PROJECT: MANZINI REGION WATER SUPPLY AND SANITATION PROJECT

COUNTRY: KINGDOM OF ESWATINI

ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) SUMMARY

Date: October 2018
ARAP Summary

**Project Title:** Manzini Region Integrated Water Supply and Sanitation Project (MRIWSSP)

**Country:** Kingdom of eSwatini

**E&S Category:** Category 2

**Sector:** Water & Sanitation

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### 1. Description of the Project, Project Area and Area of Influence

The Swaziland Water Services Corporation (SWSC) is proposing to provide water and sanitation services to areas covering Nhlambeni, Manzini South, Mtfongwaneni, Mafutseni and Sidvokodvo in the Manzini Region of eSwatini. The Manzini Regional Integrated Water Supply and Sanitation Project (MRIWSSP) is to provide potable water supply to the four Tinkhundla areas (administrative districts), and to provide wastewater collection services to the Sidvokodvo urban area taking cognizance of the future developments that are to take place in these areas. This is in fulfilling the SWSC’s mandate to provide water and sanitation services to areas in eSwatini which lack such services, and also to drive the country towards fulfilling the Sustainable Development Goals and the country’s Vision 2022.

The potable water component of the Project consist in the provision of a water supply system to the area. The proposed new water supply system shall consist of the construction of an intake structure from the Lusushwana River, a water treatment plant, and a clear water pumping main in Matsapha. The water will be pumped to storage reservoirs (15Megalitre in Hhelehhele area and 8.5Megalitre in Mhlaleni area). From storage, gravity mains to Ngculwini and Sidvokodvo, respectively, and a reticulation network in these areas, will be established. In these areas, water reticulation is being designed for Manzini South, Nhlambeni, and Mafutseni *tinkhundla*.

The sanitation services component comprises of the construction of a new wastewater treatment plant (WWTP) in the Sidvokodvo/Nkonyeni area, where the land use pattern requires conventional waste water services. The Sidvokodvo WWTP will receive and treat wastewater from the town including existing residential areas, industrial areas, and commercial areas in the township.

The proposed abstraction and raw water treatment plant is in the Manzini Region of eSwatini. Beneficiaries comprise four Tinkhundlas including the following communities: Mtfongwaneni, Mafutseni, Manzini South, and Nhlambeni. These areas are located in the eSwatini Middleveld, with some areas being part of the Swazi Lowveld hydrographic zones. The Middleveld, located in the east of the Highveld, is typically rolling and hilly land of 450-600 meters above sea level. This physiographic area includes the Nhlambeni and Mtfongwaneni Tinkhundla. The Lowveld is to the east with an average elevation of 150-300m above sea level. This area includes mainly the Nhlambeni Inkhundla. The treated water after storage at Mhlaleni is proposed to be gravitated to Sidvokodvo, where a new alternative industrial park is being developed. The water is also to be gravitated from Hhelehhele to Ngculwini. At Sidvokodvo, a new water treatment plant will be established on the banks of the Lusutufu/Mkhondvo River. An outfall sewer will service the Farms, industrial park, and the residential township. In the first phase, the pipeline from Lugaganeni storage will terminate at Mtfongwaneni and at Mafutseni. The pipeline from Mhlaleni storage will have its terminus at Manzini South and Nhlambeni. In subsequent phases of the project, reticulation networks at Mtfongwaneni and Mafutseni will connect to the Hhelehhele pipeline terminus, while reticulation network at Manzini South and Nhlambeni will connect to the Sidvokodvo main pipeline.
While the majority of water and wastewater pipelines and infrastructure will primarily run along existing servitudes and/or be located on public Swazi Nation Land (SNL) with no need to relocate people during or after project implementation, access to private properties and displacement of economic activities will be required. As such, an Abbreviated Resettlement Action Plan (ARAP) has been developed for the Manzini Region Integrated Water Supply and Sanitation Project (MRIWSSP) in line with African Development Bank requirements. The present document is a summary of the ARAP. As a Category 2 project, an Environmental and Social Management Plan (ESMP) has also been developed for the Project and is subject to a separate summary.

2. Potential impacts

Although the Project will use existing SWSC servitudes, the major social impact concerns land. At Bethany, communal land will be expropriated for the abstraction of water. From Nhlembe to Sidvokodvo, a new ROW will be needed. At Sidvokodvo, 2.8 ha of land will be expropriated for the treatment plant. A total of thirty-six (36) parcels of land will be newly expropriated. The second social impact is communal assets. Although no residential or business structures will need to be demolished, certain assets such as fencing are in the ROW. Some landowners will lose cropping areas, in particular at Sidvokodvo where sugar cane will be lost to the project. As well, fruit trees will be lost in many cases, ranging from domestic varieties, such as avocado, banana and pawpaw.

