



## **RESETTLEMENT POLICY FRAMEWORK**

# **STRENGTHENING THE HEALTH SYSTEMS AND NUTRITION FOR HUMAN DEVELOPMENT IN ESWATINI PROJECT (P168564)**

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**Ministry of Health P.O. Box 5 Mbabane Eswatini**

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## Abbreviations

CMP:	Comprehensive mitigation plan
EAAR:	Environmental Audit, Assessment and Review Regulations
EAFCMP:	Environmental Audit Framework and Comprehensive Mitigation Plan
ECC:	Environmental Compliance Certificate
EHS:	Environmental Health and Safety
ESIA:	Environmental & Social Impact Assessment
ESMF	Environmental and Social Impact Assessment Management Framework
ESMP:	Environmental and Social Management Plan
GIIP:	Good international industry practice
GoE	Government of Eswatini
HCF:	HealthCare Facility/ Facilities
HCW:	HealthCare Waste
HCWM:	HealthCare Waste Management
HCWMP:	Healthcare Waste Management Plan
HIV/AIDS:	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
IDA:	International Development Association <sup>1</sup>
MoH:	Ministry of Health
NHSSP	National Health Sector Strategic Plan
OHS:	Occupational Health Services
SEA:	Swaziland Environment Authority
ToR:	Terms of Reference
WBG:	World Bank Group
WHO:	World Health Organization
EMP:	Environmental Management Plan
RAP:	Resettlement Action Plan
EIA:	Environmental Impact Assessment

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<sup>1</sup> IDA is the part of World Bank that helps the world's poorest countries. Established in 1960, IDA offers interest-free credit and grants to the world's 81 poorest countries- home to 2.5 billion where a majority of the people live on less than 2 US dollars per day. This highly concessionary financing is vital because such countries have little capacity to borrow on market terms. IDA resources and technical assistance supports country-led poverty reduction strategies in key areas, namely increased productivity, better governance and accountability, access to education and healthcare for poor people.

## Definition of Terms

Associated activities	Any subprojects or activities which are not funded as part of this project and are: (a) directly and significantly related to the Project; (b) are planned to be or carried out contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, therefore, they must meet all three criteria.
Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs), their assets, and other potential impacts. The census will be carried out in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Environmental and Social Framework. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and local leaders.
Compensation	The payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
Cut-off date	The date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
Economic displacement	Loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood.
Eligibility	The criteria for qualification to receive resettlement benefits.
Entitlement	Resettlement entitlement are the sum total of compensation provided to persons in their respective eligibility category. The entitlement may comprise of cash or in-kind compensation, relocation costs, income rehabilitation assistance, transfer assistance, income substitution and relocation.
Grievance	An issue, concern, problem or claim (perceived or actual) that an individual or community group wants the MoH to address and resolve.
Grievance Redress Mechanism	A locally accessible, formalized way to accept, assess and resolve feedback or complaints from individuals or communities who believe they are adversely impacted by the Project.
Land	Land, including anything growing on or permanently affixed to land, such as crops, buildings and other improvements.
Land acquisition	Methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or right of way. Land acquisition may also include: <ul style="list-style-type: none"> <li>• Acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes;</li> <li>• Repossession of public land that is used or occupied for individuals or households;</li> <li>• Project Impacts that result in land being submerged or otherwise rendered unusable or inaccessible.</li> </ul>
Livelihood	The full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.
Livelihood restoration	Consists of the entitlements for affected persons and/or communities who are economically displaced, to provide them with adequate opportunity and resources to at least restore, if not improve, their livelihoods.
Physical displacement	Relocation, loss of residential land or loss of shelter.
Project Affected Household	A family or collection of PAPs forming a nuclear or extended family that coexists or lives within the same house or compound.
Project Affected Person (PAP)	Persons who, as a result of Project activities, for reasons of the involuntary taking or voluntary contribution of their land and other assets, results in direct economic and or social

	<p>adverse impacts, regardless of whether or not they are required to physically relocate. These PAPs may have their:</p> <ul style="list-style-type: none"> <li>• Standard of living adversely affected, whether or not the PAP must move to another location;</li> <li>• Right, title, interest in any house, land or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;</li> <li>• Access to productive assets adversely affected, temporarily or permanently;</li> <li>• Business, occupation, work or place of residence or habitat adversely affected.</li> </ul>
Replacement cost	<p>Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. In terms of land, this may be categorized as follows;</p> <ul style="list-style-type: none"> <li>• Replacement cost for agricultural land means the pre-project or pre- displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, including any registration, transfer taxes and other associated fees;</li> <li>• Replacement cost for houses and other structures means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures. Such costs shall include: building materials, transporting building materials to site, any labor and contractors' fees; and any registration costs.</li> </ul>
Resettlement Action Plan (RAP)	<p>A resettlement instrument to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on PAPs and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts. A detailed template for RAP development is attached to this document in Annex 1.</p>
Restrictions on land use	<p>Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the Project. These may include restrictions on access to common property resources, restrictions on land use within easements or safety zones.</p>
Stakeholder Engagement	<p>Broad, inclusive and continuous process between the project proponent and those potentially affected by the Project that usually spans the life of the Project. It includes broad participation and input to project design and procedures, including consultations, information disclosure and dissemination.</p>
Vulnerable	<p>Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.</p>

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## EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) is prepared by the Ministry of Health in accordance with the Kingdom of Eswatini's legal framework, and the World Bank's Environmental and Social Framework (ESF), specifically ESS5 which is the standard for "Land Acquisition, Restrictions on Land Use and Involuntary Resettlement" (ESS5).

This RPF is prepared to guide the preparation and implementation of the RAP for impacts that may be caused by land acquisition for construction and civil works activities in the project, including associated activities. It sets out the principles and objectives governing the preparation and implementation of social risks and impacts mitigation measures when the specific impact location (s) of the project activities become known.

While designing and implementing component 1.2 activities, the project shall be required to follow resettlement principles, organization arrangements and design requirements stated in ESS5 where applicable. The Government of the Kingdom of Eswatini (GoKE) has agreed to adhere to the ESS5 of World Bank's standard which requires that the involuntary resettlement should be avoided<sup>2</sup>. Where involuntary resettlement is unavoidable, the project shall minimize and adopt appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons-if any) will be carefully planned and implemented.

Where involuntary resettlement is unavoidable the GoKE, through the project shall prepare a Resettlement Action Plan (RAP) and provide prompt compensation and resettlement assistance to PAPs to assist them in their efforts to improve or at least restore their livelihoods and living

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<sup>2</sup> Avoidance is the preferred approach in accordance with the mitigation hierarchy in ESS1. It is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result. However, avoidance may not be the preferred approach in situations where public health or safety would be adversely affected as a result. There may also be situations where resettlement can provide direct development opportunities for households or communities, including improved housing and public health conditions, strengthened security of tenure or other improvements to local living standards.



standards to pre-displacement levels or better. Compensation and resettlement assistances shall cover permanent or temporary physical and economic displacement resulting from land acquisition or restrictions on land use in connection with component 1.2 activities of improving the quality of health services.

When preparing the RAP for component 1.2, the Project Implementation Unit (PIU) shall conduct a socioeconomic study targeting potential PAPs as well as carryout census survey to: a) identify current occupants of PAPs in affected area, b) establish baseline socio-economic characteristics of affected household, c) provide information on vulnerable groups and people, d) determine the magnitude of potential losses – partial or full and, e) establish communication system to ensure two way information flow- from PAPs to the project and from project to PAPs.

Project Affected Persons (PAPs) who will be affected by component 1.2 activities of the project or its associated activities shall be eligible to receive compensation and resettlement assistances. PAPs who: i) have formal legal rights to land or assets; ii) do not have formal legal rights to land or assets, but have a claim to land or assets that are recognized or recognizable under national law - such claims could be derived from adverse possession or from customary or traditional tenure arrangements; and iii) who have no recognizable legal right or claim to the land or assets they occupy or use, shall be entitled for compensations and resettlement assistances.

The process used for determining compensation values and resettlement assistances shall be transparent and easily comprehensible to PAPs. The entitlement matrix provided in the body of this RPF shall guide the project when determining entitlements due to PAPs. The project shall publicly declare the cut-off date to determine eligibility and thus determines entitlements to PAPs. The cut-off date is provided to safeguard against encroachment or opportunists.

The MOH through the project will undertake legal framework analysis to determine the fit between borrower laws and regulations and Bank policy requirements and proposed measures

to fill gaps. Gaps have been observed in areas of i) agricultural (including fallow) land or pastureland, ii) land in urban areas, iii) loss of access to natural resources, Loss of access to natural resources, iv) physical displacement, v) Economic displacement and, vi) disclosure. Gap filling measures to be included in project legal document are recommended.

When calculating compensation amount of affected properties and means of livelihoods, the project shall follow the principle of full replacements. The valuation exercise shall aim and will be geared toward ensuring that affected properties valuation is consistent with the ESS5 provisions and the valuation method shall be transparent. This RPF has also identified the institutional arrangements and coordination mechanism for RAP implementation including: line ministries, local authorities, traditional chiefs, community organizations and State Own Enterprises (SoE) that will be engaged. The PIU's capacity to plan and implement RAP and to ensure compliance with ESSs requirement needs to be strengthened. A full time and dedicated Social officer and community liaison officers at the Operations facility due to new construction must be hired and trained.

The PIU shall take responsibility for the implementation and coordination of resettlement related activities under the project. It shall be responsible for ensuring that compensation and resettlement payments to all PAPs are made promptly and prior to commencement of civil works. It will ensure that site(s) is/are handed-over to the contractor after submitting a compensation and resettlement assistance payment completion report to and after obtaining a clearance from the Bank.

The project shall establish Grievance Redress Mechanisms (GRMs) as part of the resettlement plan and its design shall take into consideration the views of affected communities expressed during the resettlement planning process. Information shall be disclosed and explained to PAPs as early as possible and on a regular basis throughout the project cycle. The grievance mechanism shall be available at no cost, and will be easily accessible, with special attention paid to accessibility for disadvantaged and vulnerable individuals or groups.

The overall cost of RAP shall be borne by the MOH. The MOH shall ensure predictable financial resource flows into the RAP “Special Account” that shall be opened and maintained by the MOH accounting department. Funding shall be made available into the RAP special account. Adequate financial resources sufficient to cover all compensation and resettlement assistance costs and other related costs shall be provided for by MOH including sufficient contingency to offset unforeseen expenses that may occur as a result of inflation and also as a consequence of omitted and undervalued structures.

While taking the lead responsibility, the project PIU shall track the preparation and implementation of RAP and shall closely monitor the situation of vulnerable people affected by the project and make special considerations for the vulnerable groups. Implementation status assessment will be part of the project’s “Project Completion” review exercise and report. The resettlement aspect of the evaluation shall examine and determine the living standards of PAPs (pre-project vs. post RAP implementations.)

This RPF has been prepared by MOH to guide resettlement preparation and implementation and will be used throughout the project life cycle. This RPF covers the following elements:

- (a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared;
- (b) principles and objectives governing resettlement preparation and implementation;
- (c) a description of the process for preparing and approving resettlement plans;
- (d) estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- (e) eligibility criteria for defining various categories of displaced persons;
- (f) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- (g) methods of valuing affected assets;
- (h) organizational procedures for delivery of compensation and other resettlement

assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;

- (i) a description of the implementation process, linking resettlement implementation to civil works;
- (j) a description of grievance redress mechanisms;
- (k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- (l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and arrangements for monitoring by the implementing agency.

## **1. PROJECT DESCRIPTION**

The Government of the Kingdom of Eswatini intends to apply for a loan from the World Bank to finance the project. The project development objective (PDO) is to improve the coverage and quality of key RMNCAH, nutrition and NCD services (hypertension and diabetes) in Eswatini. To address key sector challenges and support the achievement of the PDO, the proposed project would be financed by an IBRD loan of US\$20 million, using an Investment Project Financing (IPF) instrument, over a five-year period. The project will focus on strengthening the health system and ramping up investments in reproductive, maternal, neonatal, child and adolescent health (RMNCAH) services as well as nutrition and non-communicable diseases (hypertension and diabetes) to address critical human capital challenges, including stunting and child and adult mortality, applying a life course approach. The project includes three components, as follows:

### **Component 1: Improve health service delivery to increase the coverage and quality of health services to build human capital (US\$14.7 million)**

This component will improve health service delivery to integrate and scale up nutrition and NCD services in Primary Health Care and improve the quality of RMNCAH services across the continuum of care. Under this component, the project will (i) build the capacity of health-care workers to deliver high-quality RMNCAH, nutrition and NCD services in PHC and higher-level care for continuity; (ii) increase the availability of drugs, commodities, functioning equipment and client data to support the delivery of these services through supply chain strengthening and investments in a digital health system; and (iii) strengthen the capacity of facilities, programs and regions to monitor quality of care, provide supportive supervision and implement a Quality Management Approach to ensure that the above inputs are translated into effective and high-quality service delivery.

#### **Component 1.1 Build capacity of healthcare workers to deliver enhanced, high impact RMNCAH and nutrition and NCD services across the continuum of care (US\$3.0 million)**

This sub-component will build the capacity of healthcare workers to deliver essential and high-quality RMNCAH, nutrition and NCD services across the continuum of care through trainings, the

provision of digital decision support tools ('digital job aids'), and the creation of a Community of Practice for midwives as a platform for sharing best practices and creating new knowledge for continuous professional development.

Specifically, the following activities will be supported: (i) Competency-based and residential trainings for healthcare workers to deliver high-quality RMNCAH, nutrition and NCD services across the continuum of care. (ii) **Technical assistance and procurement of tablets/technology to develop, test and scale-up provider digital decision support tools ('digital job aids') for RMNCAH to consolidate the trainings and ensure that competencies of healthcare workers are maintained for enhanced decision-making.** (iii) **Specialist training and mentorship to operationalize a 4-bed specialized neonatal unit** in Mbabane Government Hospital, built and equipped through the previous World Bank-supported project. (iv) **Creation of a Community of Practice (CoP) for Midwives to promote continuous professional development, intra-professional collaboration, and staff morale for improved maternal and neonatal outcomes.**

#### **Component 1.2 Increase the availability of drugs, commodities, functioning equipment and client data for high-quality health and nutrition service delivery in facilities (US\$9.7 million)**

Specifically, the following activities will be supported: (i) **Modernization and scale-up of an interoperable electronic record management system for service inputs (medical supplies, commodities, and equipment)<sup>47</sup> and service delivery and coverage (client records for clinical management) to strengthen evidence-based service planning and management.** (ii) **Construction of an Integrated Operations Centre with upgraded fleet.** The project will construct and purchase related office equipment for an integrated Operations Centre to house the medical supply chain unit (managed by CMS), a medical equipment maintenance workshop (managed by Biomed) and a data warehouse for information technology (IT) support (managed by HMIS). Given that the aforementioned entities are servicing the same health facilities, this Integrated Operations Centre will allow effective and efficient support to health facilities by timely responding to equipment down-time notifications, drug ordering requests, and hardware repair or IT support requests submitted by facilities. The design will be prepared in a way to contribute

to climate co-benefits, including the use of energy efficient and sustainable technologies (e.g. solar panel, insulation, refrigeration system, LED lighting, etc.). The fleet will also be upgraded (including 2 larger trucks that have capacity to pool drugs, commodities, medical and IT equipment; and cars to serve the 4 regions) to allow for more efficient use of vehicles as the units will be able to coordinate routes through a joint fleet management system.

**Component 1.3. Strengthen the capacity of facilities, programs and regions to monitor quality of care, supervise and implement a Quality Management Approach in health facilities (US\$2.0 million).** Specifically, the project will finance technical assistance and operational support for programs to strengthen supportive supervision and mentorship for RMNCAH, nutrition and NCDs, and implement a continuous quality of care improvement process<sup>3</sup> and externally validated through supervision by the Regional Health Management Teams.

**Component 2. Increase community demand for RMNCAH, nutrition and NCD services (US\$2.0 million).** In addition to supply side constraints, utilization of RMNCAH, nutrition and NCD services is also affected by demand side constraints, including insufficient knowledge on prevention and care seeking and cultural barriers. This component will strengthen the Community Health Volunteers (CHV) program, conduct targeted Social Behavior Change Communication (SBCC) and develop client-based digital applications to address social and behavioral bottlenecks and generate demand for quality and service delivery uptake of RMNACH, nutrition, and NCD services. Specifically, the project will support: **(i) Strengthening the Community Health Volunteers Program to conduct community sensitization and outreach.** The project will finance the delivery of a comprehensive training package for CHVs in targeted areas and provide CHVs with tablets to facilitate service delivery, monitoring and supervision. **(ii) Targeted Social Behavior Change Communication (SBCC).** The project will provide technical and financial assistance to design and deliver SBCC tailored to the target groups (pregnant women/mothers, adolescents, at risk for NCDs) relevant to the Eswatini context. **(iii) Design, develop and scale-up of client-based digital applications to help generate awareness, improve knowledge and boost**

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<sup>3</sup> Beyond the basic structural measures, this will include assessing processes, clinical outcomes, and review the management and environmental health aspects of the facility to prepare tailored responses and actionable quality improvement plans.

