – trained by MCA project. Traditional water source from a single source requires no ESIA/ESMP; if project has multiple villages affected, do ESIA/ESMP; have no compensation/resettlement policy, but have guidelines; hire consultants to do assessments; mostly don't compensate as enable use of property again (no permanent acquisition where bury pipelines deeply and backfill); negotiate/consult with PAP re construction, and agree to allow temporary land usage; MCC project (Rural Water Supply Project) required compensation, so used MCA compensation policies; have monitoring tools, with different guidelines/indicators at different stages of the project e.g. Project Closure Compliance. DRWS do a Needs and Demand Assessment, to determine if water is a priority, and the level of demand of service required (e.g. at a residential site); each household not to walk > 150m for water; team of CLOs, working with surveyors and construction supervisor, do the assessment; small villages generally only have public standpipes, but if higher service level is required (private standpipes on residential property), do a WAP study; generally don't charge for water, only maintenance; for few projects, pay connection fee and for consumption; initially pay a flat rate; works if there is strong management e.g. at Mt Morosi management collect money, do maintenance, and liaise with DRWS around connections for later users (when DRWS assess physical feasibility of connection), which lowers the rate charges; need to build management capacity e.g. in Pitseng where there is poor management, users don't pay, and system was sabotaged where people connected themselves. Lesotho Lowlands Rural Water Supply and Sanitation Project is a recent WAP study, yet to be approved. Village Water and Health Committees have 2 water minders (technical) trained during construction of the water system, working with the contractors; when contractor leaves, it is the responsibility of the minders to tell the Committee what is required for maintenance; contributions of community members pay; prior to construction each household pays a contribution to the Committee, who open a bank account; after agreeing on the type of project, the CLOs facilitate an O&M plan with the Committee, which indicates the amount of money/monthly contributions required from each household; Committee then implements the plan; if system collapses, capacitate Committee to identify solutions, or put on rehabilitation list as a new project with DRWS. Education, capacity building is a necessity.	SMEC: SGS DRWS: Principle Sociologist

APPENDIX C PROPOSED STAKEHOLDER LISTING

A listing of stakeholders was developed, to include the following:

- Commissioner of Water (CoW)
- Lesotho Lowlands Water Supply Scheme Unit (LLWSSU)
- Department of Rural Water Supply (DRWS)
- Ministry of Agricultural and Food Security (MOAFS)
- Department of Water Affairs (DWA)
- Lesotho National Development Corporation (LNDC)
- Water and Sewerage Company (WASCO)
- Lesotho Electricity and Water Authority (LEWA)
- Ministry of Tourism, Environment and Culture (MOT)
- Lesotho Highlands Development Authority (LHDA)
- Lesotho Highlands Water Commission (LHWC)
- Lesotho Bureau of Statistics (BOS)
- Department of Environment (DOE)
- Metolong Authority
- Other roleplayers in the Water Sector Improvement Program (WSIP)
- Relevant NGOs, with particular reference to those falling under the umbrella body, the Lesotho Council of Non-Governmental Organisations (LCN).

APPENDIX D GRIEVANCE METHODOLOGY

The detailed methodology to be followed for the grievance procedure is outlined below, with a Flow Chart delineating the action required.

STAGE 1: GRIEVANCE RECEIPT, SORTING AND RECORDING

Step 1.1 Raising the grievance

Grievances can be raised at multiple levels by various means, such as:

Grievance recipient	Means of receipt
<ul style="list-style-type: none">Project GOLocal TA representativeLLWSSU staffProject Office staff members: CPLO, CLOsRWG GC memberWitness NGO	<ul style="list-style-type: none">Face to face; written letter; emailFace to face; written letterWritten letter to respective officesFace to face; written letter posted in Grievance BoxTelephone call; verbal; written letterFace to face; written letter

The PAP will be encouraged to raise complaints with the GO and COs, but may complain to others described above, who will then be required to refer the complaint to the GO.

