1. INTRODUCTION

Maamba Collieries Limited (MCL) is planning to revamp the mining operations at its Maamba mine, located about 352 km south of Lusaka, in Sinazongwe District, Southern Province, Zambia. MCL, apart from implementing the mining and processing operations, intends to also build a 600 MW Coal Fired Thermal Power Plant. In addition to this, MCL will also construct a 330 KV transmission line to take power from Maamba to the Muzuma substation. In compliance with the Environmental Management Act (No. 12 of 2011) the Mines and Minerals Development Act (No. 7 of 2008) and AfDB environmental screening guidelines, MCL has prepared an Environmental and Social Impact Assessment for the Maamba Project for submission to the Zambia Environmental Management Agency.

As a result of the implementation of these activities, some households will have to be physically relocated and others will lose their source of revenue. It is against this background that a Resettlement Action Plan (RAP) was prepared to ensure that the socio-economic impacts of the affected persons are identified and mitigated before construction activities. AfDB’s Involuntary Resettlement Policy (2003) requires a full Resettlement Action Plan (RAP) prepared if the number of project affected persons (PAP) exceeds 200 people. In this case, the project will affect 693 people, hence the need for this RAP study.

2. DESCRIPTION OF THE PROJECT, PROJECT AREA AND AREA OF INFLUENCE

2.1 Project description:
MCL intends to revitalize the mining operations and also sell high quality coal. The revitalization programme includes upgrading and reactivating the open pits, setting up a Coal Handling and Preparation Plant (CHPP) and establishing a 600 MW Coal Fired Power Plant (CFPP) within the current premises of MCL. In addition to the above, MCL also proposes to construct a 330 KV transmission line connecting the CFPP switchyard to the 330 KV substation.
at Muzuma, which is about 60km near Choma. The details activities related to the project are the following:

- The construction of 48km 330 KV transmission line from Maamba to Muzuma
- The construction of a pipe line from the river water pump house at Kariba to the Raw Water Reservoir
- The construction of a 10 hectares Raw Water Reservoir, clarified water reservoir, clarifiers with clarified Water Pump House (CWPH) and pipeline to the Power Plant
- The refurbishment of the Aerial ropeway from Maamba to Masuku
- The refurbishment of the workshop and the Magnetite processing plant
- The construction of conveyors from the mine to the CHPP and Power Plant and from CHPP to Power Plant.
- Construction of the Housing units for workers with related infrastructure.

2.2 Project Affected People (PAP):

The survey indicated that 99 households, representing a total of 693 people, will lose assets or income as a result of project activities. Project Affected Persons are anyone whose assets are located along (1) the Right of Way (RoW) of the water pipeline from Kariba Pump station to the proposed site for the water reservoir, (2) within the 10 ha water reservoir area; (3) within 10 meters from the main road between the water reservoir and the power plant; (4) in the mine area near the storage facility for thermal coal and (5) within the ROW for the 48km 330KV transmission line. PAPs who choose to relocate their homestead away from their current location in exchange of a new housing unit will be relocated to another vacant land on the hill near Maamba. The Head of the communities, Council officials and management of MCL Maamba identified this area in consultation with the PAPs.

2.3 Socioeconomic characteristics of affected persons:
A survey of the project area was undertaken to determine the number of PAPs in the area, assess their socio-economic characteristics, and identify types of structures and businesses that would be affected by the project.

The key socioeconomic findings are the following:

- Most of the household heads are male (85%), while females represented 15%.
- 63% of the respondents are married while 23% have never been married. The widowed and divorced combined account for 15% of PAPs.
• The average distance from homesteads to social services such as schools and health facilities is 2.5 kilometers

• Only 23% of the boys attend pre-school education compared to 26% of girls. Basic school attendance for girls was reported at 33%, which falls to 26% and 14% for high school and tertiary education respectively. For boys, 32% were in basic schools, 26% in high school and 19% in colleges and universities.

• 70% of the respondents said that their subsistence activities involved non-formal agriculture. Nonetheless, all the households interviewed said that they are involved in agricultural activities, at a small scale with an average farm size of 5ha. The key crops cultivated are maize, cassava, beans, millet, sweet potatoes and vegetables.

3. KEY FINDINGS OF THE IMPACT SURVEY

3.1 Survey process:

Project-affected persons (PAP) are defined as anyone whose property (land, building, crops and trees) is affected in part or whole by the project. These people would be eligible for compensations. The PAPs were identified by the cadastral surveying team and through follow-up surveys and were included in the census. The census was conducted between July 17 and August 22, 2011, and is available in a separate document (i.e. “Valuation Report”).

