

A smiling man wearing a blue beanie, a grey and brown patterned blanket, and black rubber boots is sitting on a rocky, dry hillside. The background shows a clear blue sky and distant hills.

**Lesotho  
Improvement  
Phase**

**Water  
Project:**

**Sector  
Second  
Phase**

Consultancy services to carry out an Environmental and Social Impact Assessment and a Resettlement Action Plan for Zones 2 and 3 of the Lesotho Lowlands Bulk Water Supply Scheme

# RESETTLEMENT ACTION PLAN SUB ZONE

Lesotho Water Commission, Ministry of Water

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## Abbreviations and Acronyms

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

<b>IBRD</b>	International Bank for Reconstruction and Development
<b>ICM</b>	Integrated Catchment Management
<b>IFC</b>	International Finance Corporation
<b>IFR</b>	Instream Flow Requirement
<b>IGP</b>	International Good Practice
<b>IMF</b>	International Monetary Fund
<b>kV</b>	kilovolts
<b>l/c/d</b>	litres per capita per day
<b>LAA</b>	Land Administration Authority
<b>LCN</b>	Lesotho Council of Non-Governmental Organisations
<b>LDS</b>	Lesotho Demographic Survey
<b>LEC</b>	Lesotho Electricity Company
<b>LEWA</b>	Lesotho Electricity and Water Authority
<b>LHDA</b>	Lesotho Highlands Development Authority
<b>LHWA</b>	Lesotho Highlands Water Authority
<b>LHWC</b>	Lesotho Highlands Water Commission
<b>LHWP</b>	Lesotho Highlands Water Project
<b>LLBWSS</b>	Lesotho Lowlands Bulk Water Supply Scheme
<b>LLBWSSP</b>	Lesotho Lowlands Bulk Water Supply Scheme Program
<b>LLBWSSU</b>	Lesotho Lowlands Bulk Water Supply Scheme Unit
<b>LNDC</b>	Lesotho National Development Corporation
<b>LRI</b>	Livelihood Restoration/Improvement
<b>LRP</b>	Livelihood Restoration Plan
<b>LSPP</b>	Department of Lands, Surveys and Physical Planning
<b>M</b>	Maloti
<b>m</b>	metre
<b>MCA</b>	Millennium Challenge Account
<b>MCC</b>	Millennium Challenge Corporation
<b>MDG</b>	Millennium Development Goal
<b>MDWSP</b>	Metolong Dam and Water Supply Programme
<b>M+E</b>	Monitoring and Evaluation
<b>MEC</b>	Monitoring and Evaluation Consultant
<b>MOAFS</b>	Ministry of Agriculture and Food Security
<b>MOT</b>	Ministry of Tourism, Environment and Culture
<b>NGO</b>	Non-Governmental Organisation
<b>NSDP</b>	National Strategic Development Plan
<b>ODK</b>	Open Data Kit
<b>O&amp;M</b>	Operation and Maintenance
<b>OP</b>	Operational Policy (World Bank)
<b>OVC</b>	Orphans and Vulnerable Children



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

## Glossary of terms

<b>Affected household</b>	All members of a household, whether related or not, operating as a single economic unit, who are affected by the program.
<b>Annual Cash Payment (ACP)</b>	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.
<b>Arable land/Field</b>	Land which is under regular cropping use in terms of the Land Act 2010.
<b>Assets</b>	Properties, including resources, income earning opportunities or livelihood means - for which compensation is due.
<b>Asset inventory</b>	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.
<b>Assets register</b>	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.
<b>Brushwood</b>	Naturally growing shrub, which is a communal fuel resource.
<b>Business or commercial property</b>	Licensed permanent buildings or structure, premises, facility or asset used primarily for the purposes of business activity.
<b>Communal natural resources</b>	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.
<b>Community</b>	A group of people linked together by common characteristics, aims, culture and environment, often with family ties.
<b>Community Council</b>	The local area council elected through the Local Government Act (1997), with administrative and development control responsibilities of the concerned area.
<b>Compensation</b>	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.
<b>Compensation register</b>	A complete list of all the affected, together with their compensation entitlements as derived from the Assets Register.
<b>Consultation</b>	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.
<b>Culture</b>	Shared beliefs, customs practices, and social behaviour of a particular group.
<b>Cultural resources</b>	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.
<b>Cut-off date</b>	Date of completion of the census and assets inventory of persons affected by the program (assets adjudication). Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
<b>Displacement</b>	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.

<b>Displacement Allowance (Household and/or Business)</b>	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.
<b>Disturbance Allowance</b>	An allowance paid for the temporary disturbance of access to community assets, such as pastureland and natural plant material on that land.
<b>Entitlement</b>	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.
<b>Environment</b>	Physical factors of the surroundings, including both the natural and built environment.
<b>Evacuation allowance</b>	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.
<b>Expropriation</b>	The action of a government in taking away or modifying property rights of an individual for public good.
<b>Garden</b>	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
<b>Grievance procedure</b>	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.
<b>Head of household</b>	A person in the family who generally runs the affairs of the household and is regarded by other members as the main decision-maker.
<b>Homestead</b>	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.
<b>Host population</b>	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.
<b>Household</b>	All members of a family, whether related or not, operating as a single economic unit and living together in a homestead.
<b>Intangible culture</b>	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).
<b>Involuntary resettlement</b>	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.
<b>Kraal</b>	Unroofed structure serving as an enclosure for holding livestock, associated with the homestead, business or other facility that may keep livestock.
<b>Local Authority</b>	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.
<b>Natural resource</b>	The environment, plants and animals and the products derived from them that are a benefit to humans.
<b>Orphans and Vulnerable Children (OVC)</b>	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.
<b>Production</b>	Annual potential yield or harvest from land affected by the program.
<b>Program Area</b>	Area affected by major program components for construction, inclusive of infrastructure.
<b>Project Affected People (PAP)</b>	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.
<b>Physical displacement</b>	Loss of shelter and/or assets caused by acquisition of related land by the program and hence triggering resettlement or relocation.



<b>Public disclosure</b>	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.
<b>Rehabilitation</b>	Re-establishing incomes, livelihoods, standard of living, and social systems.
<b>Relocation</b>	Physical moving of affected household, business, facilities, etc. from pre-program location to a new location.
<b>Replacement</b>	Re-building or re-establishing the affected asset or facility with a new one <i>in situ</i> or in a new location.
<b>Resettlement</b>	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.
<b>Resettlement assistance</b>	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.
<b>Residential site</b>	A piece of land that is legally owned, allocated or leased for the purpose of residence.
<b>Sharecropper</b>	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.
<b>Stakeholder/s</b>	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.
<b>Structure</b>	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.
<b>Tenant</b>	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.
<b>The Program</b>	The LLBWSS Program
<b>Trees</b>	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.
<b>Valuation</b>	Calculation of the cash value of the affected asset, taking account of its market value and/or full replacement costs.
<b>Voluntary resettlement</b>	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.
<b>Vulnerable person</b>	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.

# Executive summary

## Introduction

The water supply situation is worsening rapidly in many areas of the Lowlands in Lesotho. The supply of reliable, potable water is a commitment under the United Nations (UN) Millennium Development Goals (MDGs) and the current Sustainable Development Goals (SDGs), and to this end the Government of Lesotho (GoL) has embarked on a programme for the improvement of water supply across the country (SMEC, 2017). The Lesotho Water Sector Improvement Project Phase II (LWSIPP) is one of the key programmes that the Government of Lesotho (GoL) has embarked on to improve potable water supply and for which GoL needs to secure financial assistance from the International Development Association (IDA) (member of World Bank) to construct the project. Forming part of the LWSIPP is the Lesotho Lowlands Bulk Water Supply Scheme (LLBWSS) which aims to address the Lowlands water demands by supplying water to the Lowland settlements with a population greater than 2 500.

**Aurecon South Africa (Pty) Ltd (Aurecon) is appointed to prepare the ESIA, the associated ESMP, and the Resettlement Action Plan (RAP) for Zones 2 and 3. This RAP covers a sub-zone within Zone 2, which is the area that is proposed to be funded by the World Bank.**

This scheme includes a water treatment works (WTW) and associated transmission infrastructure to deliver bulk supplies water to augment supplies to the towns of Maputsoe and Hlotse and provide supply to the larger villages of Khanyane and Tsikoane. Two small villages in the region of the WTW, Ha Lesiamo and Mpharane, will also be supplied. The scheme further includes extension and refurbishment of the existing distribution networks in Maputsoe and Hlotse and Tsikoane and a new network to serve Khanyane.

Water will be pumped from the proposed WTW on the Hlotse River, 10 km southeast of the town of Hlotse, to a 10 000m<sup>3</sup> command reservoir above the village of Khanyane, where it will gravitate to reservoirs in Maputsoe, Hlotse and Tsikoane. Khanyane, at a higher elevation, requires a small booster station.

The River intake and raw water pump station are sized to deliver 2045 design demands (50/60 ML/d). The WTW will be implemented in two phases: Phase 1 with a capacity of 25ML/d, for 2030 demands; Phase 2 will expand the WTW to 50/60 ML/d to meet 2045 demands.

## Legal and institutional framework

This section discusses the Lesotho legislation, regional and international treaties to which the country is party, as well as World Bank Operational Policies and other best practice notes applicable to the proposed pipeline and the associated potential involuntary resettlement of persons, their assets, livelihoods, and the acquisition of land in the public interest. It also provides an overview of the areas of conflict or shortfalls of local legislation, in which case the World Bank standards shall prevail. These cases can be attributed to a lack of specific legislation in Lesotho on matters concerning economic displacement (as opposed to physical displacement), the level of public consultation, the functionality of Grievance Mechanisms (GM), and the Monitoring and Evaluation (M&E) of a project, outside the context of Environmental Impact Assessment (EIA). Furthermore, equal rights are given constitutionally to men and women, and it is appealed to project developers to develop sustainably, but the in-practice consideration of women as a *vulnerable group* is a far cry from what it should be, since gender equity is not addressed in various Lesotho laws applicable to involuntary resettlement (*inter alia*, the Lesotho Constitution of 1993 and the Land Act 8 of 2010). The argument is made that the vulnerability of certain groups, if a snapshot is taken at any given time at the equity of social groupings, puts them on the backfoot when it comes to the ownership and subsequent compensation for land and livelihoods, save perhaps for the Legal Capacity of Married Persons Act 9 of 2006. In this regard, the World Bank OPs on involuntary resettlement and vulnerable persons is discussed at length in this report, as their application will serve as cornerstones in the implementation of this RAP.

## Census, socio-economic and asset survey

In order to identify the Project Affected Persons (PAPs), determine the socio-economic baseline and register and adjudicate assets, a census, socio-economic and asset survey was conducted through administration of questionnaires at household level. One survey questionnaire was used to gather asset, census and socio-economic data, this enabled the resettlement planning team to gather information in the shortest time and minimise survey fatigue of the PAPs.

The survey aimed to provide information in order to analyse poverty levels and welfare indicators in households, identify socio-economic needs and the potential impact on livelihoods of the affected people. Broadly, social data gathered from the survey comprised of thematic categories such as population and demographics, landownership and land use, businesses and social networks.

Data collected in the surveys were coded and entered for analysis. All data that were collected for all PAPs were analysed to provide the social profile of affected persons. Results of the census were compiled into an MS Excel database.

All PAPs losing property were interviewed using the questionnaire. English was the language that was used during enumeration but due to a language barrier, the enumerators translated the questions into the local language for the PAPs to understand. PAPs who were not present at the time of the survey were represented by either their spouses or children.



Figure ES-0-1 | Census, socio-economic and asset survey enumeration

From the combined survey and GIS data, 267 households will be affected, with a total of approximately 828 PAPs having been identified (all respondents were not available when the surveys were carried out), including household heads and dependents. As part of these households and governmental premises, 271 structures (ranging from dwellings to businesses and shelters for domestic animals) will be permanently affected, and 242 only during the

construction phase. Fruit- and wood trees would also require compensation, with an area comprising 9 660 m<sup>2</sup> temporarily and 2 235 m<sup>2</sup> thereof permanently. Fields impacted by both servitudes consist of 368 312 m<sup>2</sup>, 142 811 m<sup>2</sup> of which will be permanently affected. A small number of households indicated that they have graves on their premises. Twenty-four child headed households were identified along the pipeline route.

Table ES 1 | Number of households impacted and surveyed per community council, village and chief below indicates the Number of households impacted and surveyed per community council, village and chief.

Community Council	Village	Chief	Number of households
Hleoheng	Hleoheng	Maletsabisa	27
Hleoheng	'Muela Ha Setho	Masaenata Seetsa	3
Sub total			30
Hlotse Urban	Ha Mphuthing	Marese Mphuthing / Malofetsane Moliboea	5
Hlotse Urban	Hlotse Lisemeng 1	Peete Molapo / Mantsoe Molapo	34
Hlotse Urban	Khanyane Konkotiea	Malefetsane Moliboea /	86
Hlotse Urban	Matukeng	Ntseke Malimatle / Mamabeko Letuka	24
Hlotse Urban	Sebothoane	Malefetsane Moliboea / Motsoene Gertrude / Marese Mphuthing	19
Hlotse Urban	Tsikoane	Motlaselo Molapo / Ntseke Malimatle	17
Sub total			185
Maputsoe Urban	Ha Maquele	Mohlalefi Jonathan	4
Maputsoe Urban	Ha Nyenye	Tau Semelane	7
Maputsoe Urban	Mpharane	Peter Mokhitli	6
Maputsoe Urban	Seretse Khama	Motlaselo Molapo	8
Maputsoe Urban	St Monica's	Motlaselo Molapo	27
Sub total			52
Total			267

Table ES 1 | Number of households impacted and surveyed per community council, village and chief

## Potential project impacts

From a social perspective the proposed project will improve the quality of life of the beneficiaries in the long term and will assist Lesotho with coming close to achieving its Sustainable Development Goals. **All households affected by the project will also benefit from the supply of water by the LLBWSS - the objective is to *provide* water to those areas, not merely carry it elsewhere through the affected area.** Apart from quality of life, the proposed project will create health and economic benefits on a local level. People living in the project area are poor and would benefit from the development. Although there will be some negative impacts on the short term, the long-term benefits outweigh the short term negative impacts. Most negative impacts will be the result of resettlement, loss of assets and impacts on livelihoods. Other potentially negative impacts relate to the construction period. These impacts can be mitigated. It is important to monitor the impacts to determine whether the actual and predicted impacts align. Monitoring will also identify potential issues early and allow the proponent to adjust the management of impacts where required.



Impacts on surface water is anticipated to range from **high(negative)** to **low(negative)** and can be mitigated to **moderate(negative)** to **very low (negative)**. The degradation of surface water quality could exacerbate displacement impacts on insofar as their access to potable water might be further limited. This impact is not expected to last longer than the construction period. The potential decrease in water quantity to downstream water users could also impact their livelihoods, as it could lead to less water available for irrigation or livestock or commercial purposes (although the latter component is very limited).

Impacts on soil is anticipated to range from **moderate (negative)** to **very low (negative)**, but with implementation of mitigation measures, it can be reduced to **low (negative)** to **very low (negative)**. Soil degradation caused by the clearing, erosion, or contamination of the construction area, could negatively impact farmers. The degradation of soil in fields used for cultivation could exacerbate the high erosivity of fields or contaminate soils such that yields are affected.

Disturbance of cultural heritage resources (of which the biggest risk is graves and cemeteries) may occur during excavation activities. These disturbances may be permanent but could be mitigated through various mitigation measures. The overall potential impact is anticipated to be of **moderate (negative)** significance and can be mitigated to **very low - (negative)**. Cultural cohesion could be undermined where households are resettled to areas unlike their native communities.

The proposed project is likely to increase traffic during the construction phase. Where there are construction activities close to communities, it is important to ensure that traffic is managed in a manner that facilitates efficiency as well as ensuring the safety of the local residents (especially school children and roaming or unsupervised livestock). Traffic impacts can be minimised to a **very low (negative)** level if appropriate measures are put in place.

Noise impacts might be experienced during the construction phase of the project, potentially adding to the anxiety brought about by potential resettlement, especially at schools. The overall potential impact of noise is anticipated to be of **low (negative)** significance and can be mitigated to **very low (negative)**.

## Public consultations

The resettlement planning team made use of public participation, the social baseline assessment and the resettlement planning process to consult with stakeholders through multiple consultative phases. This enabled the resettlement team to reach the most stakeholders and provide stakeholders with the most opportunities to participate in the process. It also allowed for transparent communications.

The first phase was conducted by the client between April and June 2018 to sensitise Leribe- and Berea-district authorities, Members of Parliament of the affected constituencies; the District Administrators, District Council Secretaries, Principal chiefs, Area Chiefs, Community Councils and Government Departments about the project. . A directory was subsequently compiled, which the consultants later used to contact relevant parties for meetings.

The second phase of consultations took place in June when the client introduced the *consultants* to the district authorities. During these consultations, consultants obtained additional stakeholders' details in the districts.

The third phase of consultations took place from 3 to 6 July when consultants conducted a familiarisation visit to the identified sites/plans. During this visit additional potential stakeholders (representatives from the transport sector, NGOs, health centres, schools, religious groups, traditional leaders, soccer teams, herders' associations; business sector representatives, grazing associations, water committees and horse riding associations) as well as vulnerable groups (groups of people with disabilities, elderly people, women traditional dance groups, and young mothers) were identified.

The fourth phase of participation was at an inception workshop organised by the client on 1 August 2018. Participating at the workshop were Members of Parliament for affected areas, Principal Chiefs, District Administrators, District Council Secretaries, Community Council Secretaries; Area Chiefs and Water Committees. At the end of this workshop the public participation schedule plan was developed jointly with the consultants and local area representatives. The broader community consultation process took place between 6 and 29 August 2018.

The fifth phase included focus group meetings and key informant interviews held from 3 to 21 August 2018, with stakeholders ranging from farmers, women's sewing groups, youth leaders, councillors, electricity scheme groups, agricultural associations, burial societies, and community members with no particular affiliation. These meetings were



held to gain valuable insight on the socio-economic status of the surrounding communities, and to obtain the views and inputs of important organisations and key community members in the project affected communities.

The sixth phase was an asset, census and socio-economic survey. The survey was completed between July and September 2018, by 28 local enumerators that were trained and temporarily employed to collect data. PAPs were consulted and informed about the proposed project, as well as given the opportunity to provide input.

Vulnerable groups were consulted during focus group meetings. These included farming cooperatives, burial societies, and soup kitchens formed by elderly people in various villages; young females, and disabled individuals. These persons were visited in their home villages, to limit extensive travel on their part.

During all consultations, most people expressed broad support for the project as it would provide a resource that is in desperately short supply. Some were, however, concerned with the potential impact that water abstraction from the Hlotse dam would have on surface water yield, why payment is expected for water when there is high a perceived unemployment rate (also why, if neighbouring countries purchase water from Lesotho), why payment is expected if one already has access water, or whether these “sources” would be decommissioned, and whether resettlement would take place to undesired locations. They also sought clarification on whether water will be supplied to affected communities or whether the pipeline would simply pass through (some people seemed to have longstanding grievances with the current quality and reliability of water supplied by Rural Water Supply) and how water would be made available to households from the main pipeline, they wanted to understand who would receive compensation between the Chief and the person using the land.

## Eligibility criteria

Table ES-2 | summarises the categories of PAP potentially eligible for entitlements.

**Table ES-2 | Categories of PAP potentially eligible for entitlements**

Affected categories		Key impacts
The government, as legal owner of land tracts		<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of fixed assets, including government structures</li> <li>■ Loss of production, productive capability (income, service to the community)</li> <li>■ Loss of rental income from buildings, land</li> </ul>
Landholders with registered rights to land		<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead/business structures</li> <li>■ Loss of rental income from buildings, land</li> </ul>
Unregistered landholders with socially recognised traditional/ customary rights to land		<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead/business structures</li> <li>■ Loss of rental income from buildings, land</li> </ul>
Unregistered landholders with no recognisable legal	People with usufruct rights to land (e.g. renters, leaseholders, sharecroppers)	<ul style="list-style-type: none"> <li>■ Loss of usufruct arrangements on, and thus access to, land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of fixed assets on the land</li> </ul>

Affected categories		Key impacts
right/ claim to land they are occupying	People who have encroached on land without legal rights or claims to land	<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead and/or business</li> </ul>
	Building tenants/ renters	<ul style="list-style-type: none"> <li>■ Loss of rented accommodation</li> <li>■ Loss of rented space for business enterprise (income, business networks/clientele)</li> <li>■ Loss of production, productive capability (subsistence, income)</li> </ul>
Agricultural labourers		Loss of income
Employees of households and business enterprises		<ul style="list-style-type: none"> <li>■ Loss of income</li> <li>■ Loss of accommodation</li> </ul>
Communities		<ul style="list-style-type: none"> <li>■ Loss of communal assets</li> <li>■ Impeded/constrained access to facilities, services, social networks</li> </ul>
Households/families		Loss of gravesites
Neighbouring and host communities		<ul style="list-style-type: none"> <li>■ Loss of land (communal and private)</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets on the land</li> <li>■ Impacts on services, facilities and utilities</li> </ul>

## Costs and budget

The indicative total cost to mitigate the social impacts of the proposed pipeline is as shown below. It is envisaged that a workshop will be held with the proponent to confirm the servitude width and variations thereon. The values indicated are estimates, and the government valuer will ascertain the values and revise accordingly before any compensation can be processed.

**Table ES 3 | Compensation and resettlement plan cost**

Item for compensation	Unit	2009/10 rate	2018 (SA)	Contingency added @ 5%**	15% (disturbance)	Total no. of units to be compensated	Sub-total compensation cost (LSL)
Value of land (permanent loss)	ha	LSL 35,152.25	R58,353.81	LSL 61,271.50	LSL 70,462.23	37.4	2 635 287.24
Value of land (temporary loss)	ha	LSL 1,702.18	R2,825.67	LSL 2,966.95	LSL 3,412.00	94.6	322 927.05
Value of structures / buildings*	m		LSL4,942.74	LSL 5,189.88	LSL 5,968.36	271	1 617 425.17
Value of trees (p/l)	tree	LSL 1,529.89	R2,539.66	LSL 2,666.64	LSL 3,066.64	483	1 481 186.85
Value of trees (t/l)	tree	LSL 185.02	R307.14	LSL 322.50	LSL 370.87	112	41 537.61
Value of crops (p/l)	sqm	LSL 9.83	R16.32	LSL 17.14	LSL 19.71	142811	2 814 290.69
Value of crops (t/l)	sqm/y	LSL 0.48	R0.80	LSL 0.84	LSL 0.97	225501	217 833.97

Item for compensation	Unit	2009/10 rate	2018 (SA)	Contingency added @ 5%**	15% (disturbance)	Total no. of units to be compensated	Sub-total compensation cost (LSL)
Housing displacement allowance	HH	LSL 15,858.88	R26,326.23	LSL 27,642.54	LSL 31,788.92	267	8 455 853.44
Self-evacuation displacement allowance	owner/ HH	LSL 2,615.98	R4,342.61	LSL 4,559.74	LSL 5,243.70	267	1 394 824.62
Formal business displacement allowance	owner	LSL 6,343.56	R10,530.50	LSL 11,057.03	LSL 12,715.58	81	1 029 961.88
Self-evacuation displacement allowance	owner	LSL 2,615.98	R4,342.61	LSL 4,559.74	LSL 5,243.70	81	424 739.83
<b>Total compensation cost (LSL)</b>							<b>LSL 20,435,868.34</b>
<b>Cost for RAP implementation</b>							<b>LSL 1,650,058.38</b>
<b>Grand Total (LSL)</b>							<b>LSL 22,085,926.73</b>
<b>Grand Total (USD)</b>							<b>\$ 1,527,380.82</b>
*Based on \$24,500 per 72sqm house in Lesotho (housingfinanceafrica.org) at 2016 an exchange rate of LSL 13.4 per \$ 1.							
**A 5% contingency was added to the calculated prices, as Lesotho's inflation rate has been 1% higher than South Africa's on various occasions throughout the calculation period (tradingeconomics.com).							

## Livelihood restoration strategy

The objective of livelihood restoration activities is to ensure that no PAP shall be worse off than he or she was before the project. Restoration to pre-project levels of income is an important part of rehabilitating individuals, households and socio-economic and cultural systems in affected communities.

The identified opportunity therefore is to ensure that the PAPs who get spaces in the formal markets benefit by use of the already available infrastructure. The following options will be applied as livelihood restoration measures in the project.

- Provision of vocational training;
- Encouraging and assisting the PAPs to form self-help groups;
- Creation of awareness to access credit facilities; and
- Improvement of sites for carrying out business activities.
- Providing agricultural inputs, such as seeds

A comprehensive training programme of the PAPs should be done to assist them in re-gaining income sources. The overall objective is to provide counselling and promote business development and growth, employment creation and poverty alleviation. The proposed training program will be aimed at building their capacities through economic empowerment, self-development, and improved environmental management. It is hoped that the beneficiaries will acquire skills to enable them to move on and relocate businesses elsewhere, open new businesses and enhance their management and businesses practices for the sustainable development of their enterprises. The training to empower the PAPs will be a function of the RC in collaboration with designated NGO/CBO who will be a member of the Committee. The needs of the PAPs have been identified during the socio-economic survey and informs the areas to be addressed.<sup>1</sup>

**Table ES-4 | Specific livelihood restoration strategies proposed for the study areas**

Livelihood	Level of impact Low, Medium, or High	Restoration strategy
<b>Temporary disturbance</b>		

<sup>1</sup> Resettlement Action Plan. 2014. Preliminary and Detailed Engineering Design for the Dualling of Mombasa - Mariakani (A109) Road. AECOM

Livelihood	Level of impact Low, Medium, or High	Restoration strategy
Firewood stands	Low	Provide new space close to existing trade area; assist with transportation of goods.
Spaza shops	Low	Provide new space close to existing trade area; assist with dismantling and re-assembling shops; assist with transportation of goods.
Cellular communication and money transfer vendors	Low	Provide new space close to existing trade area; assist with dismantling and re-assembling shops; assist with transportation of goods.
Food vendors	Low	Provide new space close to existing trade area; assist with transportation of goods.
Tombstone sellers	Low	Provide new space close to existing trade area; assist with transportation of goods.
Taxi stops	Medium	Provide new safe space close to existing pick-up areas.
<b>Permanent disturbance</b>		
Formal shops	Medium	Provide new trading space and rebuild affected structures, or provide similar structures for trade close to the existing trade area; assist with transportation of goods. Time the move such that the vendor does not lose trade opportunities - new sites must be available when vendors are relocated.
Public bar	Medium	Provide new trading space and rebuild affected structures, or provide similar structures for operation close to the existing trade area; assist with transportation of goods. Time the move such that the vendor does not lose trade opportunities - new sites must be available when vendors are relocated.
Bus stop	Medium	Provide new safe space close to existing pick-up areas. Replace signage and shelters if present.
Car washes	Medium	Provide new car wash space with access to water; assist with dismantling and re-assembling structures if present.
Small-scale farming	Medium	<p>Move structures away from servitude. If crops are affected, allow sufficient time for harvesting. If a harvesting season is missed, compensate the affected person. Rehabilitate affected grazing areas with appropriate grass species. Erect barriers around trenches to prevent livestock from falling into trenches.</p> <p>Farmers should be made aware of the Grievance Mechanism (section 12) in case of loss of livestock or assets.</p>
Brickmakers	Medium to High	Train brickmakers to produce concrete-bricks and provide them with the necessary tools to create a new business. This will ensure that brickmakers are buffered against clay resources, which are finite.
River sand mining	Medium to High	Assist river sand miners with formalisation of their business and finding new resources.

## RAP implementation schedule

The implementation schedule presented in the Figure below is indicative and is mainly intended to show the lead time required before final implementation, together with the likely duration of the implementation itself. The schedule takes into consideration important variables such as creation of awareness one of the potential impacts and resolution of conflicts and grievances.







## Grievance redress mechanism

Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts, or perceived impacts. The IFC standards require Grievance Mechanisms to provide a structured way of receiving and resolving grievances. Complaints should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities and is at no cost and without retribution. The mechanism should be appropriate to the scale of impacts and risks presented by a project and beneficial for both the company and stakeholders. The mechanism must not impede access to other judicial or administrative remedies.

A grievance is a concern or complaint raised by an individual or a group within communities affected by the project operations. Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts or perceived impacts. Based on the understanding of the project area and the stakeholders, an indicative list of the types of grievances have been identified for the project, as can be seen below:

- Concerns over the impact on local cultures and customs;
- Compensation for loss of assets;
- Record errors made during surveys as well as inadequate valuation of properties;
- Delayed commencement of sub-project activities
- Property ownership disputes within families or relatives;
- Disagreements on portions of land surveyed
- Further losses to community forest;
- Issues related to transportation;
- Construction phase-related grievances: damage of trees and property during construction phase; traffic safety, restricted access to homes, dust, noise, etc.
- Operations phase-related grievances: system operator interactions with community, traffic, safety around electrical facilities, etc.

The project stakeholders will have the opportunity to access the list of grievances including the resettlement and compensation grievances that may arise during the projects construction and operation phases. Registered concerns will have a speedy, just and fair resolution process. The list of grievances will be regularly updated as and when the new one arises.

This section represents details of the Grievance Procedure and accompanies the Resettlement Action Plan. The Procedure follows that recommended by the International Finance Corporation (IFC) in Performance Standard 1 (IFC, 2012) and in the handbook Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets (IFC, 2007).

The grievance mechanism should be based on the following principles:

- **Transparency and fairness:** To ensure transparency in handling and processing of grievances, all project stakeholders, especially complainants will be kept informed about the progress of their grievances in a timely manner.
- **Accessibility and cultural appropriateness:** All stakeholders will have the opportunity to participate in the grievance process in the language preferred by them. Methods to accommodate illiterate or disabled persons should be made available when lodging and tracking their grievances.
- **Openness and communication regularity:** There are multiple channels available for individuals and groups to choose their preferred method of lodging grievances. i.e. stakeholders may complete a complaint form through community committee members, or lodge a complaint via telephone.
- **Written records:** Once a grievance has formally been raised, it is important that written records thereof are kept, to allow for any review of the process or decision to be undertaken. If possible, the original complaint should be in

writing. The Contractor's response should also be recorded. Any actions taken along with reasons should also be recorded, for example, a grievance hearing and findings.

- **Dialogue and site visits:** The resolution of all grievances is to include a site visit, if required, to gain a first-hand understanding of the nature of the concern. The purpose of the visit is to confirm the validity and severity of the grievance.
- **Timely resolution:** All grievances, regardless of their nature and size shall be considered and corrective actions taken within reasonable time. The channel of communication is to be kept open throughout the process of addressing each grievance, and acknowledgements of receipts are to be signed by the complainant ensuring that the complaint was resolved amicably for both the project and the complainant. All possible efforts will be made to complete the process within the shortest possible time.

A proposed grievance flow is presented here, showing the practical application of the GM:

1. **Reporting of grievances / incidents / complaints:** Incidents to be reported are complaints and grievances perceived to be directly or indirectly caused by the LLBWSS and/or its contractors, resulting in inconvenience to stakeholders (**excluding labour disputes**). Complaints must be in writing and must specify the name of the complainant, the nature of the complaint, address and telephone number of the complainant.
2. **Procedure:**
  - a. **Responsibility of the complainant:** Report complaint / grievance in writing for attention of the Stakeholder Relations Manager, by leaving the letter at the designated office OR submitting it to the CLO OR faxing it to a telephone number specified by the LLBWSS. If a complaint is of such a nature that it poses potential harm, injury or danger to an employee or any member of the public, a telephone line delivered by the LLBWSS shall be used.
  - b. **Responsibility of the Stakeholder Relations Manager:** immediately record the complaint in the grievance register, determine the severity thereof telephonically, send an acknowledgement letter to the complainant, classify the grievance and send it to the relevant department for inspection and investigation, capture the grievance on an electronic database that is accessible to the LLBWSS, conduct an investigation (and site visit if necessary) within seven days, and communicate the outcome to the complainant
3. **Lodging an appeal:** The complainant is given seven days to lodge an appeal, should the outcome not be satisfactory. The appeal hearing is scheduled within 14 days by the relevant head of department.

## Monitoring and evaluation

Aspects to be monitored and evaluated include: asset acquisition, compensation payment, progress with resettlement and/or rehabilitation where required, the effectiveness of consultation and participation, and the sustainability of livelihood restoration efforts where applicable. This M&E section outlines the methods to be employed, the 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.

Monitoring will be an ongoing activity, employing mechanisms such as:

- Internal performance and impact monitoring: once a 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.
- External monitoring through an independent source: monitoring of all scheduled resettlement outcomes and project reports by an independent party as these are produced (see Implementation Schedule - each of these components should be monitored or reviewed depending on the deliverable no more than two weeks after its implementation); 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"*<sup>2</sup>

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<sup>2</sup> IFC. January 2012. *Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts*.

Adequate financial and human resources are to be allocated for the implementation of M&E, and suitable responsibilities assigned to implementers, including consultants.

## Conclusion

Analysis of the data on the census of the PAP along the pipeline corridor and the socio-economic survey reveal that there were 267 households along the pipeline who had right of livelihood by living, operating businesses and / or having fields along the pipeline corridor. These people had 561 dependants, totalling to 828 PAPs. No household relocation or land-for-land compensation is anticipated for this project. If any household relocation is to occur, it would likely be on the owner's premises/stand.

The project is expected to have a positive impact due to the augmentation of bulk water supply in the study area, as the study area has distribution networks in place, but little bulk supply of water.

The estimated cost of compensation is LSL 20,435,868.34, the implementation budget for the RAP LSL 1,650,058.38, adding up to a total of LSL 22,085,926.73.

If the Lesotho Water Commission and roads authority could agree on the use of the road servitude for construction, the impact and the compensation cost could be significantly decreased.

Impacts on livelihoods are anticipated to be fairly low. Recommendations are made for livelihood restoration, and if applied would be significantly reduced.

Vulnerable groups (especially the elderly and disabled persons) were consulted in their home villages where possible, to avoid extensive travel on their part. A consultative process was undertaken in local languages. These households should be given advice on alternative subsistence and livelihood impact activities.

If manual labour for construction is used, and if local labour is sourced, the positive socio-economic impacts will be enhanced.

It is acknowledged that this type of project can impact on the quality of life and the livelihoods of communities. Therefore, the GM has been developed to assist in addressing ongoing issues during project implementation.



# 1 Introduction

## 1.1 Project background

The water supply situation is worsening rapidly in many areas of the Lowlands in Lesotho. The supply of reliable, potable water is a commitment under the United Nations (UN) Millennium Development Goals (MDGs) and the current Sustainable Development Goals (SDGs), and to this end the Government of Lesotho (GoL) has embarked on a programme for the improvement of water supply across the country (SMEC, 2017). The Lesotho Water Sector Improvement Project Phase II (LWSIPP) is one of the key programmes that the GoL has embarked on to improve potable water supply and for which GoL needs to secure financial assistance from the International Development Association (IDA) (member of World Bank) to construct the project. Forming part of the LWSIPP is the Lesotho Lowlands Bulk Water Supply Scheme (LLBWSS) which aims to address the Lowlands water demands by supplying water to the Lowland settlements with a population greater than 2 500. The eight Zones of which this project forms part is shown in Figure 1-1 below (this RAP applies to a section of Zone 2 in the Leribe District).

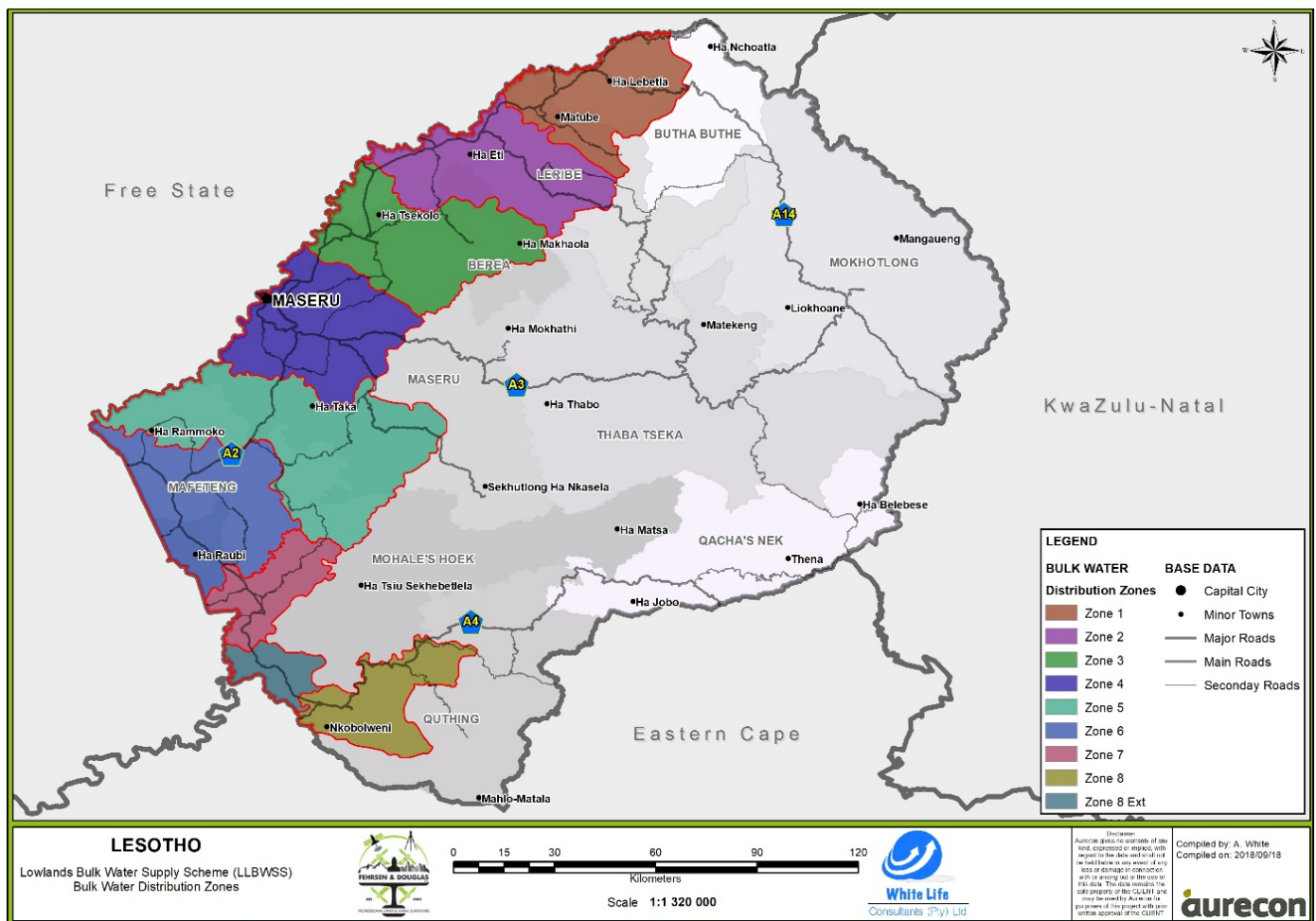


Figure 1-1 | Lesotho Lowlands Bulk Water Supply Scheme (LLBWSS) Study Area

A feasibility study of the Lesotho Lowlands Bulk Water Supply Scheme (LLBWSS) was started in 2003 and a Final Report was published by Parkman Ltd (UK) in 2005. Its findings and recommendations were approved and accepted by the Government of Lesotho (GoL) in May 2005.