All grievances need ultimately be presented in writing, in the form of a signed letter, before they are entered onto a Grievance Form for input into the Grievance Database.

Step 1.2 Eligibility of the claim

The complaint is to be screened for eligibility for the project's GM. If it is considered unrelated to the project, it will be passed on to an appropriate body for resolution, keeping the complainant aware of the referral. This should all be recorded in the Grievance Form and the Grievance Database.

Step 1.3 Record of details

If eligible, details of the complaint are to be recorded on the Grievance Form, with a copy given to the complainant. Official records will be kept in English, whereas documents given to the complainant should be in Sesotho or English depending on the preference of the complainant.

Once the complaint has been received and the Grievance Form filled out, the GO can begin to populate the Grievance Database.

STAGE 2: GRIEVANCE INVESTIGATION, ASSESSMENT AND REFERRAL

The GO, in coordination with the LLWSSU, decides whether the complaint can be dealt with fully at the GO level, or be referred to the GC for resolution.

Regardless of who will deal with the complaint, the complaint will be investigated and assessed, and the findings recorded. Depending on the nature of the complaint, the GO will call on people or organisations to provide further information assisting in the resolution of the complaint.

STAGE 3: DECISION AROUND ACTION FOR RESOLUTION

The person or group dealing with the complaint (GO or GC) will decide on action to address the complaint, and communicate this to the complainant for approval. Once approved, the action will be recorded on the Grievance Form, delineating tasks allocated to relevant individuals, groups or organisations, with corresponding deadlines.

If the complainant does not accept the resolution proposed by the GO and/or the GC, the grievance can be referred to the LLWSSU for resolution.

All complainants will have recourse to national law through the judiciary if they do not believe their complaint has been dealt with adequately or fairly. However, the project will not provide legal advice to people contesting a project-related matter through a court of law. Thus, in order to ensure justice, any limitations of a PAC or PAP taking a case to court needs to be considered before reaching this point. It is therefore recommended that, if no agreement is reached at the project level, the preferred means of settling disputes is through arbitration, to be constituted by the disputing parties as per relevant laws. This local-level conflict resolution mechanism is suggested for its' timesaving, non-bureaucratic, cost-saving, traditional, functional and accepted nature.

STAGE 4: ACTION IMPLEMENTATION

The GO will be responsible for implementing the agreed actions, or managing the actions when being implemented through another person, group or organisation. These actions will be recorded on the Grievance Form and in the Grievance Database.