Individual assets assessment forms were created for each affected household. Referencing of property was witnessed by property owners or their designated representatives and an area local councilor. This ensured that all queries associated with ownership, quantity of items and sizes of land are accurately documented.

3.2 Key impacts:

The project will potentially affect a total of 99 households, comprising of 693 persons.

3.2.1 Key assets affected:

Loss of affected land: Most PAPs will not lose farm land as a result of project activities. Some of the PAPs who will move to the new relocation area will be losing small plots of land. However, all the PAPs relocating to this new area will be provided with plots of farm land as well as technical assistance in crop production as part of the Livelihood Enhancement Program (see Section 8, p. 12). The land provided for the new relocation area is held under customary tenure and has been provided by Chief Sinazongwe. The PAPs who currently cultivate important plots of land generally decided not to move to the new relocation area. These PAPs are usually
located on the transmission line ROW. They have opted for monetary compensation for the expropriation of their homestead and will receive compensations for any loss of standing crops or tree affected during construction activities. They will be able to resume their farming activities once the construction work is completed.

Loss of structures: The following structures will be affected by the project:

- **Homesteads:** A total of 62 PAPs will lose their homesteads.
- **Commercial structures:** A total of 32 PAPs will lose their business structures and the income derived thereof.
- **Auxiliary structures:** A total of 21 PAPs will lose non-commercial and non-homestead-type structures (granary, shed, latrine, grain bins, etc…).

<table>
<thead>
<tr>
<th>No./Area</th>
<th>TYPE OF LOSS</th>
<th>Water Transmission Line(Kariba to Water Reservoir)</th>
<th>Water Transmission Line(Water Reservoir to Power Plant)</th>
<th>Water Reservoir</th>
<th>Mine Area</th>
<th>Power Transmission Line</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Commercial</td>
<td>7</td>
<td>24</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>2</td>
<td>Residential</td>
<td>7</td>
<td>16</td>
<td>25</td>
<td>12</td>
<td>3</td>
<td>62</td>
</tr>
<tr>
<td>3</td>
<td>Auxiliary structures (kraal, grain Bins, toilets, hedges)</td>
<td>4</td>
<td>9</td>
<td>0</td>
<td>6</td>
<td>2</td>
<td>21</td>
</tr>
</tbody>
</table>

Loss of crops and trees:
PAPs practice seasonal farming of crops such as maize, sunflower, sweet potatoes etc… between November and April. The loss of crops was not captured because to the extent possible, the implementation timeline of construction activities will respect harvest activities. When this is not possible, crops will be surveyed and compensated for. This activity can only be conducted shortly prior to construction activities. It is important to note that the project will only damage the crops temporarily as PAP will be able to cultivate the area after construction activities.

Currently, the project will affect very few fruit bearing trees. The valuation report only identified two cases where PAP will lose fruit trees, mainly banana plants.
3.2.2 Affected public infrastructure:

No major public infrastructure will be affected by the project. The routing for the transmission line was revised to avoid public infrastructure, where it originally affected the hospital and high school of the Masuku Mission village. However, these facilities have been avoided in the new routing. This was done in compliance with the AfDB Policy which encourages, where possible, to modify the project in order to minimize damages to affected persons. The remaining impacts on public infrastructure are the loss of a toilet/ablution at Mayanda Community School and loss of a Church for New Apostolic in Masuku along the power transmission line.

3.3.3 Affected vulnerable Persons:

The project has considered that any family who is headed by someone defined as vulnerable may be limited in its ability to move to the new relocation area, reconstruct its property, as well as claim or take advantage of resettlement assistance and related development benefits. Vulnerable persons are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others. Eligibility only applies when a head of household is considered vulnerable, as these families tend to have more difficulty in providing for their members as and such tend to be poorer. These PAPs will benefit from an additional allocation to compensate for the difficulty they may experience in moving their family or rebuilding as a result of project activities (see section 5.4, p. 9). The survey identified 31 vulnerable heads of households affected by the project. The categories of vulnerable heads of households as shown in the Table 2 below:

<table>
<thead>
<tr>
<th>Vulnerability</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female-headed (usually widows living on one income)</td>
<td>8</td>
</tr>
<tr>
<td>Elderly-headed (over 60)</td>
<td>16</td>
</tr>
<tr>
<td>Orphan-headed</td>
<td>6</td>
</tr>
<tr>
<td>Disable-headed</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>31</strong></td>
</tr>
</tbody>
</table>

4. ELIGIBILITY

Eligible people for resettlement and assistance are PAP whose assets have been identified in the Right of Way (ROW) of the water pipeline, transmission line as well as in the reservoir area and
in the mine area near close to the storage facility and the power plant. These PAPs are eligible whether they have legal title to their property or not.

