



**AFRICAN DEVELOPMENT  
BANK GROUP**

## **ESKOM Transmission Improvement Project**

### **Resettlement Action Plan Summary Ariadne – Eros Line**

**Project Title:** Eskom Transmission Improvement Project  
**Project Number:** P-ZA-FA0-002  
**Country:** South Africa  
**Department:** PESD  
**Division:** PESD 1  
**Project Category:** 1

#### **1. Introduction**

The Government of South Africa's National Development Plan (NDP) points to the fact that South Africa needs to maintain and expand its electricity, water, transport and telecommunications infrastructure in order to support economic growth and social development goals. Eskom Holdings, a State-Owned-Company (SOC) Ltd (hereafter referred to as Eskom) is South Africa's primary electricity supplier which is wholly owned by the South African government through the National Department of Public Enterprises.

Since 2005, Eskom has been expanding its infrastructure through additional power stations and power lines built to meet rising electricity demands in South Africa. In August 2011, Eskom obtained the necessary environmental authorisation for the construction of the 400 kV transmission line running from the south of Pietermaritzburg (Ariadne Substation) to the vicinity of Port Shepstone (Oribi Substation) and on to Harding (Eros Substation) in the KwaZulu Natal province. The advantages of the proposed transmission and distribution power lines have been identified as including the following: (i) avoidance of possible voltage collapses in the future; (ii) improvement in the overall reliability of the electrical systems, which will be of benefit to both Eskom and to all electricity users in the region; and (iii) Supply of electricity to communities who presently do not have access to this resource.

In accordance with global environmental best practice and environmental legislation, Eskom appointed an Environmental Assessment Practitioner (EAP) to be responsible for identifying the environmental aspects relevant to the proposed Ariadne-Eros Transmission Line. During the project Scoping Phase, and in line with the EIA Regulations and Eskom Policies, a number of alternatives were scientifically considered and thoroughly evaluated for the proposed Ariadne-Eros Transmission Line and Substations Project; and the Eastern Alternative was decided upon as the most environmentally and socially viable alternative and preferred route. Furthermore, environmental considerations were integrated into the design of the transmission line and taken into account in the technical feasibility study. In this way, the transmission line is designed to comply with international best practise standards regarding audible noises, electric and magnetic fields, as well as with radio and television signal.

**Likely Impacts of Project Implementation:** The implementation of the proposed Ariadne-Eros power line project will set into motion social and economic change processes within the communities affected

by the project. Resettlement of homesteads will be a key impact that will arise from project implementation. The preferred route (like all the other considered alternative alignments) runs through settlements of varying degrees of intensity, and the resettlement of homes in certain areas will be unavoidable. Many of these homesteads support medium sized family units (an average of 4-6 individuals), of mixed ages and some of which include vulnerable groups (e.g. orphaned children, women, the sick or elderly).

Resettlement, even if done with the best intentions, is socially, culturally and economically disruptive to the affected individuals, their families and communities, and should, wherever possible, be avoided. In cases where resettlement is unavoidable, Eskom has a well-structured Resettlement Policy and Framework of Procedure that is humanely sensitive, and aimed at promoting environmental sustainability. The Eskom Resettlement Policy is based on the principle that the resettled entity should be better off after resettlement than prior to it. The Framework of Procedures also sets out that a detailed and structured Resettlement Action Plan (RAP) should be compiled prior to the advent of construction in line with international best practice guidelines, such as the International Finance Corporation (IFC)'s Safeguards and those of the African Development Bank (AfDB).

This report summarizes the outcomes of the RAP Assessment<sup>1</sup> undertaken for the 400 kV transmission line running from the south of Pietermaritzburg (Ariadne Substation) to the vicinity of Port Shepstone (Oribi Substation) and on to Harding (Eros Substation) in the KwaZulu Natal province. The summary covers the project description, project area and area of influence; potential impacts; organizational responsibilities and institutional framework; community participation; socio-economic studies; legal framework and conflict resolution and appeals mechanisms; eligibility; valuation and compensation entitlements; income and livelihood restoration strategies; implementation schedule; costs and budget; and monitoring and evaluation.

## **2. Description of the project, project area and area of influence**

The project involves construction of a 400 / 132 kV multi-circuit transmission line from the Ariadne Substation (near Pietermaritzburg) to the vicinity of Oribi Sub-station (near Port Shepstone) and the continuation of a single circuit 400kV line to the Eros Substation (near Harding), including the expansion and upgrade of the Ariadne and Eros Sub-stations. The project is located in the southern region of - (KZN) and follows a coastal route over a distance of approximately 178 km. However, the overall study area for the Social Impact Assessment (SIA) and the Heritage Impact Assessment (HIA) done for the purposes of compiling this RAP was limited to the area between the Ariadne Sub-station (approximately 17 km south of the city of Pietermaritzburg) to the Eros Sub-station (approximately 4 km south east of the town of Harding).

The project traverses two District Municipalities (i.e. Ugu District and uMgungundlovu District Municipalities) of KwaZulu-Natal province. Within the Ugu District Municipality, the following local municipalities are found: uMuziwabantu, uMzambe and Vulamehlo. Mkhambathini Local Municipality is located in the uMgungundlovu District.

