

**BOSA TRANSMISSION
INTERCONNECTION PROJECT
DRAFT RESETTLEMENT ACTION
PLAN –REPORT**

SAPP, BPC and Eskom

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Executive summary

The Southern African Power Pool (SAPP) is a prominent power pool initiative tasked with coordinating the planning, generation and transmission of electricity on behalf of member state utilities in the Southern African Development Community (SADC) region. As such SAPP has identified Botswana-South Africa (BOSA) Transmission Interconnection Project as one of the energy pool initiatives. The aim of the project is to alleviate the current electricity supply constraints and contribute towards energy security of supply in the long run by enhancing the distribution of electricity in the region. Given the transborder nature of the project, both Eskom of South Africa (Eskom) and the Botswana Power Corporation (BPC) will subsequently be the beneficiaries of the project.

The project is funded by the European Union (EU) and the funds are administered by the Development Bank of Southern Africa (DBSA). An environmental assessment process is required to meet the international funder standards for environmentally and socially sustainable development and will be termed an Environmental and Social Impact Assessment (ESIA). The DBSA Environmental and Social Safeguards Standards, closely linked to the Performance Standards of the International Finance Corporation (IFC) will guide the overall ESIA, which will be conducted as two Environmental Impact Assessments (EIAs), run in parallel, to ensure that the specific South African and Botswana requirements are met.

The SAPP appointed Aurecon South Africa (Pty) Ltd (hereafter referred to as Aurecon) as an independent consulting firm to provide transaction advisory services and project scoping for the proposed transmission interconnector project between the two countries. Aurecon was commissioned to undertake the Preliminary Design and the ESIA on the referred transmission corridor. The design and environmental authorisation processes to be undertaken are for the construction of a 400-kV transmission power line. This will consist of two transmission lines located approximately and 60 m apart and 210 km in length. The application for environmental authorisation is for a 1 km wide corridor within which the transmission lines will be located. The line will connect the existing Isang substation in Botswana to the proposed Watershed B substation (hereinafter referred to as Mahikeng substation) near Mahikeng in South Africa.

The ESIA authorisation process is required in terms of the National Environmental Management Act (No.107 of 1998) (NEMA), as amended in South African and the Environmental Impact Assessment Act (No. 10 of 2011) (EIAA) in Botswana. The details of the entire line have been included in the application which will go to the Department of Environment Affairs (DEA) in South Africa to allow for an overview of the entire project, although decision-making will only apply to the section of line between the proposed Mahikeng substation and the border between South Africa and Botswana.



The DEA in Botswana require that an environmental practitioner registered with Botswana Environmental Assessment Practitioners Association (BEAPA) undertake the EIA process in Botswana and Aurecon have thus partnered with a local firm Digby Wells, trading as RPM, who have managed the process in Botswana in terms of the EIAA. A separate report will be submitted to the DEA in Botswana for review and approval of the relevant section in Botswana.

Resettlement Action Plan (RAP)

The proposed BOSA Project will involve the establishment of a permanent servitude along the length of the transmission line, as well as for certain items of ancillary infrastructure. Certain land use restrictions will be permanently in force within this servitude. In addition, construction activities will necessitate a temporary disruption of all current land uses in a corridor to either side of the permanent servitude – the so-called “temporary servitude.”

Households and communities residing or owning assets in either of these reserves (or in the areas earmarked for surface infrastructure) will therefore experience physical and/or economic displacement as a result of the project. In addition, construction activities may cause a temporary disruption in access and communities’ daily movement patterns from one side of the transmission route to the other.

In order to address such impacts, it was necessary to compile a Resettlement Action Plan (RAP) that conforms to the requirements of the Development Bank of South Africa, International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement (PS 5) as well as World Bank Operation Policy OP 4.12. The RAP has been prepared and sets out the general principles according to which resettlement planning and implementation for the proposed project will be undertaken.

Legal and policy framework

One of the principles of the RPF is that resettlement planning should adhere to national policies and legislation, as well as international best practices. There is no specific legislation in Botswana and South Africa that addresses resettlement per section but some aspects that have a bearing on resettlement are covered by more general legislative instruments. Relevant South African legislation discussed in this document includes:

- The Constitution of the Republic of South Africa, (Act 108 of 1996);
- National Environmental Management Act (NEMA) (Act 107 of 1998) as amend;
- Occupational Rights and Customary Law;
- National Water Act (Act 36 of 1998);
- The Interim Protection of Informal Land Rights Act No. 31 of 1996;
- Land Reform (Labour Tenants) Act No 3 of 1996;
- Extension of Security of Tenure Act No 62 of 1997;

- 
- National Heritage Resources Act No. 25 of 1999 and associated Ordinances;
 - Human Tissues Act (Act 65 of 1983 as Amended and the National Health Act (Act 61 of 2003); and
 - Promotion of Administrative Justice Act (Act 3 of 2000).

Relevant Botswanan legislation discussed in this document includes:

- Land Control Act (Chapter 32:11);
- State Land Act (Chapter 32:01);
- Tribal Land Act (Chapter 32:02);
- Town and Country Planning Act (Chapter 32:09); and
- Electrical Supply Act (Chapter 73:01).

The main features of the Development Bank of South Africa (DBSA), IFC Performance Standard 5 and well as World Bank OP 4.12 are also discussed in detail in this document.

Compensation framework

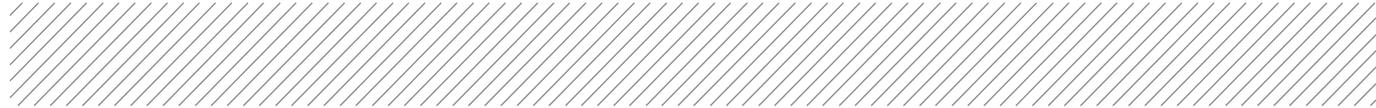
The aim of the compensation framework is to list the various ways in which assets may be affected by the project, to define appropriate and equitable means of compensating for the loss of any assets (where such compensation may be either in cash or in kind, depending on the type and circumstances of the loss), and to identify the legitimate beneficiaries of such compensation.

Asset types included in the compensation framework are:

- Homestead plots;
- Structures (residential and non-residential, individually- and communally-owned);
- Agricultural plots (individually- and communally-owned);
- Fences, gates, and grazing land (individually- and communally-owned);
- Perennial crops (e.g. fruit trees, individually- and communally-owned);
- Communal land without any identified use;
- Graves;
- Access routes; and
- Tenants.

Grievances redress and dispute resolution

Individual community members or groups of community members may have claims, complaints or other grievances relating to the resettlement planning process that they wish to register and have resolved. A grievance redress is discussed in detail in this document. Responsibility for implementation of this procedure rests with the social officer who will be appointed by the construction contractor.



The RPF addresses aspects of the grievance procedure that are specifically applicable to resettlement and compensation. These include the identification of grievances related to resettlement or compensation that have been recorded in the grievance register, categorising them in terms of the type of grievance, forwarding them to the appropriate parties for action and resolution, and providing feedback to the parties who lodged the grievances.

Monitoring and evaluation

The project has an obligation to ensure that resettled households retain or preferably improve upon their living standards. The monitoring and evaluation system detailed in the RAP is designed to meet this goal. It comprises three broad components:

- Performance monitoring (measuring progress with resettlement and livelihood restoration against scheduled actions and milestones); and
- Effects (or impact) monitoring (focussing on the effectiveness of resettlement and livelihood restoration measures, and including standardised or quantitative monitoring as well as participative or qualitative monitoring);
- External evaluations (to be conducted annually).

A **completion audit** (to verify that resettlement and livelihood restoration activities have been undertaken in compliance with the objectives and principles of the RAP) will also have to be undertaken.

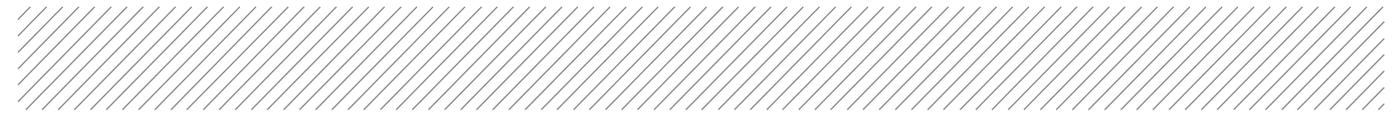
Roles and responsibilities

The entities that will play significant roles in the resettlement process include BPC, Eskom, the Resettlement Implementation Team and a Resettlement Working Group (RWG) comprising representatives of resettlement-affected households, local authorities (statutory and customary), as well as Transnet. The RAP sets out the relationship between these various entities, as well as the roles and responsibilities of each.

Conclusion and recommendations

In cases in the world where resettlement has been successful, in the sense of leaving the affected people economically better off, in a socially stable condition, and in a manner that they are themselves able to sustain over time, the process has been characterised by a number of best practice enabling factors such as follows:

- An appropriate understanding of the complications of resettlement;
- Proper legal and policy frameworks at national level;
- Sufficient funding;
- Sufficient capacity, including experience in working with resettlement;
- Honest consultation and negotiation with the affected people;
- Effective planning, implementation and monitoring;
- Integration of the resettlement project into its regional economic and political context; and



- The necessary political will to ensure that the above enabling factors are obtained, and that resettlement is properly carried out.

International experience of many projects shows that, unless these best practice factors are obtained, resettlement exposes affected people to a range of risks such as:

- Landlessness;
- Homelessness;
- Joblessness;
- Economic and social marginalisation;
- Increased morbidity and mortality;
- Food insecurity;
- Loss of access to common property resources; and
- Social and cultural dislocation and distraction.

Unless consciously countered, these risks become reality, negatively reinforcing each other in an interactive and cumulative manner. On the other hand, if these risks are incorporated as part of planning and project design, and if the necessary best practice factors are obtained, these risks can be turned into development opportunities, resulting in resettlement with development.

The asset and infrastructure survey done was not exhaustive. However, the figures given can be seen as 90% accurate. This is due to a number of constraints as household heads were not readily available to answer questions and other external factors such as access restriction. A confirmation of the numbers will need to take place in the next phases of the project.



ABBREVIATIONS

BEAPA	Botswana Environmental Assessment Practitioners Association
BPC	Botswana Power Corporation
CLO	Community liaison officer
CPA	Communal property association
DBSA	Development Bank of South Africa
DEA	Department of Environmental Affairs
DRC	Dispute resolution committee
ESIA	Environmental and Social Impact Assessment
ESTA	Extension of Security of Tenure Act (Act 62 of 1997)
EIA	Environmental Impact Assessment
EU	European Union
HH	Household
ID	Involuntary displacement
IFC	International Finance Corporation
IPILRA	Interim Protection of Informal Land Rights Act (Act 31 of 1996)
ILA	Involuntary land acquisition
M&E	Monitoring and evaluation
PAJA	Promotion of Administrative Justice Act (Act 3 of 2000)
PAP	Project affected person
PIA	Project implementing agent
PIE	Prevention of informal eviction
PLTA	Permanent land-take area
PS	Performance Standards
PSDs	Phase-specific dossiers
RAP	Resettlement action plan
RCP	Resettlement and compensation plan
RPF	Resettlement policy framework
RWG	Resettlement working group
RTT	Resettlement task team
SADC	Southern African Development Community
SAPP	Southern African Power Pool
SIF	Surface infrastructure footprint
TLTA	Temporary land-take area
WB	World Bank

Table 1: List of Definition

Term	Definition
Communal land	Land that is administered by a traditional authority or communal property association (CPA) on behalf of communities living on that land. Title deed holder of the land may be the traditional authority or CPA, or it may be the Government of South Africa.
Communal property association	Juristic persons who are able to acquire, hold and manage property on a basis agreed to by members of a community in terms of a written constitution, adopted and registered in terms of the Communal Property Associations Act.
Community	A group of individuals broader than the household, who identify themselves as a common unit due to recognised social, religious, economic or traditional government ties, or through a shared locality.
Compensation	Payment in cash or in kind for an asset or resource that is acquired or affected by a project at the time the asset needs to be replaced.
Displacement assistance	Support provided to people who are physically displaced by a project. Assistance may include transportation, shelter, and services that are provided to affected people during their move. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with displacement and defray the expenses of a transition to a new locale, such as moving expenses.
Economic displacement	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water or forest) which results from the construction or operation of a project or its associated facilities.
Economically-displaced households	Households whose livelihoods are impacted by the project, which can include both resident households and people living outside the project area but having land, crops, businesses or various usage rights there.
Eligible crops	Crops planted in the moratorium area by project-affected people prior to the moratorium date and that are eligible for compensation in accordance with this RAP.
Eligible land	The land (cropped and fallow, agricultural and communal) within the moratorium area that is eligible for compensation in accordance with this RAP.
Eligible structures	The buildings and structures constructed within the moratorium area prior to the moratorium date and that are eligible for compensation in accordance with this RAP.
Homestead	Stand on communal/ traditional authority land, allocated to an individual or household, on which the latter has built a residential structure and possibly one or more outbuildings. Perimeter may be enclosed by a fence.
Host community	People living in or around areas to which people physically displaced by a project will be resettled to, whom in turn, may be affected by the resettlement.
Household	A person or group of individuals living together, in an individual house who share cooking and eating facilities and form a basic socio-economic and decision-making unit.
IFC	International Finance Corporation, a division of the World Bank Group, which provides investment and advisory services to private sector projects in developing countries, with the goal of ensuring everyone benefits from economic growth.
Involuntary resettlement	Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
Livelihoods programs	Programs intended to replace or restore quality of life indicators (education, health, nutrition, water and sanitation, income) and maintain or improve economic security for project-affected people through provision of economic and income-generating opportunities, including but not limited to, activities such as training, agricultural production and processing, and small and medium enterprises.
Moratorium area	The area in the project area required as a zone for project activities, namely the temporary servitudes, permanent servitudes and servitudes for surface infrastructure. All eligible buildings, crops, and land within this area at the time of the moratorium date will be eligible for compensation, according to the terms of this RAP.
Moratorium date	The date on which the moratorium is declared. Persons moving into the project area after this date are not eligible for compensation and/ or resettlement assistance. Similarly, fixed assets (such as structures, crops, fruit trees and woodlots) established after the date will not be compensated.



Term	Definition
Performance Standard 5	The IFC's Performance Standard on Involuntary Resettlement, which embodies the basic principles and procedures that underlie the IFC's approach to involuntary resettlement associated with its investment projects, and stands as the benchmark against which resettlements are measured.
Physical displacement	Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.
Physically-displaced household	Households who normally reside in the project area and who will lose access to shelter and assets resulting from the acquisition of land associated with the project that requires them to move to another location.
Project area	The project area is covered by the moratorium area and its immediate surroundings.
Project-affected household	All members of a household, whether related or not, operating as a single socio-economic and decision-making unit, who are affected by the project.
Relocation	A process through which physically displaced households are provided with a one-time lump sum compensation payment for their existing residential structures and move from the project area.
Replacement value	Replacement value for <i>land</i> is the pre-project or pre-displacement (whichever is higher) market value of land of equal productive potential or use located in the vicinity of the affected land; plus, the cost of preparing the land to levels similar to those of the affected land; plus, the cost of any registration fees and/or transfer duties. Replacement cost for <i>structures</i> is defined as the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure; plus, the cost of transporting building materials to the construction site; plus the cost of any labour and contractor's fees; plus the cost of any registration fees and/or transfer duties.
Resettlement	A process through which physically displaced households are provided with replacement plots and residential structures at a designated site. Resettlement includes initiatives to restore and improve the living standards of those being resettled.
Resettlement Action Plan (RAP)	The document in which a project proponent specifies the procedures that will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the project.
Resettlement-affected household	Any household that will be affected by land acquisition as a result of the project; this includes physically-displaced and economically-displaced households. In other words, it comprises all those households who either reside, have an asset or structure in, or make use of land that intersects any of the project servitudes.
Speculative building	The erection of buildings or structures, or planting of crops within the moratorium area with the sole aim of claiming compensation from the project proponent. Speculation may be pre-moratorium (occurring prior to the moratorium date) or post-moratorium (occurring after the moratorium date).
Stakeholders	Any and all individuals, groups, organisations, and institutions interested in and potentially affected by the project or having the ability to influence the project.
Tenant	A person who lives in a structure belonging to another, regardless of whether they pay rent or not.
Traditional authority	A person who assumes a leadership role by virtue of his/ her community's tradition or custom.
Vulnerable household	A household who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than other and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.



Contents

1	Introduction	1
1.1	Project description	3
1.2	Project infrastructure and specifications	3
2	Methodology	5
2.1	Consultations	5
2.2	Social survey	5
2.3	Criteria of identifying PAPs	6
2.4	Census of PAPs	6
3	Project impacts and affected population	7
3.1	Regional profile	8
	South Africa	8
3.2	Regional summary	11
3.3	Municipal summary	12
3.4	Demographics	14
3.5	Language	16
3.6	General health	16
3.7	Education	17
3.8	Labour force	18
3.9	Average household size	19
3.10	Type of dwelling and tenure status	20
3.11	Household services	21
	Botswana	23
3.12	Demographics	25
3.13	Language	26
3.14	Education	27
3.15	Current economic activity	28
3.16	Household Agriculture	28
3.17	Household services	29
3.18	Identification of social impacts	33
3.19	Predicted impacts	33
4	Legal and policy framework	37
4.1	Objectives and basic terms for preparation of the Resettlement Action Plan	37
4.2	Principles and objectives governing resettlement preparation and implementation	38
4.3	Objectives of the Resettlement Policy	39
4.4	International guidelines on involuntary land acquisition and resettlement	40
4.5	Guiding principles for resettlement planning and implementation	41
4.6	Review of the legislation in Botswana governing land acquisition and resettlement	42

4.7	Review of the South African legislation governing land acquisition and resettlement	47
4.8	Comparison of national legislative framework and the IFC Performance Standard 5 on Involuntary Resettlement	49
5	Inventory of affected assets	51
5.1	Introduction	51
5.2	Undertaking inventory of affected assets	51
5.3	Challenges	53
5.4	Key results	53
	Botswana	53
	South Africa	55
6	Compensation Framework	58
6.1	Impact scenarios	58
6.2	Compensation matrix	59
6.3	Responsibility and schedule for compensation payments	66
6.4	Compensation entitlements	66
7	Resettlement assistance and livelihood	69
7.1	Socio-economic assessment indicators	70
7.2	Livelihood development and sustenance	71
7.3	Recommendations	73
8	Detailed budget	74
9	Implementation schedule	75
9.1	Resettlement responsibilities	75
9.2	Resettlement principles	75
9.3	Timeframes	75
9.4	Linking resettlement implementation to civil works	76
10	Description of organisational responsibilities	77
10.1	Programme manager	77
10.2	Resettlement team coordinator	77
10.3	Resettlement advisor	77
10.4	Local-level resettlement task teams	78
10.5	Members of umbrella RTTs	80
10.6	Resettlement implementation team	81
10.7	RTT meetings	82
11	Framework for public consultation, participation, and development planning	85
11.1	Objectives	86
11.2	Principles of engagement	86
11.3	Communication strategy	87
11.4	Consultation and stakeholder participation activities to date	88
11.5	Consultation and participation activities still to be undertaken include:	89
11.6	Notification procedure	90
11.7	Public consultation mechanisms	90

11.8 Promoting participation	91
11.9 Implementation phase	91
11.10 Conclusion	91
12 Provisions for redress of grievances	93
12.1 What is grievance	94
12.2 Project-level grievance mechanism	94
12.3 Approach to grievance redress	95
12.4 Resources needed to manage a grievance mechanism	100
12.5 Grievance mechanisms needed for projects implemented by contractors	102
13 Framework for monitoring, evaluation, and reporting	103
13.1 Internal and external monitoring	104
13.2 Monitoring measures	105
13.3 Indicators	105
13.4 RAP monitoring plan	107
14 Conclusion and recommendations	110
15 RAP Report Approval	115
15.1 BPC and Eskom	115

Appendices

Appendix A

Appendix B

Appendix C

Figures

Figure 1: Proposed transmission line locality map	2
Figure 2: Project locality	8
Figure 3: Project locality - South Africa – study area in square	9
Figure 4: District and Local Municipalities affected – South Africa	10
Figure 5: Khunotswana – South Africa	10
Figure 6: District, Local Municipalities and Wards affected – South Africa	11
Figure 7: Project locality in Botswana – study area in square	23
Figure 8: Mochudi - Botswana	25
Figure 9: Districts affected - Botswana	25
Figure 10: Impact rating pre- and post-mitigation and maximisation measures	36
Figure 11: Affected farm portions	56
Figure 12: Households to be resettled and structures affected	57
Figure 13: Other affected assets and infrastructure	57
Figure 14: Impact Scenarios	59

Tables

Table 1: List of Definition	VII
Table 2: Site co-ordinates	3
Table 3: Population of South Africa, Census 1996, 2001 and 2011	14
Table 4: Population size and percentage by municipality, Census 2011	15
Table 5: Population grouping: Ngaka Modiri Molema District Municipality, Census 2011	15
Table 6: Dependency ratio, Census 2011	16
Table 7: Distribution of population aged five years and older by disability status, sex, numbers and percentages, Census 2011	16
Table 8: Number of persons aged 20 years and older by level of educational attainment and sex in North West, Censuses 1996, 2001 and 2011	17
Table 9: Percentage distribution of persons aged 20 years and older by level of educational attainment for Ngaka Modiri Molema District Municipality, Censuses 1996, 2001 and 2011	17
Table 10: Official employment status for Ngaka Modiri Molema District Municipality, Census 2011	18
Table 11: Average household income, Census 2011	19
Table 12: Number of households, household size and percentage of female-headed households by census year, Census 2011	19
Table 13: Percentage distribution of households by type of dwellings by province, Census 2011	20
Table 14: Percentage of households which rent or own their dwellings, Census 2011	21
Table 15: Percentage distribution of households by type of refuse removal, Census 2011	21
Table 16: Percentage distribution of households by type of toilet facilities, Census 2011	22
Table 17: Percentage of households which use electricity for lighting, Census 2011	22
Table 18: Distribution of population by locality type, Botswana 2011	26
Table 19: Distribution of population by citizenship, Botswana 2011	26
Table 20: Distribution of numbers of persons aged two years and older by language spoken; Botswana 2011	27
Table 21: Distribution of Number of Population Aged Twelve Years and Over That Ever-Attended School per Sex and Highest Level of Education; Botswana 2011	27
Table 22: Distribution of Number of Households by Type of Livestock Owned	28
Table 23: Distribution of Number of Households by Type of Crops Planted	29
Table 24: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Water Supply	30
Table 25: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Cooking	30
Table 26: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Lighting	31
Table 27: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Heating	32
Table 28: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Type of Toilet Facilities	32
Table 29: Pre- and post-mitigation impact ratings	35
Table 30: Summary of the comparison between South African and Botswanan legislation and the IFC requirements	50
Table 31: Compensation matrix	60
Table 32: Entitlement matrix	66
Table 33: Plan for monitoring, evaluating and reporting	103
Table 34: Types of verifiable indicators	106



1 Introduction

The Southern African Power Pool (SAPP) is a prominent power pool initiative tasked with coordinating the planning, generation and transmission of electricity on behalf of member state utilities in the Southern African Development Community (SADC) region. As such SAPP has identified Botswana-South Africa (BOSA) Transmission Interconnection Project as one of the energy pool initiatives. The aim of the project is to alleviate the current electricity supply constraints and contribute towards energy security of supply in the long run by enhancing the distribution of electricity in the region. Given the transborder nature of the project, both Eskom of South Africa (Eskom) and the Botswana Power Corporation (BPC) will subsequently be the beneficiaries of the project.

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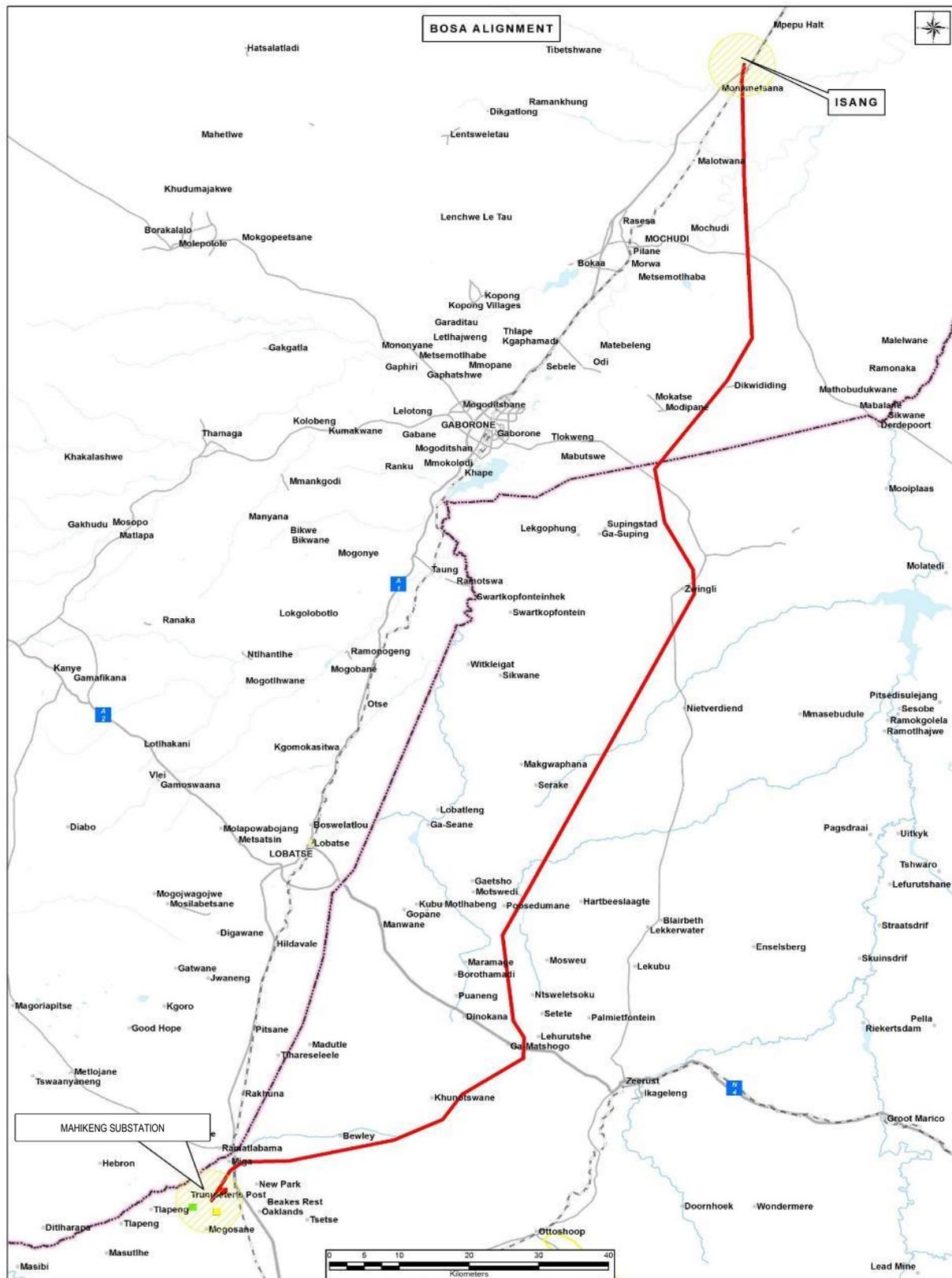


Figure 1: Proposed transmission line locality map

1.1 Project description

The proposed 210 km transmission line stretches between the Mahikeng area in South Africa and the area immediately north of Gaborone in Botswana, with the longest section (approximately 149 km) of the line within South Africa. The South African section of the powerline traverses the Mahikeng and Ramotshere Moiloa Local Municipalities, under the jurisdiction of the Ngaka Modiri Molema District Municipality, in the North-West Province. The Botswana section traverses the Kgatleng District, whose administration capital is in Mochudi.