The LLBWSS was started with the primary purpose of improving water supply to the lowlands settlements with populations of more than 2 500 for domestic, institutional and industrial purposes. The aim of the project is to support the introduction of technically, economically, socially, environmentally and financially viable, bulk-treated water supply system.

The LLBWSS is expected to include:

- Development of new water resources.
- Treatment of water as necessary.
- Transfer of water to demand areas.
- Bulk storage of treated water at suitable locations serving those centres.

In the Lowlands, the 2005 recommendations included the preliminary designs of five (5) treated bulk water supply schemes serving eight (8) water demand zones falling into three regions, i.e. the Northern, Central and Southern Regions. The eight water demand zones are listed below:

- Zone 1: Butha-Buthe
- Zone 2: Hlotse / Maputsoe
- Zone 3: Peka / Mapoteng
- Zone 4: Maseru / Mazenod / Roma
- Zone 5: Morija / Matsieng
- Zone 6: Mafeteng
- Zone 7: Mohale's Hoek
- Zone 8: Quthing

In 2008 under European Development Fund (EDF) funding, the Lowlands Water Joint Venture (JV) was engaged to produce conceptual designs, tender documents and financial/economic analyses of the LLBWSS. In accordance with the Lesotho environmental legislation, a detailed Southern, Central and Northern Environmental and Social Impact Assessment (ESIA) and associated Environment and Social Management Plan (ESMP) Reports were also prepared and completed in 2010. These reports were then approved by the Department of Environment (DoE) in 2010.

In 2016, SMEC International (Pty) Ltd (SMEC) was contracted to review and update the 2010 ESIA and ESMP reports and prepare an Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF) and a Generic Environmental Management Plan (EMP), all in accordance with the World Bank's (WB's) Safeguard Policies. The review and update are nearing completion.

Aurecon South Africa (Pty) Ltd (Aurecon) is appointed to prepare the ESIA, the associated ESMP, and the Resettlement Action Plan (RAP) for a sub-zoned area around the Maputsoe and Hlotse urban areas within Zone 2, as shown in Figure 1-2.

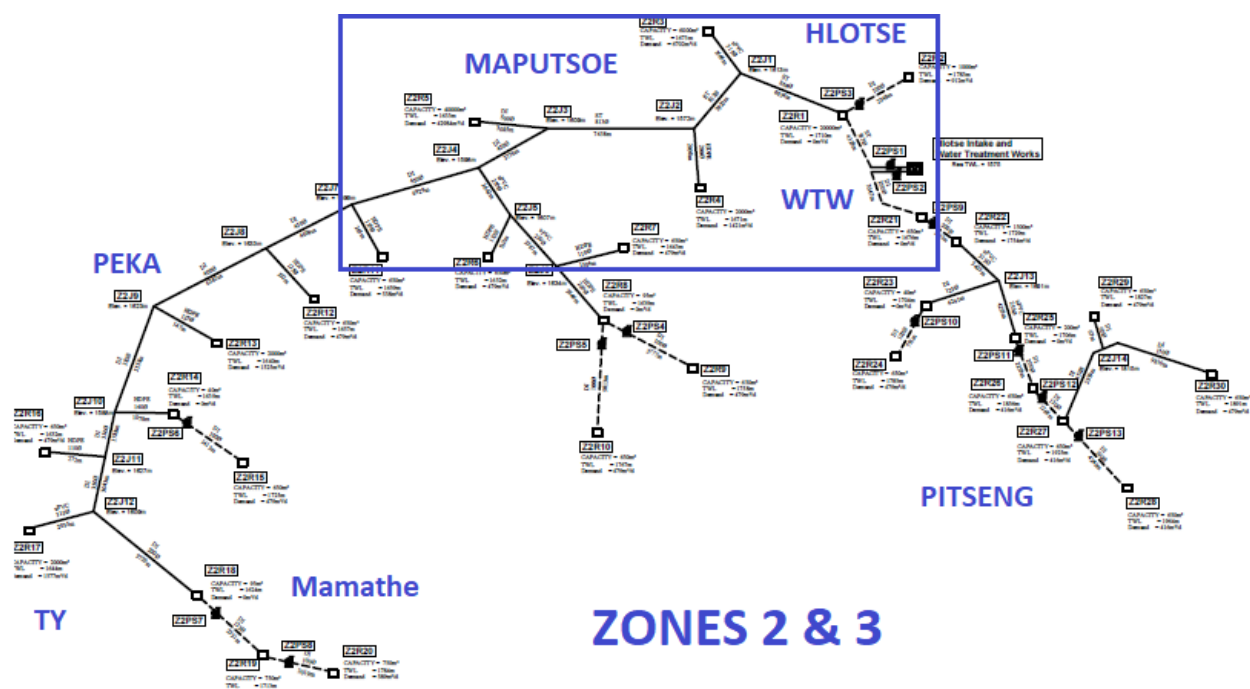


Figure 1-2 | Sub-zone (blue rectangle) of the Hlotse and Maputsoe urban areas to which this assessment applies.

The preliminary designs, ESIA and associated specialist studies that were available at the time of compilation of the report, and the SMEC RPF were considered.

## 1.2 Project components

Zones 2 and 3 are located to the south of Butha-Buthe (Zone 1). These zones have the second largest combined population in the country, estimated to grow to 284 602 in the year 2020 and 341 541 in the year 2035 (assuming a medium growth scenario).

Zones 2 and 3 will be served by a single scheme supplied by an abstraction point on the Hlotse River close to the road bridge that links Hlotse with Pitseng. A Water Treatment Works (WTW) plant will be established near Ha Makotoane, the location of which is shown in [Figure 1-3](#) and [Figure 1-4](#). Pumping stations and pipelines will convey the water to storage tanks throughout the demand zones.



Figure 1-3 | View of the Hlotse River, looking northwest to northeast.



Figure 1-4 | View of the WTW site, looking northeast to southeast. The Hlotse River is on the left.

The Scheme to be funded under the World Bank project falls within a portion of Zone 2. This scheme includes a water treatment works (WTW) and associated transmission infrastructure to deliver bulk supplies water to augment supplies to the towns of Maputsoe and Hlotse and provide supply to the larger villages of Khanyane and Tsikoane. Two small villages in the region of the WTW, Ha Lesiamo and Mpharane, will also be supplied. The scheme further includes extension and refurbishment of the existing distribution networks in Maputsoe and Hlotse and Tsikoane and a new network to serve Khanyane.

Water will be pumped from the proposed WTW on the Hlotse River, 10 km southeast of the town of Hlotse, to a 10 000m<sup>3</sup> command reservoir above the village of Khanyane, where it will gravitate to reservoirs in Maputsoe, Hlotse and Tsikoane. Khanyane, at a higher elevation, requires a small booster station.

The River intake and raw water pump station are sized to deliver 2045 design demands (50/60 ML/d). The WTW will be implemented in two phases: Phase 1 with a capacity of 25ML/d, for 2030 demands; Phase 2 will expand the WTW to 50/60 ML/d to meet 2045 demands.

The Zone 2 bulk water supply scheme comprises of a pipeline with diameters ranging from 100 mm and 900 mm direct surface water abstraction from the Hlotse River, Hlotse WTW, reservoirs, pump stations, and power supply.

Details of the proposed infrastructure are shown in Table 1-1 below:



Table 1-1 | Proposed infrastructure and specifications

Scheme Details			
1 No.	River Intake & Water Treatment Works Site		
1 No.	Intake Works and Raw Water Pump Station (2045)	50/60 ML/d	
1 No.	Water Treatment Works	25 (+25) MI/d	
1 No.	Main Pump Station PS1	2124 m³/hr -150m ,336kW	
1 No.	Booster Pump Stations		
	Z2 PS3 - Khanyane	23 m³/hr @ 90m - 9kW	
32km	Pipelines - Transmission	L (km)	Dia. (mm)
		4.4	0-200
		1.7	200-400
		25.8	400-850
5 No.	Tanks & Reservoirs	No.	Volume (m³)
		1	275
		1	500
		1	2500
		1	10000
		1	15000

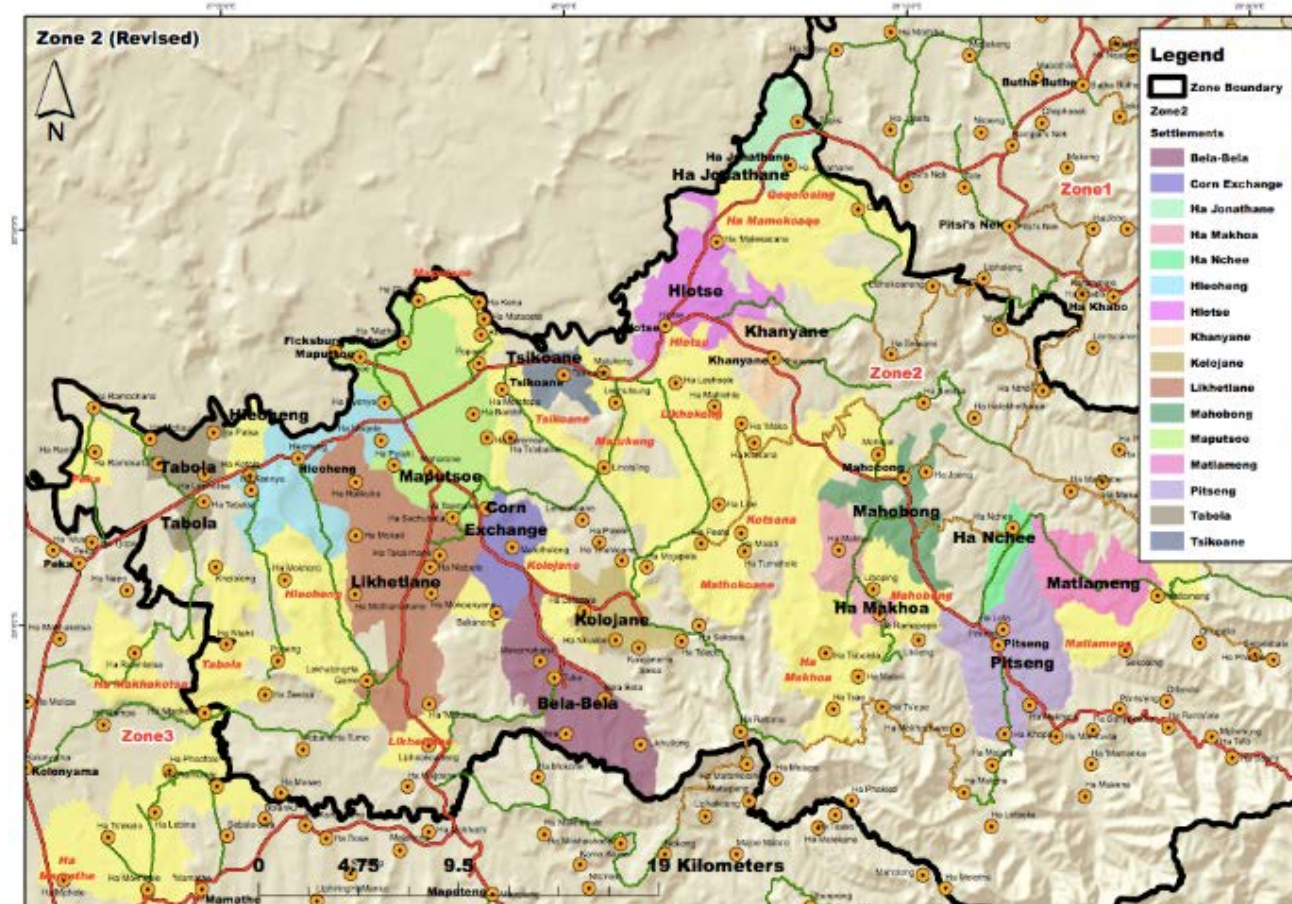


Figure 1-5 | Settlements in Zone 2

## 1.3 Efforts to minimise resettlement

The Lesotho Water Commission will approach the roads authority to move the alignment to the edge of the road reserve, thereby minimising the risk of required resettlement or impacts on livelihoods. Furthermore, during the initial design process, project alternatives were investigated. In this investigation alternatives were measured against the amount of resettlement taking into consideration:

- Topography/ slope;
- Future plans;
- Geotechnical suitability;
- Available area for all infrastructure;
- Accessibility to site;
- Social sensitivity of site;
- Environmental sensitivity of site; and
- Political sensitivity of site.

## 1.4 Pipeline route alternatives

The information used in the design process is based upon aerial photography and ground-controlled photogrammetry methods. The identified route was then altered to accommodate local physical features (SMEC, 2018).

No alternatives were identified or proposed for the pipeline route, however the following technical, social and environmental factors were duly taken into consideration by SMEC in the final decision of the pipeline route:

- **Existing road servitudes** - where practical and economically feasible the pipeline follows the route of existing roads, outside the boundary of the road reserve. This reduces the need for land appropriation and improves access to the pipeline during construction and for maintenance purposes.
- **Topography** - due to sharp relief in the study area and the fact that the proposed scheme relies on flow by gravity, the topographical aspects were taken into consideration in the selection of the pipeline alignment.
- **Proximity to WTW site** - ideally a treatment works must be located close to the raw water source where the water is pumped. Thus, this also influenced the alignment of the pipeline.
- **Ground conditions** - excavation costs and requirements for bedding material and degree of compaction is dependent on the ground conditions and/or geotechnical properties of the soils. This factor was therefore one of the key determining factors for the selected pipeline route.

It has become evident to the Consultant that the pipeline is not allowed to be located inside the road reserve (30 metres and 10 metres for varying road types respectively), and this assessment is based not on the pipeline location as designed, but on the road reserve and corresponding construction and operational servitudes.

## 1.5 Reservoir location alternatives

The site selection for the reservoir was determined primarily on the basis of demand in the study area and subsequently on the basis of the following criteria:



**Figure 1-6 | Factors considered in reservoir location selection process**

The proposed reservoir locations, based on the above considerations and the recommended sites, are shown in Figure 1-7.



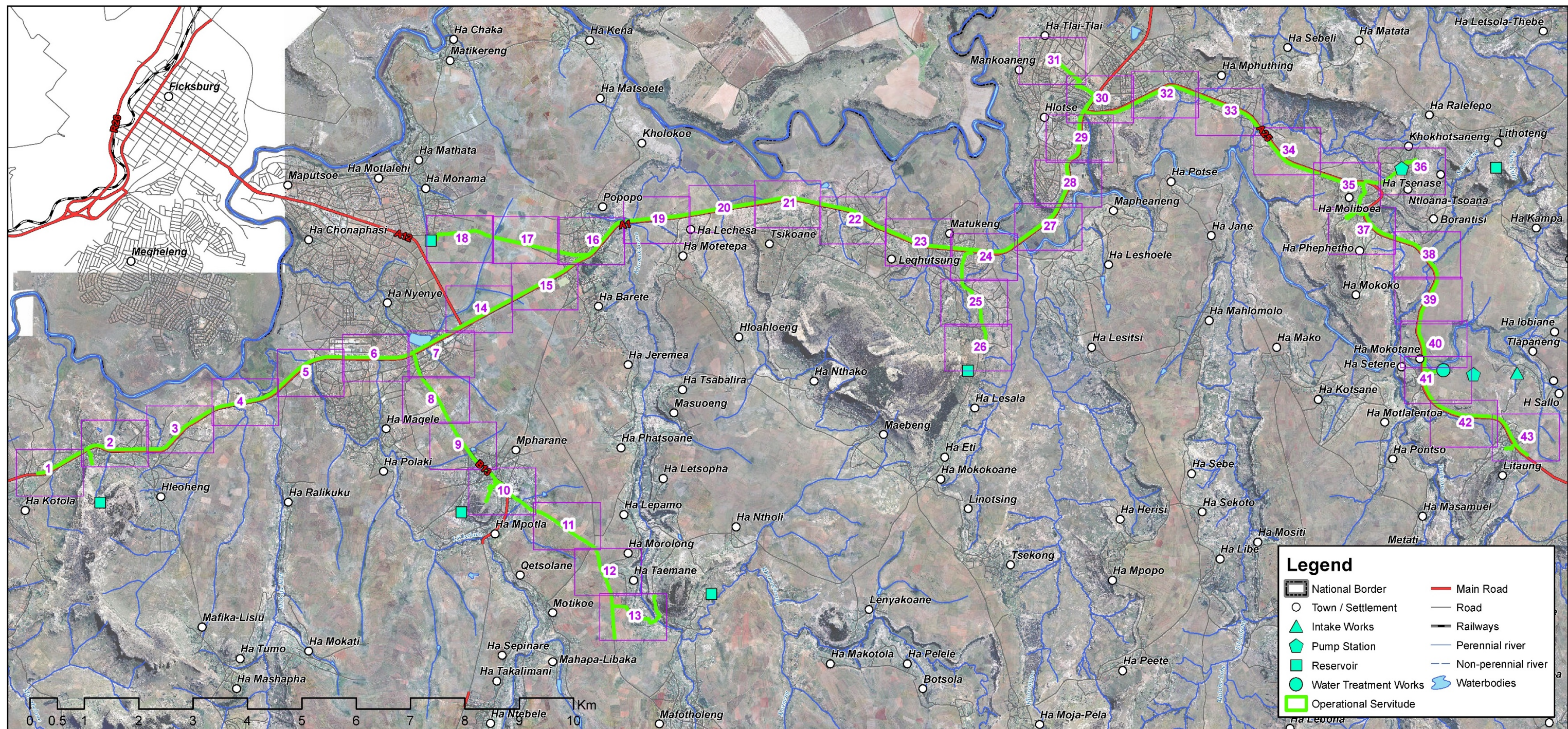


Figure 1-7 | Pipeline route with ancillary infrastructure, including reservoirs, intake works, WTW and pump stations.



## 2 Legal and policy framework

Policies and laws related to resettlement and institutional arrangements for resettlement are discussed below, as adapted from the RPF developed for the LLBWSS.

### 2.1 National legislation and practice

The following legal and policy requirements for resettlement and compensation need to be considered:

- **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”*.

**Relevance to the project:** The Water Commission would have to negotiate with the affected landowners to obtain requisite rights to construct the proposed pipeline and ancillary infrastructure in their properties and compensate them accordingly. The compensation procedure, as outlined in this RAP, which complies with the Lesotho legislation and the World Bank standards, is to be followed.

- **Local Government Act (No. 6 of 1997)** is the main legislation regulating local government policies, and establishing local authorities. 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.

**Relevance to the project:** The establishment of the proposed water supply scheme will require the support of the local communities and other local institutions/authorities for its success. All the relevant local structures have been involved and/or consulted on an ongoing basis from the early stages of the project to obtain local knowledge about the area and provide inputs/review opportunities at key stages in the ESIA and RAP processes.

- **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 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.

**Relevance to the project:** As per the requirements of the Act, the proposed development requires an EIA licence to commence with construction. An ESIA is underway.

- **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: “[i]n 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 “[i]n 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.

**Relevance to the project:** Portions of land will be required to establish project infrastructure, i.e. service reservoirs, pumping stations and the pipeline servitude.

The Water Commission will negotiate with the affected landowners to obtain requisite rights to construct over their land. The compensation process should be undertaken as per the provisions of the Land Act.

- **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.

**Relevance to the project:** Where property or any other assets might be affected by the proposed project, both spouses should be consulted when compensation is paid, where they are married in community of property.

- **Roads Act (No. 24 of 1969).** Section 25 of the Act 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”. This Act applies to the construction of temporary roads or the diversion of roads as ancillary infrastructure during the construction or for the operation of the pipeline.

**Compensation and Resettlement Policy Framework (September 2003)** of the Ministry of Public Works and Transport makes recommendations 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.

**Relevance to the project:** The project will be required to construct new road(s) or upgrade existing access road(s) to the site. Some of the roads will be for temporary use during construction, while some will be required on a more permanent basis to access the project infrastructure for maintenance purposes. Where the servitude of the pipeline will be constructed along the road servitude, the necessary permits will be sought from the Ministry of Public Works and Transport.

- **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”<sup>3</sup>.

**Relevance to the project:** The proposed development will require a water use permit to proceed with construction. The activities that are applicable to this project include:

5 (3)(a) taking of water from a watercourse

5 (3)(b) storing water

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<sup>3</sup> Superseded by the Land Act 2010.

5 (3)(d) engaging in a stream flow reduction activity

5 (3)(g) altering the bed, banks course or characteristics of a watercourse

- The **Lesotho Water and Sanitation Policy (2007) (LWSP)** sets out objectives to improve the management of Lesotho's water resources for 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"*<sup>4</sup>. The Policy is based on the **Integrated Water Resources Management Strategy, 2007** and the **Water Demand Management Strategy, 2007**.

The **Long-term Water and Sanitation Strategy (2014)** is intended to provide direction and guidance to water sector activities for the period of April 2014 to March 2020. It also contributes to achieving the National Strategic Development Plan (NSDP) and addresses the objectives of the LWSP.

**Relevance to the project:** persons whose property might be affected, as well as those who might benefit from this project are continually consulted throughout all phases of this project. It is a requirement of this RAP that these persons (PAP and PAC) be afforded opportunities to participate in the appropriate for a as the project progresses through implementation and thereafter.

- **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 of 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"*.

**Relevance to the project:** Specific property (assets, such as those mentioned) of PAP might be affected by the proposed project, and this Act shows the importance of compensating for damage done while extracting minerals. This could apply to borrow pits.

- **National Heritage Resources Act (No 2 of 2012)**<sup>5</sup>, which provides for the preservation and protection of all heritage, such as burial grounds, monuments and intangible heritage resources.

**Relevance to the project:** This act has particular relevance to the proposed reservoir sites, which are typically located on elevated hilly areas and may be sites where various Stone Age and Iron age people settled. It also has relevance to graves that may be affected by the project during construction or implementation. The two districts of Leribe and Berea are historically known as places rich in tangible heritage, such as fossils, buildings, monuments and rock art paintings. It is also anticipated that fossil remnants / remains could be found during construction and excavation of pipe trenches.

- **Historic Monuments, Relics, Fauna and Flora Act (No. 41 of 1967):** This Act provides for the protection of man-made cultural sites and artefacts, as well as flora and fauna. Section 9 (2) of the Act states that *"no person shall, without the written consent of the commission destroy or damage any monument or relic or make any alteration thereto or remove it from its original site or export it from Lesotho"*. Section 10 also states that no fauna or flora may be destroyed, damaged or removed from original site or habitat without a written consent from the commission. There are 16 groups of fauna and 11 groups of flora listed as protected species of which some are likely to occur in the project area. Failure to comply with the any provision of Section 9 or 10 could result in fine and/or imprisonment.

**Relevance to the project:** In accordance with the Act, the Contractor has the responsibility to conserve endangered or protected ecosystems. Where feasible, it is recommended that sensitive habitats be avoided, and unavoidable adverse impacts on protected fauna and flora, removal permits must be applied for.

- 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 [Lesotho Highlands Development Authority] 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*

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<sup>4</sup> [www.lewa.org.ls](http://www.lewa.org.ls)

<sup>5</sup> Repealed the Historical Monuments, Relics, Flora and Fauna Act (1967).

*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 “[p]arties 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.

**Relevance to the project:** These protocols might be used as a basis for the compilation of the Compensation framework, due to project similarities.

- Lesotho’s **National Strategic Development Plan (NSDP) 2012/13-2016/17 (2012)** compiled by the GoL, the WB 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 management 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 emphasised the importance of protecting water sources through integrated land and water resource management, and the way the environment’s natural resilience to climate change can be improved.

**Relevance to the project:** the proposed project will contribute to enhancing certain primary focus areas of the NSDP, such as adapting to climate change, improving environmental service delivery, and improving public knowledge of the environment.

- **Lesotho Water Security and Climate Change Assessment (2016)**, of the WB 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.

**Relevance to the project:** The proposed project aims to increase future water security, whilst adhering to long-term sustainability and climate change adaptation tenets.



## 2.2 International standards

Lesotho is party to several internationally acceptable policies, conventions, treaties and protocols which augment its 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

Regional
<ul style="list-style-type: none"> <li>■ African Charter on Human and People's Rights (1986)</li> <li>■ African Charter on the Rights and Welfare of the Child (1990)</li> <li>■ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (1995)</li> <li>■ <b>Southern African Development Community (SADC) Protocol on Shared Watercourse Systems (1995) and Revised Protocol on Shared Watercourses (2000)</b></li> </ul> <p>The overall objective of this Protocol is to foster closer cooperation for judicious, sustainable and co-ordinated management, protection and utilisation of shared watercourses and advance the SADC agenda of regional integration and poverty alleviation. To achieve this objective, this Protocol seeks to:</p> <ul style="list-style-type: none"> <li>– promote and facilitate the establishment of shared watercourse agreements and Shared Watercourse Institutions for the management of shared watercourses; advance the sustainable, equitable and reasonable utilisation of the shared watercourses;</li> <li>– promote a co-ordinated and integrated environmentally sound development and management of shared watercourses;</li> <li>– promote the harmonisation and monitoring of legislation and policies for planning, development, conservation, protection of shared watercourses, and allocation of the resources thereof; and</li> <li>– promote research and technology development, information exchange, capacity building, and the application of appropriate technologies in shared watercourses management.</li> </ul> <p>The Protocol also states that the utilisation of shared watercourses within the SADC Region shall be open to each Watercourse State. Signatories are also required to exchange information and communicate planned measures with possible adverse effects on other Watercourse States.</p> <p><b>Relevance to the project:</b> The source of water for this project (Hlotse River) is the tributary of the Mohokare River (also known as Caledon River) which rises from the Drakensberg Mountains on the Lesotho Border and joins the Orange River in the Free State. The water abstraction from Hlotse River will reduce the volume of water entering Mohokare River and will ultimately affect the Orange River downstream. The Water Commission is responsible for informing the member states (South Africa, Namibia and Botswana) of the proposed water abstraction activity for the LLBWSS project.</p> <ul style="list-style-type: none"> <li>■ SADC Declaration on Gender and Development (1997)</li> <li>■ SADC Protocol on Gender and Development (2008)</li> </ul>
International
<ul style="list-style-type: none"> <li>■ Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)</li> <li>■ Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1987)</li> <li>■ Convention on the Rights of the Child (CRC) (1989)</li> <li>■ Vienna Declaration and Programme of Action: Vienna Conference on Human Rights (1993)</li> <li>■ International Covenant on Economic, Social and Cultural Rights (1993)</li> <li>■ Millennium and Sustainable Development Goals (2000, 2015)</li> <li>■ Convention on the Rights of Persons with Disabilities (2006)</li> <li>■ Convention for the Safeguarding of the Intangible Cultural Heritage (2008)</li> </ul>

- **Related Bank Procedure (BP) - BP 7.50 Projects on International Waterways:** Similar to the SADC Protocol, this Policy/Procedure requires the Borrower (in this case the Commission of Water [CoW]) to formally notify the other riparians (or affected States) of the proposed project and its project/program details.

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 United Nations (UN) and the European Union/ Commission. Others have been developed by bodies, such as the WB Group, including the International Finance Corporation (IFC).

## 2.2.1 Project categorisation

By virtue of source of funding, the project is subject to international requirements. The WB requires projects to be classified in terms of the activity proposed and the receiving environment as to the level of assessment required in terms of environmental and social aspects. The four main categories are shown in Figure 2-1.

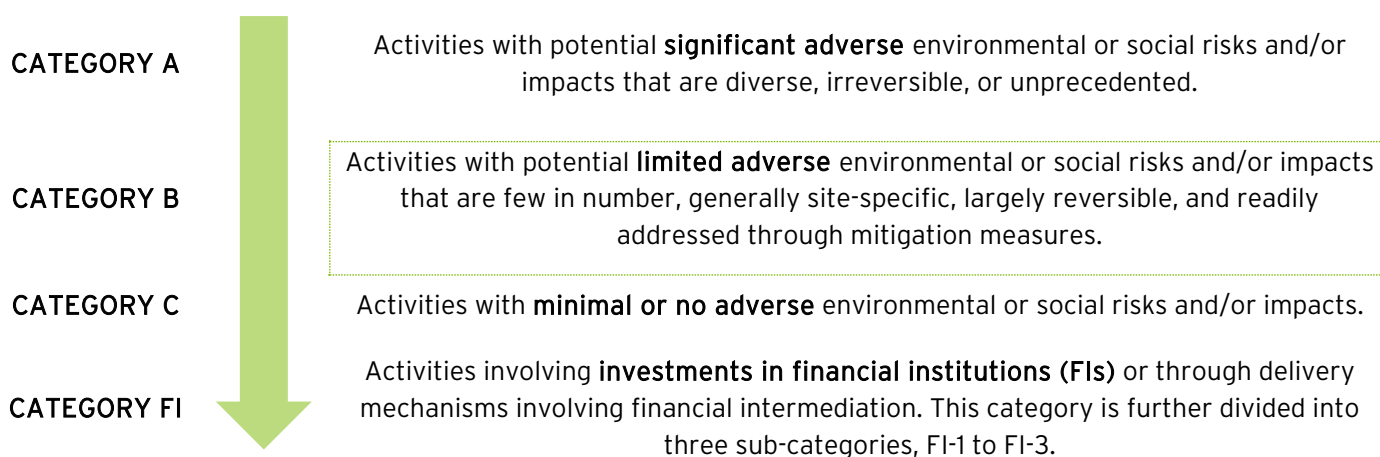


Figure 2-1 | Categorisation of activities based on level of social and environmental impacts.

According to the WB classification system the proposed project is classified as Category B, which is a project that is likely to have limited environmental and/or social impacts and requires a formalised process of assessment. In this instance, an ESIA process has been carried out in accordance with the Lesotho legislation and WB Standards

## 2.3 Project policy guidelines for involuntary resettlement

The ToR for this RAP stipulates that it shall be: *“consistent in policy and context to the laws, regulations, and procedures adopted by the Government of Lesotho and the World Bank’s operational policy on involuntary resettlement (OP4.12) covering displacement, resettlement, and livelihood restoration”* and that all environmental and social assessments carried out under this assignment shall be in accordance with WB safeguards operational policies (OPs) and procedures, with the understanding that, where national legislation does not adequately address issues, the WB standards will apply.

The operations of the WB are guided by a comprehensive set of policies and procedures, dealing with the its 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 OPs, which are critical to ensuring that potentially adverse environmental and social consequences are identified, minimised and mitigated to prevent *“undue harm to people and their environment in the development process”*<sup>6</sup>. Those relevant to the program, and particularly to resettlement that will be taken into consideration are<sup>7</sup>:

- 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*

<sup>6</sup> [www.worldbank.org](http://www.worldbank.org)

<sup>7</sup> World Bank. April 2013b. *OP 4.00 Table A1: Environmental and Social Safeguard Policies - Policy Objectives and Operational Principles.*

relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher". The Bank's involuntary resettlement safeguarding regulations and requirements<sup>8</sup> 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 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 also 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 WB has several 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 Participation<sup>9</sup>.

Public consultation and disclosure processes to be followed are specified in all OPs relevant to environmental and social issues. For example, in OP 4.01 Environmental Assessment it states on Public Consultation that for proposed Category A projects<sup>10</sup> 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"*<sup>11</sup>. On disclosure: *"For meaningful consultations between the Borrower and project-affected groups and local*

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<sup>8</sup> World Bank. 2013. *OP 4.12 - Involuntary Resettlement, OP 4.12 (Annex A) - Involuntary Resettlement Instruments, and Bank Procedure (BP) 4.12 - Involuntary Resettlement*.

<sup>9</sup> International Bank for Reconstruction and Development (IBRD), World Bank. 2004. *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects*. Washington DC.

<sup>10</sup> 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.

<sup>11</sup> [www.worldbank.org](http://www.worldbank.org)

*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"<sup>12</sup>.*

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 has officially transmitted the Category A EA report to the Bank, the Bank makes the report available through its InfoShop<sup>13</sup>.

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"*<sup>14</sup>. 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"*<sup>15</sup>.

Table 2-2 | A Summary of the World Bank OP 4.12 on Involuntary Resettlement

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]).

It 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,

<sup>12</sup> [www.worldbank.org](http://www.worldbank.org)

<sup>13</sup> The InfoShop is the World Bank's public information and reference centre 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](http://www.worldbank.org).

<sup>14</sup> OP 4.00: *Table of Operational Policies*. [www.worldbank.org](http://www.worldbank.org).

<sup>15</sup> World Bank. 2013a. *Op cit*.

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 a similar manner, Bank Procedure (BP) 4.20 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.<sup>16</sup>

It must be noted that other similar projects undertaken within Lesotho, such as those falling under LHDA, and the Metolong Dam and Water Supply Programme (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, as well as the MDWSP Resettlement and Compensation Policy<sup>17</sup> may be regarded as establishing a precedence for future projects such as the LLBWSS.

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<sup>16</sup> World Bank. 2003. *BP 4.20: Gender and Development*.

<sup>17</sup> Ministry of Natural Resources. February 2010. Metolong Dam and Water Supply Programme: Resettlement and Compensation Policy. Draft 7.



## 2.4 Areas of conflict between local laws and World Bank policies

The compliance between GoL legislation and WB policies are discussed in Table 2-3.

Table 2-3 | Compliance status of GoL legislation with World Bank policies

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
<b>Land acquisition and involuntary resettlement</b>			
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).	Mostly covered by the following legislation:	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:
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).	<ul style="list-style-type: none"> <li>■ Lesotho Constitution, 1993: Articles 17(1) and 17(2) relating to expropriation of land.</li> <li>■ 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ Economic or physical displacement is recognised for formal, traditional and informal ('illegal') owners.</li> </ul>
Minimising adverse effects	<p>Where involuntary resettlement is unavoidable, adverse effects will be minimised, with appropriate measures taken to mitigate impacts planned/implemented:</p> <ul style="list-style-type: none"> <li>■ Alternative project designs will be explored.</li> <li>■ Forced eviction will be avoided.</li> <li>■ Compensation will be provided for loss of assets.</li> <li>■ Disclosure of information, consultation and informed participation of those affected will take place.</li> <li>■ Livelihoods/standards of living of displaced people will be ensured/improved.</li> </ul>	<ul style="list-style-type: none"> <li>■ 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.</li> <li>■ Roads Act (No. 24 of 1969) and the Compensation and Resettlement Policy Framework (September 2003) of the Ministry of Public Works and Transport, provide for compensation for any direct damage resulting from road construction or maintenance <i>"to dwellings, buildings, gardens, plantations,</i></li> </ul>	<ul style="list-style-type: none"> <li>■ Compensation rates will be consistent regardless of type of ownership.</li> <li>■ Where land is impacted by project investments, land for land compensation will be preferred.</li> <li>■ Compensation related to resettlement impact is an upfront cost. Affected persons, communities and households must be compensated prior to commencement of civil works.</li> <li>■ 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.</li> </ul>
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 affected people to		

<sup>18</sup> Further detail is provided in the WB document as/where appropriate - table contents are mere summaries of the WB requirements.

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
	determine eligibility and discourage inflow of ineligible persons.	<i>crops, cultivated trees or lands under irrigation</i> ".	
Cut-off date	A cut-off date for eligibility will be established, documented and disseminated throughout each project component and area.		
Compensation	<p>The following minimum requirements on compensation and benefits should be adhered to:</p> <ul style="list-style-type: none"> <li>■ Compensation for asset loss at full replacement cost and other assistance to help improve or restore livelihoods and/or standards of living.</li> <li>■ Community engagement and consultation and informed participation of PAP in planning, implementation, and monitoring and evaluation of compensation.</li> <li>■ Transparent and consistent compensation standards.</li> <li>■ Land based compensation, offered where feasible.</li> <li>■ 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.</li> <li>■ 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.</li> <li>■ All transactions, compensation, relocation activities documented.</li> <li>■ Displaced people provided with opportunities to derive appropriate development benefits from the project.</li> </ul>		
Economic displacement	<p>Those affected by economic displacement, regardless of physical displacement:</p> <ul style="list-style-type: none"> <li>■ Provided with adequate opportunity to re-establish their livelihoods.</li> </ul>	<ul style="list-style-type: none"> <li>■ Not specifically covered by legislation.</li> <li>■ Guidance could be sought from the 2012 National Strategic Development Plan (NSDP) 2012/13-2016/17.</li> </ul>	World Bank OP4.12 will guide the project implementation regarding economic displacement caused by or associated with the project.

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
	<ul style="list-style-type: none"> <li>■ Compensated at full replacement cost for loss of assets/access to assets.</li> <li>■ Given opportunities to improve or at least restore means of income-earning capacity, production levels and standards of living in addition to compensation.</li> <li>■ Provided with transitional support based on a reasonable estimate of time needed to restore livelihoods.</li> </ul>		
<b>Public consultation</b>			
Stakeholder engagement	<ul style="list-style-type: none"> <li>■ Stakeholder engagement is an ongoing process that involves: stakeholder analysis, disclosure and dissemination of information, consultation and participation.</li> <li>■ It will take place with PAP and Project Affected Communities (PAC), including host communities.</li> <li>■ It should continue throughout the planning, implementation and monitoring/evaluation of compensation payments, livelihood restoration activities, and resettlement phases.</li> </ul>	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 detail required is not specified.	World Bank OP4.12 will guide the project implementation on public consultation.
Process of consultation	<p>In-depth informed process of consultation with PAP and PAC:</p> <ul style="list-style-type: none"> <li>■ Begin early in the process of identification of risks/impacts and continue on an ongoing basis.</li> <li>■ Base on disclosure/dissemination of relevant, transparent, objective, meaningful, easily accessible/ understandable information, culturally appropriate and in a local language/s.</li> <li>■ Tailor to needs of disadvantaged/vulnerable groups</li> <li>■ Free of external manipulation, interference, and intimidation.</li> <li>■ Enable meaningful participation.</li> </ul>		

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
	<ul style="list-style-type: none"><li>■ Capture both men's/women's views, if necessary through separate engagements, but reflect their different responses.</li><li>■ To lead to the views of PAP being incorporated into decision-making e.g. on proposed mitigation, development benefits/opportunities, implementation issues.</li></ul>		
Disclosure of information, reporting	<ul style="list-style-type: none"><li>■ Implement/maintain procedure for external communication.</li><li>■ 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.</li><li>■ Ongoing reporting to PAP and PAC on the progress of implementation of the RAP, and on any updates and changes.</li><li>■ Documentation of process.</li></ul>		
Community health, safety and security			
Risks on health and safety	Assess 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: <ul style="list-style-type: none"><li>■ Lesotho Constitution, 1993, and its amendments (under the protection of health);</li><li>■ Public Health Bill, which seeks to repeal the Public Health Order No.12 of 1970;</li><li>■ Lesotho's Health and Social Welfare Policy (2004);</li><li>■ Health Sector Strategic Plan 2012/13-2016/17; and</li><li>■ National HIV and AIDS Strategic Plan (2006 - 2011), and related guidelines such as for HIV treatment.</li></ul>	Under Lesotho law, all employers have responsibilities on providing measures to prevent the spread of HIV. In regard to broad community health, safety and security, the higher standard will prevail. Specific measures will be included in contracts in regard 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.		