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<sup>1</sup> Resettlement Action Plan (RAP), MOKGOPE Consulting South Africa, February 2017, for *the Proposed Ariadne-Eros Multi Circuit 400/132kV Transmission Line*.

### 3. Potential impacts

Resettlement of homesteads will be a key impact that will arise from project implementation. The preferred route (like all the other considered alternative alignments) runs through settlements of varying degrees of settlement intensity, and the resettlement of homes in certain areas will be unavoidable. Many of these homesteads support medium sized family units (4-6 individuals), of mixed ages and some of which include vulnerable groups (e.g. orphaned children, the sick or elderly).

Resettlement of homes will inevitably result in households being displaced and resettled in alternative areas, sometimes kilometres away from their current communities. Many of these households comprise women, children and youth, and sometimes sick family members and/or the elderly. The majority of men are generally away working or seeking work and return home weekly or monthly. In some cases households are headed by children as a consequence of HIV/AIDS impacting on the parents and/or elders of the family unit. Household incomes are low to very low and “a sense of community” is a strong element in these settlements, ensuring the health and/or survival of many of these people and family units, especially with vulnerable individuals. A census of PAPs was undertaken and the total numbers of PAP households and members were derived from the census data as summarised in Table 3.1 below.

**Table 3.1:** Summary of PAPs following Census.

District	Local Municipality	Village	Families p/village	Covered by walk down Survey	Covered telephonically
uMgungundlovu	Mkhambathini	Chobeni	5	3	2
		Ogagwini	33	28	5
			1	1	0
Ugu	Vulamehlo	Bhewula	17	15	2
		KwaJoli	10	8	2
		uMzumbe	14	12	2
		Enkulu 13	13	12	1
		Ndelu	5	4	1
		Baphumile	8	8	0
		Mvozana	18	15	3
	uMuziwabantu	Kufihla	10	10	0
		Esikhulu	6	6	0
<b>Totals</b>			<b>140</b>	<b>122</b>	<b>18</b>

The survey also identified and enumerated vulnerable groups among the PAPs. Sixty nine (69) vulnerable PAP groups were identified and will be continuously screened and updated during the RAP implementation and special resettlement assistance will be extended to them. They are categorized as in Table 13.2 as below/overleaf;

**Table 13.2:** Number and category of vulnerable PAPs identified

Type	Number
Alcoholic (Households headed by people addicted to alcohol)	5
Elderly people headed households	39
Households headed by people living with physical disability	3
Households headed by people living with mental disability	4
Single-women headed households	16

Type	Number
Child-headed households	2
<b>Total</b>	<b>69</b>

The field survey resulted in the identification of approximately 456 heritage sites in the overall project area. The identified heritage resources are in the form of: (i) Burial grounds and graves in form of cemetery and single graves; (ii) Places and houses associated with tradition, spiritual and religious rites such as iZigodlo/iNdumba (houses used by iZangoma); and (iii) Conventional and African Zionist churches (Shembe open air churches).

The assessment process focused on the physical and the intangible impacts of the proposed development on the identified heritage resources. To assist with the planning process of Relocation Action Plan, HIA specialists also assessed the spatial patterning of the identified heritage resources in the landscape and mapped them using a series of maps. Such mapping assisted the RAP team know exactly where in the landscape most sites are located and in which local municipalities.

#### **4. Organizational responsibility**

The overall responsibility of managing the implementation process of the project vests under Eskom. Eskom has therefore constituted a Project Implementation Unit (PIU) comprising of senior management staff and other external stakeholders for this purpose (such as the National Treasury and Rural Development and Land Reform). Other Government agencies are thus directly involved in the implementation of this resettlement plan. Each of the agencies has its role to play in the process as mandated in its responsibilities vested by various laws and the Constitution of South Africa.

To guarantee the effective implementation of the RAP, Eskom set up a Resettlement Committee comprising of other pertinent government agencies and civil society organizations. The Resettlement Committee will comprise of the Environment Advisor, Environmental Control Officer (ECO), Eskom Negotiator, Social Monitoring Specialist (independent- who will also act as a Grievance officer), Construction Project Manager (for the line) and the Eskom Distribution representative (to ensure that plans are made in advance for those who have electricity). This Committee oversees the implementation of RAP. The Resettlement Committee operates within the guidelines given by the Project Implementation Unit. The Resettlement Committee will operate within the project area to ensure contact with the project affected persons and internalize the emerging issues on the plan implementation.

The role of the Resettlement Committee includes verifying the details of the PAPs and facilitating the payment of any compensation or assistance benefits. The Committee's task also involves mobilising the PAPs and keeping them informed of the various stages of the project implementation. The Committee also creates awareness among the communities living along the proposed line corridor.

#### **5. Consultation and Public participation**

Open, inclusive, and effective consultations with local communities were undertaken in the process of preparing the Resettlement Action Plan by the Social and Heritage specialists. The purpose of the consultations was to provide appropriate notice to all potentially affected persons that resettlement is being considered and to source their opinions on the manner in which they would like the proposed relocation to be conducted. During the consultations, communities and PAPs were mainly concerned about the following issues: (i) Loss of land based assets; (ii) Local employment opportunities; (iii)

Community benefits; (iv) Impacts on social infrastructure such as social networks and cultural areas; and (v) Nature and adequacy of the proposed compensation package.