The study area servitude for the ESIA is a 1 km wide strip (i.e. 500 m on either side of the centreline of the route) to ensure sufficient coverage for anticipated design changes and allow some flexibility for later stages of the project. The geographical co-ordinates of the transmission line are tabulated below (Table 2):

Table 2: Site co-ordinates

Country	Location	Latitude (S)	Longitude (E):
South Africa	Starting point <i>Approximately 16 km north-west of Mmabatho</i>	25°42'11.15"	25°32'13.48"
	Middle point <i>Approximately 10 km north-east of Borakalalo Village</i>	25°13'40.64"	25°59'7.17"
	End point <i>Near the border post between Botswana and South Africa</i>	24°42'2.67"	26° 7'20.87"
Botswana	Starting point <i>Near the border post between Botswana and South Africa</i>	24°42'2.67"	26° 7'20.87"
	Middle point <i>Approximately 8 km east of Mochudi Village</i>	24°26'2.19"	26°14'22.17"
	End point <i>Approximately 38 km north-east of Lentsweletau Village</i>	24° 9'33.76"	26°13'57.19"

1.2 Project infrastructure and specifications

The design and ESIA processes to be undertaken are for the construction of a 400 kV transmission power line¹, 210 km in length. The line will connect the existing Isang substation in Botswana to the proposed Mahikeng substation in South Africa.

MAHIKENG SUBSTATION

The proposed substation is however not part of this application, as it will be applied for separately. The application together with the DSR for the substation will be submitted in 2018. The substation alternative sites will be fully assessed by that project team after the acceptance of the Scoping Report by DEA.

¹ The original concepts for the BOSA Transmission Line development considered two adjacent, single circuit, 400 kV transmission lines. From a technical and financial feasibility perspective only one single circuit 400 kV transmission line is planned for construction. One line is thus the subject of this assessment in the ESIA Report and RAP.



Various tower structures on which powerlines will be suspended will be used in different sections of the powerline, subject to landscape, engineering and the biophysical nature of the receiving environment. The towers will vary between 21.75 m and 30.75 m in height and the average span between two towers will be between 250 m and 500 m depending on the above-mentioned environmental factors. The proposed structure types proposed as the basis for the preliminary transmission line design are:

- 518h - Self Supporting Suspension Tower
- 520b - Guyed-V Suspension Towers
- 529a - Cross-Rope Suspension Towers
- 515b - Guyed-V Suspension Towers (Preferred by BPC)
- 517a - Self-Supporting Suspension Towers

The conductor type to be used is the Triple Tern ACSR conductor. The attachment height will vary between 18 m and 33 m, depending on the length of spans and required clearance.

During the construction phase, the access roads and construction camps will be established. Where possible, all access roads and construction camps will be located in areas with the least environmental impacts. They will also be rehabilitated after construction except for the access roads that will be used to access the transmission line during operation.



2 Methodology

The methodology adopted in preparing this RAP was consistent with the requirements of the IFC and relevant South African and Botswanan Legislation. Affected households and properties were determined from the field surveys as well as a census of the persons affected by project components to be constructed. Social data of affected persons were obtained through interviews, meetings and questionnaires.

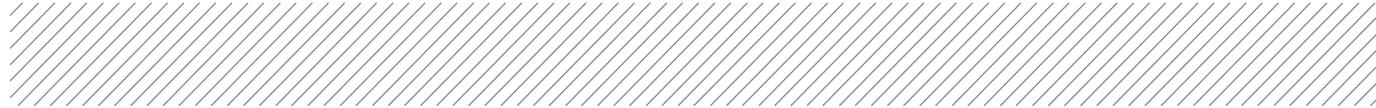
2.1 Consultations

Meetings and stakeholder consultations started in the scoping stage and continued throughout the RAP process. Stakeholder engagement during scoping phase of the ESIA comprised consultations with various stakeholders including district authorities. Notifications for the meetings were made through the tribal administration office as well as newspaper advertisements. Community meetings were held between 17 July 2017 and 31 September 2017 in Botswana and South Africa. The purpose of this was to sensitise the project affected villages about the proposed BOSA project and to obtain any project related issues that would also feed into the EIA process. The stakeholder and engagement plan (Annexure E of the ESIA report) provides detailed information regarding stakeholder consultation.

Further stakeholder consultations and meetings were held during the assessment phase of the ESIA process. To disclose the project and obtain views of communities, community sensitisation meetings were held in October and November in Botswana. Stakeholder engagement meetings as part of the South African ESIA process will be held in February 2018. Meetings were widely published in newspapers and on notice boards along the route. In addition, the local tribal administration office was consulted prior to the meetings in order to inform the communities about the proposed project. During the sensitisation meetings, questions or queries from communities were discussed and uncertainties clarified.

2.2 Social survey

A social survey was conducted to establish the profile of project affected people (PAPs). For RAP purposes, a census covering all PAPs was conducted utilising a questionnaire and information obtained from the social survey. This was aimed at analyzing poverty levels and welfare indicators in households, socio-economic needs and the potential impact on livelihoods of the affected people. Broadly, social data gathered from the survey comprised of thematic categories such as population and demographics, landownership and land use, businesses and socio-cultural resources. Among other indicators, such as ethnicity, gender, household income levels, literacy, vulnerability, health and resettlement preferences were also captured in the census survey.



2.3 Criteria of identifying PAPs

These PAPs were identified as persons whose property (land, building, crops) or income was affected in part or whole by the project and would therefore need to be compensated.

During the sensitisation meetings, the project planning schedule was disclosed, cut-off for eligibility was explained and rights of PAPs and grievance procedures were outlined. All meetings were aimed to create awareness about upcoming RAP and quell apprehensions PAPs might have about resettlement thus enabling them to provide true household and personal information during the census survey.

2.4 Census of PAPs

The census was undertaken from 09 October to 10 November 2017 and aimed to enumerate affected persons and register them according to locations. A census questionnaire utilised was administered to all PAPs. Data collected in the census questionnaires were coded and entered for analysis. All census data that were collected for all PAPs were analysed to provide the social profile of affected persons. The census was undertaken together with property survey and valuation exercise. Results of the census were compiled into in an MS Excel database, linked with the property valuation data.

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

a) Eligibility for Compensation

The following categories are eligible for compensation:

- Persons with houses/ structures located in the project area (i.e. the designated 1 km corridor on either side of the line indicated in Figure 1);
- Persons with perennial crops within the project area;
- Customary landowners whose plots are in the project area; and
- Registered landowners within the project area.

In addition, consideration will be given to Article 17 of the IFC Performance Standard 5, which classifies displaced persons as persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons who encroach on the proposed project area after the resettlement survey (census and valuation) in November 2017, are not eligible for compensation.



3 Project impacts and affected population

Social survey of project impacts and affected populations

When a resettlement action plan (RAP) is undertaken, the attention is first given to identifying the project's adverse impacts and the populations that will be affected. This will be more than just simple cadastral surveys or inventories of affected assets. The ultimate goal of a RAP is to enable those displaced by a project to improve their standard of living—a goal that requires an examination of social, environmental, and economic conditions beyond simple physical inventories.

Through a RAP, all people affected by the project and all adverse impacts on their livelihoods associated with the project's land acquisition are identified. Typical effects may include breakup of communities and social support networks; loss of dwellings, farm buildings, and other structures (wells, boreholes, irrigation works, and fencing), agricultural land, trees, and standing crops; impeded or lost access to community resources such as water sources, pasture, forest and woodland, medicinal plants, game animals, or fisheries; loss of business; loss of access to public infrastructure or services; and reduced income resulting from these losses. The sections below discuss the regional profile as well as the social and economic conditions of the communities along the proposed power line corridor.

3.1 Regional profile

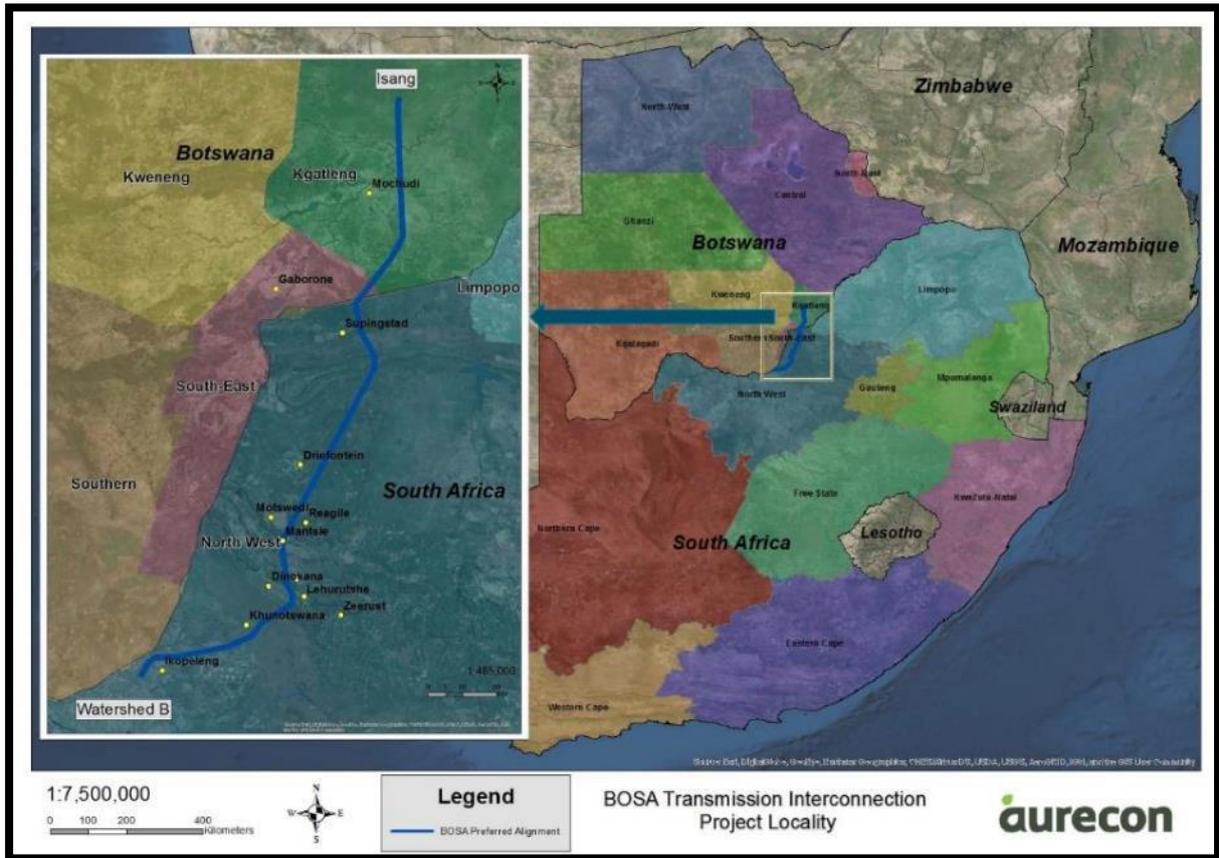


Figure 2: Project locality

For a more detailed description of the above-mentioned corridors refer to the ESIA report.

The sections below detail some of the main statistics for the two project host countries, namely; South Africa and Botswana.

South Africa



Figure 3: Project locality - South Africa – study area in square

The Republic of South Africa has land borders with Namibia, Botswana, Zimbabwe, Mozambique and Swaziland. Its sea borders are with the South Atlantic and Indian Oceans. Lesotho is enclosed within its land area. The country comprises nine provinces: Eastern Cape (provincial capital Bhisho), Free State (Bloemfontein), Gauteng (Johannesburg), KwaZulu-Natal (Pietermaritzburg), Limpopo (Polokwane), Mpumalanga (Nelspruit), Northern Cape (Kimberley), North-West (Mafikeng) and Western Cape (Cape Town)². In South Africa, the study area is within the North-West Province as seen in Figure 4 below, which lies in western South Africa, bordering the Northern Cape, Limpopo and Gauteng Provinces as well as Botswana on the western side. The capital of North West is Mahikeng, ‘The City of Goodwill’.

The aim of this section is to contextualise the study by developing a socio-demographic profile that captures the relevant characteristics of the affected region.

² http://commonwealthofnations.org/yb-pdfs/south_africa_country_profile.pdf

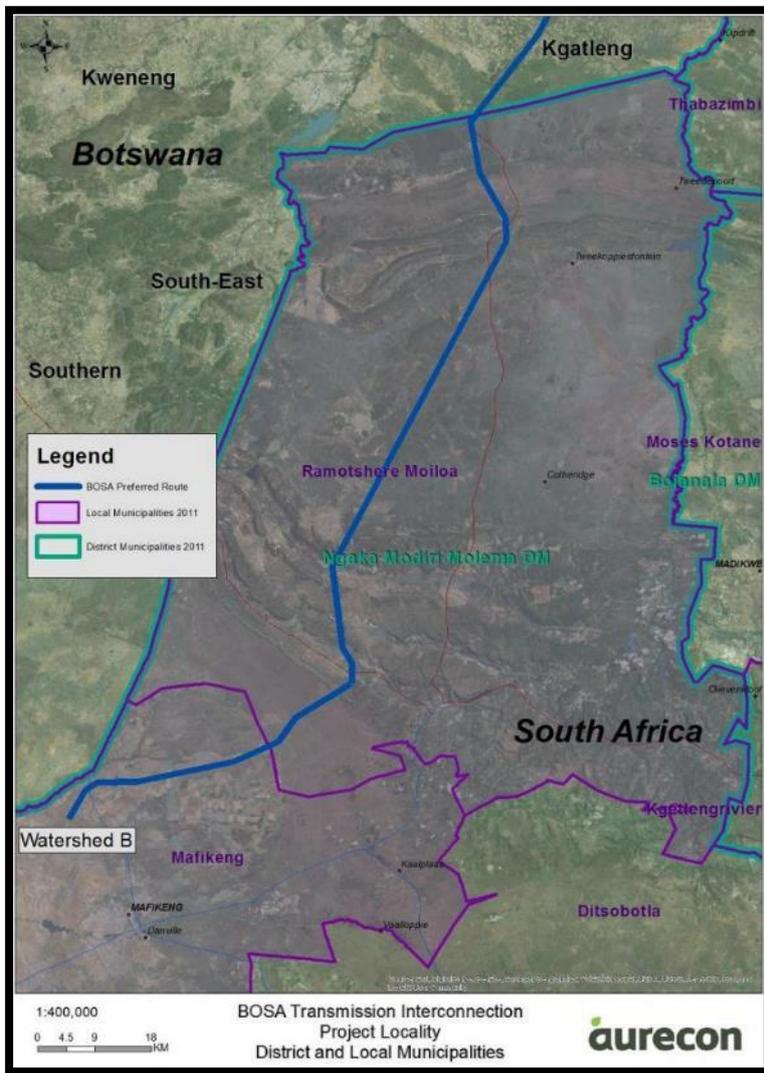


Figure 4: District and Local Municipalities affected – South Africa

The study area falls within the Ngaka Modiri Molema District Municipality (NMMDM). Ramotshere Moiloa and Mafikeng Local Municipalities, as highlighted in Figure 5 are the two Local Municipalities that are affected by the proposed project. The main towns and settlements within 10 km of the study area are Ikopeleng, Khunotswana (Figure 5), Lehurutshe, Mantsie, Motswedi, Driefontein, Miga and Supingstad. The residents of these settlements and the surrounding farms form part of the baseline stakeholders for the Stakeholder Engagement process.



Figure 5: Khunotswana – South Africa

Figure 6 shows the affected wards in the respective affected local municipalities, namely:

- Ramotshere Moiloa Local Municipalities: Ward 3, 4, 11, 12, 13, 14, 18 and 19; and
- Mahikeng Local Municipalities: Ward 3 and 4.

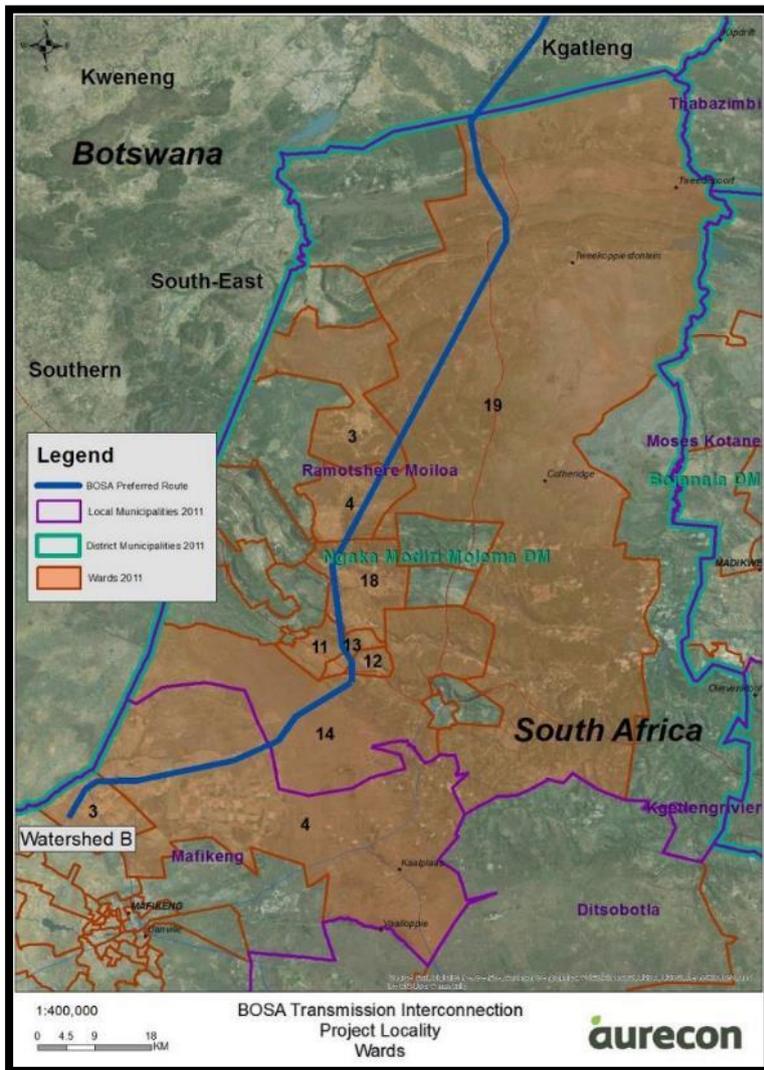


Figure 6: District, Local Municipalities and Wards affected – South Africa

3.2 Regional summary

The **North-West Province** is in the north-western section of South Africa, with the Northern Cape Province to the west, Gauteng Province to the east, and the Free State Province to the south. The capital city of North West is Mahikeng (previously Mafikeng). North West has a total area of 118,797 km², which is almost 9% of South Africa's total land area. North West has various tourist attractions, including Sun City, the Pilansberg National Park, the Madikwe Game Reserve and the Rustenburg Nature Reserve.

Portions of two of South Africa's eight Unesco World Heritage sites fall within the borders of North West: the Vredefort Dome, the world's largest visible meteor-impact crater, and the Taung hominid fossil site, which has been incorporated into South Africa's Cradle of Humankind.
Brand South Africa

The main economic driver of the North-West Province is mining; it contributes more than 50% towards the Province's gross domestic product (GDP) and provides employment for about 25% of its workforce. North-West is also known as the Platinum Province, as almost all South Africa's platinum is found in the North-West. Mining contributes around a quarter toward the North-West Province's economy and makes up about a fourth of the South African mining industry.

The chief minerals are gold, mined at Orkney and Klerksdorp; uranium, mined at Klerksdorp; platinum, mined at Rustenburg and Brits; and diamonds, mined at Lichtenburg, Christiana, and Bloemhof. The Rustenburg and Brits districts produce 94% of the country's platinum, which is more than any other single area in the world. North West also produces a quarter of South Africa's gold, as well as granite, marble, fluorspar and diamonds.
North West Provincial Government

Maize and sunflowers are some of the main crops produced in the North-West Province, which is also a major producer of white maize and beef, particularly around Vryburg and Groot Marico. The areas around Rustenburg and Brits are fertile, mixed-crop farming land.³

3.3 Municipal summary

The **Ngaka Modiri Molema District Municipality** (NMMDM) is one of the four District Municipalities of the North-West Province of South Africa. The other three are: Bojanala-Platinum, Dr Ruth Mompati and Dr Kenneth Kaunda Districts. The NMMDM covers an area of 31,039 km² and shares an international border with the Republic of Botswana.⁴ The area is fairly flat and dry in the west, becoming bushveld towards the east. The Ngaka Modiri Molema District offers game viewing - including the Big 5, bird watching, hunting, fishing, sport, hospitality, conference facilities, shopping, gaming, Anglo-Boer War sites and a number of excellent guest houses and guest farms.⁵

³ <https://www.brandsouthafrica.com/tourism-south-africa/geography/north-west>

⁴ <http://led.co.za/municipality/ngaka-modiri-molema-district-municipality>

⁵ <http://www.nmmdm.gov.za/Tourism.html>



The mission according to the NMMDM Integrated Development Plan (IDP), 2012 – 2016 is: ‘To provide a developmental municipal governance system for a better life for all in Ngaka Modiri Molema District’. Some of the municipal priorities listed in the IDP include:

- Provision of water and sanitation;
- Improve road infrastructure;
- Local economic development and job creation;
- Environmental health management;
- Promote integration of services;
- Promote intergovernmental coordination and relations; and
- Support local municipalities.

The **Mahikeng Local Municipality** (previously Mafikeng Local Municipality) is the smallest of the five municipalities in the district and the municipal area covers an area of approximately 3,698 km². Mahikeng Local Municipality is a Category B municipality^{6,7}. The mission of the Mahikeng Local Municipality is to:

- Foster Local Government through regular public participation and transparency for service delivery;
- Provide and maintain infrastructure through the concept of Villages, Townships and Small Dorpies;
- Reconstruct and develop Villages, Townships and Small Dorpies through the municipality’s Integrated Development Plan; and
- Accelerate the concept of Rebranding, Repositioning and Renewal of the City in collaboration of social partners.⁸

The **Ramotshere Moiloa Local Municipality** (previously Zeerust Local Municipality) is also a Category B municipality and the largest of the five municipalities in the district, covering an area of approximately 7,193 km².⁹ The municipal vision is to strive to be the best in the provision of sustainable development and service delivery at the local government level.¹⁰ The municipal mission is to provide people oriented government that enables integrated social and economic development in the whole of Ramotshere Moiloa Local Municipality.¹¹

The municipality is characterised by a few urban areas including Zeerust Town (the main town in the LM) as well as some formal settlement at Ikageleng, Henryville, Olienhout Park, Shalimar Park, Welbedacht (Lehurutshe Town) and Groot Marico. A vast majority of the population lives in a rural or peri-urban environment, which for most part is unplanned and poorly serviced. The rural part of

⁶ Local Municipalities are also known as Category B Municipalities

⁷ <http://www.localgovernment.co.za/locals/view/203/Mahikeng-Local-Municipality>

⁸ <http://www.mahikeng.gov.za/>

⁹ <http://www.localgovernment.co.za/locals/view/204/Ramotshere-Moiloa-Local-Municipality#overview>

¹⁰ <http://www.ramotshere.gov.za/vision>

¹¹ <http://www.ramotshere.gov.za/mission>

the municipality is estimated at 70% of its total area, with over 40 villages spread across distances of up to 120 km from the main town. Mountainous terrain forms a significant divide between the areas along the N4 and the remainder of the LM area. The natural environment is primarily characterised by turf thorn veldt and mixed bush veldt areas.¹²

3.4 Demographics

The socio-economic indicators of the study area are discussed in the sections below.

Table 3: Population of South Africa, Census 1996, 2001 and 2011

1996		2001		2011		Growth Rate		Population % change	
Population	%	Population	%	Population	%	1996 - 2001	2001 - 2011	1996 - 2001	2001 - 2011
South Africa									
40,583,572	100.00	44,819,777	100.00	51,770,561	100.00	2.0	1.4	10.4	15.5
North West Province									
2,727,223	6.7	2,984,098	6.7	3,509,953	6.8	1.8	1.6	9.4	17.6

The socio-economic indicators of the study area are discussed in the sections below.

Table 3 above shows the population size and percentage share of the South African population for the North-West Province between 1996 and 2011. The population of North-West makes up 6.8% of the population of South Africa and is ranked seventh in terms of population size. 3,509,953 of the 51 770,560 people in South Africa live in the North-West Province. Between 1996 and 2001 the population in North-West Province increased, with an average growth rate of 1.8%, by 9.4% and between 2001 and 2011 the population increased, with an average growth rate of 1.6%, by 17.6%, which is 2.1% above the average population increase for South Africa. The sex ratio in North-West Province is 102.9, with 1 779,903 males and 1,730,049 females.