The cut-off date was considered by the RAP consultant as the last day of the elaboration of the census of affected people and properties (i.e. 30th November 2011). No structure or property established in the project-affected area after that date will be eligible for compensation. The cut-off date for compensation was communicated to PAPs and other stakeholders (Community Committee, Sinazongwe District Council, traditional leadership) during the census and valuation exercises.

Opportunistic uninhabitable structures were found during the inventory of the PAPs. These include 4 shops and abandoned houses that are being claimed for compensation but did not appear in the survey prior to the cut-off date. The Grievance Committee set up to deal with any claims or complaint related to the compensation process (see Section 9, p. 12) is examining whether the claims have been established in good faith or as a result of opportunistic compensation purpose.

5. VALUATION METHOD FOR LOSSES

The basis of valuation for compensation purposes is provided in the Constitution of Republic of Zambia and the Land Act of 1998. The value of land and buildings is based on the market value, that is, the probable value the property will fetch when offered for sale. In arriving at market values, it was assumed that:

- The owner is a willing seller,
- Prior to the date of valuation, there had been a reasonable period (having regard to the nature of the property and the state of the market) for the proper marketing of the interest, for the agreement of price and the completion of the sale,
- The state of the market, level of values and other circumstances were, on any earlier assumed date of exchange of contracts, the same as on the date of valuation,
- No account is taken of any additional bid by a prospective purchaser with a special interest,
- Both parties to the transaction had acted knowledgeably, prudently and without coercion.

5.1 Valuation for Land

As noted earlier no PAH will be losing farmland or a place to resettle as a result of the project. If affected families want to settle at the place of their choice, the concerned Headman/Chief would be requested to assist them by allotting some land, traditional land.

5.2 Valuation method for structures:
5.2.1 General valuation method:
Most project-affected residential and commercial buildings are constructed in permanent materials such as burnt clay bricks and iron sheets or grass for roofing. However, valuation also encountered many semi-permanent and temporary structures built with very low-cost materials such as timber. Buildings and structures were valued on the basis of Full Replacement Cost Method to arrive at their value. This is the estimated cost to construct, at current prices, a building with utility equivalent to the building being appraised, using modern materials and current standards, design, and layout and then depreciating taking into consideration the type of materials used, condition and workmanship. This cost per meter squared also takes into consideration all the costs associated with erecting that structure. The rates are provided in the table below:

Table 3 Rate used in the valuation of properties

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of Building/Structure</th>
<th>Roof/Wall/Floor Material used</th>
<th>Material</th>
<th>Rate used per m² (USD$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>House/Kitchen</td>
<td>Thatch Roof/Sundried Brick Wall/Compacted Earth Floor</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>2</td>
<td>House</td>
<td>Thatch Roof/Thatch Wall/Compacted Earth Floor</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>House</td>
<td>Corrugated Iron Roofing Sheet/Sun Dried Bricks/Compacted Earth Floor</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td>4</td>
<td>House</td>
<td>Corrugated iron Roofing Sheets/Burnt brick wall/Screed floor</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>5</td>
<td>Shelter</td>
<td>Thatch Roof/Gum Pole Supports</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>6</td>
<td>Building</td>
<td>Thatch Roof/Matched Pole with Mud infill wall</td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>7</td>
<td>Cattle Kraal</td>
<td>Twisted and Interlocking wall</td>
<td></td>
<td>2.40</td>
</tr>
</tbody>
</table>

5.2.2 Specific compensations per type of structure affected:
The method described above is the overall valuation method for all structures. However, the compensation package differed according to the type of structure affected. The specificities are described below:
• **Homesteads**: Families were given the choice to get a new housing unit located at the resettlement site (more information on the selection of the new resettlement site is provided in Section 6 p. 9). The size of the new unit will depend on the size of the existing homestead. For example, a family losing a single room traditional house with a thatched/iron roof will be provided with a standard design single bedroom house with toilet, bathroom and a sitting room. One with a two-room traditional house will have two bedrooms in the new unit. If the family is unwilling to relocate to the new resettlement area, they will receive a monetary compensation equivalent to the market value of the structure (i.e. Table 3) multiplied by 2.5. It was decided to provide a greater value than the market value to ensure that compensations would support affected households improve their living conditions. Overall, out of the 62 PAH losing a house, 3 opted for monetary compensations and 59 for new houses.