The impact assessments were conducted by dividing the areas under consideration into eight (8) core impact areas (CIA). The CIA is the area immediately and directly affected by the works undertaken during construction, operation and post construction stages of the project. However, while demarcating the CIA, considerations have been given to the legal distance of influence of such impacts to properties and cultivation activities within the right of way and the marginal zones and off site areas such as borrow pits, etc. The project component, area and corresponding compensation impact are presented below.

Matsapha Abstraction Area and Bethany Pipeline to MR-3 (Project Area A)

The Matsapha abstraction area is at Bethany. This is a peri-urban community on Swazi Nation Land (SNL). Land tenure here is communal, with no private ownership. It is under custodianship of traditional authorities (Chief Dube). Land acquisition is through Kukhonta. There is no financial compensation for land losses. Lost land can only be replaced.

The land distribution at Bethany is such that there are no occupants of the 1ha earmarked for weir, treatment plant structures and laboratory/residences. Land uses are grazing on one side of the Lusushwana River, and sugarcane plantation on the other side of the river “Emakhosikatiti Farm”. The Bethany area has ±2,000 people in 200 homesteads, with 25% of these being one-room rental flats. The rental flats are a source of income for the homestead owners, at E350 per one room per month. No one holds title to the land.

Household gardens and livestock (cattle, chicken, goats) are at subsistence level. Homesteads are fenced with wall fence, barbed wire, and diamond mesh. Local roads in the community are gravel, maintained by the homestead owners themselves as the area is outside the Matsapha urban boundary. The treated water pipeline from the Bethany abstraction point to the Mhlaleni reservoir will pass through this community to the road reserve of MR-3 adjacent to the Gwamile Vocational College.
Matsapha Pipeline to Mhlaleni (Project Area B)

The pipeline along the MR-3 to the Mhlaleni storage site passes through the urban area of Matsapha. The properties are titled (TDL) and average land prices are ~ 70/m² in the industrial estate. Great Matsapha has some ± 67,000 people in this industrial town under jurisdiction of the Municipal Council of Matsapha. The pipeline will be on the left hand side of the MR-3. Here is a mix of business, schools, residential, areas and small stores. The total number of PAPs is ± 3,000. Mainly they will be affected by construction workers as SWSC already has servitude and a 20m ROW along the MR-3. No land will be expropriated from the Project Area, but roadside fences and drainage may be affected.

Mhlaleni Reservoir (Project Area C)

The Mhlaleni reservoir is in peri-urban Matsapha on SNL under the Logoba/ Mbikwakhe Chiefdom (Chief Mbingo). The pipeline from MR-3 to the reservoir will pass through a community of ±500 people, in 10 market stalls (vegetables). Below the supermarket, the pipeline then passes vacant land up to the existing SWSC storage facility, on current SWSC servitude. The community will be affected only by construction activities as there will be no expropriation of land. Land uses at Mhlaleni reservoir site consist of an existing borrow pit, and an area where the Shembe people meet for their service.

Mhlaleni Reservoir to Nhlabeni Inkhundla (Project Area D)

The pipeline from Mhlaleni Reservoir to the Nhlabeni Inkhundla will use existing servitude along the MR-9 to Sidvokodvo and Nhlangano. At Mhlaleni, the pipeline will pass through peri-urban Mhobodleni, an area under the Mhobodleni Local Authority, consisting of SNL on peri-urban areas having been converted to rateable properties under the Ministry of Housing and Urban Development.

Land uses are residential, with a few market stalls and a medium-sized Moyamunye Shopping Complex. From Mhobodleni, the existing SWSC servitude will pass through vacant private farm on TDL opposite the Masundvwini area up to Ngwane Park. Ngwane Park is one of the largest townships in Manzini with ±10000 population.

From Ngwane Park, the pipeline will traverse SNL in the ka-Shali area to Nhlabeni. The road-side properties have fences, market stalls and fruit trees. The water reticulation at Nhlabeni under Phase 2 is earmarked for ±2000 homesteads (benefitting 12,000 residents) under Chief Matatazela in a high density settlement often homestead boundary demarcation. These are the project beneficiaries for the water supply project.

Although there is no anticipated land expropriation at Nhlabeni construction of the reticulation network near homesteads in the Nhlabeni community has resulted in these homesteads being classified as Project Affected People, hence are part of the Project PAPs.

Nhlabeni to Sidvokodvo (Project Area E)

The pipeline from Nhlabeni to Sidvokodvo along the MR-9 will go through farmland. Here the pipeline will traverse land with no existing SWSC servitudes. Therefore the project will expropriate a new 20m servitude along the MR-9 stretch from Nhlabeni to Sidvokodvo. These lands are held under the Title Deed Land (TDL).

Road side fences of those farms will need to be replaced. The farms are in rural a setting with an agrarian character. At the waste water treatment plant 3 hectares of farmland will be expropriated. This is part of a sugar cane farm in the Sidvokodvo area.
**Hhelehele Pipeline to Mafutseni (Project Area F)**

The pipeline from Lugaganei reservoir to Hhelehele will pass through the Davot Farm area and opposite Gum Tree and Kai Kai. SWSC will use the existing servitude here. Under Phase 1, the pipeline will traverse rural farmland. The affected properties are TDL.