STAGE 5: CLOSEOUT

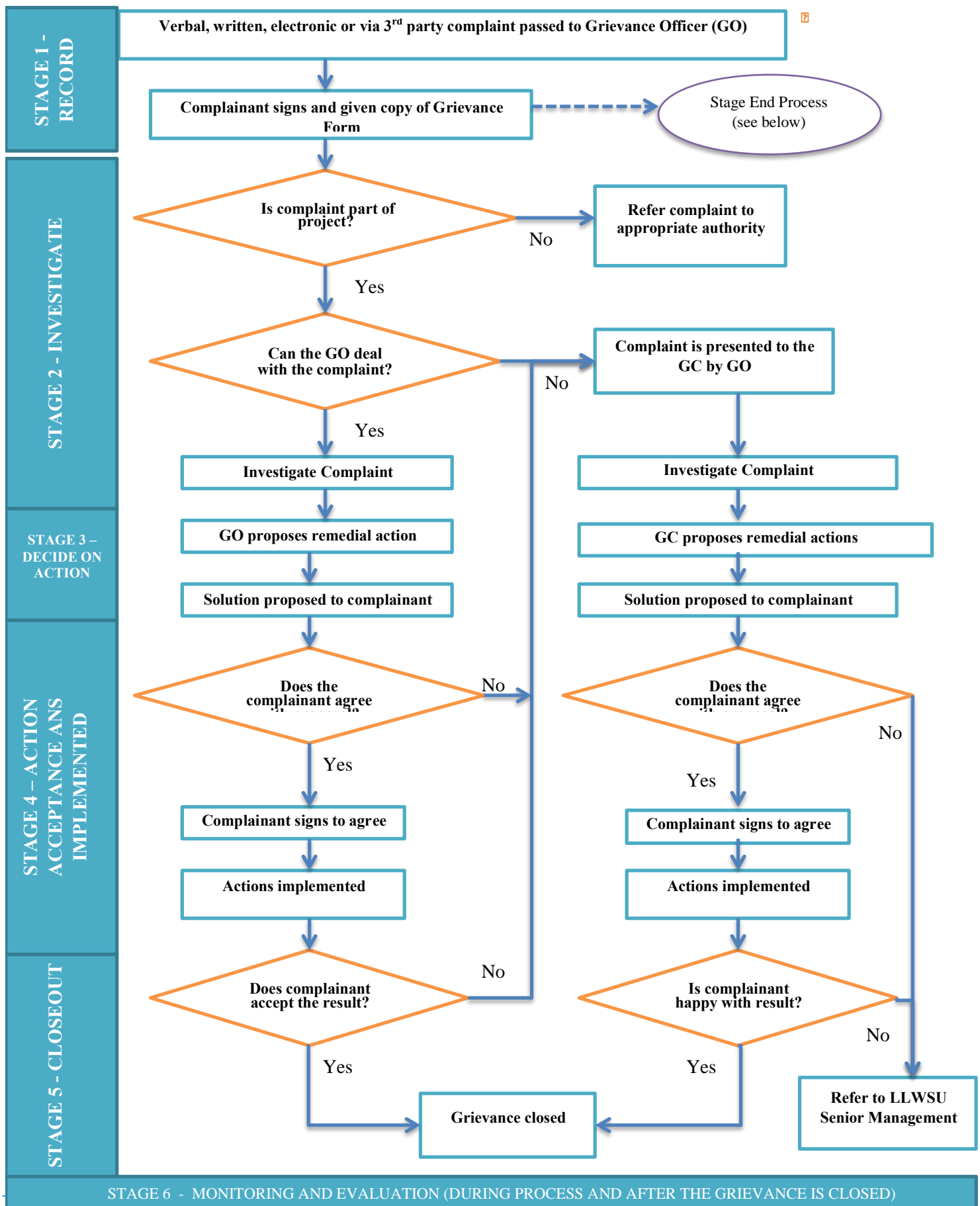
Once the recommended actions have been completed, the complainant will be asked to sign, confirming acceptance of the solution and closure of the case.

STAGE 6: MONITORING AND EVALUATION

M+E (internal and external) are tools for measuring the GM's effectiveness, and allows for trends to be tracked and changes made to any procedures.

Internally, grievances will be tracked and monitored by the GO as they proceed through the GM system, to ensure that the process of dealing with the PAC and PAP is as required, and is a fair and equitable one that respects the fundamental rights of those affected. A summary report on grievances (raised, dealt with or outstanding) shall be produced each month, to present to the LLWSSU and to the GC.

Externally, a witness NGO can be brought in to provide monitoring oversight to ensure that the GO and GC are correctly carrying out the GM process.



APPENDIX E DRAFT ToR FOR GRIEVANCE COMMITTEE

Objective

The Grievance Committee (GC) of the Project is the primary consultative forum assisting the Project Implementation Unit, the LLWSSU, with grievances related to the Project.

In accordance with the Grievance Mechanism, the Committee forms part of the process in dealing with complaints brought forward by Project Affected Communities (PAC) and Project Affected People (PAP), specifically making recommendations around follow up action to address complaints referred through, or not resolved by, the LLWSSU Grievance Officer (GO).

The GC is constituted as an advisory panel and its recommendations are not necessarily binding.

Types of Grievances

A grievance is defined as an issue, concern, problem, complaint or claim (perceived or actual) raised by an individual or a group within the community affected by the Project's operations that the individual or group wants the Project to address and resolve.