The Ngaka Modiri Molema District Municipality has a total of 2,788,844 hectares, which is equivalent to 26% of the total number of hectares in the North-West Province. 13% belongs belong to the Mafikeng Local Municipality; it is the area with the smallest portion of land although it represents the highest gross value add (GVA) figures and highest population in the District.
Ngaka Modiri Molema District Municipality

¹² <http://www.ramotshere.gov.za/about-municipality>

Ngaka Modiri Molema District Municipality recorded the second highest population size in 2011 (842 699), which amounts to 24.0% of the population in North-West.

The Ngaka Modiri Molema District Municipality has a total population of 764,351, which is equivalent to 24% of the total population in North-West.
Ngaka Modiri Molema District Municipality

Table 4: Population size and percentage by municipality, Census 2011

	Population			% Change	
	1996	2001	2011	1996 - 2001	2001 – 2011
Ramotshere Moiloa Local Municipality	129,287	137,443	150,713	6.3	9.7
Mafikeng Local Municipality	242,146	259,478	291,527	7.2	12.4
Ngaka Modiri Molema District Municipality	691,529	764,840	842,699	10.6	10.2
North West Province	2,727,223	2,984,098	3,509,953	9.4	17.6

Table 4 shows the population of the affected municipalities from 1996 to 2011 and the percentage change for each municipality. The population of Ngaka Modiri Molema District Municipality increased by 10.6% between 1996 and 2001, and increased by 10.2% between 2001 and 2011.

34% of the district's total population are found in the Mafikeng Local Municipality, thus giving it the largest population density in the district.
Ngaka Modiri Molema District Municipality

North-West Province is comprised of 1,779,903 males and 1,730,049 females, with a sex ratio of 102.9% (more males than females). Ngaka Modiri Molema District Municipality has a sex ratio 96.3% with more females than males.

Table 5: Population grouping: Ngaka Modiri Molema District Municipality, Census 2011

Population group	Male	Female	Total
Black African	385,963	405,288	791,250
Coloured	7,067	6,743	13,810
Indian or Asian	3,210	1,758	4,968

White	15,897	15,052	30,950
Other	1,261	458	1,720

In the above it is apparent that the population of Ngaka Modiri Molema District Municipality is mainly made up of Black African (94%), while Whites make up 3.7%, and Coloured 1.6%, Asian 0.9% and other 0.2%.

Table 6: Dependency ratio¹³, Census 2011

	0 – 14	15 – 64	65+	Dependency ratio %
Ngaka Modiri Molema District Municipality	280,573	512,167	49,958	64.5
North West Province	1,040,364	2,271,734	197,855	54.5
South Africa	15,100,089	33,904,480	2,765,991	52.7

As per Table 6 North West recorded has a dependency ratio of 54.5%, which is slightly higher than the national average of 52.7.

3.5 Language

Setswana is the first language for the majority of people living in North-West (63.4%). Just less than one-tenth (9.0%) reported Afrikaans as their first language in North-West.

3.6 General health

Table 7: Distribution of population aged five years and older by disability status, sex, numbers and percentages, Census 2011

	Disability status	Disabled Males	Disabled Females	Total	Male %	Female %	Total %
Ngaka Modiri Molema District Municipality	Not disabled	252,239	277,971	530,210	88.9	87.1	87.9
	Disabled	31,632	41,327	72,959	11.1	12.9	12.1
	Total	283,871	319,298	603,169	100.0	100.0	100.0
North West Province	Not disabled	1,137,114	1,148,184	2,285,298	91.1	88.9	90.0
	Disabled	111,094	143,239	245,333	8.9	11.1	10.0
	Total	1,248,208	1,291,423	2,539,631	100.0	100.0	100.0

¹³ The dependency ratio is a measure showing the number of dependents, aged zero to 14 and over the age of 65, to the total population.

In Table 7 above the disability status of males and females aged five years and older are shown. The proportion of males with a disability in North-West is 8.9% as compared to 11.1% of females. Ngaka Modiri Molema had 11.1% of disabled males as compared to 12.9% of females.

3.7 Education

Table 8: Number of persons aged 20 years and older by level of educational attainment and sex in North West, Censuses 1996, 2001 and 2011

Level	1996		2001		2011	
	Male	Female	Male	Female	Male	Female
No Schooling	294,065	290,805	248,403	256,811	146,056	149,114
Some primary education	352,172	336,877	435,890	415,473	462,999	438,722
Completed primary	86,098	94,677	93,693	96,475	91,284	88,133
Some secondary	296,860	332,691	345,028	361,151	476,218	469,833
Completed secondary	97,103	107,503	167,990	168,997	278,201	281,910
Higher education	38,716	35,051	47,356	53,082	79,955	80,506

In Table 8 above it is shown that the number of persons with no schooling have decreased since 1996. The number of persons that have completed some secondary as well as completed secondary and higher education has increased significantly since 1996. In Table 9 below it can be seen that in Ngaka Modiri Molema District Municipality, only 14.2% of people had completed secondary schooling and 5.3% had attained a higher level of education in 2011.

2.5% of the total population in the NMMDM has not received any form of tertiary education.
Ngaka Modiri Molema District Municipality

Table 9: Percentage distribution of persons aged 20 years and older by level of educational attainment for Ngaka Modiri Molema District Municipality, Censuses 1996, 2001 and 2011

Level	1996	2001	2011
No Schooling	28.7%	23.1%	12.8%
Some primary education	30.7%	33.9%	34.4%
Completed primary	7.0%	6.5%	6.0%
Some secondary	22.7%	22.4%	27.3%
Completed secondary	7.8%	10.6%	14.2%
Higher education	3.1%	3.6%	5.3%

3.8 Labour force

3.8.1 Employment status

The unemployment rate in South Africa is almost 30% and the unemployment rate in North-West is 31.5%.

Construction, electricity, manufacturing and transport as secondary sectors employed only 14.0% of the economically active population. The tertiary sector (social, financial, wholesale etc.) employed 43.8% of the economically active population.
Ngaka Modiri Molema District Municipality

Table 10: Official employment status for Ngaka Modiri Molema District Municipality, Census 2011

Employment status	Ngaka Modiri Molema District Municipality
Number of working age population	512,167
Labour force	225,307
Employed	149,334
Formal sector	96,041
Informal sector	24,669
Private households	26,415
Do not know	2,208
Unemployed	75,973
Not economically active	286,861
Discouraged work-seekers	41,366
Other	245,495
<i>Unemployment rate</i>	33.7%
<i>Absorption rate</i>	29.2%
<i>Participation rate</i>	44.0%

Table 10 shows labour market indicators for the Ngaka Modiri Molema District Municipality. According to the Census 2011, the labour participation rate shows the percentage of people of working age who form part of the labour force. The labour participation rate for Ngaka Modiri Molema is 44.0% which is lower than that of the North-West at 54.2%. Absorption rate is the percentage of people of working age who are employed. The absorption rate of North West is 37.1%. Ngaka Modiri Molema has an absorption rate of 29.2%. Unemployment rate shows the percentage of people in the labour force who do not work and are available to work. Ngaka Modiri Molema has the second highest unemployment rate in North-West with a rate of 33.7%.

The Mafikeng Local Municipality has an unemployment figure of 38%. Making it the area with the largest unemployment figure in the district.
Ngaka Modiri Molema District Municipality

3.8.2 Household income

Table 11: Average household income, Census 2011

	Average annual household income
North West Province	R 69,954.00
Ngaka Modiri Molema District Municipality	R 63,778.00
Mafikeng Local Municipality	R 81,965.00
Ramotshere Moiloa Local Municipality	R 51,026.00

As seen in Table 11 above the average household income that was recorded in 2011 for the North-West province is R69,954.00, which is higher than the average household income for Ngaka Modiri Molema District Municipality of R63,778.00. The average household income for the Mafikeng Local Municipality at R81,965.00 is much higher as the average household income for Ramotshere Moiloa Local Municipality of R51,026.00.

The Ngaka Modiri Molema District Municipality has a total of 554,668 people living under the minimum living income, which is equivalent to 29% of the total number of minimum living income earners in the North-West province, thus, making it the district with the most underprivileged people in the NW Province.
Ngaka Modiri Molema District Municipality

3.9 Average household size

Table 12: Number of households, household size and percentage of female-headed households by census year, Census 2011

	Ngaka Modiri Molema District Municipality	North West Province
		1996
	138,053	592,176
		2001
Households	185,342	799,319
		2011
	227,001	1,062,015

Household size	1996	
	5.01	4.61
	2001	
	4.13	3.73
Female headed households	2011	
	3.71	3.30
	1996	
	41.2%	37.7%
% Change of number of households	2001	
	43.0%	39.5%
	2011	
	42.5%	36.5%
% Change of number of households	1996 - 2001	
	34.3%	35.0%
	2001 - 2011	
	25.2%	37.4%

Table 12 shows changes in the number of households, average household size and the percentage of female-headed households in North-West and Ngaka Modiri Molema District Municipality for 1996, 2001 and 2011. The number of households in North West increased by 35% between 1996 and 2001, and by 37% between 2001 and 2011. Ngaka Modiri Molema recorded the highest household size (3.7 persons) in 2011. The percentage of female-headed households in North-West has also decreased from 39.5% in 2001 to 36.5% in 2011.

3.10 Type of dwelling and tenure status

3.10.1 Type of dwelling

According to Census 2011, 76.9% of the households in North-West reside in formal dwellings (Table 13). This is slightly below the national average of 76.9%. North-West has the highest proportion of households residing in informal dwellings with 21.5%, above the national average of 13.8%.

Table 13: Percentage distribution of households by type of dwellings by province, Census 2011

	<i>Formal dwelling</i>	<i>Informal dwelling</i>	<i>Traditional dwelling</i>
North West Province	76.9%	21.5%	1.7%
South Africa	78.3%	13.8%	8.0%

3.10.2 Tenure status

In the North-West Province, 24.9% of households live in rented dwellings and 75.1% of households own the dwellings they live in (Table 13). In the Ngaka Modiri Molema District Municipality, only 14.9% of households live in rented dwellings and 85.2% of households live in dwellings they own.

Table 14: Percentage of households which rent or own their dwellings, Census 2011

	Census 2011	
	Rented	Owned
Ngaka Modiri Molema District Municipality	14.9%	85.2%
North West Province	24.9%	75.1%

3.11 Household services

The Mahikeng Local Municipality and the Ditsobotla Local Municipality are the regions with the highest number of people that have access to basic services. Ngaka Modiri Molema District Municipality

3.11.1 Refuse removal

Census 2011 recorded that 6.5% of the households in North-West had no rubbish disposal facilities and that 49.3% had their rubbish removed at least once a week (Table 14). 54.9% of households in the Ngaka Modiri District Municipality removed their own refuse, a further 35.9% of households had their rubbish removed at least once a week.

Table 15: Percentage distribution of households by type of refuse removal, Census 2011

	Removed at least once a week	Removed less often	Communal refuse dump	Own refuse dump	No rubbish disposal
Ngaka Modiri Molema District Municipality	35.9%	1.4%	1.6%	54.9%	6.2%
North West Province	49.3%	1.5%	1.9%	40.8%	6.5%

3.11.2 Toilet facilities

Table 16 below shows that less than half of the households in the province used flush toilets (46%). 32% of the households in the Ngaka Modiri Molema District Municipality used flush toilets. However, the majority of the households in other districts used other types of facilities (e.g. pit latrines).

Table 16: Percentage distribution of households by type of toilet facilities, Census 2011

	Flush toilet	Chemical toilet	Other	None
Ngaka Modiri Molema District Municipality	32%	1%	60%	8%
North West Province	46%	1%	47%	6%

3.11.3 Electricity for lighting

As per Table 17 below, more than 84% of households in North-West use electricity for lighting, compared to 73% in 2001 and 43% in 1996. Ngaka Modiri Molema recorded the lowest proportion of households with access to electricity for lighting with 80.7%.

Table 17: Percentage of households which use electricity for lighting, Census 2011

	1996	2001	2011
Ngaka Modiri Molema District Municipality	36.9%	71.0%	80.7%
North West Province	42.8%	72.9%	84.3%

The Botswana social baseline is discussed in the section below.

Botswana

Botswana is a land-locked country situated in Southern Africa. It borders South Africa, Namibia, Zambia and Zimbabwe. Approximately two-thirds of the country lies within the Tropics. Botswana covers an area of 581,730 km² – about the size of France or Kenya.
Botswana Tourism

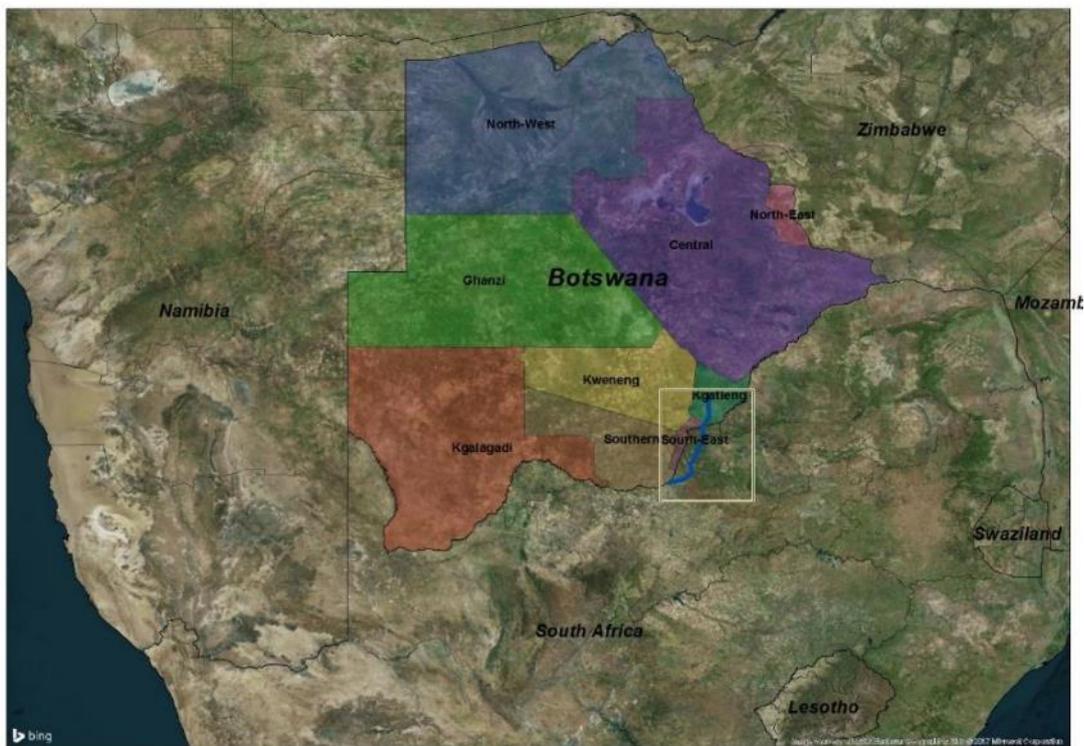


Figure 7: Project locality in Botswana – study area in square

In 1966 Botswana gained independence from the British and its district administration was formed by adapting their previous colonial administration framework. The Ministry of Local Government provides policy direction to local government, working through such services as Tribal Administration, Remote Area Development and Local Governance. Nine district councils and five town councils, including Gaborone City Council, are responsible for local administration in Botswana. District commissioners appointed by central government have executive authority. The Department of Local Government Technical Services develops and maintains roads, village water supplies, schools, municipal and recreational facilities¹⁴. Botswana has a total population, according to the Population & Housing Census 2011, of 2,024,904, which consist of 988,957 males and 1,035,947 females.

¹⁴ Commonwealth Education Online, http://www.commonwealthofnations.org/sectors-botswana/government/regional_local_government/

Botswana has been one of the world's fastest growing economies over the past 50 years, allowing the country to move from being among the poorest to upper middle-income status – this has had the effect of pulling the majority of the population out of poverty. At the same time, many Botswana are still poor, inequality is among the highest in the world, and human development outcomes are far below the norms for an upper middle-income country. Moreover, the country remains reliant on a diamonds and public sector driven model. This makes it vulnerable both to short term shocks and structural changes.

Botswana Systematic Country Diagnostic. World Bank Group

The proposed development falls within the Kgatleng and South-East Regions in Botswana, which are located in the south-eastern part of Botswana.

Kgatlang District covers an area of 7,600 km² and the administrative capital of Kgatleng is Mochudi and was originally founded in 1871 as the capital of the Bakgatla tribe.¹⁵ Kgatleng District has no sub-districts.

There is only one planning area in Kgatleng District and this was declared a planning area in 1995. This area covers Mochudi, Pilane, Bokaa, Malotwana and Rasesa. In addition, a development plan was developed to cover the villages of Sikwane, Mmathubudukwane, Mabalane, and Ramonakaand Malolwane. Two service centres, at Artesia and Mmathubudukwane have been established to bring services closer the communities in those areas.

Kgatlang District Council

16

The **South-East District** is the smallest district in Botswana and is home to Botswana's capital city Gaborone. Ramotswa is the administrative capital and home to the district council of the South-East District. The largest tourist attractions in the South-East District are the Mokolodi Nature Reserve, Gaborone Game Reserve and Manyelanong Game Reserve. South-East District has two sub-districts namely; Ramotswa sub-district and Tlokwenng sub-district. The major settlements close to the proposed development are: Monametsana, Malotwana, Mochudi (Figure 8), Dikwididing, Mokatse and Modipane.

¹⁵ <http://www.kgatlangdc.gov.bw/index.php?id=12>

¹⁶ Botswana is one of the very few countries with a single Development Code that is applied in the whole country. As presently constituted, the Development Control Code of 1995 is applicable in urban and rural settlements that are Declared Planning Areas. It is legally enforceable in Planning Areas under the Town and Country Planning (General Development Order), 1980 paragraph 7(2).

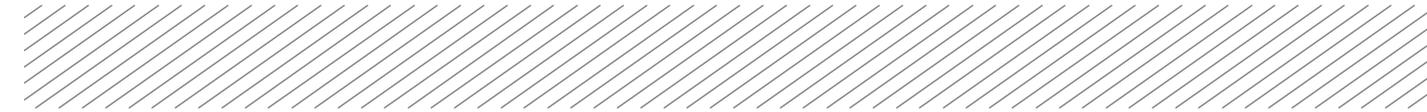


Figure 8: Mochudi - Botswana

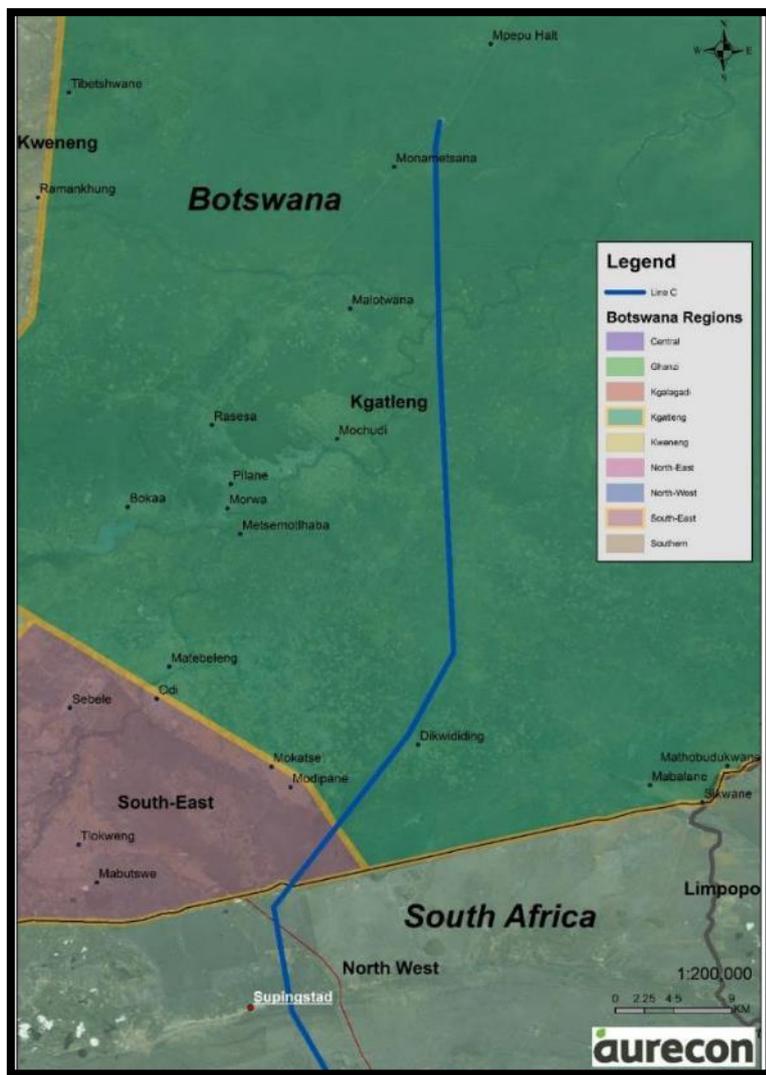


Figure 9: Districts affected - Botswana

3.12 Demographics

The demographics of the affected districts in Botswana were investigated, in order to learn more about the potentially impacted population's characteristics.

The population of Botswana is largely concentrated in the eastern part of the country. Botswana's main ethnic groups are Tswana/ Setswana and Kalanga. Other groups of ethnicities in Botswana include whites and Indians, both groups being roughly equally small in number. Table 18 below shows the population size and distribution by locality type. The South-East District has a total population of 85,014 with 86% of its population living in the urban centres. Kgatleng District has a total population of 91,660 with 61% living in the urban centres and 39% living in rural settlements.

Table 18: Distribution of population by locality type, Botswana 2011

	Urban	Rural	Total
South East	72,912	12,099	85,014
Kgatleng	56,170	35,490	91,660

Most of the population, according to Table 19 below, living in the South-East and Kgatleng Districts are Batswana while only 8% and 5% of the population living in the districts are non-Batswana.

Table 19: Distribution of population by citizenship, Botswana 2011

	Batswana	Non-Batswana	Total
South East	77,852	7,162	85,014
Kgatleng	87,426	4,234	91,660

3.13 Language

In Botswana, Setswana is the national language and English is an official language. Setswana is the first language for the majority of people living the South-East and Kgatleng Districts. As per Table 20 below, 88% of people in the South-East and 94% of people in the Kgatleng District speak Setswana.

Table 20: Distribution of numbers of persons aged two years and older by language spoken; Botswana 2011

	South East	Kgatleng
Setswana	71,324	81,594
English	3,738	1,453
Sekalanga	1,219	638
Shekgalagadi	407	181
Afrikaans	334	74
Ndebele	871	835
Zezuru / Shona	2,681	1,975
Seherero	111	124
Other African languages	164	91
Other European languages	224	111
Other Asian language	67	56
Other	189	30
Not stated	222	9
Total	81,551	87,171

3.14 Education

In Botswana, there are ten years of compulsory education starting at the age of six. Primary school comprises seven years and secondary five¹⁷. Table 21 below is a summary of the distribution of the population aged twelve years and over that ever-attended school, per sex and highest level of education. According to the 2011 statistics, 27% of the population, both for the South-East and Kgatleng District, aged twelve years and over, have attained Form 1 – 3 as the highest level of education. A further 23% of the population in the South-East District and 14% of the population in the Kgatleng District, aged twelve years and over, have attained Form 4 – 6 as the highest level of education.

Table 21: Distribution of Number of Population Aged Twelve Years and Over That Ever-Attended School per Sex and Highest Level of Education; Botswana 2011

	South East			Kgatleng		
	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
Educational attainment for 12	4,996	4,353	9,349	8,746	6,463	15,209
Pre-school	803	869	1,672	727	722	1,449
Non-formal	81	127	208	110	162	272
Standard 1 - 4	3,940	4,285	8,225	5,974	6,541	12,515
Standard 5 - 6	2,069	2,173	4,242	2,993	3,312	6,305
Standard 7	2,617	3,370	5,987	3,577	4,791	8,368
Form 1 - 3	8,189	9,435	17,624	9,608	11,210	20,818

¹⁷ http://commonwealthofnations.org/yb-pdfs/botswana_country_profile.pdf_Education

Form 4 – 6	6,953	7,967	14,920	5,028	5,667	10,695
Educational level unknown	1,550	1,466	3,016	142	117	259
Total	31,198	34,045	65,243	36,905	38,985	75,890

3.15 Current economic activity

Botswana has benefited from a stable social structure and a wealth of natural mineral resources; it has an unbroken record of parliamentary democracy and one of Africa's highest sustained records of economic growth since independence. However, the economy is dependent on mining and agriculture, and has had to cope with the vagaries of the diamond market and frequent droughts¹⁸. 53% of the population aged 12 years and over are economically active in the South-East District, 13% are actively seeking work and a further 27.3% of the population are seen as students. 50% of the population aged 12 years and over in the Kgatleng District are economically active, another 11.6% of the population are actively seeking work and 23.2% are in the student category.

3.16 Household Agriculture

Botswana's agricultural potential is, unarguably, limited, even though it is still one of the main economic drivers of the country. The Kalahari Desert occupies a large area of the country, and recent regional droughts have not helped the areas where rain-fed agriculture is the norm¹⁹. In Table 22 and Table 23 below an indication is given of the main livestock and crops farmed by households in the South-East and Kgatleng Districts. Cattle, goats, poultry and donkey/ mules are the main livestock owned by households in both districts. Raising cattle has long been the most profitable farming activity in Botswana. The beef industry is well established, and over 95% of production is exported, much of it to Europe²⁰.

With dry red/sandy soil across much of the country and low rainfall, Botswana's land is generally unsuitable for crops and many foods are imported. However, a narrow corridor on the south-eastern side of the country (leading down to the Shashe, Limpopo and Marico rivers) is more suitable for agriculture. This is where most of the population lives²¹. The main crops planted by households in the South-East and Kgatleng Districts are maize, beans, sweet reeds and sorghum.