The water reticulation at Mafutseni under Phase 2 is earmarked for ±2000 homesteads (benefitting 12,000 residents) under Chief Ngalonkhulu Mabuza in a high density settlement often homestead boundary demarcation. These are the project beneficiaries for the water supply project.

Although there is no anticipated land expropriation at Mafutseni construction of the reticulation network near homesteads in the Mafutseni community has resulted in these homesteads being classified as Project Affected People, hence are part of the Project PAPs.

**Hhelehhele Pipeline to Ngculwini (Project Area G)**

The pipeline from Hlelehlele to Ngculwini will pass through rural Hhelehlee all the way to Ngculwini, alongside the MR-8 to Big Bend/Lavumisa. These are properties on SNL, concentrated in a linear fashion on either side of the MR-9. This is a typical linear density settlement with many places of worship (cultural sites). The surrounding land uses on the pipeline route to Ngculwini are mainly residential, and commercial. The proposed pipeline will be close to the MR8 road away.

The water reticulation at Ngculwini under Phase 2 is earmarked for ±2000 homesteads (benefitting 12,000 residents) under Chief Mgeb’seni in a high density settlement often homestead boundary demarcation. These are the project beneficiaries for the water supply project.

Although there is no anticipated land expropriation at Ngculwini, construction of the reticulation network near homesteads in the Ngculwini community has resulted in these homesteads being classified as Project Affected People, hence are part of the Project PAPs.

3. **Socio-Economic Studies**

The social assessment carried out used both qualitative and quantitative techniques to collect data and information on the social and economic status of the community and area along the proposed pipeline. These included:

- A detailed desk study to establish and describe the socio-economic conditions;
- Key Informant Interviews and Semi-Structured Interviews were conducted with the Chiefs, and the community;
- Open-ended questionnaires were administered to obtain views about the proposed project and its perceived impacts from households;
- Transect walk, was done to establish the biophysical nature of the project area and to meet the stakeholders;
- A check list of the information to collect from each category of the persons to be interviewed guided the collection of data throughout the field exercise;
- Photography- cameras were used to take photographs of public participation meetings, PAPs and affected assets (trees, crops, houses etc.);
- GPS (Global Positioning System) and Maps - The provided sites coordinates were input in the handheld GPS;
- Description of the categories of people affected, partially or wholly taking into account gender, vulnerability and other diversity concerns;
- Identification of all the people to be affected (PAPs) in the project area by providing their names with their official identification phone contacts and physical contacts (location, district);
- Assessment of the size of land to be affected by the project, including:
  o Description of the total land that will be affected by the water supply project;
  o Description of baseline for land tenure, land use patterns and transfer systems;
  o Evaluation of both the commercial and subsistence farm land that will be affected by the proposed line and give a rough estimate of the land values;
  o Report on the type of effect for every parcel of land affected in terms of partial or entire parcel;
- Survey on the structures to be affected by the proposed project, including:
  o The total number of structures affected by the proposed project;
  o Provision of baseline description of structures affected including permanent structures, the total number and type of structures to be affected, total number of public institutions/community structures to be affected.

As soon as the sites were determined, the identification of Project Affected Persons (PAPs) was undertaken. The PAPs were classified into three groups namely; (a) Those who have formal legal rights to the land they occupy; (b) Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or (c) Those who have no recognizable legal right or claim to the land they occupy.

The following categories of PAPs were used in identifying groups of PAPs for the purpose of determining impacts:

- **Project affected persons (PAPs)** are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or who may lose access to economic resources as a result of activities related to sub-project(s), whether permanently or temporarily.

- **Project affected households** are groups of PAPs in one household and where one or more of its members are directly affected by the Project. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

- **Vulnerable groups of people.** From these households, the Project will separately identify the vulnerable members, such as those who are old or ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill or disabled persons will be identified. Vulnerable people and households will be eligible for additional support.

**General Characteristics**

Of the four regions in the country, Manzini is currently enjoying a 10% urbanization rate, and Hhohho, a close to 7%, followed by Lubombo. Shiselweni is the least developed of the four regions. In the Shiselweni Region, more than 90% of the population lives in small villages and informal unplanned settlements on Swazi Nation Land and approximately 210,000 people leave here. These are un-surveyed plots without legal title, which provides little or no social security. A majority of residents leave at subsistence levels, and mostly depend on income derived from livestock and agricultural farming.
There is high unemployment and underemployment, no security of tenure, poverty and inequality. Thus, there is a need for enhanced urban planning, serving to coordinate development and conservation schemes for peri-urban areas. Furthermore, provision of improved water supplies, electricity, roads and other services is key to improve the living conditions of the people in these communities.