PACs and PAPs may complain or raise a grievance for a variety of reasons, including but not limited to:

- Disagreement in the identification of affected land and associated assets within the Project area;
- Disagreement concerning the ownership/responsibility for the land and associated assets;
- Disagreement on valuation of land or associated assets;
- Disagreement on other compensation allowances;
- Issues concerning the time and manner of compensation payments; and
- Issues concerning the conduct of Project staff/representatives, or their methods in dealing with compensation.

Duration of the GC

The GC shall be constituted in XXX 2017 and shall continue to operate until either:

- The resettlement aspects of the Project are formally terminated, or
- The GC is of the opinion that it has performed its functions and votes to disband.

Membership

The GC comprises representatives of the following bodies:

- The LLWSSU, including the GO as a non-voting member;
- District Administration;
- Town/Village Traditional Leaders and Elected Councillors;
- A Witness NGO; and
- On-call parties.

Meetings are to be chaired by the LLWSSU.

On-call parties, invited as appropriate, will be determined by mutual agreement of the core members of the GC. These parties will be both independent observers, and specialist guests; for example, Consultants working on the Project. GC members may invite observers subject to approval from the GC Chair.

It is anticipated that membership of the GC may periodically change. Changes to membership are allowed but are to be made in consultation with existing members of the GC.

Meetings

Meetings of the GC will normally sit every month, with additional meetings held as and when required.

The Chair of the GC will prepare an agenda for each meeting, to be circulated inviting GC members to submit agenda items. The agenda and other relevant information, such as information on grievance cases to be assessed, will be made available to GC members two days prior to meetings.

Meetings will be held within the Project area, at a location acceptable to the majority of members. The venue for each meeting will be determined at the conclusion of each duly constituted GC. The Project Implementing Unit, the LLWSSU, will provide transport and refreshments where required.

The GO will act as the secretariat. Formal minutes will be kept and timeously distributed.

Meetings will be conducted in English, and translations will be organised as required. Associated documentation will be prepared in English and in a local language.

Quorum

A quorum is 60% of GC members, and must include the Chair (or nominated representative).

Recommendations of the GC

The GC is constituted as an advisory body and provides advice to the Project in the form of recommendations. These recommendations are deemed to be in accord with both Government and donor policies and standards, and will be based on the required level of investigation.

Decision-making around recommendations will be taken on a consensus/majority voting basis. The GO will not vote unless being the only Project Implementing Unit (the LLWSSU) representative present.

These recommendations are not necessarily binding; however, all will be documented in meeting minutes.

Confidentiality

Due to the nature of the cases, the GC will not be open to the public or have its full findings reported in public. Members will keep confidentiality at all times.

Role of the Project Implementing Unit, the LLWSSU

With regard to the GC, the Project Implementing Unit (the LLWSSU) will, with assistance from the GO:

- Publish the membership list of the GC;
- Call the GC meetings, and compile and distribute the agenda in a timely manner, as specified above;
- Facilitate the public distribution of the minutes of GC meetings; and
- Publish a list, in a public place, of those GC recommendations that will be acted on, those that have been acted on, and those which the Project decides not to act on, maintaining the required level of confidentiality as required.

Responsibilities of members of the GC

All members of the GC have a responsibility to accurately represent the views of their constituency or organisation, and the activities of the GC. Members must ensure that they communicate all recommendations made by the GC to the bodies they represent.