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
Cultural heritage (as applicable to graves)			
Protection of 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 impacts to cultural heritage, competent professionals to assist in identification/protection of cultural heritage.	The National Heritage Resources Act (2011) provides for the preservation and protection of all heritage. However, it is not detailed to the extent required for the LLBWSS.	World Bank OP4.03 will guide project implementation in regard to cultural heritage, including provision of chance find procedures.
Consultation of heritage	Where cultural heritage may be affected, consultation to take place with: <ul style="list-style-type: none"><li>■ 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.</li><li>■ Relevant national/local regulatory agencies that are entrusted with the protection of cultural heritage.</li></ul>		
Access	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.		
Chance finds	Develop provisions for managing chance finds (i.e. tangible cultural heritage encountered unexpectedly during project construction/operation) through a Chance Finds Procedure, to be applied if cultural heritage is subsequently discovered. No chance finds to be disturbed further until an assessment by competent professionals is made and actions consistent with the requirements of OP are identified.		
Grievance mechanism			
PAP and PAC grievances	<ul style="list-style-type: none"><li>■ A grievance mechanism (GM) 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</li></ul>	Although mentioned in environmental policy/guidelines, the level of detail required is not specified.	The project will follow international good practice in regard to establishing a project GM and build on the experience from previous WB funded projects in the Lesotho water sector. WB OP4.12 requires



Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
	<p>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 not impede access to judicial/ administrative remedies.</p> <ul style="list-style-type: none"> <li>■ PAC to be informed of the mechanism during stakeholder engagement.</li> <li>■ GM to uphold and promote fundamental human rights.</li> </ul>		that an effective grievance mechanism be established to formalise the way grievances are accepted, assessed and effectively resolved. The project will provide accessible points where affected persons can access the GM and provide a predictable process and timeframe for response. The project will monitor and evaluate the effectiveness of responses.
Labour grievances	Project workers to have access to a GM to raise workplace concerns.		
<b>Monitoring and evaluation</b>			
M&E process	<ul style="list-style-type: none"> <li>■ Establish procedures to monitor/measure the effectiveness of the RAP, and compliance with related legal/contractual obligations and regulatory requirements.</li> <li>■ Periodic review of performance to be based on systematic data collection/analysis.</li> <li>■ Document monitoring results and identify necessary corrective/preventive actions to ensure the RAP is being implemented.</li> <li>■ Collaborate with government/third party who is responsible for managing risks/impacts and mitigation measures to implement the actions.</li> <li>■ Follow up on the actions in upcoming monitoring cycles to ensure their effectiveness.</li> <li>■ Implementation of the RAP will require an external completion audit to assess performance of process.</li> <li>■ PAP will be consulted during the monitoring process.</li> <li>■ Given that the project has significant involuntary resettlement risks, resettlement professionals will provide advice on compliance and verify the monitoring information.</li> </ul>	Although mentioned in environmental policy/guidelines, the level of detail required is not specified.	The WB good practice and policy will guide the project approach to monitoring and evaluation of the RAP implementation and associated activities, including the GM effectiveness. Upon completion of all RAP activities, an audit will ensure that implementation was adequate, identify any remedial actions required, and provide lessons learned for future investments.

Components	World Bank standards required <sup>18</sup>	National legislation	Measures to address discrepancies
	<ul style="list-style-type: none"> <li>Affected PAC, external experts to be considered for participation in monitoring activities.</li> </ul>		
<b>Gender</b>			
Gender disparities	Guidelines and strategies to addressing gender disparities and inequalities that are 'barriers' to development.	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>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 Methodology

The objectives of resettlement action plan are:

- a) To raise awareness of the project and its consequences among the public in general and those who will be directly affected by it in particular;
- b) To estimate the cost necessary for compensation, resettlement and land acquisition;
- c) To prepare Resettlement Action Plan (RAP) that sets out strategies and schedules to mitigate adverse effects. The RAP sets the parameters and establishes entitlements for project affected persons (PAPs), the institutional framework, mechanisms for consultation and grievance resolution, the time schedule, budget and proposed monitoring and evaluation system.

Our methodology took into account the distinction between social change processes and social impacts. A change process is a change that takes place within the receiving environment as a result of a direct or indirect intervention. An impact follows as a result of the change process. Impacts are those changes that are physically felt and emotionally experienced, positively and negatively. However, a change process can only result in an impact once it is experienced as such by individual persons, groups of people and households, a community or society as a whole, social organisations, and institutions on a physical and/or cognitive level.

The sustainability of projects is influenced by the balance that is created between the socio-ecological environment and the proposed project intervention. As far as possible, a symbiosis must be established between the natural environment and commercial projects. This is the express purpose of the social assessment process, including undertaking of a RAP and Implementation thereof.

The following key principles formed the basis upon which the social environment was dealt with:

- Technocratic process which relies on the interpretation of secondary data. This culminated in an inception report (ESIA) with reference to the general socio-demographic context for the proposed project with reference to the local and appropriate district environments.
- Description of the organisational and institutional context of this project based on the same inception review.
- Open and fair consultation with affected persons and households to develop a description of the social environment for the area with reference to the socio-demographic context.
- Where concentrations of households are affected, focus group discussions to develop a description of the social environment was held.
- Key informant interviews with social leaders and representatives from relevant institutions of governance were held.
- The background study was based on secondary data sources and the interactions with the social environment were qualitative in nature to allow for the collection of rich data. Data analysis was largely determined by the data categories inherent in the social data.
- The approach adopted embodied the “best practice” principles and were guided by:
  - The expectations of the Water Commission;
  - World Bank Operation Policy 4.12 on involuntary resettlement;
  - Relevant Lesotho Legislation on land acquisition; and
  - Water Commission standards, specifically on involuntary resettlement.

Finally, our technical approach to the assignment was to combine qualitative methodologies and participative techniques with statistical surveys to obtain baseline information and develop the required qualitative understanding needed to for the socio-economic assessment and the RAP.

## 3.1 Literature review

### 3.1.1 Review of policies, legal and institutional frameworks

We reviewed the legal and regulatory framework to ensure that legal requirements are complied with and best practice measures identified. This included, but are not limited to:

**Lesotho specific legislation relevant to resettlement planning and associated activities; and international best practice guidelines, in particular World Bank Operational Policy 4.12.**

It should be noted that the national policies or legislation in Africa and other countries do not explicitly address involuntary resettlement. This policy vacuum is inadequately filled by complicated land tenure, environmental and planning legislation. Consequently, the existing legal frameworks for addressing involuntary resettlement are inadequate and do not aid communities or implementing agents. Instead they often obscure rights and responsibilities, cause unnecessary delays to resettlement projects and increase the total costs involved. The RAP complies with the Lesotho legislation concerning land tenure, environmental and land use and regional planning.

In view of this gap in national legislation, resettlement processes in most African countries often adopt the International Guiding Principles set out in the World Bank Operational Policy 4.12 on Involuntary Resettlement and the World Bank Environmental and Social Framework, in particular Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

### 3.1.2 Secondary data

An in-depth literature review was done before embarking on the field work to aid in the understanding of the exercise and in the development of comprehensive data collection tools. A desktop review was undertaken of the previous studies and reports on similar projects to inform the study. Available documents were also reviewed to obtain and confirm relevant baseline socio-economic information on the potentially affected areas. Some of the documents that were reviewed included, but not limited to:

- Draft Social Impact Assessment (Equispectives Research & Consulting Services, 2018).
- Draft Environmental and Social Impact Assessment Report (Aurecon, 2018).
- LLWSS Resettlement Policy Framework (SMEC, 2018).
- Final Draft Socio-Economic Review and Update Report (SMEC, 2017).
- Statistical reports (Lesotho Bureau of Statistics).
- Metolong Dam and Water Supply Resettlement and Compensation Policy (Metolong Authority, 2011).
- Metolong Dam Environmental and Social Impact Assessment (SMEC, 2008).
- Metolong Dam, Resettlement Plan (SMEC, 2007).

## 3.2 Consultation with stakeholders

The resettlement planning team made use of the public participation process, the social impact assessment process and the resettlement planning process to consult with stakeholders. This enabled the resettlement team to reach the most stakeholders and provide stakeholders the most opportunities to participate in the process, it also allowed for transparent communications.

The process employed multiple consultative phases. The first phase was conducted by the client between April and June 2018 to sensitise district authorities for Leribe and Berea about the project. Key among those consulted were Members of Parliament of the affected constituencies; the District Administrators, District Council Secretaries, Principal chiefs, Area Chiefs, Community Councils and Government Departments. These consultations culminated in the development of a directory which the consultants later used to contact relevant parties for the meetings.

The second leg of consultations took place in June when the client introduced the consultants to the district authorities. During these consultations, consultants obtained additional details for other stakeholders in the districts.

The third phase of the participation process took place from 3 to 6 July when consultants conducted a familiarisation visit to the identified sites/plans. During this visit additional potential stakeholders identified included the transport sector, NGOs, Health centres, schools, groups of people with disabilities, religious groups, traditional leaders, soccer teams, women traditional dance groups, young mothers, herder's associations; business sector, grazing associations, water committees and horse riding associations. Identification of these stakeholders was done by asking area chiefs if there were any community groupings in their areas. For other structures such as health centres and schools, those were clearly identifiable as consultants were moving from one area to the other.

The fourth phase of participation was at an inception workshop organised by the client on 1 August 2018. Participating at the workshop were Members of Parliament for affected areas, Principal Chiefs, District Administrators, District Council Secretaries, Community Council Secretaries; Area Chiefs and Water Committees. At the end of this workshop the public participation schedule plan was developed jointly with the consultants and the representatives of the areas (Chiefs, councillors and the community council secretaries). It was agreed that the chiefs, working with the councils would call the public gatherings on the agreed-upon dates. The client and the consultants would then facilitate the public consultations. The broader community consultation process commenced was undertaken between 6 and 29th August 2018. The project has been divided into a total of 14 plans / maps along the alignment as follows:

1. Hlotse
2. Khanyane
3. Tsikoane
4. Maputsoe
5. Corn exchange
6. Belabela Kolojane
7. Hleoeng and Tabola
8. Peka
9. Mohlokaqala
10. Kolonyama
11. Mamathe
12. Mohabong
13. Pitseng
14. Matlameng

The fifth phase included the focus group meetings and key informant interviews held, from 3 to 21 August 2018, with stakeholders ranging from farmers, women's sewing groups, youth leaders, councillors, electricity scheme groups, agricultural associations, burial societies, and community members with no particular affiliation. These meetings were held to gain valuable insight on the socio-economic status of the surrounding communities, obtain the views and inputs of important organisations and key community members in the project affected communities. Focus group meetings were held in the following communities:

- Ha Makibinyane
- Ha Nnena
- Matlameng (Nkoeng, Moreneng)
- Ha Ramapepe
- Teyateyaneng - Pisa
- Hleoheng



The sixth phase were made up of the consultations around the asset, census and socio-economic surveys. The survey was completed between July and September 2018, where 28 local enumerators that were temporarily employed and trained to conduct the asset, census and socio-economic surveys. PAPs were consulted and informed about the proposed project, as well as given the opportunity to provide input. During the surveys data was gathered for the following themes:

- Household identification:
- Demographic;
- Experience and skills;
- Structures;
- Land and agriculture;
- Business enterprises;
- Water and energy;
- Health and nutrition;
- Income and expenditure;
- Social networks;
- Needs analysis; and
- Graves.

Prior to the meetings, consultants made telephone calls to the chiefs to request a meeting. As is the traditional norm, the chief would call a public gathering and let the client and the consultants introduce the purpose of the meeting.

### 3.3 Census and socio-economic and assets survey

In order to identify the Project Affected Persons (PAPs), determine the socio-economic baseline and register and adjudicate assets, a census, socio-economic and asset survey was conducted through administration of questionnaires at household level. One survey questionnaire (Appendix A) was used to gather asset, census and socio-economic data, this enabled the resettlement planning team to gather information in the shortest time and minimise survey fatigue of the PAPs. The survey was used to identify the PAPs, establish the socio-economic profile of the PAPs, objectives of the survey included:

- To prepare a socio-economic profile of PAPs.
- To collect baseline data for development of the Resettlement Action Plan (RAP).
- To provide a socio-economic baseline database for future monitoring and implementation of the impact of compensation and the project on the livelihood of PAPs.

The survey aimed to provide information in order to analyse poverty levels and welfare indicators in households, identify socio-economic needs and the potential impact on livelihoods of the affected people. Broadly, social data gathered from the survey comprised of thematic categories such as population and demographics, landownership and land use, businesses and social networks.

Data collected in the surveys were coded and entered for analysis. All data that were collected for all PAPs were analysed to provide the social profile of affected persons. Results of the census were compiled into in an MS Excel database.

All PAPs losing property were interviewed using the questionnaire. English was the language that was used during enumeration but due to a language barrier, the enumerators translated the questions into the local language for the PAPs to understand. PAPs who were not present at the time of the survey were represented by either their spouses or children.

### 3.3.1 Criteria of identifying PAPs

The PAPs were identified as persons whose property (land, building, crops) or income was affected in part or as a whole by the project and would therefore need to be compensated, as well as people who will be indirectly affected by the proposed project.

## 3.4 Site visits

The aim of these site visits was to verify information obtained from secondary sources on potential project impacts and the socio-economic characteristics of the receiving environment of the preferred site, and to ascertain if there are any dwellings, businesses or livelihood activities in the vicinity of the proposed site that might be affected by the project.

The RAP and social senior specialists were on site in July and August 2018 to verify information, provide training to enumerators and assess social impacts. The RAP and social support staff remained on site during the period of July to September 2018, to complete the census, socio-economic and asset survey and further consultation with stakeholders.



Figure 3-1 | Specialists interacting with local stakeholders

## 3.5 Assumptions, limitations and exclusions to the study

The following assumptions, limitations and knowledge gaps in the study have been identified.

### 3.5.1 Assumptions

- The information provided by the Water Commission is accurate, adequate and unbiased and that no information that could change the outcome of the RAP process has been withheld.
- The proposed infrastructure positions and pipeline alignment is final and there will be no deviations at any stage during the RAP process.
- The extent of the auxiliary infrastructure is unknown.
- The official width of the road reserve has been confirmed as 30 metres for main roads / highways, and 10 metres for secondary / feeder roads, with the pipeline position assumed to be located immediately outside of that area. The construction servitude would then overlap with the road reserve and extend in the opposite direction to a distance dependent on pipe size at each specific point from the edge of a 3-metre safety zone which has been allowed for directly adjacent from the edge of the road. It can be diagrammatically illustrated as follows:

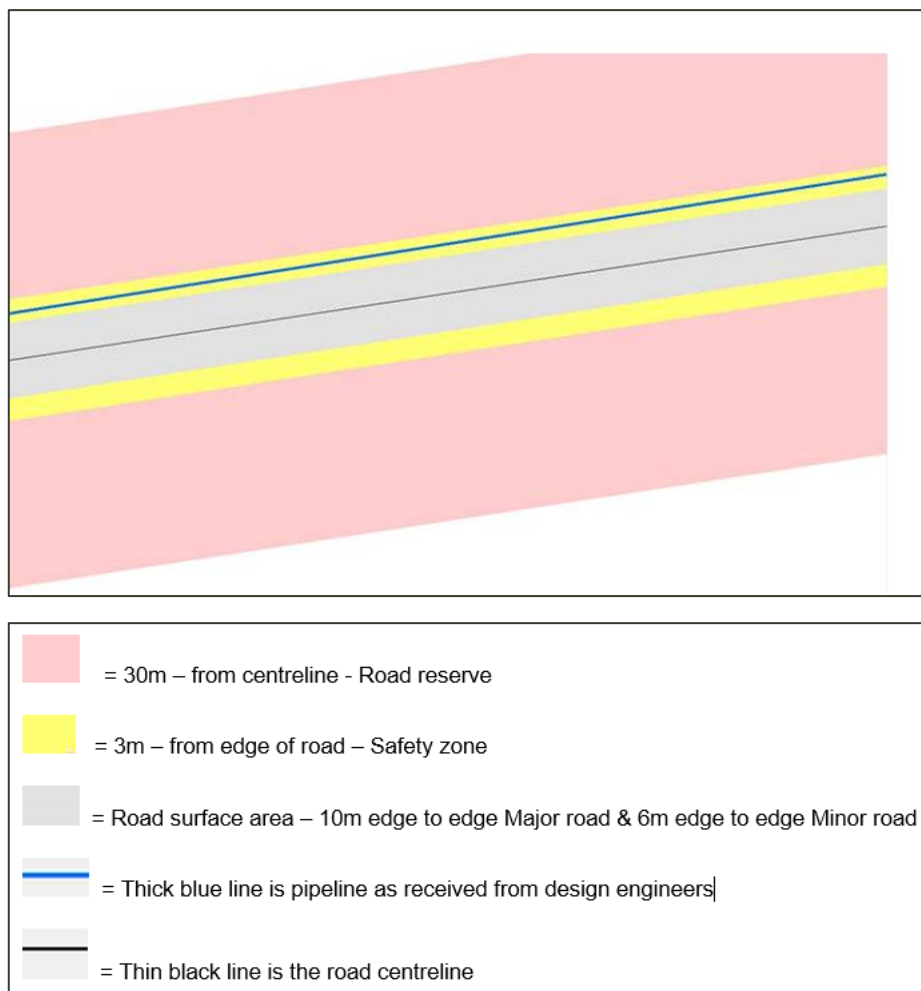


Figure 3-2 | Diagrammatic illustration of road reserve widths

- From the above it can be seen that the pipe alignment as per design information does not fall outside the road reserve, but rather directly adjacent to the road, and in some instances on top of the road surface. For the purpose of this assessment, the road servitude, in conjunction with construction and operational servitudes (Depicted in Map Book) has been assessed. The pipe alignment has been omitted from this assessment due to positional inconsistencies in the design.
- The entire Zone 2 and 3 was surveyed during the census, but the project will be implemented in phases. Expectations about the implementation timeframes and extent should be managed.

### 3.5.2 Limitations

- The number identified impacted assets are based on the servitude as explained above.



- The scope of the investigation is limited to Zone 2, thus no information pertaining to the zones of the rest of the scheme is provided in this document.
- Due to the size of the project area and the timeframes of the project, it is not possible to interview every community member, therefore only key people in the community have been approached for discussion. It was indicated by the client after submission of the draft RAP report that the focus should be on the sub-zoned Maputose-Hlotse-area, instead of Zone 2 and 3.

### 3.5.3 Knowledge gaps

The alignment and/or routes of the powerlines that will supply power to the different parts of the scheme are not confirmed at this stage. As a result, the detailed site-specific assessments for the electrical infrastructure are not provided in this study and should form part of a separate assessment as part of the design of that infrastructure.

## 4 Potential impacts

The environmental and social impact assessment study covered the entire study area. It must be considered that social impacts are context-specific and can be actual or perceived. The intensity of an impact is determined by the receptor. Aspects such as vulnerability, previous exposure to similar impacts and resilience can influence how the stakeholder experiences the specific impact. Environmental and social impacts that are relevant to the RAP are discussed in the section below, for the full impact assessment please see the ESIA report.

### 4.1 Positive impacts

#### 4.1.1 Improved access to potable water

**IMPACT:** Communities indicated that there are already water sources in the area, but it is not fully utilised. There are also delays in the repair and maintenance of these water sources. This impacts on the availability of potable water on household level. The project will ensure reliable access to potable water. Cumulative impacts: If the existing water supply in communities are repaired and maintained, the implementation of the project will provide extra security of supply.

**PROPOSED MITIGATION MEASURES:** This is a positive impact and ensuring that the new infrastructure is maintained and operated as intended will enhance this impact.

#### 4.1.2 Public Health

**IMPACT:** The project will be beneficial from a public health perspective, as the water would be clean and safe to use for human consumption. The United Nations Social Development Goals (Goal 6) stated that proper water and sanitation systems are at the core of sustainable development and critical for the survival and health of communities and the environment. Inadequate water systems pose health risks to communities that can be prevented. Contaminated water and poor sanitation are linked to the transmission of diseases such as cholera, diarrhoea, dysentery, hepatitis A, polio and typhoid fever.

**CUMULATIVE IMPACTS:** The outbreak of preventable waterborne diseases can be stopped if access to water and sanitation in the project area is improved. This will have a positive impact on the health services in the area, and on public health in general.

**PROPOSED MITIGATION MEASURES:** This is a positive impact and it can be enhanced if sanitation services are improved in parallel with the provision of water to communities.

### 4.1.3 Employment opportunities

**IMPACT:** The project will create different employment opportunities, mostly in the short term. During the pre-construction phase there will be opportunities for local people to assist with social surveys. During the construction phase there will be opportunities for skilled and unskilled labour. It is estimated that 1,036 unskilled and 15 skilled jobs will be created over a 24-month period (SMEC, 2017). Not all the jobs will be available at the same time, and not all jobs will be available for the duration of the construction period. Construction companies often have a core skill of labourers with specialised skills that travel with them from site to site. There will also be limited opportunities in the operation and maintenance phase of the project. These opportunities are more likely to be permanent. Apart from the direct employment opportunities there will also be secondary opportunities such as transport, accommodation, meals and laundry services.

**CUMULATIVE IMPACTS:** In an area with high unemployment rates such as the study area, the creation of jobs can be seen as a positive impact. The project may provide existing entrepreneurs with new opportunities and will also assist with the creation of new skills.

**PROPOSED MITIGATION MEASURES:**

- Preference must be given to local people. The people in the villages closest to the project must be given the opportunity to work on the project. If the construction train moves along to a next village, residents from that village must be recruited. In this way the economic benefits will remain in the local area, and the need for construction camps can be minimised.
- Recruitment must be done in a fair and equitable manner that is acceptable to communities. Some of the communities feel that the councillors tend to be nepotistic, and that people should rather register at the local Chief's offices, where recruitment can be done on a first come, first serve basis.
- The recruitment processes must be gender-sensitive and be done in such a way that it is accessible to men and women.
- The recruitment process must not discriminate based on age. If people are physically able to do the work, they should be given the opportunity to do so.
- Skills from outside the area may only be used if the specific skill is not locally available.
- As far as reasonably possible, goods and services must be procured locally. Preference must be given to local service providers and entrepreneurs.

### 4.1.4 Economic growth

**IMPACT:** Once the project is implemented, it can contribute to economic growth in the area due to the improved water supply. People, especially women, will have more free time once the physical burden of collecting water is removed. The availability of water can encourage investments and industrial growth, especially in areas that are already known for industry. The lowlands of Lesotho are known for its agricultural produce, and a steady water supply can contribute to agricultural practices and food security. This will be a benefit to commercial and subsistence farmers. Subsistence farmers may get the opportunity to grow better produce, and to supplement their income through selling their products.

**CUMULATIVE IMPACTS:** There are high levels of unemployment and poverty in the project area. Economic growth will have a long-term positive impact on the area, especially the water supply project is aligned with other social and economic development projects.

**PROPOSED MITIGATION MEASURES:**

- The Water Commission must align with other government departments such as the Ministry of Agriculture and Food Security, Ministry of Development Planning, Ministry of Health, Ministry of Local Government and Chieftainship Affairs and Ministry of Social Development to develop strategic plans for the future economic and social development of the area. The availability of water will unlock a number of opportunities for further development.

- Given the importance of agriculture as a livelihood strategy, especially for poor and vulnerable people, the connection between the availability of water and development of grassroots agricultural projects must be investigated and long-term social development projects should be planned in these sectors. The opportunity that the project presents in this regard must be optimised.

#### 4.1.5 Skills development

**IMPACT:** The project will contribute to skills development in the local communities. Local construction companies will be provided with the opportunity to use and enhance their skills. Community members will also be able to develop leadership skills when serving on Resettlement Working Groups.

**CUMULATIVE IMPACTS:** Skills development in the area will increase the number of skilled people which can give them new opportunities having gained some experience. If future projects are executed in the area there will be more skilled people available. Building the capacity of community members in leadership positions will have a long-term positive impact on the community as a whole.

**PROPOSED MITIGATION MEASURES:**

- This impact can be enhanced if there are skills development requirements written into the contracts with sub-contractors. It can specify on-the-job training and opportunities to hone existing skills.
- Include women in the Resettlement Working Groups and provide capacity building training to them to develop their leadership skills.
- Provide unskilled workers with reference letters from the project for future use.

## 4.2 Negative impacts

### 4.2.1 Loss of assets

**IMPACT:** During the construction phase of the project, assets such as fields, structures and buildings may be affected. In the case of fields, the impact will be temporary, as it can be used again once construction is completed. More permanent structures such as buildings will have to be relocated if it is in the pipeline servitude. Although some resettlement may be required, it is unlikely that people will have to move out of their communities or that there will be a large-scale disruption of social networks due to resettlement.

**CUMULATIVE IMPACTS:** The social impact of resettlement tends to affect women more than men, due to their reliance on social and community networks. Vulnerable groups such as female and child-headed households can also be affected more. People's assets are closely linked to their livelihoods and if the impacts are not mitigated properly it can place already vulnerable people in a downward spiral of poverty. Cultural aspects may influence the compensation payments, especially if the right-holders are men. Experience has shown that men and women use compensation money differently and that compensation paid to male household heads are not necessarily solely used for rehabilitation and restoration of livelihoods. Intra-household inequalities need to be noted.

**PROPOSED MITIGATION MEASURES:**

- A Resettlement Action Plan (RAP) is compiled as part of this study. The RAP identifies all the project affected persons (PAPs) and outlines the compensation procedures.
- The project must compensate PAPs for all the affected assets. In the case of loss of crops, they must be compensated for the loss of crops for the period that they cannot use the fields. If structures are affected, it must be replaced by similar structures as per the instructions of the PAPs. The principle is that people should be in the same or a better position after the project impacts have been mitigated.
- Ensure that women are included in Resettlement Working Groups and that meetings of these groups are arranged at times when it is convenient for women to attend.
- Ensure that women are involved in the preparation and review of resettlement plans.
- Include women in the discussions of compensation options.



- In the case of physical assets, compensation should rather be in kind than monetary to ensure that the asset is replaced.
- It is important that affected persons be offered multiple options for compensation and livelihood restoration. Replacement land, “topping up” or additional cash grants to purchase land, employment creation, and often a mix of options can be explored.
- A grievance mechanism must be developed to address any grievances due to the project or the RAP process.
- A Community Liaison Officer (CLO) must be appointed to liaise with affected communities. It is important that communities have a designated person to communicate with about the project. The CLO can direct community enquiries to different parties within the project team.
- It is strongly recommended that the designs be adapted where possible to avoid schools and public utilities/services. The Memorandum of Understanding between the LLBWSSU and roads authority must be adhered to, to ensure that there is minimal impact of infrastructure beyond the road servitude.
- Special attention needs to be paid to child and female headed households as they are often cheated by their male relatives with regards to land ownership and the associated compensation. Most of them are not aware of laws protecting their rights. These persons must be capacitated.

#### 4.2.2 Impacts on livelihoods

**IMPACT:** Impacts on livelihoods will differ between urban and rural areas. There are productive agricultural fields that may be impacted on, but this will be a temporary impact, as once the pipelines are constructed, the field can be cultivated again. The servitude is relatively narrow, and it is unlikely that people will lose entire crops due to construction activities. Access to their land may be temporarily compromised. More significant impacts will occur in built-up areas where people may have erected structures in the road reserve or close to the road reserve. The pipeline does traverse some densely populated areas and may impact on the livelihoods of small businesses if the businesses need to relocate. There can be positive impacts on some businesses in the sense that the project activities will bring extra buying power to the area. It may also be negative if they cannot access their businesses, need to close down for a period of time or relocate to new premises that is not located near their customers.

**CUMULATIVE IMPACTS:** It is not an easy task to recreate livelihoods. If people rely on crops for food security in their homes it may impact negatively on their health and social wellbeing if they cannot access the crops. If people are business owners, they depend on the buying power of people in the area where their businesses are situated, and relocation may influence the profitability of the business, leading to a loss of income. They may also have made significant investments in the business premises.

#### **PROPOSED MITIGATION MEASURES:**

- The RAP provides guidelines on the relocation and compensation for different types of assets. The link between the assets of PAPs and their livelihoods must be established.
- In the case of relocation of small businesses, it must be moved in the same area or to an area where the customers of the business can still access it easily.
- The project must support small local businesses as far as possible by procuring goods and services from them.
- The RAP includes a livelihood restoration and enhancement programme. This programme must be developed with input from the PAPs whose livelihoods will be affected by the project.
- A grievance mechanism must be developed to address any grievances due to the project or the RAP process.
- A Community Liaison Officer (CLO) must be appointed to liaise with affected communities. It is important that communities have a designated person to communicate with about the project. The CLO can direct community enquiries to different parties within the project team.
- Informal traders must be allowed to return to their old sites once construction has been completed.

### 4.2.3 Pressure on infrastructure

**IMPACT:** Due to the nature of the construction process and the fact that mostly unskilled labour will be required, and the conditions pertaining to the use of local labour, it is not anticipated that there would be large numbers of construction workers entering the area. The increase of pressure on social and community infrastructure such as schools, clinics, need for housing and other resources are deemed to be of low significance. There may be some housing requirements for construction workers with special skills that cannot be found in the local communities. It can present potential economic opportunities to local communities. There is likely impact on pedestrian movement in the densely populated Maputsoe. Increased pressure on infrastructure could also be the result of required road diversions, lane closures, and trenching affecting underground cables or pipelines.

**CUMULATIVE IMPACTS:** Areas that are more remote and have less infrastructure may experience this impact more intensely. In areas where there are other projects or more industrial activities there may be a competition for resources.

**PROPOSED MITIGATION MEASURES:**

- Local people from villages close to the construction site must be recruited. If the construction train moves along to a next village, residents from that village must be recruited. In this way the economic benefits will remain in the local area, and the need for construction camps can be minimised.
- If housing is required for construction teams, it must be negotiated with the Chief in the area. The most suitable accommodation, whether it is construction camps or local facilities must be identified.
- No illegal structures may be erected. Housing for contractors must be formalised and it must be a contractual requirement.
- Any construction camps or areas where construction workers are housed must meet the requirements set out in the IFC standard for Workers' accommodation for construction camps.
- Put in place traffic measures for factory workers, especially during peak hours during the construction phase.
- The most appropriate route for large vehicles transporting equipment, materials and employees to and from the site shall be determined.
- Site access shall be clearly signposted.
- Traffic calming measures must be implemented.
- Install traffic signs along public roads used by the Project.
- Allow for safe pedestrian crossings where necessary.
- Where required personnel should be deployed to warn on-coming vehicles and pedestrians of construction works.
- Enforce speed limits.

### 4.2.4 Nuisance impacts of construction activities

**IMPACT:** Nuisance factors refer to aspects that may be within the legal limit, but still causes a nuisance or irritation to the receptors. The construction phase activities can potentially create dust, especially if it is done in the dry season. This will mostly affect the stakeholders whose dwellings are close to where the work will be conducted. In some areas blasting may be required, which will cause vibrations and noise. If manual labour is not used, there may be noise associated with construction machinery. Noise levels will be more audible in remote areas where the ambient noise is lower.

**CUMULATIVE IMPACTS:** Parts of the project area is extensively used for dry land agriculture. The nature of the activities means that there are already lots of dust in the air.

**PROPOSED MITIGATION MEASURES:**

- Mitigation measures on dust and noise as suggested by the bio-physical specialists must be adhered to.
- If there are any blasting events communities must be informed before the blasting take place.

- Structures close to areas where major blasting will take place must be inspected by the owner, the CLO and the construction manager before the blasting event to ensure that there are not cracks.
- A grievance mechanism must be developed to address any grievances due to the project or the RAP process.
- A Community Liaison Officer (CLO) must be appointed in each village to liaise with affected communities. It is important that communities have a designated person to communicate with about the project. The CLO can direct community enquiries to different parties within the project team.
- Conduct photographic pre-inspections of structures prior to blasting within a radius of 500 m.
- The Grievance Mechanism can be used to lodge complaints in case of structural damages due to blasting.

#### 4.2.5 Grave relocation

**IMPACT:** The social survey established that there are some graves that may need to be relocated in the pipeline servitude. This is a sensitive issue as it means that the graves should be exhumed, and the person reburied. There are cultural and emotional implications.

**CUMULATIVE IMPACTS:** If the grave relocation is not done in a culturally sensitive manner there may be cultural and emotional implications for family members. When graves are relocated it must be done to an area that is not likely to be impacted by development in future.

**PROPOSED MITIGATION MEASURES:**

- Exhumation and reburial shall only take place once the necessary consultation, fieldwork and legal processes have been completed.
- A contractor shall be appointed to perform the necessary work, and the terms of reference shall include liaison with custodians for necessary religious/traditional ceremonies to be performed.
- The timing and arrangements for the possible relocation and re-burial of the deceased shall be negotiated with the affected family and the results of this negotiation shall be recorded.
- The affected family should allocate an alternative piece of land for the reburial.
- The Water Commission shall bear the costs for:
  - Exhumation; transport and re-burial of the deceased;
  - A necessary compassionate allowance to satisfy the reburial requirements
  - All the work associated with the burial; and
  - The coffin and cloth liner, a replacement tombstone (if this existed at the site exhumed).
  - Should there be no tombstone, the Water Commission shall pay for an inscribed wooden tablet in a shape that meets the religious beliefs of the deceased and family members.
- The affected family shall be responsible for:
  - Stating their preference for exhumation and re-burial;
  - If needed, making the necessary exhumation and re-burial arrangements with the local authorities and notify the Water Commission; and
  - Organising the ceremonial processes in accordance with their religious beliefs and/or customs.

#### 4.2.6 Socio-political issues

**IMPACT:** There are many socio-political issues in Lesotho that can potentially affect the project. Some community members are sceptic because there has been previous consultation in the area for similar projects, but it has never been implemented. They feel that there are many examples in Lesotho where funds have been obtained for projects, but money have not been spent by the end of the allocation project and therefore had to be returned unused. Communities also wanted the assurance that the project will continue, even if there is a change of government.

Furthermore, socio-political discord between host and resettled communities could delay comfortable resettlement and integration with new community structures.

**CUMULATIVE IMPACTS:** Socio-political issues can potentially pose a significant risk to the proposed project, because it is outside the control of the project proponent.

**PROPOSED MITIGATION MEASURES:**

- Communities must be given regular feedback about the project. The Water Commission must develop a stakeholder engagement strategy to facilitate feedback. This is especially important considering that the project will be implemented in two phases, with the second phase only commencing in 2031. It is important to manage community expectations.
- The Water Commission cannot control many of the socio-political aspects. The best way to manage relationships with communities is through communication. Various means of communication such as press releases, radio and television interviews, and feedback to local structures can be used.

## 4.2.7 Decreased water flow in Hlotse River

**IMPACT:** Abstraction of water from Hlotse River will result in less water available for downstream users including farmers and domestic water users, specifically in the low flow months. This may have an impact on the livelihoods of the downstream users, especially people farming with cattle and those relying on the river for irrigation. It may result in a trans-boundary impact, because the Hlotse is a tributary of the Caledon River, which not only supply water to Maseru, but also forms part of South Africa's water supply systems. Residents in the area are also concerned about using water from the Hlotse River, as it has dried up before, in 1994 and 2015 in times of severe drought. Decreased water flow could lead to loss of livelihoods from those dependent on it for agriculture and commercial endeavours.

**CUMULATIVE IMPACTS:** If people's livelihoods are affected, especially those that farm on a small scale, they may be thrown into a downward spiral of poverty. Given the water-scarcity in Southern Africa, less water may also lead to socio-political tension.

**PROPOSED MITIGATION MEASURES:**

- The mitigation measures suggested by the surface water specialist must be implemented. This includes releasing water from the Katse Dam to supplement the water in the Hlotse River.
- Downstream water users must be informed about the potential impact in order to allow them to change their farming activities accordingly.
- A downstream water users' forum should be established. This should include all the relevant stakeholders and decision-makers. The forum should meet at least three times a year. Communication between these stakeholders is critical.
- If vulnerable people's livelihoods are affected in a negative manner resulting in loss of livelihood, they must be assisted with recreating a livelihood. Once the full impact of the abstraction is understood, the Water Commission must investigate the impact on the livelihoods of downstream users in more detail.
- According to the SADC Protocol on Shared Watercourses, the Water Commission is responsible for informing the member states (South Africa, Namibia and Botswana) of the proposed water abstraction activity for the LLBWSS project. This should be done as early as possible, to ensure all parties can plan their activities accordingly.
- Consideration is to be made of the reduced river flows due to the abstraction and the effects on existing downstream users in the Hlotse catchment and further downstream to the Caledon River.
- Less water available for downstream users will be mitigated by supplementing river flows by means of a release from the LHWP during low flow months; in addition, mitigation can also include applying water restrictions during low flow periods, and compliance with minimum flow requirements during operation.
- Consider applying water restrictions during low flow periods and compliance with minimum flow requirements during operation to mitigate impacts of surface water abstraction during low flow months.

#### 4.2.8 Poaching and killing of animals

**IMPACT:** Construction of the pipeline and Water Treatment works, and the associated influx of construction workers could result the poaching and killing of animals due to the fact that some indigenous and protected animals could still occur in the area. Loss of animals could lead to loss of livelihoods from those dependent on it for agriculture.

**PROPOSED MITIGATION MEASURES:**

- Catching of wild animals (inclusive of reptiles, amphibians, birds and invertebrates, etc.) by any means, including setting of snares, poisoning, shooting and trapping is not allowed. All incidents of harm to any animal must be reported to the Environmental Control Officer (ECO).
- The Contractor is to report any problem animals (e.g. a snake that will not move off site on its own) to the ECO who will arrange for relocation.
- Anthills that occur must not be disturbed unless it is unavoidable for construction purposes.

#### 4.2.9 Accidental fires

**IMPACT:** Construction of the pipeline and Water Treatment works, and the associated influx of construction workers could result in possible accidental fires. Accidental fires could lead to loss of livelihoods for those who are dependent who are involved in agriculture or who undertake commercial endeavours in the project area.

**PROPOSED MITIGATION MEASURES:**

- The Contractor shall take all reasonable and active steps to avoid increasing the risk of fire through their activities on site.
- The Contractor shall ensure that the basic fire-fighting equipment is available on site.
- Fires for heating or cooking shall only be permitted at designated sites in the construction camp. These sites will be approved at the discretion of the Site Engineer and ECO and shall be located away from any flammable stores or combustible materials.
- The disposal of any material by burning is prohibited.
- The Contractor shall be liable for all costs incurred by organisations sub-contracted to extinguish all fires started by any person(s) under their control. The Contractor shall be liable for all costs incurred to remediate burnt areas.
- No open fires are permitted.

#### 4.2.10 Contamination of water

**IMPACT:** Construction of the pipeline and associated infrastructure could pollute the water, which could lead to loss of livelihoods from those dependent on water for agriculture and commercial endeavours.

**CUMULATIVE IMPACTS:** Water contamination by construction materials and excavated material could exacerbate the impacts on the rivers already caused by sand and gravel mining in the rivers and streams.

**PROPOSED MITIGATION MEASURES:**

- No stockpiling of construction materials in the floodplain.
- Minimise extent of damage to flood plain and taking care not to pollute the river system resulting from construction activities.

#### 4.2.11 Deterioration of soil potential

**IMPACT:** Excavation/ digging and backfilling of trenches may potentially deteriorate the soil potential due to disturbance of soil horizon sequences, impacting the livelihoods of farmers.

