

MR21: MALOMA-SIPHAMBANWENI RESETTLEMENT ACTION PLAN

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LIST OF ABBREVIATIONS

AfDB	WASH
African Development Bank	Water Access, Sanitation and Hygiene
ESIA	MoPWT
Environmental and Social Impact Assessment	Ministry of Public Works and Transportation
EMP	TDL
Environmental Monitoring Plan	Title Deed Land
EEA	IAP
Eswatini Environmental Authority	Interested and Affected Parties
ESWADE	MP
Eswatini Water and Agricultural Development Enterprise	Member of Parliament
SEDCO	MHUD
Small Enterprises Development Company	Ministry of Housing and Urban Development
GoE	MoA
Government of Eswatini	Ministry of Agriculture
GRM	SNL
Grievance Redress Mechanism	swazi Nation Land
NGO	ISS
Non-Governmental Organization	Integrated Safeguard System
OS	RAP
Operational Safeguards	Resettlement Action Plan
PAC	ROW
Project Affected Communities	Right of Way
PAP	LRP
Project Affected Persons	Livelihood Restoration Plan
RC	SIA
Resettlement Committee	Social Impact Assessment
PIU	SEP
Project Implementation Unit	Stakeholder Engagement Plan

EXECUTIVE SUMMARY

I. COMPENSATION SUMMARY SHEET

The table summarizes the number of people and private assets affected by and the projected compensation costs.

Table E-1: Compensation Summary Sheet

A. GENERAL		
1	Region	Lubombo, Shiselweni
2	Tinkhundla	3
3	Activities that trigger resettlement	Construction of MR21
4	Project overall cost	E50 million/US\$2.8 million
5	Overall resettlement cost	E7 million/US\$386 thousand
6	Applied cut-off date/s	10 July 2024
7	Dates of consultation with PAPs	June 2024 - on-going
8	Dates of negotiations of the compensation rates	June 2024 - on-going
B. SPECIFIC INFORMATION: TDL		
9	Number of PAPs - TDL	1
10	Number of vulnerable affected	0
11	Land tenure of directly affected assets	TDL
12	Other structures directly affected – fence	0
13	Number of business properties/assets – immovable structures	3
14	Total area of TDL land lost	0.1693ha
C. SPECIFIC INFORMATION: SNL		
15	Number of households losing their shelter	0
16	Number of physically disabled	0
17	Number of physically displaced	0
18	Number of vulnerable affected	0
19	Total area of lost arable or productive lands on SNL	3.1ha
20	Number of small-scale farmers losing their crops and/revenues	8
21	Number of graves disturbed	0
22	Other structures affected - fence household	191.38m
23	Other structures affected - fence farmland	625.20m
24	Other assets affected – irrigation pipes	Unknown length
25	Other assets affected – Steel water tank stands	3
26	Other assets affected – water tanks	3 x 5000 litres
27	Fruit trees affected	10
28	Number of pit latrine toilets affected	1

II. BRIEF DESCRIPTION OF PROJECT AND RESETTLEMENT INDUCING ACTIVITIES

Brief Project Description

The Government of Eswatini (GoKE) has received financing from the African Development Bank (AfDB) for the development of the MR21 Road. The road connects the MR8 from Siphofaneni to Maloma and from Maloma to Nsoko. The overall length of the MR21 is approximately 21 km. The entire road straddles the Lubombo region and cuts across the Sigwe, Ngudzeni and Matsanjeni South Constituencies/Tinkhundla.

The Environmental Management Act, 2002 enforced by the Eswatini Environment Authority (EEA) states that no person shall undertake any project that may influence the environment without the written approval of the Authority, or in the case of review, of the Minister and except in accordance with any conditions imposed in that approval. It further states that 'a person proposing to undertake a project to the Authority, or in the case of review, of the Minister and except in accordance with any conditions imposed in that approval. It further states that 'a person proposing to undertake a project to the Authority containing sufficient information to enable the Authority to determine the potential impacts of the project on the environment'. In accordance with this Act, the MoPWT submitted a project brief for the proposed project and the EEA classified it under Category 3. This is equivalent to Category 1 of the AfDB's Integrated Safeguard System (ISS) and Environmental and Social Assessment Procedures. As a Category 1 project, a full Environmental and Social Impact Assessment (ESIA), has been prepared. The ESIA examines the project's potential beneficial and adverse impacts, compares them with those of feasible alternatives (including the 'without project' scenario), and recommends measures needed to prevent, minimize, mitigate or compensate for adverse impacts and to enhance environmental and social project benefits. This RAP has been prepared to mitigate asset and livelihood loss as its core objective while and adhere to the national and AfDB ISS requirements.

Resettlement Inducing Activities

At the core of development is the requirement to implement infrastructure development with minimal disruption and at least cost. Those directly affected are prioritized to be placed at a better position than where the development found them. To implement the project as sustainably as possible, private assets in the right of way will have to be removed to optimally realize the required road standards. The road is planned to span a width size of 24m using the existing alignment which runs a length of approximately 82.2km from Siphofaneni to Nsoko via Maloma.

III. OBJECTIVES OF THE RAP

It is a widely accepted fact that if the impacts of the project are left unmitigated, involuntary resettlement under development projects may give rise to economic, social and environmental risks. The purpose of the RAP is to address any cases of involuntary resettlement that may arise, as well as to clarify the organizational arrangements that may be needed during different phases of the project

preparation and implementation phases. It was assessed that the implementation of the MR21 project will require land acquisition of TDL. To achieve the objectives of the project, the RAP's overall aim is to ensure that the social impacts associated with the construction of the MR21 are addressed. These include the loss of land and other privately owned assets, impacts on subsistence or livelihoods and income earning capacity and collective adverse impacts on project host communities and groups who because of their social position may be vulnerable to changes brought about by the project activities.

IV. APPROACH AND METHODOLOGY IN THE PREPARATION OF THE RAP

The RAP was undertaken using several instruments, including desktop review, site visits, community and PAPs consultations, and physical identification, enumeration and measurement of affected properties. During the desktop review process relevant secondary data was collected and reviewed including relevant National legislation and national policies guiding involuntary resettlement and the AfDB's ISS applicable to the project. Project Maps were also studied prior to undertaking fieldwork. The MR21 ESIA report was also used as a key reference. A key element of the process was the identification and determination of the number of PAPs (physically and economically affected), as well as their affected assets.

V. SOCIAL AND ECONOMIC IMPACTS ON THE PROJECT AFFECTED PEOPLE

Land Requirements of the Project

The project will require acquisition of a communal farmland at Ebloweni (Ngwavuma) under the Enjabulweni Umphakatsi, formal business structures at Maloma on TDL as well as temporal removal of fences at Makhava belonging to 3 homesteads. Temporary occupation of land will also occur during the construction period to be used as site offices and storage areas. These sites will be identified in due course before requests for occupancy are forwarded to the relevant authorities.

Profiles of Resettlement Affected People

Those whose assets were found to be in the right of way (ROW) are both on SNL and TDL. They fall in both the households and business categories. The directly affected at Maloma includes 2 unused buildings and a grocery store which the owner rents out.

Impacts and Indirect Effects of Loss of Land and Livelihoods

The implementation of the project will lead to a number of resettlement related impacts that will require mitigation and management. The possible negative impacts are summarized in the following table.

Table E-2: Resettlement related impacts on the MR21

NEGATIVE IMPACTS	POSITIVE IMPACTS
Loss of land	Enhanced longer term economic position of directly affected formal businesses.
Loss of assets	Enhanced longer term economic position of directly affected informal businesses
Increase in crime levels	Improve sanitation service for informal businesses through the social infrastructure development component of the project.

Loss of income	Enhance economic vibrancy for local communities and economic nodes with possible attraction for investment.
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VI. LEGAL PROVISIONS FOR RESETTLEMENT

This section provides an overview of gaps between the Eswatini legal framework and the AfDB requirements as it relates to land acquisition, compensation and resettlement required for the implementation of the MR21 road development project. Where gaps between the provisions of national legislation and OS5 were identified, the provision that is superior, and that provides better compensation and entitlement to PAPs was applied. This is consistent with the objective that PAPs should not be made worse off than pre-project levels and that it is desirable for their livelihood to be improved rather than prejudiced by the physical or economic displacement. Some of the gaps identified include but are not limited to; eligibility classification, compensation and livelihood, compensation offers, land for land compensation of equal production use or potential, resettlement assistance, and security of tenure. Where it was determined that the Eswatini legislation does not correspond to AfDB requirements, then AfDB OS5 was followed.

Constitutional, legislative and regulatory provisions

The RAP process has been undertaken in line with national legislation and policies, including but not limited to, National Rural Resettlement Policy, 2003, and the Ministry of Housing and Urban Development Resettlement Policy and Guidelines, 1994, The Constitution of the Kingdom of Eswatini, 2005.

AfDB Operational Safeguard requirements

In addition to national policies and legislation, the RAP process was undertaken in line with the African Development Bank (AfDB) Integrated Safeguard Systems, particularly Operational Safeguard 5: Land Acquisition, restrictions on Access to Land and Land Use and Involuntary Resettlement (OS5). Furthermore, Good International Industry Practice (GIIP) such as the International Finance Corporation (IFC) and World Bank safeguards standards were considered during the development of the RAP.

VII. INSTITUTIONAL FRAMEWORK FOR RESETTLEMENT

Institutional framework, Roles and Responsibilities in the RAP implementation

The Roads Department under the MoPWT (also the project proponent) has the responsibility to undertake all technical, administrative and financial responsibilities related to the RAP. The Project Implementation Unit (PIU) supported by relevant project related structures and stakeholder engagements shall ensure that the RAP is carried out as efficiently as possible. Related structures include the Social Specialist engaged by the MoPWT who shall ensure that the directly affected persons and their concerns are addressed and impacts are mitigated in accordance with the AfDB's ISS and national legislative framework. With the PIU in place, all socio-economic resettlement issue, including implementation of safeguard requirements and RAP matter will be managed by the Project

Manager/Coordinator in the MoPWT. Upon completion of the MR21, it will be handed over to the MoPWT for operation and maintenance.

VIII. COMPENSATION PLAN

Census, cutoff date and assessment of rights to and ownership of assets

The project area census survey, consultations and asset registration exercises took place from June 2024 to July 2024. Compensations are anticipated to be completed in January 2025 subject to the adherence of the national guidelines and recommended timelines in the legal framework. The cut-off date for eligibility was set to be 10 July,2024. The cutoff date was informed by the completion of the road designs and asset surveys. This cut-off date meant that the compensation cannot be claimed for structures constructed and land obtained after the declaration date which is construed as opportunistic asset claims. The process of verifying PAPs and their assets shall be undertaken in accordance with the implementation schedule in this report.

Eligibility criteria

Eligibility is defined as those who shall be directly affected by the resettlement and are eligible for compensation and other assistance. Eligible PAPs are those who sustain losses due to project related activities whether individual, institutional, or communal and whether physically displaced or otherwise. Such PAPs will include the following categories in the three (3) Constituencies:

- i. Those resident in the areas affected by the planned works of the development. They will be compensated for their affected property and assets including trees of economic value and crops at full replacement cost.
- ii. Landholders and/or users of land in areas affected by the planned project works will be compensated for land acquired, right of access in TDL as well as crops and trees.

Verification of PAPs will be undertaken following approval of final road designs, based on their ownership, occupation or use of the affected land or asset. The following table details the categories of affected or impacted individuals, groups or entities that are potentially eligible for entitlements as well as types of entitlement available.

Table E-3: categories of affected individuals, groups or entities and type of entitlements.

AFFECTED CATEGORIES	POTENTIAL LOSSES	TYPE OF ENTITLEMENT
Landholders with registered rights to land	Owners of affected asset	
	Loss of land	Rates or evaluation-based replacement or cash compensation.
	Loss of fixed assets including homesteads or business structure	
	Loss of production, productive capability (subsistence, income)	Evaluation-based cash compensation
	Loss of rental income from buildings and land	
	Loss of usufruct arrangements on land	
	Employees of homesteads and business enterprises, agricultural labourers	
Loss of income	Evaluation-based cash compensation	
Communities	Loss of communal assets	Rates or evaluation-based replacement or cash compensation.
Unregistered landholders with socially recognized traditional or customary rights to land	Landholders	
	Loss of land	Indirect benefit-based compensation through social infrastructure development component
	Loss of fixed assets, including homestead or business structures.	
	Loss of production, productive capability (subsistence, income)	
	Loss of usufruct arrangements on land	
	Building tenants or renters, agricultural labourers	
	Loss of rented accommodation	Indirect benefit-based compensation through social infrastructure development component
	Loss of rented space for business enterprise (income, business networks or clientele)	
Loss of production, productive capability (subsistence, income)		
People who have encroached on land without legal rights or claims to land	Landholders, tenants, agricultural labourers, trees and crops of economic values, employees and business enterprises	
	Losses due to planned project works. Inclusive of losses of income, land, subsistence, rented accommodation, moveable and immovable assets and other arrangements.	Not eligible for this project
Government, as legal owner of affected assets	Loss of land, fixed assets including structures	Not eligible for this project

Principles and applicable rates

The proposed compensation model includes a cash compensation, in-kind compensation or both. The proposed compensation packages presented in the table below shall be discussed with the PAPs. The aim is to provide compensation that is both beneficial and sustainable to the affected PAPs.

Table E- 4: Compensation model packages

Cash compensation

1.	Once off compensation	Short to medium term dedicated compensation structure:
		<ol style="list-style-type: none"> i. Livelihood restoration projects in place to ensure that lump sum payment is used for sustainable projects. ii. Livelihood projects and their training in place for 3 years.
In-kind compensation		
2.	<ol style="list-style-type: none"> i. ii. 	Where the project can replace lost assets found to be informal, the affected shall benefit through its social infrastructure development plan.
		Where the project can replace arable land with land of similar size and quality, the project will provide a readily prepared land to affected owner at similar cost on SNL.

IX. LIVELIHOOD RESTORATION PROGRAM

The main objective of the Livelihood Restoration Program (LRP) is to restore or improve the livelihoods of PAPs. The project aims at providing training and start-up inputs to PAPs. The livelihood restoration program is aligned with existing resources, knowledge, skills and household experiences. The proposed LRP is built around four major initiatives, each with sub-initiatives:

- Compensation for losses
- Financial management training
- Land based livelihood support
- Non-land-based livelihood support

X. STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

The RAP team has undertaken multiple rounds of stakeholder engagement between February 2024 and July 2024, including public disclosure of the entire project, policies and guidelines in preparation for the RAP, the ESIA as well as various ongoing engagements with PAPs during the development of this RAP. The PIU through the efforts of the Social Scientist conducted one-on-one negotiations with the PAPs to help them understand the provisions of the RAP as well as their compensation agreements as well as provide additional information, assist in the negotiation of the compensation agreements, and record any grievance through the Grievance Redress Mechanism.

The PIU will publicly disclose this RAP through a formal public consultation process to allow the PAPs to comment on its provisions as well as gain a better understanding of their individual entitlements. The RAP disclosure will include the disclosure of the RAP report on the AfDB website and direct meetings with the PAPs.

Since the land to be appropriated are on TDL, the grievance mechanism access point shall be through the Social Scientist. The Project Manager may be a second most plausible entry point for the GRM as well. Any compensation and resettlement specific grievance may, where appropriate, be resolved directly by the PIT in a discreet, objective, sensitive manner that is responsive to the needs and concerns of the PAPs. If the grievance cannot be resolved by the PIT, it may be escalated to multiple tiers of committees.

XI. GRIEVANCE REDRESS MECHANISM AND PROCEDURES

A Grievance Redress Mechanism (GRM) represents one of the most important processes that should be tackled carefully during project implementation. The mechanism is important for the PIU to ensure that complaints are properly handled without delay that may negatively affect the project. Moreover, the GRM ensures that information is shared transparently and that the project team is accountable to the host communities and the PAPs. Grievances will be addressed through a stepwise and transparent process aimed at reaching consensus between the Project and the affected parties. The grievance redress process will be followed as outlined below:

- Upon receipt of grievance from one of the GRM access points, the Supervising Consultant's E&S Compliance Officer issues an acknowledgement letter/ receipt to the aggrieved within 24 hours.
- After issuing the acknowledgement letter, the Supervising Consultant's E&S Compliance Officer informs the Project Manager of the complaint within 24 hours for screening.
- The PIU Social Specialist and the Project Manager screen the grievance(s) and the PIU Social Specialist refers to a committee relevant to the issue, for resolution.
- The Committee is required to resolve grievances within 15 days.
- A written response regarding resolution of the issue(s) is to be issued by the PIU Social Specialist to the aggrieved within 5-7 days after the case is resolved.
- If the aggrieved person is not satisfied, he or she should appeal to the next level through the PIT Social Specialist within 3-5 days after receipt of the letter.
- In the event there is an appeal, the committee that was responsible for resolving the grievance then refers the case to a higher authority level committee, through PIT Social Specialist.
- An appeal should be resolved within 5-7 days.
- However, if there is no appeal, the case is closed off and recorded by PIU Social Specialist (in log form) as resolved.
- The Social Specialist shall provide feedback to the aggrieved party and ascertain the complainant's satisfaction with the actions taken.
- Thereafter the grievance is formally closed.

XII. MONITORING AND EVALUATION

To establish the effectiveness of all the resettlement activities, the Monitoring and Evaluation (M&E) procedure for the RAP has been designed to readily identify problems and successes as early as possible. The procedures include internal track keeping efforts as well as independent external monitoring. The purpose of monitoring and evaluation for this RAP will be to confirm if:

- Actions and commitments described in the RAP are implemented.
- Eligible project affected people received their full compensation prior to the start of the construction
- RAP actions and compensation measures have been beneficial in restoring PAPs lost incomes and in sustaining or improving pre-project living standards

- Complaints and grievances lodged by project affected people are followed up and, where necessary, appropriate corrective actions are taken
- Necessary, changes in the RAP procedure are made to improve delivery of entitlements to project affected people.

Monitoring and evaluation will be done by the PIU's M&E Officer who will be recruited before implementation of the RAP. The M&E mechanism provides a basis to assess overall success and effectiveness of various RAP processes and measures. The M&E Officer will be in-charge of regular monitoring of the implementation process on an on-going basis.

XIII. IMPLEMENTATION SCHEDULE

The PIU will assume overall responsibility for the implementation and coordination of resettlement activities. A detailed resettlement implementation schedule, which details activities, responsibilities, and timeframes, has been developed in line with the construction schedule. Once the resettlement action plan has been disclosed and approved, implementation of the resettlement action plan and delivery of entitlements will commence. Responsibility for implementing the resettlement measures of the resettlement action plan and delivering entitlements to owners of displaced assets will be with the PIU. The implementation schedule proposed in the following table which will be updated as the implementation progresses and once the construction schedule is in place.

Table E-5: RAP Implementation Schedule

	Activity	Jun-24				Jul-24				Aug-24				Sept-24				Oct-24				Nov-24				Dec-24				Jan-25			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	RAP DEVELOPMENT	■	■	■	■	■	■																										
1.1	Asset inventory and valuation reports	■	■	■																													
1.2	RAP Report			■	■	■																											
1.3	AfDB & MoPWT review of Draft RAP					■	■																										
1.4	Preparation of agreements (legal)						■	■																									
1.5	Public disclosure of RAP and valuation report						■	■	■	■																							
1.6	30-day appeals and comments period						■	■	■	■																							
1.7	Public disclosure of draft agreements						■	■	■	■																							
2	RAP IMPLEMENTATION									■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
2.1	Notice to acquire land (120 days)									■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
2.2	Compensation agreement negotiations										■	■	■	■	■	■	■	■	■	■	■												
2.3	Payment of cash compensation													■	■	■	■	■	■	■	■												
2.4	Salvage of materials and other assets													■	■	■	■	■	■	■	■												
2.5	Provision of replacement land and structures													■	■	■	■	■	■	■	■												
2.6	Handover forms													■	■	■	■	■	■	■	■												
2.7	Stakeholder Engagement									■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
2.8	RAP (interim) closure report																					■	■	■	■	■	■	■	■	■	■	■	■
3	Disputed Claims (Land Acquisition Law)													■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
3.1	Notice through newspaper and gazette													■	■	■	■	■	■	■	■												
3.2	Two-month notice (Article 7)													■	■	■	■	■	■	■	■												
3.3	Dispute Settlement (Board of Assessment)																																

No limit

XIV. INDICATIVE COSTS AND BUDGET

The budget is indicative in nature and has been calculated at the prevailing market prices. The costs are based on information collected through the socio-economic surveys and census of PAPs and from the Ministry of Natural Resources and Energy's valuation report. The present budget is based on the 2024 rates; however, the costs will be updated, and inflation adjusted as the project continues and in respect of more specific information such as extra number of PAPs during implementation, unit cost will be updated, in specific cases, based on justification of same by findings of the PIU on market value assessment. The resettlement budget comprises itemized estimate of compensation for land on TDL, structures, trees, crops, various resettlement assistances, livelihood restoration programs, and contingency. Based on the identified assets and proposed implementation process the overall indicative RAP budget is estimated to be approximately E7 million/US\$387 thousand.

Table E- 6: RAP Implementation Indicative Budget

No	Description	Compensation Amount	
		Cost (SZL)	Cost (USD)
1.0	SNL (24m Servitude)		
1.1	Structures	0.00	0.00
1.2	Other Improvements (Fences)-households	363,430.62	20,059.42
1.3	Land (Permanent Loss)	0.00	0.00
1.4	Other Improvements (Fences)-farmland	562,680.00	31,056.92
1.5	Loss of Crops (1 year)	139,500.00	7,699.65
1.6	Loss of Crops (2 years)	139,500.00	7,699.65
1.7	Loss of Crops (3 years)	139,500.00	7,699.65
	Sub total	1,344,610.62	66515.65
	Inconvenience Allowance (10%)	134461.06	6651.57
	Total	1479071.68	73167.22
2.0	TDL (24m Servitude)		
2.1	Loss of Land	14,390.50	794.28
2.2	Structures	1,338,185.28	73,860.66
2.3	Other Improvements (Fences)	0.00	0.00
	Sub total	1,352,575.78	74,654.94
	Inconvenience Allowance (10%)	135,257.58	7,465.49
	Total	1,487,833.36	82,120.43
3.0	Livelihoods Restoration		
3.1	Land Rehabilitation	Construction Budget	Construction Budget
3.2	Land Preparation Allowance	80,000.00	4,415.57
3.3	Employment	Construction Budget	Construction Budget
3.4	Once-off farming input package	271,500.00	14,985.35
3.5	Replacement Saplings	25,000.00	1,379.87
3.6	Financial Literacy Training	250,000.00	13,798.66
3.7	Loss of Income	432,000.00	23,844.09
	Total	1,058,500.00	58,423.53
4.0	Administrative Costs		
4.1	PIU Team Expenses	1,000,000.00	55,194.64

No	Description	Compensation Amount	
		Cost (SZL)	Cost (USD)
4.2	Consultative Forums Administration Costs	300,000.00	16,558.39
4.3	Grievance Redress Admin Costs	1,000,000.00	55,194.64
4.4	Resettlement Specialist	750,000.00	41,395.98
4.5	Independent Auditor	500,000.00	27,597.32
Total		3,550,000.00	195,940.99
Grand Total (1+2+3+4)		6,096,333.36	336,484.95
Contingency (15%)		914,450.00	50,472.74
Grand Total		7,010,783.36	386,957.69

1. INTRODUCTION

The Government of Eswatini (GoE) through the Roads Department in the Ministry of Public Works and Transport (MoPWT) intends to improve on the country's road network. Through assistance from the African Development Bank (AfDB), the GoE intends to develop the MR21 that connects Maloma and Siphambanweni.