• **Commercial structures**: Any family owning a commercial structure/shop that will be affected will receive the amount equivalent to the market value of the affected structure multiplied by 2.5. The rationale for providing monetary compensations above market value was to allow for sufficient capital for PAHs to re-invest in another business. Moreover, PAHs will receive an additional “business compensation” of ZMK12,000,000.00 (i.e. USD$2,500.00) to compensate for loss of business income. This amount was set by the committee representing the affected people (which included the Area Councilor, the Community Chairman and Secretary), along with the RAP Consultant and MCL staff.

• **Other structures**: For other affected properties, such as cattle sheds, granaries, rest shelters, toilets, wire fence etc., PAH will receive monetary compensation equivalent to the market value of the structure affected.

### 5.3 Valuation for crops and trees

The value for crop compensation will be determined at the time of construction and only if there are standing crops in the fields. If this happens, then the PAPs will be eligible for compensation. The monetary value of crop compensation will be calculated by first estimating the area affected by the construction activities multiplied by the yield per area multiplied by the ruling price of the crop of interest. This exercise will be done by officials from the Ministry of Agriculture and Livestock, which determines the floor price for all agricultural commodities for each particular season.
5.4 Additional types of compensations:

**Allowance for transporting/household material (i.e. “Moving allowance”):** The PAH will be given a lump sum of ZK 1,500,000.00 for transportation of household and business material to their new location. This applies to PAH losing homesteads and commercial structures.

**Subsistence allowance:** Each family losing their homestead will get a one-time subsistence allowance equivalent to 90 days of minimum wages or ZK 2,500,000.00 whichever is higher.

**Monetary compensation to vulnerable persons:** PAH headed by orphans, disabled persons, senior citizens (above 60 years) and women will be given a one-time financial assistance of ZK 3,000,000.00.

**Table 4 - Entitlement and compensation matrix**

| Type of Losses                        | Categories of Affected Persons | Entitlement | |
|---------------------------------------|--------------------------------|-------------|
| Loss of homestead                     | All types of affected persons  | MCL will provide new housing units at the RAP site. The housing unit given will be proportional to the one the PAP is losing. Please refer to section 5.2 on homesteads. For those opting not to get the new housing unit, MCL will provide monetary compensation equivalent to the Market value of affected structure multiplied by 2.5. |
| Loss of Commercial Land               | All types of affected persons  | No commercial land will be lost by the PAPs. |
| Loss of Business Premises             | Business owners                | MCL will provide monetary compensations equivalent to the market value of affected structure multiplied by 2.5. |
| Loss of other non-commercial and non-homestead structures | All affected persons | MCL will provide monetary compensation for all structures that will be lost other than homesteads or business premises equivalent to the market value of the structures as provided for in the valuation report. |
| Loss of income from business premises | All affected business owners   | MCL will provide allowance (ZMK12, 000,000.00) in lieu of lost daily profit for the period they will be preparing to relocate (expected period required to successfully shift their business). |
| Vulnerable group                      | All eligible persons in this category | MCL will provide a one off allowance (ZMK3, 000,000.00) to vulnerable group. |

Note: all issues related to the value and natures of the compensation have been decided after in-depth negotiations between the Committee of representatives for the PAPs (which includes the
Area Councilor, the Community Chairperson and the Secretary) and MCL. The compensation methodology was presented by MCL to the PAPs for further consultation and adoption.

6. PROCESS FOR THE SELECTION OF THE RELOCATION AREA

Planning of the host area (resettlement site) has taken into consideration the present conditions of human settlement among the project affected community. Three alternative sites for resettlement were presented to the PAPs. The first was an area in the hills (i.e. north of the mining area). It was rejected by most of the PAPs because the soil in the area is not good and the terrain unsuitable, rendering the movement for both of people and animals difficult. The second site was an area offered by Chief Singaani. This site was also not accepted by most of the PAPs because the area is far from Maamba and would mean losing access to social and public amenities such as hospitals, schools etc... The third site is located along the Maamba – Batoka Road opposite the Mwela Basic School. The site was accepted by the majority of the PAHs because it is close to important social facilities (including schools, health care facilities, churches, and transport facilities).