APPENDIX F OUTLINE OF A RESETTLEMENT ACTION PLAN

INTRODUCTION

- Project Background
- Aim and Scope of the RAP
- Responsibilities
- Potential Project Impacts; a summary
- Limitations to the Study

PROJECT DESCRIPTION

- Brief introduction to the Project
- List of project components, particularly those causing land acquisition and resettlement

METHODOLOGY

- Site Visits
- Literature Review
- Consultation with Stakeholders
- Cadastral Survey and Land Valuation, Asset Survey, Census, Socio-Economic Survey
- Database and Mapping
- Updated Information, describing need and mechanism to conduct updates if necessary
- Minimising resettlement, describing efforts made for minimising resettlement

LEGAL AND POLICY FRAMEWORK

- National Legislation and Practice
- International Standards, including: agreements and conventions; standards, procedures (safeguard policies)
- Project Policy Guidelines for Involuntary Resettlement
- Areas of conflict between local laws/World Bank policies, and project-specific mechanisms to address these

THE SOCIO-ECONOMIC ENVIRONMENT

- Administrative and geographic context
- Socio-Economic profile, such as: demography; homesteads, household composition including age, gender, education, residential and employment status; livelihood activities; income; land use and ownership, resource use; service provision; health; movement and access

POTENTIAL IMPACTS

- Positive impacts, such as: economic development; employment opportunities; improved infrastructure and development
- Negative impacts, such as: land acquisition requirements; affected households; loss of government structures; livelihood impacts, including income sources of affected households, loss of produce, impacts on livestock farming, loss of natural resources; loss of graves; severed/constrained access; downstream/upstream impacts; host communities
- Vulnerable Groups

ENTITLEMENT FRAMEWORK

- Eligibility Criteria, including: determining criteria, identifying the eligible, unit of entitlement
- Entitlement Framework, including: entitlements for each category of impact; method of evaluation used for affected assets
- Valuation of Affected Assets, including: cut-off date to entitlements; inventories for land, privately owned fixed assets, and public infrastructure and social services
- Asset Database
- Compensation Determination
- Delivery of Entitlements

RELOCATION FRAMEWORK

- Requirements/Options for Relocation
- Site Selection, including: criteria such as size, accessibility to agricultural land; site options; technical and feasibility studies conducted to determine suitability of proposed sites; public participation process for approval of sites by affected people; layout and design of residential sites; costing of site acquisition
- Site Acquisition, Preparation and Transfer, including: mechanisms for procuring, developing and registering resettlement sites
- Housing replacement, including: strategy for housing replacement; housing design options; public participation process for approval of design and strategy by affected people
- Village Site Development and Design, including: provision of infrastructure and social services; costing and funding
- Host communities, including: loss of land, and loss of access to other resources

INSTITUTIONAL AND ORGANISATIONAL FRAMEWORK

- Proponent, including: organisational structure, particularly unit responsible for resettlement, staffing and functions; capacity building, if required
- Project Steering Committee
- Local Liaison Committees
- Implementing Agents, including: identification of institutions responsible for delivery of each item/activity in the entitlement policy such as the proponent, developer, line ministries, NGOs, international aid agencies, the private sector; addressing of coordination, by whom and how
- Capacity Building, including: plans for training and development of staff in implementing bodies, agencies.

PUBLIC CONSULTATION AND DISCLOSURE OF INFORMATION

- National Legislation and International Best Practice
- Stakeholders
- Consultation Methods, including: process of consultation/participation in resettlement preparation and planning; detailed listing of consultation undertaken, with signed attendance registers
- Dissemination of Information
- Attitudes to the Project, including outcomes of participation, consultation, and how local beneficiaries' views have influenced the resettlement process.

GENDER MAINSTREAMING

MONITORING AND EVALUATION

- Indicators: listing of monitoring indicators, for internal and external monitoring
- Monitoring Framework, including: internal and external monitoring methodologies; completion audit; evaluation panel
- Reporting, internal and external, including: content, frequency of reporting; process for integrating feedback from monitoring into implementation

GRIEVANCE PROCEDURES

- Types of Grievances
- Grievance Redress Principles
- Grievance Process, including: step-by-step process for registering and addressing grievances; mechanisms for appeal