**Main Source of Water in the Project Areas**

Sidvokodvo and surrounding areas is generally well serviced with reticulated water, with the station being downstream of the town’s water reservoir. At Mhlaleni where a new reservoir will be constructed, there is a small reservoir tank that is supplying the Mhlaleni and the surrounding areas. The Matsapha area is generally well served with water. The raw water treatment plant located near the old MR-103 bridge on the Lusishwana River abstracts a flow of 400 l/sec from the river. The supply is pumped up to the two storage tanks on the Police College Road. The reticulation around the industrial area is adequate. However, the industrial area is not suitable for “wet industries” due to the limited water resources available. A number of sites also operate from bore-holes drilled on their own plots.

**Sanitation within the Project Area**

Most homesteads in the Ngculwini, Nhlambeni, Matsapha area homesteads have pit latrines. The existing urban area at Matsapha is generally well reticulated in terms of sewerage. The treatment works which were designed to treat mixed industrial and domestic effluent were constructed in 1990. The treatment is in the form of open ponds. The ponds are still in a functioning order but are currently stressed by large effluent volumes which compromise the effluent treatment process. The SWSC is in the process of decommissioning the ponds, directing all effluent to a new site on the periphery of the extended urban boundary, where a new activated sludge sewage treatment plant for the Matsapha Industrial Estate has been constructed.

**Level of Education within the Project Area**

Educational facilities located in the Sidvokodvo and surrounding area are the Sidvokodvo Strawberry Pre-School, and the Sidvokodvo Railway Primary School. Other educational facilities located on the pipeline route to Ngculwini are the Ngculwini Nazare, Joy Pre-school, Emmanuel Bible School College, Mhubhe High School, Mbalenhle Christian Academy, and the Luhlokohla Primary School. Matsapha itself is poorly served with schools. There is Phocweni Primary School, on the northern part of the site across the MR-31. Other schools in the surrounding areas include the Masundvwini Primary and High School. Nevertheless, there are fairly significant numbers of educational institutions in close proximity. For example, there are specialist tertiary educational institutions (University of Swaziland, Gwamile Voctim and IDM/SIMPA) as well as a High School with a national reputation (Swazi National High).

**Women and Children in the Project Area**

The economic, social and political status of women in the project area is relatively weak. They are generally economically dependent upon men who tend to make the decision as to how many children the family should have. Women are burdened by back-breaking work in addition to all food preparation, child rearing and domestic chores. Women are also the principle collectors of water and firewood, and in some instances, they have to walk long distances to acquire these resources for drinking and cooking. Women’s access to formal education is low in the project areas. Children are the most vulnerable members of the population due to the effects of displacement and disintegrations of families. In the project area, children are tasked to fetch firewood, collect water and to look after cattle.
4. Consultations

The public consultation meetings involving all key stakeholders were conducted along the area of influence. The key stakeholders included the Deeds Office, the local urban authorities, the traditional authorities (*bandlancane*), land owners, NGOs, and other community members. The main purpose of these meetings was to come together and discuss modalities of compensation to PAP and solving the problems likely to occur during and after construction, and to list the people consulted.

Main concerns and issues raised during the community consultations were based on the ROW and compensation matters. Many people wanted to know who will be compensated. The PAPs decried the lack of information on the project. The PAPs decried the lack of community sensitization as no official correspondence was received from SWSC.

Consultations through direct interviews with PAPs were conducted in the eight (8) Project Areas and held interviews with PAPs in the following areas:

- Private Residential Properties: A total of fifty two (52) properties and its owners were consulted. Owners of twenty four (24) properties were not found at the time of the consultation but will be included in the updated ARAP.
- Formal Business Owners: A total of nine (9) business property owners were consulted.
- Owners of Informal Business: A total of twenty nine (29) informal businesses were consulted.

As a follow up to the direct interviews with the PAPs, additional data was collected through a questionnaire. This was to officially capture baseline data as part of the socio-economic investigation. The questionnaire also provided an opportunity for PAPs to state their compensation options and other compensation recommendations. The questionnaire also provided for input on dependents of the PAPs (tenants, children and the vulnerable).

Summarizing the concerns received during the public participation process, the main issues raised include:

- Compensation for land, farms, homestead assets at current market price which are within the road reserve.
- Transparency in valuation and punctuality in paying compensation.
- Employment to local communities especially during construction.