A door to door survey was conducted between the 16 January, 2016 and March 2016. From the 14 March to the 25 March 2016, and April 2016 – meetings were held with affected families. Those families who could not or did not attend the meetings were then contacted telephonically. Details of the meetings held with communities are summarized in the Table 5.1 below;

Table 5.1: Summary of Consultation Meetings with Affected Communities

Local Municipality	Date	Location
Community in Esikhulu Village in the UMuziwabantu Local Municipality	Monday 14th March	Esikhulu Community Hall
Community in Kufihla Village in the UMuziwabantu Local Municipality	Tuesday 15th March & Thursday 17th March	Home of Victoria Lindiwe Ntaka
Community in Mvozane Village in the Umzumbe Local Municipality	Wednesday 16th March	Nkanyezini Grant Payout point
Community in Baphumile Village in the Umzumbe Local Municipality	Wednesday 16th March	Baphumile Taxi Rank
Community in Enkulu and Ndelu Villages in Umzumbe Local Municipality	Thursday 17th March	Mabuthela Primary School
Community in Kwajoli, Bhewula and Qgika Villages in Vulamehlo Local Municipality	Friday 18th March	Home of Thembeni Joyce Mngadi
Shembe church congregation in Kufihla village in the UMuziwabantu local municipality	Saturday 18th March	Shembe outdoor church
Community in Ogagwini Village in Mkhambathini Local Municipality	Monday 21st March	Ogagwini Community Hall

The consultation process with the PAPs addressed concerns about choice of relocation to enable community cohesion and access to social services. Community members were concerned that the project would disperse them and that this would lead to a loss of social networks. What often brought communities together was a sense of ‘being in this together’. Social bonds in the community are a key element of survival and access to resources. For those excluded from mainstream financial services, social networks were also an important means of accessing capital or loans. At Kufihla in UMuziwabantu – the affected households which were mainly headed by single women in similar circumstances planned to move together and were negotiating with the Chief for a new piece of land as a collective. Interviews within the affected households described instances of sharing food, exchanging fuel cards or finding out about low-cost clothing and food outlets or free exchange services. Community members in the affected households expressed anxiety over the potential loss of such vital support networks as a result of the implementation of this project. Community members expressed fear that the relocation (see Figure 3.10 for household relocation plans) would disrupt the networks that enabled them to borrow money or food from neighbours in times of crisis. Many did not want to be separated from their social networks or move into the jurisdiction of another king

Most of the displaced PAPs within the Ariadne Eros line will be relocated within the same wider or surrounding communities to minimize destruction to their existing social cohesion. Consultation with

local leaders and chiefs of prospective host communities have been initiated as part of the overall RAP Implementation Arrangement.

## **6. Integration with host communities**

The Livelihoods Restoration Strategies (LRS) detailed in the RAP Report are aimed at restoring income and livelihoods of households impacted by the project. Eskom, through the SIA process, involved the affected communities, local leaders, and other stakeholders and gathered opinions on how best income and livelihood restoration could be handled and achieved.

Eskom will implement livelihood restoration strategies aimed at improving and restoring the standards of living and income capacities of PAPs, where possible drawing on the experiences of the Eskom Foundation and local stakeholders. There are vulnerable households that Eskom will target differently for resettlement assistance to enable them to restore their livelihoods and income earning capacities. In particular, implementing strategies to restore livelihoods could mean that Eskom will complement cash compensation with measures that leverage on the community's experience, skills and attachment to their existing (mostly land based) livelihood activities.

Consultations with affected households made it clear that, generally, the lowest risk option for livelihood restoration will be to re-establish the existing livelihoods of the affected people so that they can continue doing what they know best and what is known to work in the local situation. The main land based assets that affected households will lose are gardens and fruit trees and Eskom will ensure that households who lose their land assets have access to land for subsistence farming in the areas where households would be resettled. The RAP implementation team will liaise with the local chiefs / traditional authorities in getting land for the affected people.

## **7. Socio-economic studies**

The project affected area's built environment varies from rondavels and small flat roofed houses to elaborate modern architectural designs and farm houses, as well as public building such as the Shembe church. The overwhelming numbers of PAPs household compounds have multiple housing structures.

The field survey resulted in the identification of approximately 456 heritage resources in the overall project area. The identified heritage resources are in the form of: (i) Burial grounds and graves; (ii) Places and houses associated with tradition, spiritual and religious rites such as iZigodlo/iNdumba2 (houses used by iZangoma); and (iii) Conventional and African Zionist church (Shembe open air church).

The cadastral and valuation survey team identified the properties and livelihood activities likely to be affected the proposed Ariadne-Eros project. The affected property owners were identified and verified with the help of local leaders, local government officers, local area leaders and community guides. The Social and Heritage Impact Specialist also verified the affected households and church. A profile of the affected properties was developed indicating the properties affected the extent to which the properties were affected, the location, the owner, the extent of the envisaged loss or effect, damage and other potential impacts.

The survey also identified vulnerable groups among the PAPs that included the aged, women, the illiterate, children and the disabled. These have been enumerated as 69 in total for the Ariadne Eros Line. The vulnerable PAP groups will be continuously screened and updated during the RAP implementation and special resettlement assistance will be extended to them to ensure that their special

needs are adequately addressed. The vulnerable PAP groups will be continuously screened and updated during the RAP implementation and special resettlement assistance will be extended to them to ensure that their special needs are adequately addressed.