**uptake of services and adherence to appointments and treatment.** These will also be tailored to adolescents. Innovative and successful tools will be explored, such as the ‘Mom Connect’ that has been successfully implemented in South Africa, to improve care seeking, health outcomes, and birth registration.<sup>43</sup> Digitalization and scale-up of the “Know your health numbers” NCD campaign will also be supported.

**Component 3. Strengthen the MOH’s stewardship capacity to manage essential health and nutrition services and project activities (US\$3.3 million)** Specifically, the project will provide technical assistance to support the drafting of updated regulations, policies and strategies including for the draft Health Bill, professional regulatory bodies, National Quality of Care Framework, public-private partnerships, nutrition, health care waste management (HCWM), including the capture or combustion of fugitive methane emissions<sup>52</sup> and health financing.<sup>53</sup> Technical assistance and training/ coaching for the MOH will also be provided on leadership and management to support modernization and organizational transformation of the MOH. This will be complemented with twinning arrangements, particularly relevant during the first 12-18 months of project implementation. To ensure effective and efficient project implementation, this component will also support the MOH with fiduciary aspects (financial management and procurement), project monitoring and evaluation, and environmental and social standards.

**Component 4: Contingent emergency Response Component (CERC) (US\$ Zero)** . The project includes a CERC in accordance with the World Bank Policy: Investment Project Financing, paragraph 12 and 13, for situations of urgent need and assistance. This component will allow for rapid reallocation of project proceeds in the event of a future natural or man-made disaster or crisis that has caused or is likely to imminently cause a major adverse economic and/or social impact during the life of the project.



## 1.1 Proposed Project Activities Areas



## 1.2 Description of Activities likely to Require Land Acquisition

Construction of an Integrated Operations Centre under component 1.2 is expected to occur on land already owned by the Ministry of Health - Central Medical Stores and it is expected that there will be minimal and mostly temporary impacts (restricted land use and access). The site will be screened by the environmental and social specialists to ensure that negative impacts are minimized and that alternatives are considered. Should there be any restrictions or impacts on land and natural resource tenure and use, this RPF will provide guidance regarding resettlement principles, organizational arrangements and design criteria and the commitment to prepare a subsequent RAP where impacts cannot be avoided. When negative impacts resulting from

restrictions and land uses are unavoidable, potential PAPs will be consulted throughout the project cycle and shall be informed about their choices and rights. The cost associated for financing compensation and resettlement assistance, if any, shall be covered by the GoKE.

## **2. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT**

This section sets out the principles and objectives governing the preparation and implementation of social risks and impacts mitigation measures when the specific impact location (s) of Component 1.2 are known –in accordance with the World Bank’s ESF requirements, in particular that of ESS5. This section will cover the preparation and implementation requirements that should be followed MOH/PIU while preparing the resettlement component for the project and will provide steps to be followed while undertaking resettlement planning as well as processing requirements.

The Policy Framework covers resettlement and compensation of all impacted private, public, institutional and communal assets within the project. These are assets that can be readily identified and quantified. However, in the unlikely event of the loss of cultural heritage, this will need to be addressed separately through specialised studies and mitigation plans.

### **2.1. Principles Governing Resettlement Preparation**

It is generally accepted principle that infrastructure projects entailing land acquisition and that impose restrictions on land use can have adverse social and economic impacts on communities and persons. Project induced land acquisition<sup>4</sup> or restrictions on land use<sup>5</sup> may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of

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<sup>4</sup> Land acquisition” refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes ;(b) repossession of public land that is used or occupied by individuals or households; and(c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

<sup>5</sup> Restrictions on land use” refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.

livelihood),<sup>6</sup> or both. The term “involuntary resettlement” refers to these impacts. 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 displacement.

Departing from the above principles, the Government of the Kingdom of Eswatini (GoKE) believes that economic displacement that is likely to result from civil works under Component 1.2 civil activities of the project, if not mitigated properly, land acquisition may give rise to severe economic, social and environmental risks including: dismantling production systems; impoverishing people if their productive resources or other income sources are lost; relocating people to environments where their productive skills are less applicable and the competition for resources is greater; weakening community institutions and social networks; dispersing kin groups, diminishing cultural identity, traditional authority, and the potential for mutual help.

It is for these reasons that the GoKE has agreed to adhere to the ESS5 of World Bank’s standard which requires that the involuntary resettlement should be avoided<sup>7</sup>. Where involuntary resettlement is unavoidable, the project shall minimize and adopt appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons-if any) will be carefully planned and implemented.

## **2.2 Objective of Implementing the RAP**

The aim of the RPF is to synchronise resettlement planning in the implementation of the project activities in order to minimise negative social impacts and maximise the positive ones. The Resettlement Plan will be prepared to mitigate unavoidable adverse social and economic impacts from land acquisitions by providing prompt compensation and resettlement assistance to PAPs

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<sup>6</sup> Livelihood” refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource- based livelihoods, petty trade and bartering

<sup>7</sup> Avoidance is the preferred approach in accordance with the mitigation hierarchy in ESS1. It is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result.

to assist them in their efforts to improve or at least restore their livelihoods and living standards to pre-displacement levels or better. The objectives of the RAP as stated in the Bank's standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement are:

- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>8</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre- displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.<sup>9</sup>
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

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<sup>8</sup>"Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

<sup>9</sup> Livelihood" refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource- based livelihoods, petty trade and bartering

- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, the MOH through its PIU will conduct meaningful consultations with PAPs and shall inform them about their rights and choices.

### **2.3 Scope of ESS Coverage**

The ESS5 applies to temporary or permanent physical and economic displacement resulting from land acquisition or restrictions on land use in connection with component 1.2 activities of the project. The following are the scope of the ESS5 coverage:

- a. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- b. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- c. Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- d. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- e. Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- f. Restriction on access to land or use of resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- g. Land rights or claims to land, or resources relinquished by individuals or communities without full payment of compensation; and

- h. Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

### **3. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS**

Where land acquisition or restrictions on land use are unavoidable, MOH as part of the environmental and social assessment will conduct a census to identify the persons who will be affected by the project activities to: a) identify current occupants of PAPs in affected area, b) establish standard characteristics of affected household, c) provide information on vulnerable groups and people, d) determine the magnitude of potential losses – partial or full, e) establish communication system or create provision for two ways information flow-from PAPs to the project PIU and from project PIU to PAPs, f) establish inventory of land and assets to be affected, g) determine who will be eligible for compensation and assistance and to discourage ineligible persons such as opportunistic settlers from claiming benefits.

This section sets out the step by step process for preparing and approving resettlement plan(s) mainly on the process and approval aspects. It presents: i) the condition for the RAP preparation, ii) the RAP processing requirements, iii) planning instruments need to be considered when preparing the resettlement component of the project as discussed below:

#### **3.1 Preparation Requirements**

The RAP may be required if component 1.2 activities require changes in existing land use whether temporarily or permanently. The scope of the RAP will be determined by the magnitude of component 1.2 impacts and the complexity of mitigation measures. A census of affected properties to be affected by component 1.2 activities will enable determination of the scope and complexity of impacts.

The MOH-PIU will assess and determine, at the earliest possible stage, the relative impacts related to:

- a) Physical displacement (relocation, loss of residential land or loss of shelter); and



- b) Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).

MOH will engage the services of qualified and experienced consultants to prepare and supervise implementation of the RAP. The Consultant's Terms of Reference (ToR) for the assignment will be submitted to the World Bank for a 'No Objection'. The RAP development, as well as monitoring and implementation, will be done in close collaboration with all impacted households, affected community members, Community Liaison Officers, Traditional Authorities, and other interested and affected parties. The consultations will be an on-going process throughout the project cycle and shall be an integral part of the project as set out in this RPF and in the project's SEP.

The RAP will be submitted to the World Bank for a 'No Objection.' The Project Team will subsequently disclose the RAP in the project area. A printed version of the RAP will be available to the public in the MOH HQ and Regional Health Offices. Upon disclosure in the project area, the RAP will also be disclosed on the World Bank's website.

A census of affected persons will be carried out to determine eligibility. The census should capture demographic, social and economic information. The outcome of the census includes an inventory and valuation of affected assets. The census provides the baseline against Project outcomes at the completion of the compensation.

### **3.1.1 Processing Requirements**

Processing the resettlement component requires the following:

- i. Determine whether component 1.2 activities entail land acquisitions.
- ii. Take steps to prepare the resettlement component as it has been found that a resettlement action plan is required as per ESS 5. The MoH's project implementing unit must then complete the following tasks:
  - a. Conduct a census and socioeconomic surveys to identify component 1.2 impacts and the people that will be affected;

- b. Finalize the resettlement entitlements for each category of impact;
  - c. Select adequate resettlement sites and income-improvement activities (if relocation is necessary or required under the project);
  - d. Establish institutional mechanisms for delivering entitlements and for undertaking other resettlement activities;
  - e. Prepare budgets and make arrangements to ensure the timely flow of funds for resettlement implementation;
  - f. Coordinate implementation arrangements among relevant agencies involved in the implementation of RAP, particularly with stakeholders identified in the project's SEP
  - g. Establish mechanisms for continued participation of PAPs in resettlement, as well as for redressing of their grievances; and
  - h. Make arrangements for internal and independent monitoring of resettlement activities as it may be required and proportional to the risks and complexity of mitigation measures;
- iii. Arrange for preparation of the resettlement planning documents — MOH, through PIU, engages qualified organizations or consultants to prepare the RAP(s) and coordinates the activities of agencies contributing to planning documentation,
  - iv. Review and clear the resettlement planning documents—the project or consultants. The Bank's Social Development Specialists collaborate in preparing the resettlement document(s) and in arranging for their review and clearance,
  - v. Arrange for monitoring and supervision during implementation—Plans for Bank supervision, project monitoring, and independent resettlement monitoring should specify arrangements for responding to obstacles or opportunities arising during implementation.

The following are resettlement planning instruments which the MOH will be required to produce as appropriate to the project circumstances:

### **3.2 Resettlement Policy Framework**

At this stage of project preparation, the likely nature or magnitude of the land acquisition or restrictions of components 2 of the project is unknown pending detailed designs; thus, the reason for putting in place this RPF.

This RPF establishes the general principles and procedures compatible with ESS5 of annex 1 to be followed in circumstances where components 2 activities are causing temporary or permanent physical and/or economic displacement. Once the project waste water system and health care waste technology; biomed workshops locations are defined and the necessary planning information becomes available, this RPF will be expanded into location specific Resettlement Action Plan (RAP) and; the action plan shall be proportional to potential risks and impacts identified by the screening exercise. No physical and/or economic displacement will occur until plans required by ESS5 have been finalized and approved by the Bank.

During the preparation of component 1.2 activities, the scale and severity of each sub projects', social risks and impacts will be assessed and determined. Since the precise location of waste water systems and health care waste technology; biomed workshops are not yet known at this stage of the project preparation, it is mandatory that the preparation and disclosure of this RPF is conditional for its appraisal. The RPF will later be disclosed for stakeholder feedback and consultation.

### **3.3 Resettlement Action Plan**

If involuntary resettlement and involuntary land acquisition becomes an unavoidable reality, the project will as part of the environmental and social assessment prepare resettlement plans consistent with the principles and objectives of this RPF. A RAP may be required if Project activities require changes in existing land use, whether temporarily or permanently.

The scope of the RAP for impacts associated with components 2 activities will be determined by the magnitude of impacts and the complexity of measures required to mitigate adverse impacts. The outcome of the affected properties census will determine the scope of impacts.

### **3.3.1 Elements of RAP**

A Resettlement Action Plan (RAP) provides a synthesis of the outcomes of key tasks required in the resettlement and compensation process of a project, ensuring compliance with local legislation and accordance with ESS5. The followings are the minimum elements<sup>10</sup> of a sound RAP:

1. Description of the project,
2. Potential impacts identification,
3. The main objective of the resettlement plan,
4. Census survey and baseline socio-economic studies,
5. Legal framework,
6. Institutional Framework,
7. Eligibility for compensation and resettlement assistance,
8. Valuation and compensation for losses,
9. Community participation,
10. Implementation schedule,
11. Cost and budget,
12. Grievance Redress Mechanism,
13. Monitoring and evaluation,
14. Arrangement for adaptive management

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<sup>10</sup> More detail is provided in the ESS5 guidance note. See Minimum Planning Elements under the guidance note.

### **3.4 Approval & Clearance**

Once the magnitude of impact of component 1.2 activities are determined, the proportionality of impacts mitigation measures are agreed upon and the required planning instruments are prepared, the following approval and clearance steps should be followed by the project unit:

- i. For component 1.2 activities for which resettlement impacts cannot be known by a project appraisal, the project implementation unit needs to submit to the World Bank this Resettlement Policy Framework (RPF) as a condition of appraisal and the World Bank will give clearance to this RPF. The RPF will be disclosed for stakeholder feedback and consultation. The RPF contained or cover all minimum elements of RPF stated in Annex 1 of the ESS5.
- ii. Subproject- or component-specific RAP need to be submitted to the Bank for approval as a condition of its financing of the respective subproject or component. The RAP must contain or cover all minimum elements of RAP stated in Annex 1 of the ESS5.
- iii. If the activities of components 2 impose restrictions of access to legally designated parks or protected areas, the project unit needs to submit a process framework as a condition for appraisal. The PF must contain or cover all minimum elements of PF stated in Annex 1 of the ESS5.
- iv. If component 1.2 activities impose restrictions of access to legally designated parks or protected areas and the specific plans of action describing the mitigation measures agreed to by the affected communities need to be submitted for World Bank approval before the restrictions can be imposed.

The project unit is responsible for ensuring the quality and consistency of safeguards' instruments are in accordance with the ESS5 requirements.

### **3.5 Estimated Numbers and Categories of Displaced Persons and Impacts**

The actual number and categories of persons to be affected is yet to be determined and are likely to include men, women, elderly, people living with disabilities and other vulnerable people. However, the exact number of PAPs and including those occupying Swazi Nation land will only be known when exact project locations are determined.

Resettlement impact is expected to be fully avoided by component 1.2 activities. Component 1.2 is mainly composed of investment in waste management and biomed equipment maintenance, but the guidance under the RPF applies to ensure that component 1.2 activities are adequately screened prior to commencement of civil works.

The project is not expected to displace people as the water waste technology will be constructed in existing facilities. However, in circumstances where people are displaced when setting up the health care waste technology and the Biomed workshops, the ESS5 requirements will apply. In cases where impact is related to economic losses, the ESS5 requirement under “economic displacement” will apply.

### **3.6 Physical Displacement**

Preliminary designs and routes suggest that physical displacement can be fully avoided. However, if component 1.2 activities resulted in physical displacement and the impact is unavoidable, the project unit will:

- Develop a RAP that covers, at a minimum, the applicable requirements of the ESS5 - regardless of the number of people affected. The RAP will be designed to mitigate the negative impacts of displacement and, as warranted, to identify development opportunities.
- Include in the RAP a resettlement budget and implementation schedule and establish the entitlements of all categories of affected persons, including host communities if any.
- Pay particular attention to gender aspects and the needs of the poor and the vulnerable shall be paid in the RAP.

- Document all transactions involved to acquire land rights, provision of compensation and other assistance associated with relocation activities.
- Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation.
- Provide relocation assistance suited to the needs of each group of displaced persons.
- Offer the choice of replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, or cash compensation at replacement cost as well as relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an appropriate alternative site - this covers PAPs who are qualified under eligibility criteria paragraph 10(a), 10(b) and 29 as stipulated in ESS5 respectively.
- Provide arrangements to allow them to obtain adequate housing with security of tenure. Where these displaced persons own structures, the MOH will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost - this covers PAPs who are qualified under eligibility criteria paragraph 10(c) as stipulated in ESS5.

### **3.7 Economic Displacement**

It is very likely that people who reside within the close proximity of any of the construction sites will be impacted. Potential impacts may include:

- Permanent land takings: permanent reduction in production in plantations, commercial forests, gardens, fields or communal land for reservoirs and servitude;
- Temporary impact: land for materials storage and during works, access to the sites, etc.;
- Livelihood impact: permanent and temporary takings may reduce the ability to produce crops and horticulture.

In cases where component 1.2 activities affect livelihoods or income generation, the RAP will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods to pre-project level.

The RAP will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent and equitable manner.

