



RESETTLEMENT ACTION AND LAND RE- ALLOCATION PROFILE FOR KAFUBU FARM, NDOLA DISTRICT



(An assessment report of the land resettlement resolutions at Kafubu farm)

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*Prepared by
Greenline Environmental Solutions Limited
Lusaka*

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ABBREVIATIONS AND ACRONYMS

AP's	-	Affected persons
ECZ	-	Environmental Council of Zambia
EIA	-	Environmental Impact Assessment
EMP	-	Environmental Management Plan
EMA	-	Environmental Management Act
EPB	-	Environmental Project Brief
EPPCA-	-	Environmental Protection and Pollution Control Act
FGD	-	Focused Group Discussion
GPS	-	Global Positioning System's reading
HH	-	HouseHolds
MOA	-	Ministry Of Agriculture
NGO	-	Non-governmental Governmental Organization
NHCC-	-	National Heritage Conservation Commission
NCC	-	Ndola City Council
PAP's	-	Project Affected Persons
RAP	-	Resettlement Action Plan
WB	-	World Bank

GLOSSARY OF TERMS

Project Affected Persons: People (households) affected by project-related changes in use (or household) of land, water or other natural resources or income losses.

Compensation: Money or payment in kind to which the people affected are entitled in order to replace the lost asset, resource or income

Host population: Community residing in or near the area to which affected people are to be relocated

Income restoration: Re-establishing income sources and livelihoods of people affected

Involuntary Development: Project results in unavoidable resettlement losses, resettlement that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere

Involuntary Resettlement; Any resettlement which does not involve willingness of the persons being adversely affected, but are forced through an order of law

Relocation: Rebuilding housing, assets, including productive land, and public infrastructure in another location

Rehabilitation: Re-establishing incomes, livelihoods, living, and social systems

Replacement rates: Cost of replacing lost assets and incomes, including cost of transactions.

Resettlement effect: Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms

Resettlement Plan: A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation

Replacement Cost: Amount needed to replace an asset at prevailing market prices.

Social Preparation: Process of consultation with affected people undertaken before key resettlement decisions are made, to build their capacity to deal with resettlement

Stakeholders: Individuals or groups that are involved and affected by or that are believed to be affected by the project; and individuals or groups that can play a significant role in shaping the project.

Vulnerable groups: Distinct groups of people who might suffer disproportionately from resettlement effects

1.0 INTRODUCTION

Brief project background

In the last five years, GoldenLay Limited has undergone increased expansion coupled with high demand in its table eggs across the country. Due to this expansion, GoldenLay Limited identified Kafubu Dairy Farm as a potential site for the implementation of its expansion program given the fact that the farm had not been fully utilised to its potential in the last ten years. The Kafubu Farm project was also necessitated by the increased demand for Soya beans, Maize and Wheat which form a significant portion of raw material requirements for feed production for its poultry operations.

The proposed project site, Kafubu Farm formerly Kafubu Dairy Farm was established in the late 1960s by the Zambian government and was managed through the Zambia Agricultural Development Limited (ZADL). The farm was later privatised and sold to Mr. Ernest Mutambo through competitive tendering in December 1996.

In 2012, Mr. Ernest Mutambo sold “Kafubu Dairy Farm” to GoldenLay limited. The increase in demand for raw materials for feed production at GoldenLay attributed to the increase in production of eggs and the growth of its poultry business made way for the company to purchase the farm in order to help meet the demand for their products (eggs) by increasing the raw material production.

Further, due to the increase in the number of edible oil refineries in Zambia and the region, acquisition of raw materials for feed manufacture such as Soya beans, Maize and Wheat has become extremely competitive and expensive thus GoldenLay limited decided to invest in the project to plant and harvest its own raw materials in order to sustain its business.

Kafubu farm project will further help to supplement the Zambian beef industry through the rearing and keeping of livestock (beef cattle) which are in short supply.

The above aligned projects are in line with the efforts of the Zambian government to shift the main economic earner from mining to agriculture through the contribution of private sector investments of this nature.

Project location

Kafubu farm (*formerly Kafubu dairy farm*) is located in Ndola District of the Copperbelt Province. It is approximately 16Km from the Ndola CBD and about 2.5Km off the Ndola – Kitwe highway. The farm No. 9424 is 2,964 Ha in extent and is on title No. 22607 with a 99 year lease from the Zambian government. Kafubu farm lies between 1285m and 1241m MASL. The coordinates of the farm are given below.

Table 1: Kafubu Farm location coordinates

SIDES Metres	ANGLES OF DIRECTION	COORDINATES SYSTEM (local-metres)			
			Y	X	
	CONSTANT		-0.00	+1440000.00	
A - B	3591.33	305° 48' 41"	A	50098.68	615.36
B - C	6135.53	26° 12' 19"	B	47186.29	2716.71
C - D	1743.96	86°05' 37"	C	49895.67	8221.61
D - E	1561.16	105° 53' 51"	D	51635.58	8340.42
E - F	3870.70	179° 25' 05"	E	53137.04	7912.79
F - A	4606.07	221° 55' 35"	F	53176.35	4042.29

Brief impact background

The acquisition of Kafubu farm No. 9424 by GoldenLay Limited began in November 2012. The farm was acquired by GoldenLay at the cost Ten million rebased Kwacha (K10, 000,000) from Mr. Ernest Mutambo (*see attached land sale agreement*). The land acquired is approximately 2964 Ha. The land was sold subject to the Law Association of Zambia general guidelines of sale of 1976.