Table 22: Distribution of Number of Households by Type of Livestock Owned

	South East	Kgatlang
Cattle	5,213	9,018
Goats	4,912	7,439
Sheep	100	117
Pigs	337	289

¹⁸ http://commonwealthofnations.org/yb-pdfs/botswana_country_profile.pdf_Economy

¹⁹ <http://www.new-ag.info/en/country/profile.php?a=845>

²⁰ <http://www.new-ag.info/en/country/profile.php?a=845> Beef and Dairy

²¹ <http://www.our-africa.org/botswana/climate-agriculture>

Poultry	5,583	10,494
Donkeys/ Mules	1,170	2,282
Horses	236	359
Ostrich	36	31
Game	114	85
None	14,328	9,864
Total households	9,613	14,873

Table 23: Distribution of Number of Households by Type of Crops Planted

	South East	Kgatleng
Maize	4,374	7,819
Millet	350	803
Sorghum	1,661	3,338
Beans	3,458	6,350
Water melons	127	825
Sweet reeds	2,541	4,359
Other	24	103
Other plants	11	31
None	13,275	8,733
Total	23,983	24,890

3.17 Household services

Botswana has not only significantly increased access to and quality of their water and sanitation services, but also established an efficient water utility provider. Botswana has also set in place an efficient power distribution utility. Botswana more than doubled its electrification rate between 2006 and 2008, pushing it from 22% to 50%. Between 2004 and 2007, rural access to electricity also doubled, to 44%; which is a major improvement even though still falling short of national targets. Despite recent network extensions, access to electricity remains low as power supply reaches only around 50% of the population.²²

3.17.1 Water supply

Botswana has a high access rate to improved water sources, with more than 90% of the total population having access to an improved water source. Access to improved water supply has increased in both urban and rural areas. As stated in Table 24 below, 30.2% of housing units have access to piped water indoors, a further 39.9% of housing units have access to outdoor piped water. 14.8% of housing units have access to a communal tap and 4.9% of housing units utilise boreholes for their water supply.

²² Botswana's Infrastructure: A Continental Perspective. Cecilia Briceño-Garmendia and Nataliya Pushak

Table 24: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Water Supply

	City / town	Urban village	Rural village	Freehold farm	Mix of lands and cattle post	Camp or other locality type	Total
Piped indoors	77,263	64,234	20,289	799	100	3,000	166,445
Piped outdoors	52,345	119,563	43,144	1,407	296	858	219,795
Neighbors tap	3,137	15,186	11,708	136	44	93	31,067
Communal tap	8,129	14,994	43,964	470	1,502	865	81,393
Tanker	387	589	1,053	413	492	444	6,283
Well	15	26	153	88	643	39	5,100
Borehole	96	225	620	2 147	3,168	254	27,036
Rivers / stream	13	354	556	89	581	134	7,657
Dam / pan	13	27	103	103	350	1	3,949
Rain water tank	42	111	82	22	27	31	551
Spring water	-	71	61	-	2	4	200
Other	510	211	42	8	43	1	1,439
Unknown	-	2	-	-	-	-	3
Total	141,950	215,593	121,775	5,682	7,248	5,724	550,918

3.17.2 Fuel for cooking

Table 25 illustrates that Census 2011 recorded that 17.8% of the housing units in Botswana utilise the electricity grid for cooking. 37.9% of the housing units use gas (LPG) for cooking and 41.9% use wood as the principal source of fuel for cooking. Only 1.7% of housing units use paraffin.

Table 25: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Cooking

	City / town	Urban village	Rural village	Freehold farm	Mix of lands and cattle post	Camp or other locality type	Total
Electricity grid	39,388	44,843	11,239	1,078	84	1,097	98,005
Petrol	78	166	75	4	3	2	351
Diesel	123	174	105	10	26	35	497
Solar power	121	192	77	3	3	10	426
Gas (LPG)	87,194	94,487	22,444	805	132	2,768	208,748
Bio gas	1,397	2,802	727	29	7	59	5,064

Wood	9,134	68,829	85,566	3,705	6,943	1,617	226,925
Paraffin	4,137	3,389	1,032	34	41	113	9,178
Cow dung	32	100	234	3	5	6	410
Coal	56	82	52	-	3	-	202
Crop waste	22	46	23	1	-	-	93
Charcoal	227	345	112	7	1	7	731
Other	41	137	88	3	-	9	285
Unknown	-	1	1	-	-	1	3
Total	141,950	215,593	121,775	5,682	7,248	5,724	550,918

3.17.3 Fuel for lighting

As per Table 26 below, more than 53% of the housing units in Botswana use electricity as the principal source of fuel for lighting, a further 30% of housing units use paraffin. 11% of housing units still use candles as the principal fuel source for lighting and 3.5% of housing units use wood.

Table 26: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Lighting

	City / town	Urban village	Rural village	Freehold farm	Mix of lands and cattle post	Camp or other locality type	Total
Electricity grid	101,820	145,343	39,901	1,888	165	3,319	293,331
Petrol	186	241	174	42	31	35	830
Diesel	50	80	207	678	468	299	4,226
Solar power	166	451	1,089	167	120	87	2,784
Gas (LPG)	499	665	256	21	8	20	1,533
Bio gas	29	47	25	1	1	1	117
Wood	116	1 932	4 894	451	1 825	105	19,626
Paraffin	27,808	48,219	53,694	1,103	3,328	1,182	165,386
Candle	11,129	18,110	20,925	1,238	1,139	628	60,663
Other	147	504	610	93	163	48	2,421
Unknown	-	1	-	-	-	-	1
Total	141,950	215,593	121,775	5,682	7,248	5,724	550,918

3.17.4 Fuel for heating

Table 27 below shows that just less than half of the housing units in Botswana use wood as the principal fuel source for heating (47.7%). 33.6% of the housing units do not use any fuel source for heating. Only 16.75% of housing units use electricity as the principal source of fuel for heating.

Table 27: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Principal Source of Fuel for Heating

	City / town	Urban village	Rural village	Freehold farm	Mix of lands and cattle post	Camp or other locality type	Total
Electricity grid	44,391	35,951	8,874	724	45	2,051	92,300
Petrol	118	243	89	3	10	6	505
Diesel	18	53	53	5	5	3	157
Solar power	124	345	190	11	6	11	749
Gas (LPG)	2,648	2,239	573	60	8	46	5,626
Bio gas	87	131	65	5	6	4	307
Wood	21,490	90,115	88,741	4,049	6,702	2,090	262,583
Paraffin	375	468	328	12	39	15	1,416
Cow dung	10	66	167	1	1	1	260
Coal	195	340	135	18	8	1	742
Charcoal	262	422	116	7	-	9	846
None	72,201	85,009	22,392	786	418	1,484	185,121
Other	31	210	52	1	-	2	304
Unknown	-	1	-	-	-	1	2
Total	141,950	215,593	121,775	5	7,248	5,724	550,918

3.17.5 Type of toilet facilities

Table 28 reflects that in the case of sanitation, Botswana has managed to improve service options by moving people from traditional to improved latrines and by increasing access to flush toilets, therefore reducing the practice of open defecation. Even though these improvements are significant, access to flush toilets is still at 34.1%.

Table 28: Distribution of Number of Housing Units for: Town, Urban and Rural (Small Villages and Other Localities) Areas by Type of Toilet Facilities

	City / town	Urban village	Rural village	Freehold farm	Mix of lands and cattle post	Camp or other locality type	Total
Own	72,790	131,113	65,601	1,413	881	2,802	281,062
Flush toilet	65,928	54,001	15,200	967	115	2,316	139,057
VIP	920	5,645	3,115	27	29	21	10,063
Pit latrine	5,870	71,159	46,781	379	697	465	130,415
Dry compost	72	308	505	40	40	-	1 527
Shared	66,816	64,682	17,699	1,958	342	2,220	156,264
Flush toilet	25,004	16,392	3,249	906	77	1,562	47,371
VIP	3,748	3,028	853	38	21	39	7,876

Pit latrine	38,011	45,148	13,371	998	220	601	100,450
Dry compost	53	114	226	16	24	18	567
Communal	504	1,536	1,529	163	115	321	4,491
Flush toilet	215	156	61	58	26	107	637
VIP	43	124	49	3	-	1	234
Pit latrine	238	1,180	1,250	101	79	209	3 279
Dry compost	8	76	169	1	10	4	341
Neighbours	922	11,612	13,979	39	100	29	27,411
Flush toilet	187	342	143	5	3	11	696
VIP	71	494	492	-	2	-	1,097
Pit latrine	664	10,737	13,254	34	95	18	25,474
Dry compost	-	39	90	-	-	-	144
None	918	6,649	22,967	2,109	5,810	352	81,689
Unknown	-	1	-	-	-	-	1
Total	141,950	215,593	121,775	5,682	7,248	5,724	550,918

3.18 Identification of social impacts

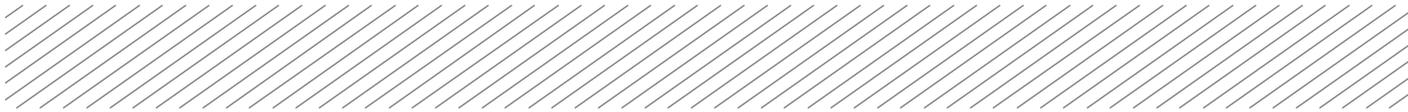
The aim of this section is to identify the socio-economic impacts that are likely to arise because of the proposed developments in proposed project area. In each instance, a distinction is drawn between impacts that are likely to occur during the construction phase, those that are most likely to occur during the operational phase, and those that will only materialise during decommissioning.

3.19 Predicted impacts

A Social Impact Assessment was undertaken as part of the ESIA. A summary of the findings from the SIA, as included in the ESIA, are detailed below.

Based on the discussion presented in the previous sections, it can be concluded that many of the significant socio-economic impacts of the proposed BOSA Transmission Interconnection Project will occur during their construction phase.

Positive impacts include temporary and permanent creation of employment opportunities as well as associated economic benefits and possible creation of opportunities for local sourcing of goods and services. In addition, there will be anticipated positive impacts on local micro, small and medium enterprises and increased availability of electricity.



Negative impacts include the potential influx of job seekers, possible social pathologies arising from the influx of construction workers and job seekers, construction-related health, safety and aesthetic impacts, and displacement.

Cumulative impacts include impacts related to population influx such as the creation of spontaneous and informal settlements and the increased pressure on local services/ resources and further the impact on the visual surroundings and sense of place as well as impacts on ecosystem services.

The pre- and post-mitigation ratings assigned to the various impacts discussed are summarised in the Table 28 below and graphically represented in the figures below. In the figures, the entries in the various coloured cells correspond to the codes given for impacts in the second column of the table.

Positive impacts associated with the project include:

- The creation of limited permanent and temporary semi-skilled and unskilled employment opportunities;
- Opportunities for local sourcing of goods and services during construction;
- Local and regional economic benefits; and
- Increased availability of electricity through better transmission networks.

Negative impacts that may be associated with this project include:

- Social and cultural disruption and conflict due to population influx;
- Possible social pathologies arising from the population influx;
- Construction-related health, safety and aesthetic impacts;
- Negative impacts related to a construction camp;
- Land use impacts and impacts on common property resources; and
- Displacement.

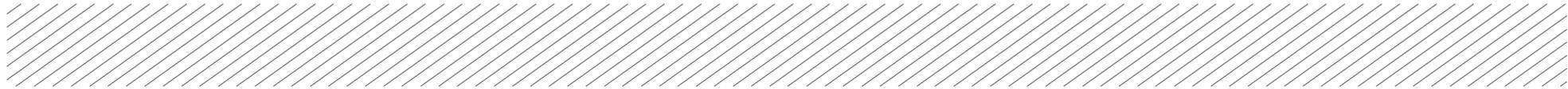


Table 29: Pre- and post-mitigation impact ratings

Code	Impact	Pre-mitigation:						Post-mitigation:					
		Duration	Extent	Intensity	Consequence	Probability	Significance	Duration	Extent	Intensity	Consequence	Probability	Significance
1	Job creation	Short-term	Local	Moderate - positive	Slightly beneficial	Very likely	Low - positive	Short-term	Local	High - positive	Moderately beneficial	Certain	Moderate - positive
2	Opportunities for local sourcing of good and services	Short-term	Local	Moderate - positive	Slightly beneficial	Very likely	Low - positive	Short-term	Local	High - positive	Moderately beneficial	Certain	Moderate - positive
3	Local and regional economic benefits and multiplier effects	Short-term	Local	Moderate - positive	Slightly beneficial	Very likely	Low - positive	Short-term	Local	High - positive	Moderately beneficial	Certain	Moderate - positive
4	Increased availability of stable electricity	Long-term	Regional	High - positive	Highly beneficial	Fairly likely	Moderate - positive	Long-term	Regional	Very high - positive	Extremely beneficial	Very likely	High - positive
5	Population influx	Short-term	Local	High - negative	Moderately detrimental	Very likely	Moderate - negative	Short-term	Local	Moderate - negative	Slightly detrimental	Fairly likely	Low - negative
6	Increased social pathologies	Long-term	Regional	Very high - negative	Extremely detrimental	Certain	Very high - negative	Long-term	Regional	High - negative	Highly detrimental	Fairly likely	Moderate - negative
7	Construction related health, safety and aesthetic impacts	Short-term	Local	High - negative	Moderately detrimental	Very likely	Moderate - negative	Short-term	Local	Moderate - negative	Slightly detrimental	Fairly likely	Low - negative
8	Land use impacts and impacts on common property resources	Long-term	Site-specific	High - negative	Moderately detrimental	Certain	High - negative	Short-term	Site-specific	Moderate - negative	Slightly detrimental	Certain	Low - negative
9	Displacement	Long-term	Site-specific	Very high - negative	Highly detrimental	Certain	High - negative	Long-term	Site-specific	High - negative	Moderately detrimental	Very likely	Moderate - negative

Legend

Significance:	Negative	Positive
Very high		
High		
Moderate		
Low		
Very low		

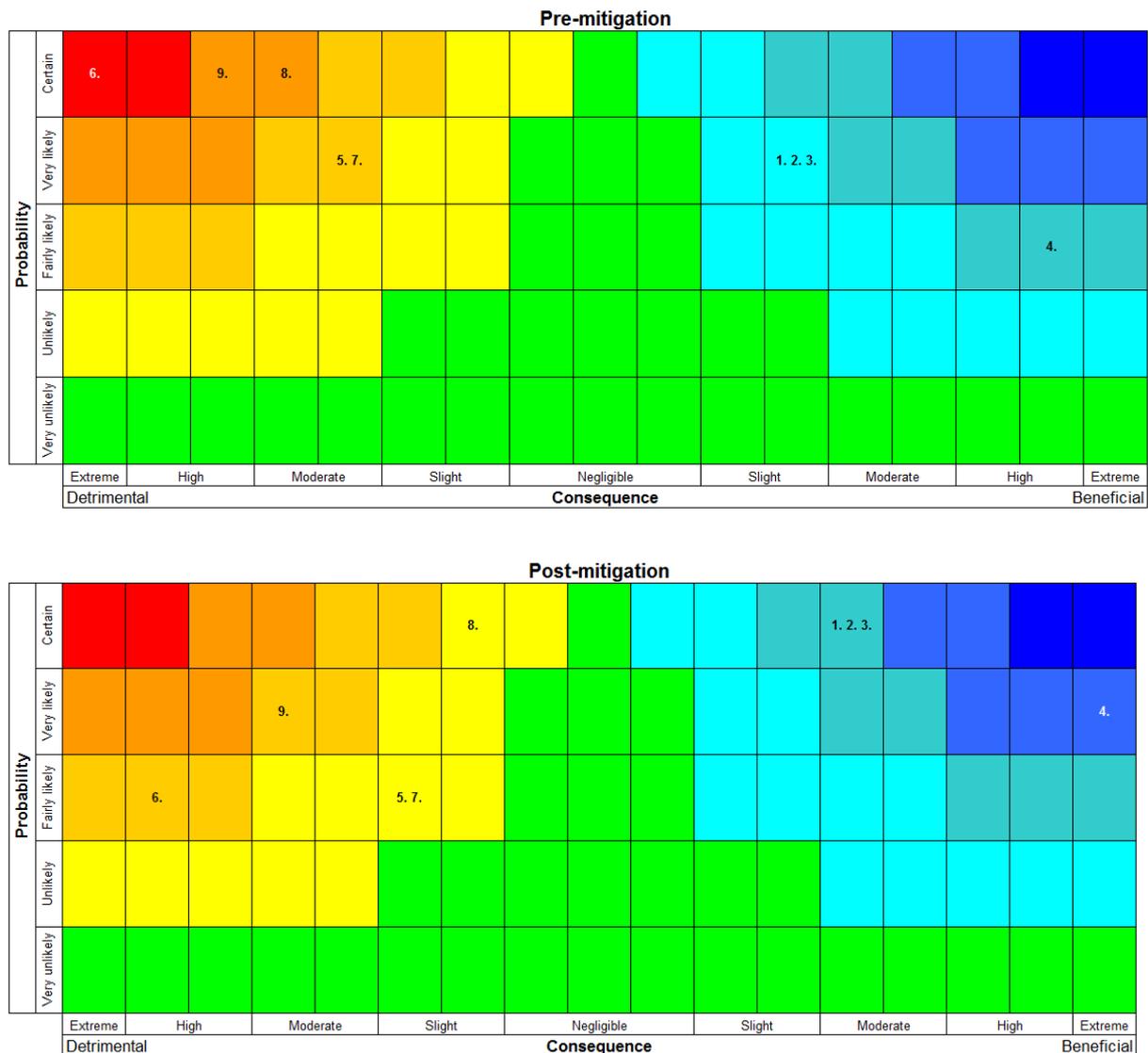


Figure 10: Impact rating pre- and post-mitigation and maximisation measures

Positive impacts include temporary and permanent creation of employment opportunities as well as associated economic benefits and possible creation of opportunities for local sourcing of goods and services as well as anticipated positive impacts on local micro, small and medium enterprises and increased availability of electricity.

Negative impacts include the potential influx of job seekers, possible social pathologies arising from the influx of construction workers and job seekers, construction-related health, safety and aesthetic impacts, and displacement.

Cumulative impacts include impacts related to population influx such as the creation of spontaneous and informal settlements and the increased pressure on local services/ resources and further the impact on the visual surroundings and sense of place as well as impacts on ecosystem services.



4 Legal and policy framework

There is no specific legislation in South Africa and Botswana that addresses resettlement *per se* but some aspects that have a bearing on resettlement are covered by more general legislative instruments.

4.1 Objectives and basic terms for preparation of the Resettlement Action Plan

4.1.1 Impacts, land acquisition and resettlement

Based on the nature of project it is inevitable that activities will lead to either land acquisition and/or denial of, restriction to or loss of access to economic assets and resources and therefore, ultimately to the land acquisition and compensation and, possibly, resettlement of people. It is envisioned that only small numbers of people and areas will be impacted by project activities. When this occurs, relevant provisions in the legislation for the Botswana Government, South African Government (See Section 4.6 and 4.7) as well as the Development Bank of South Africa (DBSA) Environmental & Social Safeguard Standard 3 on Involuntary Resettlement, World Bank Operational Policy (OP) 4.12 and International Finance Corporation (IFC) Performance Standard (PS) 5 on Land Acquisition and Involuntary Resettlement will apply.

4.1.2 Resettlement preparation and implementation

The Resettlement Action Plan establishes the resettlement and compensation principles, organisational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RAP is prepared according to the standards of the South African governmental legislation and policy on resettlement and compensation as well as World Bank OP 4.12 and IFC Performance S 5. If BPC and Eskom wish to apply for funding from the Equator Principles Financial Institutions, (EPFIs), then apart from compliance with the relevant legislation and guidelines listed above, they will have to also conform to appropriate Equator Principles. Furthermore, compliance with the set principles will clearly indicate their commitment to sustainable development.

When specific planning information becomes available and the affected land areas are identified, sub-project resettlement and compensation plans will be subsequently prepared consistent with this RAP and will be submitted to BPC and Eskom for approval before any land acquisition, compensation, resettlement, or any other impact on livelihood occurs.

Compiled in accordance with the World Bank OP 4.12 (attached as Annexure 1), this RAP will cover the following sections:

- Background and project description;
- Principles and objectives governing resettlement and compensation preparation and implementation;
- A description of the process for preparing and approving resettlement and compensation plans;
- Land acquisition and likely categories of impact;
- Eligibility criteria for defining various categories of project affected persons;
- A legal framework reviewing the fit between the laws and regulations of Botswana and South Africa and DBSA, World Bank/ IFC policy requirements and measures proposed to bridge any gaps between them;
- Methods of valuing affected assets;
- Organisational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- Description of the implementation process, linking resettlement and compensation implementation to civil works;
- Description of grievance redress mechanisms;
- Description of the arrangements for funding resettlement and compensation, including the preparation and review of costs estimates, the flow of funds, and contingency arrangements;
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

4.2 Principles and objectives governing resettlement preparation and implementation

4.2.1 Basic principles of the resettlement programme

The impacts due to involuntary resettlement from development projects may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition for resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

The Resettlement Policy may be triggered because the project activity requires land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they



may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented.

Therefore, people will appropriately be compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred. The laws for resettlement and land acquisition for South Africa and Botswana set procedures for compensation while acquiring land from citizens. Relevant South African and Botswana laws, as detailed in Section 4.6 and 4.7, and the World Bank's OP 4.12/ IFC PS 5 as well as Equator Principles should be adhered to.

4.3 Objectives of the Resettlement Policy

The Resettlement Policy will thus have the following objectives:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimised, by exploring all viable alternatives.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.
- Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Affected people, according to the World Bank policy, refers to people who are directly affected socially and economically by bank-assisted investment projects caused by:
 - Relocation or loss of shelter;
 - Loss of assets or access to assets;
 - Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The Resettlement Policy Framework applies to all components under the project, whether or not they are directly funded in whole or in part by the World Bank and Equator Principles Financial Institutions (EPFI). The policy applies to all affected persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line²³; the

²³ *Below Poverty Line* is an economic benchmark and poverty threshold used by the government to indicate economic disadvantage and to identify individuals and households in need of government assistance and aid. It is determined using various parameters. Internationally, an income of less than \$1.25 per day per head of purchasing power parity is defined as extreme poverty.



landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or other affected persons who may not be protected through national land compensation legislation.

The policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the implementation of project activities causing resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets and infrastructures may take place only once formal agreements between parties have been reached.

Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons be implemented in accordance with the Resettlement and Compensation Plan of Action. It is particularly important to manage, to the extent possible, any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the project activities.

Therefore, the RPF seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is fair and transparent.

4.4 International guidelines on involuntary land acquisition and resettlement

4.4.1 International Finance Corporation (IFC) Performance Standard 5

International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement (PS 5) recognises that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/ or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Performance Standard 5 further describes a Resettlement Action Plan (RAP) as a document drafted by the company or other parties responsible for resettlement, specifying the procedures it will follow and



the actions the company will implement to properly resettle and compensate affected people and communities. The RAP is the company's commitment to financial institutions and to the affected people that it will meet its obligations arising from involuntary resettlement.

4.4.2 World Bank Operational Policy-OP 4.12

The World Bank Operation Policy OP 4.12 indicates that “involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs”. This fundamental policy objective reflects the recognition that resettlement can be severely harmful to people and their communities. Moreover, the planning and implementation of mitigation measures can be both complex and costly, and the Involuntary Resettlement Sourcebook, suggest that no guarantees of complete success. A project design that reduces the number of people potentially affected and minimises the severity of potential impacts also helps reduce the resettlement costs, responsibilities, and liabilities of the project. The OP 4.12 further defines a Resettlement Policy Framework as a document that clarifies resettlement principles, organisational arrangements and design criteria to be applied to subprojects to be prepared during project implementation.

4.5 Guiding principles for resettlement planning and implementation

The following guiding principles should be adopted for the resettlement planning process, as well as during RAP implementation:

- Principle 1: Relocation and land acquisition will be avoided or minimised where possible.
- Principle 2: On-going and meaningful consultation will occur with project-affected persons and communities.
- Principle 3: Affected persons will be assisted to improve their livelihoods.
- Principle 4: Vulnerable groups and severely project-affected persons will be specifically catered for.
- Principle 5: Land acquisition/relocation planning, budgeting and implementation will be an integral part of the project.
- Principle 6: A proper database of affected persons will be established for management and monitoring purposes.
- Principle 7: Grievance and monitoring procedures will be in place.
- Principle 8: All resettlement activities will be planned and executed so as to comply with relevant legal obligations.

The principles are consistent with international involuntary resettlement safeguards, while also acknowledging South African policies and legislation.



4.6 Review of the legislation in Botswana governing land acquisition and resettlement

The following section outlines the main legislation related to land acquisition and resettlement in Botswana. Land administration in Botswana controlled by the following acts:

- Land Control Act (Chapter 32:11);
- State Land Act (Chapter 32:01);
- Tribal Land Act (Chapter 32:02);
- Town and Country Planning Act (Chapter 32:09); and
- Electrical Supply Act (Chapter 73:01).

4.6.1 Land Control Act (Chapter 32:11)

Land Control Act (Chapter 32:11) is meant to provide for the control of transactions in agricultural land.

- (5)
- (i) Any person who proposes to enter into a controlled transaction shall, not less than 90 days before the proposed date of such transaction, publish a notice in the gazette and in at least one newspaper circulating in Botswana giving in such notice; and
 - (ii) Any person wishing to object to a proposed controlled transaction may give written notice of his objection, with reasons therefore to the minister.

With reference to the BOSA Transmission Interconnection Project, the project goes through agricultural land and as such an advertisement should be placed to notify the public of the proposed transactions. During the Terms of Reference (ToR) and scoping phases of the project an advertisement was placed in a local paper (Botswana Daily News) which is accessible to all people in the country. In addition, public consultation meetings were held in 12 villages which are near the proposed line and all the affected communities welcomed the proposed development.

4.6.2 State Land Act (Chapter 32:01)

This Act defines the state land of Botswana, provides for its disposal and provides for matters incidental to, or connected with, the foregoing matters.

- (10) No contract for the sale or other disposition of any state land or of any interest in any state land shall be of any force or effect unless it is in writing and the agreement of the President or of a person authorized under section 4 to exercise the powers of the president or such person.

With reference to the BOSA Transmission Interconnection Project, the compensation process should engage all the affected parties. The land through which the proposed transmission line will be passing is state land and as such consultation and negotiations with the affected people is required. Should a dispute arise the local authorities such as the tribal chief and Land Board may intervene.