RESETTLEMENT SCHEDULE

- Gantt Chart: month-wise implementation schedule of activities to be undertaken as part of resettlement implementation; linkages between resettlement implementation and initiation of civil works for each project component; listing, brief description of the chronological steps in implementation, including identification of responsible agencies
- Risk Identification: main institutional and other risks to the implementation of the resettlement program

COSTS AND BUDGET

- Capital and Operation Costs, including: identification of components; budget of such costs
- Funding arrangements, including: clear statement of financial responsibility and authority; listing of sources of funds; description of flow of funds

CONCLUSION

APPENDIX G ENTITLEMENT FRAMEWORK

Type of loss	Unit of entitlement	Entitlement	Implementation guidelines
LAND			
Permanent loss of residential and cultivated land	Registered and unregistered landholders (including encroachers)	<ul style="list-style-type: none"> ▪ Cash compensation at full replacement cost <u>or</u> the provision (identification, allocation and preparation) of suitable replacement cultivation land, if available, including registration of that land. ▪ Where the acquisition of the affected landholding might render the entire plot economically unviable, given the option of receiving compensation for both the lost asset and the remaining unproductive asset. ▪ Relocated households who can no longer access and use unaffected fields, full compensation for all fields. ▪ If acquisition of residential land does not directly affect residential structures, but leaves insufficient area for existing small-scale farming activities, options are: a) alternative land of the same size, or b) of a size that permits relocation of the affected structures and resumption of the activities. In addition, reconstruction of structures/facilities, or payment of compensation at replacement cost. If the area is sufficient for carrying out activities, compensation at replacement cost for the portion of land acquired (and any assets on it). ▪ For all households relocated to a project-designated resettlement site, provision (as far as possible) with garden land of minimum size of 300 m², ready for cultivation. ▪ Assistance in gaining access to the project's LRI program. 	<ul style="list-style-type: none"> ▪ Replacement cost for land is defined as the pre-project or pre-displacement (whichever is higher) market value of land of equal size and productive potential/use located in the vicinity of the affected land; plus the cost of preparing the land to levels similar to those of the affected land; plus the cost of any registration fees and/or transfer duties. ▪ In determining 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 the asset. ▪ Notice to vacate will be served at least 120 days prior to acquisition date. ▪ Compensation for all losses will be payable prior to acquisition. ▪ Any transfer or registration costs/taxes will be the responsibility of the project. ▪ The project will assist beneficiaries in establishing and accessing banking facilities for cash payments. ▪ Prior to cash payments for compensation, PAP will be sensitised to different savings options and financial management, as provided by the LLWSSU in liaison with local NGOs. ▪ All affected by land loss will be assisted in gaining access to the project's LRI programs as detailed in the project's LRP.
Permanent loss of employment	Labourer	<ul style="list-style-type: none"> ▪ Provision of alternate jobs, or at least 3 years' wages. ▪ Arrangements for economic rehabilitation through inclusion in the project's LRI program. 	