Economically displaced persons whose assets are affected or who suffer reduced or are denied total access to assets will be compensated for such loss at replacement cost:

- (a) In cases where land acquisition or restrictions on land use affect commercial enterprises, affected business owners will be compensated for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities. Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities;
- (b) In cases affecting persons with legal rights or claims to land that are recognized or recognizable under national law (see paragraph 10 (a) and (b) of ESS5), replacement property (e.g., agricultural or commercial sites) of equal or greater value will be provided, or, where appropriate, cash compensation at replacement cost; and
- (c) Economically displaced persons who are without legally recognizable claims to land (see paragraph 10(c) of ESS5) will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost.

Additionally, the RAP will provide assistance in lieu of land compensation sufficient to provide such persons with an opportunity to reestablish livelihoods elsewhere. The MOH/the project is not required to compensate or assist persons who encroach on the project area after the cut-off date for eligibility.



## 4. ELIGIBILITY CRITERIA AND ENTITLEMENTS

Those who will be affected directly<sup>11</sup> by component 1.2 activities of the project or its associated activities are eligible to receive full replacement cost and rehabilitation assistance for impacts identified as part of the screening and asset inventory exercises.

The Project must assess impacts on all land uses and assets and not only for formal landowners with title deed. PAPs eligibility includes land users, users of the resources, including people informally settled on the land, those with usufruct rights to the land, tenants, and those renting spaces in a homestead or business. In addition, agricultural wage laborers and employees of households and business enterprises need be regarded as eligible for compensation if directly impacted by the loss of assets.

### 4.1 Eligibility Criteria

PAPs qualified for compensation are classified as:

- a) PAPs who have formal legal rights to land or assets (i.e. title deed, Crown grant, and Lease)
- b) PAPs who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law - such claims could be derived from adverse possession or from customary or traditional tenure arrangements (i.e. Eswatini khonta<sup>12</sup> through Royal kraal Chief); or
- c) PAPs who have no recognizable legal right or claim to the land or assets they occupy or use i.e. Farm dwellers and squatters, vulnerable people (squatters or petty traders, including persons using or occupying existing right of way for existing infrastructure).

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<sup>11</sup> Direct impact defined as impact resulting from land acquisition for component 1.2 activities that may result to direct social and economic hardship.

<sup>12</sup> The customary acquisition of land in Eswatini through the Royal Kraal Chief – who has the authority to allocate land.

Persons under category (a) are PAPs who have formal legal rights to land or assets and are those who have formal documentation under Eswatini national law to prove their rights or are specifically recognized by Eswatini national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.

Persons under category (b) are PAPs who do not have formal rights to land or assets, but who have a recognized or recognizable claim under Eswatini national law can fall into a number of groups. They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by Eswatini national law. In other cases, they may have never been provided formal title or their documents may be incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by Eswatini national law, without the formal owner contesting the occupation. In such cases, Eswatini national law often has legal procedures<sup>13</sup> by which such claims can become recognized.

Persons under category (c) are affected persons who have no recognizable legal right or claim to the land or assets they occupy but are eligible for assistance under ESS5 for example street vendors/petty traders, squatters. These can be seasonal resource users, such as herders, grazers, fishers or hunters, although if the rights of such users are recognized by national law, they may fall into category (a) or (b). PAPs in category (c) are not eligible for compensation for land but are eligible for resettlement and livelihood assistance and compensation for assets over the land.

PAPs with recognizable rights will be provided compensation for the land they lose, and other assistance as per ESS5 requirements. Those without recognizable rights would be provided with resettlement assistance in lieu of compensation for the land they occupy, or other assistance, as necessary, if they occupy land earmarked for the project prior to the cut-off day, which is

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<sup>13</sup> Acquisition of Property Act, Section 15

established prior to the census which is conducted as a key part of the RAP. All PAPs will be provided compensation for assets other than land.

#### **4.2 Categories of PAPs**

The policy framework applies to all economically or physically PAPs whether or not they have legal title to the land, as applicable to component 1.2 activities. Land tenure in Eswatini is characterized by two types of land tenure: land held in customary tenure, or Swazi nation land; and land held by freehold tenure, or title deed land. The latter is sometimes referred to as individual tenure farms. Swati nation land is generally regarded as lacking secure tenure. It is anticipated that the three categories of PAPs are likely to be impacted by component 1.2 activities. The following are categories of PAPs that are likely to be impacted by component 1.2 activities including: i) affected individuals, ii) affected households and, iii) vulnerable households. Detailed discussion on each category is presented in Annex I. The details and categories of impacts on properties and livelihoods shall be identified by the assets inventory exercises to be undertaken during the RAP preparation process.

#### **4.3 Differentiated Assistance**

The project will have special consideration for the vulnerable individuals and groups. Vulnerable groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:

- i) Special consideration should be paid to these individuals or groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;
- ii) The individuals or groups should be consulted separately and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- iii) Consultation with these groups/individuals should ensure that resulting resettlement and compensation improves their pre-project livelihood;

- iv) The RAPs should be designed to ensure special attention is paid to these individuals/groups by monitoring resettlement process in order to ensure that these individuals/groups are not left worse-off and that pre-project livelihoods are indeed improved upon;
- v) PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
- vi) Decisions concerning them should be made in a timely manner.

#### **4.4 Entitlement**

The project, through its project components, will acquire a range of privately-owned assets, institutional, and communal resources for which appropriate compensation and/or mitigation measures are required. The entitlement covering impacts relating to component 1.2 activities shall address the type of compensation and resettlement assistance due to the PAPs.

Definitions of unit of entitlement are described below:

- (a) For compensation against the loss of arable land (fields and gardens): the landholder and those with usufruct rights;
- (b) For privately held assets and resources: the owner(s). If the owner is married but the spouse is not recognized on, the distribution of compensation will be determined following the principles for vulnerable groups;
- (c) For loss of employment: the individual directly affected;
- (d) For livelihood restoration assistance: the individual directly affected;
- (e) For loss of communal assets (pastureland, medicinal plants, thatching grass, trees, river sand, etc.) and impeded/constrained access: the affected community through the chief;
- (f) For affected gravesites: the affected household/family;
- (g) For impacts on vulnerable individuals/groups<sup>14</sup>.

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<sup>14</sup> Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation

However, the impact for other losses may differ based on the category of the affected individual/group.

The entitlement matrix shown below describes the unit of entitlement to be delivered to PAPs by: i) type of loss, ii) entitled persons, ii) description of entitlement, iii) land access conditions. The process used for determining compensation values shall be transparent and easily comprehensible to PAPs. The entitlement matrix shall provide the project with the guiding principles to be used when determining entitlements due to PAPs is presented in Table 1.

**Table 1: Entitlement Matrix**

Type of loss	Entitled person	Description of entitlement	Land access conditions
Loss of arable land	Landholder/owner or persons with usufruct rights	<p><i>Permanent loss:</i></p> <ul style="list-style-type: none"> <li>Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees. Or cash compensation at full replacement cost, or assistance with the identification and allocation of suitable replacement cultivation land if available.</li> </ul> <p><i>Temporary loss:</i></p> <p>(a) Compensation for crop losses for the duration of temporary occupation.</p> <p>(b) Compensation for other disturbance or and damages caused to property, (c) compensation equivalent to the net average income/value of agricultural</p>	<ul style="list-style-type: none"> <li>Notice to vacate will be served at least 120 days prior to acquisition date and timed to allow owner to harvest any standing crops.</li> <li>Compensation for all losses payable prior to impact.</li> <li>Any transfer costs the responsibility of the project.</li> </ul>

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process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend

Type of loss	Entitled person	Description of entitlement	Land access conditions
		<p>production that would have been obtained from the land during the period of temporary acquisition; and (d) restoration of the land to its original productive use or full compensation for the cost of restoration.</p>	
Crops/trees	Owner/tenant	<p>Compensation of full market value. Owners of trees:</p> <ul style="list-style-type: none"> <li>• Compensation will be paid for future production losses, at net present value calculated for the productive life of the various fruit and timber tree species.</li> <li>• PAPs will be provided with three (3) replacement saplings per tree, in addition to compensation for production losses as defined above.</li> <li>• The PAPs will have rights to all other resources (timber, firewood) from privately owned trees that are felled.</li> <li>• Cash compensation will be paid for the loss of crops to the crop cultivator/s, whether landholder or not. Where land was cultivated according to a rent, leasehold or sharecropping arrangement at the time of acquisition, compensation for the lost crops will be apportioned according to the arrangement.</li> </ul>	<p>Compensation will be based on current market value, including value of future loss. Rightful owner/tenant is allowed to take standing crops, produce and timber.</p>
Privately held assets and resources	Landholder/owner	<p><i>Permanent loss:</i> Replacement of assets or compensation at full replacement cost.</p> <p><i>Temporary loss:</i></p>	<ul style="list-style-type: none"> <li>• Notice of impact to be served at least 120 days prior to impact.</li> <li>• Compensation or replacement of assets is due prior to impact.</li> </ul>

Type of loss	Entitled person	Description of entitlement	Land access conditions
		Compensation for other disturbance or and damages caused to property.	<ul style="list-style-type: none"> <li>Any transfer costs the responsibility of the project.</li> </ul>
Loss of employment/ livelihood	Individual affected	Project will develop livelihood restoration plans consummate with impact.	Project Unit to work with social agencies and NGOs active in the area to develop effective livelihood alternatives and training, as well as any additional compensation consummate with impact.
Communal asset	Affected community through chief	The loss of communal assets, such as medicinal plans, grazing lands or thatching grass will be mitigated through agreed programs to replace resource utilization.	Determined through close consultation with the concerned community and with participation of relevant authorities, including traditional authorities.
Access to homes or businesses	Tenant or owner	Assessed impact on ability to reside in home or conduct business during works.	<ul style="list-style-type: none"> <li>Provision of alternative temporary access.</li> <li>In kind compensation, e.g. alternative car parking.</li> <li>Disturbance allowance which may include calculation of lost wages or lost business based on records.</li> </ul>
Gravesite	Family/household	Affected graves will be treated in accordance with the wishes of the relatives of the deceased. The cost of exhumation of graves will be borne by the Project.	Affected graves will be identified and confirmed with the affected communities and families.
Vulnerable households	Individual/household affected	<p>Based on impact identified as described in this table, should a household be identified as vulnerable additional assistance will be provided by the Project.</p> <p>The objective is to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure</p>	<ul style="list-style-type: none"> <li>Advice on alternative subsistence and livelihood strategies as offered by the project, including skills/ training enhancement; and</li> <li>Assistance to gain access to government poverty alleviation/social welfare programs.</li> </ul>
Loss of rented shelter	Tenant	<p>Compensation of three-month rental payments on a monthly rate of house occupied at the time of impact</p> <p>Disturbance and moving allowance equally to one-month rate or whatever is found to be reasonable</p>	<ul style="list-style-type: none"> <li>Three months' notice,</li> <li>Payments of rental and disturbance allowance prior to vacating the structure</li> </ul>

Type of loss	Entitled person	Description of entitlement	Land access conditions
		– and must be agreed by the affected tenant	
Loss of rental income	Landlord	Compensation of three-month rental loss on a monthly rate of house occupied at the time of impact	Three months' notice, Payments of rental income prior to vacating tenant from the structure

**4.5 Cut-Off Date to Entitlements**

It is necessary that the MOH/the project publicly declares a cut-off date to determine eligibility and thus determines entitlements to relocation and compensation for the PAPs. The PIU shall ensure that the cut-off date is well published and communicated in an accessible format to all potential PAPs as well as the broader community that lives in the sphere of project impact. This must be accompanied by a clear demarcation of areas of impact, a documented process and with records retained by the project PIU team. A public notice of the cut-off date shall be displayed at the MOH HQ and Regional Health Offices prior to commencement of the screening exercise of affected land and assets. A notice with the cut-off date will be provided in letters to each PAP and announced through community meetings which will be organized by the project unit, the constituency or Chiefdom, with the assistance of the community liaison officers. The social officer/community liaison officers will represent MOH in community meetings related to resettlement, which will be conducted in local language.

The cut-off date is provided to safeguard against encroachment or opportunists. Compensation cannot be claimed for structures constructed after the cut-off date has been publicized. The onus will be on a person who is not recorded in the census to prove that s/he qualifies for project entitlements and/or compensation by utilizing the established grievance procedures described in this RPF.



## **5. GAP ANALYSIS OVERVIEW**

This section gives an overview of gap analysis between the ESS5 and that of the Eswatini legal framework as it relates to land acquisition, compensation, and resettlement for the project. Details of the national frameworks are attached as annex to this RPF.

The RAP must be consistent with GoKE policy and laws, regulations and procedures and the World Bank environmental and social standard 5 on Land Acquisition, Restrictions on Land and Involuntary Resettlement (ESS5) covering displacement, resettlement and livelihood restoration as defined in this RPF. In addition, the RAP will adapt the grievance mechanism defined in this RPF to ensure that it is appropriate to the context.

His Majesty the King may regulate the use of Swazi National Land under section 10 of the Swazi Administrations Act, including the use of such land for public purposes and the resettlement of persons living thereon if necessary. The various legal provisions under the Eswatini legal framework and the relevant EES5 extracts are presented by Annex – II.

### **5.1 Legal Framework**

The Bank's Environmental and Social Framework (ESF) requires that a comparison of ESS5 and national legal provision on land acquisition, compensation and, resettlement assistance shall be undertaken by the MOH. Where gaps between the provisions of the ESS5 and national legislation are identified, a required measure should be considered and proposed to fill in the gap(s). Ideally, where a gap(s) is/are discovered, the policy or the provision that is superior, and that provides better compensation and entitlement to PAPs should be applied – taking into consideration that PAPs should not be made worse than pre-project levels; and that it is desirable for their livelihood to be improved rather than prejudiced by the project's economic or physical displacement.

The Constitution of 2005 is an Act that provides for the minimum standards acceptable in the Bill of Rights; the Acquisition of property Act of 1961 provides for the manner and circumstance under which property, including land will be acquired and the redress mechanisms and procedures for so doing in the interest of public development.

Whereas the project implementing agent is a creature of statute, the provisions relating to the power to acquire land for the purpose of executing their mandate as a public utility are very limited and do not adequately meet the requirements of the ESS5. Where land requires compensation to be made, it is the Government that has eminent domain.

## 5.2 Gaps

A comparative analysis of the legislation was done, and the following gaps were identified:

1. **Compensation value and livelihoods:** Eswatini's national law suffice so it is recommended that MOH applies National Laws when compensating PAPs,
2. **Houses and other structures:** Eswatini's national law suffice so it is recommended that MOH applies National Laws when compensating PAPs,
3. **Agricultural (including fallow) land or pastureland:** In the absence of legal provision covering impact on agricultural land activities, it is recommended that MOH applies ESS5 provision on (including fallow) land or pastureland
4. **Land in urban areas:** In the absence of legal provision covering impact on agricultural land activities, it is recommended that MOH applies ESS5 provision on (including fallow) land or pastureland
5. **Loss of access to natural resources:** In the absence of legal provision covering loss of access to natural resource, it is recommended that MOH applies ESS5 provision on 'loss of access to natural resources.
6. **Physical displacement (relocation, loss of residential land or loss of shelter):** MOH will apply ESS5 provision on "physical displacement" regardless of the number of people affected.

7. **Economic displacement:** In the absence of legal provision to develop a plan to cover economic displacement, it is recommended that MOH applies ESS5 provision on “economic displacement.”
8. **Disclosure:** In the absence of a national legislation, the MOH will apply ESS5
9. **Vulnerable People:** Given that the National laws guarantee the protection of all occupiers of land to be affected by land acquisition, it is recommended that the MOH applies the National laws and ESS5 where the need arises.