Further public consultations will be carried out during the detailed ESIA process, where there will be public scoping meetings which are to include a wider set of interested and affected parties (I&APs), including NGOs. The detailed ESIA exercise will also include more exhaustive socio-economic surveys, to also account for areas covered by stage 2 reticulations being finalized by SWSC, as well as a public disclosure and review of the ESIA/ESMP and ARAP. The public will be involved as input into the project, and generally to solicit their concerns and/or suggestions about it. A public consultation process is a prerequisite for the project. Open public meetings will be held with the community and stakeholders directly or indirectly affected by the project including NGO’s, technical specialists, engineers, environmentalists, etc. The scoping stage will provide the opportunity for all I&AP’s, including government departments, private landowners, etc., to express their views and concerns about this project.
5. Compensation and Resettlement Assistance

Land Acquisition and Corresponding Compensations in the ROW

All those who have properties in the ROW will be compensated, and that the plan for removal of properties that are in the ROW will start with sensitization of the communities, followed by valuation of properties. The process of valuation will start with a team of valuers, who will inspect all the properties to be compensated, and ensure that no properties were left out of the exercise. Currently thirty six (36) people have been identified as being eligible for compensation for the new servitudes on TDL.

Assets eligible for compensation include land, crops, business income, and miscellaneous items such as fences, which are a mix of highway fence, barbed wire, diamond mesh, wall fence, etc. There are twenty five (25) owners of such assets in Bethany, fifty seven (57) in Mhlaleni, thirty five (35) in Nhlambeni, eighteen (18) in Mafutseni, and sixteen (16) in Hhelehhele. In total, one hundred and twenty eight (128) homesteads need to be compensated for their assets.

In case the project contractor identifies borrow pits and other sources of construction materials, appropriate measures for land appropriation and corresponding compensation shall be observed immediately after identification of the area and successful testing of the materials to be used.

The need for compensation arises mainly from the ROW where currently no SWSC servitudes have been obtained. All those who have properties in the proposed right of way will be compensated, including compensation for expropriated land for which the PAPs have legal rights or a claim to such lands. The first step is to engage a professional Property Valuer to confirm the “Entitlement Matrix” whose properties will be valued and whose ownership will be confirmed. These will be eligible for compensation subject to the Acquisition of Property Act of 1961, and the Roads and Outspans Act 40 of 1931.

The identification, survey and valuation of all properties in the ROW will be carried out by a team of Valuers, and will be summarized in the “Entitlement Matrix”. Once inventory and valuation are completed, the affected communities, together with the land owners, will have meetings with each affected property owners in order to confirm ownership of the affected property. Cultivation of crops and trees of economic value, lost or damaged assets, as well as income from formal and informal businesses will be additional compensatable items, and should be covered in the Valuation Report. SWSC is to meet and discuss the methodology of valuation to affected property owners in order to reach a final compromise/agreement on compensation.

Valuation Guidelines for Properties Affected by the MRIWSSP

Valuation will be conducted for purposes of identifying, locating and assessing compensation of properties falling within the right of areas. The objectives of the assignment will:

- To identify and establish the ownership and value of all properties existing within the ROW
- To advise the client on the compensation amounts payable for the identified properties in accordance with the Operational Safeguard on Involuntary Resettlement requirements where local laws fall short of the specified requirements.
- The Scope of Work to be covered includes the following areas:
  - To study the project corridor of impact, inspect the project sites, identify and locate all properties within the corridor of 20m.
  - Identify owners of all affected properties
  - Determine entitlement to compensation for loss of assets based on market value
▪ Assess the amount of compensation payable for loss of properties while also indicating valuation methodology used and how it complies with requirements.

▪ Prepare compensation schedules showing location, description, rightful owner of each property and its compensation value.

**Procedures for Land Acquisition and Compensation in eSwatini**

**Land Acquisition**

*The Valuation Report*

In Swaziland, the right to expropriate land has a statutory basis. The Roads and Outspans Act 40 of 1931 and The Acquisition of Property Act 10 of 1961 are two statutes that give the Government of eSwatini the power to expropriate. Act 10 of 1961 refers to market value and in terms of Section 15 (1), (2) and (3), subject to certain qualifications; the compensation payable should be the market value. Section 15 (1) sets forth matters to be considered in determining compensation; Section 15 (2) sets forth matters not to be taken in account; Section 15 (3) sets forth the test for disregarding improvements; and Section 16 of the Act deals with compensation for loss of rents and profits.

It is on this basis that the Valuation Report to be prepared by an independent valuator appointed by SWSC is to be used in the preparation of land compensation. The data, details and information used in the Valuation Report will be obtained from amongst others:

- Visual inspections of the buildings, structures, fences, boreholes and the premises.
- Taking physical measurements to determine dimensions and working out size of buildings and structures.
- Site drawings supplied by the land surveyor of the physical land areas to be affected by the road.

*Other Miscellaneous Compensable Items*

The Valuation Report must not only concentrate on land losses and structures, because the ARAP requires SWSC to identify and quantify other losses based on the principle that no property owner will be left in a “worse-off” situation by the project. These include crops and trees of economic value, poultry houses and items of cultural value.

**Procedures for Assessment of Compensation**

*Field Surveys*

Field surveys will be carried out to confirm the data captured in the Valuation Report. In carrying out field surveys, the consultants will at all times accompanied by the engineer who will identify the property.