**CUMULATIVE IMPACTS:** The potential of the soils in the disturbed areas could be impacted if rehabilitation measures are not implemented. This could exacerbate the existing soil loss experienced in the lowlands of Lesotho.

#### **PROPOSED MITIGATION MEASURES:**

- Individual stripping and separate placing of soil horizons during digging of trenches is the ideal but not practical. All soil horizons should therefore be placed together adjacent to the trench. However, if the specified depth of the trench causes excavation of subsoil layers (clay and weathered or hard rock), the subsoil material should be placed separately from the soil material.

#### **4.2.12 Deterioration of soil quality**

**IMPACT:** Excavation/ digging and backfilling of trenches may also result in deterioration of soil quality due mixing of high quality soil with lower quality subsoil material, impacting the livelihoods of farmers.

**CUMULATIVE IMPACTS:** As for 4.2.11.

#### **PROPOSED MITIGATION MEASURES:**

- If the specified depth of the trench causes excavation of subsoil layers (clay and weathered or hard rock), the subsoil material should be placed separately from the soil material.
- The topsoil should be placed further from the trench and the subsoil in between the topsoil and trench in order to replace subsoil material at the bottom of the trench during backfilling.

#### **4.2.13 Soil erosion/ loss**

**IMPACT:** Possible soil erosion/soil loss, especially during rainy seasons within the open trenches, which will be more severe at sections of the pipeline with steep slopes and sections with higher erodible soils, impacting the livelihoods of farmers.

**CUMULATIVE IMPACTS:** As for 4.2.11.

#### **PROPOSED MITIGATION MEASURES:**

- Timing of actions such as digging of trenches and availability of material and equipment should be coordinated precisely as far as possible. Trenches should not be dug unless pipes, equipment and the work team are ready for installation.
- Trenches should be dug in short workable sections to ensure that pipes can be installed, and trenches can be backfilled within a reasonable short time.
- Activities related to digging of trenches at steep sections and erodible and clayey soils should be coordinated and executed outside of the rainy season.

#### **4.2.14 Soil contamination**

**IMPACT:** Potential soil contamination by hydrocarbons caused by leaking mechanical equipment and accidental spillages, impacting the livelihoods of farmers.

#### **PROPOSED MITIGATION MEASURES:**

- Prevent any spills from occurring as far as possible.
- If a spill occurs it is to be cleaned up immediately and reported to the appropriate authorities.
- Contaminated soil should be disposed at a suitable disposal facility.
- Equipment and vehicles are to be serviced in a correctly bunded area or at an off-site location.
- Drip trays should be place under leaking vehicles until repaired.

#### **4.2.15 Increased traffic**

**IMPACT:** Increased-traffic congestion during construction due to increased number of vehicles in the area. This may also inconvenience road users (especially during peak hours).



**CUMULATIVE IMPACTS:** The cumulative impacts of the proposed development on traffic may be expected on the main busy roads.

**PROPOSED MITIGATION MEASURES:**

- The most appropriate route for large vehicles transporting equipment, materials and employees to and from the site shall be determined.
- The site access will be clearly sign posted.
- Traffic calming measures must be implemented.
- Materials and labour shall, as far as possible, be sourced locally.
- Deliveries should preferably be scheduled for off-peak hour traffic times.
- Access roads should be planned.
- Where necessary, allow for alternative temporary access routes for other road users.

#### 4.2.16 Road safety

**IMPACT:** Construction works along the main roads and in the villages, may pose road safety hazards to the pedestrian (especially children)/ livestock and other vehicles on the road.

**CUMULATIVE IMPACTS:** Most roads in the villages are not busy, thus no cumulative impacts anticipated.

**PROPOSED MITIGATION MEASURES:**

- Install traffic signs along public roads used by the Project.
- Allow for safe pedestrian crossings where necessary.

#### 4.2.17 Damage to existing road infrastructure

**IMPACT:** The use of existing road infrastructure to deliver and transport the material to and from site may potentially damage some of the roads – and ultimately cause accidents.

**CUMULATIVE IMPACTS:** The cumulative impacts of road damage would be expected in roads that are in poor conditions/ poorly maintained (i.e. roads with potholes etc).

**PROPOSED MITIGATION MEASURES:**

- Existing road surfaces must be utilised and maintained within the standard accepted by the authority.
- Maintain storm water control mechanisms.
- All equipment and/ or materials transported to or from site shall be appropriately secured to, or contained in, vehicles.
- All vehicles used during the project shall have the appropriate load-bearing capacity for the materials and/or equipment intended to be transported.
- Repair must be undertaken to fix any damages to public or private roads caused during construction.

### 4.3 Vulnerable groups

Affected households that are particularly vulnerable to project implementation were identified through the census, socio-economic and asset survey of the affected population. Vulnerable groups include child- (24 households) and elderly-headed (four households) households and households with disabled persons (28 households). These households should be given advice on alternative subsistence and livelihood impact activities.

## 5 The socio-economic environment

Statistical data for the baseline description of the social environment was sourced from reports published by the Lesotho Bureau of Statistics, 2016 Population and Household Census data, and the Socio-economic survey that was conducted.

### 5.1 Geographical context

The Kingdom of Lesotho is located in Southern Africa and completely surrounded by the Republic of South Africa. It covers an area of 30 355 km<sup>2</sup> and had a population of 2 007 201 according to the 2016 Census. It is the only independent state in the world that lies entirely above 1 000 metres in elevation, with over 80% of the country above 1 800 metres. The 2011 Lesotho Demographic Survey (LDS, 2013) estimated the total arable land on 3 248 km<sup>2</sup>, which is just over 10% of the total area of the country.

The country is divided in four ecological zones based on climate and agroclimatology (SMEC, 2008):

- Mountains (at altitudes of between approximately 2 000 - 3 384 metres above sea level [masl]) - about 59% of the country;
- Senqu River Valley (1 000 - 2 000 masl) - about 9% of the country;
- Foothills (1 800 - 2 000 masl) - about 15% of the country; and
- Lowlands (less than 1 800 masl) - about 17% of the country.

The area for the proposed project is located in the Lowlands area.

### 5.2 Development context

#### 5.2.1 The Human Development Index

The Human Development Index (HDI) is a composite index developed by the United Nations Development Programme (UNDP). The underlying principle of the HDI is that national development should not only be measured by income per capita, but also by health and education achievements.

In 2010, three indices were launched to monitor poverty, inequality and gender empowerment across multiple human development dimensions, discussed here for Lesotho.

The Inequality-adjusted Human Development Index (IHDI) attempts to capture the distribution of human development within countries. Where there is inequality in the distribution of health, education and income, the HDI of a society is less than the aggregate HDI. The greater the inequality, the lower the IHDI and the greater the difference between it and the HDI. Lesotho is in position 159 and falls in the **low human development** group.

The Gender Development Index (GDI) reports female and male achievements in the basic dimensions of human development while the Gender Inequality Index (GII) captures the inequalities women face in reproductive health, education, political representation and the labour market. Lack of women's empowerment is a critical aspect of gender inequality. Lesotho's **GDI** places it in **Group 1**, which comprises countries with high equality in HDI achievements between women and men. It is one of only two countries from the Low Human Development group that is in Group 1 in terms of GDI. In terms of the **GII**, Lesotho is placed in position 135, which is higher than its HDI ranking. Males have a much higher labour force participation rate (74.4%) than females (59.3%), while more females (31.8%) than males (24.2%) have at least some secondary education. Women hold 22.7% of seats in parliament.

The country has a **Gini Coefficient** of 54.2. The Gini Coefficient measures the deviation of the distribution of income among individuals or households within a country from a perfect equal distribution where a value of 0 represents absolute equality and a value of 100, absolute inequality. This indicates an **unequal** distribution of income in Lesotho.

In terms of the Quality of Human Development, Lesotho is placed in the middle tercile in terms of Lost health expectancy and Primary school teachers trained to teach, and in the bottom tercile in terms of the other measured

indicators. Lost health expectancy refers to the relative difference between life expectancy and healthy life expectancy, expressed as a percentage of life expectancy at birth. Primary school teachers trained to teach refers to the percentage of primary school teachers who have received the minimum organised teacher training required for teaching at the primary level. Other measured indicators include the number of hospital beds per 10 000 people, the pupil-teacher ratio in primary education, the proportion of schools with access to the Internet, vulnerable employment (percentage of employed people engaged as unpaid family workers and own account workers), rural population with access to electricity, population using improved drinking-water sources, and population using improved sanitation facilities.

### 5.2.2 Multidimensional Poverty Index

The MPI identifies multiple deprivations at the household level on three dimensions, namely education, health and standard of living. The following indicators are used in calculating the index (UNDP, 2016):

- Education
  - School attainment
  - School attendance
- Health
  - Nutrition
  - Child mortality
- Standard of living
  - Access to electricity
  - Access to clean drinking water
  - Sanitation
  - Cooking fuel
  - Floor type
  - Assets - related to access to information, mobility and livelihood

The 2018 MPI indicates that Lesotho has an MPI score of 0.146, a Poverty Headcount of 33.64% and an Intensity of Poverty of 43.45%. Poverty Headcount refers to the proportion of the population that can be defined as multidimensionally poor by using a predetermined cut-off while the Intensity of Poverty refers to the average proportion of indicators in which people are multidimensionally poor. A higher MPI score indicates a very poor community that is deprived on many indicators. The MPI indicates that 57.1% of the population is living below the national income line while 59.6% is living below the international poverty line<sup>19</sup>.

### 5.2.3 Sustainable Development Goals Index

All 189 Member States of the United Nations, including Lesotho, adopted the United Nations Millennium Declaration in September 2000 (UN, 2000). The commitments made by the Millennium Declaration are known as the Millennium Development Goals (MDGs), and 2015 was targeted as the year to achieve these goals. The United Nations Open Working Group of the General Assembly identified seventeen sustainable development goals (SDGs), built on the foundation of the MDGs as the next global development target (UN, 2014). The SDGs (Figure 5-1) include aspects such as ending poverty, addressing food security, promoting health, wellbeing and education, gender equality, water and sanitation, economic growth and employment creation, sustainable infrastructure, reducing inequality, creating sustainable cities and human settlements, and addressing challenges in the physical environment such as climate change and environmental resources (UN, 2014).

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<sup>19</sup> "The new global poverty line is set at \$1.90 using 2011 prices." [www.worldbank.org](http://www.worldbank.org)



Figure 5-1 | The 17 SDGs adopted by UN member states

Lesotho Ranks 30<sup>th</sup> out of 51 African countries on the SDG Index. The country is maintaining its achievement on Climate action and is on track to achieve the goals of Industry, innovation and infrastructure and Partnerships for the goals by 2030. Scores for Gender equality, Clean water and sanitation, Sustainable cities and communities, and Life on land is increasing at a rate above 50% of the growth rate, but below the rate needed to achieve the goals by 2030. Lesotho is stagnating or increasing at a rate below 50% of the growth rate needed to achieve the following goals by 2030: No poverty, Zero hunger, Good health and well-being, Quality education, Affordable and clean energy, and Justice and strong institutions.

## 5.3 Administrative context

Lesotho is a hereditary constitutional monarchy and the King is the Head of State ([www.parliament.ls](http://www.parliament.ls)). It is the responsibility of the King to appoint the Prime Minister who becomes the head of the government, the cabinet and the functionaries of the government (Naha, 2015). The Parliament consists of two houses, namely the National Assembly and the Senate. The National Assembly consists of 120 elected members. Eighty members are directly elected from the constituencies that the country is divided into, and the other 40 are elected through proportional representation ([www.parliament.ls](http://www.parliament.ls)). The National Assembly houses the portfolio committees, Sessional Select Committees and Ad Hoc Committees. The Senate is the upper chamber of the bicameral parliament and is made up of 22 hereditary Principle Chiefs and 11 Senators nominated by the King on advice of the Council of the State. The majority of the Principal Chiefs are descendants of the Founder of the Basotho nation, Morena Moshoeshe I and descendants of Moshoeshe's great allies the Chief of Makhoakhoa, the Chief of the Bataung and Chief of the Batlokoa. The nominated Senators have usually been drawn from a wide spectrum of experienced politicians, distinguished academics and citizens who have made significant contributions to the life of the nation. The heir to the throne is usually installed as one of the Principal Chiefs "the Principal Chief of Matsieng" on coming of age until he succeeds to the throne. The formation of the two houses has a rich history that is entwined with British colonialism.

The country is divided into ten districts, namely Botha-Bothe, Leribe, Berea, Maseru, Mafeteng, Mohale's Hoek, Quthing, Qacha's Nek, Mokhotlong and Thaba-Tseka. The area for the proposed project is located in the Leribe District. The districts are further divided into constituencies (80 in total), which consist of 129 local community councils.

The capital or camptown of the Leribe District is Hlotse and the district has one other large town, Maputsoe. Hlotse and Maputsoe are in the area for the proposed project. The Leribe District covers an area of 2 828 km<sup>2</sup> and consists of 14 community councils (Mohlatsa, 2015).

Constituencies of Leribe District are Hlotse, Kolonyama, Likhetlane, Mahobong, Maliba-Matšo, Maputsoe, Matlakeng, Mohobollo, Mphosong, Peka, Pela-Tšoeu, Thaba Phatšoa and Tsikoane. Community councils of Leribe District are Fenyane, Hleoheng, Khomokhoana, Limamarela, Linare, Litjotjela, Maisa-Phoka, Malaoaneng, Manka, Matlameng, Menkhoaneng, Motati, Mphorosane, Pitseng, Sephokong, Serupane, Seshote and Tsoilitsoili ([www.en.wikipedia.org](http://www.en.wikipedia.org)). It must be noted that the information for Leribe is based on the Village list of Census 2006 and that there might have been some changes since then. Up-to-date information on the districts is not readily available in the public domain.

## 5.4 Demography

From the combined survey and GIS data, 267 households will be affected, with a total of approximately 828 PAPs having been identified (all respondents were not available when the surveys were carried out), including household heads and dependents. As part of these households and governmental premises, 271 structures (ranging from dwellings to businesses and shelters for domestic animals) will be permanently affected, and 242 only during the construction phase. Fruit- and wood trees would also require compensation, with an area comprising 9 660 m<sup>2</sup> temporarily and 2 235 m<sup>2</sup> thereof permanently. Fields impacted by both servitudes consist of 368 312 m<sup>2</sup>, 142 811 m<sup>2</sup> of which will be permanently affected. A small number of households indicated that they have graves on their premises. Twenty-four child headed households were identified along the pipeline route.

Table 5-1 below indicates the number of households impacted and surveyed per community council, village and chief.

**Table 5-1 | Number of households impacted and surveyed per community council, village and chief**

Community Council	Village	Chief	Number of households
Hleoheng	Hleoheng	Maletsabisa	27
Hleoheng	'Muela Ha Setho	Masaenata Seetsa	3
Sub total			30
Hlotse Urban	Ha Mphuthing	Marese Mphuthing / Malofetsane Moliboea	5
Hlotse Urban	Hlotse Lisemeng 1	Peete Molapo / Mantsoe Molapo	34
Hlotse Urban	Khanyane Konkotiea	Malefetsane Moliboea /	86
Hlotse Urban	Matukeng	Ntseke Malimatle / Mamabeko Letuka	24
Hlotse Urban	Sebothoane	Malefetsane Moliboea / Motsoene Gertrude / Marese Mphuthing	19
Hlotse Urban	Tsikoane	Motlaselo Molapo / Ntseke Malimatle	17
Sub total			185
Maputsoe Urban	Ha Maquele	Mohlalefi Jonathan	4
Maputsoe Urban	Ha Nyenye	Tau Semelane	7
Maputsoe Urban	Mpharane	Peter Mokhitli	6
Maputsoe Urban	Seretse Khama	Motlaselo Molapo	8
Maputsoe Urban	St Monica's	Motlaselo Molapo	27
Sub total			52
Total			267



### 5.4.1 Population and settlement patterns

According to the 2016 Lesotho Population and Household Census (PHC), Lesotho has a total population consisting of approximately 2 007 201 persons and 537 457 households. Leribe is the second largest district after Maseru with 16.82% (337 521) of the total population, and 16.8% (90 313) of households. Based on medium-fertility variant, a population of 2.6 million is projected for 2030 (UNDP, 2018). An average annual growth rate of 1.3% is projected for the period between 2015 and 2020. Leribe has a household density of 3.74 people per household and a population density of 119.35 people per km<sup>2</sup>. In the Leribe District, 61.32% of the population are settled in rural areas and 32.89% in urban areas. The bulk of the population (82.89%) reside in the Lowlands Zone.

The total dependency ratio is used to measure the pressure on the productive population and is referred to as the proportion of dependents per 100 working-age population (15 to 64 years). As the ratio increases, there may be an increased burden on the productive part of the population to maintain the upbringing and pensions of the economically dependent. A high dependency ratio can cause serious problems for a country, as the largest proportion of a government's expenditure is on health, social grants and education that are most used by the old and young population. Young age dependency ratio refers to the proportion of the population aged 0 to 14 years per 100 working-age population. Old age dependency ratio refers to the proportion of the population aged 65 years and older per 100 working-age population.

Based on the projected population for 2017, the UNDP (2018) calculated a Young age dependency ratio for Lesotho of 58.9 and an Old age dependency ratio of 7.5. The 2016 PHC (Table 5-2) shows much lower dependency ratios. The total dependency ratio in Leribe is higher than on national level, due to a greater Old age dependency ratio. This indicates a greater burden on the working age population to take care of their vulnerable dependents. If the proportion of unemployed is factored in, it will yield a more realistic picture as those with an income in reality need to take care of a greater number of people.

Table 5-2 | Dependency ratios (source: 2016 HPC, LBS)

	Total Dependency Ratio	Young Age Dependency Ratio	Old Age Dependency Ratio
Lesotho	56.3	49.6	6.6
Leribe District	59.3	<b>49.9</b>	<b>9.4</b>

### 5.4.2 Age and gender distribution

The Leribe district has proportionately more females than males, and just below a third of the population (31%) is aged 14 years or younger. The population pyramid for the Leribe District (Figure 5-2) shows proportionately more males than females in the zero to four years age group, and proportionately more females from about age 50 upwards.

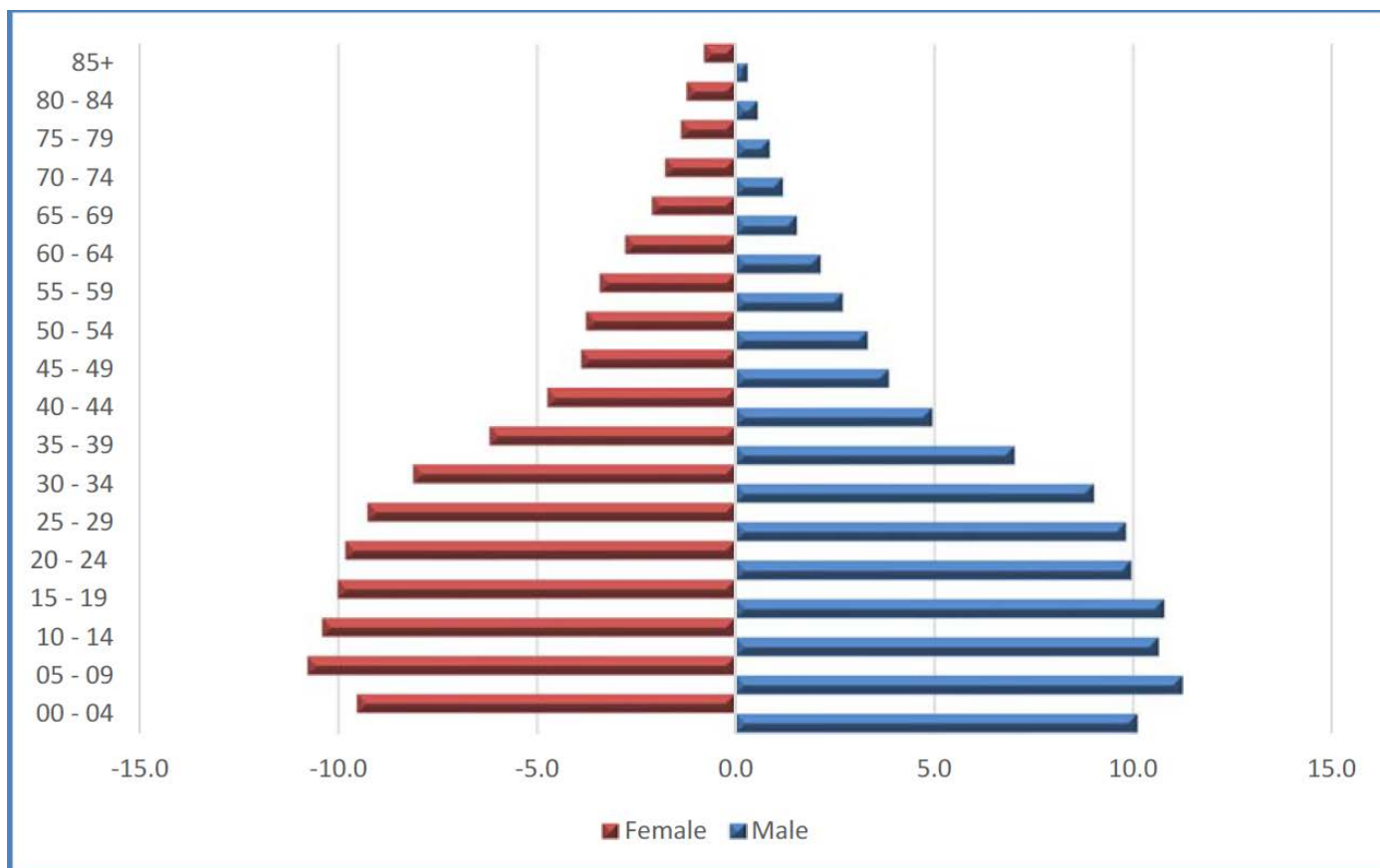


Figure 5-2 | Population pyramid for Leribe District (Source 2016 HPC, LBS)

### 5.4.3 Educational attainment

The Lesotho Government enacted legislation during 2010 ([www.lesotholii.org](http://www.lesotholii.org)) that provided free education for all its citizens. This process is currently being rolled out. Education is compulsory between the ages of six and 13 ([www.scholaro.com](http://www.scholaro.com)). Lesotho's education system consists of different levels, with three years of preschool, inclusive of one year in the reception class (Grade R, which is free). Primary schooling is free and consists of Grades one to four (Lower Primary) and Grades five to seven (Upper Primary) ([www.lesothoreview.com](http://www.lesothoreview.com)). These grades were previously known as Standard one to seven. Secondary School covers five years and is made up of Junior Secondary School (Grades eight to ten) with the Junior Certificate (JC) examination at the end of Grade ten and High School (Grades 11 and 12). Secondary school years were known as Form one to five. High school culminates in the external Cambridge Overseas School Certificate (COSC). Tertiary education has a minimum of one year and there is also Non-Formal Education (NFE) that cuts across primary, secondary and tertiary. NFE is essential for all those that have been excluded from the formal schooling system. There is some provision for adults and out-of-school youth to receive education that is equivalent to Standards one to ten, most of which takes place at skills development centres. Technical and Vocational Education Training (TVET) involves occupation and employment-based education that is designed to prepare learners for specific trades, crafts and careers. Lesotho has 15 tertiary education institutions ([www.lesothoreview.com](http://www.lesothoreview.com)), of which seven is private.

Schools are classified according to three categories, namely public, independent and special schools ([www.lesotholii.org](http://www.lesotholii.org)) and can be registered according to the following categories:

- Pre-school - provides up to four years of early childhood education;
- Junior school - provides pre-school and primary school education;
- Primary school - provides up to seven years of primary education;
- Basic education school - Provides primary and junior secondary education;
- Secondary school - provides three years of post-primary;
- High school - provides up to five years of post-primary;

- Junior college – provides up to seven years of post-primary; and
- Learning centre for out-of-school basic education.

The UNDP (2018) estimated that Lesotho has an adult (aged 15 or older) literacy rate of 76.6%. The literacy rate for females aged 15 to 24 years of age is estimated at 94%, while that of males of the same age is estimated at 79.6%. It is not uncommon for boys to leave school early to herd cattle or to become a migrant worker. The primary school dropout rate is estimated to be 30.7%, while an estimate of 67% of a cohort is expected to reach the last grade of lower secondary general education. On a district level the 2016 PHC shows that almost 50% of males in the Leribe District and 44% of females aged 15 years or older have attained an education of Standard seven or lower. Standard seven is the grade that completes primary school education. In the Leribe District, 15.82% of males aged 15 years or older and 18.15% of females have completed Form five or a tertiary qualification.

In the project area, when taking into account the amount of pre-school children and children below the age of 15, we can see that there is about 13% of the household members older than 15 that has had no education, and 26% of household members older than 14 that has some primary school education. In Figure 5-3 we can see 10% of household members has completed primary school, 16% has some secondary school education and only 11% of the household members older than 14 has completed secondary school education. What is interesting is that 24% of household members indicated that they have a form of further education. This indicates that literacy levels in the project area are fairly high.

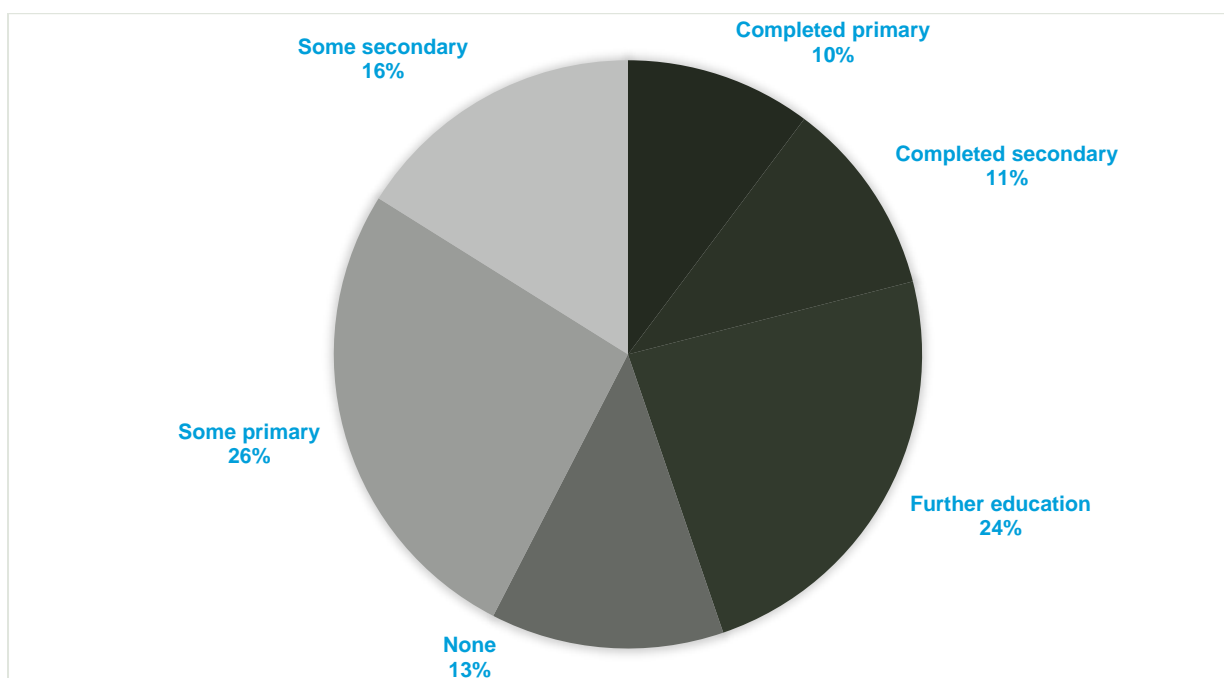


Figure 5-3 | Highest education of household members

#### 5.4.4 Household composition

##### Household relationships

The lives of individuals are shaped within the context of households, the basic unit around which living arrangements are organised (SMEC, 2008). The results of the socio-economic census and RAP survey conducted indicate that the biggest household relationship categories are that of household head (22%), spouse (11%), children (34.5%) and grandchildren (15%). This indicates that a majority of households are nuclear families, with a fairly large proportion of single parent households and that multigenerational and extended family ties are important. This is supported by the 2016 PHC that indicates that on a national level, the majority of children aged zero to 17 is a son or daughter of the head of the household, or a grandchild or great grandchild. The average household size in the project-affected area is 4.24.

With regard to marital status, the 2016 PHC shows that in Leribe 49.36% of adults aged 15 years or older is monogamously married. The incidence of people who are polygamously married, living together, separated or divorced is relatively low and represents just over 6% of the adult (15 years or older) population.

## Household headship

The investigation of households according to the sex of the household head is motivated by three common assumptions arising from the understanding of the role of household heads and from relevant research on gender differences in access to resources ([www.dhsprogram.com](http://www.dhsprogram.com)). The first assumption is that the head of the households is mainly responsible for the economic well-being of the households, and that women relative to men are disadvantaged in accessing society's economic resources and opportunities. These two assumptions together imply that although the household head must ensure economic sustainability of the household, irrespective of his or her sex, the means available to do so are not always gender neutral. The third assumption arises from research that suggests that the household head's gender affects both the way in which household resources are used and within the households, and the way households are networked for exchange of resources with other households. In general, female-headed households can be regarded as more vulnerable than male-headed households.

The 2016 PHC indicates that in the Leribe district, just over a third of the households are headed by females. Nationally about two thirds of male household heads are monogamously married, compared to just over 30% of females. About 41% of female household heads are widowed. More than half of female household heads (55.5%) have only completed primary school, compared to 44.73% of males. The majority of female household heads are housewives (51.24%), while the majority of male household heads are regular wage /salary earners (34.72%). This suggests a greater vulnerability in female households. The results of the socio-economic census and RAP survey of the project area indicate that approximately 44% of the household heads are monogamously married, while more than a quarter (27%) is widowed. This is much higher than on district level and indicates a greater vulnerability of households in the study area.

## 5.5 Housing

The 2016 PHC indicates that most of the households in Leribe (45.6%) acquired their land through allocation by the chief, while just over 20% inherited their land or got it as a gift. In both districts a larger proportion of females were allocated land by the chief, than the proportion of males that were allocated land by the chief. In Leribe, a *polata* is the main dwelling of about 37.2% of households, followed by a *rontabole/ mokhoro* (17.7%) and a *malaene* (16.4%). A *polata* is a rectangular building with a flat corrugated iron roof and walls of concrete block, sandstone, rubble, burnt or mud bricks. A *rontabole* is a round building with a pitched thatched, tiled or corrugated iron roof and walls of local materials such as sandstone, rubble or mud brick and render. A *malaene* is a rectangular building normally of concrete blocks or local bricks, with a flat corrugated iron roof, which normally comprises single rooms or more for rent to individual households, and sometimes the living, cooking, eating and sleeping arrangements is combined in this single room. Form C is the tenure status of 43.2% of households in the Leribe district. A large proportion of households in the Leribe district (25.5%) have indicated that they have no title deed for their property.

The results of the socio-economic census and RAP survey for the project area indicate that the main dwelling of most households (about 39.7% of those who answered the question) is a *polata*. The main dwellings of the other households are a *rontabole*, temporary structure, *heisi*, modern apartment or townhouse or an *optaka*. A *heisi* is a rectangular building with a thatched roof and walls of sandstone, rubble, mud, sand, cement, brick and render. The *heisi* is internally normally finished as for the *rontabole* and the number of rooms is usually three or less. An *optaka* is similar to *polata*, but it has a double-pitched roof of corrugated iron or thatch and can also be in a L or T design. The incidence of *malaene* is low. Most of the land has a Form C (27.5%) or no title deed (18.3%) and was inherited or received as a gift (36%). This indicates that families have been residing there for many years and may find it difficult to resettle.

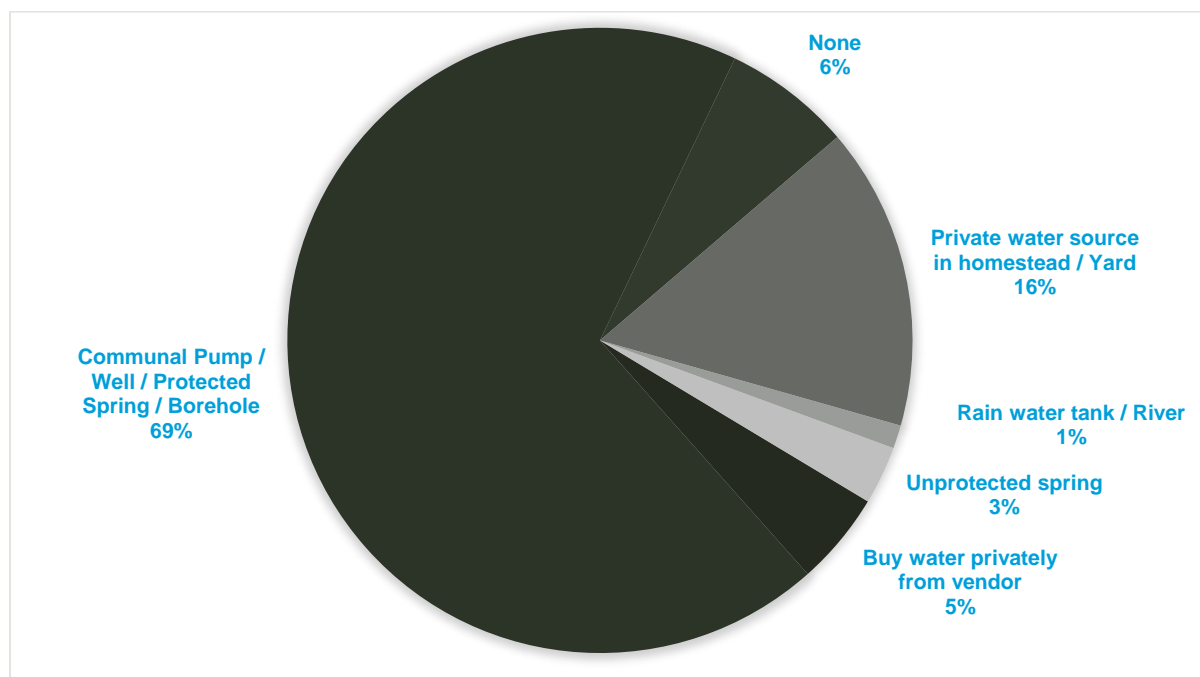
## 5.6 Water, energy sources and sanitation

The 2018 Multidimensional Poverty Index ([www.hdr.undp.org](http://www.hdr.undp.org)) indicates that approximately 57.1% of households live below the National Poverty Line in terms of income. Approximately 33.64% of the population can be defined as multidimensionally poor. The Living Standard dimension is the greatest contributor to overall poverty, with a

contribution of 57.84%. Access to electricity, safe drinking water, sanitation and clean cooking fuel are indicators that relate to the Living Standard dimension of poverty that form part of the MPI (UNDP, 2016). The 2016 PHC indicates that in the Leribe District 36.2% of households have access to electricity as their main source of energy for lighting, while 43% of households use paraffin for this purpose. Very few households use their electricity for heating purposes, almost 80% of households use wood or paraffin. More than 70% of households use LP Gas (26%) or wood (44.1%) as energy for cooking. Wood is regarded a 'dirty' cooking fuel (UNDP, 2016). The results of the socio-economic census and RAP survey indicate that LP Gas (27%) and wood (23%) are the main sources of energy for cooking in the project area. The main source of energy for heating is paraffin (33.6%) or wood (32.2%). Just over half of the households (54.7%) use electricity for lighting, while 16.6% use paraffin and 7.5% uses candles.

On a national level the 2016 PHC indicates that only 11.5% of households in urban areas have access to water inside their dwellings. The majority of households (58%) in urban areas have access to piped water inside their yards or plots. More than half (55.5%) of households in rural areas have to access water through a public tap or standpipe, and 17.9% use an unprotected spring. In the Leribe district it takes 0-14 minutes for 40.1% of the households to get drinking water and come back, and 15 - 29 minutes for 26.2% of households.

According to the results of the social survey, the primary water source for four of the households surveyed is groundwater which they abstract through a borehole, 1% of the households get their water from a rain water tank and another 3% households has an unprotected spring on their property. 16% of households have access to a private water source in their yard and another 5% of households buy their water for drinking from a private vendor. (Figure 5-4).



**Figure 5-4 | Primary source of drinking water**

Most of the households travel less than 15 minutes to and back from their water source. Another 21% of households travel between 15 and 29 minutes to and back from their water source. 25 % of the households travel between 30 and 119 minutes to and from their water source, a further 21% of households travel more than 120 Minutes to and from their water source as per Figure 5-5.



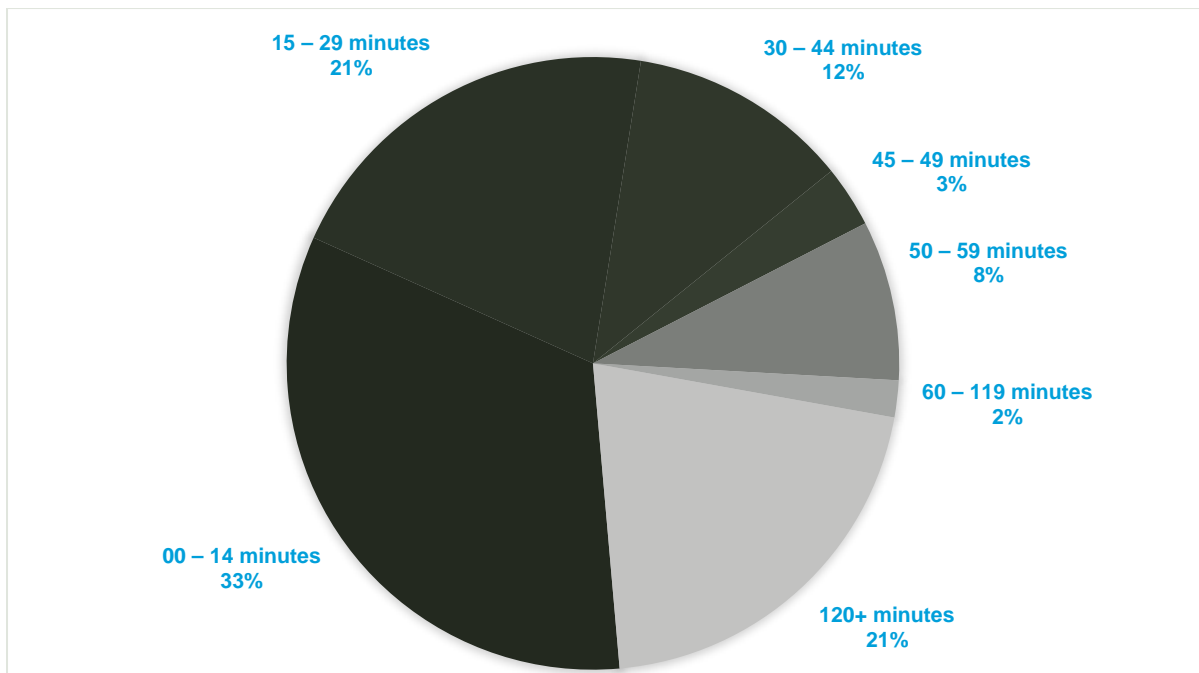


Figure 5-5 | Time to fetch water and travel back

The main household use of water was indicated by 156 households to be for cooking and drinking, a further 137 households indicated that they mainly use water for laundry purposes. 48 households indicated that they use water for sanitation purposes and another 37 households use water for mainly agricultural purposes. Only 4 households use water for commercial purposes (Figure 5-6).