7. CONSULTATION PROCESS

7.1 Consultation objectives: The consultation process conducted as part of the RAP planning exercise aimed at:

- Informing key stakeholders of the RAP process, its objectives and outputs;
- Soliciting the views of keys stakeholders, including the affected community;
- Identifying possible partners in the resettlement implementation and livelihood restoration and improvement processes;
- Consulting with potential service providers;
- Objectively describing the process to the Maamba Village community; and
- Disclosing the content of the RAP to the key stakeholders, especially the affected communities.

7.2 Pre RAP survey: Prior to undertaking the detailed social survey, sensitization meetings were held in each village to disclose and explain the forthcoming RAP study, the valuation process and the Zambian guidelines regarding resettlement. These meetings were conducted by social survey teams and a representative of the property valuation consultant. In the meetings, the survey team and RAP consultant presented the project planning schedule, cut-off date for eligibility, rights of PAPs and grievance mechanisms.

7.3 During RAP elaboration: Consultations were conducted between December 30, 2010 and December 2011. Consultation meetings were attended by the project affected people, Local
Community Leaders and the Local Councilor. The meetings aimed at creating awareness about the upcoming RAP and mitigate any apprehensions PAPs might have about resettlement. PAPs were also sensitized about the difference between the Kariba Dam resettlement and the Maamba project. People affected by the construction of the Kariba dam in the late 1950s, from whom most of the current PAP are descendants, never received proper compensations and were forcefully evicted. Consultations were thus important to dispel rumors and reassure the PAPs that things will be done differently.

7.4 Consultation results:
The key issues raised by the affected community were as follows:

- The community initially enquired about the nature of services available at the proposed site for resettlement, as they were uncertain as to level of improvement.
- Security in terms of crime as a result of the mine activities;
- Access to fields for crops for the affected people;
- Grazing land for animals for affected people
- Shelter for livestock such as chickens, goats, pigs, sheep and cattle;
- Sufficient and good quality water supply is of great concern outside the mine area;
- An influx of people will create competition for resources such as jobs.
- Facilities available to the community including the state of the roads, drainage, disease outbreaks and limited access to clean water.
- Work opportunities associated with the project.

Overall, during the consultations conducted between December 30, 2010 and December 2011, all stakeholders expressed support for the project and willingness to participate in the RAP implementation process.

7.5 Ongoing and future consultations: Consultation will continue during the implementation, monitoring, and evaluation of the RAP to ensure it has achieved the desired outcomes. It is important that the dialogue between the affected community and MCL is sustained. PAPs will be adequately notified before the commencement of construction activities. MCL will work to keep the community informed of any changes as the latter tend to raise the level of anxiety.

7.6 As per the AfDB Involuntary Resettlement Policy (2003), which requires that all relevant information is disclosed locally and that the client consults with and facilitates the informed participation of affected persons and communities, the following disclosure process has taken place:

- The RAP has been placed in designated places such as the Council offices and other areas (Chief Mweemba’s Palace, Chief Sinazongwe’s Palace) as directed by ZEMA. The documents were displayed one month before the Public hearing which was held on the 3rd of February 2012.
- MCL has run public advertisements in the electronic media on the availability of the RAP report in designated places. This was run in the print media confirming location of the reports and also announcing the date of the Public Hearing.

8. COMPLEMENTARY INITIATIVE – LIVELIHOOD RESTORATION AND IMPROVEMENT PROGRAM (LRIP)

The LRIP is designed to improve the living standards of the PAPs. The plan covers land, wage and enterprise-based livelihoods. The plan is still at a conceptual stage and requires further elaboration and quantification of specific activities. It entails the implementation of social, economic and agricultural projects designed to improve standards of living and enhance local capacity. Although the LRIP gives priority to people who are directly affected by the project, it is also open to the nearby communities. LRIP activities will fall within the wider CSR activities that will be implemented under the Maamba Trust Fund. More information on the Maamba Trust Fund can be found in the Environmental and Social Impact Assessment (ESIA) executive summary. The proposed activities are the following:

1. Support in agricultural activities: mainly livestock production, crop production and fruit trees growing.
2. Capacity building in home ownership
3. Hygiene and health practices sensitization
4. Entrepreneurship building
5. Recreational facilities building

9. GRIEVANCE MECHANISM

A dedicated Grievance Committee will be established to assess grievances during RAP implementation and will include the following members:

- Two representatives of PAPs (one woman and man)
- Local Area Development Committee;
- District Planner;
- MCL representative
- A property valuer,
- Grievance Officer (GO): This is sociologist provided by the RAP implementation consultant contracted by MCL.