1.1. Overview of the MR21 Project

The MR21 national road links southern eSwatini, with National Road MR-8 Manzini-Lavumisa and National Road MR-11 Lavumisa-Nhlangano. While the MR8 is a tarred road, the MR21 is a gravel road from the project start at Maloma, up to the project terminus at Siphambanweni. It is therefore in the interests of solid long-term planning that MR21 is upgraded to bitumen standard, given that the agricultural benefits that will come with the construction of Mpakeni Dam and irrigation schemes at St Phillips and Lavumisa, need to be enhanced for the growth in the agricultural sector, and hence that of the national economy. Furthermore, the development of MR21 will enhance the development of Siphofaneni and Lavumisa Town. The project roads are anticipated to significantly ease travel times, reduce wear and tear as well as open the local communities to development on real estate and industry. The planned expansion of Maloma coal mine will significantly support the anticipated outcomes of the project objectives. The project objectives are listed below:

- To promote equal access to economic and social development opportunities across the country and by doing so, enhance Government's efforts for poverty eradication and economic development.
- To improve the quality of the National Road Network and improve connectivity to all areas of the country.
- To transfer skills and build technical capacity through on the job training.
- To improve access to goods/passenger transport services and reduce transport costs along the route.
- Reduce rural travel time and costs and promote a more competitive transport sector.
- To improve access to social and economic development opportunities along the route, by providing high-capacity infrastructure.
- To ensure no roadside communities become worse off because of the road upgrading works.

1.2. Description of the project area

The proponent, the Government of Eswatini (GoE), through the Ministry of Public Works and Transport (MoPWT), is updating the feasibility study and detailed designs for the Maloma-Siphambanweni (MR21) Road. Part of the study is the development of a Resettlement Action Plan (RAP). The MR21 straddles the Shiselweni Region where it runs in a southerly direction from Maloma for approximately 21 km to Siphambanweni.

Figure 1-1: MR21 Project Area



1.3. Project Activities Giving Rise to Resettlement or Displacement

The project activities that are anticipated to cause resettlement and/or land acquisition are the construction works of the new road which shall run from Maloma to Siphambanweni. The construction of the road even though the existing road alignment will be used, requires a servitude of 24 meters for its entire length of approximately 21 km.

1.4. Structure of the RAP Report

The rest of the report is structured as follows.

- CHAPTER 2:** Purpose and Scope of the RAP Report
- CHAPTER 3:** Legal and Policy Framework
- CHAPTER 4:** Methodology
- CHAPTER 5:** Description of the Project
- CHAPTER 6:** Socio-economic Survey
- CHAPTER 7:** Resettlement Impacts and Mitigation Measures
- CHAPTER 8:** Entitlement and Compensation Framework
- CHAPTER 9:** Livelihood Restoration Program
- CHAPTER 10:** Grievance Redress Mechanism
- CHAPTER 11:** Monitoring and Evaluation of the RAP
- CHAPTER 12:** Consultations
- CHAPTER 13:** Implementation Arrangements and Schedule
- CHAPTER 14:** Budget Estimates
- CHAPTER 15:** Conclusions and Recommendations

2. PURPOSE AND SCOPE OF THE RESETTLEMENT ACTION PLAN

2.1. Purpose of the Resettlement Action Plan

The purpose of the RAP is to detail project affected persons (PAPs) and whose livelihoods are likely to be adversely affected by re project activities, both during construction and operation. The RAP is an integral part of the feasibility study as it not only addresses the social implications of the road project but also contributes to the overall sustainability and social acceptability of the development. It is a critical tool for managing the risks associated with resettlement and ensuring that the project does not result in long-term hardship or impoverishment for those affected. The RAP aims to:

- Ensure that any involuntary resettlement of individuals, families, businesses, or communities resulting from the road construction is conducted in a socially responsible and sustainable manner.
- Provide timely compensation for loss of assets at replacement costs and be assisting temporarily displaced persons in their efforts improve or at least restore their livelihoods and living standards in real terms to pre-displacement levels or to levels prevailing prior to beginning of project implementation.
- To also ensure that project associated activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

The RAP preparation and implementation will be based on the following principles based on the AfDB's Operational Social Safeguards.

- AfDB policy objectives urge that resettlement be avoided wherever possible.
- If resettlement is unavoidable, the displaced persons need to share in project benefits.
- PAPs need to participate in planning and implementation of resettlement programs; and
- PAPs need to be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to level prevailing prior to the beginning project implementation, whichever is higher.
- Transparency, to ensure that project affected persons are consulted effectively.

These principles are applicable even when no physical relocation may occur since the AfDB's OSS also covers taking of land, assets, access to assets as well as loss on income resources or means of livelihood whether the affected persons must move or not.

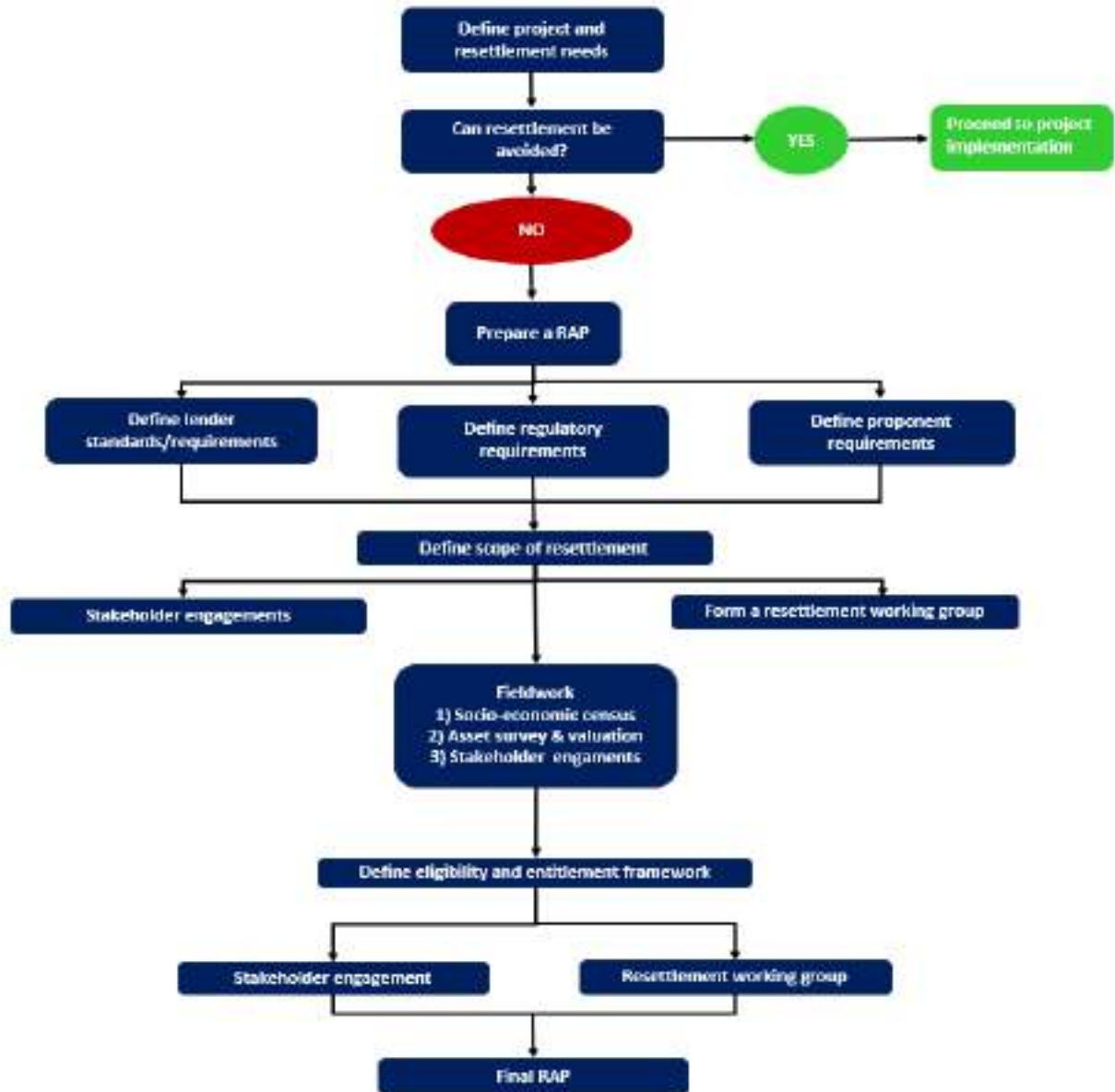
2.2. Scope

The identification of directly affected assets was considered under the servitude of 12m from the road's centre line of the existing alignment. The RAP operates under the parameters of the terms of reference and designs of the proposed road with the ultimate objective of integrating the social safeguard guidelines for the AfDB's policy on involuntary resettlement (Involuntary Resettlement Policy, 2003) to ensure that this RAP has been compiled with the following activities being undertaken:

- Review and analysis of the secondary data information contained in official reports.
- Identification of the PAPs along the railway corridor and an assets inventory has been compiled for all the identified PAPs. The inventory has included affected land, structures, trees and crops, livelihoods, and cultural assets.
- Eswatini's legal provisions have been reviewed and compared with the AfDB policies to identify any gaps and necessary recommendations to harmonize the two have been incorporated in resettlement planning.
- The land acquisition schedule and the resettlement plan have been prepared with the necessary budget to facilitate the implementation.
- Consultations have been held with the PAPs, community, and stakeholders.
- Conducting a socio-economic survey on the socio-economic status of the PAPs along the road corridor using a questionnaire.
- Observations along the road corridor for empirical evidence on characteristics of the communities to be potentially affected by the development.

The resettlement planning process is outlined in the figure 2-1 below.

Figure 2-1: RAP Process



3. LEGAL AND POLICY FRAMEWORK

3.1. Introduction

The MR21 resettling planning will adhere to the national laws, regulations and standards established in Eswatini. Additionally, the project will conform to the requirements of international best practice. This section summarizes the policy and legislation context for compensation and resettlement activities on the MR21 road rehabilitation works and resettlement programme, as set out in the policies and legislation of the Government of Eswatini (GoE) on involuntary resettlement. In addition to the national legislative framework, the RAP process was undertaken in line with AfDB's ISS particularly OS5 of their 2023 update. OS5 of the Environmental and Social Risks (E&S) addresses land acquisition, restrictions on access to land use and involuntary settlement.

3.2. Legislative Framework

The body of legislation guiding the implementation of this RAP and its processes is discussed in turn below in no order of importance.

The Constitution of the Kingdom of Swaziland, 2005

The Constitution of the Kingdom of Swaziland defines the legal context in which all aspects of human development for Emaswati, including land matters can operate. The Constitution is the dominant law of the land and defines land ownership in Eswatini. Other matters follow from this main law as defined in specific legislations. Overall, the law must ensure that project activities are undertaken in compliance with the respective policy requirements. Also, the Constitution of the Kingdom of Eswatini provides for the rights of citizens to own property and disallows the deprivation of one's property held in accordance with the law, unless the owner is fairly and adequately compensated.

The Environmental Management Act, 2002

The GoE has, in line with international practice, recognized the need to develop, implement and enforce environmental policies, laws and regulations to protect natural resources, public health and social/individual wellbeing. At present, a number of acts govern aspects of the environment. Prominent among them are the Swaziland Environment Authority Act of 1992 which has been replaced by the Environmental Management Act (EMA) 2002. By this Act, the Swaziland Environment Authority (SEA), now Eswatini Environment Authority (EEA) was established purposely to set standards and guidelines relative to pollution of air, water, and land; to establish guidelines for the preparation of environmental impact assessments, audits, and evaluations, and to control all forms of environmental pollution.

The Roads and Outspans Act, 1931

The Act makes provision for the establishment of public roads and outspans. It stipulates the maximum widths of main roads and compensation for opening, construction and maintenance of any public

road/bridge or damage to the environment. It specifies the legal outspans or right of way on this road as 19m from the road centreline.

The Acquisition of Property Act, 1961

The Act makes provision for the compensation of both land and structures for private landowners having Title Deeds and for loss of crops on Swazi Nation Land held through *kukhonta*. It empowers the government to expropriate land in the public interest.

The Land Use Planning Policy

This policy is under the Ministry of Agriculture and proposes to address the issue of land use for the rural-urban and peri-urban areas. The main purpose is to find a way of achieving the best possible use of land through optimal sustainable management of land and water resources in support of equitable economic development, improve environmental conditions, reduce desertification, and land degradation.

The National Resettlement Policy, 2002

Under the Ministry of Agriculture, the National Resettlement Policy of 2002 was developed. The policy is a new vision, commitment, and strategy for sustainable focuses on the threat to Eswatini's rural lands that are disappearing due to soil erosion, overgrazing, and expanding population.

The Rural Planning, Development and Resettlement Bill, 2003

Given the need to develop a national compensation and resettlement policy to fill the legislative and institutional void, and with increasing international pressure, the government has set up recommendations for legislative reform in the rural Planning, Development and Settlement Bill, yet to be enacted. This will overtake the Acquisition of Property Act No. 10 of 1961, which deals with compensation packages for displacement by public works.

The Bill aims to promote established principles of Rural Planning and Development. According to the Bill, resettlement encompasses the relocation of persons, their homesteads, goods, possessions, and livestock from the location where they customarily reside to another location (the new land) as a result of direct or indirect impact of some public works, etc., or any other purpose which involves the removal of persons from their former land as a necessary and unavoidable consequences of its implementations. Where the resettlement is involuntary, people adversely affected would be entitled to compensation in accordance with the provisions of the Bill.

The Resettlement and Compensation Policy, 1969

Given that the Rural Planning, Development and Resettlement Bill has not been enacted, the Resettlement Plan will be guided by principles of the Resettlement and Compensation Policy (1969) in its approach to the resettlement of people in the Host Areas in rural settings. Resettlement and compensation are to be based on the following principles:

- In line with international “best practice” to restore and enhance the livelihoods, living standards and conditions of project-affected people as closely as possible so that they are better off than they were prior to the construction of the road. Although compensation can be in kind, or in cash, an emphasis is placed on in-kind compensation.
- To identify affected people and communities (defined as those who in any way are deprived of assets or access) as project beneficiaries who fully participate in the project and are not merely recipients of compensation.
- To ensure that affected people and communities do not bear the costs of resettlement, by relocating and supporting them during the transition period, and by compensating them for losses they incur.
- To plan and implement mitigatory measures and provide for the monitoring and evaluation of project impacts, up to post-resettlement stages.
- To give special attention to the needs of vulnerable groups and individuals.
- To consider the host community as an affected party; and
- To ensure the participation of affected people as leading planning principles.

The Resettlement and Compensation Policy gives recommendations, some of which are appropriate to this Resettlement Plan. These are:

- Mitigation of negative impacts shall be planned, financed and implemented; a plan shall be drawn up providing for: consultation with affected parties, compensation, scheduling, monitoring and evaluation and development support interventions over a phased program up to post-resettlement monitoring by an independent body such as a non-governmental organization (NGO) or consultant should be undertaken to measure the success of resettlement and compensation, and to assess problems.
- Maximizing mainstream project benefits for affected parties, such as employment during construction, this through devising and implementing a preferential system of job placement; ensuring contractors are obliged as far as possible to employ, train and provide certificates to local labour; involving affected communities in determining eligibility for employment; and monitoring contractors adherence to job preference regulations and social practices.
- Minimizing social dislocation and enhancing integration; for example, during relocation, keeping multi-generational families and distinct communities intact as far as possible by resettling them as a group of smaller groups of their devising.
- Providing special assistance to vulnerable groups in the form of allowing first priority in selection of sites in the host area, relocating them near next-of-kin and old neighbours, arranging for a contractor to rebuild their houses, helping with the dismantling of salvageable building materials, prioritizing access to all other mitigatory measures, and monitoring their nutritional and health status for 3 years.
- Ensuring participation and consultation of affected parties when property is assessed, graves are located and bodies exhumed and reburied, negotiating relocation and compensation options,

discussing schooling needs, issuing written notifications of agreements, and when any unanticipated problems arise, the policy discusses who should be consulted within homesteads, the composition of Community Resettlement Committees, and the kind of training and consultation skills that are required.

- Involvement of the host community in the project; and
- Support rendered to affected parties; for example, providing for the orderly and timely transport of people and their goods, including agricultural equipment and livestock, to their allocated site in the Host Area. A relocation schedule shall be drawn up in consultation with the relevant community resettlement committee, and notices delivered to affected parties. During the transition period, the GoE shall be responsible for helping, such as water, food and shelter needs of affected parties.

The policy details the nature of compensation for various assets, and outlines compensation arrangements for the loss of resources and assets. The policy has been used to formulate and implement procedures to ensure that environmental issues have been considered at all key decision points of the project. However, the need to formalize a new up-to-date national resettlement policy with guidelines conforming to the World Bank's social safeguards has become of utmost importance to ensure standardization over the resettlement of people within Eswatini.

The Resettlement Policy Implementation and Compensation Guidelines, 1996

At present the Ministry of Housing and Urban Development applies the MHUD Resettlement Policy Implementation Guidelines (approved 17/10/1996) to implement the Urban Development Project (UDP). The MHUD's resettlement policy guidelines have been formulated under the guidance of the World Bank Policy objectives for involuntary resettlement. The World Bank policy defines as its fundamental objective to restore the income and livelihood of affected people and, if feasible to improve them. The basic goal is "preventing and avoiding impoverishment of people, the major risk incurred in forced population displacement". The policy gives guideline principles to every project where involuntary displaced people are affected, providing guidelines for:

- Previous standard of living
- Compensation
- Assistance with relocation
- Vulnerable groups
- Community participation and
- Resettlement planning

3.3. AfDB Policies and Guidelines

Involuntary Resettlement Policy, 2003

The primary goal of the involuntary resettlement policy of the AfDB is to ensure that when an intervention requires people to be displaced, they are treated equitably and share in the benefits of the project that involves their resettlement, improving their living standards. The policy provides guidance and sets up a mechanism for monitoring the performance of resettlement programs. Most importantly, the policy requires that a RAP be prepared under a development approach that addresses the livelihoods and living standards of displaced persons as well as compensation for loss of assets, using a participatory approach at all stages of project design and implementation. A key aspect of the policy is the provision of compensation for lost assets and the inclusion of affected persons in the decision-making process through a participatory approach at all stages of project design and implementation. The policy identifies three groups of people who are entitled to compensation for the loss of land or other assets taken for project purposes:

- Those who have formal legal rights to land or other assets recognized under the laws of the country. This category will include people who are physically residing in the project area and those who will be displaced or may lose access or suffer a loss in their livelihood because of the project activities.
- Those who may not have formal legal rights to land or other assets at the time of the census can prove that they have claim such as land or assets that would be recognized under the laws of the country. This category may also include those people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land (e.g., graveyards, sacred forests, places of worship). This category may also include sharecroppers or tenant farmers, seasonal migrants, or nomadic families losing user rights, depending on the country's customary land use rights. Additionally, where resettles lose access to resources such as forests, waterways, or grazing lands, they would be provided with replacements in kind.
- A third group of displaced persons are those who have no recognizable legal right or claim to the land they are occupying in the project area and who do not fall into any of the two categories described above. This category of displaced persons will be entitled to resettlement assistance instead of compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures, and crops, etc.), provided they occupied the project area before a cut-off date established by the borrower and acceptable to the Bank. At the minimum, under the Bank's policy (with no contradiction to the borrower's legislation), land, housing, and infrastructure should be provided to the adversely affected population, including indigenous groups, ethnic, linguistic, and religious minorities, and pastoralists who may have usufruct rights to the land or other resources taken for the project. The cut-off date must be

communicated to the project-affected population. Persons who encroach on the project area after the cut-off date are not entitled to any form of resettlement assistance.

The AfDB also has a developed framework with which all AfDB funded project must align with. The AfDB's operational safeguards are cross cutting and interlapping. Their design is to ensure that they do not work in isolation even though at each stage of project implementation, one may be more relevant than others. For this reason, while the RAP has elements of OS1: Assessments and Management of Environmental and Social Risks and Impacts, OS4: Community Health, Safety and Security, OS6: Habitat and Biodiversity Conservation and Sustainable Management of Living Natural Resources, it is OS5: Land Acquisition, Restrictions on Access to Land and Land Use, and involuntary Resettlement that is more directly related to the RAP implementation and its processes. Its application is discussed below.

OS5: Land Acquisition, Restrictions on Access to Land and Land Use, and involuntary Resettlement

The objective of this E&S OS5 are to avoid involuntary resettlement where feasible, or minimize resettlement impacts where resettlement is unavoidable. It also ensures that resettlement impacts are informed by social assessments including gender issues. This OS prescribes continued stakeholder and community engagement, compensation and assistance as well as resettlement planning in AfDB funded projects. It emphasizes the importance of leaving project impacted communities in a better off position that before project implementation. OS5 additionally RAP requires that the process is developed to continuously improve by taking feedback from PAPs and incorporating them to ensure optimal outcomes. OS5 proposes the inclusion of a grievance redress mechanism to facilitate deeper community participation in the project and the RAP process.