4.6.3 Tribal Land Act (Chapter 32:02)

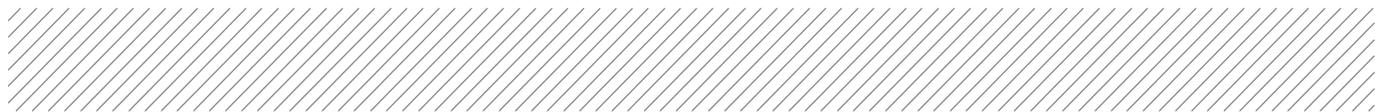
This Act provides for the establishment of tribal land boards, to vest tribal land in such boards and to define the powers and duties of these boards, the chiefs in relation to land and to provide for matters relating to this.

With reference to the BOSA Transmission Interconnection Project, the compensation process should engage all the affected parties. The land on which the proposed project will be located is also under state land and as such, consultation and negotiations with the affected people are required. Should a dispute arise, the local authorities such as the tribal chief and land board may intervene. The Act describes the powers and duties of the local authority with regards to the project. The land board would facilitate the compensation and relocation of land and issue land rights with the help of the tribal chiefs and mitigate disputes that may arise between the proponents and the PAPs.

4.6.3.1 Section 33 Privately Owned Customary Rights

- (1) Where land is granted to the state under Section 32 and there subsists over such land under customary form of tenure, the land board shall require the occupier to vacate the land, and on such vacation the provisions of subsection (2) shall have effect.
- (2) Any person who is required to vacate land under the provisions of subsection (1) may be granted the right to use other land, if available, and shall be entitled to adequate compensation from the state for the following, if applicable:
 - (a) The value of any standing crops taken over by the state;
 - (b) The value of any improvements completed to such land, including the value of any clearing or preparation of land for agricultural or other purposes;
 - (c) The costs of resettlement; and
 - (d) The loss of right of use of such land.
- (3) In the event of the state and any person who alleges he is entitled to compensation under the provisions of this section being unable to agree as to the amount of such compensation, such person may make application to the high court or to a magistrate's court of competent jurisdiction for the purpose of-
 - (a) The determination of his interest or right;
 - (b) Ascertaining the legality of the taking of possession or acquisition of the property, interest or right; or
 - (c) Ascertaining the amount of any compensation to which he is entitled and whether or not such compensation is adequate in the circumstances of the case and, if not, what is adequate compensation, and the court may make such order in the matter as it thinks fit.

With reference to the BOSA Transmission Interconnection Project, the land board can require the occupier to vacate the land, and any person who is required to vacate land under the provisions of



subsection (1) may be granted the right to use other land, if available, and shall be entitled to adequate compensation taking into consideration:

- The value of any standing crops taken over;
- The value of any improvements effected to such land, including the value of any clearing or preparation of land for agricultural or other purposes;
- The costs of resettlement; and
- The loss of right of use of such land.

4.6.3.2 Section 34 Other Privately-Owned Rights

Where any right to land (other than a right vested in the land board) subsists and such right is not of the nature described in section 33(1), the state may acquire such right in accordance with the provisions of the Acquisition of Property Act which shall, to this extent, and notwithstanding anything to the contrary in that act, be deemed to be applicable to the tribal territories.

With reference to the BOSA Transmission Interconnection Project, the Act does mention that a person affected by any project may be given another piece of land to use depending on availability but state that they must be compensated accordingly.

4.6.4 Town and Country Planning Act (Chapter 32:09)

This Act makes provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; and for purposes ancillary to or connected with the matters aforesaid.

With reference to the BOSA Transmission Interconnection Project, the Act does not have any reference to resettlement of people who are affected by any development. However, it requires that permission be sought from the local authorities for developments granted and approved by the authorities. Stakeholder consultations were carried out to notify and seek comments on the proposed BOSA Project.

4.6.5 Electrical Supply Act (Chapter 73:01)

As per the Electrical Supply Act (Chapter 73:01) section 6, under the heading wayleaves over land, BPC has the right to place any transmission line, whether above or below ground, into, out of or across any land, other than land covered by buildings.

However, before placing any such line in position, BPC is required to serve to the owner of the land and to any person lawfully occupying it, or, in the case of a street, the local or other authority concerned, a notice of their intention, together with a description of the lines proposed to be placed. Provided that, if the owner or such person is not a resident and has no representative within Botswana, no such notice need be served to him.



There is a 28 days period in which the recipient of such notice has to object to the Minister of Land Management, Water and Sanitation Services.

This chapter explicitly states that the act does not give the right to lay down or place any transmission line into, through, or against any building, or in any land covered with buildings, without the consent of the owner and lawful occupier.

However, any overhead line and any support, stay or strut required for the sole purpose of supporting an overhead line may be placed on or over any land or building with the consent of the minister if, in his opinion, the consent of the owner or person lawfully occupying the land is being unreasonably withheld, and the minister shall fix the amount of compensation or of annual rental, or of both, which shall be paid to such owner or such person by the licensee.

If the owner of or person lawfully occupying any land on or over which any transmission line has been placed, or, in the case of a street, the local or other authority concerned, requires the position of such line to be changed, the minister may, by notice in writing, order the licensee to alter the position of such line, subject to such conditions as, failing agreement between the parties, may be specified by the minister.

Before making any decision or order in terms of this section, the minister shall give to all parties concerned an opportunity of making representations, either in person or in writing.

The issue of acquisition of land and the associated compensation can be sensitive and a matter that potentially causes arguments between the acquirer and the existing land owners. BPC therefore has a specific acquisition and compensation process to ensure this process is dealt with in a fair and equitable manner.

With reference to the BOSA Transmission Interconnection Project, the act specifies that BPC has the right to place any transmission line, whether above or below ground, into, out of or across any land, other than land covered by buildings. Out of the 128 fields surveyed, four fields with structures are within 60 m corridor and the rest of the fields have no buildings within 60 m corridor making the current Right of Way (RoW) viable and suitable. With specialist assessments being done, the RoW is subject to change depending on the outcomes of such studies.

With regards to notifying the public, stakeholder consultations were carried out within all 12 villages in the vicinity of the proposed site during to the ToR and scoping phase. In addition, one on one consultations were done during the field survey.

In case of failing agreements, the minister may, by notice in writing, order the licensee to alter the position of such line. In case of failing agreement between the parties the minister shall give to all parties concerned an opportunity of making representations, either in person or in writing.



4.6.6 Botswana Power Corporation Act (Chapter 74:01)

As per Botswana Power Corporation Act (Chapter 74:01) section 4, BPC has the right to place any transmission line, whether above or below ground, into, out of or across any land, other than land covered by buildings. However, BPC has to initiate public consultations with the affected community. The act defines the powers and duties of BPC and to provide for matters incidental thereto.

4.6.6.1 Section 24. Compulsory Acquisition of Land

For the purposes of any written law, for the time being in force, relating to the compulsory acquisition of land for public purposes, the functions and operations of BPC shall be deemed to be public purposes.

With reference to the BOSA Transmission Interconnection Project, the act specifies that compulsory acquisition of land can be done in the case of public projects and functions where operations of the project are of benefit to the public. The proposed transmission project is a national project and benefits the economy of the country and therefore such compulsory acquisition of land is applicable.

4.6.6.2 Section 25. Resettlement Measures

If the operations of BPC make necessary the resettlement of any person dwelling upon any communally owned land, the terms of such resettlement shall be subject to the agreement of the government and of the local authority of the area concerned.

Resettlement measures may be required as the RoW goes through 4 fields with buildings, and in this case resettlement of the affected households may be done with agreement of the government and land board.

4.6.6.3 Section 26. Compensation for Loss or Damage

- (1) In the exercise of its powers under this act in relation to the execution of works of interference with property, the BPC shall cause as little detriment and inconvenience and do as little damage as possible, and shall make full compensation to all local and other authorities and other persons who have sustained loss or damage for all loss or damage sustained by them by reason or in consequence of the exercise of such powers and, in default of agreement between the parties, the amount and application of such compensation shall be determined by arbitration in accordance with the provisions of the Arbitration Act.
- (2) For the purpose of such arbitration the parties shall be deemed to be parties to a submission in which the reference is to two arbitrators.

With reference to the BOSA Transmission Interconnection Project, the act specifies that BPC shall ensure that there is minimal damage and make full compensation for any loss or damage sustained. As some fields in the RoW contain structures such as boreholes, buildings, livestock kraals, compensation to the affected people must be done.



4.7 Review of the South African legislation governing land acquisition and resettlement

The following section outlines the main legislation related to land acquisition and resettlement in South Africa.

4.7.1 The Constitution of the Republic of South Africa, (Act 108 of 1996)

Chapter 2, the Bill of Rights, enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. These rights represent the cornerstone of democracy in South Africa. The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state. Key rights in the bill that have a bearing on social rights and issues include: life, human dignity, equality, freedom of religion, belief and opinion; environment, property, health care, food, water and social security, language and culture, cultural, religious and linguistic communities, access to information, just administrative action.

4.7.2 National Environmental Management Act (NEMA) (Act 107 of 1998), as amended

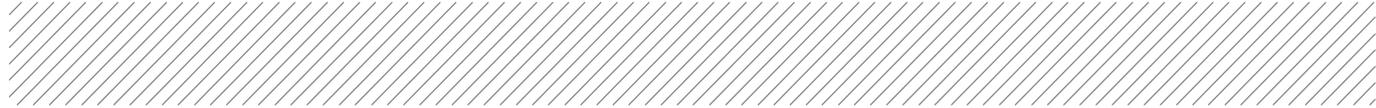
The preamble to NEMA and the principles contained therein have a significant bearing on the need to identify and assess social impacts. In this regard, the preamble refers to a number of the basic rights set out in Chapter 2 (Bill of Rights) of the Constitution. These include reference to the right of all persons to an environment that is not harmful to his or her health or well-being, the need for the State to respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities, and the promotion of sustainable development that requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations.

4.7.3 Occupational rights and customary law

For the project areas that fall within the jurisdiction of the traditional authorities, there will be a need to understand and seek compliance with customary law. Customary law is the written and unwritten rules which have developed from the customs and traditions of communities. For customs and traditions to become law, they must be:

- Known to the community;
- Followed by the community; and
- Enforceable (able to be carried out).

Rules of customary law allow for inequality among people to continue, especially for women and girls, who remain economically and socially inferior to men. For example, under customary law rules of



inheritance, the oldest son inherits the control of the family property, and makes the decisions about the property. The wife does not inherit the family property, although she may use it.

4.7.4 National Water Act (Act 36 of 1998)

The fundamental principles of the NWA recognise that sustainability and equity are central guiding principles in the protection, use, development, conservation, management and control of South Africa's water resources. These guiding principles also recognise the basic human needs of current and future generations and the need to promote social and economic development through the use of water. In this regard, the purpose of the NWA is to ensure that South Africa's water resources are protected, used, developed, conserved, managed and controlled in ways that take into account factors that are central to the assessment of social issues.

4.7.5 The Interim Protection of Informal Land Rights Act No. 31 of 1996

To provide for the temporary protection of certain rights to and interests in land which are not otherwise adequately protected by law; and to provide for matters connected therewith.

"informal right to land" means-

(a) the use of, occupation of, or access to land in terms of-

(i) any tribal, customary or indigenous law or practice of a tribe;

(ii) the custom, usage or administrative practice in a particular area or community, where the land in question at any time.

4.7.6 Land Reform (Labour Tenants) Act No 3 of 1996

The act provides the legal requirements for the lawful eviction of labour tenants, family members of the labour tenants ("associates") or farm workers from occupying or using a piece of land.

4.7.7 Extension of Security of Tenure Act No 62 of 1997

The act provides the conditions under which persons may be evicted from using or occupying a piece of land.

4.7.8 National Heritage Resources Act No. 25 of 1999 and associated Ordinances

National Heritage Resources Act No 25 of 1999, Removal of Graves and Dead Bodies Ordinance 7 of 1925 as well as minimum standards set by Association of Southern African Archaeologists (ASAPA). The acts and ordinance provide the legal requirements for the protection of sacred buildings and traditional burial sites as well as graves relocation in the country.



4.7.9 Human Tissues Act (Act 65 of 1983 as Amended and the National Health Act (Act 61 of 2003)

The acts deal with exhumation, the research on and the re-internment of dead person or animal, and/or objects into the ground, relevant if there is a need to move graves.

4.7.10 Promotion of Administrative Justice Act (Act 3 of 2000)

The Promotion of Administrative Justice Act (PAJA) aims to make government administration effective and accountable to people for its actions. It states that all administrators must do the following:

- Follow fair procedure when making a decision and clearly explain any decisions taken;
- Allow relevant parties to voice their opinion before making any decision that might affect their rights;
- Inform people about any redress mechanisms in their apartment. If there is no internal appeal system, they must tell citizens of their right to ask the courts to review the decision; and
- Tell people that they have the right to ask for the reasons for any decision taken to be given to them in writing.

Section 3 of the act deals with fair procedures when making decisions affecting the rights of a particular individual. There are five mandatory procedures to be followed:

- Before a decision is made, the individual(s) in question must be given (1) adequate notice of the nature and purpose of the proposed administrative action, as well as (2) a reasonable opportunity to make representations.
- After a decision is taken, they must receive the following:
 - (3) A clear statement of the administrative action;
 - (4) Adequate notice of any right of review or internal appeal; and
 - (5) Adequate notice of the right to request reasons.

In terms of this act, advance notices must be issued to all landowners from whom land is to be expropriated for the project.

4.8 Comparison of national legislative framework and the IFC Performance Standard 5 on Involuntary Resettlement

Perhaps the most notable difference between the Botswana and South African legislation precedent and international best practice is the degree to which unregistered affected parties (PAPs residing or running unregistered shops on rent) are to be dealt with and income streams are restored. A second potentially difficult issue relates to the World Bank/ IFC requirements that compensation be at replacement value and not market value. In many instances, replacement value is greater than market value. Table 30 below provides a summary of the comparison between South African Legislation and IFC requirements.

Table 30: Summary of the comparison between South African and Botswanan legislation and the IFC requirements

Category	Botswana legislation	South African legislation	IFC Performance Standard 5
Eligibility	“Right holders”	“Right holders”	All occupants, regardless of the legal status under which they occupy land, and including both “physically-displaced” and “economically-displaced”.
Cut-off date	No specific provision	No specific provision	The cut-off date is the date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
Cash and in-kind compensation	Developer or project to pay compensation in cash or in-kind	Project to pay compensation in cash or in-kind	Strongly favours in-kind compensation, including provision of replacement housing and replacement land with security of tenure.
Calculation of compensation	Market value, determined by the District Land Board Authorities	Market value	At “full replacement cost”.
Compensation based on the right of ownership	Compensation is largely directed at the “legal” owners of land or rights	Compensation is largely directed at the “legal” owners of land or rights	All affected persons are entitled to some form of compensation whether or not they have legal title.
Consultation with PAPs and host communities	Provision under Land Control Act (Chapter 32:11) Section 5. Provision under EIA Act (2011) Section 7	No specific provision other than as per environmental legislation but considered by government to be key to any project involving communities	Mandatory.
Resettlement assistance	Assumed to be part of overall calculation with respect to market value	Assumed to be part of overall calculation with respect to market value	Mandatory.
Affected populace as project beneficiaries	No specific provision	No specific provision	Seen as desired project spin off.



5 Inventory of affected assets

5.1 Introduction

The asset and infrastructure baseline refers to the individual and communal assets and infrastructure, fixed or moveable, that the project directly affected people own or have access to. The section below describes these assets and infrastructure that will possibly need to be relocated as a result of the proposed development project as well as the baseline socio-economic conditions of the project affected people.

The baseline socio-economic conditions of a community (community profiles) are the existing conditions and past trends associated with the human environment in which the proposed activity is to take place. The description of baseline conditions includes the relationship with the biophysical environment, social resources, culture, attitudes and social conditions, economic and population characteristics.

5.2 Undertaking inventory of affected assets

Asset and infrastructure (A&I) surveys represent the most effective way of obtaining reliable quantitative data on spatial and temporal trends in the socio-economic attributes, attitudes and behaviour of a community. The methodology used for undertaking the household survey comprised of the following activities:

- Survey planning;
- Sample selection;
- Design of the survey instrument (questionnaire);
- Enumeration;
- Survey device and data processing;
- Data analysis, consolidation and reporting; and
- Recording challenges faced during fieldwork.

5.2.1 Survey planning

This process involved the development of the overall strategy, the structure for the survey, component plans and budget. The final date for the survey undertaking was set for 09 to 20 October 2017 in Botswana as well as from 06 to 10 November 2017 in South Africa.



5.2.2 Questionnaire design

Data collection during the survey was undertaken by means of structured interviews guided by a questionnaire (see questionnaire used in A&I survey in Appendix A). Responses from respondents as well as GPS coordinates and photo numbers of assets and infrastructures of households were recorded on the questionnaire. Household attributes assessed through the questionnaire included:

- Household information (identification);
- Demographic information;
- Dwelling type (residential and other structures);
- Access to water and energy;
- Land and agriculture;
- Business enterprise;
- Health and nutrition;
- Household income and expenditure;
- Social networks;
- Needs analysis; and
- Graves.

5.2.3 Enumeration

Aurecon and RPM staff members who had previous experience in conducting social as well as asset and infrastructure surveys conducted the surveys. The surveys were conducted between 09 and 20 October 2017 in Botswana as well as from 06 to 10 November in South Africa. In South Africa and Botswana, responses were recorded on the questionnaires and completed questionnaires were collected daily. Questionnaires checked by the Aurecon supervisor for quality assurance in South Africa and in Botswana, quality assurance was done by RPM staff. Enumerators and the fieldwork supervisor worked under the guidance of and with the support of the social research team leader for the duration of the survey.

5.2.4 Data processing

Data processing included scanning of all questionnaires by removing foreign materials in-between pages and ensured that all pages were loose. These questionnaires were put through a scanner to create an electronic image. Finally, data from questionnaires were entered into a central entry system, cleaned and sorted for analysis.

5.2.5 Data analysis, consolidation and reporting

Quantitative data were analysed at Aurecon's central office. In addition to descriptive statistics (the proportions of respondents in various areas that gave a particular response to a given questionnaire item), data analysis also made use of inferential techniques (e.g. estimating the degree of confidence



that can be attached to a particular indicator and calculating the significance of differences among geographical areas in terms of the distribution of responses). The findings of the survey are presented in Section 5.4 of this report.

5.3 Challenges

The following challenges were experienced during fieldwork:

- Households took a long time to provide personal documents such as IDs, birth certificates, etc.;
- Some of the household heads were not readily available and the team had to go back at night to complete the questionnaire and this became a safety risk;
- Some of the household heads refused to cooperate fully;
- Some of the households could not identify graves of their late family members and this delayed the process of graves audit; and
- Most of the graves are unmarked, making it difficult to find the family.

5.4 Key results

Botswana

An aerial survey was done using Google Earth, where one hundred and twenty-eight (128) farms were identified. The household structures that will be affected on traditionally owned or communal land will form part of the resettlement process outlined in this document. The affected households will be duly compensated for any losses that will occur. That was followed with a field survey where two of the identified fields were found to be non-existent. The non-existent field were field 22 and field 126 on the maps, with a resultant total number of fields of 126. Of the 126 fields, only 54 were fenced with 72 unfenced. Of the 72 without fencing, only 8 are not developed, which means 64 farms were unfenced and undeveloped. 17 of the 54 fenced farms have structures in them, while 37 of the fenced fields are without structures. For the full A&I survey results for Botswana see Appendix B.

5.4.1.1 Household information (identification)

Of the 126 farms identified, the survey only managed to identify and interview 17 of which 11 were not household heads. This means it was either a worker, a household member and in most cases the person who helped with identifying the fields that were affected. More than half (8) of the people interviewed stay at the farms on temporary basis. None of the households were child headed and none has either a disabled child or adult.



5.4.1.2 Demographic information

Only two households (15 and 17) of those interviewed have more than one member of the household contributing to the family livings in the household. 6 members interviewed were household heads and two were workers with no relationship to the household head.

5.4.1.3 Dwelling type (residential and other structures)

16 farms had infrastructure on them. Multifunctional residential dwellings are the most common, found on 10 farms, followed by 8 farms which serve as sleeping areas only, 5 which are toilets and 4 kitchens. Construction of the walls is predominantly corrugated iron (10 dwellings), followed by 8 of mud/clay, 8 of concrete bricks and 1 timber. In terms of roofing materials all but two were corrugated iron with only two roofed with grass/thatch.

5.4.1.4 Access to water and energy

Two people use paraffin for lighting, one uses candles while all the others use fire wood. One person interviewed use fire wood for cooking.

5.4.1.5 Land and agriculture

Of the 126 farm, only 38 were cultivated and showed signs of agricultural activities. The remaining 88 did not show any sign of recent agricultural activity. One specific farm (farm 125) had a lot of vegetables planted. Three farms had boreholes on them, which indicated showed serious agricultural work. A total of 8 farms had livestock shelters, while three had chicken coups.

5.4.1.6 Business enterprise

Only one household (household 125) ran a business enterprise selling vegetables to Mochudi shops.

5.4.1.7 Health and nutrition

None of the households has anyone suffering from diseases such as HIV/Aids and TB.

5.4.1.8 Household income and expenditure

Three households get their main income from salary and wages while two get theirs from old age pensions and one from crop and livestock production. Only one person said they get their income from casual employment, while others have no second source of income. One person said they spend their income mostly on transport and clothing while five said they spend theirs mostly on food and personal items.

5.4.1.9 Social networks

Only one household member said she was a member of the village development committee and all others do not belong to any social network.



5.4.1.10 Needs analysis

Two people said there were employment problems, three indicated health care facilities were a problem while two said their biggest problem was education/ schools. Each of the following issues of crime / violence / vandalism, access to agricultural inputs, land for agriculture, hunger/ nutrition and thought Illegal land uses was identified by one person as their main problem, while two people each identified bad roads, transport problems, alcohol abuse, recreational facilities, electricity, access to business centres / shops, access to markets for goods, evictions from land, problems with sewer / drains, water for drinking – availability, water for drinking – quality as the biggest problem. There were no problems with refuse/ rubbish removal and Housing,

5.4.1.11 Graves

No one knew of any graves on the farms or households in all the villages affected by the project. Since majority of the fields were inherited from the owner's forefathers it is possible that old graves do exist within the project servitudes.

South Africa

In South Africa there are 77 farm portions directly affected by the proposed project. There are two categories that forms part of the compensation process; privately owned farm portions and state owned/ traditional trust owned farm portions. For the full A&I survey results for South Africa see Appendix C.

5.4.1.12 Privately owned farm portions

The farm portions that form part of this category are owned by a private entity. After an aerial survey as well as ground confirmation through the A&I survey process, it was ascertained that no structures will be affected by the proposed project. Most of owners have been identified through the public participation process and social surveys. The outstanding land owners will be identified with the assistance of the relevant municipalities, farmers associations and traditional leaders in the final stage of this ESIA. The majority of the land affected by the proposed project is not under cultivation, but could be used for grazing. Land acquisition and compensation for the affected land will follow Eskom's land acquisition process, and the agreement will be between the Eskom and the land owner.

5.4.1.13 State owned/ traditional trust owned farm portions

The household structures that will be affected on state/ traditional trust owned farm portions will form part of the resettlement process outlined in this document. The affected households will be duly compensated for any losses that will occur.

5.4.1.14 Summary of affected farm portions per owner

As indicated in Figure 11, there are 77 farm portions directly affected by the proposed project. 28 of these farm portions are privately owned, 24 of these farm portion are owned either by the state or a

traditional trust, and these portions are mainly managed by the local traditional authorities. The remaining 25 farm portions' owners still needs to be confirmed but they are most likely to be owned by the state or a traditional trust. These portions are located in between the other state/ traditional trust owned farm portions.

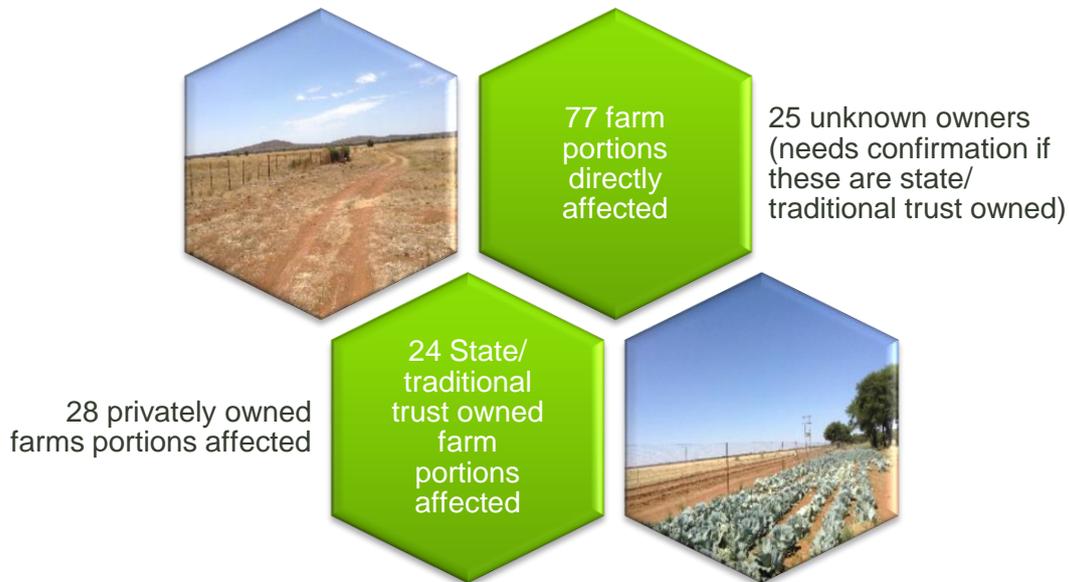


Figure 11: Affected farm portions

5.4.1.15 Summary of affected structures

There are 2 households that will need to be resettled as most of their structures fall within the proposed project servitude. These households are in the Dinokana Village that is on the remainder of the farm Welbedacht 147. The farm portion is owned by the Ramotshere Moiloa Local Municipality. The structures for the 2 households that are affected include 2 multifunctional residential structures as well as a toilet. There are 3 other structures affected, but the households that own these structures will not be resettled as most of their homestead structures fall outside of the proposed servitude. These households will be compensated for the impacted structures - structures include a gate, cattle kraal and dog shelter.