The key actions of the grievance process are described below:

A verbal or in written complaint from a PAP will be received by the Grievance Officer and recorded in a grievance log (electronically if possible) which will be held at MCL Mine office.
Corrective actions and timeframe will be discussed between the Grievance Officer and the complainant within 30 days of receipt of the grievance. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form).

If no agreement is reached, the complaint will be handled by the Grievance Committee. Once the Grievance Committee has determined its approach to the grievance, this will be communicated to the Grievance Officer, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. However if the complainant is not satisfied, outstanding issues may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings. This grievance management process recognizes that the formal judicial process would be lengthy and costly for PAPs and is recommended only after all free redress options are exhausted.

10. LEGAL FRAMEWORK

The primary goal of the Involuntary Resettlement Policy is to ensure that when people must be displaced they are treated equitably, and that they share the benefits of the project that involves their resettlement. The objectives of the policy are to ensure that the disruption of the livelihood of people in the project’s area is minimized, that the displaced persons receive resettlement assistance so as to improve their living standards, and that its implementation is monitored closely. Most importantly, the resettlement plan should be prepared based on a development approach that addresses issues of livelihood and living standards of displaced persons as well as compensation for loss of assets, using a participatory approach at all stages of project design and implementation.

Compensation at the full replacement cost for loss of lands and other assets should be paid prior to projects implementation with the view to improve living standards, income earning capacity and production levels of the affected population. The improvement of living standards should also apply to host communities. In addition, the needs of disadvantaged groups (landless, female headed households, children, elderly, minority ethnic, religious and linguistic groups, etc.) must receive particular attention.

10.2 National legislation:
The legal and institutional provisions for resettlement in Zambia are not well defined. However, the following pieces of legislation will govern the planning and implementation of the resettlement program.

10.2.1 The Constitution of Zambia:
The Republican Constitution (1996) recognizes the right to private property and to protection of property by the State. Part II of the Constitution enshrines the fundamental rights and freedoms of the individual. Section 11 (d) provides: “Protection for the privacy of his home and other property and from deprivation of property without compensation”.

Moreover, the protection of private property is expanded further in Section 6 (1): “Except as provided in this Article, property of any description shall not be compulsorily taken possession of, and interest in or right over property of any description shall not be compulsorily acquired, unless by or under the authority of an Act of Parliament which provides for payment of adequate compensation for the property or interest or right to be taken possession of or acquired”.

10.2.2 Other legislations considered are analysed in the RAP document (section 4) and include the following:

- The Lands Act (Cap 184):
- The Housing (Statutory and Improvement Areas) Act – Cap 194
- The Land Survey Act – Cap 188
- The Lands Acquisition Act – Cap 189
- The Agricultural Lands Act of 1994
- The Environmental Management Act (EMA), 2011
- Statutory (Leasehold) Land Tenure System
- Traditional (Customary) Land Tenure Statutory

10.2.3 National institutional Responsibilities:

The following institutions and pieces of legislation guided the development of this RAP and will be the basis upon which the implementation of this RAP will be carried out:

- **Ministry of Lands**: The Ministry of Lands is divided into four (4) Departments namely: Human Resources and Administration, Lands, Survey and Lands and Deeds Registry. The Ministry of Lands has an important role to play in the acquisition of land. The Ministry is responsible for issuing of title deeds under the 99-year lease holding. In addition to these Departments there is the Lands Tribunal, a statutory body of the Ministry of Lands whose objective is to arbitrate the disputes arising under the Lands Act.
• **Ministry of Local Government, Housing, Early Child Education & Environmental Protection:** The Ministry of Local Government, Housing, Early Education and Environmental Protection (MLHEEEP), is charged with the responsibility of assessing land for human resettlement, industrial and commercial. Through the Department of Physical Planning and Housing and the respective Local Authorities the Ministry is responsible for the preparation of structural and regional plans to guide town and rural development. In addition, City and District Councils are responsible for recommending applications for land. Consultations on land matters are held among the chiefs, Councils and the Ministry of Lands to ensure that land is available for allocation and also to ensure that the customary rights of the local people are not infringed. In addition, the Ministry through the Valuation Department advises the Ministry of Lands on property valuation and on any other matter pertaining to real estate management. The Valuation Department also utilises property data from the Lands and Deeds Registry of the Ministry of Lands to prepare valuation records. MLHEEEP, through the Zambia Environmental Management Agency, provides advice to the Ministry of Lands on the suitability of land for specific purposes such as natural resource conservation and for the protection of the environment.