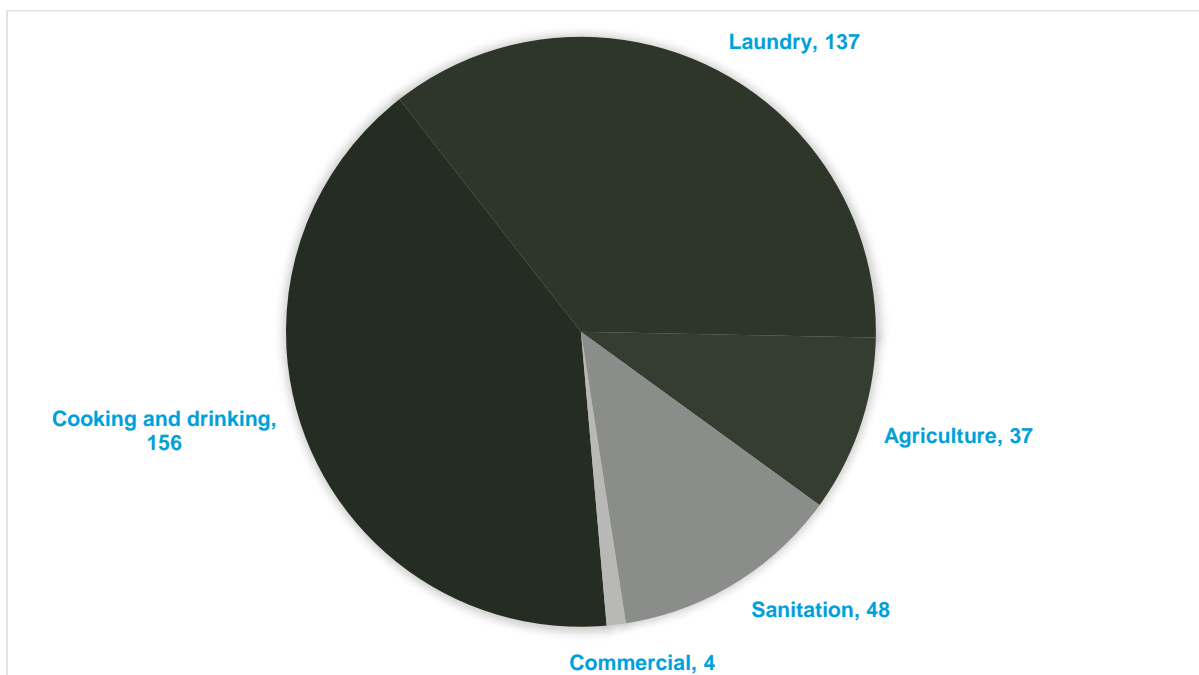
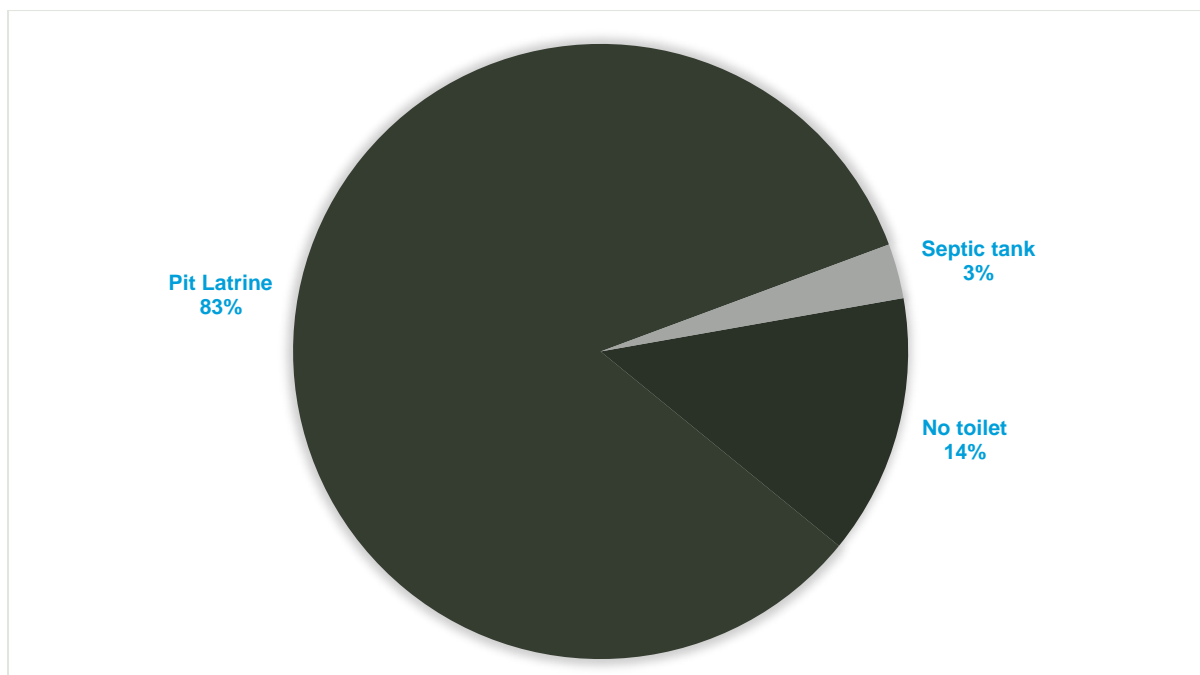


Figure 5-6 | Main use of water

As seen in Figure 5-7 the main sanitation facility in the project area is pit latrines with 83% of households using pit latrines, 3% of households use septic tanks and 14% of households have not toilet facilities.



**Figure 5-7 | Main sanitation facility of household**

Table 5-3 depicts the perception that the households had of the quantity and quality of current water sources. From the table it is clear that there is not a dissatisfaction regarding the quality of water but that the amount of water that can be accessed is perceived as poor.

**Table 5-3 | Perception of the quantity and quality of water**

	Quantity	Quality
Poor	86	30
Satisfactory	44	54
Good	18	62

As Figure 5-8 illustrates, 39% of the households indicated that they experience daily interruptions in the availability of water, another 14% experience weekly interruptions and 10% of households experience monthly water availability interruption.

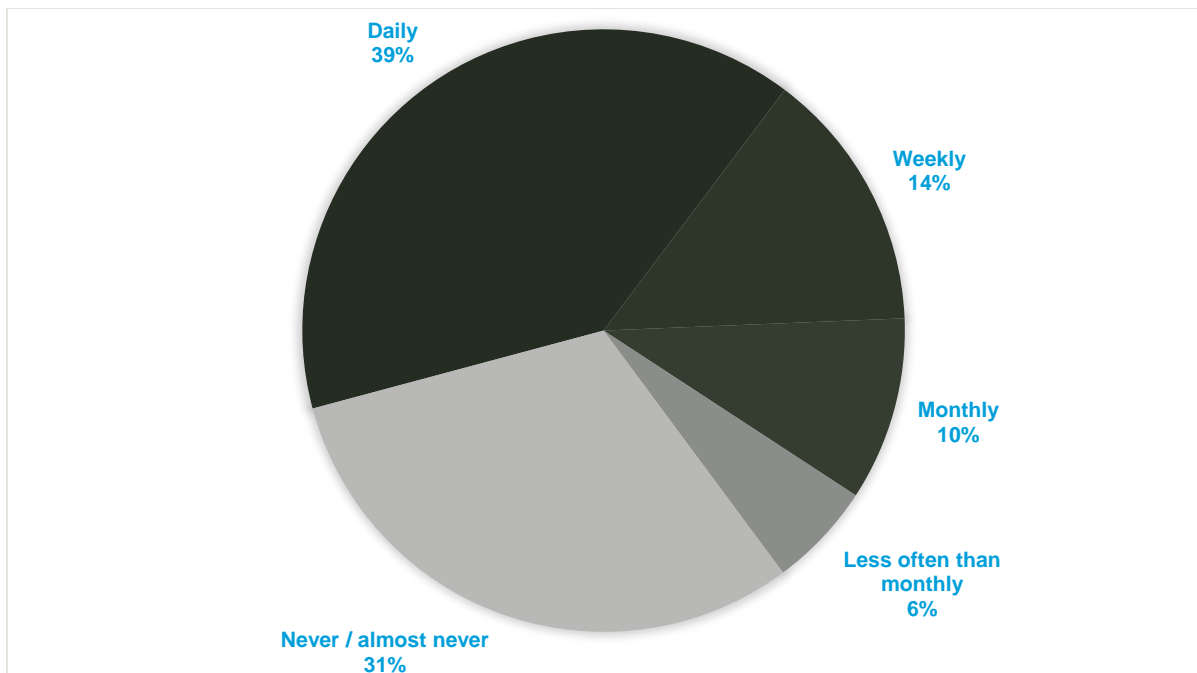


Figure 5-8 | Water availability interruptions

## 1.1 Energy source used for lighting, cooking and heating

In Figure 5-9 below we can see that 110 of the households that were surveyed has electricity that is used for lighting, 43 households indicated that they also use electricity for cooking and 28 households use electricity for heating. Other households use paraffin, candles and gas as energy sources for lighting. The main energy source used for cooking is gas, followed by electricity, paraffin and wood. The main energy source used for heating is paraffin.

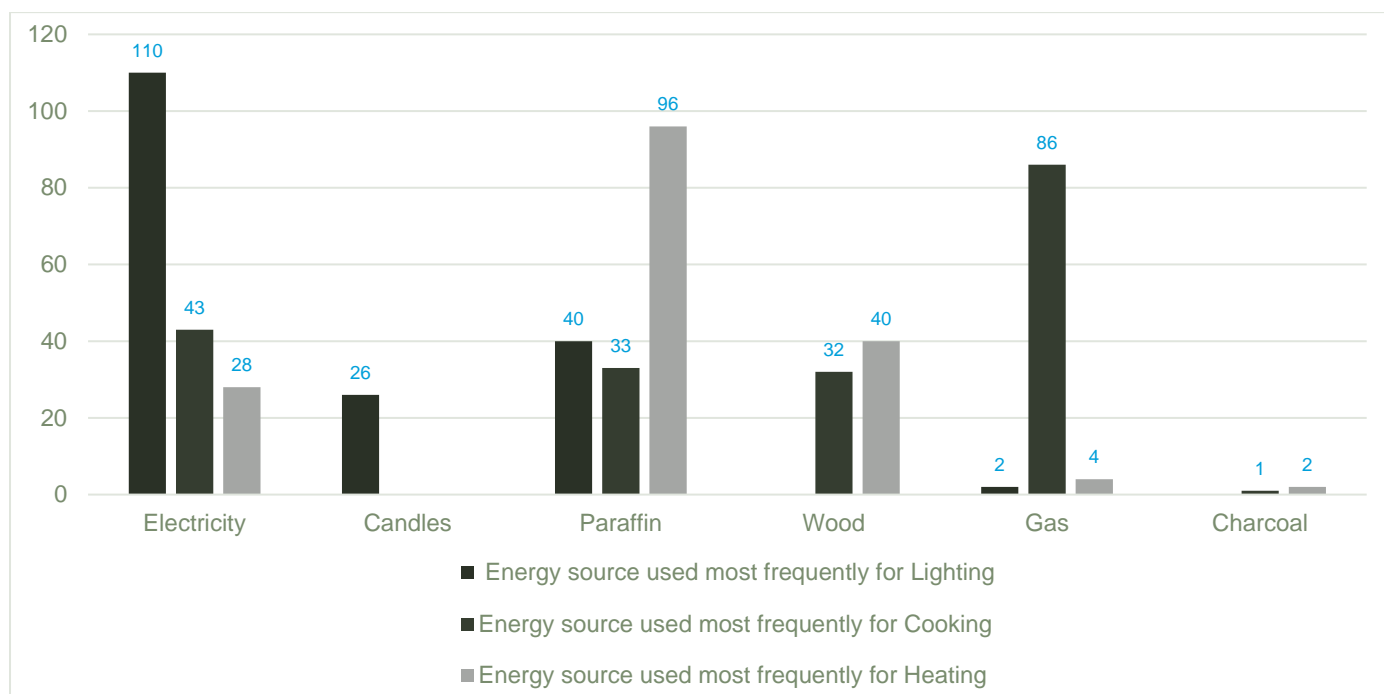


Figure 5-9 | Energy source used for lighting, cooking and heating

On a national level the 2016 PHC indicates that in urban areas 47.7% of households have VIP latrines, while 35.9% have unimproved pit latrines. The picture looks very different in rural areas where 33.5% of households make use of open defecation (bush or field), 33.4% have access to VIP latrines and 26.1% to unimproved pit latrines. The results of the socio-economic census and RAP survey in the project area indicate that most households (67.8%) have access to VIP toilets or pit latrines, while about 8% have indicated that they do not have access to toilets.

## 5.7 Land use

The Lowlands occupies approximately 17% of the land area of Lesotho and is where the bulk of the urban development of Lesotho is located (Mohlalatsa, 2015). The capital city of Lesotho, Maseru, and the major subsidiary towns are located here. Soil quality varies significantly from area to area with urban encroachment the major contributing factor that diminishes the soil quality. In Lesotho the process of spatial planning can be described as being in transition. The 2009/2010 Agricultural Census (LBS, 2012) indicated that the total geographical area of Leribe is 282 800 hectares (ha), of which 50 554 ha were arable. The total geographical area of Berea is 222 200 ha, of which 45 528 ha is arable. The Agricultural Census shows that in Leribe 68.5% of the 83 505 fields in 2009/2010 were 0.01 ha to 0.45 ha in size. The agricultural sector contributes about 45% of Lesotho's employed personnel (Mohlalatsa, 2015), with the bulk being involved in subsistence agriculture that mainly consists of low input low output rainfed cereal production and grazing systems. The results of the socio-economic census and RAP survey in the project area indicate that just over half (55.5%) of households in the project area have arable land where they mostly grow maize, and to a lesser extent, beans.

## 5.8 Livelihoods

Lesotho is geographically surrounded by South Africa and economically integrated with it. The economy of Lesotho is based on agriculture, livestock, manufacturing and mining, and depends heavily on inflows of workers' remittances and receipts from the Southern African Customs Union (SACU) ([www.en.wikipedia.org](http://www.en.wikipedia.org)). Although Lesotho has progressed in moving from a predominantly subsistence-oriented economy to a lower middle-income economy exporting natural resources and manufacturing goods, the majority of households still subsist on farming. Formal sector employment consists mainly of female workers in the apparel sector, male migrant labour, primarily miners in South Africa for three to nine months, and employment by the GoL. Water and diamonds are Lesotho's significant natural resources.

The UNDP (2018) has indicated that Lesotho has an employment to population ratio of 48.4%, which indicates the percentage of the population aged 15 years or older that is employed. The Labour Force Participation Rate is 66.5%, which indicates the percentage of the working-age population that engages actively in the labour market, either by working or looking for work. This indicates that there are much more people available to work than that are currently working. Of those employed, 10.4% is employed in Agriculture and 49.1% in Services. Lesotho has a total unemployment rate of 27.3% and a youth unemployment rate of 38.5%. Figures for child labour are not available. More than half (55.3%) of the employed population have to live on an amount that classify them as working poor. The working poor are working people whose incomes fall below a given poverty line due to lack of work hours and/or low wages.

According to the 2016 PHC, almost half of females (48.3%) aged 15 years and above are housewives while 21.2% are regular wage or salary earners. About 27.7% of males have indicated that they are regular wage or salary earners while 23.8% have indicated that they are housewives. In this instance housewives should not be interpreted literally, as it is likely to be a translation issue and is more likely to be indicative of a male that is not economically active. The results of the socio-economic census and RAP survey in the project area indicate that employment is a big problem for most households (65.7%) that affects their lives negatively.

Wages and salaries are only one of the means of making a livelihood. A livelihood can be described as consisting of capabilities, assets (including both material and social resources), and activities required for a means of living (De Beer & Swanepoel, 2013). The livelihoods of people are influenced by the context (shocks, trends, and seasonality) and by institutions, policies and processes. Subsistence agriculture is an important contributor to the livelihoods of many households. The 2016/2017 Agricultural Production Survey (LBS, 2017) indicates that in the Lowlands 33.8% of household members get their income from subsistence farming, compared to 26.2% that get their income from wages or salaries.

The support base of the agricultural sector has come mainly from South African mine remittances (Mohlalatsa, 2015), but this income has been decreasing due to large scale retrenchments in South Africa's mining industry. This has caused the sector to increase in size and production capacity over the last decade or so. This coupled with severe droughts that have hit southern Africa at different times, has led to a decrease in production capacity and serious food insecurity nationwide. The shortage of arable land has further contributed to food insecurity.

The results of the socio-economic census and RAP survey in the project area indicate that maize and beans are the crops grown most. Many households (62.6%) have fruit trees, such as peach, apricot and apple. Livestock like cattle (15.2%), sheep (9.3%), donkeys (5.7%), pigs (5.4%) and goats (4.9%) are mainly kept for domestic use. Many households (39%) have vegetable gardens where they mostly grow leafy vegetables such as spinach, cabbage and *sepaile* (a type of wild parsley). Other vegetables grown include carrots, beetroot, *rapa* (turnip), onion, turnips, potatoes, radishes, peas, maize, tomatoes and green peppers.

Main trading along the alignment include taxi stops, firewood stands, brickmakers, car washes, spaza shops, hairdressers, tombstone makers, and public bars.

## 5.9 Health and nutrition

Lesotho prepared a Poverty Reduction Strategy (PRS) as a first step towards the implementation of its vision 2020. The PRS is based on three interconnected approaches (Naha, 2015), namely rapid employment creation, delivery of poverty targeted programmes that empower the poor and vulnerable and enable them to secure access to income opportunities and ensuring that policies and legal frameworks are conducive to the implementation of priorities, bureaucratic constraints are removed, and that the productivity of the public sector improves. These approaches are dependent on local economic development (LED), as it is through LED that the environment is made attractive to investors. The PRS has eight priorities, which include employment creation, improvement of agriculture production and food security, and improvement of access to health care and social welfare.

Data from the UNDP (2018) indicates that 33.4% of children under the age of five years in Lesotho suffer from malnutrition. The country has an infant mortality rate of 72.4 per 1 000 live births and a mortality rate of Under-fives of 93.5 per 1 000 live births. The adult mortality rate per 1 000 people is 463 for females and 555 for males. The incidence for tuberculosis is 724 per 100 000 people and the prevalence of Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome (HIV/AIDS) among adults between the ages of 15 and 49 is 25%.

HIV/AIDS is an existing problem in the study area. Lesotho has the second highest HIV prevalence in the world (<https://www.avert.org/professionals/hiv-aroundworld/sub-saharan-africa/lesotho>). There are approximately 13 000 new cases of HIV annually among adults aged 15 to 59 years. Approximately 306 000 adults (between 15 and 59 years) and 13 000 children (aged 0 to 14 years) in Lesotho are living with HIV. The main mode of transmission is through heterosexual sex. Groups most affected by HIV includes sex workers (79.1%), factory workers (42.7%), men who have sex with men (32.9%), pregnant women (25.9%), general population (23%), young women (10.2%) and young men (5.9%). Women are more affected by HIV than men. The disparity in HIV prevalence by sex is most pronounced among young adults: HIV prevalence among 20- to 24-year-olds is four times as high among females (16.7%) than males (4.0%). HIV is closely linked to tuberculosis (TB) and in 2014 74% of people with TB tested positive for HIV.

The 2010 Health Statistics report (LBS, 2014) shows that in 2010 there were nine doctors for the entire Leribe district. This indicates that there is a huge shortage in health care personnel and that health care is likely not reaching all who are in need of it. The results of the socio-economic census and RAP survey in the project area indicate that about three quarters (76%) of households (who answered the question) in the project area access to a local clinic while 18.6% have access to a district hospital.

Data from the UNDP (2018) indicates that 37% of females and 40% of males in Lesotho in the age group 15 to 49 years consider a husband to be justified in hitting or beating his wife for at least one of the following reasons: if his wife burns the food, argues with him, goes out without telling him, neglects the children or refuses sexual relations. In terms of perceptions of individual well-being, 48% of respondents in Lesotho of the Gallup World Poll (UNDP, 2018) have indicated that they are satisfied with the education quality, 36% with the health care quality, and 34% with the standard of living. More males (49%) than females (37%) have indicated that they feel safe walking alone at night in the area or city where they live. In terms of freedom of choice, 74% of females and 73% of males have indicated that they are satisfied.

Data collected from agricultural or farming households for the 2013/2014 Livestock Production survey (LBS, 2015) indicate the following production per district (Table 5-4):

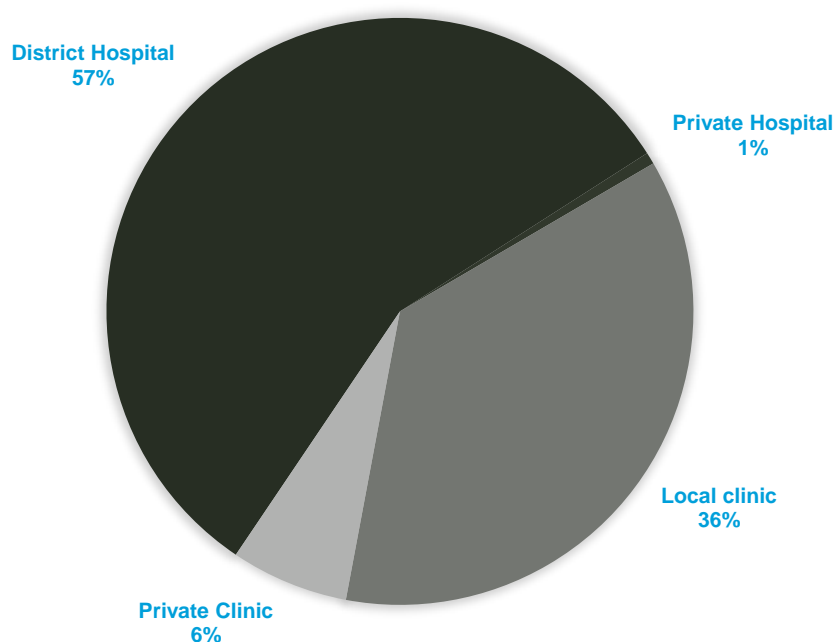


**Table 5-4 | Livestock production per district as proportion of national production (source: 2013/14 Livestock Production Survey, LBS)**

Product	Leribe % of total production
Raw milk	6.4
Wool	8.7
Mohair	7.7
Eggs	15.7
Slaughtered cattle	15.4
Slaughtered goats	15.5
Slaughtered sheep	8.5
Slaughtered pigs	13.6

The 2016/2017 Agricultural Production Survey (LBS) indicates that Leribe has the highest production of maize, beans and peas in the area, and the third highest of sorghum. Most of the crops are planted in the Lowlands area. The bulk of the crops are produced for consumption, only a very small portion is produced for sale.

The below figure (Figure 5-10) indicates what health facilities the household have access to. The main health facilities that the households have access to are the district hospital and local clinics.



**Figure 5-10 | Access to health facilities**

Figure 5-11 illustrates what the household survey revealed regarding the illnesses that the household members suffered from in the past 12 months, these include respiratory illnesses, malaria, HIV/AIDS, diarrhoea, TB and cancer.

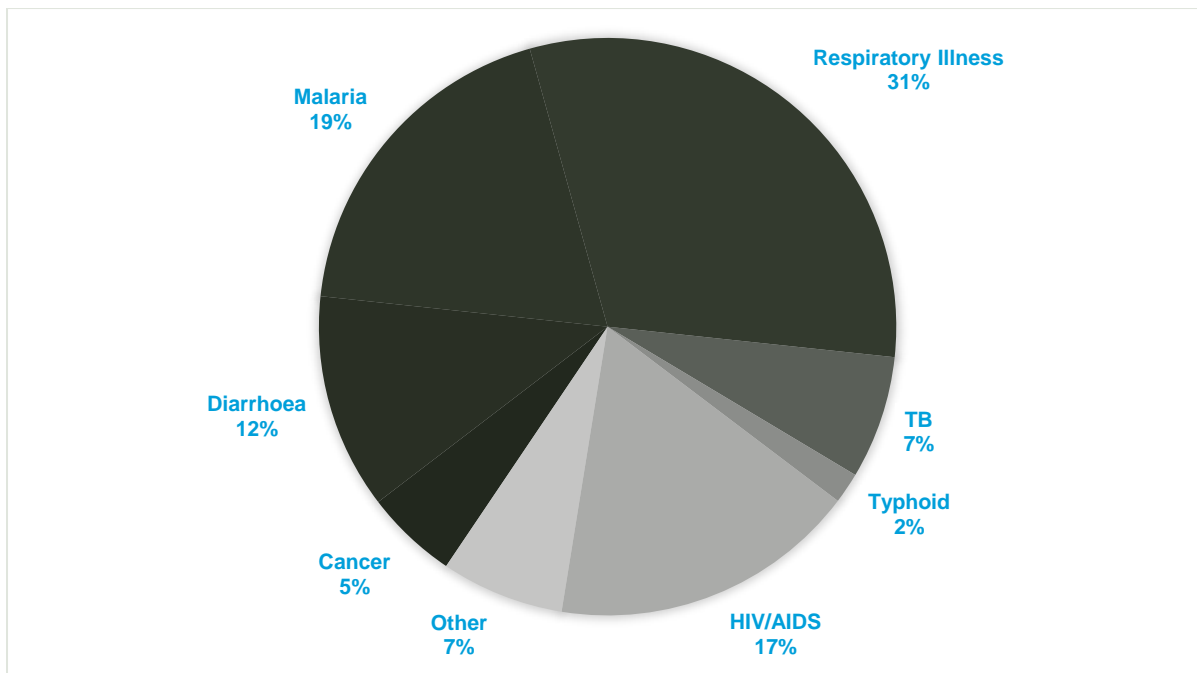


Figure 5-11 | Illnesses

Focus group respondents have indicated that the staple food is *pap* (traditional porridge made from maize meal) or traditional bread and vegetables such as *morogo* (African spinach), beans, pumpkin, maize, sorghum, potatoes and fruit. This suggests that in many households, people are not getting all the required nutrients from their food. The results of the socio-economic census and RAP survey in the project area indicate that many people have vegetable gardens where they grow vegetables like cabbage, spinach, turnips, carrots, tomatoes, *sepaiile* (wild parsley), onion, maize and beetroot. Most of these vegetables are for private use. Respondents indicated that they experience food shortages in the beginning of the year after the festive season (January (15.5%), February (10.4%)), and in the wintertime (May (10.3%), June (12.4%), July (12.9%), August (11.6%)), and to a lesser extent in March (9.8%) and April (9.8%). The average number of months per year that households (those who experienced food shortages) experienced food shortages is 2.8 months. About a third (37%) of households (who answered the question) have indicated that they have experienced food shortages during the past 12 months and in 13.6% of households someone went to bed without a meal the previous night. Food shortages and going to bed without a meal seem to be a fairly common occurrence in the study area. There is a risk that the loss of arable land and livelihoods can lead to food shortages on a family level.

## 5.10 Social networks

The households that were surveyed had a big number of members that are actively involved in their community and social and cultural networks (Figure 5-12). There are household members that serve on the community council and water committees. The women are active members of the women's group. There is various household members' part of the different sports groups and numerous members are part of their local church groups. These key persons in the community could play an integral role in the stakeholder engagement process and they are important role players in identifying the main issues that the communities may have with the project as well as ensuring that the grievance process runs smoothly.

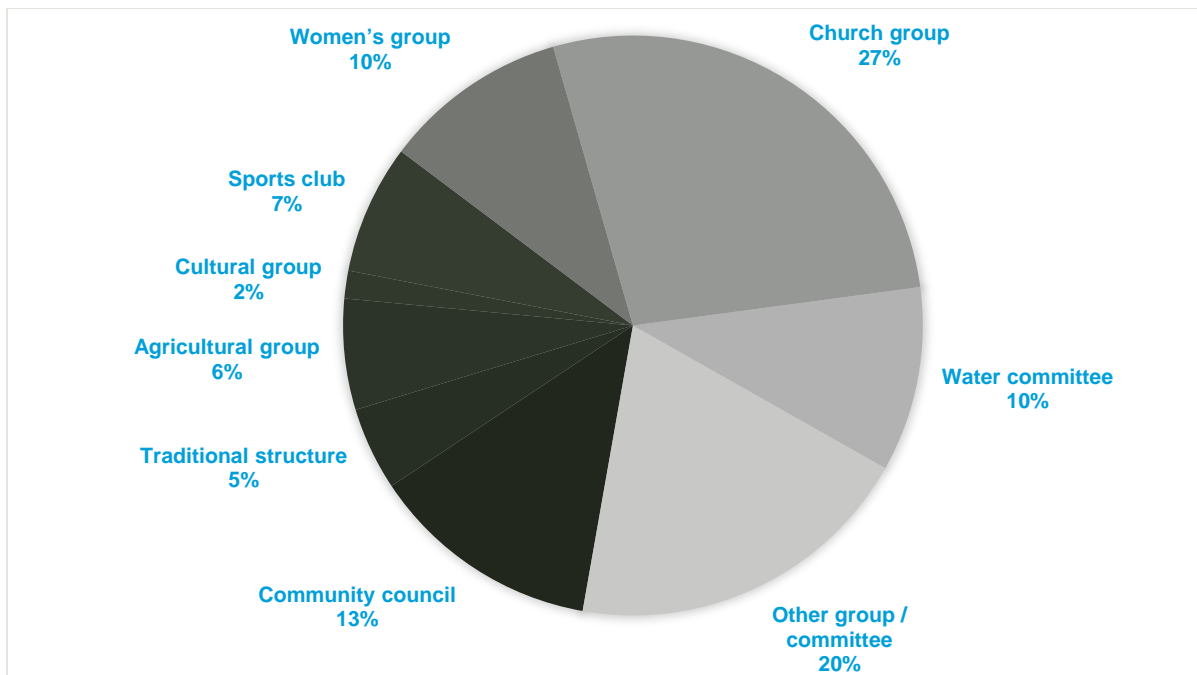


Figure 5-12 | Social networks

## 6 Public consultation and disclosure of information

Public consultation is vital for the success of any development project, to ensure two-way communication between the project developer and relevant stakeholders, and to 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.

The participation of and consultation with the affected communities and authorities are 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]). Consultation with and participation of the public allows project management to design resettlement such that it can 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 ongoing aspect of the resettlement process that takes place through every stage of resettlement planning and implementation, and thereafter as necessary.

Multiple consultative phases were undertaken for the project as part of the ESIA and RAP, as discussed in the Methodology section (Section 3). The results of each of these phases are discussed under the respective headings that follow.

### 6.1 Public consultation during ESIA

Details on the public consultation that took place between April and August 2018 are discussed in detail in the ESIA.

For proximity purposes, the 14 aforementioned plans were further broken into smaller clusters of villages to enable communities to travel with ease to the public meetings. A total of 31 clusters were consulted. Table 6-1 below reflects the attendance figures of the villages consulted within the 14 Plans. A total of 2 905 community members were consulted on the proposed project (1 316 males and 1 589 females).

**Table 6-1 | Attendance figures of areas consulted**

	<b>Village</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1.	Ha Peete	27	46	<b>73</b>
2.	Matukeng	33	52	<b>85</b>
3.	Peka	73	41	<b>114</b>
4.	Ha Letsie	22	78	<b>100</b>
5.	Ha Makhata	30	38	<b>68</b>
6.	Nkoeng	33	37	<b>70</b>
7.	Makibinyane	70	108	<b>178</b>
8.	Mahobong (Koporasi)	78	78	<b>156</b>
9.	Lesiamo	61	73	<b>134</b>
10.	Setene	27	35	<b>62</b>
11.	Likhakeng	41	93	<b>134</b>
12.	Ramapepe	38	96	<b>134</b>
13.	Khanyane	159	127	<b>286</b>
14.	Mpharane	39	34	<b>73</b>
15.	Hlotse	17	56	<b>73</b>
16.	Tsikoane	37	35	<b>72</b>
17.	Hleoeng	49	24	<b>73</b>
18.	Tabola	26	29	<b>55</b>
19.	Kolonyama	20	18	<b>38</b>
20.	Mohlokaqala	26	48	<b>74</b>
21.	Ha Nchee	16	27	<b>43</b>
22.	Pitseng (London)	85	98	<b>183</b>
23.	Maputsoe (Mathata)	20	27	<b>47</b>
24.	Maputsoe (St Monica)	18	23	<b>41</b>
25.	Mamathe	61	54	<b>115</b>
26.	Baking	47	51	<b>98</b>
27.	Mokomahatsi	23	34	<b>57</b>
28.	Mphele	28	19	<b>47</b>
29.	Tsekelo	12	28	<b>40</b>

	Village	Male	Female	Total
30.	Kolojane	84	59	143
31.	Corn Exchange	16	23	39
	<b>Total</b>	<b>1 316</b>	<b>1 589</b>	<b>2 905</b>

## 6.1.1 Attitudes to the project

Key issues that communities raised about the proposed project during Public Participation meetings of the ESIA are summarised below:

### Uptake of the proposed project

- Communities expressed their scepticism about the proposed project given the many previous consultations of previous similar projects which never took off.
- Communities requested that they be given regular feedback about the project, such as when different phases are planned to commence.

### Available water infrastructure

- Communities mentioned that they already have water sources which were not fully utilised. A concern was raised about the delays in repairing or maintenance of the available sources. Suggestion was made that while communities wait for the new project they should be assisted with the repairs of existing infrastructure to ensure reliable availability of water.
- Communities raised a concern over poor service delivery by the Lowlands Rural Water Supply and Sanitation Project.
- Communities wanted to know whether, with the new infrastructure, they will still need to use communal and household borehole systems that they have.

### Availability of water

- Communities were concerned that villages not labelled in the plans may have been excluded from the project. The client clarified the issue, indicating that all settlements that appear in the map will receive water.
- The supply of clean water to institutions such as schools was also pointed out as a necessity.
- The issue of water tariffs was raised. Communities wanted to know if the water they will get is free and if not, how much they will be expected to pay.
- Communities questioned the sustainability of water supply that will be abstracted from Hlotse River, saying that experience has shown that during dry seasons, the Hlotse River dries up.

### Compensation

- On property that will be affected by the project, communities wanted to know whether they will be compensated. They cited a recent road construction project which did not compensate them for loss and damage of some of their property (fields, houses damaged by blasting, etc.)
- Communities indicated that there was a need to review the compensation rates which are perceived as inadequate.
- Communities wanted to know if compensation will be provided as once-off payments, or if it would be provided on a longer-term basis as in the case with the Lesotho Highlands Development Authority.
- Respondents wanted to know how compensation will be provided for property rented - who between the tenant and the landlord is eligible for compensation, or are both eligible?



- Respondents asked if there will be additional benefits for affected persons, other than the supply of water.

## Recruitment strategy

- Communities suggested that, to recruit local unskilled labour, a similar approach to local development projects such as water and soil conservation-projects be taken, should be followed. In such a process, people register at the local chiefs' offices and employment is provided on a first come first served basis. They complained about Councillors who allegedly have the tendency to recruit their friends and relatives.
- On the recruitment of skilled labour, two communities said that first preference should be given to people of the area where construction is taking place. They claimed that they too are skilled.
- Recruitment by gender and age range needs to be considered. Special consideration should be given to individuals between 49 and 69 years of age, who are neither employed nor pensionable.

## Relocation of structures

Communities wanted to know if structures close to construction sites would require relocation, such as graves.

## Political interference in development projects

Communities wanted assurance that the proposed project would continue, even with any change in government.

## Funding for the project

The issue of funding as well as securing of funds was raised. Communities were concerned about the country's perceived lack of absorptive capacity: how will the Government ensure that the money allocated to the project does not return unspent at the end of the allocation period (as it is allegedly often the case with other projects)?

## 6.2 Public consultation during RAP and SIA

The fifth phase included Focus Group Meetings (FGMs) and key informant interviews held from 2 to 20 August 2018, with stakeholders ranging from farmers, women's sewing groups, youth, pensioners, councillors, NGOs, electricity scheme groups, agricultural associations, burial societies, and community members with no particular affiliation. These meetings were held to gain valuable insight on the socio-economic status of the surrounding communities, obtain the views and inputs of important organisations and key community members in the PACs.

Information was elicited during FGMs and key informant interviews using the interview schedule provided in Appendix B.

A breakdown of the locations and dates of FGMs and key informant interviews undertaken as part of the RAP and Social Impact Assessment (SIA) is summarised in Table 6-2 below. Attendance registers and Key Informant Interview records are also included in Appendix B.

Table 6-2 | Locations, numbers of participants, and dates of FGMs and key informant interviews

Location	Stakeholders	Date
<b>Focus Group Meetings</b>		
Teyateyaneng	Pisa and Caritas youth organisations (twelve participants)	1 August 2018
Ha 'Nena	Sewing women (five participants)	2 August 2018
Hleoheng	Councillors and community stakeholders (ten participants)	2 August 2018

Location	Stakeholders	Date
Ha Ramapepe	Moketa Ho Tsosa ya itekang, Swalles, Iketsetseng, Ipopeng, Potanang Tabolane, Ratanang, Sekepe sa Mohau, hang hang, Motadi, Ntjapeli ha e hlole ke sebata, Moketa ho tsosa ya itekang, Ipopeng, Ramapepe Electricity Scheme (73 participants)	15 August 2018
Bela Bela and Corn Exchange	Hoatane Farmers, Kopanang ka Lerato, Khantsang Matskha, Itjareng farmers, Corn Exchange Agricultural Association, Likoekoe farmers, Liekhe ha Letsoela, Ke pana Poto ingoane, Mphatlalatsane (nineteen participants)	15 August 2018
Matlameng: Ha Nkoeng	Councillors and community stakeholders (four participants)	20 August 2018
Matlameng: Makibinyane	Ha Ipopeng Lipetla, Qaqa le Maele, Boiteko Burial Society, Itumeleng Lekou, Ratanang Lihlokang, Bitile, Patanang Lihase Hatohoa mose Mosali (22 participants)	20 August 2018
Matlameng: Moreneng	Ha Lina Motloha Pele, Mahokela, Ha Litume, Tieang baikotsokuli, CCB, Ratanang Ha Motsatsa, Sofaea farmers, Lehokela (23 participants)	20 August 2018
<b>Key informant interviews</b>		
Hlotse town	Three participants	August 2018
Sebothoane	Three participants	
Matlameng	Four participants	
Pitseng	Two participants	
Teyateyaneng	Two participants	
Hleoheng	Two participants	

### 6.3 Vulnerable groups

The groups outlined in Table 6-3 below constitute the vulnerable groups consulted in the wider study area. Various age groups, including of young people and elderly people were consulted in focus group discussions. Numerous small-scale crop and livestock farmers, both male and female were consulted, initiation school owners, electricity group societies, burial societies, village health workers groups, etc., sometimes made up of elderly groups or the youth, were in some of the sessions. Visual and mobility impaired persons also attended some sessions. These groups were consulted in their home villages where possible, to avoid extensive travel on their part.