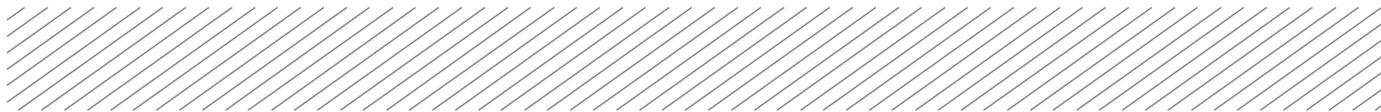


Figure 12: Households to be resettled and structures affected

5.4.1.16 Other affected assets and infrastructure

Other assets and infrastructure affected by the proposed project included trees and water sources. One of the households that will be resettled has a peach tree as well as a water source in the homestead/yard that will be affected. Another household has a water source that will be affected.

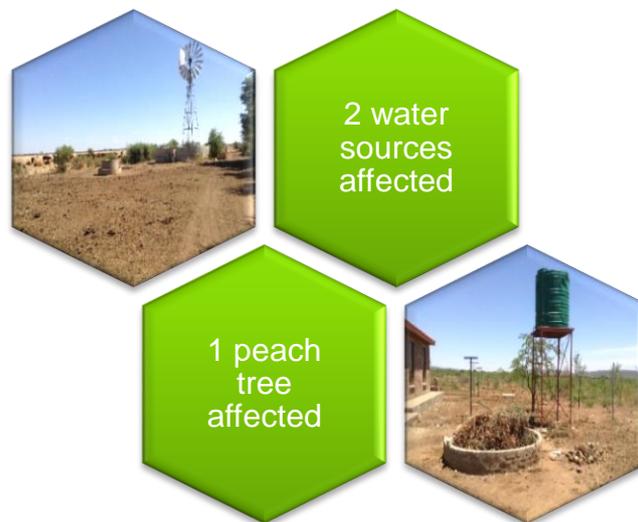


Figure 13: Other affected assets and infrastructure

5.4.1.17 Conclusion

What could be ascertained through the survey process is that there are no graves affected by the proposed project. The area that will be affected by the proposed project is mostly used for grazing. The number of farm portions that will have cultivated land affected by the project will be included in the final RAP.



6 Compensation Framework

The RAP Compensation Framework specifies all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets. The Compensation Framework includes a description of the following:

- The methodology that BPC and Eskom will use to value losses;
- The proposed types and levels of compensation to be paid;
- Compensation and assistance eligibility criteria; and
- How and when compensation will be paid.

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

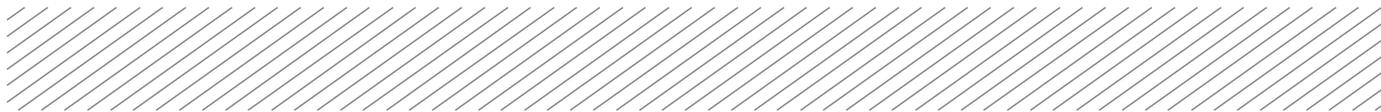
After acceptable compensation rates are established, they can be applied to the RAP inventory of losses for all households and enterprises affected by the project. This database can then be used to budget compensation payments and to track progress in settling compensation claims.

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

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

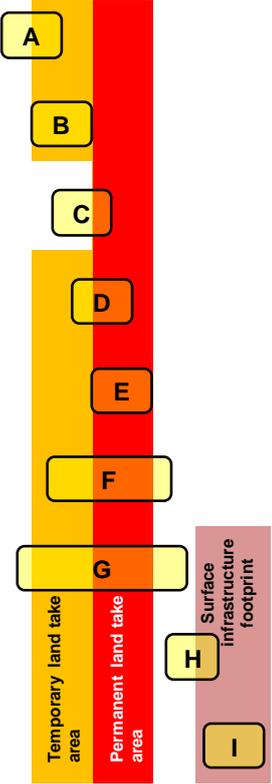
6.1 Impact scenarios

Impact scenarios have been defined to denote the manner in which different types of assets may be affected by the project, depending on their physical location relative to the land-take areas defined in Section 3 below. These impact scenarios are graphically illustrated in Figure 14 below. The figure also indicates which impact scenarios are applicable to which asset types.



Impact scenario:

- Scenario A:**
Asset partially within temporary land take area (TLTA), partially outside
- Scenario B:**
Asset completely within TLTA
- Scenario C:**
Asset partially within permanent land take area (PLTA), partially outside
- Scenario D:**
Asset partially within PLTA, partially within TLTA
- Scenario E:**
Asset completely within PLTA
- Scenario F:**
Asset partially within PLTA, partially within TLTA, partially outside (on one side only)
- Scenario G:**
Asset bisected by land take area
- Scenario H:**
Asset partially within surface infrastructure footprint
- Scenario I:**
Asset completely within surface infrastructure footprint



Applicable to asset types:

1	2.1	2.2	3.1	3.2	4.1	4.2	4.3	4.4	5.1	5.2	5.3	5.4	5.5
Homestead plot	Individually owned structure	Communally owned structure	Individually owned agricultural plots	Communally owned agricultural plots	Individually owned tennis, soccer fields and grazing	Individually owned fruit trees	Communally owned tennis, soccer fields & trees	Communally owned fruit trees	Communal land without identified use	Graves	Access routes	Informal trading stalls	Tenants
X	X	X	X	X	X		X		X		X		X
X	X	X	X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X		X		X		X		X
X	X	X	X	X	X		X		X		X		X
X	X	X	X	X	X	X	X	X	X	X	X	X	X
X			X	X	X		X		X		X		
X			X	X	X		X		X		X		
X	X	X	X	X	X		X		X		X		X
X	X	X	X	X	X	X	X	X	X	X	X	X	X

Figure 14: Impact Scenarios

6.2 Compensation matrix

The compensation matrix presented in Table 31 below defines, for each asset type and applicable impact scenario, the beneficiary of compensation and the type of compensation for which he/ she will be eligible. In addition, BPC and Eskom should ensure that eligibility criteria for relocation and cost recovery are not disadvantageous to women, whose incomes tend to be lower and less stable than those of men. Eligibility for relocation and the allocation of new sites should be made to the head of the household, male or female. Land titles, use-right agreements, or loan titles should, if possible, be registered in the name of husband and wife or in the name of the woman if she is the head of household.

One general compensation principle not captured in the matrix is the fact that assets (agricultural plots, structures, graves, etc.) established **after the cut-off date** stipulated through declaration of the moratorium will not be eligible for any compensation.

The cut-off date will be for this project be 26 February 2018.

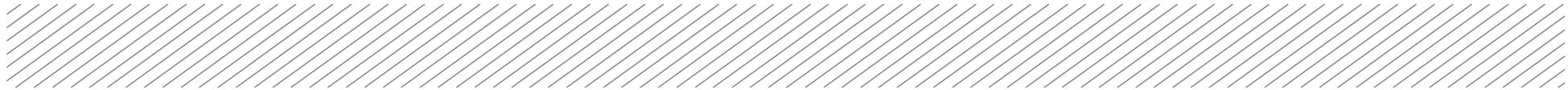


Table 31: Compensation matrix

Asset type	Impact scenario	Party to be compensated	Description of compensation
1 Homestead plots	A, C, F, H (homestead plot partially in a land-take area)	Homestead head	If less than 20% of homestead plot surface area is in a land-take area: <ul style="list-style-type: none"> ● Cash compensation equal to replacement value²⁴ of lost area.
			If more than 20% of homestead plot surface area is in a land-take area, and sufficient land adjacent to the homestead plot is available: <ul style="list-style-type: none"> ● Request traditional authority/ Communal Property Association (CPA) to allocate adjacent land, of equal area to the part of homestead plot that is in the land-take area, to the affected household head. ● Replace any residential structure or outside toilet on the homestead plot if it is situated within a land-take area, as in 2.1 below. ● Cash compensation at replacement value for any other structure on the homestead plot that is in a land-take area. ● If the homestead plot is currently fenced: compensation as in 4.1 below.
			If more than 20% of homestead plot surface area is in a land-take area, and sufficient land adjacent to the homestead plot is <u>not</u> available: <ul style="list-style-type: none"> ● Replacement of homestead plot, as for impact scenarios B, D, E, I below.
		Landowner (traditional authority or CPA)	Cash compensation equal to the replacement value of the additional/ replacement land allocated to the affected homestead head.
	B, D, E, I (homestead plot completely in a land-take area)	Homestead head	<ul style="list-style-type: none"> ● Request traditional authority/ CPA to allocate a new stand, of equal area to the affected homestead plot, to the affected household head. ● Replace any residential structure or outside toilet on the homestead plot, as in 2.1 below. ● Cash compensation at replacement value for any other structure on the homestead plot, as in 2.1 below. ● If the homestead plot is currently fenced: compensation as in 4.1 below.
		Landowner (traditional authority or CPA)	As under impact scenarios A, C, F, H above.

²⁴ See List of Definitions.

Asset type	Impact scenario	Party to be compensated	Description of compensation
	G (asset bisected by land-take area)	Homestead head	<p>If main residential structure is located <i>in the land-take area</i>:</p> <ul style="list-style-type: none"> Replace as in 2.1 below. <p>If main residential structure and outbuildings are located on the unaffected part of the homestead plot, on the <i>same side of land-take area</i>:</p> <ul style="list-style-type: none"> Replace the part of the homestead plot in the land-take area, as well as the remainder on the other side of the land-take area, as for impact scenarios A, C, F, H above. Acquisition of replacement land as in impact scenarios A, C, F, H above. Replacement land must be on the same side of the land-take area as the main residential structure. <p>If main residential structure is located in the unaffected part of the homestead plot on one side of the land-take area and outbuildings are located on the <i>other side of land-take area</i>:</p> <ul style="list-style-type: none"> Replace the part of the homestead plot in the land-take area, as well as the remainder on the other side of the land-take area, as for impact scenarios A, C, F, H above. Replace outside toilet on the same side of the land-take area as the main residential structure, at a suitable distance from the residential structure. Guidelines for replacement structure provided under 2.2 below.
2.1 Individually owned structures	A-E, H, I (structure partially or completely in a land-take area)	Owner of structure (household head)	<p>For residential structures:</p> <ul style="list-style-type: none"> Replace the structure by building a suitable structure with size and quality similar to or better than the original. Design and location of replacement structure must be decided in consultation with the affected owner and tribal authority/ CPA. Owner will be allowed to salvage reusable materials with no deduction from their compensation entitlements. If structure is situated on a homestead plot, replacement structure must be on the same plot (if impact scenario A, C, F, G or H under asset type 1 above applies) or on replacement plot (if impact scenario B, D, E or I under asset type 1 above applies) <p>For outside toilets:</p> <ul style="list-style-type: none"> Replace with VIP latrine, at a suitable location decided in consultation with the owner and takes into account environmental health and safety constraints. <p>For other structures:</p> <ul style="list-style-type: none"> Cash compensation to the owner at replacement value.²⁵

²⁵

See List of Definitions.

Asset type	Impact scenario	Party to be compensated	Description of compensation
2.2 Communally owned structures	A-E, H, I (structure partially or completely in a land-take area)	Owner of structure (government department, traditional authority or CPA)	As for individually owned structures.
3.1 Individually owned agricultural plots	A, C, F, G, H (agricultural plot partially in a land-take area)	Person farming the plot, whether owner-cultivator, lessee, customary usufruct rights holder or sharecropper	For standing crops at the time construction commences: <ul style="list-style-type: none"> • Cash compensation at net value of standing <u>crops in the land-take area</u> at the time construction commences, where harvesting prior to construction is not possible. • If more than 80% of the agricultural plot is in a land-take area, cash compensation for crops must be paid for the <u>entire cultivated area</u> on the plot (not just the part in the land-take area). • If the land in question was cultivated according to a sharecropping arrangement at the time of acquisition, compensation for crop losses to be apportioned according to the arrangement. • Affected persons to receive advance notice to harvest crops, if applicable.
			For preparation of agricultural plot: <ul style="list-style-type: none"> • Cash compensation equal to the cost of <u>initial establishment</u> of the agricultural plot (land clearing, etc.). • Cash compensation equal to the <u>input cost</u> expended on the plot during the current cultivating season (seed, fertiliser, etc.). • If more than 80% of the agricultural plot is in a land-take area, compensation must be paid for the <u>entire plot</u> (not just the part in the land-take area).
			For land , irrespective of whether standing crops are present at the time of acquisition: <ul style="list-style-type: none"> • If <u>less than 20%</u> of agricultural plot surface area is in a land-take area, cash compensation equal to mature value of crops that would otherwise have been planted on the affected area of the plot. • If <u>more</u> than 20% of agricultural plot surface area is in a land-take area, and sufficient land adjacent to the plot is available, request traditional authority/ CPA to allocate adjacent land, of equal area to the part of agricultural plot that is in the land-take area, to the person farming the plot. If the plot is currently fenced: compensation as in 4.1 below. • If more than 20% of agricultural plot surface area is in a land-take area, and sufficient land adjacent to the plot is <u>not</u> available, replacement of agricultural plot, as for Impact Scenarios B, D, E, I below.
		Landowner (traditional authority or CPA)	Cash compensation equal to the replacement value of the additional/ replacement land allocated to the person farming the plot.

Asset type	Impact scenario	Party to be compensated	Description of compensation
	B, D, E, I (agricultural plot completely in a land-take area)	Person farming the plot	For standing crops at the time construction commences, as well as for preparation of agricultural plot: <ul style="list-style-type: none"> • Compensation as under impact scenarios A, C, F, G, H above.
			For land , irrespective of whether standing crops are present at the time of acquisition: <ul style="list-style-type: none"> • Request traditional authority/ CPA to allocate a new plot, of equal area to the affected agricultural plot, to the person farming the plot. • If the agricultural plot is currently fenced: compensation as in 4.1 below.
		Landowner (traditional authority or CPA)	Cash compensation as under Impact Scenario A, C, F, G, H above.
3.2 Communally owned agricultural plots	All scenarios	Landowner (traditional authority or CPA)	As for 3.1 above, except that cash compensation to be paid to landowner, with the request that this be equitably distributed among persons using the communal plots.
4.1.1 Individually owned fences (Type of fence to be considered)	All scenarios	Owner	<ul style="list-style-type: none"> • If fence is around an affected homestead plot for which adjacent land has been allocated to replace affected portion (impact scenarios A, C, F, H under asset type 1 above), cash compensation sufficient to fence new perimeter of plot to equal or better quality than existing fence. • If fence is around a homestead plot that has been replaced in its entirety (impact scenarios B, D, E, I under asset type 1 above), cash compensation sufficient to fence the new stand to equal or better quality than fencing of existing stand. • If fence is around an affected agricultural plot for which adjacent land has been allocated to replace affected portion (impact scenarios A, C, F, G, H under 3.1 above), cash compensation sufficient to fence new perimeter of plot to equal or better quality than existing fence. • If fence is around a homestead plot that has been replaced in its entirety (impact scenarios B, D, E, I under 3.1 above), cash compensation sufficient to fence the new plot to equal or better quality than fencing of existing plot. • For fences not enclosing an affected privately-owned plot: cash compensation sufficient to replace the section of the fence in the land-take area, taking into account possible need for re-alignment of the fence to maintain its original purpose. • Any gates in an affected fence are to be replaced to a similar or better quality, their placement being determined by relevant access considerations.

Asset type	Impact scenario	Party to be compensated	Description of compensation
4.1.3 Individually owned grazing land	All scenarios	Owner	<p>Compensation as for 4.1.2 (soccer fields) above, with the following modifications/ additions:</p> <ul style="list-style-type: none"> Separate inconvenience allowance/ compensation rates are to be negotiated for soccer fields and grazing land. Post-construction rehabilitation of land-take area to enable resumed use of area as grazing land. Compensation rates for temporary losses must take into account time required for re-establishment of nutritious grass/ vegetation types. If the transmission line will cut cattle off from access to watering points, temporary watering points must be established at location(s) accessible to cattle for the duration of construction. If the grazing land is fenced: compensation as in 4.1 above.
4.2 Individually owned perennial crops	All relevant scenarios (B, E, I)	Landowner; other evidence of ownership if different from landowner	<p>Fruit trees utilised mainly for own consumption:</p> <ul style="list-style-type: none"> Compensation for future production losses at net present value, calculated for productive life of relevant tree species. Owner will have rights to salvage all other resources (timber; firewood) from privately-owned trees that are felled. <p>Trees for income:</p> <ul style="list-style-type: none"> Compensation for future production losses at net present value, calculated for the productive life of the various tree species. Owners wishing to replace lost trees will have to secure suitable replacement land from the landowner; they will be assisted to access seedlings and planting guidance.
4.3 Communally owned fences, soccer fields & grazing land	All scenarios	Landowner (traditional authority or CPA)	As for 4.1 above, except that cash compensation to be paid to landowner, with the request (where relevant) that this be equitably distributed among users of affected fences/ soccer fields/ grazing land.
4.4 Communally owned perennial crops	All relevant scenarios (B, E, I)	Landowner (traditional authority or CPA)	As for 4.2 above, except that cash compensation to be paid to landowner, with the request (where relevant) that this be equitably distributed among user groups.
5.1 Communal land without identified use	A, B (land only in TR)	Landowner (traditional authority or CPA)	No compensation, given temporary nature of impact.
	C-I (land partially or completely in PR or SI footprint)	Landowner (traditional authority or CPA)	Cash compensation equal to the replacement value of the area of land in the PR or surface infrastructure footprint.

Asset type	Impact scenario	Party to be compensated	Description of compensation
5.2 Graves	All relevant scenarios (B, E, I)	Affected family	<p>Affected graves to be identified and confirmed in conjunction with the affected communities and families. Still-born burial sites, where identified apart from graves, will be treated the same as family graves.</p> <p>Payment of:</p> <ul style="list-style-type: none"> Exhumation and reburial of affected family graves with all due ritual and ceremony at the agreed location (symbolic/ spiritual removal with all due ritual and ceremony, where relevant). Wake allowance (one allowance per family, not one per grave).
5.3 Access routes	A-G (affected by TR or PR)	Local community or user groups	<p>Maintenance of access during construction through:</p> <ul style="list-style-type: none"> Provision of temporary crossing points across TR. Where temporary crossing points are not feasible, establishment of alternative access routes as for impact scenarios H, I below. Provision of watering points for animals where access to watering points is impeded, as under 4.1.3 above.
	H, I (affected by SI footprint)	Local community or user groups	<p>Establishment of alternative access routes through:</p> <ul style="list-style-type: none"> Where feasible, improvement/ upgrading of <i>existing</i> alternative routes similar or better quality and capacity to those lost; or Construction of <i>new</i> access roads/ paths to similar or better quality and capacity to those lost.
5.4 Informal trading stalls	All relevant scenarios (B, E, I)	Informal traders owning stalls	<ul style="list-style-type: none"> Assistance in moving operations to suitable location outside TR. <u>No</u> compensation for loss of stalls. If possible, traders will be allowed to return to original sites once construction is complete.
5.5 Tenants	All relevant scenarios (A-E, H, I)	Tenant	<ul style="list-style-type: none"> Where tenant has constructed own housing/ structure on land rented from another person, compensation for loss of structure as under 2.1 above. Where tenant rents accommodation in a structure belonging to another person, rental allowance equal to one month's rent paid by the tenant for current accommodation. However: tenants who voluntarily vacate rented accommodation more than two months prior to implementation of physical relocation programme will <u>not</u> qualify for a rental allowance.

6.3 Responsibility and schedule for compensation payments

The RAP Compensation Framework specifies the organisation or agency responsible for delivering compensation to all groups eligible for resettlement assistance and a timetable for the delivery of compensation. People affected by a project may have multiple compensations.

The Resettlement Implementation Team should establish a timetable for the payment of compensation and delivery of related entitlements to each category of eligible people. It may be advisable for compensation payments to be staggered or paid out in instalments to allow affected people to establish themselves at the new site (to prepare farm plots etc.). The staggering of compensation payments enables the Resettlement Implementation Team to determine if payments are being used for their intended purpose and, if not, to adjust the Compensation Framework accordingly. A compensation timetable can be incorporated into the overall schedule of RAP implementation timetable's deadlines and can serve as implementation milestones for the purposes of RAP implementation monitoring.

6.4 Compensation entitlements

Compensation must include all relevant registration cost or any administrative fees and/or transfer taxes (as may be necessary) associated with relocation. Relocation costs/ transport should also be made available for those who do not have formal legal title. All categories of affected people should be provided with relocation costs.

6.4.1 Land acquisition and key likely categories of impact

The project is not expected to result in major impacts on people, land, property, including people's access to natural and other economic resources. Notwithstanding, land acquisition, compensation and resettlement of people may be necessary for the Botswana and South African component of the project. The severity of impact, determines what the resettlement measures will be. For example, in the installation of transmission line or building structures, the impact would be linear. The entitlement matrix presented below is so designed to assist in the process of determining severity of impacts.

Table 32: Entitlement matrix

Eligibility	Nature of impact	Resettlement measure
Construction of new transmission line and associated infrastructure	Plot/ land for infrastructure, linear impact	Replace land and/or pay compensation; Compensate for other assets

Auxiliary infrastructure required as part of the project	Plot/ land for infrastructure	Replace land and/or pay compensation; Compensate for other assets
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6.4.2 People without formal rights

In compliance with IFC Performance Standard 5, the census should take into account:

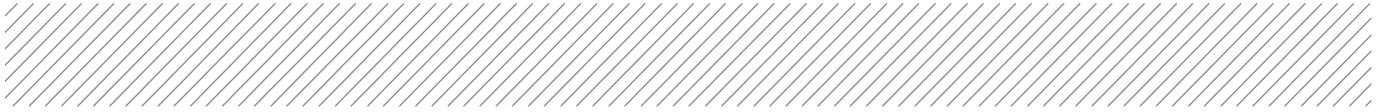
- Category 1 - People who have formal legal rights to the land they occupy;
- Category 2 – People who do not have formal rights to the land but who have a claim to land that is recognised under the national law;
- Category 3 – Those who have no recognisable legal rights or claim to the land they occupy, and are not recognised by the law.

Assistance should be provided to Category 2 PAPs to acquire a formal legal status before relocation. For Category 3 PAPs, in case of physical displacement, some form of social housing must be provided.

6.4.3 Addressing human rights

One of the most difficult issues encountered on resettlement projects is the requirement to compensate and/ or assist *bona fide* informal residents/ occupants of properties. The right to adequate housing and improvement of living conditions is specifically required under IFC Performance Standard 5, which is consistent with the principles of the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). If affected people are evicted without any assistance or relocation solutions, their fundamental right to housing, as defined by the UN Declaration of Human Rights will be violated. For that reason, in such instances, as contemplated under the IFC Performance Standard 5, it is necessary to provide alternative solutions for the accommodation of affected people living in them. It is important to note that this does not imply the need to provide affected people with ownership of apartments or houses, which is sometimes the way it is interpreted. It is rather to provide them with adequate accommodation, with security of tenure so that they are safe from future evictions.

The IFC Performance Standard 5 stipulates that adequate housing or shelter can be measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility, and location characteristics. Adequate housing should allow access to employment options, markets, and basic infrastructure and services, such as water, electricity, sanitation, health-care and education. The most appropriate and effective way of defining what adequate housing means is to consult project affected people.



6.4.4 Vulnerable groups

IFC include special requirements for organising consultations and relocation assistance for vulnerable²⁶ groups. During the census, it is necessary to identify vulnerable groups and assess their needs related to resettlement and relocation assistance. Vulnerable groups, as for all other affected people, must be engaged in meaningful consultations regarding resettlement options and assistance. However, consultation with vulnerable groups may require a special approach that will enable them to participate equally in the process (i.e. involvement of social workers, use of a different language, or carrying out the consultations in an accessible venue, for people with disabilities, at a particular time of day when e.g. affected single parents are available, etc.)

All vulnerable citizens have the right to once-off financial payments if they find themselves in a situation of sudden and temporary need, administered through assistance of RTT and to be determined by BPC and Eskom at its own discretions. Vulnerable citizens also receive social welfare in the form of financial assistance or social services.

The South African Department of Social Development has a set of laws under which vulnerable groups can be assisted to improve their living standards (social grants, etc.) and these laws should be used as a basis for developing resettlement programmes for vulnerable groups. Once vulnerable groups are identified during the census, a needs assessment must be performed to be able to define the most appropriate measures for providing resettlement assistance.

6.4.5 Equal rights

Men and women have equal rights in Botswana and South Africa, including formal legal rights over properties. This RAP will ensure that compensation is shared between spouses according to title documentation or the appropriate Family Law. In addition, all programmes including those related to livelihoods restoration will be made equally accessible to both men and women.

²⁶ Children, pregnant women, elderly people, malnourished people, and people who are ill or immunocompromised, are particularly vulnerable when a disaster strikes, and take a relatively high share of the disease burden associated with emergencies.



7 Resettlement assistance and livelihood

Resettlement assistance and livelihood development, sustenance and restoration programmes are included in resettlement planning when affected households stand to lose a significant portion of their livelihood resources (e.g. subsistence agricultural plots, access to important natural resources, etc.) as a result of land acquisition or resettlement. Such programmes are intended to offset the effects of those losses that cannot adequately be compensated for through monetary payments or replacement of assets – e.g. the disruption of social support networks, reduced access to markets, decreased soil productivity, the time required to reinstate agricultural plots to their former productivity, etc. – so as to ensure that resettled/ compensated households are not worse off after the project than they were before. Livelihood restoration is particularly important where a project affects the livelihoods of vulnerable households (i.e. households who, because of their social or economic status, may be more adversely affected than others by a temporary or permanent loss of part of their asset base).