AfDB Gender Policy

The policy is based on the premise that Africa has pronounced region-specific gender characteristics that are of direct relevance to its economic and social development. It considers the international agenda, which calls for transformation, aimed at achieving full and equal partnership between men and women. Gender has become an issue for development intervention. First, inequalities continue to exist between women and men despite significant improvement in the absolute status of women and gender equality in most African countries. This policy codifies the Banks9 formal commitment to the gender mainstreaming approach. It seeks to define a more systematic approach to planning of development interventions so that they can address the priorities of women as well as men for greater efficiency, effectiveness and sustainability. The focus of this policy is gender relations, which shape outcome for both men and women. With introduction of the gender analytical framework, the fundamentally social nature and gender differences that result in inequalities between women and men gains greater visibility. The policy adopts the concept of "gender mainstreaming" as a key strategy for overcoming women's exclusion from decision making and from access to any control over development resources and benefits.

Bank Group Policy of Poverty Reduction

The goal of the Bank's poverty policy is to ensure that poverty in Africa is reduced. This involves development of strategies that facilitate national ownership, participation and an orientation towards improvements in the welfare of the poor, especially in the achievement of Millennium Development Goals (MDGs). The policy framework formed the basis of the development of the RAP.

Disclosure and Access to Information, 2012

This revised policy supersedes the AfDB Policy on disclosure of information dated October 2005. The Policy provides the Bank group with an improved framework within which to disclose information on policies and strategies and key decisions made during project development and implementation. Maximum disclosure and access to information will increase public support for the RAP and its implementation. During the RAP process the PIU through the Social Team will keep the PAPS fully informed on the progress being made in its implementation.

Handbook on Stakeholder Consultation and Participation in AfDB Operations, 2009

The AfDB recognizes that a participatory approach to implementing development infrastructure projects is significant in ensuring that the project host communities are included in the decision making and considered in advancing the projects. The participatory approach deepens collective ownership and ensures that the project outcomes and positive knock-on effects are sensitive to the host communities' culture and vulnerabilities. The RAP was developed with this guiding principle in mind and is envisaged that this will enhance RAP quality and ownership.

3.4. Land Tenure System

Eswatini's land tenure system is characterized by a dual structure that has evolved through historical events, including the impact of colonialism and post-colonial land policies. This system is divided into two main categories:

Swazi Nation Land (SNL)

SNL is communal land that is an integral part of Eswatini's cultural identity and serves a social equity function by providing access to land for heads of families. The Constitution of 2005 vests executive authority for the management and governance of SNL in the Ngwenyama (the King) in trust for the Nation.

Title Deed Land (TDL)

TDL, or freehold tenure, is individually owned land that was mostly acquired by South Africans in the early 20th century. Farms under individual tenure are highly productive, contributing significantly to the country's export earnings and employment.

3.5. Comparative analysis of Eswatini Laws and AfDB Safeguards

Inconsistencies and gaps that exist between AfDB safeguard policies and Eswatini Laws, policies and regulatory requirements relevant to resettlement and compensations are discussed in the table below. This is done to identify situations where either the AfDB or Eswatini provisions need to be applied for purposes of effective implementation of this RAP. Where gaps exist between Eswatini and AfDB provisions, recommendations are made on which laws and regulatory requirements should be applied during the implementation of this RAP.

Table 3-1: Comparative analysis of Eswatini Laws and AfDB Requirements

Impact	AfDB's OS	Eswatini Legal Framework	Eswatini Policies	Gap Analysis	Gap filling measures
1. Eligibility criteria					
Loss of legal right or possession	According to OS5, those eligible include: (i) Persons who have formal legal rights to land or assets. (ii) Persons who do not have formal legal rights to land or other assets at the time of the census/ evaluation but have a claim to land or assets that is recognizable under national law; (iii) Persons who have no recognizable legal right or claim to the land or assets they occupy or use. and do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower or client and acceptable to the Bank.	Section 211(3) of the Constitution provides 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...” Section 14 (1) (d) of the Constitution guarantees the right of all individuals the protection from deprivation of property without compensation. Section (14) (1) (c) secures the right of individuals to protection of their property rights. Section 20(1) and (2) provides thus; S.20(1) – all persons 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 gender, ...,	National Resettlement Policy, 2003. The policy states that “all persons affected by resettlement shall have their livelihoods, living standards and conditions restored”, however includes that “with respect to homesteads that settle in areas not designated for settlement, such as road reserves, rangeland, no compensation will be paid in the event they are required to relocate or vacate”. Ministry of Housing and Urban Development Policy, 1994 provides that: (i) Owners of free hold land will be eligible for compensation based on the title deed, the current value of the land and any improvements on the land. (ii) Established residents - residents of the area without title deed or living on traditionally held land are also entitled to compensation, however; this will be limited to the value of	There is no significant gap between OS5 and the provisions of the Constitution of Eswatini, given that the latter also guarantees the protection of all occupiers of land that is to be affected by land acquisition.	The RAP shall apply both the national laws and OS5 where the need arises. However, the law that will provide a better compensation package shall supersede.

Impact	AfDB's OS	Eswatini Legal Framework	Eswatini Policies	Gap Analysis	Gap filling measures
		social or economic standing..., age or disability	improvements on land held and costs associated with relocation. (iii) Those who live as illegal squatters, without legal title nor traditional claims to land, these stakeholders will be compensated for relocating and the value of improvements on the land.		
2. General principles for compensation and benefits					
Compensation values and livelihoods	OS5 offers PAPs compensation at full replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation for such losses is to be paid prior to the actual relocation; before land and related assets are taken; and, if the project is implemented in phases, before project activities begin for each phase.	Section 15 of the Acquisition of Property Act identifies the factors that need to be considered when determining compensation, namely: (i) market value of the property. (ii) damages sustained by the person interested in severing any land. (iii) damages sustained by reason of the acquisition injuriously affecting any other property of the person. (iv) any reasonable expenses incidental to a change of residence or business as a consequence of the acquisition. (v) The factors listed in Section 15 of The Acquisition of Property Act 10, 1961 requires that the person affected by the acquisition	National Resettlement Policy, 2003: All persons affected by resettlement shall have their livelihoods, living standards and conditions restored so that within a reasonable time from when they suffered losses and inconvenience, they are no worse off than they were before the process of resettlement began. With respect to the types of compensable losses, if the objective is to restore people to an equal or better condition, then it is necessary to consider loss of any rights to or interests in land (i.e. loss of buildings and other improvements); loss of livestock and other	No significant gaps exist between national laws and AfDB policy directives, particularly OS5.	The RAP will apply National Laws when compensating PAPs because no significant gaps exist between AfDB's OS5 and local legislation. The local legislation is sufficient to cover compensation values and livelihoods restoration.

Impact	AfDB's OS	Eswatini Legal Framework	Eswatini Policies	Gap Analysis	Gap filling measures
		<p>should be placed in the position where he/she was had before being affected by the move, if not better. (vi) Sections 9 & 10 of the Act articulates the procedure for settlement of disputes for compensation.</p>	<p>animals; loss of income bearing trees; losses from arable and garden land; loss of rights to access to communal assets like grazing land, wood lots, forests and the like; loss of sources of income, loss of access to public facilities; costs associated with relocating, etc. Ministry of Housing and Urban Development Policy, 1994 provides that: Guideline 3of the Policy states that impacted persons shall be compensated for their losses at replacement cost prior to the actual move.</p>		
<p>Opportunities for PAPs to derive appropriate development benefit.</p>	<p>OS5 asserts that the borrower or client makes every effort to provide opportunities to the affected people to derive appropriate development benefits from the project that involves their resettlement. The borrower or client specifically engages with the affected people as project beneficiaries and discusses with them how project related development benefits - for example, access to electricity, roads, sources of irrigation or domestic water supply might be obtained and spread most effectively among them.</p>	<p>There is no legislated requirement in Eswatini for developments to ensure that PAPs are offered opportunities to benefit from development.</p>	<p>There is no specific policy that stipulates that measures are to be taken to ensure that PAPs directly benefit from a development.</p>	<p>Only AfDB safeguard policies specifies the need for PAPs to benefit from developments that directly affect them.</p>	<p>OS5 shall be applied to ensure that PAPs and their eligible dependents are offered benefits from the project, especially during the construction phase.</p>
<p>Vulnerable groups</p>	<p>OS5 requires that particular attention is be taken to ensuring that the</p>	<p>There is no legal framework in Eswatini for ensuring that</p>	<p>National Resettlement Policy, 2003 The Policy</p>	<p>Only AfDB safeguard policies</p>	<p>OS5 shall be applied to ensure that special attention is</p>

Impact	AfDB's OS	Eswatini Legal Framework	Eswatini Policies	Gap Analysis	Gap filling measures
	interests of both women and men and of the elderly and the handicapped are considered when formulating and implementing compensation packages, resettlement assistance measures and livelihood improvement measures.	compensation packages pay particular attention to vulnerable group.	states that special attention shall be directed to the needs of vulnerable groups among the displaced population, such as those below the poverty line, the landless, the elderly, women, and children.	specifies the need for PAPs to benefit from developments that directly affect them. There is no specific policy in Eswatini that stipulates this requirement.	paid to the specific needs of vulnerable PAPs in the determination of compensation packages and livelihood improvement measures. The local policy is not supported by any legislation or regulations to operationalize its provision with respect to vulnerable groups.
Counselling	It is a requirement of OS5 that when cash payments are made, project affected persons should be provided with counselling to ensure that they have the knowledge to use the compensation wisely.	There is no legal framework in Eswatini for the provision of counselling of PAPs.	There is no reference to counselling in policies for Eswatini.	There is a gap between AfDB requirements and local provisions because there is no legislation in Eswatini which deals with the aspect of counselling for PAPs.	OS5 requirements shall be applied during implementation of this RAP to ensure that counselling is provided to PAPs prior to and post cash compensation pay-outs.
3. Displacement					
Disclosure	For Category 1 public sector projects, OS5 requires that the final and cleared versions of key environmental and social assessment documents, including RAP summaries, are to be disclosed at least 120 days before Board consideration.	In the situation of Eswatini, the Environmental Audit, Assessment and Review Regulations, 2000 require that once ESIA/EMP documents and any accompanying RAPs have been reviewed by EEA, they are placed in strategic places for public review. The availability of such documents is disclosed to the public through the local	Eswatini does not have a relevant policy for the disclosure of the recommendations of RAPs.	The local requirements for disclosures are not specifically for RAPs, but for EIA and ESIA studies.	This project will apply both OS5 and the Environmental Audit, Assessment and Review Regulations, 2000 with respect to the discloser of this RAP and the associated ESIA report. The AfDB will apply its OS5 requirements and disclose a summary of the RAP in their website.

Impact	AfDB's OS	Eswatini Legal Framework	Eswatini Policies	Gap Analysis	Gap filling measures
		print media over a period of 2 weeks, after which the documents will be available for public review and comments for an additional period of 30 days.			
Monitoring and Evaluation.	In accordance with OS5, the borrower or client is responsible for the implementation, monitoring, and evaluation of the activities set out in the Resettlement Action Plan, and it keeps the Bank informed of progress.	There is no legislation in Eswatini that governs the monitoring and evaluation of the recommendations of a RAP. However, the Acquisition of Property Act, 1961 only goes as far as ensuring that information on Deeds transfers is documented.	National Resettlement Policy, 2003. It is National Policy that monitoring, and evaluation of rural resettlement programs are treated as an integral part of the resettlement process, with verifiable indicators based on programme objectives in place.	There is no local legislation that specifically provides for the monitoring and evaluation of aspects of resettlement. The National Policy only acknowledges that monitoring and evaluation is essential elements for any resettlement process.	In the absence of national legislation necessary to operationalize the national policy requirement, OS5 shall be applied for the implementation of this RAP.

4. METHODOLOGY

The RAP was undertaken using several instruments including desktop review of available documents, site visits, consultation of directly affected people, physical identification, enumeration of affected properties, measurement of affected properties as well as topographical maps with embedded ROW from the road design Engineers. Careful identification of and determination of the number of PAPs and affected properties was done and consultation was made with the Design Engineers and the Project Manager.

4.1. Literature Review

The preparation of the RAP was informed by the findings from the specialist studies for the MR21. The documents and reports provided information on the detailed scope of work for the project and social impacts. The studies used include the ESIA report, detailed design report for the MR21 as well as the legal instruments presented in chapter 3 of this report. A desktop study of Eswatini legislation and policies on land acquisition as well as the AfDB policies on involuntary resettlement was undertaken. From the site visits, it was evident that disruptions on some portions of the alignment could be minimized by re-aligning and at some points, like Sithobela, informal structure removal could not be avoided. The review of literature and legal framework gap analysis therefore was to provide insight into any differences in resettlement and compensation provisions in the national legislation framework and the AfDB's E&S OS. The aim of this analysis was to recommend mitigation in any observed misalignments.

4.2. Asset Registration, Cadastral Survey and Land Evaluation

Asset registration and verification targeting the directly impacted was undertaken between May 2024 and July 2024. Identification and registration of assets occurred in the presence of their owners, or their representatives to verify accuracy of surveyed/measured assets and ownership details. The asset types that were registered included structures, land, equipment, fences and plants of economic value.

4.3. Asset Recording Methodology

The asset registration exercise recorded all permanent and temporary losses incurred by the asset owners and/or custodians thereof. The inventory of affected assets differentiated between individual assets (such as structures, gardens, fields), communal assets (such as markets, bus waiting areas), as well as community, institutional or Government assets and facilities. The assets were further differentiated according to moveable/non-moveable, land tenure (TDL/SNL), use of land (business, residential). Information recorded for households included the coordinates of household's location, affected assets and their size in units of measurement.

4.4. Summary of Steps in Asset Determination, Valuation and Compensation

The methodology and steps undertaken to identify PAPs and their assets which will be directly impacted by the project are summarized in the following table.

Table 4-1: Summary of PAPs and Assets Determination Process

STEP	ACTIVITY
1: Updated road designs.	AutoCAD and Google maps depicting the road alignment and servitude were used as a basis of identifying PAPs and associated directly impacted assets.
2: Verification of identified assets in ROW	The Social Specialist conducted site visits to verify the existence of the assets identified in step 1 to be on the ROW. The Social Specialist also secured the names and contact details of owners of verified assets.
3: Design of asset registration instruments	Hard copies were used for PAP signatures.
4: Recruitment and of data collecting teams.	Teams were recruited and trained on asset recording, registration and verification.
5: PAP briefings.	The Social Specialist facilitated briefings with affected persons. Specific briefings were held with owners regarding impacts on assets.
6: Verification of ownership	Since the assets on the MR21 found to be in the ROW are on TDL, verification of ownership was done through the Deeds Registry.
7: Affected assets verification	Asset verification was undertaken and all surveyed and registered assets information inclusive of IDs, ownership and other details were put together in a verification form per asset per owner and presented to the asset owner for signature. Signing was witnessed by next of kin and the Social Team. Verified assets data enabled valuation to take place so that compensation entitlements could be computed, and compensation values derived. PAPs who did not sign were re-engaged.
8: Affected assets valuation	Buildings – The principle is to replace the same floor area of buildings using standard modern materials. The applicable replacement costs for construction materials, as well as associated labour costs needed to build the replacement structure, was used to calculate the values. Compensation will be paid in-kind for the replacement cost without depreciation of the structure. The Registered Valuer determined the current replacement cost using market rates according to the building materials used. TDL – cash compensation based on valuation by Valuer. Loss of business – Compensation for loss of business based on valuation or cash compensation based on compensation rates
9: Cut-off dates declaration	Cut-off dates were set after the census prevent influx into the area and were declared by the Eswatini Government through the PIU. The process of verification and adjudication can continue after the cut-off date.
10: Relocation and compensation disbursements	Both physical relocation and compensation disbursements need to be implemented in alignment with a detailed implementation program.
11: Livelihood restoration	This step will be informed by the socio-economic census of PAPs and the identification of vulnerable people and gender mainstreaming requirements.
12: Monitoring and evaluation	A Monitoring and Evaluation System for RAP implementation is separately prepared and will be informed by RAP related studies (ESIA, RAP and LRP). Active M&E will commence with resettlement and LRP implementation.

5. DESCRIPTION OF THE PROJECT

5.1. Key Objectives of the Project

The overarching objective of the project is to support the economic development of Eswatini through facilitation of easier access to markets and connection to the Southern African Development Community's (SADC) road network. The under arching but equally significant objective is to enhance the socio-economic environment through facilitating lower transport costs and connecting the rural economy with the more economically vibrant urban economy. These two broad objectives can be broken down into the following:

- i. Promoting equal access to economic and social development opportunities across the country thus contributing to the Government's efforts to eradicate poverty through economic development.
- ii. To improve the country's road infrastructure and fulfil the objectives of the National Transport Master Plan.
- iii. The project will facilitate the transferring of skills and build technical capacity through on the job training.
- iv. Reduce costs associated with transporting goods and time taken to transport goods. This benefit is anticipated to trickle down to the community by opening local markets to a broader range of goods and services and moderating their price at the local level.

5.2. Description of the Project Area

The MR21 has portions lined with undeveloped farms behind which are homesteads. The road infrastructure project spans approximately 21 kilometres and cuts across the Ngudzeni, Sigwe and Matsanjeni South Constituencies. The study focused on areas to be directly and immediately impacted by the project and communities at the second level impact trajectory.



Figure 5-1: Project Location



5.3. Key Project Activities

The project will involve multiple essential activities from initial planning to operational stage. Critical activities for the project are presented in the following table.

Table 5-1: Key Project Activities

	PHASE DESCRIPTION	KEY ACTIVITIES
 PRELIMINARY & PLANNING PHASE	<p>This phase involves designing, understanding and communicating the project concept. It also includes assessment of the project site with intention of identifying potential negative and positive impacts.</p>	<ul style="list-style-type: none"> ▪ Site assessments ▪ Road design and engineering ▪ Bio-physical environmental assessment ▪ Socio-economic environmental assessment ▪ Stakeholder engagement ▪ Environmental and socio-economic impact analysis ▪ Establishing roles and responsibilities of the PIU. ▪ Resettlement mitigation ▪ Bidding and award of contractor(s)
 CONSTRUCTION PHASE	<p>This phase includes construction preparation and construction of the road.</p>	<ul style="list-style-type: none"> ▪ Demolitions and groundwork ▪ Utility company coordination ▪ Implementation of ESMP ▪ Implementation of Labor Management Plan. ▪ Development and implanting of Traffic Management Plan. ▪ Monitoring and evaluation of SEP and GRM

PHASE DESCRIPTION**KEY ACTIVITIES****OPERATIONAL
PHASE**

This phase includes the handover and operation of the road and any of its sub-components such as social infrastructure benefits.

- Project handover
- Monitoring and evaluation of resettlement impacts.
- Monitoring for road quality control

6. SOCIOECONOMIC SURVEY

This section will summarize the findings from the socio-economic survey of the project area. Furthermore, the results of the census survey for the RAP.

6.1. PROFILE OF AFFECTED TINKHUNDLA

According to the 2017 Eswatini Population Census (EPC), the total population for the project affected Tinkhundla is as presented in the following Table 6-1.

Table 6-1: Population of affected Tinkhundla

Inkhundla	Male	Female	Total
Sigwe	4,552	5,287	9,839
Ngudzeni	4,136	4,732	8,868
Matsanjeni South	4,892	5,626	10,518

Source: Central Statistics Office, 2017.

Table 6-2 provides an overview of pertinent indicators of significance in understanding the determinants that may impact socio-economic indicators within the project corridor. The data presented reveals that the population density in the Lubombo region stands at 36 persons per square kilometre, whereas the Shiselweni region exhibits a higher density of 54 persons per square kilometre. The dependency ratios of both affected regions are high indicating that the economically dependent population (0-19 and 60+ years) is higher than the population of the economically active (20 – 60 years).

Table 6-2: Selected demographic indicators.

	Shiselweni
Population growth rate (%)	-0.2
Population density (persons/km ²)	54
Dependency ratio	81.63
Fertility rate (live births/woman)	3.4
Death rate (%)	1.12

Source: Central Statistics Office, 2017.

The population of the project affected areas is young. There are more males than females in the Constituencies traversed by the MR21 namely, Sigwe, Ngudzeni and the Matsanjeni South Tinkhundla.

6.2. SUMMARY OF BASELINE SURVEY RESULTS

6.2.1. Population and Demographic Divide

Along the project corridor, the sampled households approximately 60.6% were female headed households while 39.4% were male headed households. The age distribution of the heads of households in the sample is between 35 years and 79 years.

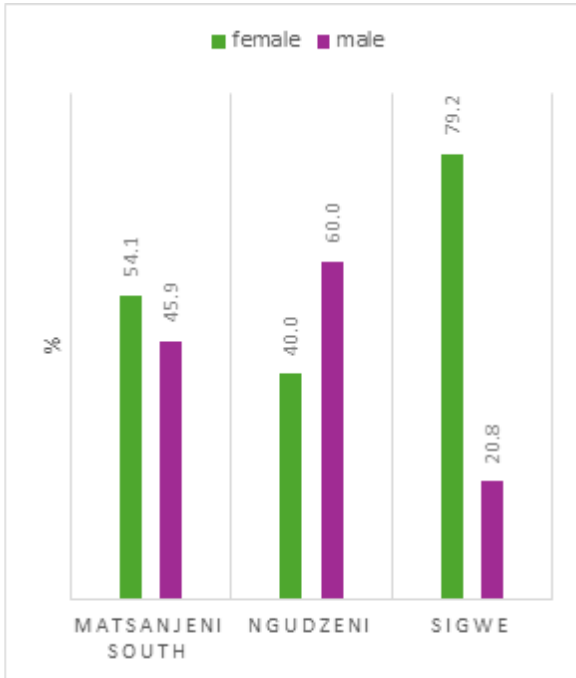


Figure 6-1: Gender distribution of head of households

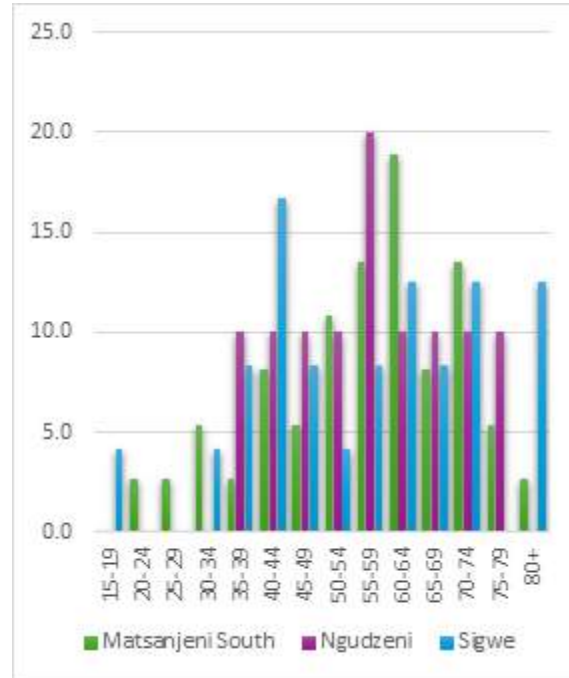


Figure 6-2: Age structure of sampled households along MR21

6.2.2. Employment, Sources of Income and Livelihood

Unemployment levels have been a growing concern to the GoE. Unemployment reached its peak at 33.2% in 2021. Unemployment is particularly acute among the youth, with a staggering 59.1% of individuals aged 15 – 24 years. Unemployment in the sampled area was found to be approximately 53.3% which were highest among females than males. Sources of livelihood along the MR21 include grants, proceeds from farm activities, seasonal work, small businesses, and regular monthly salaries.