## **8. Legal framework, including mechanisms for conflict resolution and appeal**

The South African Regulatory Framework relating to Resettlement was thoroughly reviewed as part of compilation of the RAP report with a focus on the following:

- The Constitution of the Republic of South Africa Act 108 of 1996;
- Extension of Security of Tenure Act 62 of 1997 (ESTA);
- Land Reform (Labour Tenants) Act 30 of 1996;
- Interim protection of Informal Land Rights Act (31 of 1996) (IPILRA);
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE);
- Restitution of Land Rights Act 22 of 1994;
- The Promotion of Administrative Justice Act (PAJA);
- The Labour Relations Act 1995 (LRA); and
- The World Bank Safeguard Policies and African Development Bank Safeguard Policies.

Gap Analysis: The RAP Report points out that Eskom SOC Holdings Ltd has demonstrated a substantial corporate commitment to fulfilling and going beyond the level of compliance with legal and regulatory requirements and embracing a sustainability policy on resettlement issues on both a corporate and project level. Eskom's systems demonstrate strong equivalence with the AfDB's Operational Safeguards.

Through the RAP process a Grievance Mechanism and procedure (referred to as Grievance Management System) have been established. The objective of the grievance management system is to establish for the PAPs and other affected community members mechanisms for raising complaints related to compensation for loss of land and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place for a period of six months after all PAPs have received their full resettlement compensation.

The Grievance Management mechanism will be led by a Grievance Officer (GO). The Grievance Officer will be a member of the Resettlement Committee. The principal responsibilities of the GO will include:

- Recording the grievances, both written and oral, of the affected people, categorizing and prioritizing them and providing solutions within a specified time period;
- Discussing grievances on a regular basis with the relevant steering committee or other stakeholders and coming up with decisions/actions for issues that can be resolved at that level;
- Informing the steering committee of serious cases within an appropriate time frame;
- Reporting to the aggrieved parties about developments regarding their grievances and decisions of the Resettlement Committee; and
- Contributing to and providing inputs into the monitoring and evaluation process.

## **9. Institutional framework**

The overall responsibility of managing the implementation process of the project rests with Eskom. Eskom has therefore constituted a Project Implementation Unit comprising of senior management staff

and other external stakeholders for this purpose. This Committee will act as the Resettlement Committee that will oversee the implementation of RAP.

The Resettlement Committee will comprise of the Eskom Project Manager dealing with construction, Eskom Environmental Advisor, Eskom Negotiator, the Construction Project Manager, and a Social Monitoring specialist. In areas where there are vulnerable PAPs, a chief or councilor will be involved. The role of the Committee includes verifying the details of the PAPs and facilitating the payment of any compensation or assistance benefits. The Committee's task also involves mobilising the PAPs and keeping them informed of the various stages of the project implementation. The committee will be monitoring progress with regards to the resettlement of the people, addressing any challenges that will arise and see to it that the people have moved out of the servitude but at the same time have houses and their livelihoods restored.

All compensation payments will be through the designated bank accounts of PAPs. PAPs without bank accounts will be assisted to open up bank accounts. It is proposed that RAP implementation will be carried out for 18 months including three months for exit. Other activities, such as project monitoring and grievance management, will run throughout the RAP implementation cycle.

## **10. Eligibility**

The assessment for compensation under this RAP is statutory and all steps have been taken to comply with the statutory provisions. This is also in relation to the AfDB OS 2 that spells out who is entitled to resettlement compensation as a result of involuntary resettlement. This has been considered and complied with.

The concept of eligibility is used in respect of the definition of PAPs and the criteria for determining their qualification for compensation and other resettlement assistance. The affected persons, irrespective of their status, are eligible for some form of assistance if they occupied the land or engaged in any livelihood income-generating activity at the affected sites before the date at which the valuation and census was completed. The entitlement and compensation claim 'cut-off' date has been was on 31 December, 2016. This was explained to the community members and PAPs during community dialogues and the PAP census. Thereafter, no new cases were entertained for consideration for compensation.

The following categories of PAPs are eligible for compensation:

- Persons who will be displaced by the project implementation activities;
- People whose houses/structures will be affected by land acquisition or the physical project activity implementation;
- People who rent land for operating livelihood activities or premises, and whose premises are to be temporarily removed or relocated;
- People who rent land for cultivation and whose crops or trees are to be removed or damaged due to land acquisition activities (sharecroppers); and
- Any other group of persons that has not been mentioned above but is entitled to compensation according to the laws of South Africa and/or AfDB OS 2 on involuntary resettlement.

## **11. Valuation of, and compensation for losses**

A registered property Valuer and cadastral surveyor identified, surveyed and valued the property of the Project Affected Persons (PAPs). This was a total of 149 households. The calculation of compensation and other resettlement allowances for displaced property owners was based on current

practices in South Africa for valuation and compensation of properties as encapsulated in Eskom policy. This was also conducted in accordance with the resettlement measures required by the African Development Bank which requires that compensation is paid based on the full replacement value (not depreciated) of an asset.