The detailed socio-economic information obtained and discussed in Chapter 1 indicates the vulnerability of affected households. The assessment points to the low levels of education, low skills, and high unemployment among the members of households as well as competing needs. However, wherever possible, BPC and Eskom should avoid or minimise the displacement of people by exploring alternative project designs (for example, realignment of the transmission line to bypass human settlements). Where displacement is unavoidable, BPC and Eskom should plan and execute resettlement as a development initiative that provides displaced persons with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods. The IFC recommends that project sponsors undertake the following actions on behalf of all affected people, including members of the host communities in which displaced people will be settled:

- Inform affected people of their options and rights concerning resettlement.
- Provide technically and economically feasible options for resettlement based on consultation with affected people and assessment of resettlement alternatives.
- Whether physical relocation is required or not, provide affected people with prompt and effective compensation at full replacement value for loss of assets due to project activities.
- Where physical relocation is necessary, provide assistance with relocation expenses (moving allowances, transportation, special assistance and health care for vulnerable groups).
- Where physical relocation is necessary, provide temporary housing, permanent housing sites, and resources (in cash or in kind) for the construction of permanent housing—inclusive of all



fees, taxes, customary tributes, and utility hook-up charges—or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.

- Provide affected people with transitional financial support (such as short-term employment, subsistence support, or salary maintenance).
- Where necessary, provide affected people with development assistance in addition to compensation for lost assets described above such as land preparation, agricultural inputs, and credit facilities and for training and employment opportunities.

BPC and Eskom are expected to undertake all land acquisition, provide compensation for lost assets, and initiate resettlement related to a specific project before that project commences. It is recommended that the implementation of resettlement activities be linked to the schedule of disbursements for project financing. In so doing, this will ensure that displacement does not occur before the sponsor has carried out the necessary measures for the resettlement of the affected people. In particular, the acquisition of land and other assets should not take place until compensation is paid and, where applicable, resettlement sites and moving allowances are provided to displaced persons.

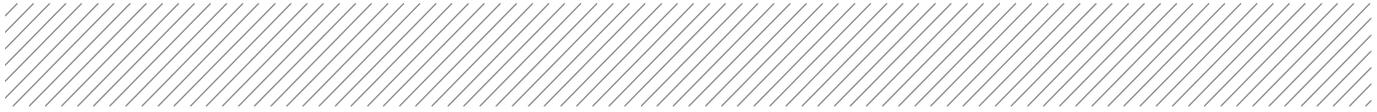
As noted in the discussion of the compensation framework, BPC and Eskom must be sensitive to the special needs of women and other vulnerable groups in the planning and implementation of resettlement and livelihood restoration. Men and women have different needs and opportunities for access to land, resources, employment, and markets.

7.1 Socio-economic assessment indicators

During the household survey, the issue regarding creation of employment opportunities was most frequently mentioned in the area. There is a widespread high expectation BPC and Eskom should provide employment opportunities to the residents in the local area. Construction activities on the proposed line between Isang and Mahikeng substations will create a number of temporary employment opportunities. The magnitude of this impact is related to the number of construction workers to be employed, either by BPC and Eskom itself or by contractors. It is recommended that local labour must be used as much as possible.

Sourcing of construction workers from the local labour pool is likely to be limited to unskilled and semi-skilled workers. This could have some economic benefits for surrounding communities, although only of a temporary nature. It is recommended that recruitment for new positions be undertaken through the Employment Forum that has been established by the local municipality.

In addition to creating job opportunities for construction workers, the project may also lead to indirect employment creation in the informal sector, for instance in terms of food stalls for the convenience of



construction workers. Additionally, more informal employment opportunities may be created through a multiplier effect from the project's activities.

7.2 Livelihood development and sustenance

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

- Make use of local labour as far as possible;
- Liaise with local community structures to identify local labour pool;
- Include conditions in construction contract to involve and train emerging BEE companies;
- Proactively manage that recruitment is conducted via the employment forum and not within the project area;
- Enlist services of appropriate experts for development of an appropriate livelihood Improvement and Sustenance Plan;
- Enhance existing livelihoods as far as possible;
- Develop Skills Transfer Plans that would enable a worker to move from one project to another within the same area/ region;
- Implement methods to create HIV and STI awareness amongst construction workers;
- Facilitate the establishment of a “Community Safety Committee” to monitor and control illegal squatting. The committee must consist of:
 - Representatives of the community relations departments of BPC and Eskom and its counterparts in the area;
 - The local municipality;
 - Farmers Associations;
 - Local landowners;
 - Representatives of local community structures; and
 - Local police and the Community Policing Forum.
- Align social investment strategies with municipal development;
- BPC and Eskom employees who receive living-out allowances should be required to provide proof that this allowance is used for formal accommodation;
- Additional security must be provided during this period by the contractors, which should be integrated with existing farm /community security systems; and
- Align awareness campaigns with those of other organisations in the area (i.e. the Local Municipality, Farmers etc.).



7.2.1 Resettlement assistance

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

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

7.2.2 Community-based resettlement assistance

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

7.2.3 Transportation of registered PAPs

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

7.2.4 Information and sensitisation

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

- Safety status of their intended resettlement area;

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

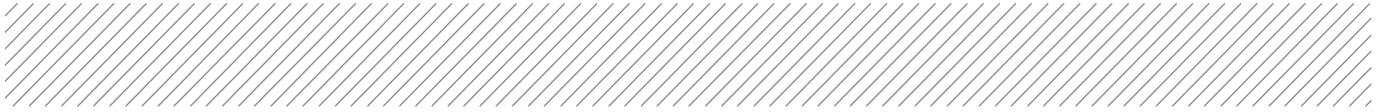
The information campaign is the responsibility of BPC and Eskom, who must work closely with the RTT. The campaign will make use of existing information dissemination and consultation mechanisms within the local municipality and the wider communities, making use of indigenous information networks at the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

7.3 Recommendations

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

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

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



8 Detailed budget

At this stage where values of assets and infrastructures to be lost to the project have not been determined, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for the RAP will be funded like any other project activity eligible under the project. BPC and Eskom will provide funding for the RAP implementation activities.

Funds for implementing inventory assessments and resettlement action plans will be provided by the Project implementing agent (PIA) on behalf of BPC and Eskom. In general, the cost burden of compensation will be borne by the project sponsor through the implementing agency for RAP implementation appointed by BPC and Eskom.

The detailed budget must be developed by BPC and Eskom once the valuation of the project affected properties has been undertaken.



9 Implementation schedule

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

The purpose of these guidelines is to lay the foundation by which resettlement can be carried out with regard to the project. Any involuntary resettlement, including any land acquisition needs to be identified and considered at the earliest stages of project design, and should be addressed from the earliest stages of project preparation. It is assumed that land acquisition and resettlement will be necessary and to this end the policies highlighted in this RAP should be followed. For Botswana and South Africa, the legislation identified in Section 4 as well as the World Bank policy will be utilised.

9.1 Resettlement responsibilities

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

9.2 Resettlement principles

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

9.3 Timeframes

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

- The inventory shall be completed at most four months prior to the commencement of work; and

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- Civil works shall commence once agreements between all parties have been reached.

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

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

9.4 Linking resettlement implementation to civil works

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

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

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

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

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



10 Description of organisational responsibilities

The entities that will play significant roles in the resettlement process include the programme manager, resettlement implementation team and a resettlement task team, local authorities (statutory and customary), as well as BPC and Eskom. This chapter sets out the relationship between these various entities, as well as the roles and responsibilities of each.

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

10.1 Programme manager

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

10.2 Resettlement team coordinator

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

10.3 Resettlement advisor

Draft RAPs will be reviewed by an expert advisor who will provide high-level input and guidance prior to documents being endorsed for distribution and implementation.



10.4 Local-level resettlement task teams

The RTT will be the main mechanism for engaging the resettlement-affected persons and communities²⁷. Representatives of resettlement-affected community

The members of the resettlement-affected communities, who will be nominated to sit on the local-level RTTs, will have the following responsibilities:

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

10.4.1 Representative of local municipality

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

- Ensuring the concerns and viewpoints of the local municipality regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- Ensuring the municipal development plans, policies and by-laws are taken into account during the design, planning and implementation of resettlement and compensation measures;
- Accurately and regularly providing feedback to the municipality on resettlement/ compensation negotiations and the resettlement/ compensation process in general; and

²⁷ A resettlement-affected person is defined as any individual or household who will need to be relocated or will have one or more of his/her assets displaced or otherwise affected by the construction or operation of the BOSA Project. (*International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement*)

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- Nominating a representative to participate in meetings of the relevant umbrella RTT, and providing feedback to their colleagues of activities and decisions at the umbrella RTT.

10.4.2 Representatives of traditional authorities or Communal Property Associations

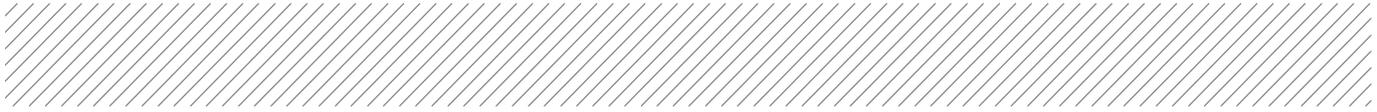
The responsibilities of members of the traditional authorities (TAs) and/or communal property associations (CPAs) who have been nominated to sit on the local-level RTTs include:

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

10.4.3 Resettlement Implementation Team

The resettlement implementing team comprise of BPC and Eskom representatives, the RTC as well as appointed RAP implementation specialist and will have the following key responsibilities:

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

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

10.4.4 BPC and Eskom representatives

The responsibilities of the representatives of BPC and Eskom on the RTT include:

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

10.5 Members of umbrella RTTs

10.5.1 Community representatives of constituent local-level RTTs

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

- Presenting the views and recommendations of the local-level RTTs they represent to the umbrella RTT;
- Considering the recommendations and viewpoints raised by representatives of other local-level RTTs, and cooperating with them in view of formulating consensual recommendations that will be recorded as such by the secretariat;
- Where it is not possible for representatives of all local-level RTTs to reach consensus, formulating alternative viewpoints in the form a “minority report” that will be recorded by the secretariat;
- Providing feedback to the local-level RTTs regarding the deliberations and decisions of the umbrella RTT, particularly where these pertain to recommendations of the RTT (i.e. proposed modifications or amendments to the compensation framework that will be submitted to BPC and Eskom for consideration);

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- Once the formal recommendations of the umbrella RTT have been compiled and submitted to BPC and Eskom for consideration, and the compensation framework has been modified to reflect those recommendations accepted by BPC and Eskom, signing off on the final version of the compensation framework; and
 - Providing an ongoing channel of communication between different local-level RTTs regarding issues relevant to all of them.

10.5.2 Representatives of the local and district municipalities

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

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

10.5.3 Representative of TAs or CPAs

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

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

10.6 Resettlement implementation team

The responsibilities of the resettlement implementation team include:

- Chair all umbrella RTT meetings, take minutes and formally distribute these minutes;

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

10.6.1 BPC and Eskom representatives

The responsibilities of the representatives of BPC or Eskom on the RTT include:

- Considering the formal recommendations of the RTT with regard to their potential inclusion in the compensation framework, taking into account the need for any modifications of the compensation framework to remain consistent with BPC and Eskom policies and project objectives; and
- Where recommendations of the RTT are considered acceptable, approving changes to the compensation framework to reflect these recommendations.

10.7 RTT meetings

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

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

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



RTT members may invite observers subject to approval from the RTT. Observers may address the RTT but their contributions will only be accepted as ‘recommendations to the RTT if it receives the support from the parties listed in Section 10.4.

10.7.1 Quorum

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

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

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

10.7.2 Recommendations of the RTT

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

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

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



10.7.3 Allowances

Only community representatives participating in RTTs will receive an allowance of R200 in South Africa and P300 in Botswana for each RTT meeting attended.

10.7.4 Relationship between the RTT and other coordination bodies

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



11 Framework for public consultation, participation, and development planning

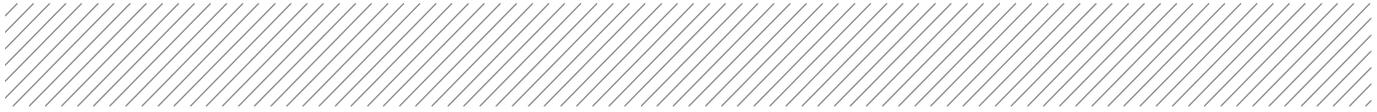
Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach shall be adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

The IFC Policy on Involuntary Resettlement stipulates that “people affected by the project must be consulted regarding resettlement activities...” Furthermore, the IFC handbook for preparing a Resettlement Action Plan (RAP) sets out the following requirements for consultation and communication during a RAP:

- Consultation with local government, community leaders and affected people representatives: “Consultation with officials of local government, community leaders and other representatives of the affected population is essential to gaining a comprehensive understanding of the types and degrees of adverse project effects”
- Consultation with host communities: “Consultation involving representatives of both host communities and the communities to be displaced helps to build familiarity and to resolve disputes that inevitably arise during resettlement”

- 
- Requirement for a resettlement advisory group and composition: “Depending on the scale of resettlement associated with a project, it may be appropriate for the sponsor to create a resettlement advisory group. This advisory group should comprise representatives of the project sponsor, relevant government line and administrative departments, community organisations, NGOs involved in support of resettlement as well as representatives of the communities affected by the project”.
 - Purpose of consultations: “Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of the people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. Project consultation with people affected by resettlement is mandatory”.

11.1 Objectives

The objectives of formal consultations are to secure the participation of all people affected by the project in their own resettlement planning and implementation, particularly in the following areas:

- Alternative project design;
- Assessment of project impacts;
- Resettlement strategy;
- Compensation rates and eligibility for entitlements;
- Choice of resettlement site and timing of relocation;
- Development opportunities and initiatives;
- Development of procedures for redressing grievances and resolving disputes;
- Mechanisms for monitoring and evaluation and for implementing corrective actions.
- Information sharing: “Information must be made accessible and understandable. Information should be translated into local dialects and indigenous languages and broadcast through media that is accessible to literate and non-literate individuals alike. Special efforts should be made to reach vulnerable groups...”

11.2 Principles of engagement

The following principles for engagement have been identified for the purposes of effective resettlement planning. These are to be upheld throughout all engagement processes and the means of engagement modified if required to ensure that these are met:

- Transparency to all parties;
- Involvement of all affected parties (inclusivity);
- Information sharing;
- Informed decision-making;

- 
- Flexibility in terms of approach;
 - Independence and objectivity of the RAP team to be maintained.

The success of projects involving communities, rests on appropriate community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal must be mandatory for all projects requiring land acquisition, compensation and resettlement for the BPC and Eskom project activities.

During RAP screening, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the proposed activities, facilities and structures. The affected persons must be made aware of:

- Their options and rights pertaining to resettlement and compensation;
- Specific technically and economically feasible options and alternatives for resettlement sites;
- Process of and proposed dates for resettlement and compensation;
- Effective compensation rates at full replacement cost for loss of assets and services; and
- Proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will be to:

- Disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- Promote sense of ownership for the project and resettlement activities;
- Invite contributions and participation on the selection of project sites;
- Determine communities' willingness to contribute in kind towards the implementation of the project; and
- Determine community willingness to contribute towards long term maintenance of the project facilities.

11.3 Communication strategy

Aurecon has initiated a developed a communication and engagement process for the project which has been updated throughout the project to remain flexible to the needs of the stakeholders.

The RAP engagement has been undertaken to meet the following objectives:

- Awareness and information sharing: This element started in August with community meetings creating awareness about the project, the socio-economic assessment and asset inventory that was to follow. Prior to this, discussions were held with different communities and stakeholders at part of the Social Impact Assessment process. Furthermore, community meetings, as well as meetings with various local Municipality officials were held as part of the ESIA process.

Awareness building and information sharing has continued throughout the RAP process and will have to continue throughout implementation. Thus, it is anticipated that stakeholders will be involved in information sharing around resettlement for 2 to 3 years minimum, prior to resettlement taking place.

- Involvement in decision making: The RAP has been prepared on the basis of affected party input into the document throughout. It is intended that the draft RAP Report will be made available for public and stakeholder comment prior to its finalisation and submission to the regulatory authorities. This will be done as part of the stakeholder engagement process for the ESIA.

11.4 Consultation and stakeholder participation activities to date

Consultation and stakeholder participation activities that have been undertaken in the Botswana and South African sections of project area are detailed below.

The initial stakeholder consultation and public participation processes were taking place during public meetings as part of the ESIA process. This process sought to make communities and stakeholders aware of the proposed project and afford them a formal opportunity to be part of the project process. Stakeholders were also given an opportunity to make inputs and raise issues of concern that should be considered in the project planning phase. The public meetings were held as follows:

In Botswana:

VENUE	LOCATION	DATES
Dikwididi	Main Kgotla	21 August 2017, 08h00; Public Meeting
Modipane	Main Kgotla	22 August 2017, 09h00; Public Meeting
Mokatse	Main Kgotla	22 August 2017, 11h00; Public Meeting
Malolwane	Main Kgotla	23 August 2017, 08h00; Public Meeting
Sikwane	Main Kgotla	25 August 2017, 08h30; Public Meeting
Malotwane	Main Kgotla	25 August 2017, 11h00; Public Meeting
Mochudi	Main Kgotla	29 August 2017, 08h00, Public Meeting
Ramonaka	Main Kgotla	31 August 2017, 08h30, Public Meeting
Mathubudu-kwane	Main Kgotla	04 September 2017, 08:h30h; Public Meeting
Mabalane	Main Kgotla	05 September 2017, 08h00; Public Meeting
Oodi	Main Kgotla	06 September 2017, 08h30; Public Meeting
Tlokweg	Main Kgotla	5 October 2017, 0830

In South Africa:

VENUE	LOCATION	DATES
Klippan Farmers Association	Klippan	17 July 2017, Public Meeting
Lehurutshe Tribal Council	Lehurutshe	17 July 2017, Public Meeting
Serake/ Driefontein Tribal Authority	Driefontein	18 July 2017, Public Meeting
Supingstad Tribal Authority	Supingstad	18 July 2017, Public Meeting
Driefontein Tribal Authority	Driefontein	21 July 2017, Focus Group Meeting
Lehurutshe Traditional Office	Lehurutshe	23 August 2017, 10h00, Public Meeting

- This process was followed by an exercise that sought to establish contact with households and community leaders as part of social impact assessment (SIA) process. A socio-economic



survey was administered to households randomly selected within the project footprint as well as potentially affected farmers.

- This process started with obtaining contact details of community leaders/ representatives, local authorities and ward councillors so that they would be made aware of the proposed project.
- Once a decision was taken pertaining to legibility of potential resettlement affected households, an asset and infrastructure survey for those identified households was then undertaken. The asset and infrastructure survey was undertaken between 09 and 20 October 2017 in Botswana as well as from 06 to 10 November in South Africa. This survey sought to record all assets and infrastructures that would be lost to the project.
- Making contact with local authorities for the municipal wards traversed by the transmission line, informing them of the project, and requesting their assistance in ensuring that local communities are aware of the project became part of the broader stakeholder consultation and public participation processes;
- Follow-up meetings were conducted with some communities and landowners in order to address specific questions and concerns regarding the project; and
- Information on assets along the transmission line was obtained and this exercise was also used as an opportunity to inform individual community members of the project through direct interaction (as opposed to reliance on community leadership structures to pass on the message).

11.5 Consultation and participation activities still to be undertaken include:

- Establishment of a resettlement task team (RTT), which is the primary mechanism for engaging resettlement-affected households and other relevant stakeholders in resettlement planning. It is understood that the RTT's primary function will be to disseminate information about the resettlement and compensation process to affected communities (although not precluding individual consultations with individual affected households, which will take place during resettlement implementation). In order to avoid the creation of unrealistic expectations, the negotiation of compensation amounts and methods will be explicitly excluded from its mandate – although the RTT may be consulted in cases where more than one feasible option for compensation exists;
- Focus group discussions to be held to obtain additional information and address the affected population's concerns regarding resettlement; and
- Consultation with individual resettlement-affected household heads (or their authorised representatives) to inform them of their compensation packages and to obtain their agreement on compensation amounts and means.



11.6 Notification procedure

The Project (through the appropriate Project Implementing Agent - PIA) must by public notice, and publicly announcing the project in the media (daily newspapers), notify the Project Affected Persons (PAPs) of its intention to acquire land earmarked for the project. The notice must contain the following key information:

- Proponent's proposal to acquire the land;
- The purpose for which the land is needed;
- That the proposal or plan may be inspected by the offices of the relevant local Authority during working hours; and
- That PAP may, by written notice, object to the transaction giving reasons for doing so, to the PIA with copies to the relevant Local Municipality and local Chief within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

11.7 Public consultation mechanisms

As indicated in the Section 16 of the RAP, public consultation and participation is vital because it provides an opportunity for informing the public and stakeholders about the proposed project. Public consultation and participation creates a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs.

Public consultation and participation will offer the PAPs an opportunity to contribute to both the design and implementation of the programme activities. In doing so, the likelihood for conflicts between and among the affected and with the management committees will be reduced. In recognition of this, particular attention should be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved. As a matter of strategy, public consultation must be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the following phases of the project:

- Project inception and planning;
- Screening process;
- Feasibility study;
- Preparation of project designs;
- Resettlement and compensation planning;
- Drafting and reading/signing of the compensation contracts;
- Payment of compensations;
- Resettlement activities; and

- 
- Implementation of after-project community support activities.

Public consultation and participation should take place through local meetings, request for written proposals/ comments, completion of questionnaires/ application forms, public readings and explanations of the project ideas and requirements. Public documents should be made available in appropriate languages at the national, local and homestead levels and at suitable locations including the official residences/ offices of village governments and village elders. Public consultation measures should take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions and feedback.

11.8 Promoting participation

The IFC Guideline for RAP recommends that the developer must initiate and facilitate a series of consultations with project stakeholders throughout the planning and implementation of a RAP. The purpose of these consultations is to inform stakeholders about the project and its effects and to provide opportunities for people to voice their concerns and propose alternatives. Formal consultations should include BPC and Eskom representatives, project managers, relevant government authorities, representatives of concerned NGOs and members of both displaced and host communities. Discussions should center on the effects of the project and measures to mitigate those effects. Because of discrimination within societies, women and members of other vulnerable groups may find it difficult to defend their interests in a public forum. For this reason, it is important for project management or the agencies responsible for RAP planning and implementation to employ women and members of other vulnerable groups. These staff members can undertake outreach efforts, such as focus group consultation, to learn the concerns of vulnerable groups and convey them to resettlement planners and project managers.

11.9 Implementation phase

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of RTT, local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programmes.

11.10 Conclusion

In conclusion, BPC and Eskom through the PIA may employ a community liaison representative with a budget specifically for the facilitation and management of public consultation. However, if they choose to manage information disclosure and public consultation, BPC and Eskom must ensure that affected people have access to information about the project and opportunities to seek redress of grievances



relating to the project. Project management must document its information disclosure and public consultation efforts. This documentation should identify who was consulted, what was discussed, and what follow-up was required.

It is expected that consultation with all of the established RAP structures will continue beyond the completion of the planning phase and into the implementation stage of the project, which will be undertaken by PIA. Exact dates for this consultation cannot be determined at this stage as infrastructure planning and design, which may influence the scope of RAP, must still be considered.



12 Provisions for redress of grievances

Grievance mechanisms are an important part of the IFC's approach to requirements related to community engagement by clients under the policy and performance standards on social and environmental sustainability. Where it is anticipated that a new project or existing company operations will involve ongoing risk and adverse impacts on surrounding communities, the client will be required to establish a grievance mechanism to receive and facilitate resolution of the affected communities' concerns and complaints about the client's environmental and social performance. The grievance mechanism should be scaled to risks and adverse impacts of the project, address concerns promptly, use an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and do so at no cost to communities and without retribution. The mechanism should not impede access to judicial and administrative remedies. The client will inform the affected communities about the mechanism in the course of its community engagement process (Performance Standard 1, Paragraph 23).

A grievance mechanism should be able to deal with most of the community issues that are covered by the IFC's performance standards. Grievance mechanism requirements in relation to affected communities are explicitly stated with regard to security personnel (Performance Standard 4, Paragraph 13), land acquisition (Performance Standard 5, Paragraph 10), and adverse impacts on indigenous peoples (Performance Standard 7, Paragraph 9). BPC and Eskom will be asked to design the mechanism according to the extent of risks and adverse impacts of the project. Impacts on communities are evaluated within the Social and Environmental Assessment for a project.

Grievance mechanisms inform and complement but do not replace other forms of stakeholder engagement. Stakeholder engagement also includes stakeholder identification and analysis, information disclosure, stakeholder consultation, negotiations and partnerships, stakeholder involvement in project monitoring, and reporting to stakeholders. If strategically applied throughout the project life, an integrated range of stakeholder-engagement approaches can help build trust, contribute to maintaining broad community support for the project, and ultimately help companies promote the long-term viability of their investments.



12.1 What is grievance

The Good Practice Note²⁸ defines a grievance as a concern or complaint raised by an individual or a group within communities affected by company operations. Concerns and complaints can result from either real or perceived impacts of a company's operations, and may be filed in the same manner and handled with the same procedure. The difference between responses to a concern or to a complaint may be in the specific approaches and the amount of time needed to resolve it. The term "grievance" implies that there may be a problem. In practice, however, the nature of feedback that communities may want to bring to a company's attention will vary, since communities often find it appropriate to use the same channels to communicate not only grievances but also questions, requests for information, and suggestions. Communities may even use these channels to convey what they think the company is doing well.

BPC and Eskom should keep in mind that unanswered questions or ignored requests for information have the potential to become problems and should, therefore, be addressed promptly. It is good practice to respond to community feedback through the relevant pillars of community engagement, such as disclosure, consultation, and participation in project monitoring. For example, a question about specific benefits the project provides or intends to provide to women in the community can be forwarded to a community liaison or a staff member who specifically deals with gender matters, if such person has been appointed by the project. The person(s) who asked this question are then notified as to who will respond and by when.

12.2 Project-level grievance mechanism

A project-level grievance mechanism for affected communities is a process for receiving, evaluating, and addressing project-related grievances from affected communities at the level of the company, or project. In the context of this project, this mechanism may also address grievances against contractors and subcontractors. Project-level grievance mechanisms offer companies and affected communities an alternative to external dispute resolution processes (legal or administrative systems or other public or civic mechanisms). These grievance mechanisms differ from other forms of dispute resolution in that they offer the advantage of a locally based, simplified, and mutually beneficial way to settle issues within the framework of the company–community relationship, while recognising the right of complainants to take their grievances to a formal dispute body or other external dispute-resolution mechanisms.