### 5.3 Gap Filling Measures

ESS5 requirements is in some instances different from the land related laws in e Swatini. It is necessary therefore to identify those gaps between them and provide some measures to fill these gaps. The gap filling measures are provided in Table 2 below:

**Table 2: Legal Framework Gap Analysis**

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Eligibility Classification				
Loss of legal right or possession	<p>ESS5: Para(10):</p> <p>a) Persons who have formal legal rights to land or assets</p> <p>b) Persons who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law;</p> <p>c) Persons who have no recognizable legal right or claim to the land or assets they occupy or use.</p>	<p>Section 211(3) of the Constitution notes that “a person shall not be deprived of land without the due process of the law and where a person is deprived, that person shall be entitled to prompt and adequate compensation...</p> <p>Section 14 (1) (d) of the Constitution guarantees the right of all individuals the protection from deprivation of property without compensation.</p> <p>Section (14) (1) (c) secures the right of individuals to protection of their property rights.</p> <p>In as much as The Constitution does not specifically classify the different categories of eligibility of a person to be deprived of land without due process as required by ESS5 classification. Section 20(1) and (2) provides thus;</p> <p>S.20(1) – all person are equal before and under the law in all spheres of political, social, economic and cultural life and in every other respect and shall enjoy equal protection of the law; Section 20(2) further states that for the avoidance of any doubt, a person shall not be discriminated against on the ground of <b>gender</b>, ..., or <b>social or economic standing</b>..., <b>age or disability</b>.</p>	<p>All person are protected by the law regardless of their social or economic standing, age or disability so long as they occupy land earmarked for the proposed project.</p>	<p>Given that the National laws guarantees the protection of all occupiers of land to be affected by land acquisition, it is recommended that the MOH applies the National laws and ESS5 where the need arises.</p>

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Compensation and Benefits General Principle				
Compensation value and livelihoods	Offer affected persons compensation at full <b>replacement cost</b> , and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods,	<p>S.15 of the Acquisition Act identifies the factors that needs to be considered when determining compensation, namely: -</p> <ul style="list-style-type: none"> <li>a) market value of the property</li> <li>b) damages sustained by the person interested by severing of any land</li> <li>c) damages sustained by reason of the acquisition injuriously affecting any other property of the person</li> <li>d) any reasonable expenses incidental to a change of residence or business as a consequence of the acquisition</li> </ul> <p>The factors listed in <b>S.15</b> of The Acquisition of Property Act 10, 1961 in essence requires that the person affected by the acquisition should be placed in a position he was had he not been affected by the move if not better</p> <p><b>S.9 &amp; 10</b> of the Acquisition of Property Act articulates the procedure for settlement of disputes for compensation by the Board of Assessment as appointed in terms of S.10.</p>	This requirement is adequately addressed by Section 15 of the Acquisition of Property Act, particularly Section 15 (e) which encompasses all expenses such as the replacement cost in determining compensation.	It is recommended that MOH applies National Laws when compensating PAPs,
Impact Specific Compensations				
Agricultural (including fallow) land or pastureland	Land of equal productive use or potential, located in the vicinity of the affected land or	While the Acquisition of Property Act applies to all PAP affected by the proposed project with regards to the procedure for acquiring and compensation it is silent on the issue of allocation land of equal	Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus	In the absence of legal provision covering impact on agricultural land activities, it is recommended that MOH applies ESS5 provision on (including fallow) land or pastureland

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
	<p>the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees.</p>	<p>production use or potential. It only speaks to compensation in terms of monetary value No transfer or Stamp duty is payable in respect of any transfer of title consequent upon acquisition of property in terms of the Acquisition of Property Act.</p>	<p>the cost of preparation to levels similar to or better than those of the affected land.</p>	
<p>Land in urban areas</p>	<p>The market value of land of equivalent area and use, with similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.</p>	<p>Acquisition of Property Act Section 15(1) a. the market value of the property at the date of the service of the notice of acquisition under section 5 or the date of publication of the notice under section 8(4), whichever date is the earlier; b. any increase in the value of any other property of a person interested likely to accrue from the use to which the property acquired will be put; c. any damage sustained by a person interested, by reason of the severing of any land from any other land of such person; d. any damage sustained by a person interested, by reason of the acquisition injuriously affecting any other property of such person; e. any reasonable expenses incidental to a change of residence or place of business of a person</p>	<p>The principle of ESS5 relating to equivalent area and use, with similar or improved infrastructure and services is not explicitly mentioned in the Acquisition of Property Act.</p>	<p>It is recommended that MOH applies the provision under ESS5</p>

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		<p>interested which is necessary in consequence of the acquisition.</p> <p>Section 22(2) Notwithstanding anything in other law, not transfer or stamp duty shall be payable in respect of any conveyance of title consequent upon acquisition of property I terms of this Act.</p>		
<p>Houses and other structures (including public structures such as schools, clinics, and religious buildings)</p>	<p>The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors' fees; and transaction costs, such as registration, transfer taxes, and moving costs.</p>	<p>The Acquisition of Property Act Section 15(1) states that:</p> <ul style="list-style-type: none"> <li>a) the market value of the property at the date of the service of the notice of acquisition under section 5 or the date of publication of the notice under section 8(4), whichever date is the earlier;</li> <li>b) any increase in the value of any other property of a person interested likely to accrue from the use to which the property acquired will be put;</li> <li>c) any damage sustained by a person interested, by reason of the severing of any land from any other land of such person;</li> <li>d) any damage sustained by a person interested, by reason of the acquisition injuriously affecting any other property of such person;</li> <li>e) any reasonable expenses incidental to a change of residence or place of business of a person interested which is</li> </ul>	<p>The provision of Section 15 of the Acquisition of Property Act, particularly Section 15 suffices in this regard.</p>	<p>The National law will be applied</p>

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		<p>necessary in consequence of the acquisition.</p> <p>Section 22(2) Notwithstanding anything in other law, no transfer stamp duty shall be payable in respect of any conveyance of title consequent upon acquisition of property I terms of this Act.</p>		
Loss of access to natural resources	<p>The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish. However, cash compensation is seldom an effective way of compensating for lost access to natural resources—as discussed in the guidance associated with paragraphs 16 and 33–36. The Borrower assesses means to provide, or facilitate access</p>	<p>There is no legislation which deals with this aspect.</p>	<p>There is no national legislation which deals with the loss of access to natural resources.</p>	<p>In the absence of legal provision covering loss of access to natural resource, it is recommended that MOH applies ESS5 provision on 'loss of access to natural resources.</p>



Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
	to, similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available.			
Displacement				
Physical Displacement or Economic Displacement				
Physical displacement (relocation, loss of residential land or loss of shelter); or	Develop a plan that covers, at a minimum, the applicable requirements of this ESS regardless of the number of people affected	The Ministry of Housing and Urban Development Resettlement Policy and Guidelines 1994, requires that where 10 or more households, are affected, a resettlement plan is required to be approved, which will consider the needs of vulnerable groups.	The legal requirement to develop a plan only applies where there are 10 or more affected people. Whereas the ESS5 applies regardless of the number of people affected.	MOH will apply ESS5 provision on “physical displacement” regardless of the number of people affected.
Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).	Develop a plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods	While the Acquisition of Properties Act addresses the issue of compensation for the affected people, it is silent on the need to develop a plan on “economic displacement”. The Ministry of Housing and Urban Development Resettlement Policy and Guidelines 1994 also applies to any loss of land and assets.	There is no legal requirement to develop this plan as anticipated in this requirement	In the absence of legal provision to develop a plan to cover economic displacement, it is recommended that MOH applies ESS5 provision on “economic displacement.”

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Consultation	To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.			Consultations shall be conducted in accordance to/with the ESS5 requirements
Disclosure	Full disclosure is required	There is no legislated requirement for disclosure of the stakeholder engagement and Resettlement Plan		In the absence of a national legislation, the MOH will apply ESS5
Vulnerable People	To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.	The MHUD Resettlement Policy and Implementation Guidelines 1994 requires a resettlement plan to also consider the needs of vulnerable groups;	Given that the National laws guarantees the protection of all occupiers of land to be affected by land acquisition, it is recommended that the MOH applies the National laws and ESS5 where the need arises.	MHUD resettlement policy guidelines will be adopted to meet ESS5 provisions.

## 6. VALUATION METHOD

The full compensation for impact will be calculated based on replacement cost, informed by valuation reports. The compensation standards that will be used in the RAP are established by Government and shall follow the full replacement requirement of ESS5. The updated rate shall reflect the current market rates and actual values. The rates shall be disclosed and shared with PAPs. The basis for calculation of compensation shall be documented.

The objective of compensation and other rehabilitation measures is to mitigate and manage the negative impacts of the involuntary resettlement aspects of components 2 of the project. The overall aim compensation is to: -

- (a) At a minimum restore, but preferably improve, the pre-project living standards of affected people;
- (b) When the Project result in permanent land loss and livelihoods of PAP is land based, the Project will, as a principle, prefer land-for-land compensation as compared to cash;
- (c) PAPs should be given appropriate options to choose a form of impact compensation which best suits their needs;
- (d) Offer development opportunities for PAPs;
- (e) Special measures may be required for disadvantaged or vulnerable groups impacted by the Project;
- (f) Ensure that PAP benefit from Projects benefits.

The valuation method takes into consideration the objective of compensation and other rehabilitation measures, while valuing / calculating compensation for affected assets and means of livelihood. As per ESS5, the following will thus guide the criteria and method of valuation applied to affected properties and means of livelihood:

### **6.1. Agricultural Fields and Food Gardens:**

- Land holders will be compensated for permanent land loss, either through the provision (identification, allocation and preparation) of replacement land, with assistance in registration of that land or in the form of cash compensation.
- For temporary acquisition of land, PAPs should receive: (i) compensation equivalent to the net average income/value of agricultural production that would have been obtained from the land during the period of temporary acquisition; and (ii) restoration of the land to its original productive use or full compensation for the cost of restoration.
- Owners of trees to be impacted by component 1.2 activities will be given advance notice to remove their trees if they so wish and will have rights to all resources from the trees.
- Productive fruit and timber/fuel trees will be compensated as follows:
  - Compensation will be paid for future production losses, at net present value calculated for the productive life of the various fruit and timber tree species.
  - PAPs will be provided with three (3) replacement saplings per tree, in addition to compensation for production losses as defined above.
  - PAPs will have rights to all other resources (timber, firewood) from privately owned trees that are felled.
- Cash compensation will be paid for the loss of crops to the crop cultivator/s, whether landholder or not. Where land was cultivated according to a rent, leasehold or sharecropping arrangement at the time of acquisition, compensation for the loss of crops will be apportioned according to the arrangement.

### **6.2. Permanent Structures and Other Improvements**

- Replacement value for building structures or other improvements is defined as the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially

affected structure; plus the cost of transporting building materials to the construction site; plus the cost of any labour and contractor's fees; plus the cost of any registration fees and/or transfer duties for the land.

- Provision of replacement housing structure, latrines and business enterprise structures at a location agreed with the PAP or cash compensation at full replacement value for those electing to carry out replacement construction.
- Cash compensation for the full or partial loss of other structures not provided in the resettlement option, such as fencing,

### **6.3. Business or Residential Tenants**

Relocation assistance should they be required to move will be provided. Relocation assistance should cover:

- Locating replacement housing;
- Packing and moving;
- Financial payment for the cost of the move and possibly for refitting the new residence;
- Compensation for any immovable assets;
- Loss of income during transition;
- Reasonable follow-up services for the individuals in their new locations.

### **6.4. Workers and Employees including Farm Labourers and Informal Sector Workers**

- Temporary loss of employment requires compensation for wages during the transition;
- In case of permanent job loss, for those who are unlikely to have a reasonable opportunity for re-employment (at equal or higher wages), the Project will make a good effort to identify alternative jobs or take other rehabilitation measures to allow them to restore their incomes. Workers not assured of alternative employment will be given the equivalent of one year's wages.

- If employment disruption, whether permanent or temporary as a direct result of component 1.2 activities, if it results in workers to be unlikely to be re-employed, the Project should assist with a transition allowance equivalent to lost wages for the assessed duration of unemployment.

#### **6.5. Access to Services and Essential Resources**

Impeded access is defined as barriers caused by component 1.2 activities that obstruct local people's usual movements, across rivers or along pathways, thus curtailing their economic and social interactions and access to services and facilities.

- If access to water, other natural resources or services is disrupted as a result of component 1.2 activities, alternative sources/access will be facilitated by the Contractor whether on a temporary or permanent basis;
- If community buildings/facilities, such as schools or clinics, are affected by a project, they will be repaired to at least their previous condition, or replaced in areas identified in consultation with affected communities and the relevant authorities. Consultation and coordination will occur between government ministries regarding any impacts that the project may have on government assets.

## **7. INSTITUTIONAL ARRANGEMENTS**

This section describes the institutional arrangements for implementing resettlement activities under the project. It reflects the core responsibilities and the respective roles of key actors<sup>15</sup>. The key actors are highlighted below:

### **7.1. The Project Implementing Team**

The MOH-PIU will be responsible for the overall implementation, monitoring and supervision of the project. The MOH will have an integrated Project Implementation Team (PIU), comprising a Project Coordinator/Manager, the Procurement Officer, the M&E Officer, Public Affairs and Social Specialist, Environment Specialist and Accountant who shall be responsible for the implementation of the Project. The PIU will not be an independent unit but integrated in the different units.

#### **7.1.1. Social Standards Staff**

The PIU's capacity to plan and implement RAP and to ensure compliance to ESSs requirement need to be strengthen. A full time and dedicated Social Standards staff is to be hired and undergo training. Under the auspices of the Public Affairs and Social Manager, the project's Social Standards Officer shall be responsible for:

- ❑ Screening the project activities to check if any activity will result in land acquisition and involuntary resettlement;
- ❑ Hiring a resettlement consultant for the preparation of the RAP;
- ❑ Preparing the ToRs for the social aspects' studies related to ESS1, ESS2, ESS4, ESS5, ESS7, ESS8 and ESS10;
- ❑ Following up on the formation of committees and coordinate with the local authorities;

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<sup>15</sup> These actors have been identified through the stakeholder's identification exercise and are reflected in the Stakeholders Engagement Plan (SEP).

- ❑ Ensuring the interest of PAPs, particularly the vulnerable groups, are sufficiently addressed by the RAP;
- ❑ Ensuring that compensation payments and resettlement assistances are processed on time and payments to PAPs are made promptly,
- ❑ Ensure that no civil work starts prior to completion of compensation and resettlement assistances,
- ❑ Ensuring quality and consistencies of safeguard documents in line with the ESSs;
- ❑ Processing RAP, RPF, RF and other relevant documents through the establishing clearance arrangements – such as WB approval;
- ❑ Facilitating consultation activities/stakeholders’ engagements, planning and implementing training;
- ❑ Participating in responding to the grievance and work towards solving related issues;
- ❑ Overseeing/monitoring the progress in resettlement preparation and implementation through reviewing regular progress reports;
- ❑ Reporting regularly to the WB on resettlement activities (RAP) implementation;
- ❑ Keeping records and documentation and ensuring data compilation in a way that facilitates the task of the external monitoring process;
- ❑ Participating in preparing the external monitoring consultant ToRs according to the WB standards;
- ❑ Monitoring the work of the supervising consultant and the contractor with the objective of ensuring adherence to ESSs;
- ❑ Reviewing the external monitoring report; and
- ❑ Provide monthly report on the implementation of RAP and the status of complaints filed by PAPs,
- ❑ Provide intensive support to Consultants involved in resettlement studies or preparation of the RAP and implementation of the ESMPs, LMP, and SEP.

### **7.1.2. Community Liaison Officers**



MOH through the assistance of the Chiefs (Community Leaders) will hire Community Liaison Officer who will be the direct contact for PAP in the local communities. They will provide MOH with assistance during consultations, identification of PAPs, and conducting of interviews, where required. The MOH considers the Community Liaison Officers to be an extension of the PIU and therefore will be entitled to a stipend according to traditional practices for similar community office bearers and therefore will not be salaried like the PIU staff.

#### **7.1.3. Public Affairs Department**

Public Affairs will ensure that women's perspectives and the views of People Living with Disabilities are heard during consultations. The Public Affairs Department will work with the Gender Unit in the Deputy Prime Minister's Office and People Living with Disabilities (PLDS).

#### **7.1.4 Finance Department**

Financial management responsibilities of the project will be undertaken by the Finance Department of the MOH with technical support by the WB. The Finance Department in conjunction with the Treasury Department will be the custodian of the project's financial resources and shall process compensation and resettlement assistance payments.

#### **7.1.5 Consulting Engineer (Consultant)**

Consulting engineer (Consultant) shall be recruited to provide institutional capacity and support to the Project Implementation Unit (PIU) with: (a) overall project management and supervision including procurement, design, and contract management; and (b) oversee the overall implementation, monitoring, and reporting of safeguards aspects such as ESMPs, LMP, SEP and RAPs. After familiarizing themselves with the project area through reading and consultations with the MOH Project Implementing Team, the consultants will design appropriate questionnaires intended for data collection at project location levels. The consultant will design questionnaires

for data collection from various households, individual farm units, depending on the nature of information source. The RAP preparation by the Owner's engineer, as well as monitoring and implementation, will be done in close collaboration with all impacted households, affected community members, chiefs, Royal kraal council members and other interested and affected parties. The consultations will be on-going, and an integral part of the project as set out in this RPF.

In order to advance the Project, the PIU will work collaboratively with some of the MOH departments and stakeholders such as (i) Procurement, (ii) Finance, (iii) Communication and Marketing, (iv) M&E, (v) PS's Office. The roles and responsibilities, their interest and potential influence, and the internal coordination and communication arrangements are summarised below.