Type of loss	Unit of entitlement	Entitlement	Implementation guidelines
Temporary loss of residential, cultivation and grazing land	Registered and unregistered landholders	<ul style="list-style-type: none"> Compensation equivalent to the net average income/value of agricultural production that would have been obtained from the land during the period of temporary acquisition. Restoration of the land to its original productive use or full compensation for the cost of restoration. Compensation for other disturbances and damages caused to property. 	<ul style="list-style-type: none"> A temporary occupation contract will be signed with the affected registered landholder, specifying: <ul style="list-style-type: none"> Period of occupation Calculation of production loss (market value of crops normally produced on the land) and annual inflation adjustments Frequency of compensation payment Land protection and rehabilitation measures
Temporary loss of employment	Labourer	<ul style="list-style-type: none"> Payment of wages during the transition. 	
RESIDENTIAL, BUSINESS, RELIGIOUS BUILDINGS/STRUCTURES			
Loss of private, permanent residential, religious and business structures and improvements	Owner of structure/ improvement Encroacher Tenant on rented land Informal settler/trader	<ul style="list-style-type: none"> Provision of replacement housing/business enterprise structure at agreed resettlement area <u>or</u> cash compensation at full replacement value for those electing to settle at a place of their choice. Cash compensation for full/partial loss of other improvements (e.g. fencing, kraals). Displaced households will receive a Housing Displacement Allowance. Owners of displaced commercial establishments will receive a Business Displacement Allowance. All costs for relocation will be paid for by the project in the form of an Evacuation Allowance <u>or</u> the project will provide transport and physical relocation. Full compensation to those affected through loss of buildings/improvements in the short term, over construction period. They will be allowed to return to original sites on completion of the works, unless they have encroached on land owned by government. 	<ul style="list-style-type: none"> Replacement cost for buildings is defined as the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure; plus the cost of transporting building materials to the construction site; plus the cost of any labour and contractor's fees; plus the cost of any registration fees and/or transfer duties. In determining the replacement cost/compensation, 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 the asset. Owners will be allowed to salvage materials from affected structures with no deduction from their compensation entitlements. Notice to vacate property will be served at least 120 days prior to the acquisition date. Compensation for all losses is payable prior to acquisition. Payments to be made in accordance with a resettlement schedule to allow displaced households sufficient time for relocation.

Type of loss	Unit of entitlement	Entitlement	Implementation guidelines
			<ul style="list-style-type: none"> Any transfer/registration costs/taxes will be the responsibility of the project. No structure to be sold within first 5 years of acquisition. Inter-ministerial/departmental consultation will be necessary to ensure effective delivery of service provision to relocated homesteads.
Loss of employment	Worker in residential, business structure	<ul style="list-style-type: none"> Provision of alternate jobs <u>or</u> at least 3 years' wages. Arrangement for economic rehabilitation through inclusion in the project's LRI program. 	
Loss of rented accommodation	Tenant	<ul style="list-style-type: none"> An enumerated tenant who occupies rented accommodation in the project displacement area at the cut-off date will be eligible for a Rental Allowance 	<ul style="list-style-type: none"> Compensation for building/structure payable to owner, not to tenant.
CROPS AND TREES			
Loss of crops	Owner of crop cultivator	<ul style="list-style-type: none"> Cash compensation for standing crop losses, whether permanent or for duration of temporary occupation. Compensation for other disturbances and damages caused to property. 	<ul style="list-style-type: none"> Construction works will as far as possible be planned to allow for harvesting of crops before land is acquired permanently or temporarily. Harvesting of standing crops will be permissible with no deduction made from compensation payment. A once-off compensation/lump sum will be paid for the loss of the standing crops, including for fields and food gardens that have been cultivated but the seeds have not yet germinated. In addition an Annual Cash Payment (ACP) rate will apply covering a 5-10 year annual payment for the loss of production on acquired agricultural fields/food gardens, calculated from the time of acquisition. Compensation paid to crop cultivator. Apportionment of compensation payment if land was in renting, leasehold, sharecropping arrangement.
Loss of trees	Owner of trees	<ul style="list-style-type: none"> Cash compensation for future production losses, at net present value calculated for the productive life of the fruit and timber tree species. Trees not yet in 	<ul style="list-style-type: none"> Owners of trees will be given advance notice of the option to remove their trees, and will have rights to all resources from the trees.