The valuers will trace the owners through the following channels:

- The Deeds Office in Mbabane
- The Municipal Council of Manzini
- The Municipal Council of Matsapha

With the owners, the valuers will confirm the boundaries, and certified the property data recorded.

*Questionnaires*

Questionnaires will be administered for other pertinent information, and minutes of the meetings held with affected property owners will be recorded.
In brief, the valuers will carry out the following:

- Identification of properties affected by the proposed project and their respective owners
- Taking notes of the identified properties (buildings) and other developments on land as well as crops on a pre-pared inspection sheet.

The Ministry of Agriculture and retailers will then be consulted for trees of economic value, and the Municipal Council of Manzini for urban affected properties rates.

**Valuation Computation**

**Land and Buildings**

The basic principle governing valuation for compensation is that none of the affected people should be made worse off compared to the situation they were before the land was acquired. AfDB policy states that “Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.”

The element of compulsory acquisition of land is well treated in most legislation worldwide including eSwatini emphasizing the right to receive a fair compensation to those who occupy land that is subject to acquisition by the State for specific declared objectives. The decision on what valuation methods to adopt will be guided by the independent Valuation Report as a guiding document for government. The basis of valuation is the open market value. It must be confirmed that this valuation has been done in compliance with both the statutory provisions as cited above related to assessment of compensation and the acceptable practice in eSwatini.

**Crops and Trees of Economic Value**

**Replacement Value**

The valuers identify and quantify these items through the help of survey questionnaires. Affected homesteads and properties will be visited, the valuers will make an inventory of crops and fruit trees against their market price which retailers and the Ministry of Agriculture will be consulted for the costing. The values on crops and vending will be confirmed by carrying out a mini market enquiry where information on prevailing prices on items will be deduced.

**Compensation to Maturity**

Crops value compensation = annual income profit of maize x road construction period, assuming 3 years. This is the maximum assuming that full potential of the fields will reach maturity after 3 yrs.

Fruit monetary compensation = annual sales estimated x years of tree maturity. A maturity period of 5 years will be used.

**Loss of Business/Income**

Loss of profit allowance is assessed by establishing net profit per month multiplied by the duration of construction, i.e., 36 months.

Loss of profit = Net Profit/p.m. x 36 months.
Loss of profit accruing from acquisition of properties within the businesses areas is established using information provided by business owners.

**Inconvenience Allowance**

Compensation policy for involuntary resettlement in Swaziland allows for inconvenience allowance whenever resettlement/relocation is affected by government. The rate used is 10% of the value of total compensation. In this compensation, 10% of the sum of the values of land, structures, crops and miscellaneous items is added to the total package.

6. **Grievance Redress Mechanism**

**Nature of Grievances**

Grievances are issues, concerns, problems, or claims (be it perceived or actual) that an individual or a community group wants a project proponent to address or resolve. Local communities may have concerns with the Project, PAPs may have complaints or grievances on the compensation process, and there will be those who may be challenging notices to give up the right of way and they are determined to do this through the courts of law. In case this happens, then this challenge will be solved according to the redress mechanism, or it will be directed towards the Government of eSwatini whereby SWSC shall notify its implementing agency’s Legal Advisor on all such developments while the assignment is progressing.

At the time when the abbreviated resettlement plan is finalized and individual compensation contracts are signed, affected individuals will be informed of the process for expressing dissatisfaction and how and where to seek redress. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexible and open to various proofs taking into account of a speedy, just and fair resolution of their grievances.

**The Grievance Handling Procedure**

In the event that a PAP is not satisfied with the compensation package or the resettlement process, such grievances will be addressed initially through mediation at a local level. The aggrieved person will first report his/her case to the Project Area Committee. In total these will be eight (8), including that for Bethany, Mhaleni, Nhlanbeni, Sidvokodvo, Manzini South, Lugaganeni, Mafutseni, and Ngculwini. The Project Coordinator will report all grievances that have come to his attention to the Chairman of the Resettlement Committee (MRC), the composition of which is as follows:
If these parties are unable to resolve the matter, the complainant will be referred to the SWSC CEO directly for further remediation. If still no agreement is reached, then legal recourse may be taken. Since legal procedures take a long time to settle, often PAPs tend to be disadvantaged during the long process, and it is for this reason that the MRC should be vigilant so to resolve issues at an early stage. The aggrieved person will be exempt from any administrative fees incurred during the grievance redress.

7. Implementation schedules

Overall responsibility for implementation of the ARAP will rest with SWSC. SWSC will be responsible for ensuring a successful compensation program and resettlement of any affected persons prior to the commencement of any civil work. The key aspects of the compensation/resettlement program are:

- The establishment of a representative participation structure to involve communities in the management of social impacts during compensation/resettlement;
- The establishment of an Entitlement Framework for the resettlement-related impacts; and
- The initiation of a participatory process to sensitize the PAPs.