**Table 3: Internal Departments**

<b>MoH Departments</b>	<b>Role</b>	<b>Interest</b>	<b>Influence</b>	<b>Coordination</b>	<b>Frequency</b>
Procurement Department	coordinate overall procurement under the project and prepare and revise Procurement Plans as needed	High	High	Hold meetings to update procurement plans and review delivery timelines that have high project risk impact	Regularly
Finance	account for the deposits and withdrawals of project funds with Financial institution(s) and perform the audits and provide financial reports in accordance with the World Bank rules and guidelines	High	High	Hold meetings to evaluate project financial performance	Regularly
Public Affairs Department	Work with the Social Officer to conduct stakeholder engagement and project disclosure and outreach activities	High	Low	Hold meetings to review and update stakeholder engagement plan	Regularly
Technical Services Department	Ensure timely and efficient construction and commissioning of the transmission line, reservoirs, pump stations and quality control.	High	High	Hold project progress meetings to highlight project challenges and risks	Regularly
Strategic Services Department	Recruitment of PIU staff such as the Social Officer and Procurement Officer	Medium	Medium	Share PIU staff requirements	As needed
PIU	Ensure timely approval of procurement processes and	High	High	Provide updates on project progress through reports and meetings to discuss project risks that need their intervention	Regularly

## **7.2 Ministry of Natural Resources and Energy**

The project will be under the stewardship of the Project Steering Committee which will provide guidance during the implementation of the project. Project Steering Committee will be operationalized and comprise of the project parent Ministry of Health, Ministry of Finance, Ministry of Natural Resources and Energy, Ministry of Housing and Urban Development, the Ministry of Public Works and Transport, the Ministry of Tinkundla.

This Committee will ensure that the project is implemented as stated in the PAD and, ensure compliance with stated fiduciary and other responsibilities. Past experiences have shown that a multi-sectoral steering committee is very important in the coordination of project activities. For example, land, water, and people settlements are required and may be impacted by this project and hence it is important to work with all these government agencies.

## **7.3 Department of Water Affairs**

Water abstraction is relevant here to address the water needs of the facilities through water treatment plants. The water affairs department will be responsible for water abstraction licences. The department of Water Affairs, Ministry of Finance and Ministry of Works and Transport must assign someone to represent them at technical working groups (TWG) for collective decision making, in order to align the project implementation with the current government practice and stated guidelines.

## **7.4 Ministry of Finance**

The Government of the Kingdom of Eswatini through the Ministry of Finance shall be the borrower of the World Bank Loan. The Ministry will monitor the implementation of the project through quarterly reports. The Ministry will facilitate access to Finances for the project through

coordinating with the bank then transferring the funds to the MOH Finance Department. The Ministry will also monitor expenditure against project progress.

### **7.5 Ministry of Works and Transport**

The Ministry of Works and Transport is responsible for government infrastructure and therefore will be consulted on all construction related matters in order to build consensus on designs and ownership of works, enhance accountability and avoid undue delays related to poor decision making.

### **7.6 Ministry of Health**

The Ministry of Health is the line Ministry for the project. The Ministry will monitor project implementation through reviewing quarterly reports and submitting them to the Ministry of Finance. The Ministry works with the Permanent Secretary through the Under Secretary Technical Services who works directly with the Project Implementation Team, providing oversight of project implementation and contract management of the appointed contractor. Further, the Ministry of Health is responsible for the implementation of the waste water, health care waste and workshops for Biomed unit component of the project. Aspects of the component include Health promotion, and supervising construction of the technologies in the facilities. The Public Health Unit will be responsible for Health Promotion and facilitating the construction of technologies. The Public Health Unit will work with Community Health Motivators. MOH – PIU remains the Implementing Agency of the project.

### **7.7 The Project Coordination Mechanism**

To facilitate coordination the MOH, and the Project Steering Committee will be operationalized, and the committee comprises of the Ministry of Finance, Ministry of Natural Resources and Energy, Ministry of Housing and Urban Development, the Ministry of Health, the Ministry of

Public Works and Transport. The Committee will be chaired by the Ministry of Health and the PIU will be the Secretariat. The committee will meet quarterly to review implementation reports of the project, provide guidance and corrective measures if any.

## **7.8 The World Bank**

The World Bank will provide due diligence supervision of the implementation of the RPF and any associated RAPs throughout the Project implementation through regular supervision missions. During such missions World Bank social specialists will conduct document reviews and site visits. The World Bank will receive any RAPs prepared under the Project to ensure that the scope and quality is satisfactory.

## **8. IMPLEMENTATION PROCESS**

The Project Implementation Team shall take responsibility for the implementation and coordination of resettlement related activities under the project. It shall be responsible for ensuring that compensation and resettlement payments to all PAPs are made promptly and prior to commencement of civil works. It will ensure that site(s) is/are handed-over to the contractor after submitting a compensation and resettlement assistance payment completion report to and after obtaining a clearance from the Bank.

### **8.1. RAP Implementation Schedule**

**It is imperative that resettlement implementation is linked to the civil works if entitlement delivery and commencement of civil work is to comply with the Bank's ESS5 requirements. While advancing implementation of RAP and ensuring compliance to ESS5 requirements, the project implementation team, specifically the SSD officer shall ensure that the following sequencing are followed strictly.**

**Table 4: Tentative Implementation Schedule**

Steps	Activities	Timeline															
		M1	M2	M3	M4	M5	M6	M7	M8	M18	M19	M20	M21	M22	M23	M24	M25
1	Complete Socioeconomic studies and census	Yellow	Yellow	Yellow	Yellow												
2	Conduct consultation					Yellow	Yellow	Yellow	Yellow	Yellow							
3	Complete valuation and verification	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
4	Prepare, finalize and obtain clearance of the RAP										Green	Green					
5	Agree with PAPs on compensation									Light Green							
6	Start and complete entitlement delivery										Blue						
7	Submit Post RAP Compensation Payment Report												Yellow				
8	Grace period to vacation										Grey	Grey					
10	Site handover to contractor												Dark Green				
11	Commence Civil works													Dark Blue	Dark Blue	Dark Blue	Dark Blue
12	Monitoring RAP													Red	Red	Red	Red

In addition to following the implementation steps presented by table 9.1, the project shall also ensure that:

- Possession of acquired land and related assets is under taken only after compensation in accordance with ESS5 requirements and, where applicable, displaced people have been resettled; and moving allowances have been provided to the displaced persons in addition to compensation.
- Livelihood restoration and improvement programs commences in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of



alternative livelihood opportunities as the need to do so arises.

It is also important that the project starts initiating the above steps and measures in sufficient time to ensure that people have access to alternative livelihood opportunities as soon as needed. Until such measures are in place, appropriate transitional support is provided to affected persons so that they do not bear the burden of implementation delays. Planning of such transitional support should provide for contingencies allocation in the RAP to address unforeseen additional delays.

In situations where the project is unable to make payment of compensation to particular affected persons, after making repeated efforts to contact absentee owners have failed, where project affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. - the project shall deposit the amount to the "Accountant General" Office<sup>16</sup> which is the equivalent of escrow account (interest-bearing escrow<sup>17</sup> or other deposit account<sup>18</sup>) and proceed with the relevant project activities.

## **8.2 Compensation Process**

The compensation process in Eswatini depends on the dual land tenure system: i) Swazi nation land and, ii) Title Deed land.

- a) **Public Participation with the PAPs** would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This process

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<sup>16</sup> Acquisition of Property Act 1961, Section 21

<sup>17</sup> Escrow accounts are an exception; they are not intended to be used on a routine basis to postpone addressing ordinary complications in the implementation of a resettlement plan.

<sup>18</sup> Compensation funds placed in an escrow account will be made available to eligible persons in a timely manner as issues are resolved

therefore seeks PAPs involvement in a participatory approach with the project, from the onset.

- b) **Notification of Land Resource Holders** – in cases where there is clearly no identified owner/user, the respective community liaison officer will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the Local Chief, PAPs and a project representative
- c) **Documentation of Holdings and Assets** – Project manager, Public Affairs and Social Officer and the area Chief's council will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, Public affairs and Social Officer together with an independent evaluation consultant completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by local community Liaison officer, Local Chief's Area Councilors. Dossiers will be kept current and will include documentation of land surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.
- d) **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual and households involved. The respective project unit draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation agreement which is signed and witnessed, pursuant to necessary due diligence. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the Regional Administrator, The Local Chief Councilors, a Representative of PAPs and the project Representative prior to signing.

- e) **Compensation Payments** – All handing over of property such as land and compensation payments will be made in the presence of the affected party, the Regional administrator or representative of the Regional Administrator, The Local Chief Councilors, Representatives of the project and the PAPs.

### **8.3 Compensation on Title-Deed Land**

A. A written notice of intent to the PAPs would initiate the compensation process as part of an on-going process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This process therefore seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning. Notification delivered by MOH representative.

B. Documentation of Holdings and Assets – Project Implementation Team will arrange meetings with affected individual farm PAP to discuss the compensation process. For each individual farm affected, the project unit together with an independent evaluation consultant completes a compensation dossier containing necessary personal information on, the affected party. Inventory of assets affected, this information is confirmed and witnessed by individual farm PAP, MOH Consultant or the project unit. Dossiers will be kept current and will include documentation of lands surrendered.

C. Agreement on Compensation and Preparation of Contracts – All types of compensation are to be clearly explained to the individual by the project unit, a Wayleave right of way draws up and endorsed by the individual farm PAP involved.

D. Compensation Payments – All handing over of property such as land and compensation payments will be made in the presence of the affected party, MOH Representative and the PAPs.

## 9. DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS

Involuntary resettlement caused by component 1.2 of the project may give rise to grievances among affected households and communities on variety of issues ranging from compensation rates and eligibility criteria to the relocation sites and the quality of services available at those sites, where applicable.

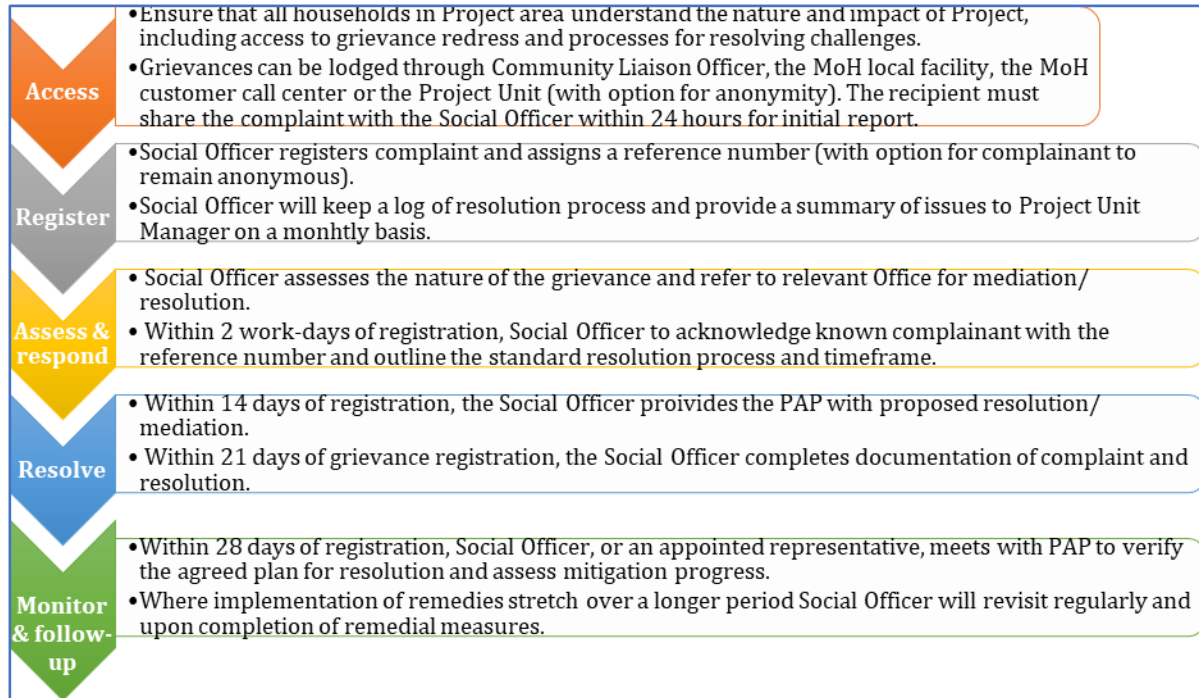
PAPs may complain or raise a grievance for a variety of reasons associated with resettlement impact and compensation, including but not limited to: -

- (a) Identification of affected land and associated assets within the Project area;
- (b) Ownership/responsibility for the land and associated assets;
- (c) Valuation of land or associated assets;
- (d) Quality of replacement assets;
- (e) Other compensation allowances;
- (f) The timing or manner of compensation payments;
- (g) Conduct of Project staff/representatives, or their methods in dealing with compensation.

The points of access for grievances will be shared as part of consultation with all PAPs and through broader community and stakeholder consultations. In view of the above, the project shall establish Grievance Redress Mechanisms (GRMs) as part of the resettlement plan and in line with ESS 10. Its design must take into consideration the views of affected communities expressed during the resettlement planning process.

The Project Implementation Team shall be required to disclose and explain to PAPs the procedure for complaints filing/ the grievance mechanism as early as possible and on a regular basis throughout the project cycle. The grievance mechanism is available at no cost, and it is important that it be easily accessible, with special attention paid to accessibility for disadvantaged and vulnerable individuals or groups.

The Project Implementing Team will ensure that the following grievance procedure is accessible, adequately registered and tracked, and resolution is affirmed within one month of registration as outlined in the figure below.



**Figure 2: Potential issues and compliant filing**

Within the context of the project, grievances are understood to be issues, concerns, problems or claims (perceived or actual) that an individual or a community group wants the MOH through the project, to address and/or resolve. Grievances are expected to arise:

- a) directly from affected property owners or users and will be handled as follows;
  - The aggrieved person will first report his/her case to the Project Area Community Liaison Officer working in the project's (Shiselweni, Lubombo, 6 facility sites) areas
  - The Community Liaison Officer will report the grievance to the Project Engineer/ Resident Engineer who will address the grievance and feedback the Community Liaison Officer within five working days.

Through the office of the Project Engineer, the MOH will systematically track any grievances logged relating to project implementation and, as part of the tracking system, keep a separate

record of any grievances that may arise as part of the resettlement and compensation process. It shall ensure that grievances are sorted at the point of registration to specifically address the special concerns which relate to compensation, relocation or livelihood restoration in a timely manner.

The points of access for grievances will be shared as part of the consultation process with all PAPs and through broader community consultation. The Project manager will serve as the point of registration for any resettlement related complaints and oversee the process to reach resolutions. The issues can be logged as (an) anonymous grievance(s).

When a grievance is logged by the Project manager, he will then liaise with additional members<sup>19</sup> of the Project Implementation Team to seek resolution of the issue. The Project manager shall acknowledge the complaint, unless the issue is logged anonymously. If the issue is registered anonymously it will be automatically referred to the Project Manager Upon registration, the issue will be referred for resolution or mediation to relevant officials. The aim is to resolve all grievances within five days any grievance which is not resolved within that timeframe will be reported in detail in monthly Project Team reports and the quarterly reports to the World Bank. In principle, where the complaints are related to component 1.2 activities, the Project Manager shall mediate the situation.

## **9.1 Grievance Redress Mechanism Structure**

In circumstances where disputes cannot be resolved by the Project Manager and the Call Center first instance dispute resolution arrangements, the dispute shall be directed or transferred to the Project Level GRM.

## **9.2 Project Level Grievance Redress Mechanism (GRM)**

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<sup>19</sup>

A project level GRM is a system of dispute resolution that shall be established at the impact corridor/location. Its objective is to bring the GRM closer to PAPs. Issues that are not resolved at first instance dispute/grievances shall be handled at the project level. All effort shall be made to resolve issues at the first instance.

The project level GRM shall have the following Grievance Redress Committee (GRC) members:

- The Supervising Consultant, Chairperson
- Project Coordinator/Manager, Member
- The Contracting Entity, Member
- Community Liaison Officer
- PAPs' representative

The project level GRC shall resolve or reach a decision five (5) days from the date the complaint is received. The chairperson of the GRC shall communicate the committee's decision to the aggrieved PAPs in writing and maintain a record of all decisions related to each case.

### **9.3 MOH Level Grievance Redress Mechanism**

A committee of knowledgeable persons, experience in the subject area, shall be constituted at the MOH to handle complaints that have not been addressed or resolved at the Project level in the impact area or the project area corridor. The MOH level GRM shall be comprised of the following members:

- Project Manager, Chair person
- Compliance Officer, Member
- Project Social Development Officer, Member
- Public Affairs Manager
- Internal Audit, Member
- PAPs' Representative

The MOH level Grievance redress Mechanism committee shall do everything possible to resolve issues within five (5) days from the date the case has been transferred to it from the GRC. The chairperson of the GRC shall communicate the decision to the aggrieved PAP(s) in writing. The GRC shall maintain a record of all decisions related to each case.