• **Office of the District Commissioner:** The administration of the district is vested in the Office of the District Commissioner, established by the Government in 1999 as part of the decentralization process. The office coordinates the functions of all developmental agencies in a local district as well as harmonizing the functions of Central Government and those of Local Government. All development agencies working in the district are members of the District Development Coordinating Committee (DDCC) that is chaired by the District Commissioner. The District Council provides the secretariat.

• **Sinazongwe District Council:** The District Council as Local Authority is a semi-autonomous institution operating as an agent of Central Government. It is authorized to perform specific functions on behalf of Government. The Council is the highest decision making body at the district level. The Local Authority possesses the statutory powers to formulate policies in the form of by-laws and regulations. The Local Authority provides a forum for local representation of the public by electing their local representatives, the Councilors. Sinazongwe District Council has been involved in the resettlement in identifying alternative land, planning of the resettlement and monitoring of the process. RAP Report for the Mining Operations and Thermal – Powered Electricity Generation Plant Project, will also be deposited with the local authority.

• **Ministry of Agriculture and Livestock:** The Ministry of Agriculture and Co-operatives through the Land Husbandry Section, is responsible for identifying, planning, demarcating and recommending land for agricultural purposes. This Ministry also monitors land user
charges. Given the crucial role the Ministry of Agriculture and Co-operatives plays in land use planning it will assist in identifying and opening up suitable land for agricultural and provision of extension services to resettled households.

- **Mine Safety Department:** The Mines and Minerals Development Act empower the Mine Safety Department (MSD) to monitor and enforce environmental, health and safety aspects of mining activities in Zambia. MSD is a department of the Ministry of Mines and Natural Resources.

- **Local Committees of Headmen and Civic Leaders:** The Local Committees which are the representative bodies for communities in planning for the development of the area will be very useful in determining the development priorities of the area. These will help identifying the needs of communities which will ameliorate the impact of the resettlement on local communities. The Chief is the Chairperson of such committee.

- **Non-Governmental Organisations:** Non-governmental Organisations play a very important role in providing diverse support to communities at grass-root level. Relevant NGOs will be engaged by MCL to work with in ensuring that the resettlement is as less disruptive as possible to the local communities. For this project, MCL will talk to World Vision, to discuss how it can also participate in the RAP process.

### 11. ORGANIZATIONAL RESPONSIBILITY AND IMPLEMENTATION SCHEDULES

RAP implementation will be the responsibility of MCL, who will hire an independent consultant. This consultant will constitute a RAP implementation unit which will include MCL staff and external staffs, comprising, at a minimum, of the following:

- Land surveyor
- Property Valuer
- Accountant
- Sociologist
- Legal officer

Districts political leadership may be involved mainly serving as witnesses to the RAP implementation process. A technical representative, preferably from the District Land Office or Social Development Office will be useful in providing on-the-spot technical answers to PAPs, at the payment desk, when necessary.
Before resettlement, the entities will be responsible for planning implementation of the RAP, communicating compensation measures identified in the RAP to PAPs (disclosure of entitlements) and dealing with day-to-day activities associated RAP implementation. Throughout and after RAP implementation MCL and AfDB will be responsible for monitoring and evaluation activities.

RAP implementation is proposed over a period of 18 months during which monitoring would be undertaken throughout the construction period and for extra 6 months after construction. The RAP implementation unit and local committees would be formed shortly afterward approval of RAP report by ZEMA.