Compensation principles, including the valuation procedures, were all explained to the PAPs and other community members during the community dialogues and stakeholder consultations as outlined:

- Resettlement and compensation of PAPs will be carried out in compliance with relevant South Africa laws and AfDB OSs;
- All PAPs physically or economically displaced will be adequately and promptly compensated before the commencement of works in the project-affected sites;
- All efforts will be taken to provide the necessary assistance for PAPs to restore their livelihoods;
- Special consideration will be given to vulnerable social groups such as women, children, the disabled, illiterate persons, the aged and the unemployed during the resettlement process;
- Eskom will promote and provide compensation for community affected resources and facilities like the school and churches where it is affected. However, in this project area there is only one church that will be affected or moved and no school; and
- Resettlement compensation shall aim to ensure that PAPs are not worse off after resettlement and that their livelihoods are restored to pre-implementation levels. This is also in line with the AfDB policy and OSs-2 on involuntary resettlement.

Compensation options and preferences: Two main options discussed by the PAPs during the consultation process were cash and in-kind (land for land, having houses built for them by Eskom) compensation. The majority of PAPs opted for cash compensation. 84% of the affected households prefer cash compensation over land for land. The cash compensation strategy will be implemented through adequate and prompt monetary compensation and will apply to all PAPs. This would be done in consultation with local stakeholders such as NGOs that could enable vulnerable groups in particular to use their resources adequately.

In addition to the property compensation values, a disturbance allowance will be payable on the amount for compensation after consideration of the activities that a household is involved in such as operating a small business at home. Furthermore, the disturbance allowance includes components such as transport allowance and moving allowance.

Special assistance has been provided to the identified vulnerable groups including those assessment to be not in the position to financially managed cash compensation to ensure livelihood restoration. A special payment scheme consisting of payment instalments 40%: 20%: 20%: 20% model have been adopted to help vulnerable households.

This special payment scheme involves an initial down payment of 40% of the overall compensation value to the identified vulnerable PAPs to help them secure alternative land (although mostly this involves just site preparation only) and commence house construction works. The works are evaluated by the appointed social specialist and the next tranches of payments (20%, 20% and 20%) are paid only after it is found that the vulnerable PAP has the capacity and is using the funds as agreed. Where it is concluded that the initial 40% has not been used for the specified works, Eskom Distribution working in partnership with the Resettlement Committee and the vulnerable PAP shall supervise the house construction works for the identified vulnerable PAP.

## Assistance to Vulnerable PAPs

All the identified 40 vulnerable PAPs along the Ariadne Eros line has signed their compensation agreements and 60% of them have already received their 40% initial payments. The rest of the payments have not been effected due to lack of access to bank accounts by the PAPs to effect the payments.

Additional effort has been made to assist the vulnerable PAPs including assistance with opening bank accounts, ensuring that households have land available for crops, grazing, (where applicable) and ensure that basic services (such as water, clinics and electricity) can still be accessed by the affected resettled communities.