#### **9.4 Regional Level Grievance Redress Committee (GRC)**

The objective of the Regional level GRC is to resolve complaints that the central MoH GRC is unable to handle due to proximity. The Regional level GRC shall comprise of the following members:

- Regional Secretary, Chairperson
- Regional Health Administrator
- Traditional authority representative

Regional level GRC shall do everything possible to resolve issues within five (5) days from the date the case has been transferred to it from the MOH level GRC. The chairperson of the GRC shall communicate its decision to the aggrieved (PAPs) in writing and maintain a record of all decisions related to each case.

#### **9.5 National Level Grievance Redress Committee (GRC)**

When disputes are not resolved at one of the above levels, the case will be directed to the Minister for Natural Resources and Energy and the Board of Assessment<sup>20</sup> appointed by Government as per the provision of Sections 9, 10 and 11 of the Acquisition of Properties Act of 1961.

### **Grievance Procedures**

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<sup>20</sup> Acquisition of Property Act, Section 11



The following procedures shall be followed while filing and processing complains through the above described GRM structures:

- *Grievance Register Book*: A grievance register book shall be opened and kept in the office of each GRC. All grievances shall be registered when and upon the receipt of complaints from the aggrieved. The book shall have: i) case reference number, ii) the aggrieved name, iii) the date the case is received, iv) the date the case is resolved and, v) a remarks column.
- *Responsibility for Registering Complaints*: The Community Liaison Officer and Resident Engineer in the project area shall register in the Grievance Register Book all written complaints received.
- *Case Receipt*: Within 24 hours of receiving complaints, the monitoring consultant shall issue a letter to the aggrieved acknowledging receipt of the case and providing a date when the case will be reviewed as well as the venue.
- *Public Access to the book*: The book shall be accessible to the public,
- *PAPs*: All PAPs who have issues with their compensation and assistances are required to submit written complaints to the appropriate level of GRMs.
- Mediation meetings and outcomes will be recorded and kept in safe places at each of the GRC locations.

## **9.6 World Bank Grievance Redress Service**

### **World Bank Grievance Redress Services**

Communities and individuals who believe that they have been adversely affected by the project can submit complaints to existing country-level grievance redress mechanisms- designed specifically for the project. If existing county level GRM(s) described in this RPF fail to resolve disputes in an amicable fashion, PAPs can file their complaints to the World Bank's Grievance Redress Service - known as the World Bank's Independent Inspection Panel<sup>21</sup> which determines

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<sup>21</sup>The Inspection Panel is an independent complaints mechanism for people and communities and people who believe they have been, or are likely to, adversely affected by a World Bank-funded Project. The World Bank's Board of Executive Directors created the Inspection Panel in 1993 to ensure access to an independent body to express concerns and seek recourse. The Panel assesses allegations of harm to people or the environment and

whether any harm occurred, or could occur, as a result of the project's non-compliance with the World Bank ESF – ESS5 Requirements.

Complaints may be submitted at any time to the inspection panel after concerns have been brought directly to the World Bank country office's and the, World Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service, please visit; <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

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reviews with the World Bank followed its operation policies and procedures. Claims can be raised by any group or two or more people in the country of the World Bank finances project. Additional details of procedures on [www.inspectionpanel.org](http://www.inspectionpanel.org).

## **10. RAP FUNDING ARRANGEMENTS**

The overall cost of financing the compensation and resettlement assistance costs/ mitigation costs relating to impacts caused by component 1.2 activities shall be determined through the following: i) the screening and impact assessment and, ii) affected properties valuation exercises have been finalised. The overall cost of mitigation measures shall be reflected in location specific RAP(s).

The overall cost of RAP shall be borne by the MOH. The MOH shall ensure predictable financial resource flows into the RAP Special Account that shall be opened and maintained by the MOH accounting departments. Funding shall be made available into the RAP special account two weeks ahead of planned compensation and resettlement assistance payments scheduled.

### **10.1 Provision of adequate funding**

Adequate financial resources sufficient to cover all compensation and resettlement assistance costs and other related costs (as shown in the sample table) shall be provided for by MOH, including 15 % contingency of the total RAP cost to offset unforeseen expenses that may occur as a result of inflation and also as a consequence of omitted and undervalued structures.

### **10.2 Items Covered by the Budget**

Compensation and resettlement assistance shall be paid to all PAPs who are qualified under the eligibility criteria and the entitlements matrix presented in this RPF. Full replacement compensation and resettlement assistance payments shall cover impacts caused by the project. Examples of items that need to be covered under RAP budget include but are not limited to: a) private properties, b) public properties, c) economic crops, d) business/Loss of income, e) tenants and Landlords allowances, f) differentiated support to vulnerable people, g) transitional and disturbance allowance, h) allocation for supervision and implementation support, monitoring

and evaluation, and i) GRM running costs. The table in the next page can be used to guide RAP budgeting,

**Table 5: Sample RAP Budget**

Item N°	Item	Direct USD	Impacts	Total USD
A	COMPENSATION AND SPECIAL ASSISTANCES:			
A.1	Private Properties	XX.		
A.2	Public Properties	XX		
A.3	Economic crops	XX.		
A.4	Businesses/Loss of Income	XX		
A.5	Tenants/Landlords	XX		
A.6	Landlords	XX		
A.7	Special Assistance to Vulnerable Groups	XX		
A.8	Refund to PAPs for processing document	XX		
A.9	RPF, RAP Preparation and Consultations	XX		
A	Total (A1+A2+A3+A4+A5+A6+A7+A8)			XXX
B	Allocations for ESS5 Implementation Training, implementation and supervision support, GRM running costs, and M&E costs			XXX
C	Post RAP Compensation and Implementation Audit			XXX
D	TOTAL RAP IMPLEMENTATION (Supervision and GRMs 10%)			XXX
E	CONTIGENCIES 15%*			XXX
	<b>GRAND TOTAL (A+B+C+D+E)</b>			<b>XXX</b>

## 11. DESCRIPTION OF MECHANISMS FOR CONSULTATIONS

While preparing safeguard instruments and while implementing the project and the resettlement component, the PIU shall engage in consultation with affected communities, including host communities, if any. The Stakeholders Engagement Plan (SEP) developed for the project will guide the consultation processes to be undertaken. A multi-stakeholder consultation plan at the project (Shiselweni, Lubombo and Mbabane and Matsapha urban) areas, where the project will be implemented, is developed in the SEP. The plan will be updated and shall follow the “adaptive management<sup>22</sup>” approach.

The SEP also identified stakeholders by interest and influence and defined their roles. Key stakeholders identified in the SEP include: i) Ministry of Natural Resources and Energy, ii) Ministry of Finance, iii) Ministry of Health, Ministry of Education, iv) Deputy Prime Minister’s Office, v) Ministry of Housing and Urban Development vi) Municipal Councils, vii) Traditional Authorities, viii) Eswatini Royal Police Service. Consultations undertaken with various groups of stakeholders indicated above during the preparation of the project instruments revealed concerns that were either general in nature or specific to the project activities. General issues raised revolved around service delivery especially the referral system, maintenance of the new infrastructure, and project funds utilization, etc. Specific issues and related to both environmental and social risk management related to inclusion of all in service delivery, stakeholders’ engagement, compensation for land to be lost, sanitation, healthcare waste management for the facilities, and occupational health and safety. In general, the participants of the meetings were expectant and asking when the project is likely to start. Details of the consultations are in Annex IV. The project shall remain in consultation with these stakeholders throughout the project cycle.

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<sup>22</sup> It is an approach to making decisions and adjustments in response to new information and changes in context.” Adaptive management is not about changing goals during implementation; it is about changing the path being used to achieve the goals in response to changes.

### **11.1 Consultation Strategy and Methods**

The consultation strategy is to ensure that all stakeholders, particularly project affected households and communities, most vulnerable and disadvantaged people are involved throughout the process of resettlement planning, implementation, and monitoring. The project shall deploy appropriate consultation methods while engaging the various stakeholders, including: i) focus group discussions, ii) informal interviews and, ii) public consultations. In each of these consultations, the project's Project Implementation Unit shall ensure that everyone's voice is heard, responded to, recorded, and fully incorporated into the RAP.

### **11.2. Focus Group Discussions**

As part of the focus group discussions, impact location specific interviews and discussions with project affected households and communities, local authorities and other stakeholders along the shall be undertaken. Their views will be captured and the appropriate responses to their concerns, shall be provided and shall also be addressed in the RAP.

### **11.3 Informal Interview**

In addition to focus group discussions, numerous informal interviews with individual PAPs shall be conducted in order to supplement information obtained from other sources – such as the property valuation report. The interface with individual PAPs shall also be used as an opportunity to clarify to each PAP the goal of resettlement and the intention of paying compensation and resettlement assistance.

### **11.4 Public/Community Consultation**

In addition to the focus groups and interviews with individual PAPs, public consultations shall be held in various locations as described in the SEP. Important background information shall be

obtained and discussions on the socio-economic aspects as well as on general and specific concerns which needed to be addressed have been highlighted.

### **11.5 Resettlement Alternatives**

During the consultation exercises as well as during face-to-face meetings, PAPs shall be offered with feasible alternatives including: choices related to forms of compensation and resettlement assistance.

In line with ESS5 requirements as well as the national legal framework, the alternative offered by the project to PAPs shall include but shall not be limited to the following alternatives:

- i) cash compensation for affected structures using full replacement value of the affected structure;
- ii) project takes the responsibility for replacing the fully or partially affected structures;
- iii) relocating PAPs with fully affected structures and business and reconstructing their livelihoods, if this scenario prevails;
- iv) Paying three months net income loss for businesses that may be partially and fully affected;
- v) Paying three months rental/lease allowance for tenants who will be affected,
- vi) Providing three months rental, living and supplemental allowances to vulnerable people,
- vii) Providing social services and other services to vulnerable people on need basis.

### **11.6 Choices Related to Compensation and Resettlement Assistance**

Following the consultation processes that shall be carried out at various locations with PAPs, the project's Public Affairs Officer and Social Development Specialist shall summarize the outcome of each meeting. The report shall be used to inform the design of RAP. Examples of topics the report shall cover include but are not limited to the following:

- i. Cash Compensation

- ii. Replacement Land
- iii. Resettlement Allowance
- iv. Compensation for loss of Business
- v. Vulnerable Households
- vi. Payment of compensation
- vii. Form of payment

### **11.7 Provision for updating Information on PAPs**

The MOH through the project is responsible for putting in place an adaptive management system and responsive communication mechanism. The goal is to ensure two-way communication and adapt to changing circumstances on the ground. Information disclosure of the project's decision shall be imperative; and affected people shall be kept informed on decisions and changes that will affect their livelihoods. In view of these requirements the following shall be considered:

- Creation of a multi-stakeholders committee that includes representation of the PAPs which will work closely with the GRM committee to address various issues arising out of project activities and community concerns including compensation and resettlement progress,
- Crafting of a communication strategy to ensure that affected persons are informed and kept knowledgeable of resettlement policies; and are capable of asking and responding to questions and comments appropriately in both siSwati and English,
- Choosing the venue of public consultations – preferably at a neutral venue
- Hosting regular meetings of PAPs and their representatives,
- Maintenance of an open-door policy through which PAPs can seek advice and lodge complaints,
- Creation of GRCs at different levels and sites.



On-going consultation is critical in ensuring that all stakeholders in the communities are informed about project risks, impact, benefits and timeframes. Critical time frames for engagement are:

- 1) Consultation on resettlement principles;
- 2) Determination of footprint of infrastructure;
- 3) Preparation of RAPs;
- 4) Implementation of RAPs;
- 5) Monitoring and evaluation.

The Community Liaison Officers will be recruited from project affected areas and will therefore easily accessible to all households in the Project area. The Community Liaison Officers will serve as local focal points to consult and sensitive PAPs and any relevant stakeholders on issues related to compensation, valuation principles and the grievance redress mechanism. PAPs and interested stakeholders will be given the opportunity to freely participate in meetings and to raise any queries, concerns or questions. All concerns raised must be taken into consideration when prepared the RAPs.

All PAPs with legal rights to land or a valid claim to Project impacted land will be: -

- Informed about their options and rights pertaining to resettlement;
- Consulted on or offered choice among, and provided with technically and economically feasible resettlement;
- Provided prompt and effective compensation at full replacement cost for losses of assets.

Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received. The Social officer and Project unit will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages. Each individual receiving compensation will have a dossier containing:

- Individual biological information
  - Number of people s/he claims as household/homestead dependents
  - Amount of land available to the individual or household when the dossier is opened.
  - Additional information will be acquired for individuals eligible for resettlement and/or compensation:
- Level of income and of production
  - Inventory of material assets and improvements in land, and
  - Debts.

Each time land is used /acquired by the project, the dossier will be updated to determine if the individual or household/homestead is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

Engagement with communities in the Project area will take place during planning, implementation, monitoring and evaluation. The MOH during assessment of preliminary options for the construction of the incinerators will consult with relevant stakeholders in the potentially affected communities. The principles of the RPF will be shared to enable adjustments in the process based on key stakeholder preferences and concerns. This preliminary engagement will continue through the technical feasibility studies which will determine exact location of the technologies. As engagement on broader social and environmental impact commences, the Project Unit's Social Officer will ensure that due effort is made to ensure that both women and men's, differently abled perspectives and perceptions are taken into account during consultations. The Project Social Officer will retain records of all consultation activities related to resettlement planning, implementation and monitoring.

It is expected that a Community Liaison Officer will be engaged, depending project location and affirmation. Should more chiefdoms than currently identified be part of the project area, additional Community Liaison Officers may be engaged. In principle, one Community Liaison Officer will be engaged in each Constituency. The Community Liaison Officers will report to the Social Officer in the Project Team.

The screening exercise will identify disadvantaged or vulnerable individuals/ groups impacted by the Project. Where individual with special needs are identified, such as the landless, the elderly, the disabled, or female- and child-headed households, there will be special requirements to accommodate individuals, including as part of consultations.

Should the Project unexpectedly require physical relocation, the consultation procedures will apply to any potential host community. Host community is defined as the community where those who are physically displaced by the Project will move to. Specifically, the Project Implementation Team will ensure that the following steps are part of consultation once final designs are known and resettlement impact identified. These activities may be carried out by the Social Officer, the Community Liaison Officer or a consultant as defined on behalf of the Project Management Unit:

1. Ensure initial consultation with potential PAPs to inform them on the Project, the scope and impact, their options and rights, and to receive their opinion. This might result in changes to the scope that would minimize the identified impact.
2. Carry out the census of PAPs will determine the scope of impact. The census will lead to determination of asset inventory affected and valuation.
3. Once the census with the related inventory and valuation of assets is complete, present and discuss the details with PAPs to confirm accuracy and acceptability, while ensuring that technically and economically feasible choices and alternatives are offered.
4. PAPs will be provided with copies or access to copies of the completed RAP in a language and format acceptable to them.

5. Compensation packages will be discussed with each eligible PAP for their endorsement. PAPs will be entitled to have a third-party representative during the steps leading to compensation.
6. Written agreements will be prepared and provided to PAPs for signing.

## **12. MONITORING AND EVALUATION**

Monitoring and Evaluation is a key component of the RAP. The MOH /PIU shall be responsible for ensuring RAP implementation. The PIU will have the overall responsibility for due diligence implementation of the RPF, with the Social Officer providing day-to-day oversight. This oversight includes the responsibility to: -

1. Timely preparation of resettlement impact screening of all activities regardless of expected risk or impact;
2. Timely preparation and clearance of RAPs as needed;
3. Management of the prior review and clearance requirements of the World Bank;
4. Monitoring RAP implementation, including monitoring of compensation and any livelihood restoration measures. The RAP will define specific indicators based on impact;
5. Track all grievances related to resettlement separate from other grievances related to the Project;
6. Training of Project staff and contractors.

The Project Team will prepare: -

- (a) Monthly report on grievances related to resettlement;
- (b) Quarterly reports summarizing monitoring results and indicators;
- (c) Annually evaluate all environmental and social activities in a report submitted to the World Bank as part of overall Project implementation monitoring which includes a summary of the performance and compliance related to RAP implementation, verification of internal monitoring, efficiency and effectiveness of measures in place to draw lessons learned and adjust implementation approach;

(d) If any RAPs are prepared under the Project, prepare a close out audit upon RAP implementation completion. Depending on scope of impact, an independent auditor may be retained to produce the audit.