Type of loss	Unit of entitlement	Entitlement	Implementation guidelines
		<p>production (saplings) compensated with lump sum based on an average market rate for saplings.</p> <ul style="list-style-type: none"> Provision of replacement saplings (3 per tree). 	<ul style="list-style-type: none"> Lump sum payments could be a set rate for individual trees or for a calculated area. Community forests and the development of social forestry programs encouraged as part of LRI.
PUBLIC AND COMMUNAL FACILITIES AND RESOURCES			
Buildings/structures and improvements	Local communities Government departments	<ul style="list-style-type: none"> Affected public and community buildings and structures to be repaired to at least previous condition <u>or</u> replaced – and the service possibly improved – in areas identified in consultation with affected communities and relevant authorities, in relocation villages or other sites. 	<ul style="list-style-type: none"> Inter-ministerial coordination required by the LLWSSU regarding impacts on government assets.
Cultural heritage resources		<ul style="list-style-type: none"> Cultural Heritage study to identify archaeological/paleontological sites Constant monitoring during the construction phase by qualified cultural heritage specialists, to record any archaeological objects recovered as chance finds. 	<ul style="list-style-type: none"> Any work to be done prior to construction.
Graveyards	Local communities Affected households	<ul style="list-style-type: none"> Affected graves will be exhumed and removed to a reburial site selected through a public consultation process, with all due ritual and ceremony, with the family concerned. Funds will be made available to affected families for reburial ceremonies. The cost of exhumation and reburial of graves will be borne by the project. 	<ul style="list-style-type: none"> To re-route the pipeline and re-position other infrastructure to avoid disturbance of individual graves or graveyards. Procedural guidelines to be followed when relocating graves. Option is to find alternative cemeteries for sites affected by the project.
Natural resources	Local communities User groups	<ul style="list-style-type: none"> Water: piped reticulation system supplying water directly to homesteads through LLWSS; construction of additional communal boreholes with water pumps at host communities; establishment of water harvesting systems at relocated homesteads; animal watering points established; downstream impact on water flow will be mitigated by flow releases. 	<ul style="list-style-type: none"> Compensation for communal lands, such as pastureland, and natural resources on it will be paid to the respective Community Council (CC), to be used for agreed development and social mitigation undertakings in directly affected areas after consultation process with directly affected stakeholders.

Type of loss	Unit of entitlement	Entitlement	Implementation guidelines
		<ul style="list-style-type: none"> ▪ Pastureland (permanent): replacement land-for-land in/near to relocation area <u>or</u> cash payment for land as above. ▪ Natural plant material on that land (permanent): for brushwood, wild vegetables, medicinal plants, compensation determined by number of households affected; for individual agave/aloe plants and reeds, cash compensation paid separately; establishment of a nursery in the vicinity of the Reservoir. ▪ Temporary access to pastureland and natural plant material on that land: payment of a Displacement Allowance for the period access is denied/inhibited. ▪ Projects for replacement of income and restoration of livelihoods will be implemented through the LRI program, with the full involvement of the concerned communities and appropriate implementing agencies. 	
Impeded/constrained access to facilities, services and social networks	Villages in the reservoir periphery	<ul style="list-style-type: none"> ▪ Construction of new roads/improvement of existing roads in project area. ▪ Restoration of access through reconstruction/ replacement of any lost bridge/causeway. 	<ul style="list-style-type: none"> ▪ Training given to communities around road safety measures for vehicles/pedestrians. ▪ Temporary impeded road access caused by construction activities will be mitigated by provisions specified in construction contract documents.
VULNERABLE GROUPS			
Disturbance to livelihoods	Vulnerable social categories/ groups	<ul style="list-style-type: none"> ▪ Vulnerable Household Allowance equivalent to 20% of total compensation value. ▪ Advice on alternative subsistence and livelihood strategies; assistance to gain access to the project's LRI programmes. 	

DOCUMENTS/REPORT CONTROL FORM

Report Name	Draft Resettlement Policy Framework
Project Name:	Consulting Services for the Update Detail Designs, and Construction Supervision of the Lesotho Lowlands Water Supply Scheme
Project Number:	5090025
Report for:	Water Commission, Lesotho

REVISION HISTORY

Revision #	Date	Prepared by	Reviewed by	Approved for Issue by
1	07/07/2017	Penelope Geerds	Stephen Ntifo	Stephen Ntifo
2	04/04/2018	Penelope Geerds	Elandri Boshoff	Nicholas Rowse
3	30/05/2018	Penelope Geerds		Nicholas Rowse

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