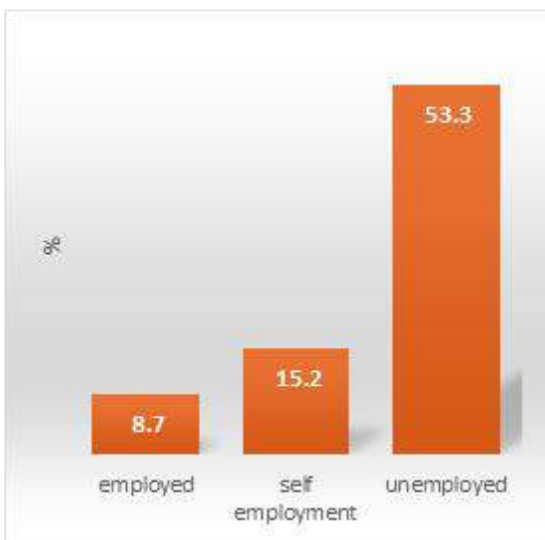


Figure 6-3: Unemployment along MR21

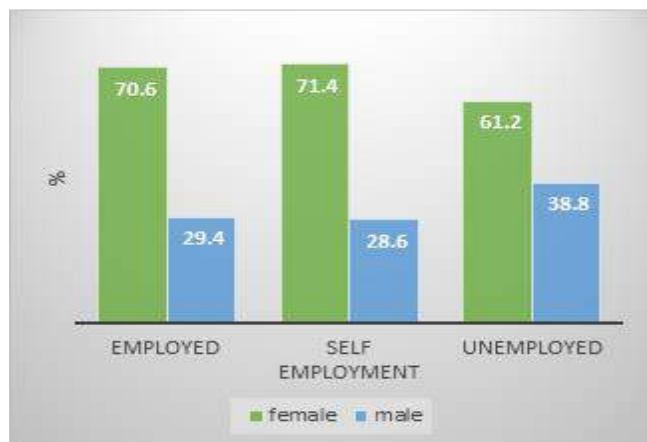


Figure 6-4: Unemployment by gender along MR21

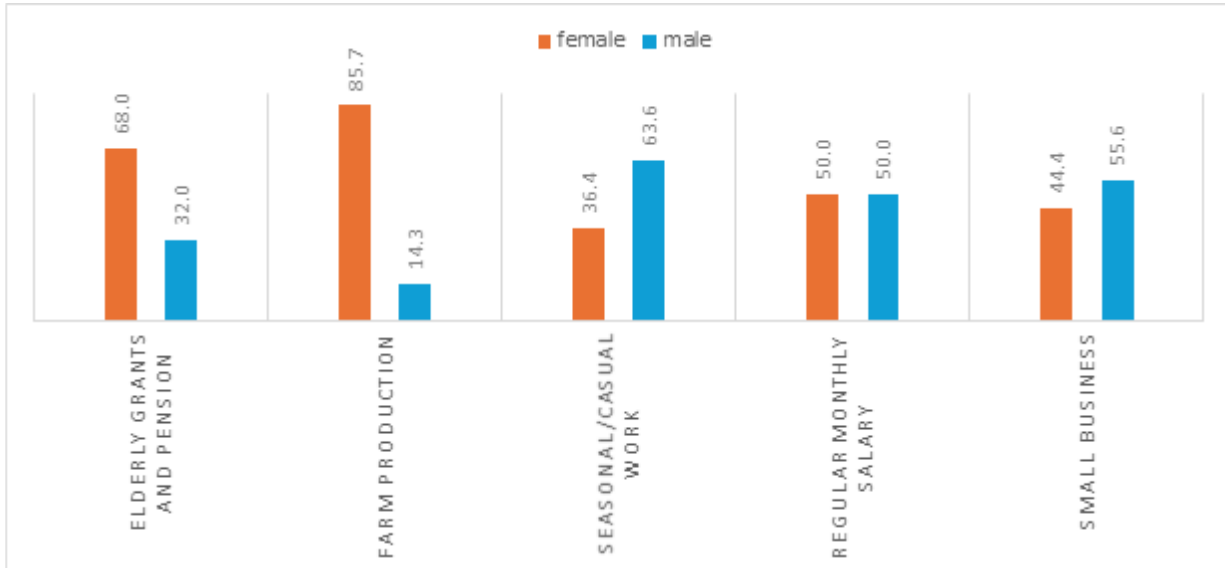


Figure 6-5: Sources of livelihood

6.2.3. Income, Expenditure and Poverty Levels

Despite being classified a lower-middle-income country, Eswatini faces high vulnerability to external shocks and poor growth. Projections by the World Bank estimate that 55.2% of people fell below the poverty line for lower-middle-income countries. Approximately 32.1% of people are living below the international poverty line of \$2.15 per day. Along the project corridor, the study found that the average income from respondent primary sources in E1,098.73. Respondents also submitted that they receive income in kind such as donations of food, medication, clothes, construction materials, transport, and other necessities. These on average amounted to E2,176.87 per month. Other income sources include remittances which amount to an average of E356.34 as well as other sources of income which average E226.76.

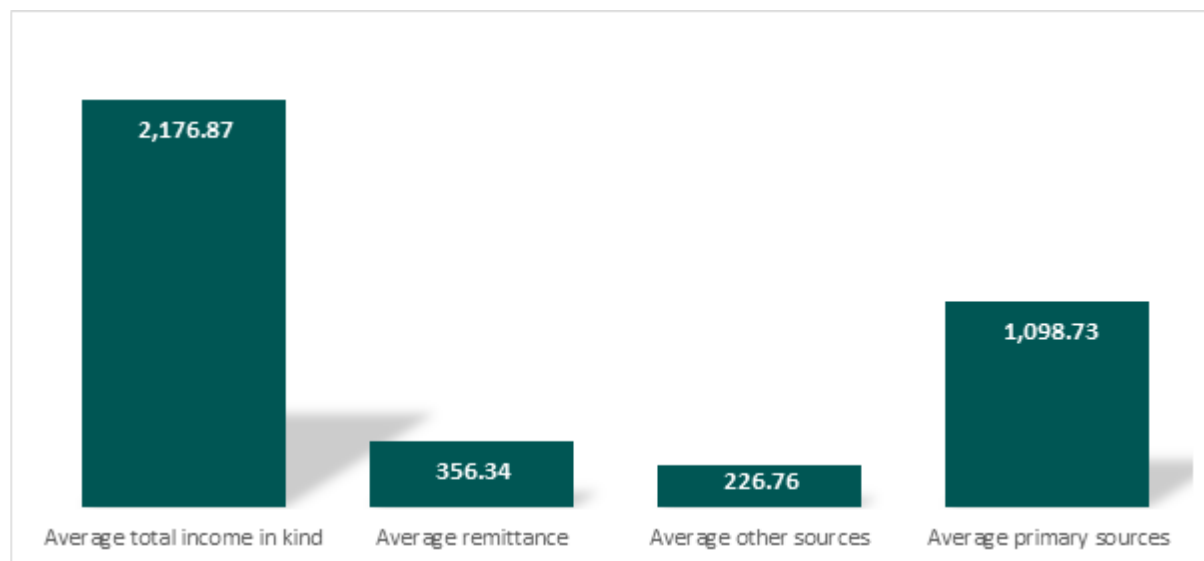


Figure 6-6: amounts received from various income sources in Emalangen.

The average expenditure in the sampled households amounted to E326.35 per expenditure item. Respondents indicated that they spend on food, education, and education related expenses.

Table 6-3: household expenditure

Item	Estimated average expenditure/household/month
Food	E314.79
Utilities	E1,433.17
Education, school uniforms, school fees	E1,072.89
Transport	E70.63
Livestock maintenance	E119.51
Equipment, tools, seeds	E276.42
Debt repayments	E255.75
Funerals, social events	E28.17
Hospitals and medications	E122.14
Traditional Doctor fees	E11.24
Construction, house repairs	E147.89
Tractor rentals	E389.90

6.2.4. Structures

Structures along the MR21 are of modern build and designs. The sampled areas approximately 86.1% have cement brick walls, 90.4% have corrugated iron/roof tiles and 91.8% have finished cement floors. The homesteads sampled along the project corridor have various fence types such as traditional fences (made from wooden sticks), barbed wire fence as well as diamond mesh fences. It is common along the project corridor to find kraals by the front entrance of the homesteads. Most of the homesteads are also characterized by modern gates made of diamond mesh and iron.

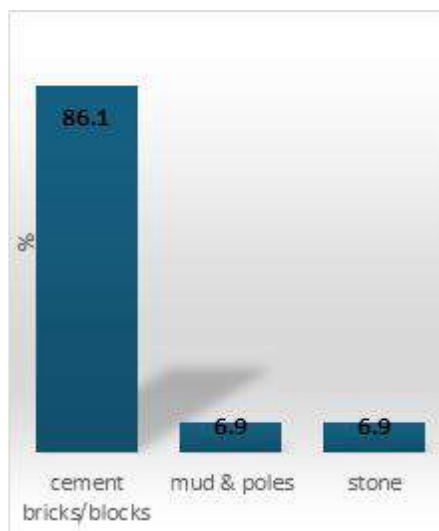


Figure 6-7: wall material

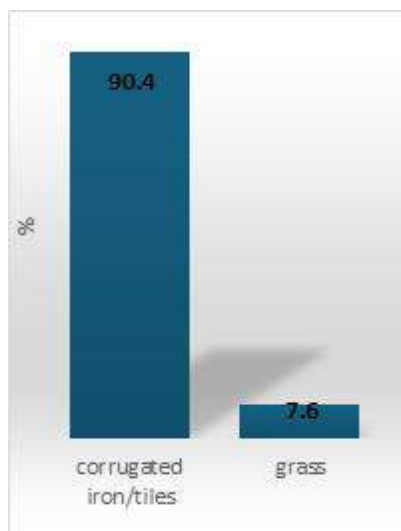


Figure 6-8: roof material

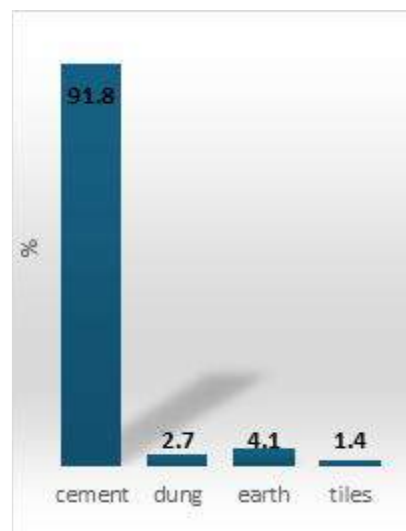


Figure 6-9: floor material



Figure 6-10: dwelling structures along the MR21

6.2.5. Sources of Energy

Eswatini has made significant strides in rural electrification with the ultimate objective of providing the rural communities with clean and affordable energy. With the country's mini grid program to support rural communities which is a program that is highly sensitive to remote rural areas. Eswatini has a high national electrification rate of 83% and 69% of rural areas have access to electricity which is significantly lower than the 90% urban electrification rate. Eswatini imports approximately 70% of its electricity from South Africa. The import price is partly passed through to the consumer even though the electricity tariffs are administered. This makes it expensive for low-income households to afford the use of electricity for all their needs. It is therefore common to use different types of energy for different purposes. For example, in the sampled households, the study found that the community uses different energy sources for different house activities. Approximately 89.4% of the sampled households use electricity for cooking, 49.3% for space heating, and 74.0% of the respondents submitted that they use electricity for

lighting purposes. The rural community still uses wood for some purposes such as cooking, heating and boiling water which are considered electricity intensive household activities.

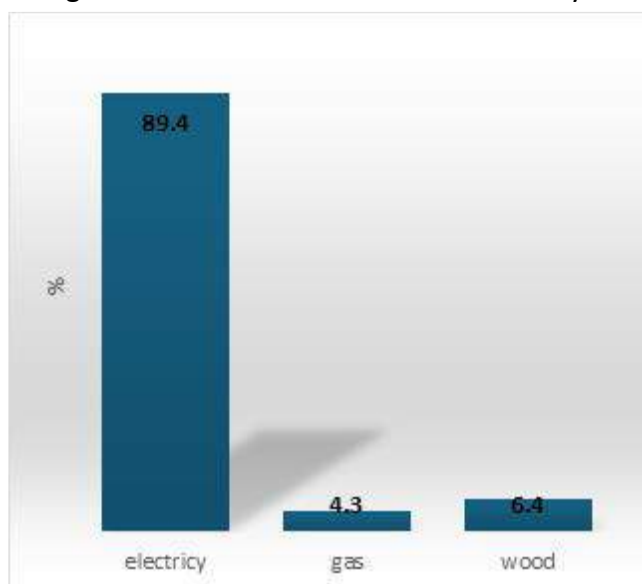


Figure 6-11: sources of energy for cooking

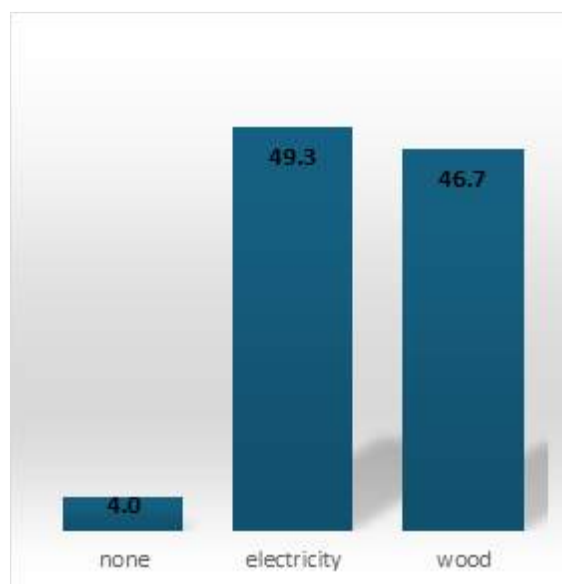


Figure 6-12: sources of energy for space heating

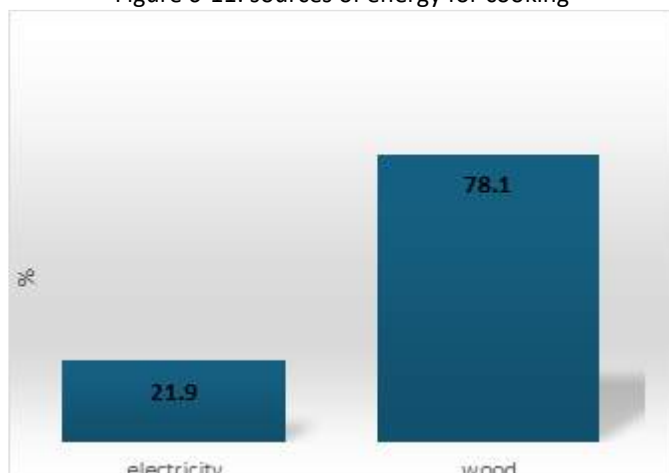


Figure 6-13: sources of energy for boiling water

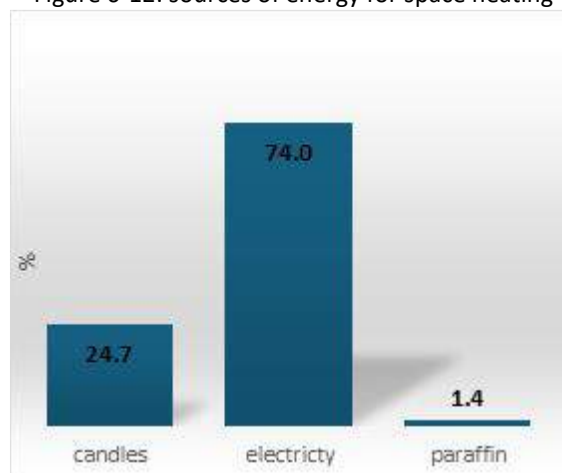


Figure 6-14: Sources of energy for lighting

6.2.6. Household Vulnerabilities

According to the Vulnerability Assessment Report (VAR 2023), vulnerable households in Eswatini are defined by a range of factors, including acute and chronic food insecurity, the impact of economic and environmental shocks, and the effects of health crises such as the HIV/AIDS epidemic. Hosting of vulnerable groups by households is common along the project corridor. The results revealed that 35.2% of the survey households host an orphaned member as well as other conditions such as mental disability (5.6%), autism (2.8%), limited mobility, deafness, blindness as well as albinism.

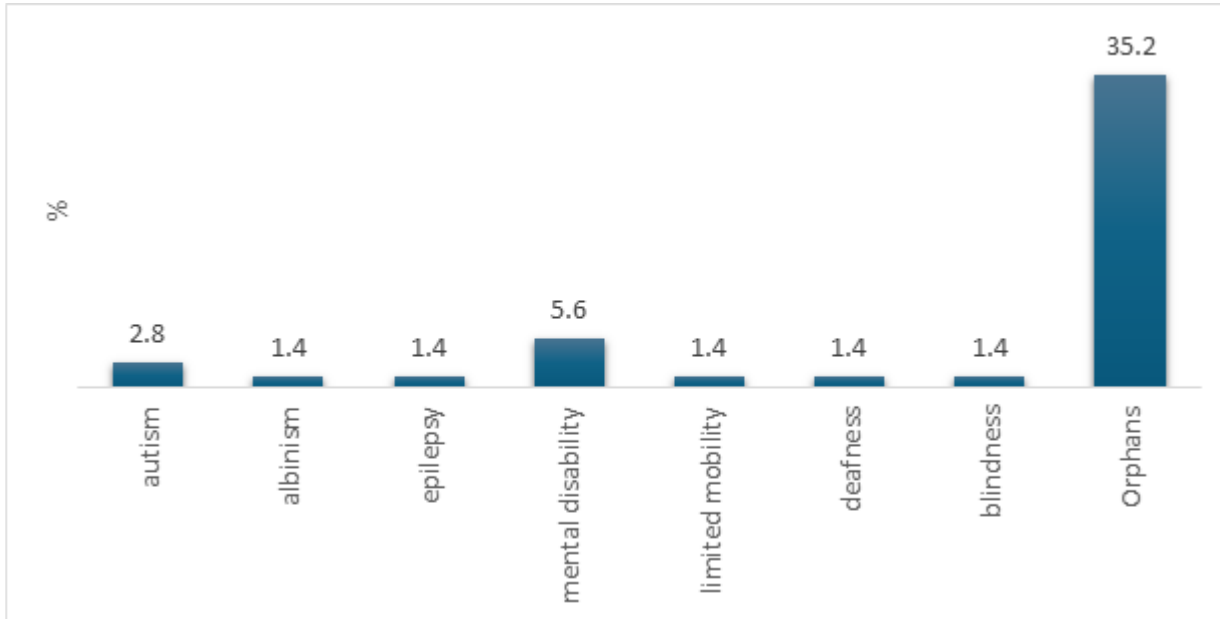


Figure 6-15: households hosting vulnerable groups

According to the VAR 2023, an estimated 25% of the population is facing acute food insecurity requiring urgent humanitarian assistance. The regions of Lubombo and Shiselweni were most affected by drought and had the highest prevalence of food insecurity. The VA estimated that along the project corridor, there are approximately 32,600 people facing acute food insecurity. Approximately 10,700 of those facing food insecurity are categorized in phase 3+ which means they require emergency humanitarian assistance. The proportion of the population categorized in phase 3 or higher is predominantly women.

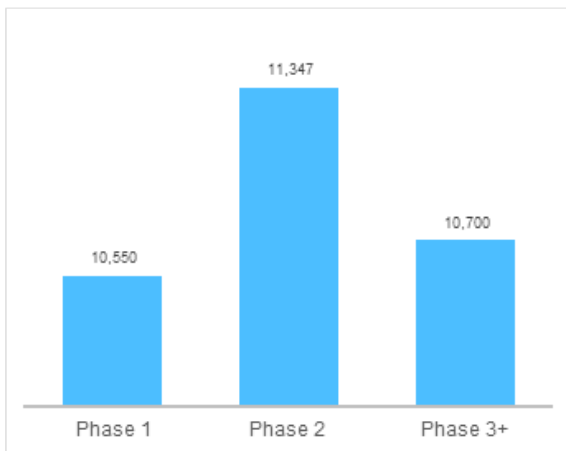


Figure 6-16: Food insecure population along the MR21

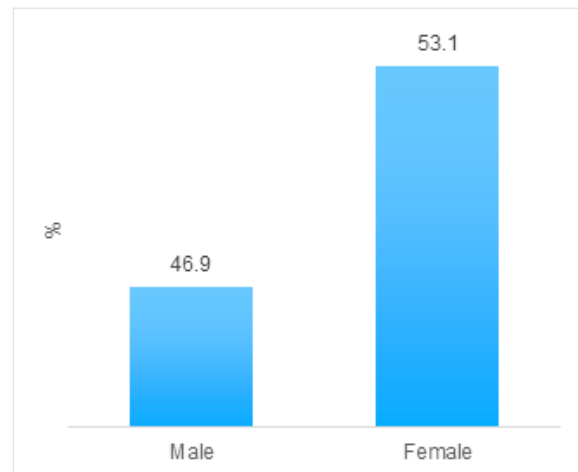


Figure 6-17: Food insecure population along the MR21 by gender

6.2.7. Morbidities

The respondents submitted that in their families, they have people with HIV (35.2%), someone has had the common flue in the past 30 days (47.9%), typhoid (1.4%), TB (4.2%), hypertension (23.9%), cancer (2.8%), skin ailments (2.8%), kidney diseases (5.6%) and cystic fibrosis (2.8%).