The PAPs or PAP representatives will participate in the project completion workshops, to give their evaluation of the impacts of the effects of the project. They are also to suggest corrective measures, which may be used to improve implementation of other projects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise by the Project Team.

## 12.1 Monitoring

While taking the lead responsibility, the MOH /PIU shall track the preparation and implementation of RAP and shall closely monitor the following indicators:

**Table 6: RAP Monitoring Indicators**

#	Monitoring	Specific indicator	frequency
1	<b>Social and economic monitoring</b>	Provide number of PAPS: i) whose livelihoods have been restored to pre-project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level	Yearly
2	<b>Private structures</b>	Provide number of PAPs: i) whose livelihood have been restored to pre-project level, ii) whose livelihoods improved beyond pre-project level, iii) whose livelihood are worse than pre-project level	Monthly
3	<b>Public Structures</b>	Provide number of PAPs: i) whose livelihoods have been restored to pre project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level	Monthly
4	<b>Economic Crops</b>	Track progress on: i) number and type of economic crops replanted by affected farmers, ii) number of farmers who have restored their income to pre-project level, iii) number of farmers who have not restored their income to pre project level, iv) number of farmer whose income has been restored beyond pre-project level, v) number of affected farmers who have changed their livelihoods from farming to other livelihood activities,	Monthly
5	<b>Assistance to Businesses</b>	Track progress on: i) number of affected businesses that have resumed business operation, ii) number of businesses that have restored their net income to pre-project level, iii) number of businesses that have restored their net income beyond pre-project level, iv) number of affected businesses that have not resume operations.	Monthly

6	<b>Vulnerable Groups</b>	Provide number of vulnerable PAPs: i) whose livelihoods have been restored to pre project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level, iv) who have received assistance from the special package, v) who are sick and who benefited from health service in the project area, vi) number of disable friendly facilitates constructed by the project such as access ramp from main road to their living quarters or neighborhood,	Monthly
7	<b>Tenants</b>	Provide number of affected tenants: i) who have found new rental places, ii) who reported that the rental allowance is inadequate, iii) who showed satisfaction over their new rental places compared to the ones they occupied before the project, iv) number of tenants who have not yet found rental places.	Monthly
8	<b>Grievances and grievance management system</b>	Track grievances and report: i) number of cases at each impact location, ii) the number of cases resolved, iii) number of cases pending, v) reasons for pending cases, v) frequency of GRMs meetings, vi) description of compliance to GRM procedures	Monthly

**12.2 Evaluation**

Evaluation exercise is aimed at ensuring that any RAP under the Project is fully implemented. The exercise shall provide feedback needed for adjusting plan and for taking corrective action. The evaluation shall have the following specific objectives:

- General assessment of the implementation of resettlement activities under RAP,
- Examine compliance of the implementation of resettlement activities with national laws, regulations and that of the World Bank policy on involuntary resettlement,
- Assessment of resettlement and compensation procedures as outlined in the RAP, RPF and ESS5,
- Evaluation of the impact of the resettlement and compensation programs on PAPs income and standard of living, with focus on the “no worse-off if not better-off” requirement,
- Identification of actions to be taken as part of the on-going monitoring exercises to improve RAP implementation, if any.

While conducting the evaluation process, the project shall utilize:

- This RPF as its guiding instrument as well as the RAP
- The Eswatini’s laws and regulations as described in the legal framework section of this RPF
- ESS5 on Involuntary Resettlement, also described in chapter three

Evaluation of resettlement activities will be part of the project’s “Project Completion” review exercise and report. The resettlement aspect of the evaluation shall examine and determine the living standards of PAPs (pre-project vs post RAP implementations.)

## ANNEX –I

### Categories of Affected Persons Likely to be Impacted

(i) **Affected Individual.** Individual who risks losing assets, investments, land, property and/or access to natural resources and/or economical resources as a result of component 1 activities. This could be a person, who farms.

(ii) **Affected Household.** A household is affected if one or more of its members are affected by the project. This includes: Any members in the households, men, women, children, dependent relatives and friends, tenants; Vulnerable individuals who may be too old or ill to farm along with the others; Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence. Members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence. In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the "household". For example, among polygamous settings, there are situations where each wife has her own home.

(iii) **Vulnerable Households.** Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them including:

*Unmarried women* – who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom s/he is linked in dependency as part of the household, resettlement will not sever this link.



*Elderly* – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm. Losing land will affect their economic viability. What would damage their economic viability even more than losing land is resettlement that separates them from the person or household on whom they depend for their support. HIV/AIDS afflicted persons – relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.

*Orphans and street children* – due to the impacts of the AIDS crisis that plagues Swaziland today, there are a considerable number of orphaned children, whose parents have died from AIDS. These children today fall into three categories of care: (i) those being looked after by an uncle, aunt, grandparents or other close relative, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as manual work at open air markets, transporting of loads for short distances in centers, scavenging for waste paper and metals and other exploitative employment etc. They tend to live in close proximity to large towns and cities. Compensation for these orphans and street children, if they are affected by the projects in a way that requires their physical relocation, cannot be in cash. They will have to be put in a UNICEF program or registered with one of the many children’s charities that are operating in Swaziland today. Their compensation would take the form of paying for their rehabilitation and training to acquire useful vocational skills.

*Female-headed households* – may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their

household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

Small-scale female farmers - are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as ringing trees, clearing or ploughing land. Either male relative in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing a new land, so these women are provided for by the compensation plan.

*Non-farming females* – these earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the projects need for agricultural land. If a building of theirs lies on land needed by the project, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are protected because the resettle can name them as part of the household.

## **ANNEX – II**

### **Eswatini Policy, Legal and Regulatory Framework and World Bank ESS5**

#### **Eswatini Legal Framework**

The King may regulate the use of Swazi National Land under section 10 of the Swazi Administrations Act, including the use of such land for public purposes and the resettlement of persons living thereon if necessary.

#### **Transfer Duty Act 1902**

Regulates payment of transfer duty triggered by transfer of title deed land.

#### **Safeguarding of Swazi Areas Act 1910**

Protection of rights of Swazi people to areas set apart under the Concessions Partition Act for the sole and exclusive use and occupation.

#### **Subdivision of Lands Act, 1957**

This is an Act to consolidate and amend the law relating to the sub-division of land in Swaziland. The approval of Natural Resources Board is required for subdivision, whilst the Surveyor General is required to approve the diagram and the Registrar of Deeds to register transfer/lease. A discussion concerning the township establishment process, in which this legislation plays an important part, is contained in relationship to the Human Settlements Act, below.

#### **Acquisition of Property Act, 1961**

This Act provides the authorization and procedures for compulsory real property acquisition for public purposes and provides for settlement of compensation through the establishment of a Board of Assessment. The Act states that structures affected by acquisition identified by the

Ministry of Housing and Urban Development (MHUD). After identification of the properties, an independent valuation is sought then based upon the outcome, residents in affected areas are invited to negotiate with the GoKE on an individual basis. Once agreement is reached the residents are compensated prior to relocation. In cases where the resident cannot reach agreement with the offered compensation, the Minister of Housing requests convening of the Board of Assessment which is constituted by the Chief Justice who appoints a judge to be the chair of the Board. Once established, the Minister gazettes the announcement on the Board of Assessment by legal notice. The decision on compensation by the Board of Assessment will be legally binding for the Ministry and the resident.

### **Town Planning Act, 1961**

This act makes provision for the preparation and carrying out of town planning schemes in declared urban areas. It establishes the Town Planning Board, its functions, powers and duties. It authorizes the preparation of town planning schemes, the approval of schemes, variation of schemes, enforcement of schemes and compensation for injurious affection. Injurious affection is defined as being negatively affected by changes to the Town Planning Scheme such that previously established businesses or industries become illegal under new legislation.

### **Land Survey Act, 1961**

The act provides for the survey of land and matters incidental thereto. It deals with interpretation including the definition of diagram, general plan, lot, owner, registration and township. It deals with matters relating to the Surveyor-General and Surveyors, surveys and resurveys, beacons and boundaries.

### **Deeds Registry Act, 1968**

This Act consolidates and amends the laws in force in Swaziland relating to the Registration of Deeds. It establishes the Deeds Registry, appointment, duties and powers of the Registrar. It

deals with the registration of land including transfers, substituted title deeds and endorsements and covers; change of title by endorsement; townships including requirements in case of subdivisions of land into lots, transfer of township, extension of boundaries of an existing township. It further deals with bonds including execution, cession, transfer and registration of notarial bonds; the rights in immovable property and antenuptial contract. A discussion concerning the township establishment process, in which this legislation plays an important part, is contained in relationship to the Human Settlements Act, below.

#### Land Speculation Control Act and the Land Speculation Control Regulations, 1972

The act provides for the control of speculative land transactions involving persons who are not citizens of Swaziland and matters incidental thereto. The Regulations prescribe exemptions, form of consent, conduct of proceedings, and registration of landowners who are non-citizens of Eswatini through the Land Control Board and the form of appeal.

#### **The Building and Housing Act, 1988**

The act provides for the control and the safety of buildings and for incidental or connected matters. It deals with the classes of buildings, locations, design and construction and building regulations, including codes of practice. The procedure required by the Act is that all applicants must submit five copies of the following documents to the Local Authority, together with an application fee:

- Application form
- Working drawings
- Site plan showing access to the public road, existing buildings and plot boundaries
- A location map
- All sewerage, drainage and water plans.

Plans are forwarded to several government departments and public utilities for comment. The Principal Secretary of the Ministry of Housing and Urban Development makes the final decision,

except in Mbabane and Manzini, where it is made by the City Council. The regulations permit different standards are for different classes of building. Grade I regulations apply for conventional building. The Grade II Regulations, 1996, permit what might be described as “Traditional” construction, for example walls of clay or stabilized soil, ventilated improved pit latrines, and modest room sizes (10m<sup>2</sup>, 7 m<sup>2</sup>, Kitchen 2,3m<sup>2</sup>).

### **National Housing Board Act, 1988**

The act deals with the establishment of the Swaziland National Housing Board (SNHB) and includes provisions to purchase or by other means acquire and by sale, mortgage or lease, dispose of any movable or immovable property. It details the objects and functions of the Board which subject to the provisions of the Human Settlements Authority Act are to provide affordable housing generally in Swaziland and to take over such housing schemes as the government may determine. The SNHB make loans for acquisition of property and construction of housing or housing schemes.

### **The Constitution of the Kingdom of Swaziland 2005**

Chapter 13 of the new constitution requires the establishment within five years of a single countrywide system of local government, to allow people at sub-national and local level to regressively take control of their own affairs. Local governments shall be organized and administered through democratic means. The introduction of the new constitution coincides with the government’s decentralization policy and implementation strategy. The new constitution specifically articulates its position on property and compensation in Section 19 (1) states that “a person has the right to own property alone or in association with others.” Furthermore, the in 19(2b) the constitution states that no one should be deprived of property ownership and in cases of public interest or safety owners shall be duly compensated.

### **MHUD Resettlement Policy & Guidelines 1994**

The MHUD Resettlement Policy and Implementation Guidelines were drawn up in 1994. The key objectives of the policy are:

- Involuntary resettlement should be avoided or minimised, exploring all designs and alternative mechanisms to permit residents to remain;
- Where 10 or more households are affected, a resettlement plan is required to be approved, which should consider the needs of vulnerable groups;
- Affected persons shall have their previous standard of living restored, and shall be no worse off;
- The costs of resettlement shall be borne neither by those displaced nor the host community;
- Those affected shall be compensated prior to moving for immovable assets, loss of income or livelihood, losses arising from disturbance, etc.;
- Although the policy and guidelines focus on physical relocation, the rules apply to any loss of land or assets.

### **Gender equity**

Since 2000, a series of significant legislation relating to gender equity in Swaziland has come into being including the new constitution. The situation may be summarized as follows:

- Under the UDP a 99-Year Lease was introduced which provided equal access to land regardless of gender;
- The Constitution of the Kingdom of Swaziland (2005), as well as protecting fundamental rights of all citizens (Section 14), specifically enshrines the rights of women (Section 28) to equal treatment, political, economic and social opportunities and commits the Government to enhancing their welfare and provides for equal access to land irrespective of gender (Section 211). Furthermore, according to Section 28 (3) women may not be compelled to undergo or uphold any custom “to which she is in conscience opposed.
- The Gender Unit in the Ministry of Home Affairs has identified Constitutionalism and Law Reform as a priority, and they have drafted a Program of Action with the assistance of UNDP. Currently the Constitution has two provisions explicitly stating the protection from gender discrimination and inequality before the law based on gender. Sections 14 and 28 enshrine gender equality reforms and redress previous legislation such as the Marriage

Act of 1964, the Deeds Registry Act of 1938 and the Intestate Succession Act of 1953 and other inheritance laws.



It is necessary to publicly declare a cut-off date to determine eligibility and thus entitlements to resettlement and compensation for each component of the project as it is being implemented. The Project Team must ensure that the cut-off date is known by PAPs as well as Community Members in the project area. This must be communicated with clear indications of areas of impact and the process must be documented, with records retained by the Project Team's Resident Engineer. A public notice of the cut-off date shall be displayed at the South West Regional Offices, *Tinkhundla* Centres, and Municipality following completion of the adjudication exercise on affected land and assets. A notice with the cut-off date will be provided in letters to PAPs and announced through community meetings which will be organised by the MOH, the *Inkhundla* or Community Water Community. The Project Team will be required to send a representative to any community meetings related to resettlement.

The cut-off date is provided to safeguard against encroachment or opportunists. Compensation cannot be claimed for structures constructed after the cut-off date has been publicised. The onus will be on a person who is not recorded in the census to prove that s/he qualifies for project entitlements utilising the established grievance procedures described in this RPF.

### **Other Legal Framework**

Water Services Corporation Act 12/1992 – Servitudes:

Subject to Sec 24 of this Act, the Corporation may place any conduit below the ground across any land upon which no buildings have been constructed in consultation with the municipality, chiefdom, whichever is applicable. Before exercising this power, the Corporation shall serve notice on the owner, occupier or controlling authority, in writing, of its intention to do so. This notice shall be accompanied by a plan, sufficiently indicating the manner and the extent to which the power to which the notice relates shall be exercised. If the owner, occupier or controlling authority objects, the Minister may give consent to the exercise of the power in such a way as not to hinder or obstruct other services (road, railway, watercourse, dam, or airfield).

### **Constitution of Eswatini 2005 – Bill of Rights:**

In recognition of Chapter III (14) Fundamental Rights and Freedoms of the individual - Full regard is given to the supreme law of the land and its Bill of Rights. In terms of the Bill, the protected rights reign but shall in the execution of the project's mandate, be balanced with universally accepted development needs and goals.

### **Environmental Management Act 5/2002**

Environmental Assessments – EIA, IEE, ECCs etc. The Corporation is required to comply with Section 32 of the EM Act and by so doing, acknowledges not only the notion of nature having certain rights, but that as a citizen of the world, the Corporation must act as steward and be at the forefront of ensuring sustainable behaviour. In compliance with the requirement - at project preparation stage - the Corporation shall ensure environmental impact assessments are done, seek and obtain the required licences; where necessary, engage affected and interested parties, monitor and evaluate compliance by all within the Corporation's control/influence i.e. employees, agents, community, contractors etc.

### **Standard Building Act and Regulations of 1969**

This legislation provides for the promotion of uniformity in the law, and building standards relating to the erection of buildings, water supply and connection, drainage and sewer etc. in the areas of jurisdiction of local authorities. The local authority shall issue the necessary permits and authorisations for any excavation or building work to be conducted in any area under its control. Relevant regulations are those pertaining to building lines – to allow for services, zoning of areas, siting of areas, access etc.

Construction Industry Council Act 14/2013 – Regulates the construction industry in Eswatini. The Corporation shall register all projects it undertakes with the CIC before commencement of the project.

## **World Bank's Standard on Land Acquisition, Restrictions on Land and Involuntary settlement**

The World Bank's environmental and social standard 5 on Land Acquisition, Restrictions on Land and Involuntary Resettlement (ESS5) applies where project-related land acquisitions or restrictions or land use may cause:

- Physical displacement (relocation, loss of residential land or loss of shelter); or
- Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).

ESS5 thus covers not only physical relocation but any loss of land, assets or access to assets. The key objectives are to:

- Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- Avoid forced eviction.
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>6</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

ESS5 applies to the following persons:

- i. Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of the country;
- ii. Those who do not have formal legal rights to land or assets, but have claim to land or assets that are recognized or recognizable under national laws or become recognized through a process identified in the resettlement plan;
- iii. Those who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons in the first (1.) and second (2.) category must be compensation for the loss while the third (3.) group will be provided with resettlement assistance in lieu of compensation for the land they occupy as well as other assistance as necessary, if they have occupied the area prior to an agreed cut-off date for entitlements. All three categories should be provided with compensation for loss of assets other than land.