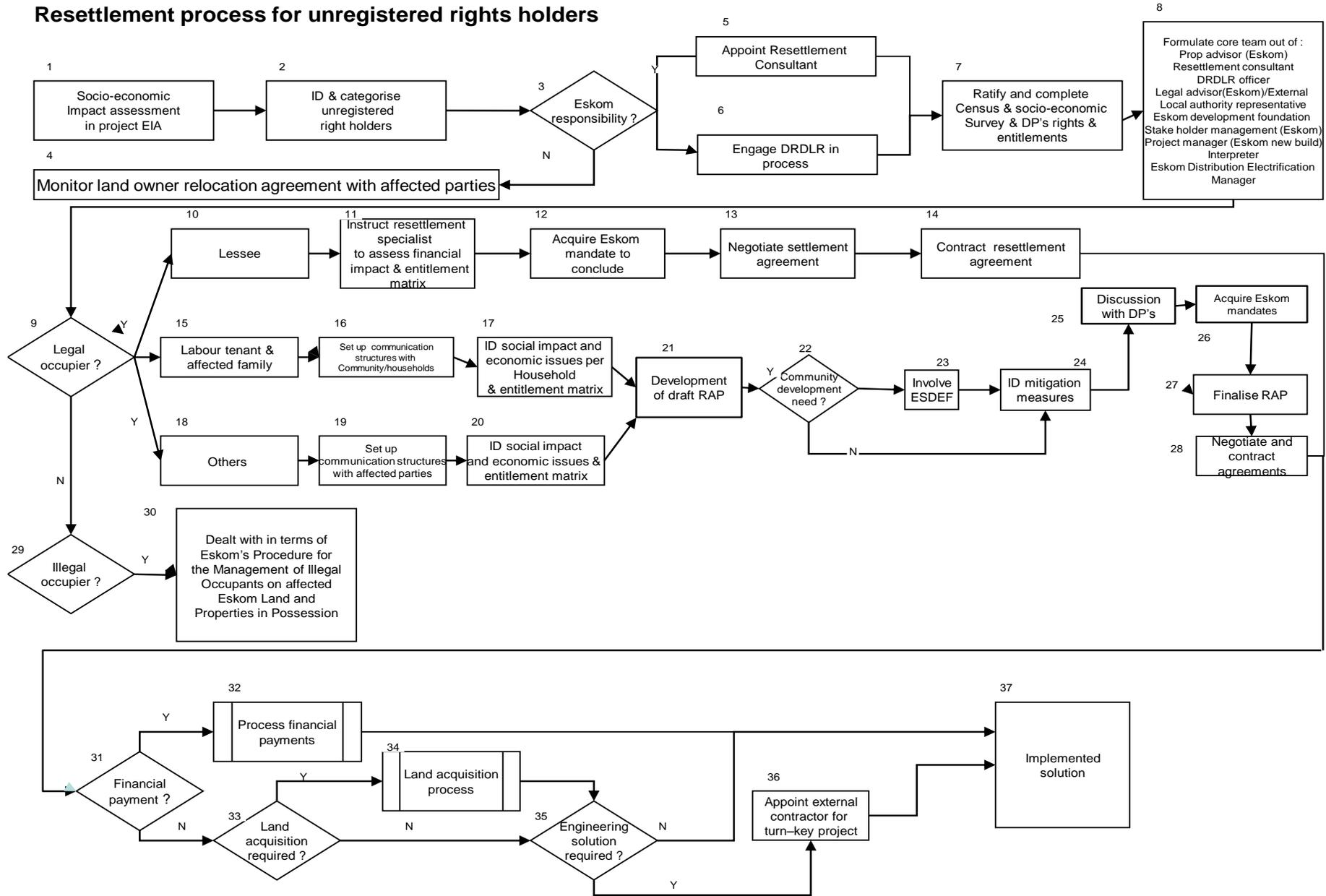
## 12. Implementation schedules

It is proposed that RAP implementation will be carried out for approximately 18 months including three months for exit. Other activities, such as project monitoring and grievance management, will run throughout the RAP implementation cycle. The proposed schedule is subject to change depending on when RAP approval is obtained, finances secured and relevant implementation structures are established. The flow chart gives detailed steps that have been undertaken during the resettlement process including preparation of the RAP and compensation of affected persons.

**Table 12.1:** The Implementation Schedule for RAP (started in December 2016)

Project Activities	Time (months)																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
RAP Approval	█	█																
RAP Disclosure			█	█	█													
Three month notice to PAPs			█	█	█													
Grievance Management			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Compensation Payment			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
RAP Monitoring			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
RAP Completion & Audit																	█	█

# Resettlement process for unregistered rights holders



### 13. Costs and budget

The RAP shall include a full cost table and budget for compensation payment approved by the Tender committee. In cases of titled land owners, negotiations are carried out directly with affected owner and payment carried out. In situations like the Tribal Land, a MoU is signed between Eskom and the respective Tribal Authority as the Trustee upon finalization of the compensation, livelihood costs, economic loss, and other associated compensation as necessary. A total sum of **R 80 million** has been approved and allocated Tender Committee to cover all the costs of compensation including disturbance, contingencies but excluding relocation of graves.

### 14. Grievance Redress Mechanism

The objective of the grievance management system is to establish for the PAPs and other community members mechanisms for raising complaints related to compensation for loss of land and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place for a period of six months after all PAPs have received their full resettlement compensation. The Grievance Management mechanism will be led by a Grievance Officer (GO). The Grievance Officer will be a member of the Resettlement Committee. The principal responsibilities of the GO will include:

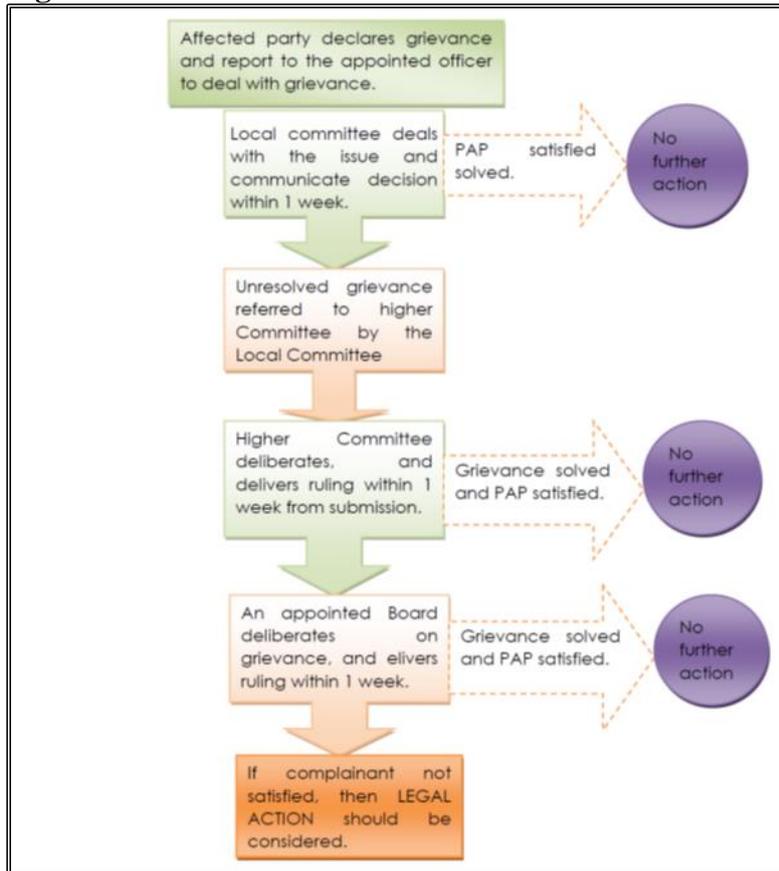
- Recording the grievances, both written and oral, of the affected people, categorising and prioritising them and providing solutions within a specified time period;
- Discussing grievances on a regular basis with the relevant steering committee or other stakeholders and coming up with decisions/actions for issues that can be resolved at that level;
- Informing the steering committee of serious cases within an appropriate time frame;
- Reporting to the aggrieved parties about developments regarding their grievances and decisions of the Resettlement Committee; and
- Contributing to and providing inputs into the monitoring and evaluation process