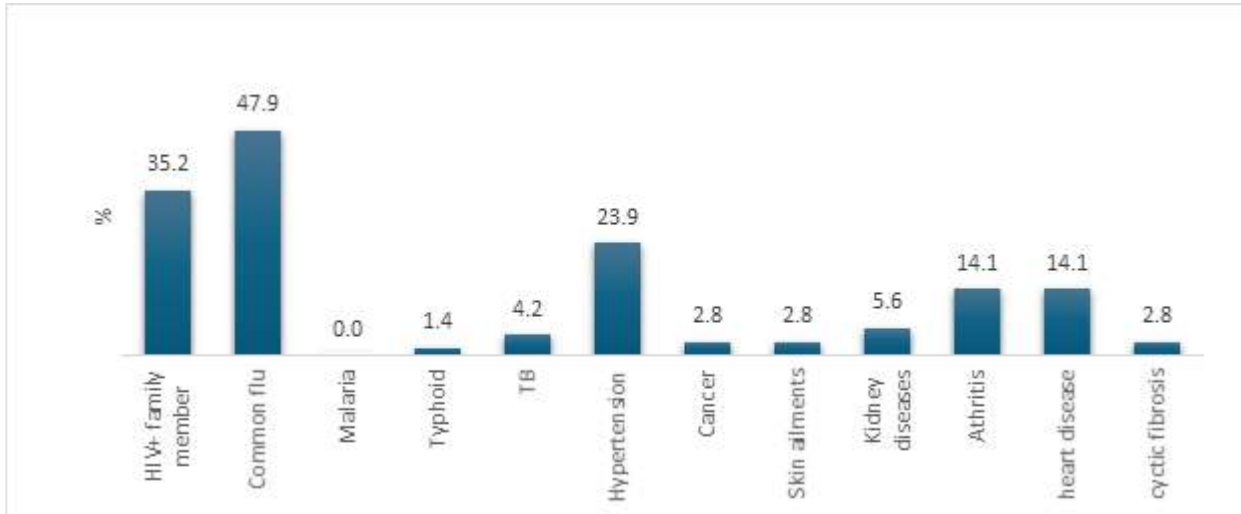


Figure 6-18: Morbidities and Conditions

6.2.8. Current Land Uses

Communities on SNL around the project area have established homesteads and practice both livestock and crop farming. Livestock and crop farming that is practiced at household level is mainly for subsistence purposes. Production by subsistence farmers is very poor because it is dependent on erratic rainfall. The communities on SNL also keep some livestock, including cattle, donkeys, indigenous chicken, and goats. At household level, the major crop that is grown by the communities in the project area is maize. Some community groups also grow vegetables such as tomatoes and cabbages using irrigation water from the local streams and rivers. The produce is sold locally. Some households derive their income from informal trade such as street vending and selling of agricultural produce like beans and sweet potatoes. The use of livestock as a source of income is relatively low, as some households only keep the livestock as a sign of wealth. In addition to farming at household level, there is an increasing proportion of smallholder farmers on SNL who are now engaged in irrigated sugarcane farming for supplying the Big Bend Sugar Mill.



Figure 6-19: Settlements on SNL along the MR21 at Ngwavuma



Figure 6-20: Settlement patterns at Makhava



Figure 6-21: Grazing land along the MR21



Figure 6-22: Subsistence farming

6.2.9. Cultural Resources and Assets

The social fabric of the communities along the MR21 is characterized by the availability of soccer fields for the benefit of inter-school games, worship, public transportation stations and community meetings. The project corridor also has churches lining the road used as places of worship and weddings. These churches are accessible directly from the MR21 but are out of the road servitude as seen below.



Figure 6-23: soccer ground along the MR21



Jericho Church at Kathumbela



Unknown Church at Kamangena



The Independent Methodist Church - Esiphambanweni



Jabula Jesu Church at Kamangena

Figure 6-24: Churches along the MR21

6.2.10. Transportation

The project alignment traverses rural settlement roads that are completely composed of gravel material. Certain sections of the road are maintained to the best extent feasible by Maloma Colliery. The primary focus of the mine's maintenance efforts is on routes utilized by heavy-duty trucks responsible for transporting coal from the mine. Public transportation along the MR21 is provided by big buses and minibuses (kombis). The minibuses ferry commuters to as far as Sigwe, while the buses can go as further. The buses have designated stops along the MR21 where passengers wait. The bus stops are not sheltered due to the non-development of the pedestrian infrastructure.

The major challenges reported by the respondents regarding these buses is that:

- They are highly unreliable. This makes planning difficult to plan for travel. One respondent submitted that they got stuck mid-journey because the bus died along the route. The area where the bus broke down is also far and it was not easy for the bus conductors to request a substitute. They usually leave the passengers to make their own way to their destinations without refunds.
- The buses must be serviced every Wednesday. However, sometimes they are available to service their usual routes. Therefore, no one really knows whether the buses will be available or not.
- The school children are highly reliant on the buses. In extremely wet weather, the students are sometimes unable to get to school because of the flooding of low-lying bridges and transport

unavailability. Even in non-wet weather conditions, the students whose parents can afford to give them fares are able to use local vans owned by community members who have taken the opportunity to fill in the transport gap.



Figure 6-25: minibus ferrying passengers and heavy truck transporting coal along the MR21

6.2.11. Telecommunications

Along the project corridor, there is mobile service coverage provided by MTN Eswatini and Eswatini Mobile. Telecommunication antennas are situated near the road, and commercial and economic hubs can be found along the MR21 corridor. MTN Eswatini has 4G coverage all over the country with plans for a complete 5G coverage at mature stages. The youngest mobile service provider Eswatini Mobile also has 4G network for approximately 70% of the country including the project corridor. The most reliable network in terms of coverage and availability along the MR21 was the MTN network.

6.2.12. Water Access, Sanitation and Hygiene

Water Access

Access to clean water, good sanitation and hygiene practices are important socio-economic indicators which were investigated in the baseline survey. NGOs such as World Vision actively support the community to improve access to potable water and sanitation. The study found that along the project route, a significant portion of respondents use unimproved water sources such as surface water (34.8%), rainwater (7.2%) and groundwater (21.7%). There are some respondents who use improved water sources such as kiosk (1.4%) and rural water scheme (15.9%). 8.7% of respondents submitted to buying water from water trucks but did not know the source of the water. Even though there is EWSC pipeline infrastructure from Esiphambanweni to Sigwe, approximately 10.1% of respondents along the project corridor have access to EWSC water. 1.4% of respondents submitted to using water from a kiosk which

can be found at Esiphambanweni. The kiosk charges E1 per 20 liters. The kiosk's operating hours are supposedly 8am to 5pm, however, during the survey, the kiosk was not open at 10am.

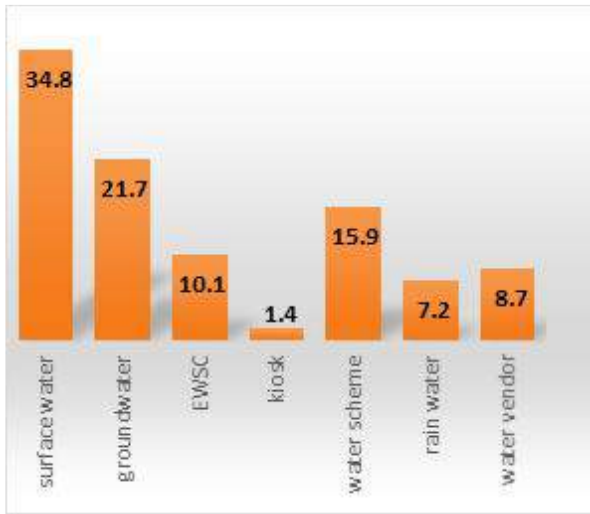


Figure 6-26: sources of water



Figure 6-27: Water Kiosk at Esiphambanweni

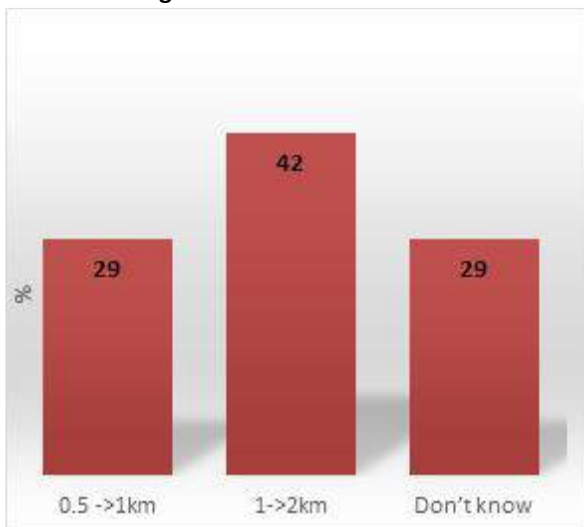


Figure 6-28: Distance to water source

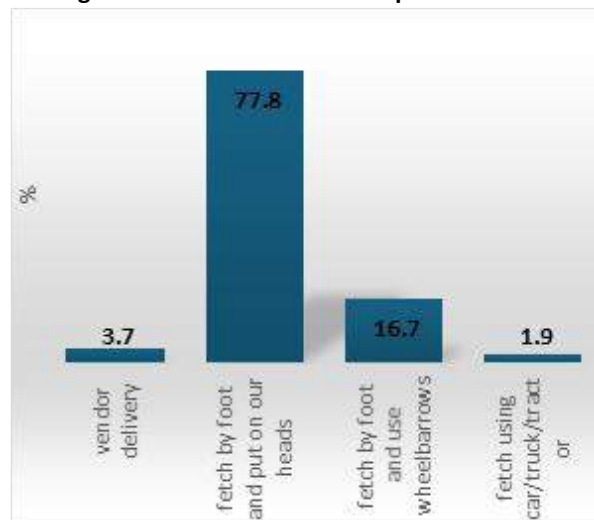


Figure 6-29: method of fetching water

Distance to water sources range between 0.5km and 2km as submitted by 29% and 42% of respondents, respectively. 77.8% of respondents submitted that they fetch water by foot and carry it either on their heads (77.8%) or by wheelbarrow (16.7%). Some respondents, particularly at Kathumbela at Elulakeni submitted that they travel as much as 1 hour and 30 minutes to fetch water at Ngwavuma River.

Sanitation and hygiene

The World Health Organization (WHO) sets standards for what can be referred to as improved sanitation and unimproved sanitation facilities. Unimproved sanitation facilities include pit latrines which do not have a slab, open defecation, and the bucket system. Only piped sewer systems, septic tank, ventilated

improved pit latrine and pit latrine with slabs are considered improved sanitation facilities. The survey used the WHO standards to establish if the communities under the study area currently have access to proper sanitation. The study revealed that most households have improved sanitation facilities such as VIP latrines (53.4%) and indoor flush toilets (26%). Some households were found to have both outside and inside toilets. There were also households with unimproved sanitation facilities which are non-ventilated pit latrines (20.5%). To manage waste, respondents submitted that they use a variety of methods such as hiring honey suckers (15.1%), use of chemicals to manage sludge in the pit toilets (45.3%) while 26.4% of respondents simply dig another latrine if the active latrine is full. For non-sewage waste, respondents submitted that they use home pits to dispose waste. When the pits are full, they burn the waste.

Among the respondents, there is knowledge about the importance of hygiene which begins with handwashing. Respondents submitted that they wash their hands when they are visibly dirty (94.4%), before eating (77.8%), after using the toilet (80.6%) and after cleaning a child who is visibly dirty or from the toilet (18.1%).

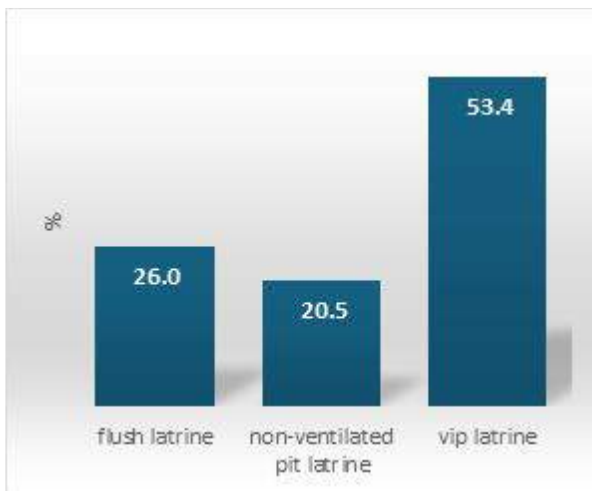


Figure 6-30: toilet facility types

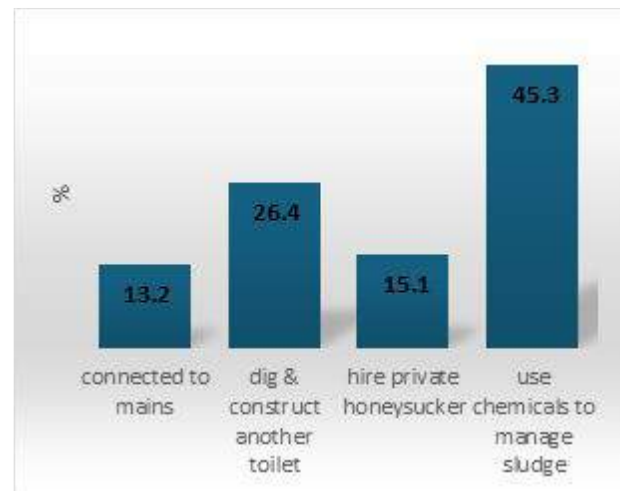


Figure 6-31: sewage management

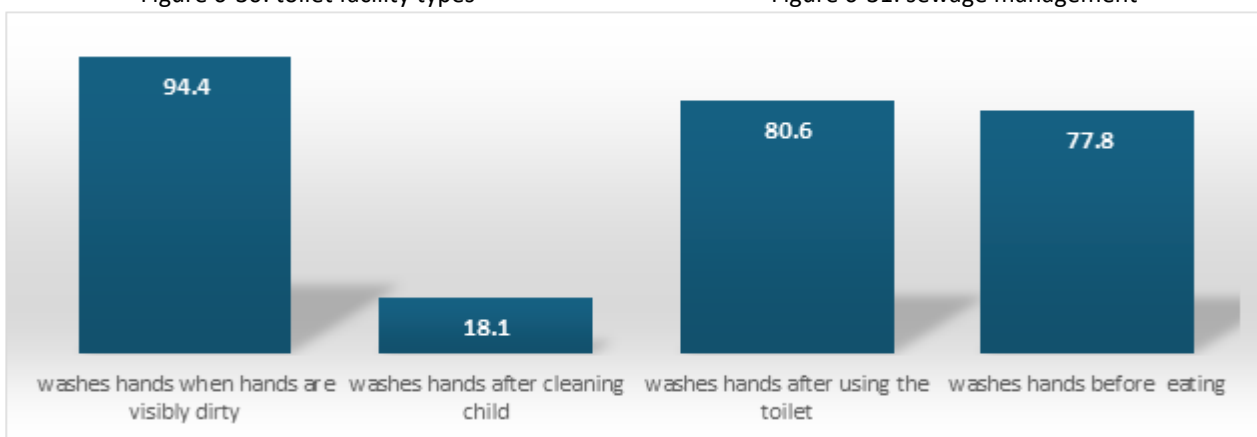


Figure 6-32: handwashing practices

6.2.13. Education

The project area is serviced by several schools. During the field work, it was noted that the schools are close to the road but generally observe the road servitude. This is beneficial to these schools to enable easy access to the local transport network. On the MR21, the following schools can be found:

- Zamokuhle Primary School
- Elulakeni Primary School
- Elulakeni High School
- Makhava Primary School

Early Childhood Care and Education (ECCE) in Eswatini, is recognized for its importance in the holistic development and learning of a child. ECCE centres in the country are typically in the form of preschools or neighbourhood care points (NCPs). ECCE is the first of the four levels in Eswatini's education system. However, as of 2015, only 21.6% of preschool-age children had access to early childhood education. The primary school teachers submitted that there are issues in the area regarding the first level of education. They submitted that the grade 1 teachers struggle with the children who do not have the ECCE foundation. As a result, the students do not pick up concepts as expected due to the lack of foundation. Along the MR21, Elulakeni and Zamokuhle Primary Schools reported to have grade zero which has been a great assist in ensuring primary school readiness for the children.

At Elulakeni, there is a vocational training centre called Elulakeni Rural Education Centre (EREC). This centre offers training in Computer, Agriculture, Electrical Engineering and Sewing at approximately E1,800 per year. This fee includes teaching services and daily meals. The EREC is part of a wider program of RECs which utilize the Tinkhundla system to reach out to people in the communities in providing training in practical skills through these one-year short courses.

6.2.14. Health

The health facility types found along the MR21 not only service the three Tinkhundla but surrounding regions as well. This is particularly true for the Matsanjeni Health Centre which services people from as far as Ngudezni and foreigners from South Africa. The project corridor is serviced by the Nhlangunjani Clinic, Matsanjeni Health Centre and the A1 JCI Clinic.

6.2.15. Financial Literacy and Financial Product Usage

The study sought to establish the level of financial knowledge and financial product usage of communities on MR21. The study found that there is a high proportion of respondents who have a mobile money account (79.2%) and transact through electronic means. The largest mobile network operator, MTN, and a major bank (FNB) are visible along the project corridor. This provides easy access to remittances, grant withdrawals as well as sending money to their own electronic accounts or to

counterparties. 59.7% of the respondents submitted that they pay some of their bills (water bills) and buy necessities such as electricity units and airtime through their mobile money accounts.

6.2.16. Utilities

The project area has access to electricity and communication networks. Mobile operator antennas can be found along the project route which will be directly impacted by the development. The water supply in some areas along the MR21 such as Maphilingo, Sithobela have limited water access due to the non-reach of EWSC and defunct Rural Water Schemes (RWS). Along the MR21, there are mobile network antennas providing network service for the surrounding communities. Mobile network providers covering the project corridor are Eswatini Mobile and MTN Eswatini.

7. RESETTLEMENT IMPACTS AND MITIGATION MEASURES

A census was conducted to cover all potentially affected persons for the construction of the MR21 road. The objective of this census was to establish the magnitude of affected assets and their owner's socio-economic status.

7.1. Project affected assets.

The study found that along the MR21, there will be direct impact on private TDL at Maloma and on SNL at Ebloweni, Ngwavuma. At Maloma, the existing alignment crosses through a private farm on which are business structures. At Ebloweni, small scale commercial farming land will be negatively impacted.

Table 7-1: Directly affected assets.

Asset Description	Area	SNL/TDL	Use	Private/Public Asset
Land	Ebloweni, Ngwavuma	SNL	Small Scale Commercial Farm	Communal
Structures	Maloma	TDL	Business	Private
Land	Maloma	TDL	Farm (vacant land)	Private
Fence	Makhava	SNL	Households	Private

Table 7-2 details the magnitude of impacts identified in table 7-1.

Table 7-2: Directly affected assets magnitude of losses.

Asset type	Unit of Measure	Total Size
Land TDL	hectare	0.1693 ha
Land SNL	hectare	3.1 ha
Building TDL (total)	m ²	230.73 m ²
Fence SNL	Running metre	625 m

7.2. Potential Significant impacts and mitigation

Positively, the road development will facilitate ease of travelling between Siphofaneni, Sithobela, Maloma and Nsoko. The positive impacts are as enumerated in this section and detailed in the social impact assessment report. The resettlement specific impacts are discussed under this section.

7.2.1. Potential Positive Impacts

The road development will bring an array of benefits for the host communities. Through the project's Social Infrastructure Development component, the host communities will benefit from improved social infrastructure, a more vibrant local economy, increased value of real estate as well as improved household income from economic opportunities presented by the project's implementation phase.

7.2.2. Potential Negative Impacts

Loss of land on TDL (-)

The landowners at Maloma will lose part of their land which could have possibly been a profitable capital input in the future.

Loss of land on SNL (-)

Khethokuhle Farmers will lose their productive land which also is a source of income. Even though this is anticipated to be temporary and a short-term solution through cash compensation is possible, there is a risk that replacement land may be located at new less ideal site for the nature of their business.

Loss of income (-)

At Maloma and Ngwavuma, both the landlord and lease will lose income due to the removal of the grocery shop from the ROW.

Impacts on livelihoods (-)

The grocery shop tenant, landlord and the farmers will experience a change in livelihoods which may be negative in the short term.

7.3. Impacts on Vulnerable Groups

Project Affected People (PAPs) could possibly have limited capacity to defend their rights during the implementation of a national project such this one. Despite the avoidance of negative impacts on PAPs, projects of this magnitude and nature often result in possible relocations and lost access to community assets. Even though there were no vulnerable groups identified as directly affected in the assessment, preserving access to land, natural and cultural resources in the RAP preparation have been in the core of the objective of the Consultant, Government of Eswatini and the funder.

7.4. Mitigation

Mitigations against the impacts on the identified private assets were formulated to ensure that the directly affected were left better off. The mitigation measures were aligned to the national legislation and the AfDB's culturally and economically sensitive operational safeguards. The Kingdom of Eswatini and the AfDB's developmental objectives extend beyond catering for the directly affected. Developmental initiatives are intentional and address the needs of the whole project affected communities. The major stakeholders appreciate the impact that targeted and intentional social development will elevate the quality of life for both the directly and indirectly affected. These were identified in the Social Impact Assessment report and summarized below. The mitigants are presented in table 7-3 below.

Table 7-3: Mitigation measures

IMPACT	MITIGATION
Directly affected	
Loss of income Business operation at Maloma will be disrupted resulting in loss of income for business the owner.	Ensure that compensation is settled as efficiently as possible before construction begins.
Loss of immovable structures Business structures at Maloma will be impacted.	An asset inventory of all affected structures was undertaken.
Loss of moveable structures Moveable structures at Nsoko belonging to the filling station and the national Post Office are in the ROW.	
Loss of land on TDL A portion of a private farm Nsoko on TDL will not have significant impact on business income of landowner.	Compensation will be based on market value of the property on TDL as guided by the national laws at full replacement value. Where a part of the land is to be acquired, it must be considered whether the residual land remains economically viable (or of continued interest to the landowner). Where the land is deemed to be not economically viable, compensation will be granted for the entirety of land at the established rates.
Indirectly affected	
Loss of community asset Loss of commuter waiting room at Nsoko. Loss of post office access	Move to another but still accessible position within the same vicinity. Commuters should be able to conveniently board buses and still access the post office.

8. ENTITLEMENT AND COMPENSATION FRAMEWORK

8.1. Introduction

Individuals directly affected by a project, who bear the brunt of immediate socio-economic consequences stemming from the project or its related activities, are entitled to compensation and specific assistance for any losses directly linked to the project. The entitlement and eligibility criteria for the RAP are governed by a fundamental principle which asserts that PAPs should not suffer a decline in their living conditions because of the project's implementation. Essentially, the living standards of PAPs prior to the project should be sustained, or ideally, improved.