### 12. COSTS AND BUDGET

The total estimated budget is USD 3,830,909. A final budget will be compiled once the various contracts are in place for the RAP implementation. The bill of quantities were generated for the various types of houses and used to come up with the cost of houses. Additional provision has been made for site preparation and service installation based on estimates. There is also a provision for contingencies and inflation that may result from delays. This is about 5% of total budget. MCL Maamba shall make direct payments to all project affected persons and this will be done after an audit of eligible PAPs would have been completed.
Table 5: Indicative RAP Budget

<p>| No. | ACTIVITY                                      | #   | Unit                        | Amount ZMK/unit | Total ZMK       | Total USD       |
|-----|-----------------------------------------------|-----|                            |                 |                |                |
| 1   | Compensation for structures                   |     |                            |                 |                |                |
| 1.1 | Houses/homesteads                             |     |                            |                 |                |                |
|     | Monetary compensation (times 2.5)             |     |                             | variable        | 486,354,000.00 | 97,300.00      |
|     | New housing units (including land acquisition)|     |                             | variable        | 14,143,320,000.00 | 2,828,664.00 |
| 1.2 | Commercial structures/shop                    |     |                            |                 |                |                |
|     | Monetary compensation for structure (times 2.5)Plus other applicable allowances |     |                             | variable        | 2,882,912,000.00 | 576,582.40     |
| 1.3 | Other structures                              |     |                            |                 |                |                |
|     | Monetary compensation for structure           |     |                             | variable        | 17,196,000.00  | 3,439.20       |
| 2   | Allowances                                    |     |                            |                 |                |                |
|     | Moving allowance (commercial &amp; Homesteads)    |     |                             | 1,500,000.00    | 141,000,000.00  | 28,200.00      |
|     | Subsistence allowance                         |     |                             | 7,500,000.00    | 465,000,000.00  | 93,000.00      |
|     | Vulnerability allowance                       |     |                             | 3,000,000.00    | 93,000,000.00  | 18,600.00      |
| 3   | Compensations for crops and trees             |     |                            |                 |                |                |
|     | Loss of crops                                 |     |                             | All affected PAPs | 100,000,000.00  | 20,000.00      |</p>
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Budget</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Consultations</td>
<td>100,000,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>4</td>
<td>RAP monitoring and evaluation costs</td>
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<td></td>
<td>Day to day activities</td>
<td>120,000,000.00</td>
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<td>5</td>
<td>RAP administration costs</td>
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<tr>
<td></td>
<td>Budget</td>
<td>100,000,000.00</td>
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<tr>
<td>6</td>
<td>LRIP</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Training Costs for the PAPs</td>
<td>80,000,000.00</td>
<td>16,000.00</td>
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<tr>
<td>7</td>
<td>Contingencies @ 5%</td>
<td></td>
<td>182,424.28</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td><strong>19,154,549,400.00</strong></td>
<td><strong>3,830,909.00</strong></td>
</tr>
</tbody>
</table>
12. MONITORING AND EVALUATION

Monitoring is essential to ensure that RAP implementation achieves desired results. A monitoring and evaluation framework for RAP implementation has been developed to include a plan for monitoring and evaluation of compensation packages with indicators for measuring performance, impacts and outcomes. This plan also provides for reviews by stakeholders including AfDB. The Framework includes a review of financial disbursements, compensation complaints and grievance redress, adherence to compensation payment schedule and support of vulnerable PAPs. Monitoring will be both *internal monitoring* by MCL, and *External evaluations* by AfDB and other national stakeholders. During resettlement, monitoring shall focus on resettlement issues such as:

- Number of families that have been compensated;
- Number of people who have acquired legal documents to new property,
- Number of business owners who have restored their businesses,
- Efficiency and effectiveness of grievance redress mechanism.

Post resettlement monitoring should focus on rehabilitation issues, for example:

- Success level of restoration of livelihoods
- Success level of restoration of assets
- Efficiency and effectiveness of grievance redress mechanism.

A review of regular progress reports produced by MCL will be carried out by all stakeholders both at national and local levels including the AfDB. After completion of resettlement, a final report will be submitted by MCL to AfDB prior to preparation of the project implementation report. The report shall indicate effectiveness of project implementation and disbursement of compensation payments, effectiveness of public involvement and socio-economic impacts of RAP Implementation Committee. This report will give overall assessment of the RAP process indicating activities undertaken, success of mitigation action and monitoring and as well as useful lessons learnt.

A key aim of resettlement is to ensure compensation and other mitigation measures restore or enhance affected people’s quality of life and income levels. If quality of life of PAPs can be demonstrated to have been restored, then resettlement and compensation process can be considered “complete”. The purpose of Completion Audit will therefore be to establish whether MCL implemented all activities needed to ensure compliance with proposed resettlement commitments and applicable national and AfDB requirements.
13. CONTACTS

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