ESS5 requires that displaced people are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project; provided assistance (such as moving allowances) during relocation; and provided with residential housing or housing sites. The policy requires that the taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided. Vulnerable people need to be given special attention to remove the barriers that stand in the way of their equal participation in projects, or through special project components and targeting strategies tailored to their needs.

In addition, the following principles apply:

- Compensation standards for categories of land and fixed assets will be disclosed and applied consistently;

- Where livelihoods are land based or land is collectively owned, the preference for compensation is land-for-land;
- Land and assets can only be acquired by the project subsequent to completion of compensation and other associated allowances;
- Project affected communities will be meaningfully engaged and provided with options to participate in planning and implementation of resettlement programs. Project proponent must ensure that both men and women's perspectives are reflected in plans;
- PAPs must be provided with options and alternatives for compensation;
- There must be a grievance mechanism in place;
- The project proponent must conduct a census to identify persons who will be affected by the project in order to establish an inventory of land and assets that will be affected;
- The project proponent must establish roles and responsibilities relating to financing and implementation of any required Resettlement Action Plans;

## OUTLINE FOR PREPARING RESETTLEMENT ACTION PLANS

This template is extracted from World Bank's Environmental and Social Framework, specifically Standard 5: "Land Acquisition, Restrictions on Land and Involuntary Resettlement."

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

### Minimum Elements of a Resettlement Plan

1. **Description of the project.** General description of the project and identification of the project area.
2. **Potential impacts.** Identification of:
  - (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
  - (b) the zone of impact of such components or activities;
  - (c) the scope and scale of land acquisition and impacts on structures and other fixed assets;
  - (d) any project-imposed restrictions on use of, or access to, land or natural resources;
  - (e) alternatives considered to avoid or minimize displacement and why those were rejected; and
  - (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.
3. **Objectives. The main objectives of the resettlement program.**

4. ***Census survey and baseline socio-economic studies.*** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
- (a) identifying characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - (b) information on vulnerable groups or persons for whom special provisions may have to be made;
  - (c) identifying public or community infrastructure, property or services that may be affected;
  - (d) providing a basis for the design of, and budgeting for, the resettlement program;
  - (e) in conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and establishing baseline conditions for monitoring and evaluation purposes.

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- (f) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (g) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and

(h) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**5. *Legal framework. The findings of an analysis of the legal framework, covering***

(a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;

(c) laws and regulations relating to the agencies responsible for implementing resettlement activities; and

(d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS 5, and the mechanisms to bridge such gaps.

**6. *Institutional Framework. The findings of an analysis of the institutional framework covering***

(a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;

(b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and

(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

**7. *Eligibility. Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.***

**8. *Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of***



*compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.*

9. ***Community participation. Involvement of displaced persons (including host communities, where relevant)***
  - (a) a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
  - (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
  - (c) a review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them; and
  - (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
10. ***Implementation schedule. An implementation schedule providing anticipated dates for displacement, and estimated*** initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
11. ***Costs and budget.*** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
12. ***Grievance redress mechanism.*** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
13. ***Monitoring and evaluation.*** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party

monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

14. **Arrangements for adaptive management.** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

***Additional Planning Requirements where Resettlement Involves Physical Displacement***

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

15. **Transitional assistance.** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
16. **Site selection, site preparation, and relocation.** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering
  - (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the

- advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;
  - (c) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
  - (d) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
  - (e) legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
17. **Housing, infrastructure, and social services.** Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
18. **Environmental protection and management.** A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
19. **Consultation on relocation arrangements.** The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g. places of worship, pilgrimage centres, cemeteries).

20. ***Integration with host populations.*** Measures to mitigate the impact of planned relocation sites on any host communities, including
- (a) consultations with host communities and local governments;
  - (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
  - (c) arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
  - (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

***Additional Planning Requirements where Resettlement Involves Economic Displacement***

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods' improvement plan. These include:

- 21. Direct land replacement. For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
- 22. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

23. Support for alternative livelihoods. For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
24. Consideration of economic development opportunities. The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.
25. **Transitional support.** The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

## ANNEX – IV

### CONSULTATIONS MEETINGS REPORT

#### Stakeholders' Consultations Outcomes and Agreed Actions

#### Discussions – The objectives and activities of the EHSS Project, Environmental and Social - Impacts and Suggested mitigation and compensation measures (ESMF & Resettlement Policy Framework)

**Type of Stakeholder(s):** Health Facilities Staff, Health Committees, Regional Health Administrators and Environmental Health Officers\_\_

**Location:** \_Manzini\_\_\_\_\_

**Date:** \_\_\_\_\_12 Dec 2019\_\_\_\_\_

**Time:** 10:00 am \_\_ - 13:00\_\_\_\_\_

**Consultation method(s):** Workshop discussions\_\_\_\_\_

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
Implementation arrangements	<ol style="list-style-type: none"> <li>How will project funds be protected from being diverted to other demands/pressing matters of the Ministry of Health?</li> <li>When will the project start? Will there be mid-term reviews for the project to allow corrective actions?</li> </ol>	<ol style="list-style-type: none"> <li>Protection of WB funds: there will be appointed staff on the financial management to ensure that expenditures are only for the project in accordance with WB standards and requirements.</li> <li>There are still ongoing activities which include currently costing every activity then subjected to internal WB processes and expected start date will be sometime in 2020;               <ol style="list-style-type: none"> <li>There will be ongoing monitoring and reporting activities related to the project</li> </ol> </li> </ol>	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
		<p>implementation which will help guide corrective measures</p> <p>b. Also, the WB has integrated structures to monitor the loan and to safeguard from unscrupulous use.</p>	
Project components	<p>3. Referral system: can you look-into the issue of the effectiveness of referral system particularly in HCs as this is causing a significant number of maternal and child health issues e.g. caesarean sections can be done at HCs.</p>	<p>3. The project will bring in support for reorganization of services from the tertiary to low levels of primary care. This will include an assessment that will establish what services are provided at which levels, the current gaps and how clients can be better referred to higher levels of care. This will include trainings that are targeting improving the quality of care by health workers.</p>	
Waste management	<p>4. Can the govt ensure that when the projects are introduced to communities, it is not only the chief and his inner council that are consulted in closed sessions where the rest of the community members end up not being consulted for their views?</p>	<p>4. This is well noted and it is for this purpose that the current consultations are being undertaken. It is expected that when additional consultations during project implementation are taken to the communities where the affected facilities are located, this will be addressed as it is a then the relevant stakeholders including the communities will be provided with an opportunity to voice their views on any of</p>	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	<p>5. Can the framework also investigate general waste in addition to the healthcare waste in facilities as this is becoming an issue as there is a fine (E5000) by the EEA for burning general waste in health facilities. This also, includes the overgrowth of vegetation in facilities and if the framework can investigate how this could be dealt with.</p> <p>6. Is there a way the framework can address issues of ongoing collaboration between environmental officers and facility</p>	<p>the proposed WB project activities in their localities.</p> <p>5. a. The project provides for an assessment of how the ministry can better dispose of all waste generated in the health facilities. This will include the development of plans for waste management. However, the Ministry is encouraging the facilities to start developing such plans on their own as the waste generated will accumulate if they are to wait for this WB project support.</p> <p>b. Regarding the overgrowth and solid waste: this is a health facility management issue where the overgrowths should be addressed. However, the project will also ensure that a comprehensive and site specific environmental and social impact assessment is conducted in the facilities concerned and this will include all waste management issues and all other environmental issues in facilities. This will then help to chart concrete plans to address the identified environmental risks.</p> <p>6. This will be handled by the environmental health team as</p>	



Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	management to advise on how to dispose of waste? e.g. solid waste as old equipment, furniture etc. this is accumulating at Mankayane and not complying with waste management procedures	it makes better use of available skills and resources to collaborate in management of waste generated in facilities, the assessment to be done under the project will detail how this can be further strengthened.	
Protection of Vulnerable groups against land dispositions	7. The framework touches on land dispositions assessments and that there will be needed to ascertain fair considerations to affected communities, how will the affected parties be compensated should the need to move people from their lands occur?	7. While the framework is touching on these issues and emphasizing that due processes be followed as laid out by the country's legal system regarding loss of land during development, this is a less likely event under the project as the affected areas are all government facilities and no construction is envisaged to fall on communal land. However, in the event that any project activity requires land outside the gazetted facility land then the Resettlement policy framework will help guide process of acquiring this land. The framework follows both KoE laws and the world Bank procedures on land acquisition of which consulting the affected is a priority.	Communities and their leaders will be engaged at all stages of project implementation to ensure that their concerns are listed, and satisfactory actions taken to allay the fears in case land is required for any project activity.  Apply the RPF if land is required.
Additional issues raised	8. As a caution, we are urging this project team to be more engaging and obtain	8. This is well received, the frameworks presented in fact call for full stakeholder consultations and engagements at design,	Follow the guidance provided by the SEP both in process and content.

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	views from everyone affected when about to commence with the work in the affected areas, history has taught us that whenever the project are introduced to the chiefs and the councils while community members are sidelined.	during implementation as well as at the end of the projects thus the team will comply with the recommendation being made. This is well outlined in the Stakeholder engagement Plan (SEP) prepared by this project.	

The second consultation meeting on the **Eswatini Health System Strengthening Project** took place on the 17<sup>th</sup> of December 2019 in Manzini (at the George Hotel). The key stakeholders that were present for the meeting with the Ministry of Health included representatives from the Ministry of Public Works & Transport, NGOs in the health sector and those that advocate for persons living with disabilities and the Police.

#### **Stakeholders Consultations Outcomes and Agreed Actions**

#### **Discussions – Objectives and activities of the Project, Environmental and Social Impacts (ESMF and the Resettlement Policy Framework)**

**Type of Stakeholder (s):** Ministry of Health, Ministry of Public Works & Transport, NGOs, and the Police\_\_

**Location:** Manzini \_\_\_\_\_

**Date:** \_\_\_\_\_ 17 Dec 2019 \_\_\_\_\_

**Time:** 11:00 am \_\_ - 14:00 \_\_\_\_\_

**Consultation method(s):** Discussions \_\_\_\_\_

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
Project Implementation	What is the modality of waste management?	Currently waste is treated through incinerators (thermal treatment).	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	Is waste from a TB Centre treated differently from other health care centres?	A technical study will be conducted to assess the country's capacity to deal with waste management, the study will inform how infectious waste can be treated accordingly.	
	<p>Clarification on key activities under each component of the project.</p> <p>What are the activities that will revamp the primary health care facilities?</p>	<p>Currently the activities are not in detail but under broad categories. However, the MoH will provide for the details in the Project Appraisal Document currently being worked on. Further this will be supported by an organisational structure that will promote linkages with key stakeholders as well as a health services delivery model.</p> <p>The local health care system faces many challenges and therefore key priority areas have been selected and this includes activities that will help improve health sector governance, management and performance, the quality of health service delivery, etc.</p>	
	How will the Project be monitored?	The project will prepare and submit quarterly progress reports to both the Bank and GoE, as well as mid-term reviews, steering committee and other relevant	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
		<p>reports. The World Bank will also undertake regular project implementation support missions as well as closely monitor in terms of expenditure.</p> <p>Monitoring and evaluation processes:</p> <p>The project has a results framework that will also be implemented and monitored regularly.</p>	
	<p>Will the money set aside for the Project not be disrupted by existing issues within the Ministry?</p>	<p>The fund will not be disrupted by the issues that the Ministry is facing, it will solely work for the Project and the team from the Finance department will make sure that the money is utilised for the project.</p>	
	<p>National or regional project?</p>	<p>This is a Nation-wide project</p>	
	<p>When will the Project start/Project lifecycle?</p>	<p>Preparations for the Project started some time ago and are ongoing. Processes to ensure compliance are currently being done. The projected start of the Project is in 2020 after the appraisal documents have gone through the relevant authorities and the project has been taken to the World Bank Board. Then KoE Parliament will discuss and</p>	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
		approve the project before the funds can flow (project effectiveness). The duration of the project is 5 years.	
	Which health care facilities are being targeted?	Six health care facilities are being targeted in different regions of the country. These are: Matsanjeni Health Centre, Mankayane Hospital, Dvokolwako Health Centre, Mkhuzweni Health Centre, Good Shepherd Hospital, and Sithobela Health Centre	
	With regards to revamping the system, is the MoH open to implementing tools and systems delivered by the World Bank?	The Project will apply both GoE as well as World Bank procedures.	
Environmental and Social Processes Management	Treatment and disposal of waste water from HC facilities  Waste water not properly managed  Pharmaceutical waste not properly managed	Some HC facilities are not linked to the main municipal system.  A technical study will be conducted to assess the best (and most cost-effective) options to manage these polluting entities.	
	Social and environmental impacts (both positive and	The expected impacts have all been identified in the	Develop an Environmental and

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	<p>negative) that are generated by the Project</p> <p>Are there any proactive measures in place to engage community members so as to counter social effects that arise due to project activities, such as employment opportunities, increase levels of STIs, HIV, crime, etc.</p>	<p>Environmental and Social Management Framework as well as the Resettlement Policy framework. Site specific plans that may include assessments will be prepared during project implementation and measures will be suggested and implemented during the project period.</p> <p>Implement processes and assessments to evaluate these social issues.</p> <p>Engage with the various community chiefdoms to determine social issues and plan interventions accordingly</p>	<p>Social Assessment Management plan</p>
	<p>Sanitation concerns</p>	<p>Sanitation technology to mitigate waste and pollution generated by the Project. This has been highlighted in the ESMF.</p>	
	<p>Occupational health and safety</p>	<p>Labour Management Plan will be implemented to manage the safety of construction workers, community members, and health care workers.</p>	<p>Labour Management Plan which will have all the governance and legislative processes in place.</p>
	<p>Emergency response to unforeseen occurrences.</p>	<p>An emergency response plan will be implemented to effectively and quickly respond to unforeseen occurrences, e.g. spillages. This is included in the ESMF.</p>	

Consultation Topic (s)	Issues Raised by Stakeholder(s)	Response (s) Given	Action (s) Agreed
	Who is responsible for the maintenance of infrastructure built for the Project?	<p>This is an issue that will be highly considered during the course of the project. The government is responsible for maintaining structures, however at times there is no finance in place to undertake timely maintenance.</p> <p>This is a big challenge, as in the past government has built structures but issues were not addressed in a timely manner.</p>	<p>The project team will be engaged on how best the infrastructure will be maintained.</p> <p>Maintenance Policy is needed and will be prepared for the rehabilitated facilities.</p>
	Is it possible to engage existing organizations to help manage waste in non-urban areas?	Concern needs to be addressed by EWSC. A study needs to determine how the MoH can engage such entities. This could be part of the TA studies.	
	Consideration for how syringes used for treating diabetic people will be disposed as some community members might reuse them.	<p>Packaging of syringes needs to be improved.</p> <p>Issue of the disposal of syringes needs to be addressed.</p>	
Resettlement Policy	Legislation for Resettlement not mentioned in the RPF presentation.	The RPF is informed by current legislation in the country.	

<b>Consultation Topic (s)</b>	<b>Issues Raised by Stakeholder(s)</b>	<b>Response (s) Given</b>	<b>Action (s) Agreed</b>
Vulnerable Groups of people	How will the issue of abandoned homes (homes in the community that do not have family members due to the issue of child-headed families) be tackled?	<p>Consultation with relevant stakeholders (community leaders) as they are normally aware of what's happening in their communities, also these homes are still registered within the local chiefdom.</p> <p>Household belonging to the disadvantaged and vulnerable will be considered.</p> <p>Encourage participation from the members of the community and advocacy groups to help in handling such issues and pointing out areas of concern so as to enhance project structures.</p> <p>This is important as the Project is there to improve the lives of the people and not leave them worse off by any means.</p>	
Additional issues raised	How will the MoH ensure synergy between the different ministries?	Sub-committees with key stakeholders will be formed.	
	This is a cross cutting project which touches on different Ministries. Will the Project be funded at the MoH or will the fund also be allocated to other ministries?	The fund is for the strengthening of health systems and therefore it is funded at the MoH.	



<b>Consultation Topic (s)</b>	<b>Issues Raised by Stakeholder(s)</b>	<b>Response (s) Given</b>	<b>Action (s) Agreed</b>
	<p>Has the Project taken into consideration the unique needs of persons living with disabilities, such as their access to buildings?</p> <p>Also, consideration needed for how they will be affected by pollution generated by the Project</p>	<p>The needs of persons living with disabilities will be taken into consideration and their concerns addressed during the rehabilitation of the health facilities. This is included in the ESMF and its ESMP.</p>	
	<p>Are the incinerators ozone friendly?</p>	<p>The MoH is assessing all technologies that are available, and will take into consideration the impact of these waste management systems.</p>	