The identified PAPs in the project area are entitled to compensation and/or resettlement assistance to help restore or elevate their livelihoods compared to pre-project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the affected persons. Irrespective of the affected persons' land ownership status, the compensation must ensure that they are directly or indirectly compensated. Special consideration is given to those found to be informally settled on principle, but this PAP category is not accommodated in the national legislative framework from which the RAP is premised. This section details the eligibility criteria, entitlement framework as well as conditions for PAPs who may be directly affected but broadly ineligible for compensation.

8.2. PAP Categories and Eligibility to Entitlements

As provided by the AfDB's OS5, entitlements related to land compensation are presented the table below. The RAP preparation used the results of the PAP census to establish if the broad categories of PAPs exist along the project route and to further specify how each of the existing categories of PAPs are affected by the project.

Table 8-1: Eligibility Criteria

Category of PAP	Applicable compensation and entitlements	Description of findings of PAP survey
Category 1		
The PAPs who were surveyed and have formal rights to the land, including customary and traditional rights, will be eligible to receive compensation and rehabilitation assistance. These will include PAPs on both TDL and SNL.	To be compensated (including physical resettlement) for each identified land/ asset loss; and are further entitled to other assistance as provided for in the RAP.	Farm owners where the road encroaches onto portions of their farms will be entitled to compensation for loss of land and related assistance.
		Loss of fruit trees and crops on SNL and TDL will be eligible for compensation
		Homesteads on SNL whose fences, agricultural land, planted trees and buildings will be affected by the project will be eligible for compensation.
Category 2		
Persons with no formal legal title for the affected land at the time of census but hold claims that are recognized under the laws of Eswatini or become recognized through a process identified in the RAP.	Compensated (including physical resettlement) for each identified land and land assets losses. Are further entitled to other assistance as provided for in the RAP.	
Category 3		
Persons with no recognizable legal right or claim to the land they are occupying. Examples include encroachers or squatters.	This category will not be eligible for compensation for loss of land which they occupy but will be eligible for rehabilitation assistance (such as access to livelihood restoration programs) in lieu of compensation for the land they occupy, other assistance as provided for in the RAP or Entitlement Matrix if they occupied such land before the cut- off date for entitlements declaration.	The PAP census did not identify any PAPs who fall under this category. During project implementation, if PAPs within this category are encountered, and they can produce proof that they occupied the land prior to the cut-off date, they will be eligible for compensation.

Table 8-2 shows the different groups of PAPs identified to be eligible for resettlement. The analysis also shows the type of compensation they may be eligible for. In terms of the criteria presented in this analysis, eligible PAPs are those who sustain losses due to activities that can and are proven to be directly linked to the project. These may be institutional, individual, communal, vulnerable or small business groups. Those found on the MR21 were institutional and business enterprises. No vulnerable groups nor households were found to be directly affected.

Table 8-2: Categories of affected individuals/groups and type of eligible entitlement

Affected categories	Potential losses	Type of entitlement
Land holders with registered rights to land (TDL and SNL)	Loss of land.	Rates/valuation-based replacement or cash compensation.
	Loss of fixed assets, including homesteads/business structures.	Rates/valuation-based replacement or cash compensation.
	Loss of production, productive capabilities (subsistence, income).	Evaluation based cash compensation.
	Loss of rental income from buildings of land.	Evaluation based cash compensation.
Unregistered landholders with socially recognized traditional/customary rights to land on SNL.	Loss of land.	Rates/valuation-based replacement or cash compensation.
	Loss of fixed assets including homestead/business structures.	Rates/valuation-based replacement or cash compensation.
	Loss of production productive capability (subsistence, income).	Rates/valuation-based replacement or cash compensation.
People who have encroached on land without legal rights or claims to land.	Loss of land.	Rates/valuation-based replacement or cash compensation.
	Loss of fixed assets including homestead/business structures.	Rates/valuation-based replacement or cash compensation.
	Loss of production productive capability (subsistence, income).	Rates/valuation-based replacement or cash compensation.
Communities	Loss of communal assets	Rates/valuation-based replacement or cash compensation.
	Impeded/constrained access to facilities, services, social networks.	Replacement compensation.
Government Enterprises as legal owners of affected structures, i.e. EPTC, Eswatini Railways, EEC.	Loss of fixed assets	Evaluation-based replacement or resettlement.
Employees of directly affected business enterprises	Loss of income	Evaluation based cash compensation.

8.3. Compensation Matrix

This section presents the defined eligibility criteria and rehabilitation assistance for losses incurred for different types of assets for the different types of PAPs identified along the MR21.

Table 8-3: Entitlement Matrix

ASSET TYPE	IMPACT SCENARIO	PARTY TO BE COMPENSATED	DESCRIPTION OF COMPENSATION
Formal business structures on TDL	Structure is completely in a land take area	Owner of structure	Replace the structure by building a suitable structure of the same size (equal floor area) and using modern material similar or better than original.
			Design and location of replacement structure must be decided in consultation with the affected owner and Traditional Authority.
			Owner will be allowed to salvage reusable materials with no deduction from their compensation entitlements.
			A 10% disturbance allowance to the value of the replacement building must be paid in cash.
			For other structures either than main buildings - Cash compensation to the owner at replacement value as defined in compensation procedures and rates.
		For outside toilets- Replace with VIP Latrine, at a suitable location decided in consultation with the owner and considers environmental safety constraints.	
Loss of business		Owner of business	Compensation for loss of business based on valuation or cash compensation based on compensation rates.
Individually owned ploughing fields on SNL	Field is partially in land take area	Person farming the plot, whether owner-cultivator, lessee, customary usufruct rights holder.	For Standing crops at the time construction commences: <ul style="list-style-type: none"> ▪ Cash compensation at net value of standing crops in land-take area at the time construction commences, where harvesting prior to construction is not possible. ▪ If more than 80% of the agricultural plot is in the land-take area, cash compensation for crops must be paid for the entire cultivated area on the plot (not just the part in the land-take area). ▪ If the land in question was cultivated according to a sharecropping arrangement at the time of acquisition, compensation for crop losses to be apportioned according to the arrangement. ▪ Affected persons to receive advance notice to harvest crops, if applicable.
			For preparation of agricultural plot: <ul style="list-style-type: none"> ▪ Cash compensation equal to the cost of initial establishment of the agricultural plot (land clearing, etc.).

ASSET TYPE	IMPACT SCENARIO	PARTY TO BE COMPENSATED	DESCRIPTION OF COMPENSATION
			<ul style="list-style-type: none"> ▪ Cash compensation equal to the input cost expected on the plot during the current cultivating season. <p>For land, irrespective of whether standing crops are present at the time of acquisition:</p> <ul style="list-style-type: none"> ▪ If less than 20% of agricultural plot surface area is in a land-take area, cash compensation equal to mature value of crops that would otherwise have been planted on the affected area of the plot. ▪ If more than 20% of the agricultural plot surface area is in a land-take area, and sufficient land adjacent to the plot is available, request traditional authority to allocate adjacent land, of equal area to the part of plot that is in the land-take, to the person farming the plot. ▪ If there is no sufficient land available adjacent, cash compensation equal to mature value of crops that would otherwise have been planted in the affected area. The cash can otherwise be utilized on any other livelihood improvement of that owner.
Individually owned commercial land	land partially in land-take area	Commercial landowner	Cash compensation based on valuation by Valuers and negotiated
Communally owned ploughing fields	Land partially in land-take area	Group of owners	Cash compensation based on crop valuation and fence. Replacement land subject to request made to Traditional Authorities.
Individually owned fences (Type of fence to be considered.	Partially or completely in land-take area	Owner	For fences not enclosing whole affected privately owned plot, cash compensation sufficient to replace the section of the fence in the land-take area, considering possible need for re-alignment of the fence to maintain its original purpose. Any gates in an affected fence are to be replaced to a similar or better quality, their placement being determined by relevant access considerations.
Individual owned perennial crops	Partially or completely in land-take area	Landowner: other evidence of ownership If different from landowner	Fruit trees utilized either for own consumption or for income: <ul style="list-style-type: none"> • Compensation for future production losses at net present value, calculated for the productive life of the relevant tree species. • Owners wishing to replace lost trees will have to secure suitable replacement land; they will be assisted to access seedlings or saplings and planting guidance. • Owners will have rights to salvage all other resources (timber, firewood) from trees that are felled.
Informal trading stalls	All scenarios	Informal traders owning stalls.	Assistance in moving operations to suitable location outside land-take area before construction.

ASSET TYPE	IMPACT SCENARIO	PARTY TO BE COMPENSATED	DESCRIPTION OF COMPENSATION
			<ul style="list-style-type: none"> • Where possible, traders must be allowed to return to original sites once construction is complete
Graves	Partially or completely in land-take area	Affected family	<p>Payment of exhumation and reburial of affected graves with all due ritual and ceremony at the agreed location.</p> <ul style="list-style-type: none"> • Wake allowance (one allowance per family, not per one grave). • The project is responsible for the acquisition of exhumation license from relevant authorities

8.4. Compensation Model

The proposed compensation model includes cash compensation as well as in-kind compensation, and/or a combination of both. These packages are to be presented and discussed with the PAPs. The aim is to provide compensation that is both beneficial and sustainable to the affected PAPs.

Table 8-4: Compensation packages

COMPENSATION PACKAGE		DESCRIPTION
CASH COMPENSATION	Once-off compensation	Short to medium term dedicated compensation administration structure. The livelihood program may take 5 years. It aims to ensure that lump sum packages are used for sustainable projects.
	Annual cash compensation	A long-term obligation that would require a dedicated management structure to administer compensation. <ul style="list-style-type: none"> ▪ Compensation payments ▪ Compensation queries ▪ Audit and update compensation register annually. ▪ Resolve family disputes related to compensation.
IN-KIND COMPENSATION	Land for land/replacement of structures	<ul style="list-style-type: none"> ▪ Where the project can replace arable / garden land with land of similar size and quality, the project would provide a readily prepared land to households at similar cost (where land is available). ▪ Where replacement of structures is required, concept designs for different prototypes will be presented to individual affected persons for selection and approval. Completed dwellings will be handed over to owner once construction is complete.
	Annual in-kind compensation	A long-term obligation that would require a dedicated management structure to administer compensation. <ul style="list-style-type: none"> ▪ Compensation payments ▪ Compensation queries ▪ Audit and update compensation register annually. ▪ Resolve family disputes related to compensation.

8.5. Compensation Procedures and Rates

The approach to compensation identifies the cost of replacing productive assets damaged by project activities and an amount sufficient for asset replacement to a similar level or better to the affected structure/ land, expenses and other transaction costs. Depreciation of structures and assets should not be considered. Gross Current Replacement Cost is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, the modern material with the same site works and support services and on a similar piece of land. In calculating the cost of the replacement of structures, when rate infrastructure schedules do not exist or are out of date, rates quoted by contractors for similar types of construction in the vicinity of the project and/or similar projects in the country can be used for calculating replacements costs. In project offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Structures

The principle is to replace the same floor area of buildings using standard modern materials. The applicable replacement costs for construction materials, as well as associated labour costs needed to build replacement structure, will be used to calculate the values. Compensation will be paid in-kind for the replacement cost without depreciation of the structure. The replacement value is based on the following criteria:

- Drawings of new replacement structure.
- Average replacement costs of different types of structures based on information on the quality and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.).
- Costs for transportation and delivery of these items to replacement land or building site.
- Estimates of construction of new buildings including labour.
- Cash allowance for the transportation of salvaged materials to new sites.
- 10% disturbance allowance paid for main building.
- The project will provide technical assistance with building the replacement structure.

Annual crops

The rates calculated for annual crops are based on several assumptions. To interpret the results and understand the effects on the farmer it is important to present the following assumptions:

- i. Price: The prices used are based on market prices (Gross Margins) as derived from the Ministry of Agriculture. The prices were adjusted such that labour and operating costs were excluded in the compensation rates. It is assumed that affected persons use own labour. These adjustments were done to ensure there is no net loss to PAPs.
- ii. Yield: The yields that are used for the different crops were derived from the Ministry of Agriculture (Gross Margins). It is assumed that the yields for the current affected homesteads per hectare will be same as the yields to where they are resettled to.
- iii. Allowance: To make provision for any non-calculated income and calculated cost, 10% was added onto the net revenue.
- iv. Field operations and costs: Field operations are based on small and medium scale farmers. It is assumed that land preparations will be done by a tractor and the cost is based on government rates per hour. All labour costs are excluded in the total operating costs as labour inputs are provided for by the households.

Business Disruption

- i. Compensation for permanent business losses will be in cash for one year income based on tax declaration or, if unavailable based on the official minimum annual salary.
- ii. Compensation for temporary business will be cash covering the income of the interruption period based on tax declaration or, where this data is not available, official minimum monthly salary multiplied to the number of months of actual stoppage of business.

Community Assets

Affected community assets such as commuter waiting areas will be replaced by the project. These structures will be valued and compensated in the same manner as the privately owned buildings and structures. Compensation will be in the form of replacement structures at an area agreed by the concerned parties.

Damage caused during construction works.

Construction activities may also cause some additional temporary or permanent damage to land and assets that cannot be identified or quantified during RAP preparation. An example might be construction workers trampling on crops or vegetables while accessing construction sites or cracks developing on structures that are not on the land-take area. Thus, wherever possible, the contractor will repair the damage to the satisfaction of the affected person. Affected persons with a claim should be required to complete a grievance form and submit it to the contractor. The contractor will then negotiate the required compensation measures, which may include repairing the damage or payment of compensation in cash or kind. Payment of compensation will be affected in a time bound manner.

Land preparation.

PAPs that are restricted from their farmland will have the project restore their farmland once replacement land has been located. If the land has been ploughed and/or has growing crops, the suggested compensation rates will apply in compensation.

Development Moratorium

A development moratorium is defined as an announcement or notification of PAPs that all forms of development and investment on the land and associated assets is to cease. The commencement of the development moratorium is linked to a declared cut-off date, after which compensation and resettlement assistance will not be provided for:

- People settling or undertaking any new developments on the target land.
- Construction of any new structures or other fixed assets whatsoever.
- Significant upgrades or investment in existing structures.
- Installation of new infrastructure (including driveways, walls, or any other fixed works); and
- The sale, transfer or alienation of property, land, or any fixed assets by the Affected Persons.

There is no known explicit legal provision for the declaration of a development moratorium under national law. Compensation and resettlement assistance is based on the asset inventories required under the Electricity Act, 2007 or the Acquisition of Property Act, 1961. This implies that these inventories function as the de facto cut-off date. Typically, an asset inventory is valid for 12 months before requiring a second round of inventories before they become void. The MoPWT will require that

the PAPs sign a declaration acknowledging the development moratorium and cut-off date when presented with their Draft Agreements and that they will be compensated only for the assets included in the inventory. PAPs will not be eligible for compensation for any new developments made after the most recent asset inventory. The MoPWT will also publish the development moratorium and associated cut-off when the RAP is disclosed, as well as disclosure of the Draft Agreements.

Resettlement Support

Where PAPs are required to resettle their homes, businesses, fences or secure replacement farmland, the MoPWT will provide resettlement support in addition to any cash compensation. The objective is to improve living conditions of PAPs, and specifically poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.

8.6. Cut-off date for eligibility.

The main incentive for setting the cut-off date is to minimize the incentive by communities to build unauthorized structures within the project affected area in speculation of gaining compensation. This RAP defines the cut-off date for compensation as the time of completion of the PAPs census. The census was completed 10 July 2024. A final general 'cut-off date' will be declared after the road designs and cadastral surveys are completed and final. This will be the date by which PAPs and their affected assets have been identified and will be eligible for compensation and assistance. Owners of new structures erected onto the project site after the cutoff date cannot make claims for compensation and other related assistance. However, PAPs who will, for some reason, not be identified in the census, but whose ownership or use of occupancy prior to the cut-off date can be demonstrated and confirmed will remain eligible for compensation. In the unlikely event that after the cut-off date, construction activities result in previously unanticipated adverse impacts on communities, those affected PAPs would be eligible for compensation. The 'cut-off date' will be declared in English and SiSwati to avoid speculation. Thereafter, no new cases will be considered for compensation.

8.7. Arrangements for recalculation of compensation rates

Declaring and enforcing the moratorium on further developments in the project-affected area would be an administrative challenge for the PIU and Local Government authorities if the project or the RAP implementation is delayed. If a significant time gap develops between cut-off-date formal declaration and the start of site hand-over to the construction contractor and the implementation of the RAP by over twelve months, the valuation of assets should be re-done prior to the execution of compensation to ensure that replacement value has been achieved.

9. LIVELIHOOD RESTORATION PROGRAM

9.1. Introduction

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

The AfDB policy recommends that projects borrowers undertake the following actions on behalf of all affected people, including members of the host communities in which displaced people will be settled:

- Inform affected people of their options and rights concerning resettlement.
- Provide technically and economically feasible options for resettlement based on consultation with affected people and assessment of resettlement alternatives.
- Whether physical relocation is required or not, provide affected people with prompt and effective compensation at full replacement value for loss of assets due to project activities.
- Where physical relocation is necessary, provide temporary housing, permanent housing sites, and resources (in cash or in kind) for the construction of permanent housing sites – inclusive of all fees, customary tributes and utility hook-up charges or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.
- Provide affected people with transitional financial support (such as short-term employment, subsistence support, or salary maintenance); and
- Where necessary, provide affected people with development assistance in addition to compensation for lost assets described above such as land preparation, agricultural inputs, and credit facilities and for training and employment opportunities.

The project must be sensitive to the special needs of women and other vulnerable groups in the planning and implementation of resettlement and livelihood restoration. Men and women have different needs and opportunities for access to land, resources, employment and markets.

9.2. Loss of Title Deed Land (commercial operations)

As part of any formal agreement with the private landowners, the MoPWT will ensure the following.

- The PAPs will be permitted to harvest any standing crops and trees prior to displacement.
- The PAPs will be given notice by the MoPWT at least 120 days prior to taking the land.
- The PAPs will be given 60 days from payment of all compensation to vacate the land.
- The construction works will be timed to allow for harvesting of mature trees where possible.
- Compensation will be provided for crops or trees that are not mature prior to harvesting.
- The MoPWT will rehabilitate the land to allow for continued farming (where applicable) under the following restrictions: a.
 - annual commercial crop farming will be permitted.
 - commercial livestock grazing will be permitted.
 - plantation forestry will not be permitted in the servitude.
 - no fixed or temporary structures, building or infrastructure will be permitted.
 - no activity that may be deemed a risk to construction works will be permitted.
 - The MoPWT will provide communication to the PAPs on the restrictions of use in the servitude.

9.3. Loss of Title Deed Land (vacant)

The MoPWT will provide cash compensation covering any damages or improvements made on the vacant land. At the completion of the construction phase, the MoPWT will rehabilitate the land to a similar or improved quality to that before it was cleared. Thereafter, the MoPWT will allow the landowner to access the servitude to undertake any new activities that do not conflict with the servitude restrictions. No other specific measures are recommended.

9.4. Loss of Swazi Nation Land (vacant communal land)

Where the servitude extends through portions of communal or community land – or effectively portions of Swazi National Land not under individual claim and may be termed simply the ‘open bush’. Such land is used by local communities for (1) community pasture, (2) wild plant harvesting for consumption and medicinal purposes, (3) collecting traditional building materials, and (4) collecting of fuelwood and for other purposes. The Project will only restrict access to the communal land located within the servitude during the construction period of 36 months. At the completion of the construction phase, the area affected will be rehabilitated to a similar or improved quality to that before it was cleared. Thereafter, full access to any communal land within the servitude for the continued benefit of local communities during the operational life of the road shall be allowed. However, only uses that do not conflict with the servitude restrictions will be permitted. No other specific measures are recommended.

9.5. Loss of income and livelihood (Informal Structures)

Where the servitude extends to informal structures along the project corridor, the Contractor will be allowed to remove the structures from the ROW and relocate them to another location where they will not be in the way of construction works. The Project will ensure that access to the newly relocated site of informal structures is accessible to ensure the sustenance of income and livelihoods. If at the end of the construction works the MoPWT is confident that the structures may be relocated to their previous position, the Contractor shall be allowed to return them to their initial position. However, if the MoPWT assesses that the structures' return will be in the servitude, the structures may permanently be relocated.

9.6. Livelihood Development and Subsistence

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

- Make use of local labour as much as possible. The Project will, where practical provide preferential employment of PAPs during the construction phase. In support of this principle, the Contractor will establish local recruitment channels through the CLOs consistent with the Project Labour Management Procedure (LMP).
- Capacity building: the Project shall enlist service of appropriate experts for development of appropriate livelihood improvement and sustenance plan. The Contractor shall be required to develop skills transfer plans that would enable a worker to move from one project to another within the same area, region, industry or other. The project shall also endeavour to upskill the directly affected through training.
- Construction and Operational Clearing and Maintenance: The Project will prioritize hiring of the local PAPs when there is a need to clear or maintain the servitude (including any bush clearing, preparation of fire breaks, land rehabilitation or other nontechnical maintenance requirements) during the operational life of the road.
- Agricultural extension services: the Project will enlist the assistance of other Government Departments or NGOs in exploring opportunities to provide extension training to directly affected PAPs or communities residing along the project corridor.

9.7. Recommendations

It is recommended that the mitigation measures included in the RAP report be implemented to decrease the effect of negative impacts on communities and maximize the effect of positive impacts. It will be important that local employment and entrepreneurial opportunities are maximized. This will minimize the risk of conflict among residents and newcomers and better relationships for workers housed in temporary housing for construction workers. Furthermore, new construction workers in the area must be urged to refrain from abusing resources, infrastructure and vulnerable people of the existing adjacent communities. There should be closer cooperation between the affected communities in the area and

the project to ensure that identified negative impacts are dealt with in a coordinated manner. This information should be conveyed to all relevant construction workers and affected communities.

10. GRIEVANCE REDRESS MECHANISM

10.1. General

Grievances are issues, concerns, problems, or claims (be it perceived or actual) that an individual or a community group wants a project proponent to address or resolve. The grievance may arise from the compensation procedure, and there will be those who may be challenging notices to vacate the right of way and they are determined to do this through the courts of law. In case this happens, then this challenge will be solved according to the redress mechanism, or it will be directed towards the Government of Eswatini whereby the MoPWT shall notify its Legal Advisor on all such developments while the assignment is progressing. At the time when the Resettlement Plan is approved and individual compensation contracts are signed, affected individuals will be informed of the process for expressing dissatisfaction and how and where to seek redress. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexible and open to various proofs for a speedy, and fair resolution.