**Table 6-3 | Vulnerable groups consulted in the wider study area.**

Name and Plan	Organisation	Description of the participants	No. of participants	Council
1. Teyateyaneng - Plan 11	Pisa and Caritas	Focus groups conducted with two NGOs. The youth who are college students in their early twenties; others were members of PISA and Caritas. Young men dominated these sessions. There were three young women.	12	Phuthiatsana
2. Ha Nena is in Kolonyama - Plan 10	Sewing women	Women in their fifties.	5	Tsoili-Tsoili

Name and Plan	Organisation	Description of the participants	No. of participants	Council
3. Hleoheng - Plan 7	Councillors and community stakeholders	This group included poor persons, as well as farmers whose yields and livestock are by drought and women whose partners are employed in South African mines.	10	Hleoheng community council
4. Ha Ramapepe is in Mahobong - Plan 12	These are groups of elderly people who have formed organisations in the community to uplift each other. The organisations include burial societies, electricity schemes, farming cooperatives, soup kitchens and hand crafts. Members of the youth were also included in this session.	Groups of elderly, disabled and the youth.	73	Maoa-Mafubelu
5. Bela Bela - Plan 6 & Corn Exchange - Plan 5	Hoatane Farmers, Kopanang ka Lerato, Khantsang Matsha, Itjareng farmers, Corn Exchange Agricultural Association, Likoeke farmers, Liekhe ha Letsoela, Ke pana Poto ingoane, Mphatlalatsane	These are groups of elderly people who have formed farming organisations in the community.  Young women and men also attended the session.	19	Koeneng Community council
6. Matlameng (Ha Nkoeng) - Plan 14	Councillors and community stakeholders	Middle-aged and the youth. The community is deep in the rural area. There is no electricity, only one creche. The teacher at the preschool is a young man who looks twice his age.	4	Bolahla
7. Matlameng (Ha Makibinyane) - Plan 14	Ipopeng Lipetla, Qaqa le Maele, Boiteko Burial Society, Itumeleng Lekou, Ratanang Lihlokang, Bitile, Patanang Lihase Hatohoa mose Mosali	These are groups of elderly people and young women and men who have formed organisations in the community to uplift one another when there is death in the area. These groups formed burial societies.  The youth that takes part is mostly young women.	22	Bolahla
8. Matlameng (Moreneng) - Plan 14	Ha Lina Motloha Pele, Mahokela, Ha Litume, Tieang baikotsokuli, CCB, Ratanang Ha Motsatsa, Sofaea farmers, Lehokela.	These are groups of elderly people, young women and disabled persons who have formed organisations in the community to uplift each other.	23	Bolahla
<b>Total</b>			<b>168</b>	

## 6.4 Key points / results

The results discussed below are adapted from notes taken during FGMs as shown in Figure 6-1 (elderly) Figure 6-2 (youth), Figure 6-3 and Figure 6-4 (mixed), and key informant interviews (Figure 6-5 shows a street vendor and Figure

6-6 a tyre fitter that might be affected), as well as the SIA (Aucamp & Aucamp, 2018). Although the study area is extensive, the data indicated that with a few exceptions, the findings were consistent throughout the study. Some of the key findings are pointed out in this section.

### 6.4.1 Gender dynamics

- Women take on responsibilities traditionally associated with men, mostly as a survival strategy due to economic reasons, and not because of increased gender equity.
- Both women and men cultivate fields, mostly for domestic use. A small percentage of people sell their products at local markets. Cattle herding remains male dominated, although smaller livestock that can be kept around the home, such as chickens and pigs, seem to be the responsibility of women.
- Some respondents feel that men, as predominant household heads, have more access to and are in control of a household's resources. In Matlameng, respondents indicated that women cannot sell livestock without their husband's consent, but this does not apply to husbands. In Peka, respondents indicated that some women still hold traditional beliefs that they should pass all decisions past a male member of their households.
- Women are often the drivers of social capital, acting as caregivers and providing food within the community when it is needed.
- In Kolonyama, Ha Ramapepe and Maputsoe, there are significant levels of prostitution.
- Since many women in the area are housewives, there is a strong possibility that they will not have access to information about the project. This means that they will not be able to utilise potential primary and secondary employment opportunities, and that they will not be prepared for any of the physical impacts that may occur because of the project. They might also be more severely affected by any form of displacement, resettlement, or required compensation resulting from the project.

### 6.4.2 Assets

- Many households in the study area have vegetable gardens in which they grow cabbage, spinach, turnips, carrots, tomatoes, *sepaiile* (wild parsley), onions, maize and beetroot. Various households also indicated that they have access to or possess fields in which they cultivate mostly beans and maize. These crops are seldom sold at markets, and are mostly cultivated for domestic use. This indicates a strong dependence on subsistence farming in the study area. However, a large proportion of the interviewed households indicated that they support *U-save*, "Chinese and Indian traders, because they are cheap", and local Basotho vendors. Food expenses is the most substantial.
- Respondents raised concern on the impact that the abstraction of water from the Hlotse River might have on downstream users, specifically in the low flow months. Residents were concerned about using water from the Hlotse River, as it has allegedly dried up before, in 1994 and 2015 in times of severe drought.
- Some respondents expressed concern about the fact that they will now have to pay for water that they always got for free, especially where high unemployment prevails.

Observations from the FGMs to consider for future engagements:

- In urban communities, the councillors are the first point of communication.
- The Basotho chiefs hold authority and influence their communities.
- Rural communities are led by Traditional Authorities and councillors. The two divisions within the community typically cooperate. However, in Bela Bela the Traditional Authority and Councillors do not work together, causing divisions amongst the community.





Figure 6-1 | A FGM being held in Ha Letsoela with a group of women.



Figure 6-2 | A FGM being held in Teyateyateng with a group of youth.



Figure 6-3 | A FGM being held in Hleoheng.



Figure 6-4 | A FGM being held in Matlameng.



Figure 6-5 | A street vendor who was interviewed in Pitseng.



Figure 6-6 | A tyre fitter, interviewed in Pitseng.

The sixth phase were made up of the consultations around the asset-, census- and socio-economic surveys. The survey was completed between July and September 2018, with 28 local enumerators who were interviewed (one male and one female from each “plan”, as shown in Figure 6-7 and Figure 6-8), trained (Figure 6-9 and Figure 6-10) and temporarily employed to conduct the asset, census and socio-economic surveys.



Figure 6-7 | Candidates for temporary enumerator employment being briefed prior to interviews.



Figure 6-8 | A potential enumerator candidate being tested on English skills during an interview.





Figure 6-9 | Enumerators being trained on the use of the survey questionnaires for collecting RAP-related data.



Figure 6-10 | Enumerators familiarising themselves with the use of maps of the areas they would survey.

During the surveys, data was gathered on the following themes:

- Household identification
- Demographic information
- Experience and skills
- Structures
- Land and agriculture
- Business enterprises
- Water and energy
- Health and nutrition
- Income and expenditure
- Social networks
- Needs
- Graves

A breakdown of the locations and dates of surveys, undertaken as part of the RAP and SIA is summarised in Table 6-4 below.

Table 6-4 | Number of surveys completed per council

Location	Stakeholders	Date
<b>Surveys / questionnaires</b>		
Hlotse and Khanyane (Hlotse Urban Council)	Including the following villages: Lisemeng 1, Lisemeng 2, Ha Mphuting, Konkotica, Joy to the world, Motsechaba, and Sebothoane (98 surveys)	July to September 2018
Tsikoane (Litjotjela)	Including the following villages: Tsikoane, Ha Masele, Matukeng, Ha Leqhutsung, Leralleng (43 surveys)	
Maputsoe (Maputsoe Urban Council)	Including the following villages: St Monicas, Seretse/Khama, Ha Nyenye, Mpharane (23 surveys)	
Corn Exchange and Bela Bela (Koeneng, Corn Exchange, and Mpharane)	Including the following villages: Ha Letsoela, Mkomahatsi, Ha Nyenye, Ha Monyalotsa, Ha Ralibuke, Mafotholeng, Motsarapane, Ha Rapetlonyane, Maputsoe Ha Masele, Ha Polaki, Ha Litsoako, Ha Monyalotsa, Ha Mabaka, Lishopong le letamong. (28 surveys)	
Hleoheng	Including the following villages: Hleoheng Moreneng, Naledi (18 surveys)	
Peka / Manka	Including the following villages: Ha Tsolo, Tabola (Fase le Holimo), Ha Lechesa, Ha Tjopa, Ranoni (35 surveys)	

Location	Stakeholders	Date
Mohloka Qala / Kolonyama (Tsoili-Tsoili)	Including the following villages: Ha Molipa, Ha Motlokoa, Ha Nnena, Ha Mokhothu, Ha Mohai, Ha Mamaethe, Ha Maramang, Ha Makhakhetsa, Ha Mokhitli, Ha Tokoto (100 surveys)	
'Mamathe (Phuthiatsana)	Including the following villages: Ha Mokhehle, Ha Mamathe, Kolone, Ha Chaba, Ha Monnyane, Ha Rapapo, Ha Mosethe, Ha Moseounyane, Ha Tse'kelo, Teyateyaneng Ha Mphela (97 surveys)	
Mahobong/ Pitseng (Maoa-Mafubelu)	Including the following villages: Mahobong, Pitseng, Pitseng Malaene, Pitseng London, Makakateng, Makhoaneng, Lithotaneng, Lesiamo, Ha Khomoatsana, Lekhalong, Pitseng Phillip, Ha Tota, Ha Mokausi, Ha Khoabakhoba, Ha Raphoka, Ha Mphenyeke, Somololo. Ha Tautjana, Mafaleng, Ha Mapeshoane, Ha Rapampuni, Ha Tauoa (169 surveys)	
Matlameng (Bolahla)	Including the following villages: Point Main (Ha Nchee), Ha Piletso, Sofaea, Moshoeshe, Koebu, Pitseng, Ha Liphapang (76 surveys)	

The results of the survey are discussed in Section 9.

## 7 Livelihood restoration and enhancement programmes

The objective of livelihood restoration activities is to ensure that no PAP shall be worse off than he or she was before the project. Restoration to pre-project levels of income is an important part of rehabilitating individuals, households and socio-economic and cultural systems in affected communities.

It is proposed that, as far as technically feasible, trenching should take place by hand (where thinner pipe diameters apply), and that ESMP guidelines to mitigate soil erosion, contamination and erosion impacts should be applied. For this reason, the impact is predicted to be temporary. Compensation will be applicable for the 383 312 m<sup>2</sup> of fields that would be affected during the construction phase, and 142 811 m<sup>2</sup> that would be permanently affected. It is not anticipated that land-for-land compensation will be required in this project.

### 7.1 Livelihood systems in host communities

Lesotho is geographically surrounded by South Africa and economically integrated with it. The economy of Lesotho is based on agriculture, livestock, manufacturing and mining, and depends heavily on inflows of workers' remittances and receipts from the Southern African Customs Union (SACU) ([www.en.wikipedia.org](http://www.en.wikipedia.org)). Although Lesotho has progressed in moving from a predominantly subsistence-oriented economy to a lower middle-income economy exporting natural resources and manufacturing goods, the majority of households still subsist on farming. The formal sector employment consists mainly of female workers in the apparel sector, male migrant labour, primarily miners in South Africa for three to nine months, and employment by the Government of Lesotho. Water and diamonds are Lesotho's significant natural resources.

The UNDP (2018) has indicated that Lesotho has an employment to population ratio of 48.4%, which indicates the percentage of the population aged 15 years or older that is employed. The Labour Force Participation Rate is 66.5%, which indicates the percentage of the working-age population that engages actively in the labour market, either by working or looking for work. This indicates that there are much more people available to work than that are currently working. Of those employed, 10.4% is employed in Agriculture and 49.1% in Services. Lesotho has a total unemployment rate of 27.3% and a youth unemployment rate of 38.5%. Figures for child labour are not available. More than half (55.3%) of the employed population have to live on an amount that classify them as working poor. The working poor are working people whose incomes fall below a given poverty line due to lack of work hours and/or low wages. According to the 2016 PHC, almost half of females (48.3%) aged 15 years and above are housewives while

21.2% are regular wage or salary earners. About 27.7% of males have indicated that they are regular wage or salary earners while 23.8% have indicated that they are housewives. In this instance housewives should not be interpreted literally, as it is likely to be a translation issue and is more likely to be indicative of a male that is not economically active. Preliminary partial results of the socio-economic census and RAP survey in the project area indicate that those that work, are either in formal employment, casual employment or own account workers. From a livelihoods perspective, casual employment is not very sustainable. This is subject to confirmation when final results become available. Wages and salaries are only one of the means of making a livelihood. A livelihood can be described as consisting of capabilities, assets (including both material and social resources), and activities required for a means of living (De Beer & Swanepoel, 2013). The livelihoods of people are influenced by the context (shocks, trends, and seasonality) and by institutions, policies and processes. Subsistence agriculture is an important contributor to the livelihoods of many households. The 2016/2017 Agricultural Production Survey (LBS, 2017) indicates that in the Lowlands 33.8% of household members get their income from subsistence farming, compared to 26.2% that get their income from wages or salaries.

The support base of the agricultural sector has come mainly from South African mine remittances (Mohlhatsa, 2015), but this income has been decreasing due to large scale retrenchments in South Africa's mining industry. This has caused the sector to increase in size and production capacity over the last decade or so. This coupled with severe droughts that have hit southern Africa at different times, has led to a decrease in production capacity and serious food insecurity nationwide. The shortage of arable land has further contributed to food insecurity. Preliminary partial results of the socio-economic census and RAP survey in the project area indicate that maize and beans are the crops grown most. Many households have fruit trees, such as peach, apricot and apple. Livestock like cattle, sheep, goats and pigs are mainly kept for domestic use. Many households have vegetable gardens where they mostly grow leafy vegetables such as spinach, cabbage and *sepaile* (a type of wild parsley). This is subject to confirmation when final results become available.

## 7.2 Livelihood restoration strategy

Based on the socio-economic assessment, the following livelihood development initiatives are recommended to be considered during RAP implementation:

- Make use of local labour as far as possible;
- Liaise with local community structures to identify local labour pool;
- Proactively manage that recruitment is conducted via the employment forum and not within the project area;
- Enlist services of appropriate experts for development of an appropriate livelihood Improvement and Sustenance Plan;
- Upon commencement of the project, liaise with NGOs and local service providers to establish what resources are available in the area for the implementation of livelihood restoration strategies. If skills training recommended in Table 7-1 cannot be sourced locally, it must be sourced from within Lesotho;
- Enhance existing livelihoods as far as possible;
- Develop Skills Transfer Plans that would enable a worker to move from one project to another within the same area/ region;
- Facilitate the establishment of a "Community Safety Committee" to monitor and control illegal squatting during construction and operational phases of the project. The committee must consist of:
  - Representatives of the community relations departments of LLBWSS and its counterparts in the area;
  - Representatives of community councils and district authorities;
  - Farmers Associations;
  - Local landowners;
  - Representatives of local community structures; and
  - Local police and the Community Policing Forum.

- Align social investment strategies with municipal development.
- Ensure that the PAPs who get spaces in the formal markets benefit by use of the already available infrastructure. The following options will be applied as livelihood restoration measures in the project.
  - A. Provision of vocational training;
  - B. Encouraging and assisting the PAPs to form self-help groups;
  - C. Creation of awareness to access credit facilities; and
  - D. Improvement of sites for carrying out business activities.
  - E. Providing agricultural inputs, such as seeds
- A comprehensive training programme of the PAPs should be done to assist them in regaining income sources. The overall objective is to provide counselling and promote business development and growth, employment creation and poverty alleviation. The proposed training program will be aimed at building their capacities through economic empowerment, self-development, and improved environmental management. It is hoped that the beneficiaries will acquire skills to enable them to move on and relocate businesses elsewhere, open new businesses and enhance their management and businesses practices for the sustainable development of their enterprises. The training to empower the PAPs will be a function of the RC in collaboration with designated NGO/CBO who will be a member of the Committee. The needs of the PAPs have been identified during the socio-economic survey and informs the areas to be addressed.<sup>20</sup>

**Table 7-1 | Specific livelihood restoration strategies proposed for the study areas**

Livelihood	Level of impact Low, Medium, or High	Restoration strategy
<b>Temporary disturbance</b>		
Firewood stands	Low	Provide new space close to existing trade area; assist with transportation of goods.
Spaza shops (Figure 7-1)	Low	Provide new space close to existing trade area; assist with dismantling and re-assembling shops; assist with transportation of goods.
Cellular communication and money transfer vendors (Figure 7-2)	Low	Provide new space close to existing trade area; assist with dismantling and re-assembling shops; assist with transportation of goods.
Food vendors (Figure 7-3)	Low	Provide new space close to existing trade area; assist with transportation of goods.
Tombstone sellers (Figure 7-4)	Low	Provide new space close to existing trade area; assist with transportation of goods.
Taxi stops (Figure 7-5)	Medium	Provide new safe space close to existing pick-up areas.
<b>Permanent disturbance</b>		
Formal shops (Figure 7-6)	Medium	Provide new trading space and rebuild affected structures, or provide similar structures for trade close to the existing trade area; assist with transportation of goods. Time the move such that the vendor does not lose trade opportunities - new sites must be available when vendors are relocated.

<sup>20</sup> Resettlement Action Plan. 2014. Preliminary and Detailed Engineering Design for the Dualling of Mombasa - Mariakani (A109) Road. AECOM

Livelihood	Level of impact Low, Medium, or High	Restoration strategy
Public bar	Medium	Provide new trading space and rebuild affected structures, or provide similar structures for operation close to the existing trade area; assist with transportation of goods. Time the move such that the vendor does not lose trade opportunities - new sites must be available when vendors are relocated.
Bus stop (Figure 7-7)	Medium	Provide new safe space close to existing pick-up areas. Replace signage and shelters if present.
Car washes	Medium	Provide new car wash space with access to water; assist with dismantling and re-assembling structures if present.
Small-scale farming (Figure 7-8)	Medium	<p>Move structures away from servitude. If crops are affected, allow sufficient time for harvesting. If a harvesting season is missed, compensate the affected person. Rehabilitate affected grazing areas with appropriate grass species. Erect barriers around trenches to prevent livestock from falling into trenches.</p> <p>Farmers should be made aware of the Grievance Mechanism (section 12) in case of loss of livestock or assets.</p>
Brickmakers	Medium to High	Train brickmakers to produce concrete-bricks and provide them with the necessary tools to create a new business. This will ensure that brickmakers are buffered against clay resources, which are finite.
River sand mining (Figure 7-9)	Medium to High	Assist river sand miners with formalisation of their business and finding new resources.



Figure 7-1 | Spaza shop



Figure 7-2 | Cellular communication and money transfer vendor





Figure 7-3 | Food vendor



Figure 7-4 | Tombstone seller



Figure 7-5 | Taxi stop



Figure 7-6 | Formal shop



Figure 7-7 | Bus stop



Figure 7-8 | Small-scale farming





Figure 7-9 | River sand mining



Figure 7-10 | Vendor

### 7.2.1 Resettlement assistance

The RAP Implementation Team in conjunction with RTT must design appropriate targeted resettlement assistance measures to ensure that the vulnerable groups are catered for during resettlement process. There are a number of vulnerable groups deserving special attention during the resettlement process. These include:

- Female-headed households;
- Pregnant and lactating women;
- Mentally and physically challenged (including amputees);
- Orphans;
- Infirm; and
- Elderly.

Occupational skills and training will be offered to the project affected persons as part of the income and livelihood restoration. The resettlement action plan will provide assistance to restore and supplement the affected businesses with financial or credit support for loss of income in the transitional period.

### 7.2.2 Community-based resettlement assistance

The provision of basic services within areas of resettlement should be prioritised as far possible. This must include access to primary health care and referral systems, potable water, sanitation facilities and education. The RTT, with the support of the relevant operational agencies, will assess the current basic services operating within resettlement areas. Critical gaps must then be identified and drawn-up into a prioritised listing of interventions. Efforts should be made to restore basic service coverage within a reasonable timeframe, so as to avoid further dislocation of the resettling population. Information gathered on the status of basic services will be entered into a management information system to support targeting and monitoring.

### 7.2.3 Transportation of registered PAPs

All registered PAPs must be provided transport assistance to move to their area of resettlement. Transport registration will be undertaken by the transport management agency with support from RTT. Medical checks must be carried out prior to transportation to ensure that all passengers are medically fit to travel. The chronically ill, pregnant women about to deliver and any passenger whose health may be jeopardised by the journey will be given specialised care. RTT will coordinate logistics plan.

## 7.2.4 Information and sensitisation

A clear and coherent information and sensitisation campaign is a crucial component of the resettlement process. Lack of clarity or inconsistency in information provision runs the danger of exposing government and non-government staff to security risks and of impeding the smooth flow of the resettlement process. The central aim of the information and sensitisation campaign is to ensure that the wider public, particularly all PAPs are informed about:

- Safety status of their intended resettlement area;
- Procedures for the phasing-down of affected informal settlements as presented in the Resettlement Strategy; and
- Entitlements and support services provided within the resettlement programme procedures and designated areas for accessing entitlements.

The information campaign is the responsibility of LLWSS, who must work closely with the RTT. The campaign will make use of existing information dissemination and consultation mechanisms within the local municipality and the wider communities, making use of indigenous information networks at the appropriate-level for supporting resettlement. The use of other media, such as radio, will also be employed.

## 7.2.5 Recommendations and conclusion

It is recommended that the mitigation and optimisation measures included in the entire RAP report be implemented to decrease the effect of negative impacts on communities and optimise the effect of positive impacts on communities. It will be important that local employment opportunities are maximised, local community is fully engaging in decision making processes, recommended mitigation measures are followed by other specialists and maximising opportunities for income creation for local people.

It is further recommended that labour should be sourced locally as far as possible during construction and operation of the project. This will minimise the risk of conflict among local residents and newcomers and better relationships for workers housed in temporary housing for construction workers.

Furthermore, new construction workers in the area must refrain from abusing resources and infrastructure of the existing adjacent communities. There should be closer cooperation between the affected municipalities, Farmers Associations in the area and LLBWSS in order to ensure that identified negative impacts are dealt with in a coordinated manner. This information should be conveyed to all relevant construction workers and affected communities.

For the PAPs along the Lesotho Lowlands Bulk Water Supply Scheme, a program that aim at preventing impoverishment and restoring incomes and livelihoods of PAPs non-land-based income generating activities such as small business, enterprise development, vocational training, employment, credit, etc., is most appropriate since they will not lose large portions of land but the businesses and structures they have on it. The impact on land-based livelihoods will be minimised and managed by allowing the households to harvest before starting with construction and finishing construction before plant season.

# 8 Organisational responsibility

An institutional framework was developed 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.

It is imperative that related activities within the Lesotho Lowlands Water Supply Scheme Unit (LLWSSU)<sup>21</sup> should be coordinated, as well as the establishment of project-related structures, involving relevant stakeholders such as national bodies and affected stakeholders, with input from other organisations as appropriate.

The entities that will play significant roles in the resettlement process include the programme manager, resettlement implementation team (RIT) and a resettlement task team (RTT), local authorities (statutory and customary), as well

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<sup>21</sup> The Water Commission of Lesotho, as the Project Proponent, established the LLWSSU to undertake all technical, administrative and financial responsibilities related to the Project as a whole.

as LLWSSU. This section sets out the relationship between these various entities, as well as the roles and responsibilities of each.

A RTT will be established by the RIT, as part of the resettlement planning process and will be responsible for planning and coordinating resettlement activities. The RTT will include representatives of resettlement-affected households, local authorities (statutory and customary), the RAP implementation team as well as LLWSSU. The RAP implementation team will be made up of representatives from LLWSSU as well as an appointed RAP specialist. The RTT will be a two-level structure comprising a set of local RTTs and an umbrella RTT made up of representatives from local RTTs.

The Lesotho Water Commission is in the process of recruiting a social/RAP specialist from Metolong, who will lead the process with guidance from the current project team.

## 8.1 Programme manager (PM)

The resettlement implementation programme manager (PM) has the overall responsibility of achieving resettlement goals. The PM is responsible for receiving regular reports on RAP implementation progress, including reasons for any delays or variation from the RAP, as well as proposed corrective actions. The PM will provide status reports to LLWSSU management, lenders, and stakeholders, as required. The PM may commission input advice from specialist advisors as required.

## 8.2 Resettlement Team Coordinator (RTC)

The resettlement team coordinator (RTC) reports to the PM and has day-to-day responsibility for the development and on-going stewardship of the RAP, including integration into host communities. The RTC will coordinate all resettlement implementation activities and will work closely with the RAP implementation team (including the monitoring and evaluation). The RTC may also serve on the Grievance Committee.

## 8.3 Local-level Resettlement Task Teams (RTT)

The RTT will be the main mechanism for engaging the PAP, PAC and host communities. Representatives of PAC and host communities will be nominated to sit on local-level RTTs. The local RTT will constitute the project social specialist, existing structures, a community council representative and representatives of the directly affected communities (such as an influential leader).

These representatives will have the following responsibilities:

- Ensuring the concerns and viewpoints of affected persons and households regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- Participating in negotiations and planning with regards to compensation and resettlement measures;
- Accurately indicating the agreement or disagreement with proposed compensation and resettlement measures and, in case of the latter, proposing viable alternatives;
- Accurately and regularly providing feedback to the broader community - and particularly to resettlement-affected households - on resettlement/ compensation negotiations and the resettlement/ compensation process in general;
- Nominating members of their group to represent them at meetings of the relevant umbrella RTT, and providing feedback to the local-level RTT and resettlement-affected persons/ communities in general of activities and decisions at the umbrella RTT; and
- Providing a channel of communication between the RAP implementation team and the PAC during the implementation of resettlement and compensation - e.g. by helping to ensure that the RTT is notified of grievances or disputes, that feedback is provided to the relevant parties on steps taken to resolve such grievances or disputes, etc.

### 8.3.1 Representative of local authorities

The responsibilities of members of the relevant local authorities who will be nominated to sit on the local-level RTTs will include:

- Ensuring the concerns and viewpoints of the local authority regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- Ensuring the municipal development plans, policies and by-laws are taken into account during the design, planning and implementation of resettlement and compensation measures;
- Accurately and regularly providing feedback to the municipality on resettlement/ compensation negotiations and the resettlement/ compensation process in general; and
- Nominating a representative to participate in meetings of the relevant umbrella RTT, and providing feedback to their colleagues of activities and decisions at the umbrella RTT.

### 8.3.2 Representatives of traditional authorities or Communal Property Associations

The responsibilities of members of traditional authorities (TAs) and/or communal property associations (CPAs) who have been nominated to sit on the local-level RTTs include:

- Ensuring the concerns and viewpoints of the TA or CPA regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- In cases where resources or actions by the TA or CPA are required as part of resettlement or compensation planning or implementation (e.g. where land within its area of jurisdiction has to be allocated to affected households to replace land lost to the project), ensuring that the relevant parties are informed and the required actions taken in a timeous manner;
- Ensuring that representatives of the resettlement-affected community who are members of the RTT provide accurate and regular feedback the broader community on RTT actions and decisions, and providing assistance in this regard where necessary; and
- Nominating a representative to participate in meetings of the relevant umbrella RTT, and providing feedback to the TA or CPA of activities and decisions at the umbrella RTT.

### 8.3.3 Resettlement Implementation Team (RIT)

The RIT will comprise LLWSSU representatives, the RTC, as well as an appointed RAP implementation specialist and will have the following key responsibilities:

- Chair all local-level RTT meetings;
- Provide secretarial services which include among others: taking minutes and formally distributing these minutes to all stakeholders;
- In consultation with RTT members, determine the dates, times and locations of future RTT meetings, and distribute an agenda for each meeting to RTT members;
- Consider the prepared compensation framework outlining proposed resettlement and compensation measures, and present this to the RTT in such a manner that all members understand its contents and implications;
- Recording recommendations of the local-level RTT with regards to proposed changes to the Compensation Framework and/ or other matters related to resettlement or compensation;
- In cases where the local-level RTT is unable to reach consensus regarding its recommendations, and some members have a well-motivated alternative recommendation, formally recording these alternative viewpoints as “minority reports”;
- Where relevant, advising on the feasibility and sustainability of RTT recommendations;



- Providing feedback to the LLWSSU and the engineering teams on the deliberations of the RTT, particularly where these may affect broader project planning and implementation;
- Coordinating and monitoring field-level implementation of resettlement and compensation activities; and
- Ensuring the grievances or disputes lodged with the RTT are dealt with appropriately and timeously by the relevant parties, and that feedback on steps taken to address these grievances or disputes are given to the aggrieved parties.

### 8.3.4 LLWSSU representatives

The responsibilities of the representatives of LLWSSU on the RTT include:

- Ensuring that the land acquisition process being undertaken by LLWSSU is adequately considered during the deliberations of the RTT and during the design and planning of resettlement and compensation measures;
- Assisting the RAP Implementation Team in providing feedback to LLWSSU engineering teams on the deliberations of the RTT, particularly where these may affect broader project planning and implementation; and
- Assisting the RAP Implementation Team in ensuring the grievances or disputes lodged with the RTT are dealt with appropriately and timeously by the relevant parties.

## 8.4 Members of umbrella RTTs

### 8.4.1 Community representatives of constituent local-level RTTs

The umbrella RTT will constitute the project social specialist, existing structures, a community council representative and representatives of the directly affected communities (such as an influential leader).

The responsibilities of members of the PAC who have been nominated to sit on the local-level RTTs include:

- Presenting the views and recommendations of the local-level RTTs they represent to the umbrella RTT;
- Considering the recommendations and viewpoints raised by representatives of other local-level RTTs, and cooperating with them in view of formulating consensual recommendations that will be recorded as such by the secretariat;
- Where it is not possible for representatives of all local-level RTTs to reach consensus, formulating alternative viewpoints in the form a “minority report” that will be recorded by the secretariat;
- Providing feedback to the local-level RTTs regarding the deliberations and decisions of the umbrella RTT, particularly where these pertain to recommendations of the RTT (i.e. proposed modifications or amendments to the compensation framework that will be submitted to LLWSSU for consideration);
- Once the formal recommendations of the umbrella RTT have been compiled and submitted to LLWSSU for consideration, and the compensation framework has been modified to reflect those recommendations accepted by LLWSSU, signing off on the final version of the compensation framework; and
- Providing an ongoing channel of communication between different local-level RTTs regarding issues relevant to all of them.

It is imperative that an equal number of women and men serve on local-level RTTs. These women should represent the women of the village in question, as there is an alarming prevalence of attitudes that women should not participate in decision-making activities, are home-makers, which necessarily exclude them from receiving direct information on the project, or taking advantage of job-opportunities. Women serving on committees should receive training to enable them to make meaningful contributions to decisions.

Furthermore, it is recommended that local NGOs with substantial experience in implementing development programs in the area, who could help customize the resettlement entitlements to the specific needs of each displaced household, are considered for inclusion in the local-level RTTs.

### 8.4.2 Representatives of local and district authorities

The responsibilities of members of the relevant local and district authorities who have been nominated to sit on the umbrella RTTs include:

- Ensuring that views and recommendations raised by authority representatives at the local-level RTTs are adequately communicated to the umbrella RTT;
- Where more than one authority is represented on the same umbrella RTT, ensuring coordination between authority in terms of resettlement- and compensation-related recommendations, planning, etc.;
- Providing feedback to other authority representatives at local-level RTTs regarding the deliberations and decisions of the umbrella RTT, particularly where these may affect development planning and the like.

### 8.4.3 Representative of TAs or CPAs

The responsibilities of members of the TAs and/or CPAs who have been nominated to sit on the umbrella RTTs include:

- Ensuring that views and recommendations raised by TA or CPA representatives at the local-level RTTs are adequately communicated to the umbrella RTT;
- Where more than one TA or CPA is represented on the same umbrella RTT, ensuring coordination between them in terms of resettlement- and compensation-related recommendations, planning, etc.;
- Providing feedback to other TA or CPA representatives at local-level RTTs regarding the deliberations and decisions of the umbrella RTT; and
- Ensuring that representatives of the resettlement-affected community who are members of the umbrella RTT provide accurate and regular feedback the local-level RTT on the actions and decisions of the umbrella RTT.

## 8.5 Umbrella Resettlement Implementation Team (RIT)

The responsibilities of the RIT include:

- Chair all umbrella RTT meetings, take minutes and formally distribute these minutes;
- In consultation with RTT members, determine the dates, times and locations of future umbrella RTT meetings, and distribute an agenda for each meeting to RTT members;
- Collating inputs from representatives of the various local-level RTTs with regards to proposed changes to the Compensation Framework and/or other matters related to resettlement or compensation;
- Where consensus can be reached between local-level RTTs regarding proposed changes to the Compensation Framework, recording these proposed changes as formal “recommendations of the RTT”;
- Where the representatives of constituent local-level RTTs are unable to reach consensus regarding their recommendations, formally recording alternative viewpoints as “minority reports”;
- Submitting recommendations of the RTT to LLWSSU for consideration regarding their potential inclusion in the final compensation framework; and
- Revising the Compensation Framework to reflect those recommendations of the RTT that are accepted by LLWSSU, and presenting the final compensation framework to the RTT members.

### 8.5.1 LLWSSU representatives

The responsibilities of the representatives of LLWSSU include:

- Considering the formal recommendations of the RTT with regard to their potential inclusion in the compensation framework, taking into account the need for any modifications of the compensation framework to remain consistent with LLWSSU policies and project objectives; and

- Where recommendations of the RTT are considered acceptable, approving changes to the compensation framework to reflect these recommendations.

## 8.6 RTT meetings

The RTT will meet at least once a month during implementation of resettlement activities. Thereafter, the RTT will meet once every three months for a period of one year to address any outstanding issues.

The RTT will be chaired by the RAP Implementation Team. The agenda for the RTT meetings will be clearly drafted and at every meeting, the RTT will first review the progress of decisions taken and action points of the previous meeting.

Meetings will be held at a venue to be decided in consultation with all parties. The RAP Implementation Team will transport the members of the RTT to the venue should it be required. The secretariat representing implementation team will keep and distribute formal minutes of each meeting.

RTT members may invite observers subject to approval from the RTT. Observers may address the RTT but their contributions will only be accepted as 'recommendations to the RTT' if it receives the support from the parties listed in Section 8.3.

### 8.6.1 Quorum

A quorum requires 60% of RTT members and must include:

- The chair (or nominated representative);
- A nominated representative of the TA or CPA concerned;
- A representative of the RAP Implementation Team;
- At least one member of impacted land users; and
- A representative of LLWSSU.

If a quorum is not available within 15 minutes of the called meeting, the meeting will be cancelled. Another meeting will be called immediately. The members present will constitute a quorum. In order to constitute a recognised quorum this group should include the aforementioned named people.

### 8.6.2 Recommendations of the RTT

The RTT will provide advice and support to the RAP Implementation Team. The formulation and approval of RTT recommendations will comprise a three-step process. First, recommendations reflecting consensus among members of a local-level RTT will be collated and presented to the relevant umbrella RTT. Next, recommendations tabled at meetings of the umbrella RTT that are acceptable to all members will be recorded by the RAP Implementation Team (with well-motivated alternative viewpoints recorded as "minority reports") and submitted to LLWSSU for consideration. Finally, those recommendations accepted by LLWSSU will be incorporated into the final version of the Compensation Framework to be submitted to the umbrella RTT for endorsement and LLWSSU for approval and sign-off.

It is anticipated that the RTT will make recommendations regarding the following issues:

- Design of replacement houses and structures;
- Compensation for fixed assets other than houses/structures;
- Compensation for affected community facilities/infrastructure;
- Compensation for fields, crops and communal grazing;
- Assistance with the identification of a resettlement site (replacement land);
- Development and livelihood restoration options; and

- Grievance procedures, disputes and claims.

### 8.6.3 Allowances

It can be determined by the LLWSSU whether community representatives participating in RTTs shall receive allowances for meetings attended. We recommend that they are provided with as a minimal, allowance for time and transport.

### 8.6.4 Relationship between the RTT and other coordination bodies

The setting up of this RTT is not intended to duplicate existing co-ordination mechanisms, such as other project working groups and work streams, rather it is to act as a focal point into which existing committees can both provide inputs and coordinate the implementation of their sectoral responsibilities contained within the resettlement plan.

### 8.6.5 Ministry of Local Government and Chieftainship Affairs

The Ministry of Local Government and Chieftainship Affairs (MLGCA) is mandated to, *inter alia*, promote effective and sustainable land management and administration, rural and urban development in Lesotho as provided for under relevant legislation and national policies and to facilitate the delivery of affordable quality houses to Basotho within properly planned settlements, and to support a service-oriented Chieftainship institution that is adaptive to decentralisation and local governance.

The roles and responsibilities of the MLGCA will include but shall not be limited to the following:

- a) Certifying the value of land for the PAPs;
- b) Co-ordination of stakeholder participation; and
- c) Management and monitoring of payment of compensation;

In undertaking the above, MLGCA will be responsible for implementing compensation activities and it will, therefore, be its responsibility to undertake regular internal monitoring of the process.

The objectives of internal monitoring and evaluation will be:

- a) To ensure that the compensation process is implemented with utmost transparency; and
- b) To verify that funds for implementation of the RAP are provided in a timely manner and in amounts sufficient for their purposes.

The internal monitoring process should entail the following regarding the process:

- a) Accomplishment to date;
- b) Objectives attained and not attained during the period;
- c) Problems encountered; and
- d) Suggested options for corrective actions.

### 8.6.6 Land Administration Authority

The roles of the local governments within the affected districts, in association with the Land Administration Authority of Lesotho (LAA) are as follows:

- a) Keep and allocate land by the State in the district;
- b) Assist in recording, registering and transferring of rights or claims on land;
- c) Make and keep up to date a list of compensation rates for the loss or damage to crops, houses and other property; and
- d) Revise the list of rates of compensation each year.

The LAA shall, furthermore, deal with acquisition, planning, demarcation, survey and allocation of land. In the implementation of this RAP, the LAA will be responsible for the following:

- a) Verification of ownership claims to land of PAPs within Leribe, and those claiming ownership of idle unexploited land;
- b) Allocation of compensation to each PAP; and
- c) Participation in dispute resolution.

### 8.6.7 Lesotho Local Government

Currently, the Lesotho local government operates under a four-tier administrative framework from District to Community level. Below is the breakdown of levels of administration:

- a) District Council
- b) Urban/ Municipal Council
- c) Community Council

The roles of the District Development Coordinating Committee in the RAP's implementation are:

- a) Co-coordinating and mobilising identified departments at district level to participate in the implementation of the RAP especially through the Urban/ Municipal Council;
- b) Provision of security during implementation of the RAP;
- c) Support in disclosure and valuation of the valuation report; and
- d) Facilitation of election of PAP representatives.

The Urban/ Municipal and Community Councils will be responsible for the following:

- a) Initial verification of ownership claims at the village level in liaison with MLGCA and LAA before confirmation by land officials;
- b) Certification of agreements between landowners and family members with regards to the compensation exercise;
- c) Verification of sale and resolution of grievances for cases where land parcels were sold without a written sale agreement to facilitate compensation;
- d) Organizing public sensitisation and mobilisation drives during disclosure by LLWSSU and compensation;
- e) Advise the project steering committee on the suitability of any aspect of zoning of an area;
- f) Assisting in identification of resettlement sites; and
- g) Participating in dispute resolution.