It should be noted, however, that complex issues that arise from high environmental and social impacts are seldom resolved in a relatively simple way. In such cases, projects should anticipate involvement of various third parties in the resolution process to achieve solutions with affected communities. These include, but are not limited to, various national and international mediation bodies, independent

²⁸ IFC Good Practice Note: Addressing Grievance from Project Affected Communities. 2009. Available from available at http://www.ifc.org/ifcext/sustainability.nsf/Content/Publications_GoodPractice. Accessed on 19th August 2014.



mediators and facilitators with sector- and country-specific expertise, and independent accountability mechanisms of public sector financiers.

12.3 Approach to grievance redress

Handling grievances encompasses a step-by-step process as well as assigned responsibilities for their proper completion. Companies establishing grievance mechanisms will follow the process steps discussed in this section.

12.3.1 Step 1: Publicising grievance management procedures

When and how the grievance mechanism is introduced to affected communities can have significant implications for its effectiveness over time. Guiding principles for publicising a grievance mechanism should be in line with cultural characteristics and accessibility factors of affected communities. The information should include at least the following:

- What project-level mechanisms are (and are not) capable of delivering and what benefits complainants can receive from using the company grievance mechanism, as opposed to other resolution mechanisms;
- Who can raise complaints (affected communities)
- Where, when, and how community members can file complaints;
- Who is responsible for receiving and responding to complaints, and any external parties that can take complaints from communities;
- What sort of response complainants can expect from the company, including timing of response; and
- What other rights and protection are guaranteed. Ideally, as part of their first interactions with company representatives, communities should be informed of a company's intention to establish a grievance mechanism, and continue to be reminded of this mechanism on a regular basis during project implementation. Companies should emphasize the objectives of the grievance system and the issues it is designed to address. A company's community liaison officers, grievance officers, or individuals working in analogous positions, should be responsible for publicizing the procedure through appropriate methods.

12.3.2 Step 2: Receiving and keeping track of grievances

Once communities are aware of the mechanism and access it to raise grievances, the company needs to process grievances raised. Processing includes:

- Collecting grievances;
- Recording grievances as they come in;
- Registering them in a central place; and
- Tracking them throughout the processing cycle to reflect their status and important details.



12.3.2.1 Receiving concerns and complaints

Below are simple rules that any receipt procedure for grievances should follow:

- All incoming grievances should be acknowledged as soon as possible. A formal confirmation with a complaint number, or other identifier, and a timeline for response assures the complainant that the organisation is responding properly, and it gives the project a record of the allegation. If a complaint is received in person, a good practice is to acknowledge it on the spot.
- If a more complex investigation is required, the complainant should receive an update explaining the actions required to resolve the complaint, and the likely timeline.
- The company should explain up front what claims clearly are outside the scope of the mechanism and what alternative avenues communities can use to address these potential issues.

12.3.3 Step 3: Reviewing and investigating grievances

For a grievance mechanism to work, all complaints should be handled as promptly as possible, depending on the nature and complexity of the matter. The central unit or person responsible for grievance handling should organise the process to validate the complaint's legitimacy and arrange for investigation of details. Depending on the circumstances of the complaint, various units or departments may need to get involved, including senior management if their direction and decision is required by the established procedures and division of responsibilities. To begin this process, the nature of the grievance must be established to determine the measures needed for review and investigation. All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances. For example: Minor, straightforward issues may only need screening before proceeding to the next step (resolution options and response). Review of minor issues, especially those related to a complainant's request for information, can generally be handled easily by providing information on the spot, or referring the person to community liaison personnel. If there is any possibility that deeper underlying issues may exist, the complaint further must be investigated further.

Less clear, more problematic, or repetitive issues, or group complaints may need a more detailed review prior to action. Staff involved in handling grievances may need to seek advice internally, and in some cases, turn to outside parties to help in the validation process, especially in cases of damage claims. One option to help determine legitimacy is an internal committee comprising staff who will be involved in the operation, staff involved in supervision of the grievance mechanism, and managers from the project departments whose activities are likely to result in claims. For example, the committee might consist of RTT members, a community liaison officer and an operations manager. This committee can also provide initial recommendations on resolution options.



12.3.3.1 Where an extensive investigation is required

An extensive investigation may be required when grievances are complex or widespread and cannot be resolved quickly. As a way to conform to the principle of “no cost to communities,” the company should take full responsibility for investigating the details of grievances coming through its grievance mechanism. However, in cases of sensitive grievances such as those involving multiple interests and a large number of affected people, it may help to engage outside organisations in a joint investigation, or allow for participation by the RTT, civil society organisations or NGOs, or local authorities, if the complainants agree to this approach.

12.3.4 Step 4: Developing resolution options and preparing a response

Once the grievance is well understood, resolution options can be developed taking into consideration community preferences, project policy, past experience, current issues, and potential outcomes. The following approach is proposed:

- A risk-based assessment of potential grievances disputes or conflicts that may arise during project preparation and implementation;
- Identification of the client’s existing capacity for grievance redress; and
- An action plan that identifies priority areas for strengthening grievance capacity, or if necessary, establishing new mechanisms at the project level. Where applicable, dedicated resources should be allocated for realisation of the action plan.

12.3.4.1 Developing resolutions options commensurate with the nature of the grievance

General approaches to grievance resolution may include proposing a solution:

- Unilaterally (the company proposes a solution);
- Bilaterally (the company and the complainant reach a resolution through discussion or negotiation);
- Through a third party (either informally or formally through mediation); or
- Through RTT, traditional and customary practices.

One of the potential advantages of a grievance mechanism is its flexibility. Rather than prescribe a specific procedure for each particular type of complaint, it may be helpful to establish a “menu” of possible options appropriate for different types of grievances, so that company personnel and community members have models for action when a dispute arises. Options include altering or halting harmful activities or restricting their timing and scope, providing monetary compensation, providing an apology, replacing lost property, revising community engagement strategy, and renegotiating existing commitments or RPF.



12.3.4.2 Preparing and communicating clear response

Regardless of the outcome, a response should be provided to all complainants. Responses can be either oral or written, depending on whether the grievance was received orally or in writing. At the time of first interaction between the company representative and complainant(s), there are two possible scenarios:

The claim is rejected and no further action will be taken. If a claim is rejected upfront, it is either ineligible or clearly does not have a basis. If the response is that the grievance does not require action by the company to resolve it, all considerations should be documented and included in both the response and the company systems for grievance tracking for further reference. Companies should be diplomatic when telling community members that no further action will be taken, since they are likely to be disappointed. But including a detailed and respectful explanation, together with compelling evidence of why it cannot be accepted, usually keeps a conflict from escalating.

If the claim is accepted, the response procedure would include two general steps:

1. A preliminary response should be provided within a stipulated period of time and should propose the next steps and actions to be taken for resolution. The complainants must be informed of the results of the assessment and the status of their claims, and further discussion encouraged and invited with complainants (to obtain additional arguments, collect more evidence, conduct further investigation, and launch a dialogue). If complainants are not likely to be satisfied with the outcome the company is considering, group or individual meetings, as needed, should be scheduled to discuss the findings and further clarify the position of the company and of the complainants. In more complex cases, management should participate in such meetings, since they are perceived to be the legitimate decision makers.

In this project, it will be advisable that RTT is given space to deal with grievances from project affected people as well as communities and third parties.

2. A final response should be given to document the final proposed resolution. The proposal must be communicated and mutual commitments stipulated, and the complainants' agreement ensured. If the complainants are not satisfied with the proposed resolution, or the outcome of the agreed corrective actions, they should be free to take their grievances to a dispute resolution mechanism outside of the company grievance mechanism.

12.3.4.3 Close out cases only when an agreement with complainants is reached

Following completion of the agreed-upon corrective actions, it is a good practice to collect proof that those actions have taken place. For example:

- Take photos or collect other documentary evidence to form a comprehensive record of the grievance and how it was resolved;

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- Create a record of resolution internally, with the date and time it took place, and have responsible staff sign off;
 - Have a meeting with the complainants to get a collective agreement to close out the claim; and
 - If the issue was resolved to the satisfaction of the complainants, get a confirmation and file it along with the case documentation.

12.3.5 Step 5: Monitoring, reporting, and evaluating a grievance mechanism

Monitoring and reporting can be tools for measuring the effectiveness of the grievance mechanism and the efficient use of resources, and for determining broad trends and recurring problems so they can be resolved proactively before they become points of contention. Monitoring helps identify common or recurrent claims that may require structural solutions or a policy change, and it enables the company to capture any lessons learned in addressing grievances. Monitoring and reporting also create a base level of information that can be used by the company to report back to communities. Although internal monitoring is usually sufficient for smaller projects, in the case of projects with significant impacts, or where the facts surrounding the grievance are contentious, monitoring by a neutral third party can enhance the credibility of the grievance mechanism.

12.3.5.1 Tracking grievance statistics to ascertain effectiveness

Depending on the extent of project impacts and the volume of grievances, monitoring measures can be as simple as tracking the number of grievances received and resolved, or as complex as involving independent third-party evaluations. Apart from reviewing each grievance and analysing effectiveness and efficiency, companies also can use complaints to analyse systemic deficiencies. Grievance records should provide the background information for regular monitoring, both informal and formal. Therefore, even a simple tracking system should provide an opportunity to aggregate information and recognize patterns in the grievances the company receives, and how they are being resolved.

12.3.5.2 Adapting the mechanism to correct effectiveness

The final objective of monitoring is to ensure that the design and implementation of the grievance mechanism adequately respond to the stakeholders' needs in a cost-effective manner.

To maintain the mechanism's effectiveness, the company must design the mechanism and assign responsibilities to allow for policies and practices to improve efficiencies in the receipt and resolution of grievances. These objectives can be met only through ongoing adjustments to the mechanism, facilitated by support from the management. For example:

- If communities strongly prefer one of several channels offered to submit grievances, focus company resources on that channel to lower the costs of methods that communities do not use;

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- If only one subgroup in the community raises complaints (for example, women, elderly), determine whether this phenomenon is the result of a particularly high impact of operations on that specific group or an accessibility issue;
 - If a large number of grievances do not get resolved through the mechanism, a major change may be required in how the company approaches resolution, rather than focusing efforts on resolving individual issues; and
 - If the grievances allege that the mechanism lacks transparency, adjust the policy and methods used to publicise it, put more emphasis on inviting the community to participate in decision making through the grievance mechanism, and consider involving third parties.

12.3.5.3 Using monitoring results to report back

Lessons learned throughout the process of handling grievances can help ensure continual improvement of the company's operations. The company can also use monitoring to report back to the community on its implementation of the mechanism. In addition, the company can designate personnel responsible for translating lessons learned from its monitoring into concrete policy and practice changes for the company. A community meeting to explain the results of such reports is also effective, and may lead to a mutually respectful relationship between the company and the community.

12.4 Resources needed to manage a grievance mechanism

12.4.1 Resources for grievance mechanisms

Grievance mechanisms will be effective if adequate resources; people, systems and processes, and associated financial resources are assigned to implementation, and if responsibilities are clearly defined. Grievance management should be recognised as a business function with clearly defined objectives, assigned responsibilities, timelines, budget, senior management oversight, and regular reporting. For these reasons, grievance mechanisms should be placed within a larger context of a social and environmental management system and should serve as one of the indicators of whether the system is functioning properly. The ultimate responsibility for designing, implementing, and monitoring project-level grievance mechanisms should lie with senior management.

12.4.2 Who should be responsible for implementation?

For a grievance mechanism to function effectively, it is important to determine a governance structure and assign responsibilities for the mechanism's implementation. The following basic preparations should be taken into account when evaluating resources and allocating responsibilities for grievance mechanism implementation:

- Make sure that the role of senior management is clear, i.e. in what cases and at what stage in the handling of a complaint their decision will be required, and who will be responsible for strategic oversight of grievance management. Senior management has final authority to ensure



that commitments to affected communities are met, and clear reporting lines must be established between senior management and those implementing the grievance mechanism.

- Identify personnel or a unit responsible for administering the grievance mechanism (recording complaints, arranging for collection of additional information, consulting relevant departments or persons within the organization, tracking progress, aggregating and forwarding feedback to complainants, reporting). It may be a new or existing unit or person within an organization. Who is best suited to handle these tasks is sometimes determined by the nature of community grievances. RTT together with community liaison or an administrative assistant should serve as an entry point to receive and log complaints. Frequent turnover of staff assigned to grievance handling and community liaison can adversely impact the perception of the mechanism.
- It should be noted that other community engagement tasks do not take the place of handling grievances, particularly if a community liaison officer is also assigned to handle the grievance process.
- Where possible, functions of grievances handling should be separated from project management, and assign clear accountability for each, so as to avoid decisions that favour the interest of the company only. Safeguards can include clearly defining the authority and decision-making responsibilities of people involved in administering the grievance mechanism, as well as making sure that senior management is ready to intervene. These would include responsibilities for managing the overall process, as well as separate steps (receipt, recording and tracking, investigating, and responding).

12.4.3 Involving third parties

Third parties such as non-governmental organisations, community-based organisations, local governments, local community and religious organisations and traditional councils can sometimes be involved in companies' grievance mechanisms. They can serve as process organisers, places to bring a complaint to be passed on to the company, or as facilitators, witnesses, advisors, or mediators. In some cases, it may be beneficial to place part of the responsibility for the process on external entities, formed within the communities themselves or acceptable to them while the company maintains ultimate responsibility and accountability for the process. Third parties can help increase the level of trust from communities as well as overcome certain limitations of project-level mechanisms, such as lack of transparency, insufficient company resources, possible conflict of interest, and biases, provided that they themselves are perceived to be unbiased and impartial relative to both the company and the communities.

12.4.3.1 Options for third party engagement

To have an effective project-level grievance mechanism, companies need to understand the roles of third parties before engaging them. For example:

- 
- *Community self-governance structures (such as village councils, tribal councils).* These should be taken into account when developing a grievance mechanism to ensure cultural appropriateness, community involvement in decision making, and efficient and effective use of existing community resources.
 - *Local NGOs, CBOs* - Identify those that are active in the area of project or company operations, learn about their interactions with the affected communities, determine what contribution they can make to effective resolution, and discuss options for an NGO to administer the project's grievance mechanism or a part thereof. Sometimes NGOs can also represent local communities and help them build their capacity to understand the process and its benefits, participate in decision making, and articulate grievances and bring them to the attention of companies. Such organisations can be viewed as a voice of communities, and companies should be prepared to deal with grievances brought by NGOs on behalf of communities.
 - *Local government authorities.* Communities sometimes bring their project-related complaints to local governments. It would be advisable for the company to consider partnering with local authorities to facilitate receipt of grievances from communities. Local governments can also be a resource to help companies resolve complaints, since local authorities may have an established relationship with the communities. They can participate as third parties and advisors in company-initiated resolution processes.

12.5 Grievance mechanisms needed for projects implemented by contractors

Although a company generally differentiates between the actions of its own employees and those of contractors and subcontractors, local communities tend to see no difference and will attribute actions of contractors and subcontractors to the company. This is the case even if contractors are in the area only for a short period of time.

Companies need to anticipate grievances that may arise from the actions of suppliers or contractors, and implement a policy and management tools, such as regular monitoring to govern their behavior and actions, including provisions for coordinated management of grievances and key indicators that help evaluate the effectiveness of contractors' policies and tools. Where there are a small number of contractors, it may be feasible for the contractors to establish and manage their own grievance mechanisms. Companies will need to make sure that these mechanisms do not conflict with the company mechanism or those of the other contractors by establishing clear guidelines and ensuring oversight. Where contractual relationships are more complex or numerous, companies may wish to have all grievances directed to the company's mechanism, regardless of whether they relate to the company or its contractors or subcontractors.

13 Framework for monitoring, evaluation, and reporting

The RAP monitoring, evaluation and reporting framework is aimed at measuring the following main indicators:

- Impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better;
- Improvement of communities affected by the project; and
- Management of disputes or conflicts.

Monitoring, evaluation and reporting of the RAP must be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. The monitoring must be carried out by both internal and external monitors to be appointed by BPC and Eskom. The monitors must work together with established RTT for inclusive and meaningful monitoring evaluation and reporting. The monitoring process must ensure that all responsible implementing agencies follow the schedule and comply with the principles of the RAP.

Suggested monitoring indicators are outlined below and include (and not limited to):

- Number and place of public consultation meetings held with PAPs and local authorities during RAP implementation;
- Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints: total received, total justified and total non-justified.

Table 33 below provides a typical plan for monitoring, evaluating and reporting that can be followed or adapted as may be deemed necessary.

Table 33: Plan for monitoring, evaluating and reporting

Item	Main activities	Responsible institute	Frequency of monitoring
Public consultation	Consultation meeting with the PAPs	RTT and PIA	Continuous
Database	Updating census results	PIA in consultation with RTT	Once during RAP implementation

Disclosure of entitlement	Display to the PAPs the results of the census.	PIA in consultation with RTT	Twice
Preparation of alternatives	Follow up of implementation of proposed alternative	PIA in consultation with RTT	Twice
Compensation and other resettlement measures	Follow up compensation process	PIA in consultation with RTT	Continuous
Follow up of PAPs	Follow up and monitoring of PAPs livelihoods	PIA in consultation with RTT	Once fortnightly

13.1 Internal and external monitoring

There will be a need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.

13.1.1 Internal monitoring

For internal monitoring, the resettlement offices of the RIA, in partnership with the paying consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with RTT, local Authority and will be done after every six weeks. Post resettlement monitoring will be undertaken internally like every three months.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- Number of sub-projects requiring preparation of a RAP;
- Number of households and individuals physically or economically displaced by each sub-project;
- Length of time from sub-project identification to payment of compensation to PAPs;
- Timing of compensation in relation to commencement of physical works;
- Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- Number of people raising grievances in relation to each sub-project; and
- Number of unresolved grievances.

The PIA will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIA, to determine the final cost of RAP implementation.

13.1.2 External monitoring

External monitoring will be undertaken by an independent agency or consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at



least 2 years after completion of the construction phase. The civil society organisations may be involved in this exercise.

External monitoring will include an independent impact evaluation that will determine:

- If compensation payments have been completed in a satisfactory manner; and
- If there are improvements in livelihoods and well-being of PAPs.

13.2 Monitoring measures

In addition to inspecting that the consultants and construction firms are adhering to the required measures, the monitoring system will be put in place to report on the effectiveness of compensation payments and resettlement assistance. Monitoring measures must be designed to ensure the effective and timely implementation of compensation and resettlement activities. This should include the physical progress of resettlement, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of income restoration and development efforts among affected communities.

The monitoring must include continuous RAP tasks especially on grievance redress handling throughout the phase of civil works in order to assure timely response to PAPs requirements and to assure correct implementation of resettlement procedures. National level monitoring at times is not regularly carried out sometimes due to lack of operating budget, in those cases and others, the project must utilise resources of the utilities such as transport to facilitate the external monitors perform their duties. In addition, the project must encourage involvement of PAPs, local Associations and local NGOs and CBOs to get involved with monitoring and evaluation.

The implementation of compensation and relocation activities will have to comply with both national laws and international safeguards. Particular attention must be paid to adequacy of asset valuation mechanisms, timely compensation payments and prior information, consultation and participation of project affected people. The enforcement of the existing laws is also of critical importance to ensure harmonisation between the national frameworks and the international safeguards. A further issue is the eligibility status of unregistered land users where IFC guidelines will have to be applied and all affected land-users fully compensated.

13.3 Indicators

The approved RPF highlights the objectively verifiable indicators (OVI's) which can be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for the RAP will have

to be developed to respond to specific site conditions. Table 34 below provides a set of indicators which can be used.

Table 34: Types of verifiable indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognised as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

13.3.1 Indicators to determine status of affected people

A number of indicators should be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc.). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

13.3.2 Indicators to measure RAP performances

As documented in the RPF, in order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. For example, the following parameters and verifiable indicators can be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Authority;
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;

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- The Local Authority will maintain a complete database on every individual impacted by the project land use requirements including relocation/ resettlement and compensation, land impacts or damages;
 - Percentage of individuals selecting cash or a combination of cash and in-kind compensation;
 - Proposed use of payments;
 - The number of contentious cases out of the total cases;
 - The number of grievances and time and quality of resolution;
 - Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
 - Agricultural productivity of new lands;
 - Number of impacted locals employed by the civil works contractors;
 - Seasonal or inter-annual fluctuation on key foodstuffs; and
 - General relations between the project and the local communities.

13.3.3 Indicators to monitor and evaluate implementation of RAPs

The RPF indicates that financial records must be maintained by the PIA to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual bio-data information;
- Number of people he/ she claims as household dependents; and
- Amount of land available to the individual or household when the dossier is opened.

The following additional information will be acquired for individuals eligible for resettlement/compensation:

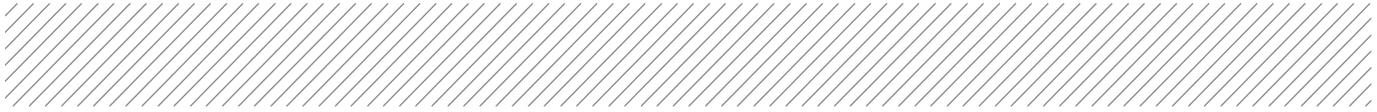
- Type and amount of compensation;
- Level of income and of production; and
- Inventory of material assets and improvements in land.

13.4 RAP monitoring plan

IFC recommends that the RAP must provide a coherent monitoring plan that identifies the organisational responsibilities, the methodology, and the schedule for monitoring and reporting. The three components of a monitoring plan should be performance monitoring, impact monitoring and completion audit.

13.4.1 Performance monitoring

In accordance with IFC guidelines, performance monitoring is an internal management function allowing the sponsor or the organisations responsible for resettlement to measure physical progress against milestones established in the RAP. Examples of performance milestones could include:

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- Public meetings held;
 - Census, assets inventories, assessments, and socioeconomic studies completed;
 - Grievance redress procedures in place and functioning;
 - Compensation payments disbursed;
 - Housing lots allocated;
 - Housing and related infrastructure completed;
 - Relocation of people completed;
 - Income restoration and development activities initiated;
 - Monitoring and evaluation reports submitted

13.4.2 Impact monitoring

Impact monitoring measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. Impact monitoring must be conducted by an independent external agency appointed by BPC and Eskom. IFC highlights the purpose of impact monitoring as being to provide BPC and Eskom or resettlement implementation agent with an assessment of the effects of resettlement, to verify internal performance monitoring and to identify adjustments in the implementation of the RAP as required. It is recommended that where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

13.4.3 Completion audit

This should be undertaken by independent third party to assess whether the outcome of the RAP complies with IFC Involuntary Resettlement Policy guidelines. The key objective of this external evaluation will be to determine whether BPC and Eskom's efforts to restore the living standards of the affected population have been properly conceived and executed. IFC guidelines indicate that the audit should verify that all physical inputs committed in the RAP have been delivered and all services provided. In addition, the audit should evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. The socio-economic status of the affected population, including the host population, should be measured against the baseline conditions of the population before displacement, (as established through the census and socio-economic studies).

13.4.4 Socio-economic assessment

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally, a reasonable period (usually two years) must be established for



monitoring post-resettlement impacts. A number of indicators (discussed above) will be used for measuring status of affected people.

Finally, the socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each sub-project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes based on this baseline.



14 Conclusion and recommendations

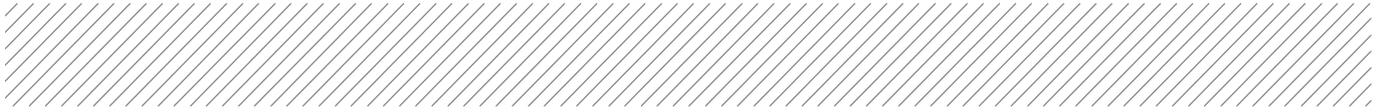
The findings of the socio-economic analysis for the affected population revealed the extent to which households earn their living and have access to basic services. The surveyed households have access to electricity as a source of energy. Their living standard provided a variation in the level of wealth, material goods and necessities available to a certain socio-economic class in a certain geographic area. The standard of living includes factors such as access to quality of services such as electricity and clean drinking water and is closely related to quality of life of the people.

Since one of the objectives in both South Africa and Botswana is sustainable development through creating job opportunities and growing the economy, it will be important that the sustainable livelihoods of affected communities are given high priority. BPC and Eskom and the contractors need to give attention to households affected by the project in terms of employment, skills development and economic improvement during implementation of the project.

Green energy such as solar systems can play an important role as a source of energy during the roll-out process, due to the unavailability of electricity in the area. The socio-economic data of affected households that has been collected will assist BPC and Eskom to make informed decisions regarding the resettlement of the affected households and relocation of their graves. It is recommended that there is adequate consultation with the affected households during the lifetime of the project, to minimise discontentment and promote good relations.

In global cases where resettlement has been successful in leaving the affected people economically better off, in a socially stable condition, and in a manner that they are themselves able to sustain over time, the process has been characterised by a number of best practice enabling factors such as follows:

- An appropriate understanding of the complications of resettlement;
- Proper legal and policy frameworks at national level;
- Sufficient funding;
- Sufficient capacity, including experience in working with resettlement;
- Honest consultation and negotiation with the affected people;
- Effective planning, implementation and monitoring;
- Integration of the resettlement project into its regional economic and political context;
- The necessary political will to ensure that the above enabling factors are obtained; and
- That resettlement is properly carried out.



International experience of many projects shows that, unless these best practice factors are achieved, resettlement exposes affected people to a range of risks such as:

- Landlessness;
- Homelessness;
- Joblessness;
- Economic and social marginalisation;
- Increased morbidity and mortality;
- Food insecurity;
- Loss of access to common property resources; and
- Social and cultural dislocation and distraction.

Unless consciously countered, these risks become reality, negatively reinforcing each other in an interactive and cumulative manner. On the other hand, if these risks are incorporated as part of planning and project design, and if the necessary best practice factors are obtained, these risks can be turned into development opportunities, resulting in resettlement with development.



Appendix A

A&I Questionnaire



Appendix B

A&I data sheet – Botswana



Appendix C

A&I data sheet – South Africa



15 RAP Report Approval

This Resettlement Action Plan Draft Final Report is hereby approved as follows:

15.1 BPC and Eskom

Name and Surname:

Designation:

Signature:

Date:

Any conditions for approval:

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Name and Surname:

Designation:

Signature:

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