The grievance mechanism operating at each location will receive inputs from four main sources:

- Directly from the PAPs or other members of the affected community
- From the RAP implementation team;
- From the Social Monitoring Specialist who will forward the issues/concerns identified in the field; or
- From the local government offices at the local municipal levels since these are as close to the community as possible.

With respect to this project, the Resettlement Committee, which will also be constituted as the Grievance Committee, will designate a local contact point person to receive grievances. The steps of the grievance process are described in Figure 14.1 and the following paragraphs overleaf;

**Figure 14.1: Grievance Redress Mechanism**



### Step 1: Receipt of complaint/grievance

A verbal or written complaint from a PAP or community member will be received by the Social Monitoring Specialist/GO or an assigned contact person operating in the local Eskom office near to the community level along the Project area. The complaint will be recorded in a grievance log which will be held by the Social Monitoring Specialist.

Grievances will be received by a designated contact person who will then hand over the received complaints to the GO, for entering into the grievance log using the grievance form. The grievance log will indicate the grievance, the date opened/lodged, the action taken to address the grievance or the reasons the grievance was not acted upon (e.g. the grievance was not related to the resettlement process); information provided to the complainant and the date the grievance was closed.

Grievances can be lodged at any time of the working days, either directly to the GO or the local municipal council offices. The process for lodging a complaint is outlined below:

- The GO will receive a complaint from the complainant or from the appointed contact person at the municipal offices;
- The GO will ask the claimant questions in their local language write the answers in English and enter them in English onto the grievance form. A representative of an independent local NGO will witness the translation of the grievance into English

- The GO reads the complaint in English and translates it into the complainant`s local language on the grievance form;
- The local leader or representative of an independent local Civil Society Organization and the complainant will then both sign the grievance form after they have both confirmed the accuracy of the grievance; and the GO lodges the complaint in the grievance log.

### **Step 2: Determination of corrective action**

If, in their judgement, the grievance can be resolved at this stage the GO will determine a corrective action in consultation with the aggrieved person. A description of the action, the time frame in which the action is to take place, and the party responsible for implementing the action, will all be recorded in the grievance database. Grievances will be resolved and the status reported back to the complainants within 30 days. If more time is required this will be communicated clearly and in advance to the aggrieved person. For cases that are not resolved within the stipulated time, detailed investigations will be undertaken and the results discussed in the monthly meetings with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

### **Step 3: Meeting with the complainant**

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. A written agreement to proceed with the corrective action will be sought from the complainant within seven working days (e.g. by use of an appropriate consent form). If no agreement is reached, Step 2 will be re-visited.

### **Step 4: Implementation of corrective action**

Agreed corrective actions will be undertaken by Eskom or its contractors or representative within the agreed time frame of 30 days. The date of the completed action will be recorded in the grievance database.

### **Step 5: Verification of corrective action**

To verify satisfaction, the aggrieved person will be approached by the GO to verify that the corrective action has been implemented after the 30 days in step 4. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 3). If the complainant is not satisfied with the outcome of the corrective action, additional steps will be taken to reach agreement between the parties.

### **Step 6: Action by local leaders and project contractors**

If the Social Monitoring Specialist/Grievance Officer (GO) and independent observers cannot resolve the grievance, it will be referred to relevant parties such as local municipal leaders, district municipal officers, the construction contractor, or the Value for consultation and relevant feedback provided within 30 days after Step 5.

### **Step 7: Action by Grievance Committee**

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached by the Social Monitoring Specialist/GO, the complaint will be handled by the Grievance Committee within 30 working days after receipt of the complaint from the GO. The Grievance Committee will assess grievances that arise from disputes that cannot be by the Grievance Officer. This

committee will have a quorum of at least two thirds of Committee members at every sitting and decisions will be reached by simple majority. The Grievance Committee will be constituted for as long as grievances are being lodged. Once the Grievance Committee has reached a decision on the lodged grievance, this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues that are not resolved, which may be re-lodged with the grievance committee or the complainant may proceed with formal judicial proceedings.

#### **Step 8: Action by Eskom**

If no satisfactory solution is reached by the grievance committee the complainant can be advised to lodge the complaint with the Project Implementation Unit through their nearest local offices or headquarters, whichever process will be easily accessible to the complainant. If no satisfactory solution is reached by Eskom, the complainant will have the option to seek redress via judicial processes.

#### **Step 9: Alternative Action by Chief Valuer (CGV)**

Some grievances may be beyond the capacity of the GO or the Grievance Committee to handle expeditiously without the technical support of other professionals. Some of the grievances may be specifically related to the valuation process, valuation rates and awards. Therefore the GO will determine whether a complaint can be resolved by the Grievance Committee or, if not, should be referred to PIU for technical and administrative advice. The PIU will make necessary consultations with offices it deems fit to consult in their capacity as the PIU and a remedy will be provided within 60 working days. If a satisfactory solution is not achieved or provided by the PIU, the aggrieved person can resort to the judicial process.