### 8.6.8 Independent Witness/NGO

The proponent will appoint an independent witness/NGO to witness the RAP implementation activities. The independent witness will also be involved in the M&E of the RAP process.

### 8.6.9 PAP Representatives

These are persons selected to represent the PAPs. PAP representatives from institutions should be appointed by the respective institution while PAP representatives from affected residential and businesses should be appointed by the affected persons.

The committee shall comprise of following: two PAP representatives, an elder or leader of opinion, a person representing the vulnerable, a village representative, district and urban/ municipal representative.

The roles of a PAP representative are to:



- a) Collect views of the PAPs and present them to the project steering committee;
- b) Help in confirmation of the asset inventory;
- c) Debrief the PAPs on deliberations of the project steering committee; and
- d) Coordinate the payment of compensation.

## 9 Compensation framework and resettlement procedures

The compensation framework for the sub zone of the LLWSS, is based on the Resettlement Policy Framework compiled by SMEC International Pty Ltd for all the zones of the LLWSS. The RAP Compensation Framework specifies all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets. 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. However, as stated by the World Bank "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".

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 affected. 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. The Instrument that assisted in assessing severity of impact were the census, socio-economic and assets survey, that was used to determine the proportion of land acquired from each household, the assets lost on that land and to assess income sources and thus the level of impact on total household income.

A guiding principle is that compensation of assets and infrastructures lost to the project should be informed by appropriate consultation and engagement with representatives of the affected communities through a Resettlement Task Team (RTT) to assess the adequacy and acceptability of the proposed compensation. Such consultation is especially important where market values for assets are not well established (property markets in emerging economies) or intangible (social or cultural values that are not readily monetised).

After acceptable compensation rates are established, they can be applied to the RAP inventory of losses for all households and enterprises affected by the project. This database can then be used to budget compensation payments and to track progress in settling compensation claims. It is recommended that the Metolong database system be employed in this RAP. A one-day training workshop would be required to capacitate staff to work with this programme.

LLWSS should establish a method for delivering compensation (either cash payments or in-kind allocations, as in the case of land-for-land compensation). In most cases, LLWSS will be advised to collaborate with local government authorities in the distribution of compensation payments. Those eligible for compensation should be given advance notice of the date, time, and place of payments via public announcement. Receipts should be signed by all those receiving compensation payments and retained for auditing purposes.

The payment of compensation should be monitored and verified by representatives of LLWSS as well as representatives of the affected communities, through the RTT. It may be appropriate for LLWSS to engage the services of a registered auditing firm to monitor compensation payments.

A comprehensive inventory of assets of affected households has been compiled is included in Appendix A.

## 9.1 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.

### 9.1.1 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”.

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

- 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.

### 9.1.2 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 Policy.

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 9-1 summarises the categories of PAP potentially eligible for entitlements.

Table 9-1 | Categories of PAP potentially eligible for entitlements

Affected categories	Key impacts
The government, as legal owner of land tracts	<ul style="list-style-type: none"><li>■ Loss of land</li><li>■ Loss of fixed assets, including government structures</li><li>■ Loss of production, productive capability (income, service to the community)</li><li>■ Loss of rental income from buildings, land</li></ul>

Affected categories		Key impacts
Landholders with registered rights to land		<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead/business structures</li> <li>■ Loss of rental income from buildings, land</li> </ul>
Unregistered landholders with socially recognised traditional/ customary rights to land		<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead/business structures</li> <li>■ Loss of rental income from buildings, land</li> </ul>
Unregistered landholders with no recognisable legal right/ claim to land they are occupying	People with usufruct rights to land (e.g. renters, leaseholders, sharecroppers)	<ul style="list-style-type: none"> <li>■ Loss of usufruct arrangements on, and thus access to, land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of fixed assets on the land</li> </ul>
	People who have encroached on land without legal rights or claims to land	<ul style="list-style-type: none"> <li>■ Loss of land</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets, including homestead and/or business</li> </ul>
	Building tenants/ renters	<ul style="list-style-type: none"> <li>■ Loss of rented accommodation</li> <li>■ Loss of rented space for business enterprise (income, business networks/clientele)</li> <li>■ Loss of production, productive capability (subsistence, income)</li> </ul>
Agricultural labourers		Loss of income
Employees of households and business enterprises		<ul style="list-style-type: none"> <li>■ Loss of income</li> <li>■ Loss of accommodation</li> </ul>
Communities		<ul style="list-style-type: none"> <li>■ Loss of communal assets</li> <li>■ Impeded/constrained access to facilities, services, social networks</li> </ul>
Households/families		Loss of gravesites
Neighbouring and host communities		<ul style="list-style-type: none"> <li>■ Loss of land (communal and private)</li> <li>■ Loss of production, productive capability (subsistence, income)</li> <li>■ Loss of usufruct arrangements on land</li> <li>■ Loss of fixed assets on the land</li> <li>■ Impacts on services, facilities and utilities</li> </ul>

### 9.1.3 Unit of entitlement

The program will impact on a wide range of households, business operators, institutions and community members. However, these impacts 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.

### 9.1.4 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.

## Declaration of the cut-off date for entitlement and resettlement assistance

### Outline

In the development of a Resettlement Action Plan (RAP) process, it's important to establish a deadline for which project affected persons (PAPs) qualify for entitlement to compensation. This deadline is referred to as cut-off date and in principle refers to the date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, etc.) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated for. This date will be clearly established and made public.

Cut-off date is essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The establishment of a cut-off date is also required to prevent opportunistic invasions/rush migration into the chosen land thereby posing a major risk to the sub-project.

### Principle

To ensure consistency between Lesotho legal requirements and World Bank Operational Policies, this cut-off date will be the date of completion of inventory of assets/properties. In line with OP4.12, the following three categories of affected people will be eligible to project resettlement assistance:

- a) Those who have formal legal rights to land (including customary and traditional rights [recognize ownership and use systems inherent in customary land tenure systems] recognized under the laws of the country);
- b) Those who do not have formal legal rights to land at the time of the cut-off-date but have a claim to such land or assets-provided that such claims are recognized under the laws of Lesotho or become recognized through a process identified in the resettlement plan; and
- c) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) above are provided compensation for loss of land and assets and other assistance as needed. Persons covered under (c) above are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to the cut-off date.

In practice, this means that people usually considered in Lesotho as "squatters" will be entitled to project assistance as long as they are present on site at the cut-off date. However, persons who encroach on any project area after the

cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons in the three categories above are provided compensation for loss of assets other than land (i.e. structures, etc). The cut-off date will be publicly disclosed and PAPs will be adequately informed. No new cases of affected people will be considered after this cut-off date.

Unfinished structures would be identified and secured, and unused materials for individuals' constructions will be gathered at the site so that the cut-off survey can estimate PAPs' investment which should be compensated for in lieu of expenses (including labour) incurred until the cut-off date. Because the time period between the cut-off date and the time that actual productive investments (civil works, etc.) would start, special attention needs to be taken to secure the sites from rush and opportunistic invasion.

### **Strategy**

It will be imperative that the cut-off date and its significance is publicly disclosed and widely disseminated to PAPs. The cut-off date for this project shall be determined by the RAP team in conjunction with Lesotho Water Commission, Ministry of Water and Community Leaders, as appropriate, making anyone who makes a claim for loss of land or any assets after such a date ineligible for expropriation/ compensation. These measures will include the following:

- Cut-off date meetings with all recognised PAPs;
- Cut-off date handout given to PAPs during meetings;
- Notice in the local newspaper;
- Posters placed at key community venues within project area that inform general public of the cut-off date and intended use of site; (community centre, market place and police station);
- Public notices on the local Radio;
- PA announcement system; and
- Consultation with local leaders and relevant organisations within the project area.

### **Control Measures**

In order to ensure that no influx of invaders occurs after the cut-off date is declared, the following control measure will be implemented:

Patrols and monitoring of any violation of the cut-off date and identifying opportunistic invaders carried out by local leaders and their committee members as well as Urban/Municipal Council of the area and their committee members.

Monitoring of any violation of the cut-off date and identifying opportunistic invaders carried out by the local PAPs;

This process will be in full compliance with the grievance redress mechanisms in this RAP and this date will be communicated effectively to the potential PAPs and surrounding local communities.

### **Cut-off date**

The cut-off date will be after the completion of the additional sanitation survey, envisaged for completion in December 2018.

## **9.2 Entitlement framework**

Including: entitlements for each category of impact; method of evaluation used for affected assets.

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]).

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. 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)"*.

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

## 9.3 Valuation of and compensation for losses

### 9.3.1 Agricultural fields and vegetable 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.<sup>22</sup>
- 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 proponent 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.<sup>23</sup> 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, compensation and other resettlement assistance are provided as if the entire asset had been taken"<sup>24</sup>. In support of this the Bank's Involuntary Resettlement Sourcebook recommends: "A good practice is to give those people losing

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<sup>22</sup> World Bank, April 2013b, *Op cit.*

<sup>23</sup> World Bank. 2004. *Op cit.*

<sup>24</sup> World Bank. 2013a. Endnote 12. *Op cit.*

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"<sup>25</sup>. 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"<sup>26</sup>
- 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 m<sup>2</sup>. For households who had a larger garden, the project will endeavor 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"<sup>27</sup>. 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."<sup>28</sup>
- 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 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.

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<sup>25</sup> World Bank. 2004. *Op cit.*

<sup>26</sup> World Bank. 2014. *Op cit.*

<sup>27</sup> World Bank. 2004. *Op cit.*

<sup>28</sup> World Bank. 2004. *Op cit.*

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 labour exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based"<sup>29</sup>.

### 9.3.2 Structures and improvements

- a) Compensation for the loss of permanent structures and other improvements will entail the following:
  - i. 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
  - ii. 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.<sup>30</sup>

- 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 structures<sup>31</sup>. Informal settlers who do not formally own the land they have been occupying will also qualify for this allowance.
- 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

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<sup>29</sup> World Bank. April 2013a. Paragraph 12. *Op cit*.

<sup>30</sup> 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*.)

<sup>31</sup> 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.

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".<sup>32</sup> 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 business<sup>33</sup>, 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"<sup>34</sup>.
- 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"<sup>35</sup>. 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.

### 9.3.3 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.
- 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 to 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.

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<sup>32</sup> World Bank. 2004. *Op cit.*

<sup>33</sup> 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.

<sup>34</sup> World Bank. 2004. *Op cit.*

<sup>35</sup> World Bank. 2004. *Op cit.*

### 9.3.4 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:
  - i. 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.
  - ii. Trees that are not yet in production (saplings) will be compensated on a lump sum basis based on an average market rate for saplings;
  - iii. 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;
  - iv. The owner will be provided with 3 replacement saplings per tree, in addition to compensation for production losses as defined above; and
  - v. 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.

### 9.3.5 Natural resources

#### 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.

#### 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.

### 9.3.6 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.

### 9.3.7 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.

### 9.3.8 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 the 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.

### 9.3.9 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.

### 9.3.10 Cultural heritage and resources

#### 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.

#### 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:
  - i. Obtaining authority/permit to have the grave exhumed and relocated;
  - ii. 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;
  - iii. 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;

- iv. Giving adequate notice before the exhumation and reburial of the remains is to take place;
- v. 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
- e) As with sites of cultural heritage, being aware of chance finds during construction.
- f) All costs for exhumation and reburial, including associated and traditional ceremonies, will be borne by the project.
- g) Funds for reburial ceremonies will be paid directly to the concerned household, on a per household/ family basis, not per individual affected grave.

### 9.3.11 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.

### 9.3.12 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”<sup>36</sup>.
- 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.

## 9.4 Vulnerable households

Affected households that are particularly vulnerable to project implementation were identified through the Census and SES of the affected population.

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.

## 9.5 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.”<sup>37</sup> 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.

“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

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<sup>36</sup> World Bank. April 2013b. Op cit.

<sup>37</sup> Ministry of Natural Resources, GoL. February 2010. *Metolong Dam and Water Supply Programme (MDWSP). Resettlement & Compensation Policy. Draft 7*. Maseru, Lesotho.

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 OP4.12<sup>38</sup>: "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 labour 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".

## 9.6 Project affected assets

The resettlement impact of the sub-zone will be mostly as a result of the proposed bulk infrastructure that will be constructed, as the distribution for this area is mostly already in place. In the sub-zone the reservoirs and pipeline will be mostly built next to existing reservoirs and pipelines to augment the water supply. This will assist in minimizing the impact. In Maputsoe where the factories will be impacted it is proposed to reach an agreement with the Road Agency to align the pipeline in the road servitude.

The asset surveys recorded 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.

The whole process was 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.

### 9.6.1 Project Affected Persons

Analysis of the data on the census of the PAP along the pipeline corridor and the socio-economic survey reveal that there were 267 households along the pipeline who had right of livelihood by living, operating businesses and / or having fields along the pipeline corridor. These people had 561 dependants, totalling to 828 PAPs.

### 9.6.2 Loss of land

The pipeline and auxiliary infrastructure will require land to accommodate the proposed alignment. The land to be acquired is a 946 446 m<sup>2</sup>-area for the construction servitude (temporary), and 374 000 m<sup>2</sup> thereof will be permanently impacted as operational servitude.

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<sup>38</sup> The World Bank. December 2001. *OP4.12 - Annex A: Involuntary Resettlement Instruments*.



### 9.6.3 Loss of structures

The structures affected by the proposed project include the temporary structures erected within the road reserve. Others include the kiosks where trading activities are carried out within the road corridor. Some of the kiosks are extensions of the private buildings abutting the road corridor.

After the completion of the asset survey, aerial photography was used to confirm the number of structures that are located within the construction and operational servitudes and will be impacted by the proposed project. The number of structures to be impacted is 271 in the construction servitude (temporary) and 242 in the operational servitude (permanent).

### 9.6.4 Loss of trees and crops

Trees and crops were enumerated within the project servitude. Valuation for crops takes into account the acreage of the crop. Crops mainly planted in the area are maize, beans, sorghum, wheat and potatoes. Field that will be temporarily affected (by falling within the construction servitude) 363 312 m<sup>2</sup> and 142 811 m<sup>2</sup> will be affected permanently by being in the operational servitude.

The main tree types surveyed in the project area include peach, apricot, apple, grape and eucalyptus trees. Large trees and bundles of trees were also captured during the confirmation exercise, and a total of 9 660 m<sup>2</sup> will be temporarily affected by being located in the construction servitude, and 2 235 m<sup>2</sup> will be permanently affected by being within the operational servitude.

### 9.6.5 Impact on graves

Graves were surveyed as part of the census, socio-economic and asset survey, 175 households indicated that they have graves on their premises. Figure 9-1 shows a stand with a large number of graves, which will likely be impacted by the proposed project.



Figure 9-1 | Large graveyard potentially impacted by the proposed pipeline.

### 9.6.6 Summary of project-affected assets

Assets	No. of assets / area
Structures impacted by construction servitude (temporary?)	271
Structures impacted by operational servitude (permanent)	242
Fields impacted by both servitudes (temporary)	368 312 m <sup>2</sup>
Fields impacted by operational servitude (permanent)	142 811 m <sup>2</sup>
Trees impacted by both servitudes (temporary?)	9660 m <sup>2</sup>
Trees impacted by operational servitude (permanent)	2235 m <sup>2</sup>

<b>Total area of construction servitude</b>	<b>946 446 m<sup>2</sup></b>
<b>Total area of operational servitude</b>	<b>374 000 m<sup>2</sup></b>

### 9.6.7 Impact on vulnerable groups

The analysis of the data reveals that some of the PAP can be categorised as vulnerable. Vulnerable people include those with physical disabilities and impairments; the elderly (in this category taken to be people above the age of 70 years); people living below the poverty line; and households headed by children (younger than 18 years). From the survey respondents who answered the question, 154 households were male headed while 79 were female headed and 24 were child headed, of which eight were females (34 respondents did not indicate the sex of the household head). Of these children heading households, 16 are male, and 8 are female. In view of this, it is recommended that the resettlement committee through the community provide additional assistance to the group to resettle them.

## 9.7 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:

- 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 passes 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.

## 9.8 Requirements / options for relocation

### 9.8.1 Host communities

The potential loss of land, and loss of access to resources by host communities must be avoided or kept to a minimum. Host communities must approve and co-create the integration process of resettled individuals. Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the “new comers”. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

### 9.8.2 Site selection

Sites should be selected based on criteria such as size, and accessibility to agricultural land or market demand, depending on the resettled party's current livelihood or assets.

The proposal of site options should be based on technical and feasibility studies conducted to determine the suitability of the proposed sites. In this stage, environmental, town planning and engineering consultation would have to be brought into conduct the necessary studies of resettlement sites or replacement of economic losses.

Site selected should be based on host community approval.

### 9.8.3 Site acquisition, preparation and transfer

PAPs will need to be compensated, in accordance with this RAP and its compensation framework, before work on the project can begin.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made for compensation and for other assistance required for relocation, prior to displacement. The assistance that LLBWSS needs to provide includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAP. The implementation of the RAP, as agreed between the project planning teams and PAPs must include:

- Target dates for start and completion of civil works,
- Timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;
- The link between RAP activities to the implementation of the overall project.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this report. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.

The replacement of land should include security of tenure if this as the case prior to resettlement.

### 9.8.4 Housing replacement

Replacement structures shall be with an area and quality similar to or better than that of the affected structure. Partially affected structures shall also be repaired where necessary. This cost shall be for the proponent's account.

## 10 Implementation schedule

It is commonly understood that the involuntary displacement of people may give rise to severe economic, social, and emotional distress on the part of those who are relocated. There is no specific legislation in Lesotho that addresses resettlement per se but some aspects that have a bearing on resettlement are covered by more general legislative instruments. These instruments must be considered to limit adverse effects where resettlement is necessary. These instruments should be utilised in conjunction with the World Bank Policy.

The purpose of these guidelines is to lay the foundation by which resettlement can be carried out with regard to the project. Any involuntary resettlement, including any land acquisition needs to be identified and considered at the earliest stages of project design, and should be addressed from the earliest stages of project preparation. It is assumed that land acquisition and resettlement will be necessary and to this end the policies highlighted in this RAP should be followed. For Lesotho, the legislation identified in Section 0 as well as the World Bank policy will be utilised.

### 10.1 Resettlement responsibilities

A RAP specialist must be appointed by the project sponsor before the project construction phase commences who will be responsible for ensuring that resettlement action plan (RAP) is implemented for the project involving land acquisition, impact on assets, and/or loss of income. The RAP will establish dispute resolutions to be used for each sub-project. RAP specialist will ensure project affected persons are meaningfully consulted and are given an opportunity to participate in and benefit from project activities.

### 10.2 Resettlement principles

In the resettlement of any person or business, the World Bank policies will be followed as well as the RAP principles and principles as set out in relevant Lesotho legislation.

### 10.3 Timeframes

The following key timeframes shall apply unless otherwise agreed between the executing agency and resettlement specialist, the RTT and the PAPs; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of PAPs, under this framework:

- The inventory shall be completed at most four months prior to the commencement of work; and
- Civil works shall commence once agreements between all parties have been reached.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs. Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.

Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the "new comers". The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

### 10.4 Linking resettlement implementation to civil works

PAPs will need to be compensated, in accordance with this RAP and subsequent compensation framework, before work on the project can begin.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made for compensation and for other assistance required for relocation, prior to displacement. The assistance that LLWSSU needs to provide includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAP. In the implementation schedule of the RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the project planning teams and PAPs must include:

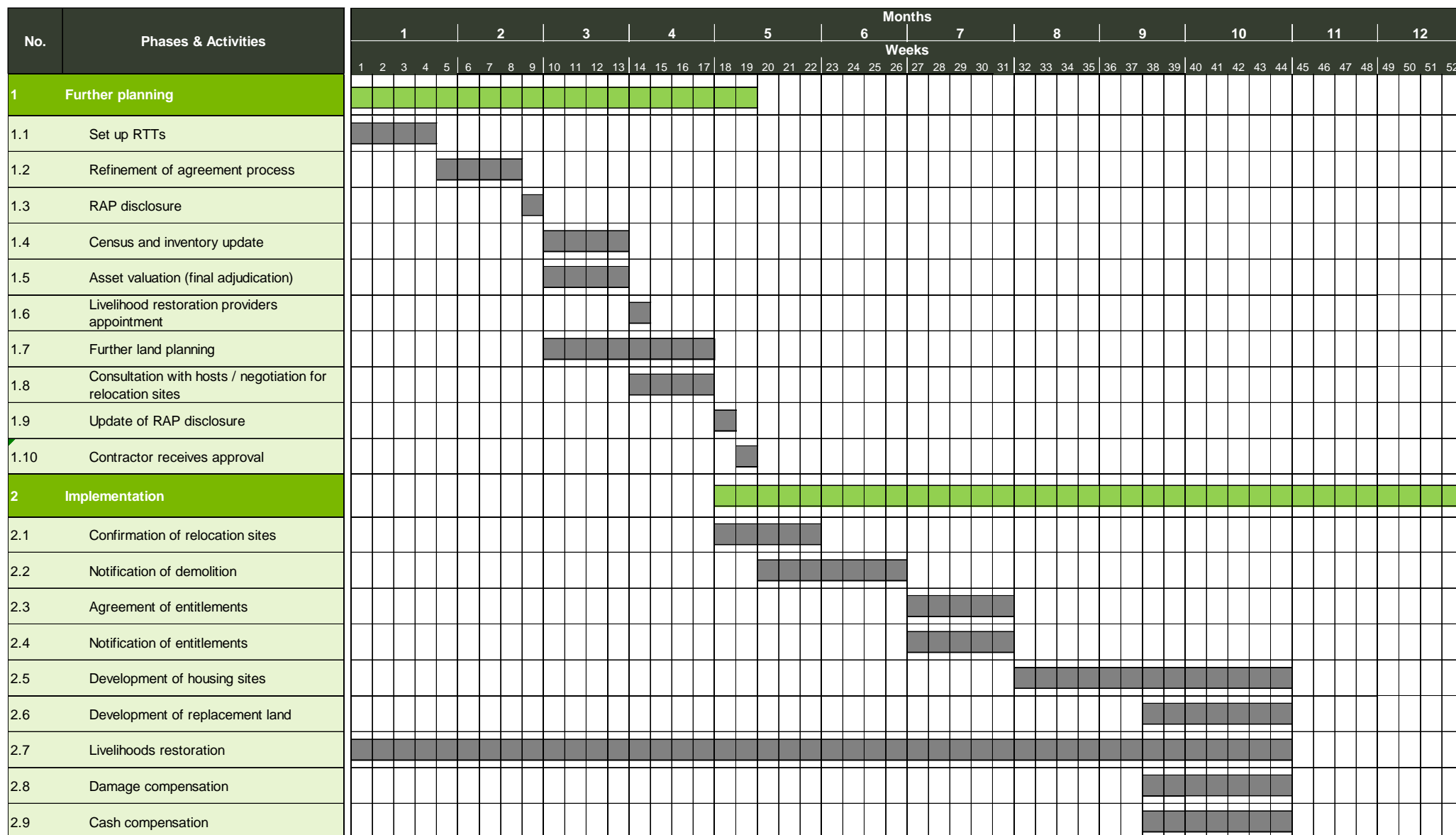
- Target dates for start and completion of civil works,
- Timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;
- The link between RAP activities to the implementation of the overall project.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.

## 10.5 Implementation schedule

The implementation schedule presented in Figure 10-1 is indicative and is mainly intended to show the lead time required before final implementation, together with the likely duration of the implementation itself. The schedule tasks into consideration important variables such as creation of awareness one of the potential impacts and resolution of conflicts and grievances.





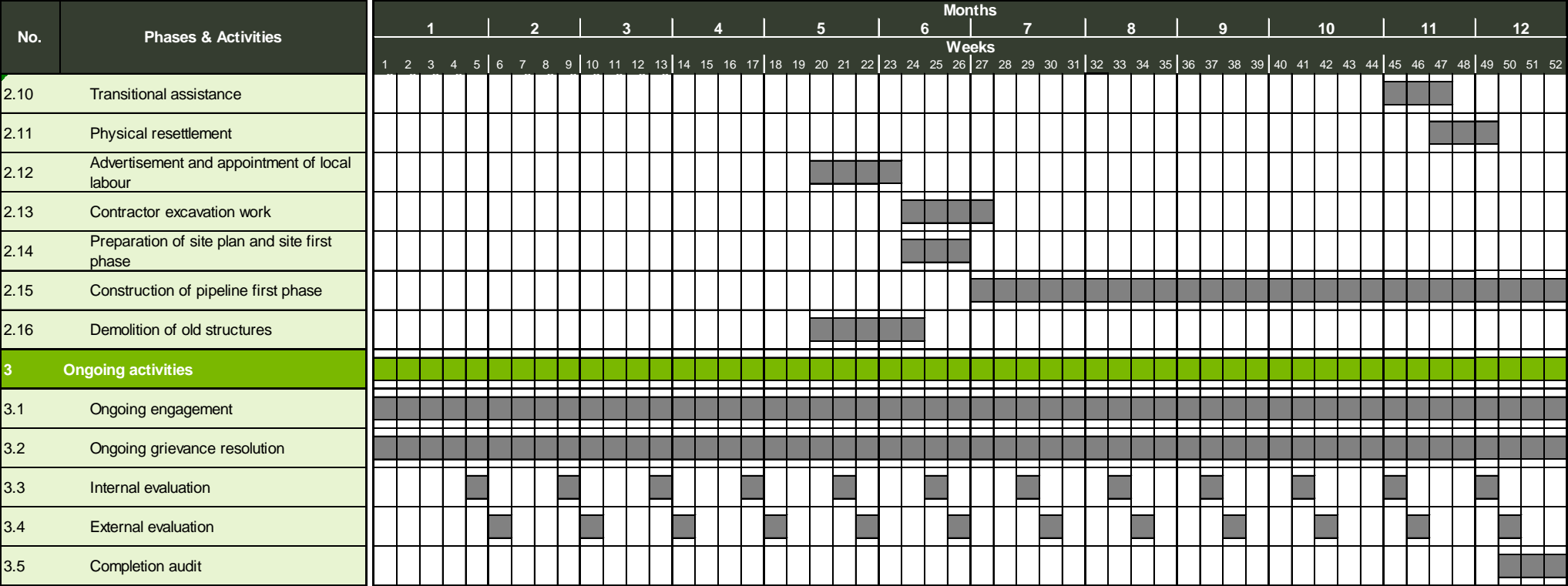


Figure 10-1 | Resettlement Implementation Schedule

## 11 Costs and budget

### 11.1 Cost of compensation and resettlement

The estimates for the resettlement action plan (RAP) will cover land acquisition, restoration of livelihoods and other negative impacts arising within the community as a result of the project. The details are shown on Table 11-1 below, but the actual figures for compensation are to await valuation of the properties. It is envisaged that a workshop will be held with the proponent to confirm the servitude width and variations thereon.

The LLWDP is a donor funded project, thus the environmental and social assessments were carried out in accordance with the Lesotho legislative requirements as well as World Bank safeguards operational policies.

Table 11-1 | Cost estimates for compensation and RAP implementation

Item for compensation	Unit	2009/10 rate	2018 (SA)	Contingency added @ 5%**	15% (disturbance)	Total no. of units to be compensated	Sub-total compensation cost (LSL)
Value of land (permanent loss)	ha	LSL 35,152.25	R58,353.81	LSL 61,271.50	LSL 70,462.23	37.4	2 635 287.24
Value of land (temporary loss)	ha	LSL 1,702.18	R2,825.67	LSL 2,966.95	LSL 3,412.00	94.6	322 927.05
Value of structures / buildings*	m		LSL4,942.74	LSL 5,189.88	LSL 5,968.36	271	1 617 425.17
Value of trees (p/l)	tree	LSL 1,529.89	R2,539.66	LSL 2,666.64	LSL 3,066.64	483	1 481 186.85
Value of trees (t/l)	tree	LSL 185.02	R307.14	LSL 322.50	LSL 370.87	112	41 537.61
Value of crops (p/l)	sqm	LSL 9.83	R16.32	LSL 17.14	LSL 19.71	142811	2 814 290.69
Value of crops (t/l)	sqm/y	LSL 0.48	R0.80	LSL 0.84	LSL 0.97	225501	217 833.97
Housing displacement allowance	HH	LSL 15,858.88	R26,326.23	LSL 27,642.54	LSL 31,788.92	267	8 455 853.44
Self-evacuation displacement allowance	owner/HH	LSL 2,615.98	R4,342.61	LSL 4,559.74	LSL 5,243.70	267	1 394 824.62
Formal business displacement allowance	owner	LSL 6,343.56	R10,530.50	LSL 11,057.03	LSL 12,715.58	81	1 029 961.88
Self-evacuation displacement allowance	owner	LSL 2,615.98	R4,342.61	LSL 4,559.74	LSL 5,243.70	81	424 739.83
						<b>Total compensation cost (LSL)</b>	<b>LSL 20,435,868.34</b>
						<b>Cost for RAP implementation</b>	<b>LSL 1,650,058.38</b>
						<b>Grand Total (LSL)</b>	<b>LSL 22,085,926.73</b>

Item for compensation	Unit	2009/10 rate	2018 (SA)	Contingency added @ 5%**	15% (disturbance)	Total no. of units to be compensated	Sub-total compensation cost (LSL)
						<b>Grand Total (USD)</b>	<b>\$ 1,527,380.82</b>
*Based on \$24,500 per 72sqm house in Lesotho (housingfinanceafrica.org) at 2016 an exchange rate of LSL 13.4 per \$ 1.							
**A 5% contingency was added to the calculated prices, as Lesotho's inflation rate has been 1% higher than South Africa's on various occasions throughout the calculation period (tradingeconomics.com).							

It is important to note that for purposes of the Resettlement Plan, individual land demarcation was not established and such will be done when carrying out final valuations for the pipeline after the land acquisition has been compiled. The estimate of the value given is based on calculation of compensation figures referenced to the diminution in the market value of the land. The effects of severance and injurious affection plus any disturbance element has also been included by the additional 15% of the market value of the properties affected.

It is also important to point out that the value of crops is quite minimal as most of the affected land is under subsistence farming of maize, beans and sorghum, which for the sake of this estimation is not valued. The values of these subsistence crops have been ignored as they are expected to be harvested within a short time<sup>39</sup>.

<sup>39</sup> Resettlement Action Plan. 2014. Preliminary and Detailed Engineering Design for the Dualling of Mombasa - Mariakani (A109) Road. AECOM



## 11.2 RAP implementation budget

Expense	Description	Unit	Total Cost (Lesotho Loti [LSL])
<b>Professional service</b>	Verification of assets and training of PAPs	Months	<b>LSL 275,231.53</b>
<b>Resettlement and Grievance Redress Committee Cost</b>	Allowances for committee meetings and agents	Lump sum	LSL 105,858.28
<b>Stakeholder Participation</b>	Consultations and continuous sensitization	Meetings	LSL 135,498.60
<b>Livelihood Support</b>	Assistances and allowances for vulnerable groups	Lump sum	LSL 571,634.70
<b>RAP Implementation and Administration</b>	Office operations and documentation	Lump sum	LSL 213,410.30
<b>Monitoring and Evaluation</b>	Cost of monitoring and evaluation of the process	Lump sum	LSL 348,424.97
<b>Total (Lesotho Loti)</b>			<b>LSL 1,650,058.38</b>
<b>Total (US dollars)</b>			<b>\$ 123,138.69</b>

## 12 Grievance Mechanism

Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts, or perceived impacts. The IFC standards require Grievance Mechanisms to provide a structured way of receiving and resolving grievances. Complaints should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities and is at no cost and without retribution. The mechanism should be appropriate to the scale of impacts and risks presented by a project and beneficial for both the company and stakeholders. The mechanism must not impede access to other judicial or administrative remedies.

A grievance is a concern or complaint raised by an individual or a group within communities affected by the project operations. Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts or perceived impacts. Based on the understanding of the project area and the stakeholders, an indicative list of the types of grievances have been identified for the project, as can be seen below:

- Concerns over the impact on local cultures and customs;
- Compensation for loss of assets;
- Record errors made during surveys as well as inadequate valuation of properties;
- Delayed commencement of sub-project activities
- Property ownership disputes within families or relatives;
- Disagreements on portions of land surveyed
- Further losses to community forest;
- Issues related to transportation;

- Construction phase-related grievances: damage of trees and property during construction phase; traffic safety, restricted access to homes, dust, noise, etc.
- Operations phase-related grievances: system operator interactions with community, traffic, safety around electrical facilities, etc.

The project stakeholders will have the opportunity to access the list of grievances including the resettlement and compensation grievances that may arise during the projects construction and operation phases. Registered concerns will have a speedy, just and fair resolution process. The list of grievances will be regularly updated as and when the new one arises.

This section represents details of the Grievance Procedure and accompanies the Resettlement Action Plan. The Procedure follows that recommended by the International Finance Corporation (IFC) in Performance Standard 1 (IFC, 2012) and in the handbook Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets (IFC, 2007).

## 12.1 Principles

The grievance mechanism should be based on the following principles:

- Transparency and fairness;
- Accessibility and cultural appropriateness;
- Openness and communication regularity;
- Written records;
- Dialogue and site visits; and
- Timely resolution.

The principles are discussed in more detail below.

### 12.1.1 Transparency and fairness

The grievance redress mechanism will be a platform for stakeholders to record their concerns, comments and suggestions. In order to ensure transparency in handling and processing of grievances, all project stakeholders, especially complainants will be kept informed about progress of their grievances in a timely manner. The process will enable trust and fair conduct of grievance process.

### 12.1.2 Accessibility and cultural appropriateness

Community members or groups impacted by the project should have access to the grievance process. Directly or indirectly affected individuals or groups may either positively or negatively raise a grievance. The stakeholders will have the opportunity to participate in the grievance process in the language preferred by the community.

### 12.1.3 Openness and communication regularity

There are multiple channels available for individuals and groups to choose their preferred method of lodging grievances. i.e. stakeholders may complete a complaint form through community committee members, contacting the project by telephone to log on their grievance.

### 12.1.4 Written records

Once a grievance has been raised formally, it is important that proper written records are kept, to aid transparency and allow for any review of the process or decision to be undertaken. If possible, the original complaint should be in writing. The Contractor's response should also be recorded. Any actions taken along with reasons should also be recorded, for example, a grievance hearing and finding.

## 12.1.5 Dialogue and site visits

All grievances are measured to discussions with the complainant and a site visit, if required, to gain a first-hand understanding of the nature of the concern. The purpose of the visit is to confirm the validity and severity of the grievance.

## 12.1.6 Timely resolution

All grievances, regardless of their nature and size shall be considered and corrective actions taken within reasonable time. The channel of communication is to be kept open throughout the process of addressing each grievance, and an acknowledgement of receipts to be signed by the complainant ensuring that the complaint was resolved amicably for both the project and the stakeholder. All possible efforts will be made to complete the process within the shortest possible time.

A proposed grievance flow is presented here, showing the practical application of the GM:

1. **Reporting of grievances / incidents / complaints:** Incidents to be reported are complaints and grievances perceived to be directly or indirectly caused by the LLBWSS and/or its contractors, resulting in inconvenience to stakeholders (**excluding labour disputes**). Complaints must be in writing and must specify the name of the complainant, the nature of the complaint, address and telephone number of the complainant.
2. **Procedure:**
  - a. **Responsibility of the complainant:** Report complaint / grievance in writing for attention of the Stakeholder Relations Manager, by leaving the letter at the designated office OR submitting it to the CLO OR faxing it to a telephone number specified by the LLBWSS. If a complaint is of such a nature that it poses potential harm, injury or danger to an employee or any member of the public, a telephone line delivered by the LLBWSS shall be used.
  - b. **Responsibility of the Stakeholder Relations Manager:** immediately record the complaint in the grievance register, determine the severity thereof telephonically, send an acknowledgement letter to the complainant, classify the grievance and send it to the relevant department for inspection and investigation, capture the grievance on an electronic database that is accessible to the LLBWSS, conduct an investigation (and site visit if necessary) within seven days, and communicate the outcome to the complainant

**Lodging an appeal:** The complainant is given seven days to lodge an appeal, should the outcome not be satisfactory. The appeal hearing is scheduled within 14 days by the relevant head of department.

## 12.2 Grievance terminology

For the purpose of the Grievance Mechanism, the terminology shown in Table 12-1 below is relevant.

Table 12-1 | Terminology to be used in the Grievance Mechanism

Term	Definition
<b>Complainant</b>	An individual, group or organisation that submits a Complaint to the project.
<b>Complaint</b>	An expression of dissatisfaction with the project, typically referring to a specific source of concern and/or seeking a specific solution. For the purposes of the Grievance Mechanism, a question or request may also be treated as a Complaint.
<b>Complaint log</b>	A database for maintaining information about Complaints received.
<b>Contractor</b>	An individual or firm that has entered into a contract to provide goods or services to the Project. The term covers parties directly contracted by the Project and those contracted by a Contractor company, also referred to as subcontractors.
<b>Registration form</b>	A form used to capture information about an incoming Complaint.

## 12.3 Roles and responsibilities

The roles and associated responsibilities of various role-players in the resolution of grievances is outlined in Table 12-2 below.

Table 12-2 | Roles and responsibilities of Grievance Mechanism role-players

Role	Responsibility
<b>Project/Asset Manager</b>	Accountable for the implementation of the grievance mechanism.
<b>Stakeholder Relations Manager (this person would be someone from the Water Commission, responsible for community relations)</b>	Responsible for the overall implementation of the grievance mechanism. This includes serving as custodian of the complaints process, monitoring the handling of complaints, and suggesting changes to policies or practices based on lessons learned.
<b>Community Liaison Officer (CLO)</b>	Responsible for co-ordinating the response to a Complaint and serving as the main point of contact with the Complainant. This includes receiving and reporting Complaints, maintaining the Complaints Log, supporting the resolution of Complaints; and liaison with the Complainant. There should be a CLO for every village impacted by the proposed project.
<b>Complaint owner</b>	Responsible for investigating and resolving a Complaint. This includes conducting investigations, proposing resolutions, implementing corrective actions and co-ordinating with the CLO and other parties.
<b>Appeals committee</b>	Responsible for reviewing escalated Complaints and authorising additional actions to be taken. This includes reviewing overdue or escalated Complaints, authorising additional actions, and approving the close out of Complaints where it is not reasonably possible to reach an agreed resolution with the Complainant. The Ministry of Local Government will play the lead role in the appeals committee.

## 12.4 Value of grievance mechanism

Despite good planning, mitigation measures and procedures to avoid or reduce environmental and social risks, accidental or new negative impacts may come to light during project operations. Some of these negative impacts may cause *damage* to the company's external stakeholders - third parties - and in particular neighbouring communities.

Good international practice requires that negative impacts be mitigated. The Grievance Procedure is a tool to mitigate negative impacts in the form of damage to third parties. It is in fact a final check and balance to manage negative effects on project affected stakeholders.

## 12.5 Objective of grievance mechanism

The objective of the Procedure is to receive, respond to, consider and resolve as quickly as possible any grievances as a result of the Project, including grievances towards the Company's activities, personnel, contractors and subcontractors.

The procedure will also help to improve the Project's social, environmental and health and safety performance as the number and nature of grievances received is one of the indicators of the Project's employee conduct and behaviour.