10.2. Approach to Grievance Redress

STEP 1: Publicizing Grievance Management Procedures

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

- What project-level mechanisms are (and are not) capable of delivering and what benefits complainants can receive from using the project grievance mechanism, as opposed to other resolution mechanisms.
- Who can raise complaints (affected communities)
- Where, when, and how community members can file complaints.
- Who is responsible for receiving and responding to complaints, and any external parties that can take complaints from communities.
- What sort of response complainants can expect from the company, including timing of response; and
- What other rights and protection are guaranteed. Ideally, as part of their first interactions with company representatives, communities should be informed of the project's intention to establish a grievance mechanism and continue to be reminded of this mechanism on a regular basis during project implementation.

STEP 2: Receiving and Keeping Track of Grievances

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

- collecting grievances.

- recording grievances as they come in.
- registering them in a central place; and
- tracking them throughout the processing cycle to reflect their status and important details.

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

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

STEP 3: Reviewing and Investigating Grievances

For a grievance mechanism to work, all complaints should be handled as promptly as possible, depending on the nature and complexity of the matter. The person responsible for grievance handling should organize the process to validate the complaint's legitimacy and arrange for investigation of details. Depending on the circumstances of the complaint, various units or departments may need to get involved, including senior management if their direction and decision is required by the established procedures and division of responsibilities. To begin this process, establish the nature of the grievance to determine the measures needed for review and investigation. All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances. For example: Minor, straightforward issues may only need screening before proceeding to the next step (resolution options and response). Review of minor issues, especially those related to a complainant's request for information, can generally be handled easily by providing information on the spot, or referring the person relevant unit. If there is any possibility that deeper underlying issues may exist, always take time to investigate the complaint further. Less clear, more problematic, or repetitive issues, or group complaints may need a more detailed review prior to action. Staff involved in handling grievances may need to seek advice internally, and in some cases turn to outside parties to help in the validation process, especially in cases of damage claims. One option to help determine legitimacy is a grievance committee comprising a Traditional Authority representative, Resettlement Committee members, and the Social and Environmental Officers. This committee can also provide initial recommendations on resolution options.

Where an extensive investigation is required: An extensive investigation may be required when grievances are complex or widespread and cannot be resolved quickly. To conform to the principle of "no cost to communities," the Project should take full responsibility for investigating the details of

grievances coming through its grievance mechanism. However, in cases of sensitive grievances such as those involving multiple interests and a large number of affected people, it may help to engage outside organizations in a joint investigation or allow for participation by civil society organizations or NGOs, or local authorities, if the complainants agree to this approach.

STEP 4: Developing Resolution Options and Preparing a Response

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

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

Developing resolutions options to grievance redress

General approaches to grievance resolution may include proposing solution commensurate with the nature of the complains:

- unilaterally (the company proposes a solution).
- bilaterally (the company and the complainant reach a resolution through discussion or negotiation).
- through a third party (either informally or formally through mediation).

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

Preparing and communicating clear response

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

- A. The claim is rejected, and no further action will be taken.

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

B. The claim is accepted.

The response procedure would include two general steps.

- i. A preliminary response should be provided within a stipulated period and should propose the next steps and actions to be taken for resolution. Let complainants know the results of the assessment and the status of their claims and encourage and invite further discussion with complainants (to obtain additional arguments, collect more evidence, conduct further investigation, and launch a dialogue). If complainants are not likely to be satisfied with the outcome the company is considering, schedule group or individual meetings, as needed, to discuss the findings and further clarify the position of the company and of the complainants; and, in more complex cases, have management participate in such meetings, since they are perceived to be the legitimate decision makers.
- ii. A final response should be given to document the final proposed resolution. Communicate the proposal, stipulate mutual commitments, and ask for the complainants' agreement. If the complainants are not satisfied with the proposed resolution, or the outcome of the agreed corrective actions, they should be free to take their grievances to a dispute resolution mechanism outside of the company grievance mechanism.

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

Following completion of the agreed-upon corrective actions, it is good practice to collect proof that those actions have taken place. These may include but not be limited to:

- Take photos or collect other documentary evidence to form a comprehensive record of the grievance and how it was resolved.
- Create a record of resolution internally, with the date and time it took place, and have responsible staff sign off.
- Have a meeting with the complainants to get a collective agreement to close out the claim; and
- If the issue was resolved to the satisfaction of the complainants, get confirmation and file it along with the case documentation.

STEP 5: Monitoring, Reporting and Evaluating a Grievance Mechanism

The efficient use of resources, and for determining broad trends and recurring problems so they can be resolved proactively before they become points of contention. Monitoring helps identify common or

recurrent claims that may require structural solutions or a policy change, and it enables the company to capture any lessons learned in addressing grievances. Monitoring and reporting also create a base level of information that can be used by the company to report back to communities. Although internal monitoring is usually sufficient for smaller projects, in the case of projects with significant impacts, or where the facts surrounding the grievance are contentious, monitoring by a neutral third party can enhance the credibility of the grievance mechanism.

Tracking grievance statistics to ascertain effectiveness.

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

Adapting the mechanism to correct effectiveness.

The final objective of monitoring is to ensure that the design and implementation of the grievance mechanism adequately responds to the stakeholders' needs in a cost-effective manner. To maintain the mechanism's effectiveness, the Project must design the mechanism and assign responsibilities to allow for policies and practices to improve efficiencies in the receipt and resolution of grievances. These objectives can be met only through ongoing adjustments to the mechanism, facilitated by support from the PIU. For example:

- If communities strongly prefer one of several channels offered to submit grievances, focus Project resources on that channel to lower the costs of methods that communities do not use.
- If only one subgroup in the community raises complaints (for example, women, elderly, affected on TDL or SNL), determine whether this phenomenon is the result of a particularly high impact of operations on that specific group or an accessibility issue.
- If many grievances do not get resolved through the mechanism, a major change may be required in how the Project approaches resolution, rather than focusing efforts on resolving individual issues; and
- If the grievances allege that the mechanism lacks transparency, adjust the policy and methods used to publicize it, put more emphasis on inviting the community to participate in decision making through the grievance mechanism, and consider involving third parties.

Using monitoring results to report back.

Lessons learned throughout the process of handling grievances can help ensure continual improvement of the Project operations. The Project can also use monitoring to report back to the community on its

implementation of the mechanism. In addition, the Project should designate personnel responsible for translating lessons learned from its monitoring into concrete policy and practice changes for the Project.

10.3. Resources and Responsibilities for GRM Management and Implementation

10.3.1. Resources

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

10.3.2. GRM Implementation Responsibility

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

- Ensure that roles are clear and establish a hierarchy which shall demarcate the meaning of escalation, i.e. in what cases and at what stage in the handling of a complaint their decision will be required, and who will be responsible for strategic oversight of grievance management. The MoPWT has final authority to ensure that commitments to affected communities are met, and clear reporting lines must be established between the Project Proponent and those implementing the grievance mechanism.
- The GRM should have an effective administrative arm which shall ensure that complaints are recorded, arrange for collection of additional information, consulting relevant stakeholders regarding complaints, tracking progress as well as aggregating and forwarding feedback to complainants as well as reporting. The Resettlement Committee together with a resettlement officer should serve as an entry point to receive and log complaints. Frequent turnover of staff assigned to grievance handling and community liaison can adversely impact the perception of the mechanism.
- Where possible, functions of grievances handling should be separated from project management, and assign clear accountability for each, to avoid decisions that favour the interest of the company only. Safeguards can include clearly defining the authority and decision-making responsibilities of people involved in administering the grievance mechanism, as well as making sure that senior management is ready to intervene. These would include responsibilities for managing the overall process, as well as separate steps (receipt, recording and tracking, investigating, and responding).

10.3.3. Involving Third Parties

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

10.3.4. Options for Third Party Engagement

To have an effective project-level grievance mechanism, companies need to understand the possible roles of third parties before engaging them. Third parties may include the Tinkhundla Authorities, Regional Administrators Offices and/or NGOs. These should be considered when developing a grievance mechanism to ensure cultural appropriateness, community involvement in decision making, and efficient and effective use of existing community resources.

Local NGOs must be identified and should be those that are active in project, learn about their interactions with the affected communities, determine what contribution they can make to effective resolution, and discuss options for an NGO to administer relevant parts of the project's grievance mechanism. Sometimes NGOs can also represent local communities and help them build their capacity to understand the process and its benefits, participate in decision making, and articulate grievances and bring them to the attention of companies. Such organizations also viewed as of 'community developers', and companies should be prepared to deal with grievances brought by NGOs on behalf of communities.

11. MONITORING AND EVALUATION OF RAP

11.1. Purpose

This project is adopting a participatory monitoring and evaluation strategy, where all stakeholders will be able to monitor the various stages of resettlement and jointly evaluate the Resettlement Plan after all the processes have been completed. Participatory monitoring will allow for compliance verification, effectiveness evaluation, timely intervention, accountability, and transparency as well as continuous implementation assessment. Additionally, monitoring also:

- Ensures that notices are served in a timely manner to allow property owners to vacate the right of way starts immediately after community sensitization and public awareness.
- Ensures that all property owners are compensated, followed by removal of all structures from ROW before construction starts.
- Ensures that all infrastructural services are removed from ROW,
- Ensures that no new encroachments are developing in some other areas from existing ones.
- Ensures that all grievances are resolved amicably and immediately when they arise.

The measures detailed in the Resettlement Action Plan are designed to meet these objectives. To facilitate the focus of the RAP and its associated activities towards the objectives, monitoring and evaluation should include.

- the tracking of asset acquisition and composition.
- Preparation of resettlement sites
- Construction of replacement structures
- Re-establishment of displaced business activities.
- Reaction and adaptation of directly affected parties pertaining to resettlement and compensation packages.
- Re-establishment of income levels where applicable.

11.2. Monitoring Framework

The monitoring framework will be guided by three broad components namely performance monitoring, impact monitoring and a completion audit. The PIU will submit monthly and quarterly reports to applicable stakeholder stakeholders. Audit reports will be submitted to the Eswatini Environmental Authority or other agencies as part of any conditions of licensing. Finally, the PIU will submit monthly, quarterly and any other audit report directly to the African Development Bank as they become available.

11.3. Parameters of Monitoring

The overall aim of the monitoring programme will be to measure the extent to which the goals of the Resettlement Plan have been achieved. Indicators and targets should be established and broadly grouped as shown in the following illustration.

Figure 11-1: Parameter Monitoring Categories



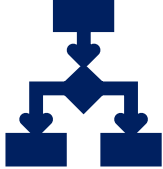

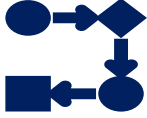
 Input indicators	<p>Measures the resources (financial, physical and human) allocated for the attainment of resettlement and livelihood restoration goals</p>
 Output indicators	<p>Measures the services/goods and activities produced by the inputs. Examples include compensation disbursements for acquired assets, preparation resettlement sites and allocation of residential plots, and the construction of replacement services/facilities (e.g. school).</p>
 Outcome indicators	<p>Measures the extent to which the outputs are accessible and used, as well as how they are used. They also measure levels of satisfaction with services and activities produced by the inputs. Examples include the ways in which compensation was used by recipients, access to community development or micro-credit funds, changes to school's enrolment figures in resettlement areas, and changing local attitudes to project implementation. Although not Measures of well-being (i.e., livelihood restoration) in themselves, they are key determinants of well-being.</p>
 Impact indicators	<p>Measures the key dimensions of livelihood restoration and well-being to establish whether the goals of the Resettlement Plan have been achieved. Examples are restoration and diversification of income levels across different social categories, the sustainability of income-generating activities and changes in literacy levels.</p>
 Process indicators	<p>Process indicators are often included in a monitoring programme to measure and assess implementation processes. Examples are the processes by which indicators and targets were established, the functioning of liaison/participation structures, the levels of representation of different social categories/interest groups and the processes by which conflicts and disputes are resolved.</p>

Table 11-1: Monitoring Parameters

Monitoring Parameter	Data Source	Monitoring Interval	Reporting Interval
1. RAP Negotiations			
Percent of Issued Compensation Agreements	Contract Records	Monthly	Monthly
Percent of Signed Compensation Agreements			
Percent of Unsigned Compensation Agreements			
Percent of Contested Compensation Agreements.			
Number of Meetings with Individual PAPs			
2. Compensation, Replacement Assets and Relocation			
Percent of PAPs with Verified Means of Payment	Contract Records	Monthly	Monthly
Percent of Compensation Agreements Issued for Payment	Financial Statements		
Percent of Payments/Payment Transfers Issued	Financial Statements		
Percent of Replacement Properties Secured	Authorities Approval Records		
Percent of Replacement Structures Provided	Photos		
Percent of Properties Yet to be Surrendered to the Project	Project Records		

Monitoring Parameter	Data Source	Monitoring Interval	Reporting Interval
Percent of Signed Property Hand Over Forms	Signed Property Handover Forms		
3. Livelihood Restoration			
Number of Employed PAPs (by location and gender)	Construction Reports	Quarterly	Quarterly
4. Grievances			
Number of Reported Grievances	Grievance Register	Monthly	Monthly
Number of Active Grievances			
Number of Active Grievances			
Average Period (Time) from Reporting to Closure			
5. Stakeholder Engagement and Perceptions			
Number of Authority Meetings	Engagement Records	Quarterly	Quarterly
Number of PAP Meetings			
PAP Attitudes and Perceptions (of Compensation and Resettlement)			
6. Other			
Demographic Change, Living Conditions and Livelihoods Status	External Audits	Variable	Variable
Incidents of Encroachment into the Servitude (Operations)	Operations Surveillance	Annual	Annual
Incidents of Violations of Servitude-Use Restrictions (Operations)			

11.4. Performance Monitoring

Performance monitoring will measure progress with resettlement and livelihood restoration against scheduled actions and milestones. Input and output indicators associated with performance milestones will be monitored. Input and output indicators that will be monitored include but are not limited to the following:

- appointment of staff and provision of logistical support to resettlement officials.
- establishment and functioning of community structures.
- number and success of public meetings and consultations.
- completion of census and socio-economic surveys.
- establishment of required institutional structures.
- operation of compensation, grievance and other necessary procedures.
- disbursement of compensation payments.
- acquisition of alternative land for growing of crops
- replacement of community/social infrastructure and services.
- compilation/submission of monitoring and evaluation reports.

Monthly monitoring reports will be compiled by the resettlement officer while quarterly monitoring reports will be prepared for the Bank and as part of the Project's quarterly reporting.

11.5. Independent monitoring

A consultancy firm with no affiliations to the MoPWT shall be engaged to conduct an objective assessment and oversight of the RAP execution, in addition to ensuring adherence to pertinent environmental and social compliance mandates associated with the project. This independent surveillance will entail the corroboration of the execution of compensation and rehabilitation measures in alignment with the established GRM stipulated by the RAP. The process will facilitate the identification of any operational challenges encountered in any segment of the RAP, thereby enabling the provision of constructive recommendations to MoPWT to facilitate the achievement of the RAP's overarching goals. Furthermore, the autonomous monitoring entity will partake in the enhancement of competencies for the appointed contractors and their construction personnel. This training will encompass the foundational principles of environmental management as mandated by the environmental legislation and regulatory frameworks, in addition to the specific ESMP stipulations and the RAP's execution obligations. The primary objective of this initiative is to cultivate a construction workforce that is cognizant of the comprehensive environmental and social duties incumbent upon the project.

11.6. Completion Audit

At the end of the resettlement programme a completion audit must be undertaken by an independent agency. The overall aim of the audit will be to verify that resettlement and livelihood restoration activities were undertaken in compliance with the objectives and principles of the Resettlement Plan. Specific aims of the audit will be to:

- confirm that all physical inputs specified in the Resettlement Plan (e.g. compensation, relocation assistance, livelihood restoration assistance) have been delivered.
- confirm all outputs achieved under the resettlement programme.
- assess whether the outcomes of the resettlement programme have had the desired beneficial impacts.
- allow the MoPWT to sign-off its responsibility for compensation, resettlement and livelihood restoration.
- describe any outstanding issues that require attention prior to the closing of the project's resettlement and livelihood restoration program.
- the fulfilment of respective agency responsibilities.
- verify the usage of developed GRM
- verify the appropriateness of the consultation and participation process.

11.7. Interval monitoring

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

- Phase 1- Monitoring before construction
- Phase 2- Monitoring during construction
- Phase 3- Monitoring after road rehabilitation and possibly extended to the entire operation phase of the road based on 20 years design period.

Monitoring before and during construction shall be set at regular known short time intervals such as weekly/fortnightly or monthly to be able to have baseline information important for the operation phase. Beyond short periods, limited to a month, some developments in the right of way can out-pace the monitoring speed. Monitoring strategy, particularly during the 20 years of the design period, can be varied based on the experience harnessed from construction phase and the first few years of project operation. Tabel 11-1 summarizes the monitoring of the resettlement during the three phases of the project.

Table 11-1: Monitoring arrangements

	Impact/Issue to be Monitored	Monitoring Activity	Monitoring Frequency	Responsibility
Pre-construction	Constructions in ROW (Compensation followed by removal)	Check complete compensation and ensure removal of structures	Daily/Weekly after sensitization	MoPWT
	Infrastructures in ROW	Check compensation to utilities company complete removal of services	Daily/Weekly after sensitization	MoPWT/ responsible for the infrastructures involved
	Community Grievances	Check if any grievances are submitted	Daily/ Weekly after sensitization	MoPWT/ Community Liaison Officer
During Construction	New constructions in the ROW	Physical Inspection along the ROW	Monthly	MoPWT
	New Infrastructures in the ROW	Physical inspection along the ROW	Monthly	MoPWT
	ROW markers/pegs	Check if they are installed in all places	Monthly during construction	MoPWT/Surveyor
During Operation	New constructions in the ROW	Check if any new construction in the ROW	Monthly	MoPWT
	New infrastructural services in the ROW	Check if services are developed into the ROW	Monthly	MoPWT
	ROW of markers is in place not destroyed	Check and replace any destroyed markers	Annual	MoPWT
	Community Sensitization	Sensitize community on limits of ROW	Once every six months	MoPWT

12. CONSULTATIONS

12.1. General

The stakeholder consultations and public forums on the project entailed presentation of the project proposals at public meetings convened. The meetings were publicized at local administration forums (namely Tinkhundla and Chiefdoms level) as well as through advertisements in the national newspapers for grass-root contact. Initial scoping meetings were held for the project. The scoping meetings were as shown below.

Table 12-1: Consultations

Stakeholder	Date	Project Area
Project areas Members of Parliament, Bucopho, Transport Development Committees	January 2024	Respective Tinkhundla
Regional Administrators	6 February 2024	Lubombo and Shiselweni Regional Office
Traditional Authorities	22 February 2024	Shiselweni Chiefs' meeting.
Communities	27 February 2024	Sigwe Inkhundla
	28 February 2024	Sigwe Junction
	4 March 2024	Matsanjeni South Inkhundla
	6 June 2024	Sigwe Inkhundla
Directly Affected	13 June 2024	Maloma
	9 July 2024	Ngwavuma

12.2. Consultations at Government Level

Coordination with government departments and line agencies is required to obtain approval on key mitigation issues and commitment to responsibilities. Consultations have occurred with the Ministry of Agriculture and Cooperatives, the Ministry of Natural Resources and Energy, Regional Administration and the Eswatini Environmental Authority. These consultations will continue throughout the resettlement programme as mitigation measures are implemented. MoPWT will continue to play a supportive and facilitative role to ensure that government agencies and other participating stakeholders can fulfil their obligations.

12.3. Consultations at Directly Affected Level

During the scoping meetings. The community was made aware of the possibility of resettlement of private assets found in the right of way. These assets were identified at Maloma and Nsoko on private farms under TDL tenure. The farm owners were approached individually as initial consultations and project information sharing. Even though they were found to already have knowledge of the road development plans, they were also alerted of possible land take due to the ROW. Further consultation is anticipated before project implementation to present compensation offers and negotiations.

13. IMPLEMENTATION ARRANGEMENTS AND SCHEDULE

13.1. Negotiations with Directly Affected

Initial contact and disclosure have been made with the directly impacted. The directly impacted are do not fall under the vulnerable group category. The negotiations with the directly impacted could result in structural replacements or cash compensation. It is not anticipated that there will be an implementation of the livelihood restoration plan.

13.2. RAP Disclosure

The RAP and related documents must be disclosed to all PACs. This will be carried out in the form of report distributed to central points in the PACs by the EEA.

13.3. RAP Implementation Arrangements

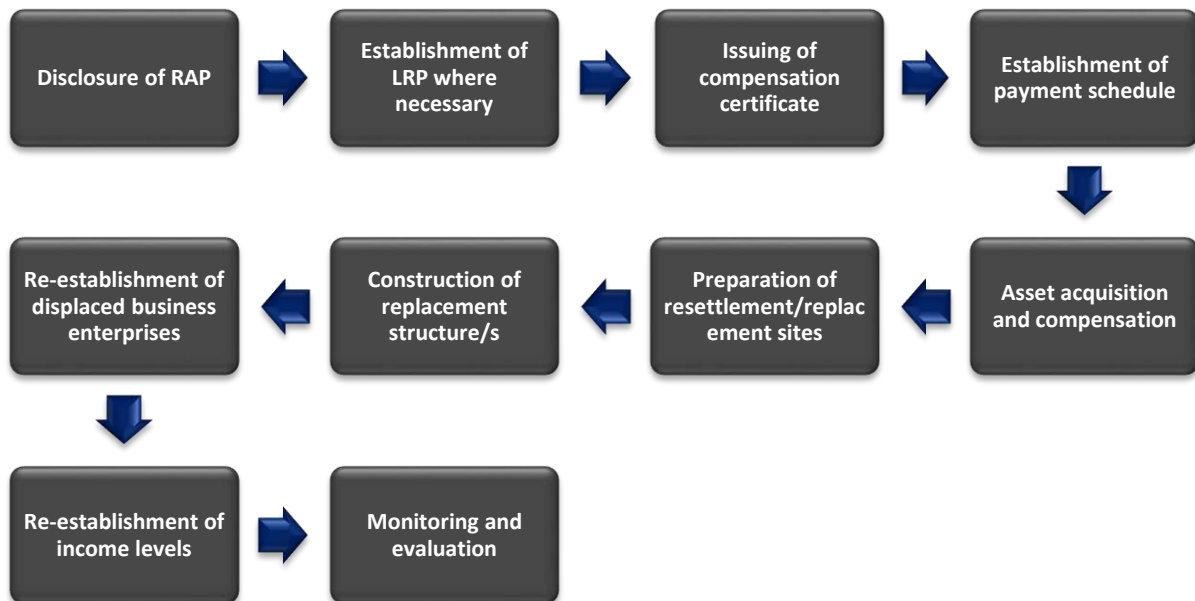
As the project authority, MoPWT will assume overall responsibility for the implementation and coordination of resettlement activities. A detailed resettlement implementation schedule, which details activities, responsibilities and timeframes, will be developed in line with the construction schedule. Once the resettlement action plan has been prepared, disclosed and approved, implementation of the resettlement action plan and delivery of entitlements will commence. Responsibility for implementing the resettlement measures of the resettlement action plan and delivering entitlements to displaced persons will be with MoPWT. Amongst others, this entails:

- implementation of procedures to minimize adverse social impacts throughout the project's planning, design and implementation phases.
- implementation of procedures for the recording of project-affected persons and their assets.
- ongoing consultation with project stakeholders and dissemination of project information.
- capacity-building initiatives to create a supportive environment for the implementation of resettlement activities; and
- co-ordination with government line agencies and non-governmental organizations to ensure delivery of mitigation measures, and to create and maintain linkages.