### **15. Monitoring and evaluation**

A number of objectively verifiable indicators (OVIs) will be used to monitor the impacts of the compensation and resettlement activities. These indicators will be used to measure the physical and socio-economic status of the PAPs, at the start, during and after resettlement compensation payments. The following parameters will be used to guide the measurement of the RAP performance:

- Each PAP household will have a digitised compensation file/record indicating his or her background situation before RAP (based on the census data), the compensation allocated and actually received, the impacts on land and property, the use of PAP assets /improvements after RAP, etc.;
- The mode of compensation preferred by PAPs and used by the PIU;
- The use of compensation payments and other resettlement assistance by PAPs;
- Grievance handling outputs and outcomes for respective PAPs;
- The number of grievances handled, the time expended and implementation of the resolution;
- PAPs' ability to re-establish their livelihood activities and property; and
- New or alternative livelihood activities or incomes established and productivity of such livelihood activities.

The Monitoring & Evaluation (M&E) will be undertaken regularly (monthly reporting) during implementation and also at the end for the purposes of compiling the Project Completion

Report. The report will include an evaluation that ascertains whether resettlement compensation goals and objectives have been realised. Monitoring will be thematically carried out at two process levels: during the resettlement compensation payment period and after that period (post-compensation payment period). Each process or thematic monitoring period will have a number of monitoring issues which the M&E officer will pay attention to, as summarised in Table 14.1 overleaf;

Table 14.1: Monitoring thematic issues during and after compensation payments

<b>Monitoring periods</b>	
<b>Resettlement compensation payment period</b>	<b>Post-resettlement compensation payment period</b>
<ul style="list-style-type: none"> <li>• Number of PAPs compensated</li> <li>• Number of PAPs with legal papers to new property</li> <li>• Number of PAPs with restored livelihood activities</li> <li>• Number of PAPs with registered grievances to GO</li> <li>• No of PAPs with resolved grievances</li> <li>• No of vulnerable PAPs assisted</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs with successfully restored livelihoods and assets</li> <li>• No of PAPs whose grievances have been resolved</li> <li>• Number of vulnerable groups assisted</li> </ul>

The relevant monitoring indicators against which to measure RAP implementation effectiveness are presented in Table 14.2 below/overleaf. A monitoring form will be used for this purpose.

Table 14.2: Proposed Monitoring Indicators

<b>Activity/Parameters</b>	<b>Indicators</b>
Compensation payments to PAPs	<ul style="list-style-type: none"> <li>• Number of PAPs promptly paid</li> <li>• Number of PAPs not paid promptly and reasons</li> <li>• Amounts of money paid to PAPs</li> </ul>
Restoration of livelihoods and assets	<ul style="list-style-type: none"> <li>• Number of PAPs with restored assets and livelihood activities</li> <li>• Number of community facilities restored</li> <li>• Number and types of vulnerable PAPs assisted</li> <li>• Type of assistance provided to vulnerable PAPs</li> </ul>
Community participation and public engagement	<ul style="list-style-type: none"> <li>• Number of local consultative meetings held</li> <li>• Number of local government leaders engaged</li> <li>• Number of Civil Society Organizations(CSO) engaged</li> <li>• Number of PAP consultative meetings held</li> </ul>
Grievance management	<ul style="list-style-type: none"> <li>• Number of grievances received</li> <li>• Number of grievances resolved promptly</li> </ul>

Activity/Parameters	Indicators
	<ul style="list-style-type: none"> <li>• Number of grievances not resolved promptly</li> <li>• Number of outstanding grievances not resolved</li> <li>• Number of grievances referred</li> <li>• Nature of outcomes from referred grievances</li> </ul>
Mutation and registration of land rights	<ul style="list-style-type: none"> <li>• Number of mutation forms signed by PAPs</li> <li>• Number of land titles received</li> <li>• Number of land titles processed and returned to PAPs</li> <li>• Number of land titles not processed and reasons</li> <li>• Number or percentage of encumbrances entered on PAPs' titles</li> </ul>

For purposes of compiling the Project completion Report, the monitoring and evaluation will examine RAP implementation effectiveness and outcomes as outlined in Table 14.3 below:

Table 14.3: External evaluation thematic issues

Thematic Issues	
<ul style="list-style-type: none"> <li>• Process indicators that measure effectiveness of RAP implementation processes.</li> </ul>	<ul style="list-style-type: none"> <li>• Outcome indicators (the main design of outcome evaluation will be a pre- and post-compensation analysis).</li> </ul>
<ul style="list-style-type: none"> <li>• Adequacy indicators (staff numbers/skills/knowledge levels; and facilities) at RIU</li> <li>• Compliance indicators (legislative compliance to local and AfDB OSs)</li> <li>• Effectiveness indicators (resource utilization against outputs of the RAP implementation)</li> <li>• Coordination indicators (adequacy and promptness of collaboration of RAP implementing agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• Livelihood and property changes among PAPs' households, including accessibility to social services and civic participation.</li> </ul>

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