The specific objectives are to:

- Establish a mechanism for responding to grievances in an understanding, transparent, confidential and culturally-appropriate way;
- Develop an easy-access, no-cost and efficient grievance procedure for the local populations involved in and/or impacted by the Project;

- Implement effective dialogue and open lines of communication with affected people or people that perceive that they have been affected;
- Help to manage unrealistic expectations and/or negative perceptions from the local populations towards the Project;
- Establish a system of investigation, response and quick grievance resolution;
- Reduce gradually the number of grievances regarding the Project; and
- Improve social and environmental and health and safety performance through the analysis of grievances.

### 12.5.1 Publicising the grievance mechanism

A project's grievance procedures should be put in writing and explained to relevant stakeholders. People should know where to go and whom to talk to if they have a complaint and understand what the process will be for the handling of a grievance. The format and language should be readily understandable by the local population and communicated orally in areas where literacy is low.

A good process can enhance outcomes and give people satisfaction that their complaints have been heard, even if the outcome is less than optimal.

*Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets. International Finance Corporation 2007.*

### 12.5.2 Use of third parties

Ensuring fairness of process for affected individuals sometimes requires certain measures to level the playing field of perceived power. Companies may wish to reach out to other partners to assist in the process e.g. an NGO might be brought in to assist local communities and academic institutions may be sought out to act as mediator between the company and stakeholder groups should this become necessary.

### 12.5.3 Accessibility of the process

Projects that make it easy for people to raise concerns and feel that they will be heard can reap the benefits of both a good reputation and better community relations. Methodologies to achieve this are as follows:

- Localise your point of contact
- Hire people with the right skills to act as CLOs
- Maintain a regular presence in local communities. Talking with a familiar face who comes to the village regularly creates an informal atmosphere in which grievances can often be aired and sorted out without having to move up the chain of command.

### 12.5.4 Response time

Developers should commit to a certain time frame in which all recorded complaints will be responded to. This helps allay frustration by letting people know when they can expect a response to their complaint. These guidelines have been implemented in the design of the forms that will be utilized in this Grievance Procedure.

### 12.5.5 Transparency

Enabling stakeholders to understand how decisions are reached, inspires confidence in the system. It is important to have an immediate response to time-sensitive complaints, such as a fence being knocked down and livestock getting out. CLOs should also have the authority to resolve basic complaints themselves, as well as a direct reporting line to senior managers if the issue is more serious or costly to address.



### 12.5.6 Record keeping and reporting

Keeping a written record of all complaints is critical for effective grievance management. A template has been designed for this purpose (see Form 4 under Appendix E).

Apart from informing the complainant of the outcome, it is also good practice to report back periodically to communities and other stakeholder groups as to how the company has been responding to the grievances it has received.

All forms and sheets to be used are included in Appendix E.

### 12.5.7 Legal recourse

If the project is unable to resolve a complaint, it may be appropriate to enable complainants to have recourse to external experts. Companies should be familiar with the judicial and administrative channels for dispute resolution available in the country of operation and should not impede access to these mechanisms.

## 12.6 In-country regulatory requirements

In-country regulatory requirements differ from country to country where developers operate. Proponents should consult at least in country environmental, water, land and related laws and regulations.

It is important to note that most African countries hold their communities in high regard and the tarnishing of relations with the government of the country by ignoring community complaints or perceptions, can cause project delays and unnecessary regulatory red-tape imposed on projects.

## 12.7 The process

The perception of transparency and “fairness of process” is important. Grievance procedures have to take into account the level of understanding of local populations, their accessibility to a grievance process and whether the process is culturally appropriate. The entire process – from how a complaint is received and reviewed, through to how decisions are made and what possibilities may exist for appeal – should be made as transparent as possible through good communication.

The grievance mechanism process involves eight stages:

1. Receiving and recording the grievance;
2. Assess and assign the grievance;
3. Acknowledge the grievance;
4. Investigate the grievance;
5. Respond to the grievance;
6. Resolution
7. Appeal
8. Close out

### 12.7.1 Receive and recording the grievance

The Procedure is initiated when a staff member or contractor receive a complaint and referred to the CLO. If the complaint is readily resolvable and can be dealt with immediately, the CLO takes action to address the issue directly and records the details in the **Grievance Tracking Sheet (2)**.

If the complaint is not readily resolvable, the CLO will ask the complainant to complete the **Grievance Report Form (1)**. If the complainant is unable to complete the form, the CLO will fill it out and read the contents back to verify accuracy. This method of completion will be noted on the form. If the complainant refuses to complete the grievance

form, he or she will be offered the option to have the complaint treated on an anonymous basis. The CLO creates a record of the complaint in the **Grievance Tracking Register (4)**.

### 12.7.2 Assess and Assign the grievance

The CLO makes an initial assessment of severity and assigns the complaint to a Complaint Owner. The CLO and the Complaint Owner agree the timelines for an investigation and any follow up actions. The CLO provides access of all relevant documentation to the Complaint Owner.

For complaints regarding issues for which a more appropriate company process already exists, the CLO shall refer the matter to the appropriate process owner for further action. This will typically be the case for complaints related to contractual or commercial issues; industrial relations and employee relations; business integrity or criminal matters; and issues subject to current or pending litigation. The CLO updates the **Grievance Tracking Register (4)** as appropriate.

### 12.7.3 Acknowledge the grievance

Once a complaint has been assessed and a Complaint Owner assigned, the CLO sends a written acknowledgement to the Complainant. The **Acknowledgement of Receipt Form (3)** should normally be sent within seven days of receiving the Complaint. The CLO documents the acknowledgement in the **Grievance Tracking Register (4)**.

### 12.7.4 Investigate the grievance

The Complaint Owner investigates the factual basis for the complaint and proposes options to resolve the issue. The Complaint Owner may involve third parties in the fact-finding process as required. The identity of the Complainant should only be disclosed to the extent necessary to resolve the issue or as required by law.

If the Complainant has specifically requested that his or her identity not be disclosed, their personal information may not be shared with third parties unless required by law. The Water Commission should generally seek to resolve complaints within 30 days. The maximum resolution period should not normally exceed 30 days. The CLO is responsible for providing regular progress reports to the Complainant, including a verbal update every 7 days and a written update after 14 days. If additional time is needed to complete an investigation, the Complaint Owner will notify the CLO, who will inform the Complainant of the reason for the delay.

When the investigation is complete, the Complaint Owner documents the findings and proposes options for resolving the complaint as appropriate.

### 12.7.5 Response to the grievance

The Complaint Owner and CLO agree on a response to the Complainant (**Outcome of Grievance Form (5)**). The response should communicate the findings of the investigation, set out the proposed solution and timelines, and seek feedback from the Complainant (**Acknowledgement of Outcome Form (6)**).

The Complaint Owner and CLO determine next steps based on feedback from the Complainant. If the Complainant accepts the resolution, the Company will proceed to implement. If the Complainant does not accept the resolution, the Complaint will be escalated to the Appeals Committee. The Complainant's response will be documented in the **Appeals Tracking Register (7)**.

### 12.7.6 Resolution

If the Complainant accepts the proposed resolution, the agreed actions are implemented.

The Complaint Owner is responsible for assigning action parties, actions and deadlines to implement the resolution. These are recorded in the Complaint Log with any supporting documentation. Monitoring arrangements may need to be put in place to verify implementation.

The Complaint Owner informs the CLO once the resolution has been implemented. The CLO then asks the Complainant to sign the **Confirmation Form (8)**. If the Complainant agrees to sign, the Complaint is closed out as resolved. If the Complainant refuses to sign, or has failed to sign within the timeframe allowed, the Complaint is referred to the Appeals Committee.

### 12.7.7 Appeal

The Water Commission will seek to reach a resolution with the Complainant that is satisfactory to both sides. If the Project and the Complainant are unable to agree on a solution, the Complaint may be escalated to the Appeals Committee for review and final decision.

The Appeals Committee reviews the case and determines if further reasonable action is possible. If no reasonable action is possible, the Appeals Committee authorises the close out of the complaint. A close out letter will be sent to the Complainant explaining the company's position.

Cases where the Complainant disputes or declines to acknowledge the implementation of a previously agreed resolution may also be referred to the Appeals Committee for review.

### 12.7.8 Close Out

A complaint is closed out when no further action can be or needs to be taken. Closure status will be classified in the **Grievance Tracking Register (4)** as follows:

- Resolved. Complaints where a resolution has been agreed and implemented and the Complainant has signed the Confirmation Form.
- Unresolved. Complaints where it has not been possible to reach an agreed resolution and the case has been authorised for close out by the Appeals Committee.
- Abandoned. Complaints where the Complainant is not contactable after one month following receipt of a Complaint and efforts to trace his or her whereabouts have been unsuccessful.

The CLO is responsible for updating the **Grievance Tracking Register (4)** and the logistics associated with closing out the case.

At the end of a case, regardless of whether agreement was achieved, the CLO will seek feedback from the Complainant on their level of satisfaction with the complaint handling process and its outcome.

The Grievance Mechanism should be communicated to all stakeholders. There need to be an institutional base to implement and manage the grievance mechanism. It is therefore recommended that the Water Commission must appoint a member of staff as Grievance Officer to coordinate all grievances received. The Grievance officer must work closely with the CLO.

## 12.8 Grievance mechanism steps

This section outlines the steps that will be utilised in the RAP Grievance Procedure

### 12.8.1 How grievances may be submitted

- The complainant completes **Grievance Form (1)** which should be made readily available in the host communities.
- Complainant places the form in a post box provided in the project area or hands **Grievance Form (1)** to the CLO in the area.
- In cases of illiteracy, the CLO needs to assist a complainant to complete **Grievance Form (1)**. If a grievance is of such a nature that it poses potential harm, injury or damage to any member of the public, a telephone number should be provided to all communities to ensure that such grievance receives immediate attention.

- If a grievance is communicated via telephone to a company employee or CLO, this person needs to complete **Grievance Form (1)** on behalf of the complainant.

### 12.8.2 Capturing the grievance

The Responsible Person (RP) or CLO is responsible for the following steps:

- Immediately completes the **Grievance Tracking Sheet (2)**.
- Assigns a reference number from **Grievance Tracking Register (4)**.
- Sends Acknowledgement of **Acknowledgement of Receipt Form (3)** to complainant.
- Determines the severity of the grievance.
- Sends **Grievance Form (1)** together with **Grievance Tracking Sheet (2)** to person assigned to resolve complaint.
- Captures the exact nature of the grievance on **Grievance Tracking Register (4)**.

### 12.8.3 Processing the complaint

- Relevant department conducts an investigation within 7 days and completes **Grievance Tracking Sheet (2)**.
- Sends completed **Grievance Tracking Sheet (2)** to CLO/Responsible Person.
- RP/CLO to follow up with the relevant department if **Grievance Tracking Sheet (2)** is not received within 7 days.
- RP/CLO updates **Grievance Tracking Register (4)** outlining outcome of complaint.
- RP/CLO completes **Grievance Report Back Form (5)** and forwards to complainant.

### 12.8.4 Resolution of grievance

- The complainant completes Acknowledgement portion of **Acknowledge Grievance Report Back Form (6)** either indicating acceptance of outcome or notification of intent to appeal.
- Complainant provides completed **Grievance Report Back Form (5)** to the CLO/RP.
- RP/CLO closes out the complaint on **Grievance Tracking Register (4)**.
- In case of appeal, RP/CLO completes **Appeals Tracking Register (7)**.
- RP/CLO forwards **Acknowledge Grievance Report Back Form (6)** to Managing Director or relevant Head of Department (HoD). Relevant HoD makes contact with complainant and agrees on a mutually acceptable date for appeal hearing.
- If no acceptable outcome of the appeal, relevant HoD consults legal department for way forward.
- Relevant HoD informs CLO of outcome and way forward.
- CLO closes out engagement on **Appeals Tracking Register (7)** and **Confirmation Form (8)**.

## 12.9 Performance indicators

The following performance indicators will be used to assess the Grievance Procedure on an annual basis:

- **Participation:** The target is to channel 100% of grievances (except those related to worker issues) through this procedure, before grievances reach the media or the courts.
- **Resolution:** The target is to resolve 75% of grievances (from the Project's perspective) within 30 days, dealing directly with the person raising the grievance.

- **Recurrence reduction:** Categorise the number of grievances by categories - compensation, land, environmental, accidental impacts (property, livelihood and wellbeing), health, safety and security, business opportunities and community investments, recruitment of trainees and employees, misinformation or lack of information, and behaviour of Project or Contractor personnel. The intention is to learn from grievances and respond to them qualitatively in a manner that, over time, reduces their rate of occurrence.

The assessment should lead to policy changes and continuous improvement of the grievance process throughout the life of the Project.

## 13 Monitoring and evaluation

The objective of monitoring is to identify implementation problems and successes as early as possible so that the implementation arrangements can be adjusted (World Bank, 2004). It is also required to check whether a project is meeting relevant national and international principles, standards and guidelines (SMEC, 2018). The resettlement implementation program of the project needs to be monitored and evaluated on a regular basis against agreed upon qualitative and quantitative targets. Monitoring and evaluation (M&E) of the project will monitor, assess and report on the effectiveness of mitigation measures.

Resettlement is often on the critical path and if not implemented adequately, can cause severe delays in the project. Resettlement affects people's lives directly and can cause them severe hardship. Monitoring is the main mechanism for alerting management to delays and problems in implementation, with early identification making it easier to adjust programs and fix problems (World Bank, 2004).

Aspects to be monitored and evaluated include: asset acquisition, compensation payment, progress with resettlement and/or rehabilitation where required, the effectiveness of consultation and participation, and the sustainability of livelihood restoration efforts where applicable. This Section outlines the methods to be employed, the 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.

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"*<sup>40</sup>

Adequate financial and human resources are to be allocated for the implementation of M&E, and suitable responsibilities assigned to implementers.

### 13.1 Indicators

This section is adapted from the RPF (SMEC, 2018). 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 outputs.
- **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:

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<sup>40</sup> IFC. January 2012. *Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts*.

- **Process indicators** measure and assess the implementation processes. Examples include:
  - 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 include:
  - 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.

Indicators to be used in this project, according to different resettlement components, are presented in Table 13-1.

Table 13-1 | Indicators to be used in the M&E of RAP implementation

Resettlement component		Indicator
<b>Land</b>	Acquisition of land	<ul style="list-style-type: none"> <li>■ Area of public, private, or communal cultivation land acquired for the project</li> <li>■ Timely acquisition of land</li> </ul>
<b>Buildings/ structures</b>	Acquisition of buildings	Number, type and size of public, private, communal buildings acquired
	Acquisition of other structures	Number, type and size of other public, private, communal structures acquired
<b>Trees and crops</b>	Acquisition of trees	Number, type, ownership of private productive trees acquired, by area
	Destruction of crops	Number, type, ownership of crops destroyed, by area
<b>Compensation, re-establishment and Livelihood Restoration/ Improvement (LRI)</b>	Compensation and re-establishment of PAP household	■ 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



Resettlement component		Indicator
		<ul style="list-style-type: none"> <li>■ Size, construction, durability and environmental suitability of replacement houses/business structures</li> <li>■ Water supply and electricity access</li> <li>■ Physical relocation of PAP households into replacement structures</li> </ul>
	Re-establishment of community resources	<ul style="list-style-type: none"> <li>■ Number of community buildings replaced</li> <li>■ Size, location of pasture/rangeland lost, replaced</li> </ul>
	Re-establishment of public resources	<ul style="list-style-type: none"> <li>■ Number, type of public structures acquired</li> <li>■ Number, type of public services re-established</li> </ul>
	PAP LRI	<ul style="list-style-type: none"> <li>■ Replacement landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops), and status (tenure)</li> <li>■ Changes to livestock ownership: pre-, post-disturbance</li> <li>■ Employment status of economically active members, and skills of household members, by gender</li> <li>■ Number of project-affected household members trained in project-related training courses, by gender</li> <li>■ Earnings/income by source, other than compensation payments, by gender</li> <li>■ Changes to income-earning activities (agriculture and non-agricultural) pre- and post-disturbance, by gender</li> </ul>
Social/ Demographic	Changes to project-affected household structure	<ul style="list-style-type: none"> <li>■ Household size (births, deaths, migration in/out)</li> <li>■ Age distribution</li> <li>■ Gender distribution</li> <li>■ Household head, and related relationships</li> <li>■ Status of vulnerable households</li> <li>■ Residential status of household members (place and residence of homestead members)</li> </ul>
	Changes to access	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"> <li>■ Nutritional status of resettled household members</li> <li>■ Number of people with disease, by type</li> <li>■ Mortality rates</li> <li>■ Access to health care services (distance to nearest facility, cost of services, quality of services)</li> <li>■ Disease prevention strategies (e.g. HIV/AIDS programs)</li> </ul>
	Changes to educational status	<ul style="list-style-type: none"> <li>■ Educational attainment of project-affected household members</li> </ul>
	Changes to status of women	<ul style="list-style-type: none"> <li>■ Participation in project-related activities and enterprises</li> <li>■ Participation in project-related training programs</li> <li>■ Landholding status</li> <li>■ Income-earning capacity</li> </ul>

Resettlement component			Indicator
	Changes in organisation	social	<ul style="list-style-type: none"> <li>■ Organisational membership of household members</li> <li>■ Leadership positions held by household members, by gender</li> </ul>
<b>Consultation</b>	Consultation operation	program	<ul style="list-style-type: none"> <li>■ Establishment of project institutional base e.g. Resettlement Working Group (RWG), Grievance Committee (GC)</li> <li>■ Composition of committees, by gender; ToR</li> <li>■ Number and dates of committee meetings; attendance at committee meetings, by gender</li> <li>■ Number of committee members trained, by gender; type of training</li> <li>■ Involvement of government, NGOs</li> <li>■ Establishment of Project Information Office</li> <li>■ Employment of CPLO and CLOs</li> <li>■ Production of material for distribution of information</li> </ul>
<b>Management</b>	Institutional development		<ul style="list-style-type: none"> <li>■ Staffing component of LLWSSU for the project</li> <li>■ Number, function of implementing agencies</li> </ul>
	Procedures in operation		<ul style="list-style-type: none"> <li>■ Census and asset verification/quantification procedures</li> <li>■ Effectiveness of compensation delivery system</li> <li>■ Number of land transfers effected</li> <li>■ Co-ordination between project-related structures and government agencies/LLWSSU</li> </ul>
<b>Grievances</b>	Grievance Mechanism		<ul style="list-style-type: none"> <li>■ Employment of Grievance Officer (GO)</li> <li>■ Creation of GC, composition, ToR</li> <li>■ Development of Grievance Mechanism</li> <li>■ Development of Grievance database</li> <li>■ Status of cases</li> </ul>

## 13.2 Monitoring framework

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.

Adequate financial and human resources are to be allocated for the implementation of M&E, and suitable responsibilities assigned to implementers, including consultants.

### 13.2.1 The Stakeholder Framework

Taking cognisance of the proposed Stakeholder Engagement Plan in section 9 of the Social Impact Assessment (SIA), the Stakeholder Framework aligns itself in the proposed methodology and approach suggested thereof. This framework seeks to identify those stakeholders that are necessary and important to the successful implementation and absorption of the proposed interventions.

Here, the proposal is to identify and categorise the stakeholders accordingly, as their level of information use will differ, and shall affect the project differently. In doing so, it is important to:

- I. Categorise the stakeholders by level of involvement and influence;
- II. Identify their levels of interest and influence the overall outcomes of the project;
- III. Identify the probable risk affiliated to each, and how best to “mitigate” against any unwanted negative impact(s) to the project.

In identifying and developing this stakeholder framework, particular attention must be placed by the project on those stakeholders with the greatest influence and probable risk to the project. These are entities that must be given extra attention to ensure the successful implementation of the proposed interventions.

The Table 13-1 below outlines a proposed (but not limited) stakeholder framework to guide in the preparation and implementation of the project.

Table 13-2 | Proposed Stakeholder Framework

STAKEHOLDER	ROLE	INTEREST	INFLUENCE	PROBABLE RISK	POTENTIAL IMPACT	ACTION
<b>AT CENTRAL/ HEADQUARTERS LEVEL</b>						
<b>1. Water Commission</b>	Implementing Agency and responsible for overall coordination and policy guidance	<b>HIGH</b> Custodian of all water and sanitation projects and programmes, thus such a project is part of its mandate	<b>HIGH</b> Provides the policy framework, and direction of water and sanitation initiatives, thus influential in the outcome of the project	<b>HIGH</b> Poor project understanding and coordination	Project malfunction	Keep abreast of all Project activities, technical and administrative
<b>2. Department of Rural Water Supply (Leribe &amp; Berea)</b>	Primary implementing agency	<b>HIGH</b> Has the overall technical responsibility of the technical project implementation	<b>HIGH</b> Responsible for the technical experts at district level.	<b>HIGH</b> Delays in the implementation of activities at district level	Department not fully aware of operational activities No mobilisation of technical experts	Define a clear working relationship, that includes collaborated work schedules
<b>3. Ministry of Health (District Environmental Health)</b>	Implementing Agency and responsible for Health standards and Hygiene	<b>HIGH</b> Has the overall responsibility on environmental health aspects of the project, thus keen to see that all environmental issues addressed.	<b>MEDIUM</b> Responsible for the environmental health aspects of the project, and a necessary stakeholder	<b>HIGH</b> Lack of inclusion of Environmental health aspects in the project	Poor quality of outputs on Health and Hygiene safeguards	Include at all levels of project planning & implementation
<b>4. Ministry of Gender, Youth, Sport &amp; Recreation</b>	Part of the Project Steering Committee	<b>LOW</b> Part of gender sensitive. Project intervention of minimal interest	<b>MEDIUM</b> Responsible for the gender inclusion, that considers women & youth aspects	<b>MEDIUM</b> Lack of inclusion of gender aspects in the project	No gender sensitive data nor information derived	Include at all levels of project planning & implementation
<b>5. Ministry of Tourism, Environment &amp; Culture</b>		<b>HIGH</b> Physical environment effects both physical and social	<b>HIGH</b> Responsible for environmental issues inclusion	<b>HIGH</b> Lack of inclusion of gender aspects in the project	Environmental aspects ignored and not included in project planning & implementation	Include at all levels of project planning & implementation
<b>6. Ministry of Social Development</b>		<b>HIGH</b> Social effects on the communities at large	<b>HIGH</b> Responsible for the social inclusion aspects	<b>HIGH</b> Lack of inclusion of social aspects in the project	No gender sensitive data nor information derived	Include at all levels of project planning & implementation
<b>7. Water and Sewage Company (WASCO)</b>	Part of the Project Steering Committee	<b>HIGH</b> Custodian for the water piping and sanitation services, thus interest is high. Have an interest on fees to be charged and fees to be collected	<b>MEDIUM</b> Influential on the fees to be charged, and thus influence the rate of connection and usage of communities	<b>HIGH</b> Lack of support and the provision of technical assistance in the operationalization of facilities	Dysfunctional water facilities	Include in all phases of project planning and implementation
<b>8. Lesotho Water and Electricity Authority</b>	Regulator of the Water and sanitation Fees	<b>MEDIUM</b> Regulator of the sector, especially in terms of fees to be charged, and rates of connection	<b>MEDIUM</b> Influential on the rates that community will be charged	<b>MEDIUM</b> Incomplete involvement could lead to lack of fees knowledge	Unregulated fees settings	Involve at project initiation
<b>AT DISTRICT LEVEL</b>						
<b>9. District Offices (Water, Environment, Health &amp; Social Development)</b>	Custodians of the project at district level	<b>HIGH</b> Key implementing agency at district level, and responsible for all technical operations	<b>HIGH</b> Influential on the scope and rate of work in terms of technical guidance provided to the Service-Providers, and also feedback to the PIT	<b>HIGH</b> Lack of required participation could lead to project stalling	Delays in project implementation	Define a clear working relationship with the Technical Departments, that includes collaborated work schedules.

STAKEHOLDER	ROLE	INTEREST	INFLUENCE	PROBABLE RISK	POTENTIAL IMPACT	ACTION
10. District Councils	Responsible for community organization and mobilization	<b>HIGH</b> Responsible for local development, and interest would be on the type of work to be done for social development of their areas	<b>HIGH</b> Provides the local advocacy for the locals, and as such they influence the rate of participation and interest of the locals	<b>HIGH</b> Hostile reception, poor participation and lack of ownership by the communities	Delays in project implementation	Include in all phases of project planning and implementation
11. Private Contractors	Responsible for project infrastructure and capacity building of Users	<b>HIGH</b> Key infrastructure developers, and have more of a financial interest on the project	<b>HIGH</b> Influential on the scope and rate of work being done.	<b>HIGH</b> Lack of required participation could lead to project stalling	Delays in project implementation	Include in all phases of project planning and implementation
<b>AT COMMUNITY LEVEL</b>						
12. Community Councils	Responsible for community organization and mobilization at village level	<b>HIGH</b> Responsible for local development, and interest would be on the type of work to be done for social development of their areas	<b>HIGH</b> Provides the local advocacy for the locals, and as such they influence the rate of participation and interest of the locals	<b>HIGH</b> Lack of required participation could lead to project stalling	Delays in project implementation	Include in all phases of project planning and implementation
13. Apex/ Coordinating Committees, including Village Water & Health Committees	Responsible for water and sanitation activities at community level	<b>HIGH</b> Key arm of the Community Council, and such have same vested interest of development	<b>HIGH</b> Influential on the providing the framework of fees between the communities and the water authorities such as WASCO and DRWSS	<b>HIGH</b> Lack of required participation could lead to project stalling	Delays in project implementation	Include in all phases of project planning and implementation
14. Local Village Chief(s)	Responsible for community organization and mobilization at village level	<b>HIGH</b> Administratively responsible for the villages, and as such interest on the development of their areas.	<b>HIGH</b> Provides local authority, and as such are influential on the local participation	<b>HIGH</b> Lack of required participation could lead to project stalling	Delays in project implementation	Include in all phases of project planning and implementation

## 13.2.2 Proposed results-based Framework

Table 13-3 | Proposed results-based logical framework

	Key indicator(s)	Means of verification	Assumption(s)
<b>Impact/ goal</b>	<ul style="list-style-type: none"> <li>■ Proportion of population living below the national poverty line</li> <li>■ Percentage of eligible population covered by national social grants</li> <li>■ Under 5s Mortality rate</li> </ul>	Census Statistics (Bureaus of Statistics Lesotho)	There is readily available concise data on the reporting period
<b>Outcome</b>	<ul style="list-style-type: none"> <li>■ Number of people with access to safe &amp; reliable water &amp; sanitation facilities in the project area (aggregated by gender)</li> <li>■ Prevalence of water borne diseases in the project area</li> <li>■ Proportion of people with socio-economic assets (aggregated by gender)</li> </ul>	<ul style="list-style-type: none"> <li>■ Census Statistics (Bureaus of Statistics Lesotho)</li> <li>■ Project Statistics (Household Surveys)</li> </ul>	Project Data is periodically and accurately collected
<b>Output</b>	<ul style="list-style-type: none"> <li>■ Water civil infrastructures developed in the project area</li> <li>■ Water User Organizations established and/or resuscitated</li> <li>■ Gender &amp; Youth Mainstreaming Strategy in-place</li> <li>■ Health &amp; Safety Plans in-place</li> <li>■ Grievances Protocols in-place</li> <li>■ Successfully relocated people (households, assets and cultural assets.)</li> <li>■ Functional Compensation Strategy in-place</li> </ul>	Project Statistics (Household Surveys)	Project Data is periodically and accurately collected
<b>Activity</b>	<ul style="list-style-type: none"> <li>■ Civil works construction</li> <li>■ Conduct Community Participatory Public campaigns</li> <li>■ Develop multi-media information tools</li> <li>■ Develop Grievances protocols &amp; structures for handling</li> <li>■ Develop social and environmental protection safeguards standards and procedures</li> <li>■ Develop and establish the necessary organisational and stakeholder communication and reporting procedures</li> <li>■ Establish and implement an asset and people relocation plan</li> </ul>	Project Statistics (Activity Reports, Key Informant Surveys, Household Surveys & Focus Group Discussions)	Project Data is periodically and accurately collected



## 13.2.3 Defining the specific performance indicators

### Civil works and Infrastructure development

Indicator	Description	Baseline	Target	M&E approach	Tool	Frequency	Responsible
# of water systems constructed in the project areas	Increased number of water reticulation systems constructed in the project area			Continuous monitoring	Job sheets	Monthly	District engineer
# of water points constructed in the project area	Increased number water connection points availed, for ease of access of a growing community			Continuous monitoring	Job sheets	Monthly	District engineer
# of water reservoirs constructed in the project area	Increased number of water reservoirs constructed in the project area, for water harvesting and conservation			Continuous monitoring	Job sheets	Monthly	District engineer
# of communal water points constructed in the project area	Increased number of communal water points in the project area, for those not able to have household water systems			Continuous monitoring	Job sheets	Monthly	District engineer
Length of water pipelines constructed in the project area	Increasing length of water pipelines constructed to cover key areas of demand in the project area			Continuous monitoring	Job sheets	Monthly	District engineer

### Social and environmental development

Table 13-4 | Proposed social and environmental performance indicators

Indicator	Description	Baseline	Target	M&E approach	Tool	Frequency	Responsible
# of households with access to safe and reliable water sources in the project area	Increasing number households in the project area with portable water, visa vie those without			Project reviews: <ul style="list-style-type: none"> <li>■ Performance assessments</li> <li>■ Mid-term</li> <li>■ Project closure</li> </ul>	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant

Indicator	Description	Baseline	Target	M&E approach	Tool	Frequency	Responsible
# of households with access to improved sanitation facilities in the project area	Increasing number households in the project area with water-based sanitation facilities, visa vie those without			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
# of households with access to water for commercial purposes	Increasing number households/individuals using water for irrigation, livestock, aquaculture, etc.			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
% of people practising good hygiene in project area	Increasing number of community members in the project area with access to water-based hygiene facilities (washing hands, washing clothes, bathing, etc.)			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
% of water-borne diseases in the project area	Decreasing incidence of water-borne diseases and ailments in the project area			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
# of village water & health committees (vwhcs) established and/or resuscitated, in the project area <i>(and those women-led)</i>	Increasing number of water user groups, to show for improved social cohesion, confidence and accountability			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant

Indicator	Description	Baseline	Target	M&E approach	Tool	Frequency	Responsible
Change in attitudes of communities on water & environmental health considerations in the project area	Improved moral, and confidence in local structures that avail and manage water usage			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
Income levels in project area	Improved incomes due to reduced transaction costs of water access, and sanitation facilities			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
# of grievances lodged	Number of grievances lodged (those resolved against those lodged)			Project reviews: Performance assessments	Annual review	Annually	Project chief legal officer
# of new jobs developed	Number of jobs created as a direct and/or indirect result of the project			Project reviews: Performance assessments	Annual review	Annually	Project chief legal officer
Gender & youth mainstreaming strategy	Development of a comprehensive gender & youth mainstreaming strategy that defines best practises for resource mobilisation and use at household level			Activity report	Activity completion sheets	Once-off	Project coordinator
Water & sanitation awareness campaigns (to include HIV awareness and other communicable diseases)	Development and implementation of multi-media awareness campaigns on water and sanitation best practises			Project reviews: Performance assessments	Annual review	Annually	Project coordinator
Health & safety plan	Development of a construction work health & safety plan			Activity report	Activity completion sheets	Once-off	Project coordinator
Information dissemination channels	Establishment of information dissemination channels at local level			Continuous	Activity completion sheets	Continuous	Project coordinator

## Resettlement inclusion

Table 13-5 | Proposed resettlement indicators

Indicator	Description	Baseline	Target	M&E approach	Tool	Frequency	Responsible
# of successfully relocated households in project area	Increasing number of successfully relocated households, with better and improved facilities			Activity report	Activity completion sheets	Once-off	Project coordinator
% of relocated households citing improved lifestyles in the project area	Increasing number of those households relocated, with improved water-based home facilities			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
# of relocated endangered fauna and flora by type, in the project area	Number of those endangered species being relocated to make way for project civil works			Activity report	Activity completion sheets	Once-off	Project coordinator
# of assets by type, relocated in the project area	Number of assets (farm implements, moveable structures, etc.)			Activity report	Activity completion sheets	Once-off	Project coordinator
# of graves relocated	Number of graves ceremoniously relocated			Activity report	Activity completion sheets	Once-off	Project coordinator
Value of assets by type, of affected households in the project area	Assets valuation by household in the project area			Project reviews: ■ Performance assessments ■ Mid-term ■ Project closure	Annual review MTR evaluation Project closure review (PCR)	Annually Halfway of project End of project	Project coordinator External consultant External consultant
Compensation strategy	Development of a comprehensive compensation strategy that is inclusive of gender and youth issues			Activity report	Activity completion sheets	Once-off	Project coordinator

### 13.2.4 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. Where physical/economic displacement applies, 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 RAP 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.

## 13.2.5 External M&E

### 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. Monitoring of all scheduled resettlement outcomes and project reports by an independent party is required as they are produced or monthly (see Implementation Schedule - each of these components should be monitored or reviewed depending on the deliverable no more than two weeks after its implementation).

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.

The functions of the Consultant 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 13.1 above.

## 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 LLWSSU, 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;
- 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.

## 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"*<sup>41</sup>.

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;

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<sup>41</sup> IFC. January 2012. Performance Standard 5: *Land Acquisition and Involuntary Resettlement*.



- 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.

## Audit requirements

A proposed list of audit requirements is provided here, and is categorised to determine the following:

- That the proponent and his subsidiaries have taken responsibility and is accountable for his actions towards PAPs, PACs, and the environment in which the function.
- That the proponent has complied with all relevant legal, regulatory, and funding agent requirements.
- Whether the project has been understood and accepted by the community affected by it and the community that benefits from it.

The following themes shall be audited for the proponent (LLBWSS) and its contractors and sub-contractors:

1. Grievance Mechanism
2. Resettlement Task Team
3. Land acquisition
4. Adherence to regulatory requirements
5. Adherence to OP 4.12
6. Project beneficiaries
7. PAC and PAP compensation for loss of assets and/or livelihoods (valuation, resettlement, etc.)
8. Grave relocation (and any other cultural impacts)
9. Mitigation of environmental impacts that could exacerbate resettlement impacts (e.g. loss of cattle and soil degradation during the construction phase)
10. M&E
11. Host communities

This list provides a mere overview of themes for the auditor to consider in his/her audit objectives. There are numerous sub-requirements (which could be compiled as an audit checklist) which the auditor must cover. Such sub-requirements should test the functionality of the abovementioned elements, whether it was done timeously, whether it was done according to specifications in this report or WB funding conditions, etc.

The socio-economic status of the affected population, including the host population, should be measured against the baseline conditions of the population before displacement, (as established through the census and socio-economic studies).

## 13.3 Reporting, internal and external

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 to 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:

### 13.3.1 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.
- 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.

### 13.3.2 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.

### 13.3.3 External reporting

External reporting will be as follows:

- Reporting to all stakeholders on project-related matters, on an ongoing basis, primarily through project structures.
- 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"*<sup>42</sup>.

## 13.4 Planning, Monitoring and Evaluation Plan (PMEP)

A Planning, Monitoring and Evaluation Plan (PMEP) outlines the linkage between the intended results of the project, and those interventions (activities) that will be defined to achieve this result. When developing a PMEP, it is important to note that the key attribute here is the results indicator, and it is this that everything is shaped around. The PMEP must be able to capture data can be aggregated over a given period of time, should that indicator allow. Also, it must identify any possible risks that may hinder the achievement of the intended activities.

Below is an outline of one such table that shall be developed by the project for each results indicator as derived from the section above.

Project Name	
Objective of the Project	
Chief Project Officer	
Name of Result Indicator	<i>As defined in Table 13-3 to Table 13-5.</i>
Baseline	<i>As defined in Table 13-3 to Table 13-5</i>
Target	<i>As defined in Table 13-3 to Table 13-5</i>
Reporting Period (month)	<i>To be defined</i>

<sup>42</sup> World Bank. February 2011. *OP4.12 Annex A: Involuntary Resettlement Instruments*.

	Description	Key Activity Indicator	Target	Progress to Date	Responsible Person	Comments
Activity 1	<i>To be defined</i>					
Activity 2	<i>To be defined</i>					
Risk analysis						
Description of Associated Risk to achievement of Activity				Risk Level (H, M, L)	Proposed Mitigation Strategy	
<i>To be defined</i>						

### 13.4.1 Reporting framework

Reporting is a critical element of the M&E Framework. Reporting provides the necessary information and feedback to stakeholders, to allow them to be able to determine the performance of the project, and such be able to undertake necessary steps for continued or improved project performance. Reports provide especially management, with the necessary information for decision-making.

The reporting framework detailed below gives an outline of some of the key suggested reports that will be necessary to capture some of the key elements at the implementation phase of the project. This is not an exhaustive list, and can be updated during project implementation phase.

Table 7: Proposed Reports by Category

Category	Report
<b>Civils Works &amp; Infrastructure</b>	Workers Health & Safety Protocols Manual (& Report)
	Air & Noise Pollution Protocols (& Report)
<b>Environmental &amp; Social Safeguards Reports</b>	Environmental Management Report
	Social Management Report
	Water & Sanitation User Association(s) Report
	Gender Mainstreaming Report
	Grievances Handling Manual (& Report)
	Communications & Reporting Manual
	Inclusive Public Participation Manual (& Report)
	Communicable Diseases Report
	Community Disaster Management Report
<b>Resettlement</b>	Asset Register Report ( <i>Relocated</i> )
	Asset Loss Report
	Bio-physical matter register Report
	Households Register Report
	Compensation Strategy Manual (& Report)

## 14 Conclusion

Analysis of the data on the census of the PAP along the pipeline corridor and the socio-economic survey reveal that there were 267 households along the pipeline who had right of livelihood by living, operating businesses and / or having fields along the pipeline corridor. These people had 561 dependants, totalling to 828 PAPs. No household relocation or land-for-land compensation is anticipated for this project. If any household relocation is to occur, it would likely be on the owner's premises/stand.

The project is expected to have a positive impact due to the augmentation of bulk water supply in the study area, as the study area has distribution networks in place, but little bulk supply of water.

The estimated cost of compensation is LSL 20,435,868.34, the implementation budget for the RAP LSL 1,650,058.38, adding up to a total of LSL 22,085,926.73.

If the Lesotho Water Commission and roads authority could agree on the use of the road servitude for construction, the impact and the compensation cost could be significantly decreased.

Impacts on livelihoods are anticipated to be fairly low. Recommendations are made for livelihood restoration, and if applied would be significantly reduced.

Vulnerable groups (especially the elderly and disabled persons) were consulted in their home villages where possible, to avoid extensive travel on their part. A consultative process was undertaken in local languages. These households should be given advice on alternative subsistence and livelihood impact activities.

If manual labour for construction is used, and if local labour is sourced, the positive socio-economic impacts will be enhanced.

It is acknowledged that this type of project can impact on the quality of life and the livelihoods of communities. Therefore, the GM has been developed to assist in addressing ongoing issues during project implementation.

## Appendix A

### Census, socio-economic and asset survey questionnaire

#### Assets register

## Appendix B

Interview schedule employed in Focus Group Meetings  
and Key Informant interviews

Records of Focus Group Meetings, Key Informant  
Interviews, and attendance Registers



## Appendix C

### Entitlement framework

## Appendix D

### Grievance Mechanism forms



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