Community Sensitization and Awareness

Sensitization Team Composition

Community sensitization and public awareness of the intention of SWSC to expropriate land to construct the abstraction plant, the pipeline routes, the storage areas, the wastewater treatment, the reticulation at four (4) tinkhundlas, and its intention to compensate the affected properties, is seen as priority number one. Therefore a sensitization team to initiate public awareness is proposed to compromise the following members:

1. SWSC Engineer: Director of all activities in the project, representing the CEO of SWSC
2. SWSC Project Coordinator: SWSC employee regarded as the chief operations officer for the project
3. Land Surveyor: Responsible for clarification of surveys and demarcate the limits of the ROW
4. NGO representative: A major stakeholder
6. Community Liaison Officer (CLO): A CLO for each community, responsible for liaising with communities on compliance matters
7. Traditional Authority: *bandlancane* representing PAPs on SNL
8. SWSC Legal Advisor: Covering legal aspects on institutional and policy framework
9. Social and Environmental Scientist: The liaison officer between the Swaziland Environment Authority, the project, and affected communities.

**Sensitization Activities**

Through the SWSC Projects Engineer, this team will achieve its sensitization and awareness objectives by arranging and issuing of notices for compensation. The local print and radio media will be used. This will be followed by sensitization to vacate the ROW by any of the appropriate members of this team, including the Project Coordinator. The MPs, CLOs, traditional authorities and NGOs in the Project Areas are to be invited to these sensitization meetings to re-inforce the awareness and bridge gaps for future grievances.

**Implementation of the ARAP**

**Compensation**

Upon successful sensitization of the communities, it is expected that the community members who have properties, income and/or assets in the ROW will receive their compensation. In order to ensure that it is indeed taking place, it is proposed to have a monitoring team comprising mainly of the leaders who are closer to communities, e.g., the local municipality for urban Manzini and Matsapha properties, the *bandlancane* for SNL, reporting to SWSC Project Engineer. SWSC, as the entity responsible for ARAP implementation, is to ensure that land to be expropriated is to be acquired in a transparent manner, and that the acquisition and compensation is implemented with the participation of those being affected. SWSC is also to pay full and fair compensation as detailed in the “Entitlement Matrix”, and provide other appropriate assistance, to any person whose occupation of, or interest in land, is ended or interfered with to his/her detriment. Particular attention and assistance to be given to vulnerable PAPs, including the elderly, orphans at young age and disadvantaged people, to ensure their effective participation in the compensation process. During implementation, these vulnerable groups will need to be registered with the Deputy Prime Minister (DPM)’s social welfare office, and possibly be linked to NGOs assisting such disadvantaged groups in the area.

Community sensitization and awareness is aimed at achieving a smooth process of vacating the ROW in a timely manner to allow subsequent stages of the project. For this to be achieved, there must be sufficient time for the PAPs to receive notices in a timely to allow them to salvage materials from their present structures and also harvest crops that are currently in the right of way.

The following activities must be completed prior to construction:

- Effect compensation to all properties whose valuation has been carried out;
- Complete removal of compensated properties within the right of way (fences, crops, fruit trees);
- Monitor the right of way to ensure that there is no further encroachment; and
- Resolve any grievances and claims (if any) as they arise.
**ARAP Implementation Schedule**

As soon as the ARAP is updated based on the full ESIA process and finalization of the Project designs, SWSC will formally disclose it to the affected people through official letters through the SWSC Public Relations Officer. Compensation in the communities will be effected within 3 months. Thereafter construction will start. The ARAP is to be fully implemented prior to the commencement of any civil works. The indicative timeline for ARAP implementation is presented in the below table.

<table>
<thead>
<tr>
<th>Task</th>
<th>Action</th>
<th>Timeframe</th>
<th>Implementing Authority</th>
</tr>
</thead>
</table>
| 1. Finalize Design (SWSC) | • Finalize Abstraction, Storage, Treatment Designs  
• Finalize Manzini South Reticulation Designs  
• Finalize Nhlambeni Reticulation Designs  
• Finalize Ngculwini Reticulation Designs  
• Finalize Mafutseni Reticulation Designs | Oct-Nov 2018 | SWSC Engineer |
| 2. Valuation Report | • Land take  
• Structures  
• Crops  
• Trees of Economic Value | Jan-Feb 2019 | SWSC + Property Valuer |
| 3. Final Baseline Socio-economic Survey | • Site Visits, reticulation areas  
• Survey, Interviews, Questionnaires, reticulation areas  
• Data Collection, reticulation areas  
• Vulnerable groups, mentally and physically challenged people, reticulation areas | Mar-Apr 2019 | SWSC |
| 4. Sensitization and Public Awareness | • Community Sensitization and Public Awareness  
• Community Participation  
• Public Consultation  
• Grievance Redress Mechanism  
• Issuing notices for compensation  
• Sensitization to vacate the right of way | May-June 2019 | SWSC + Consultant |
| 5. Letter of Offer and Compensation | • Establishment of households and property eligible for compensation  
• Development of compensation schedule  
• Finalize Compensation Packages  
• Issue Letters of Offer to all Project Affected People  
• Negotiations for Compensation  
• Compensation Process  
• Monitoring Compensation | Jun-Jul 2019 | SWSC |
| 6. Compensation | • Acquisition of land for ROW  
• Removal of Assets from ROW  
• Start construction | Aug-Sept 2019 | SWSC |
8. Costs and budget