13.4. Activities Related to RAP Implementation

A detailed RAP schedule will be articulated once the RAP is approved by MoPWT. The activities related to RAP implementation are summarized as follows.

Figure 13-1: Activities related to RAP implementation



13.5. Roles and Responsibilities

13.5.1. The Project Implementation Unit

In Eswatini, there is no organization tasked with resettling people. Each proponent is responsible for carrying out this task. In this Resettlement Plan, the executing agency (MoPWT) is the institution responsible for ensuring adequate resources for the resettlement of affected people in the road project. In line with this requirement, MoPWT will create a Project Implementation Unit (PIU) of the Resettlement Committee (RC). Community participation in the project will be organized through the RC created by this project to oversee resettlement issues and problems. Grievances of the affected people and views of the communities will be expressed in the RC. Additionally, the PIU will:

- Manage all stakeholder engagement as well as the disclosure of the RAP report.
- Manage all negotiations with PAPs and secure signatures on the Compensation Agreements.
- Effect all payment of compensation to PAPs including retaining a record of payment.
- Support PAPs in securing replacement land through the local traditional authorities.
- Implement all livelihoods restoration measures.
- Undertake monitoring and reporting as part of any reporting requirements.

13.5.2. The Ministry of Public Works and Transport

The RC will work within the ambit of MoPWT. The MoPWT does not have adequate capacity to successfully implement this Resettlement Plan, including technical and financial capacity. In that regard, the implementation of this RAP will be the responsibility of the PIU who shall review key decision-making

reports and assist or facilitate where necessary the optimal implementation of the RAP and associated activities. The MoPWT will:

- Report on progress on land acquisition and resettlement as part of reporting requirements.
- Provide coordination between the PIU and other Government Departments.
- Authorize the RAP prior to implementation.
- Allocate staff and/or consultants to manage the implementation of the RAP through the PIU; and
- Manage the allocation and distribution of funds to cover compensation payments.

13.5.3. Resettlement Specialist Support

The PIU shall appoint a Resettlement Specialist who will provide ongoing technical and administrative support directly to the PIU throughout the implementation of this RAP. The roles and responsibilities of the specialist will include:

- Provision of on-going guidance and advice to meet Project standards.
- Supporting the MoPWT in the disclosure of the RAP and attending engagement meetings.
- Supporting the drafting of Compensation Agreements and how they are to be negotiated.
- Review the Compensation Agreements to ensure they conform to the correct rates.
- Support the MoPWT on tracking/recording of all compensation payments.
- Support the MoPWT in securing in-kind replacement assets and other resettlement support.
- Support the MoPWT in undertaking internal monitoring and preparation of Closure Report.

13.6. State Institutions

There are several government institutions that will have direct (authorizations, witness, community notifications, issuing payments, finding replacement land) or indirect roles (observer, commentary during engagement) in the compensation and resettlement process. These are presented below. These institutions are expected to play a functional role in the implementation of the RAP. However, it does not exclude other national, regional and local institutions from being included in the stakeholder engagement process

Table 13-1: Institutional Roles and Responsibilities

Institution	Roles and Responsibilities
Ministry of Natural Resources and Energy (Surveyor General & Department of Energy)	▪ Authorization of the RAP and Valuation Reports.
	▪ Registration and conveyance of servitude.
Ministry of Tourism & Environmental Affairs (Eswatini Environmental Authority)	▪ ESIA Authorization
	▪ RAP Review Only
Ministry of Finance (MoF)	▪ Disbursement of compensation funds.
	▪ Making all compensation payments.
	▪ Maintaining records of payments.
Ministry of Tinkhundla Administration and Development	▪ RAP Review and Comment
	▪ Formation of Board of Assessment (if needed).

Institution	Roles and Responsibilities
	<ul style="list-style-type: none"> ▪ Member of the GRM to resolve land disputes. ▪ Witness the signing of Compensation Agreements. ▪ Monitor the implementation of the Project.
Shiselweni Regional Administrator	<ul style="list-style-type: none"> ▪ Member of the GRM to resolve land disputes.
Lubombo Regional Administrator	<ul style="list-style-type: none"> ▪ Monitor the Implementation of the Project.
Ministry of Housing and Urban Development,	<ul style="list-style-type: none"> ▪ Issuing a 'No Objection' to the Servitude on TDL
Any other Ministries acting as custodians of State, Trust or Crown Land	<ul style="list-style-type: none"> ▪ Issuing a 'No Objection' to the Servitude ▪ Approval of servitude on State, Trust or Crown land.

13.6.1. Local Administration

Local administration, with respect to Swazi National Land, is through traditional structures. Representatives of the Tinkhundla and the Imiphakatsi function as the primary local and on-site administrative bodies. They will play a vital role in supporting the MoPWT and PAPs to implement the compensation and resettlement process by performing the following:

- Acting as intermediaries in any engagement and negotiations between the MoPWT and PAPs.
- Supporting any RAP disclosure and associated community meetings where necessary
- Witness the signing of Compensation Agreements between the MoPWT and PAPs.
- Finding and allocating replacement residential and farmland, when required.
- Supporting the MoPWT in any monitoring and evaluation of the resettlement implementation.
- Support the registration of grievances by the PAPs with the MoPWT
- Verification of land ownership rights and resolution of conflicts through the GRM.
- Supporting the MoPWT in securing handover agreements once compensation is concluded.

13.6.2. The African Development Bank

The AfDB, as the funding agency, will provide oversight of the compensation and resettlement process. This will include authorization/clearance of the RAP (and associated Asset Inventory and Valuation Reports) prior to implementation. The WB will also review the implementation of the RAP provisions through country missions and advise on any required corrective actions.

13.6.3. Capacity Building

The MoPWT shall appoint a Resettlement Specialist to provide institutional capacity and expertise to the PIU during implementation of the provisions of this RAP. The Specialist will work directly with the PIU on operational and planning aspects.

13.7. Implementation Schedule

There must be sufficient time for the PAPs to receive notices and to prepare for movement by collecting some moveable assets. An implementation schedule must be communicated in advance to ensure the PAPs smooth transition. The tentative implementation schedule is presented in table 13-1. It is provisional on the time it will take the project to secure funding and complete the necessary tender

processes. It is however recommended that the RAP is focused over the next 6 months to support the commencement of construction works in the first quarter of 2025. The proposed schedule may be constrained by:

- RAP Disclosure and 30-day comments period: The RAP will be disclosed to the relevant stakeholders and PAPs, and a 30-day appeal and comments period will be provided for PAPs to provide feedback to the Project.
- 120-day Notice Period: The PAPs will be given formal notice of the intent to secure the land at least 120 days (four months) prior to them having to surrender their land to the Project.
- Provision of Replacement Buildings and Land: A four-month period has been provided for, where the Project is required to provide replacement land and buildings. However, where this time is insufficient, it will be extended into and run parallel with the construction phase.
- Disputed Negotiations: Where no agreement can be reached with the PAPs, the Project will need to compulsorily acquire the land through the Law of Land Acquisition, 1961 which will follow a separate and entirely open schedule as detailed below.

Table13-1: Implementation Schedule Charts for Resettlement, Compensation, and Monitoring

	Activity	Jun-24				Jul-24				Aug-24				Sept-24				Oct-24				Nov-24				Dec-24				Jan-25			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	RAP DEVELOPMENT	█				█																											
1.1	Asset inventory and valuation reports	█																															
1.2	RAP Report					█																											
1.3	AfDB & MoPWT review of Draft RAP					█																											
1.4	Preparation of agreements (legal)					█																											
1.5	Public disclosure of RAP and valuation report					█																											
1.6	30-day appeals and comments period					█																											
1.7	Public disclosure of draft agreements					█																											
2	RAP IMPLEMENTATION																																
2.1	Notice to acquire land (120 days)																																
2.2	Compensation agreement negotiations																																
2.3	Payment of cash compensation																																
2.4	Salvage of materials and other assets																																
2.5	Provision of replacement land and structures																																
2.6	Handover forms																																
2.7	Stakeholder Engagement																																
2.8	RAP (interim) closure report																																
3	Disputed Claims (Land Acquisition Law)																																
3.1	Notice through newspaper and gazette																																
3.2	Two-month notice (Article 7)																																
3.3	Dispute Settlement (Board of Assessment)																																

No limit

14. BUDGET ESTIMATES

The estimates for the RAP will cover land acquisition, replaced structures and other resettlement impacts arising within the community because of the MR21 road construction. The estimate of the value given is based on the amount of land take area for each of the directly affected private properties at market value.

14.1. Compensation rates for identified affected asset types

14.1.1. Valuations of Affected Structures and Assets

The compensation rates for the identifies assets marked to be in the ROW are presented in table 14-1. Land on SNL is not compensated but replaced unit for unit. This principle also applies to fields found on SNL. The principle adopted by this RAP is that the structures, crops, other assets, and other improvements found to be in the ROW on SNL shall be compensated accordingly. These rates are based on similar studies conducted in the past 12 months as well as market rates for assets such as fences.

The value is based on full replacement value – or the cost of purchasing or building a replacement structure, with an area, quality, and location similar or better than those of the affected structure; or of repairing a partially affected structure, including labour and contractors’ fees, transaction costs, such as registration, transfer taxes, and moving costs. The compensation value applies to PAP identified at Maloma and Eblweni. Each of the affected shall be compensated according to its unique price contributing characteristics as well as negotiations with PAPs.

Table 14-1: Suggested Valuation Rates: Buildings, Land, Fences

Asset	Unit	Proposed Rate in Emalangenzi
Business Structures (TDL)	M ²	E5,700.00
Land (TDL)	Per ha.	E85,000.00
Farmland (SNL)	ha	Land to land replacement
Fencing	Running (m)	E1,700.00
Loss of income	Months	E4,500.00

14.1.2. Small scale commercial crops

Small scale commercial crops shall be determined through the asset inventory and valuation reports based on productive value or the projected income generated from the crops on the directly impacted farmland. Given that at the time of the survey there were no crops on Khethokuhle Farmers Garden, and if comes a time when the valuation of inventory must be done and there are still no crops, it is recommended that the value of the full harvest is determined using the rates of the Ministry of Natural Resources and that of the Ministry of Agriculture. The compensation rates shall be based on maize which is the staple crop. The rate of E25/US\$1.38 per kilogram over an expected yield of 1,800 kg/ha shall be applied. Based on the reported 3.1ha of the farmland being utilized, the compensation rate therefore is currently estimated at **E139,500.00/US\$7,699.65** held constant for the duration of the project (36 months or 3 years) until this RAP is updated.

14.2. Compensation rate by structure type or loss

The structures identified at Maloma and Nsoko to be appropriated include a business building, wire fence, farmland, and land on TDL tenure.

Table 14-2: Magnitude of loss

Item	Unit of measure	Quantity
Business Structure	M ²	230.7216
Loss of income	Months	12
Fence - households	Running meter	191.38
Fence – farmland	Running meter	625.20
Small-scale commercial crops/year	Kg	5,580
Title deed land	ha	0.1693

14.3. Budget

The overall RAP budget also includes stakeholder engagement, Specialists for RAP implementation as well as monitoring and evaluation. The budget estimates for the RAP implementation are as follows:

Table 14-3: Budget Estimate for RAP Implementation on the MR21

No	Description	Compensation Amount	
		Cost (SZL)	Cost (USD)
1.0	SNL (24m Servitude)		
1.1	Structures	0.00	0.00
1.2	Other Improvements (Fences)-households	363,430.62	20,059.42
1.3	Land (Permanent Loss)	0.00	0.00
1.4	Other Improvements (Fences)-farmland	562,680.00	31,056.92
1.5	Loss of Crops (1 year)	139,500.00	7,699.65
1.6	Loss of Crops (2 years)	139,500.00	7,699.65
1.7	Loss of Crops (3 years)	139,500.00	7,699.65
	Sub total	1,344,610.62	66515.65
	Inconvenience Allowance (10%)	134461.06	6651.57
	Total	1479071.68	73167.22
2.0	TDL (24m Servitude)		
2.1	Loss of Land	14,390.50	794.28
2.2	Structures	1,338,185.28	73,860.66
2.3	Other Improvements (Fences)	0.00	0.00
	Sub total	1,352,575.78	74,654.94
	Inconvenience Allowance (10%)	135,257.58	7,465.49
	Total	1,487,833.36	82,120.43
3.0	Livelihoods Restoration		
3.1	Land Rehabilitation	Construction Budget	Construction Budget
3.2	Land Preparation Allowance	80,000.00	4,415.57
3.3	Employment	Construction Budget	Construction Budget
3.4	Once-off farming input package	271,500.00	14,985.35
3.5	Replacement Saplings	25,000.00	1,379.87

No	Description	Compensation Amount	
		Cost (SZL)	Cost (USD)
3.6	Financial Literacy Training	250,000.00	13,798.66
3.7	Loss of Income	432,000.00	23,844.09
Total		1,058,500.00	58,423.53
4.0	Administrative Costs		
4.1	PIU Team Expenses	1,000,000.00	55,194.64
4.2	Consultative Forums Administration Costs	300,000.00	16,558.39
4.3	Grievance Redress Admin Costs	1,000,000.00	55,194.64
4.4	Resettlement Specialist	750,000.00	41,395.98
4.5	Independent Auditor	500,000.00	27,597.32
Total		3,550,000.00	195,940.99
Grand Total (1+2+3+4)		6,096,333.36	336,484.95
Contingency (15%)		914,450.00	50,472.74
Grand Total		7,010,783.36	386,957.69

* USD1=SZL18.1177, day opening Central Bank of Eswatini 9 July 2024.

The project implementation along the MR21 is anticipated to impact landowners on TDL and communal land on SNL. The structures are business structures and none of the directly affected are vulnerable or households. The budget is reflective of the findings of the inventory survey of the directly affected. The loss of income of the grocery shop tenant is eligible to loss of income compensation equivalent to 12 months of basic monthly salary.

15. CONCLUSIONS AND RECOMMENDATIONS

Consistent with Eswatini land acquisition law as well as the AfDB's E&S OS, fair and prior compensation and resettlement support must be provided to affected persons for the loss of property or loss of access to property directly related to the development of the Project.

On the MR21, the project is expected to impact 1 title deed landowner and a farmers' group. Other impacted assets along the MR21 are anticipated to be temporary. For the loss of business and revenue compensations, it is recommended that these be subject to proof of income through business income statements and/or business income returns to the Eswatini Revenue Authority. The final approved RAP will be implemented by systematically compensating PAPs ensuring that no works begin prior to compensation.

The entitlements to be provided by the Project include (1) cash, (2) in-kind compensation and (3) other support to be provided to the PAPs depending on (1) whether the losses are temporary or permanent in nature, (2) whether the partial acquisition of land is economically viable/non-viable, and (3) the types of losses (including structures, crops and trees).

The GoE through the MoPWT will also provide a range of livelihood restoration measures and resettlement support above any cash compensation payment. A central measure to restore small-scale farming livelihoods is to allow access to the servitude, and the PAPs will be supported in restoring farming practices in the servitude through land rehabilitation, land preparation allowances as well as input support. Consistent with AfDB's safeguards, livelihood restoration should result in tangible benefits through sustainable development initiatives, which results in an overall improvement in livelihoods relative to prior to displacement. Development initiatives to be provided by the Project will include (1) preferential local employment, (2) use of local communities for construction and operational clearing and maintenance, and (3) access to state-sponsored agricultural extension services.

The implementation of the provisions of this RAP is expected to be focused over six months to support the commencement of construction works in the first quarter of 2025. Continuous monitoring and evaluation shall be done by the PIU for reporting, compliance and refinement purposes. To enhance capacity, the Project will appoint an independent and competent resettlement specialist to undertake external audits, support the PIU in implementing the RAP as well as compile a close out report at the conclusion of the resettlement process.

The project design has prioritized the minimization of disruptions as feasible as possible. According to the findings of the Environmental and Social Impact Assessment, and surveys undertaken, there are no fatal flaws or impacts of such significance that cannot be mitigated to prevent the implementation of the Project. Elements of the project resettlement impacts are still subject to non-significant change as construction works progress.

ANNEX 1: MR21 ASSET SURVEY ANALYSIS

A1: Inventory of Affected Structures

PAP ID	AREA	PROPERTY TYPE	AFFECTED AREA	LAND TENURE	CHIEFDOM	NATURE OF LOSS	COORDINATES
MR2101	MALOMA	STRUCTURE	82.06m ²	TDL	N/A	PERMANENT	27.00372° S, 31.65360° E
	MALOMA	STRUCTURE	52.89m ²	TDL	N/A	PERMANENT	27.00376° S, 31.65360° E
	MALOMA	STRUCTURE	95.78m ²	TDL	N/A	PERMANENT	27.00376° S, 31.65360° E
	MALOMA	LAND	0.1693ha	TDL	N/A	PERMANENT	27.00376° S, 31.65360° E
MR2102	EBLOWENI - NGWAVUMA	LAND	3.1ha	SNL	ENJABULWENI	PERMANENT	27°07'42"S 31°41'47"E
	EBLOWENI - NGWAVUMA	FENCE	625.20m	SNL	ENJABULWENI	PERMANENT	27°07'42"S 31°41'47"E
MR 2103	MAKHAVA A1	FENCE	47.85m	SNL	EKUPHUMLENI	TEMPORARY	27.16975° S, 31.66586° E
MR 2104	MAKHAVA A1	FENCE	73.20m	SNL	EKUPHUMLENI	TEMPORARY	27.16815° S, 31.66679° E
MR 2105	MAKHAVA A1	FENCE	70.33m	SNL	EKUPHUMLENI	TEMPORARY	27.16706° S, 31.66706° E

ANNEX 2 -TERMS OF REFERENCE FOR THE RESETTLEMENT ACTION PLAN

Tasks of assignment

The assignment involves the following tasks.

- Review of any relevant project documents where available including the draft project feasibility study, preliminary project design and relevant socio-economic and legal documents.
- Carry out a socio-economic survey and inventory survey to establish a baseline for developing the measures of rehabilitating the livelihoods and income pre-land acquisition. The study must be carried out using a gender sensitive approach and should pay special attention to vulnerable households to be affected.
- Carry out a census survey on all individuals, households, infrastructure, businesses (large or small, licensed, or non-licensed), farms and agricultural concerns, herding pastures.
- Create an inventory database of photographs and GIS coordinate information on each of the potentially adversely affected entities or PAPs inclusive of names of individuals and/or affected household heads, owners of each entity, description of the size and composition of all structures, description of the structure/entity (e.g., gas station, restaurant, market, dwelling, etc.) and information on the value of the structure and average monthly income from the concerns.
- Pay special attention to vulnerable groups by identifying and gathering information on vulnerable households who will be severely impacted, to design specific assistance measures for these groups.
- Describe methods used in valuing those assets that will be eligible for compensation. This method shall be consistent with both national policy requirements and regulations. This process should capture the methodology for taking inventory of assets, values assigned, and agreement reached with each identified PAP. The compensation value should reflect fully the replacement costs of acquired assets.
- Carry out consultations with project stakeholders, including PAPs on resettlement options, compensation standards, livelihood and income restoration measures, institutional arrangements, and grievance redress mechanisms.
- Summarize outcomes from public consultations held with communities and PAPs along the road and include these in an annex summary minute of each consultation meeting, signed lists of attendance photographs of consultations and the agenda of the meeting.
- Consultations with PAPs to inform them of the findings and conclusions and confirm general acceptance by the PAPs of the proposed mitigation measures.
- Clearly present detailed information on the proposed mitigation measures for each PAP with reasoning for the type and level of mitigation being offered.

ANNEX 3 - LETTER OF FACILITATION



MINISTRY OF PUBLIC WORKS & TRANSPORT

Roads Department

P.O. Box 58
Mbabane
Eswatini
Tel: +268 2409 9105

November 16, 2023

To Whom It May Concern

Dear Sir/Madam

RE: Update of Feasibility Study & Detailed Designs for Siphofaneni-Sithobela-Maloma-Nsoko (MR14) and Maloma-Siphambanweni (MR21) Roads of The Development of Manzini Golf Course Interchange Project

This is to confirm that LEA Associates South Asia Pvt. Ltd, has requested to conduct a pre-engineering activity on the above-mentioned road for the consultant's information gathering purposes.

I trust that you will find the above in order.

Yours faithfully,


BUHLE V. DLAMINI
CHIEF ROADS ENGINEER



ANNEX 4 - GLOSSARY OF TERMS

TERM	DEFINITION
Associated activities	Any subprojects or activities which are directly related to the Project.
Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs), their assets, and 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 is the sum 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 EWSC 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"> • Acquisition of unoccupied or unutilized land whether the landholder relies upon such land for income or livelihood purposes. • Repossession of public land that is used or occupied for individuals or households. • Project Impacts that result in land being submerged or otherwise rendered unusable or inaccessible.
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, because 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 adverse impacts, regardless of whether or not they are required to physically relocate. These PAPs may have their: <ul style="list-style-type: none"> • Standard of living adversely affected whether the PAP must move to another location. • Right, title, interest in any house, land or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected. • Access to productive assets is adversely affected, temporarily or permanently. • Business, occupation, work or place of residence or habitat adversely affected.
Replacement cost	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. <ul style="list-style-type: none"> • 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. • Replacement cost for houses and other structures means the prevailing cost of replacing affected structures of a quality like or better than that of the affected structures. Such costs shall include building materials, transporting building materials to site, any labour and contractors' fees, and any registration costs.
Resettlement Action Plan (RAP)	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.
Restrictions on land use	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.
Stakeholder Engagement	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, consultations, information disclosure and dissemination.

Vulnerable	Refers to families and groups whom, among other things, are characterized by low nutrition levels, low or no education, lack of employment or revenues, old age or affected by gender bias. 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 or 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 consider 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.
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