In regards to the afore-mentioned compensation guidelines, the total costs for compensation is estimated at E15,121,000, broken down as follows:

<table>
<thead>
<tr>
<th>Property</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Land</td>
<td>E2,000,000</td>
</tr>
<tr>
<td>2. Residential Assets</td>
<td>E2,587,000</td>
</tr>
<tr>
<td>3. Businesses</td>
<td>E8,500,000</td>
</tr>
<tr>
<td>4. Trees of Economic Value</td>
<td>E660,000</td>
</tr>
<tr>
<td>5. Inconvenience Cost @ 10%</td>
<td>E1,374,000</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>E15,121,000</strong></td>
</tr>
</tbody>
</table>

In addition to the compensation due to PAPs, funds are to be availed to the implement the ARAP. An additional E434,500 is estimated to be required to ensure the implementation of the ARAP. These costs include costs related to community sensitization and public awareness, property and asset valuation, monitoring of ARAP implementation, and independent evaluation. These costs are to be covered by SWSC/GoE.

9. Monitoring and evaluation

This project is adopting a participatory monitoring and evaluation strategy, where all stakeholders will be in a position to monitor the various stages of resettlement and jointly evaluate the ARAP after all the processes have been completed. Monitoring is to ensure that notices are served in a timely manner to allow property owners to vacate the right of way starts immediately after community sensitization and public awareness as well as to ensure that all property owners are compensated, followed by removal of all assets from ROW before construction starts. Monitoring is also to ensure that no new encroachments are developing in some other areas from existing ones, and to ensure that all grievances are resolved amicably and immediately when they arise.

To achieve the above, monitoring plans shall be developed to cater for all three phases of the project including:

- Phase 1- Monitoring before construction
- Phase 2- Monitoring during construction
- Phase 3- Monitoring after construction and possibly extended to the entire operation phase of the project.

Monitoring before and during construction shall be set at regular known short time intervals such as weekly/fortnightly or monthly to be able to have baseline information important for the operation phase. Beyond short periods, limited to a month, some developments in the right of way can out-pace the monitoring speed. Monitoring strategy, particularly throughout the project lifetime, can be varied based on the experience harnessed from construction phase and the first few years of project operation. Overall, monitoring must be carried out as per the below table.
<table>
<thead>
<tr>
<th>Impact/Issue to be Monitored</th>
<th>Monitoring Activity</th>
<th>Monitoring Indicators</th>
<th>Monitoring Frequency</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Before Rehabilitation Works</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constructions in ROW (Compensation followed by removal of assets)</td>
<td>Check complete compensation and ensure removal of assets such as fences</td>
<td>No. of constructions in the ROW</td>
<td>Daily/Weekly after sensitization</td>
<td>SWSC</td>
</tr>
<tr>
<td>Community Grievances</td>
<td>Check if any grievances are submitted</td>
<td>No. of grievance attended. No. of grievance voiced</td>
<td>Daily/Weekly after sensitization</td>
<td>SWSC/Community Liaison Officer</td>
</tr>
<tr>
<td><strong>During Construction</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New constructions in the ROW</td>
<td>Physical Inspection along the ROW</td>
<td>No. of constructions in the ROW</td>
<td>Monthly</td>
<td>SWSC</td>
</tr>
<tr>
<td>ROW markers/pegs</td>
<td>Check if they are installed in all places</td>
<td>No of pegs in the ROW</td>
<td>Monthly during construction</td>
<td>SWSC /Surveyor</td>
</tr>
<tr>
<td><strong>During Operation (throughout the project lifetime)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New constructions in the ROW</td>
<td>Check if any new construction in the ROW</td>
<td>No. of new constructions in the ROW</td>
<td>Monthly</td>
<td>SWSC</td>
</tr>
<tr>
<td>ROW of markers are in place not destroyed</td>
<td>Check and replace markers destroyed</td>
<td>No. of markers in the ROW</td>
<td>Once per year</td>
<td>SWSC</td>
</tr>
<tr>
<td>Community Sensitization Monitoring and Valuation</td>
<td>Sensitize community on limits of ROW Standard of living Cost of water, orchards, businesses</td>
<td>No. of community visits.</td>
<td>Once every six months During construction, At Commissioning, 5 yrs after construction</td>
<td>SWSC /Consultant</td>
</tr>
</tbody>
</table>