The land was not utilized for a long time by the previous owner (Ernest Mutambo) and had illegal settlers that occupied certain portions of the farm. These were identified during sale and vacated the land prior to purchase.

Once the transfer of ownership of the land was complete, an assessment of the land revealed that they were four (4) groups of settlers and/or claimants of certain portions of the land within Kafubu farm. These were;

- a. Ex-employees of the defunct Kafubu dairy farm:-These were employed by Mr. Mutambo during his operations of the farm and occupied the company houses. Upon the closure of Mr.Mutambo to operate the farm and prior to sale, the said former employees were paid their terminal benefits by Mr. Mutambo and most of them vacated the company houses. The remaining occupants were informed of the sale of the land and since they were paid by their former employer, they also willingly vacated the farm houses during the transition.
- b. Seasonal farming tenants: - During the ownership of the farm by Mr. Mutambo, certain portions of the land was rented out to seasonal farmers to cultivate the area during normal farming season. The crops cultivated included maize and groundnuts. During the sale of the farm, the rent agreement with the farmers was cancelled and the land owner informed the farmers prior to the sale. These have since stopped the farming activities on the said land.
- c. Illegal seasonal farmers and squatters:- This group comprised local people that illegally occupied the land and carried out seasonal farming activities and built makeshift

2.0 SCOPE OF WORK, STUDY SETTING AND METHODOLOGY USED

Scope of work

The study involved identification of affected people and collection of appropriate information in line with the law and general guidelines of involuntary resettlement. The information forms part of an elaborate report/explanation of the resettlement of local people affected by the development of Kafubu farm and the resolutions made regarding issues surrounding the land occupied. The report is submitted as part of the Environmental Impact Statement (EIS) for the development of Kafubu farm for review by the Zambia Environmental Management Agency (ZEMA).

Study Setting

The survey was conducted at Kafubu farm (*formerly Kafubu Dairy Farm*) located on farm No. 9424 in Bwana Mkubwa constituency of Ndola district. The study area covered 2,964 Ha of land under title in the name of GoldenLay limited.

Methodology used

The study was a cross sectional study and which mainly relied on use of interviews and questionnaire as the main technique and tool to gather the required information. The study also involved review of literature.

Literature Review

Review of relevant documents was done prior to undertaking the field reconnaissance studies. Literature reviewed included but not limited to land sale agreement and associated terms and conditions of sale, documents regarding offer of land from the MOA and NCC, minutes of meetings held between the settlers and GoldenLay facilitated by the Ndola District Administrative Office, Ministry of Land, Agriculture and Ndola City Council.

Other literature included general guidelines on involuntary resettlement and IFC performance standards on involuntary resettlement and compensation.

Field work

This was done to identify and assess the assets (houses, fields) likely to be affected by the development of Kafubu Farm.

2.1 Legal framework

This section provides an overview of the legal framework that guided preparation of this relocation and resettlement profile of the affected settlers and farmers in the project area.

2.2 Relevant legislations

There is no defined legal and institutional policy on resettlement in Zambia. However the Constitution, The Lands Acquisition Act of 1994 and the Agriculture Lands Acts of 1994, the Public Roads Acts (2002), The Arbitration Act No 19 of 2000, the Zambia Wildlife Act (1998), the Town and Country Planning Act (1995), the Housing (Statutory and Improvement Areas Act (1974) and the Environmental Management Act No.12 of 2011 and its subsidiary regulations will govern the design and form part of the regulatory control of private land acquisition and resettlement issues related to developmental projects.

Zambia has various pieces of legislations that provide for the acquisition of property and land. Article 16 of the Constitution of Zambia provides for the fundamental rights to property and protects persons of deprivation of property. It states that a person cannot be deprived of property compulsorily except under the Authority of an Act of Parliament, which provides for adequate payment of compensation. Article 16 further provides that the Act of Parliament under reference shall provide that in default of agreement on the amount of compensation payable, a court of competent jurisdiction shall determine the amount of compensation.

The following Ministries and Departments are involved in various aspects of farming, environmental protection, compensation and resettlement, associated with this Project:-

- Ministry of Local Government and Housing; Ndola District.
- Zambia Environmental Management Agency,
- Ministry of Lands;
- Ministry of Agriculture,
- Ndola City Council,
- Ndola District Administration Office.

The legal framework for Environmental management in Zambia is provided for by the Environmental Management Act No12 of 2011. It provides the framework for conducting environmental impact assessments of proposed projects.

- Environmental Impact Assessment Regulations, SI No. 28 of 1997. These Regulations provides the main framework under which EIAs are conducted, submitted to ZEMA and considered for either approval or rejection. These regulations are relevant as they give guidance to the developer (GoldenLay Limited) as to what is supposed to be done at every stage of the EIA process. The

requirements of conducting an EIA are all stipulated under these regulations and the developer shall ensure compliance at every stage. The EIA regulations also gives a guide line as to how much review fee will be paid to ZEMA for the purpose of reviewing the EIS for the proposed project.

The legal and institutional context of resettlement in Zambia is not well defined. As in many parts of Africa, dual customary and titled tenure to land exist. The Constitution and two Acts imply regulatory control of private sector land acquisition and resettlement related to farming activities and actions and these are:-

- The 1996 Constitution of Zambia Act ensures the protection of private property and establishes requirements for compensation in the event of displacement from State acquisition;
- The Lands Acquisition Act of 1994 authorizes compensation rates and sets procedures for public land acquisitions; and
- The Agricultural Lands Act of 1994 requires adequate compensation for loss of assets on the surface of the land due to other intended uses.

2.2.1 The Constitution of Zambia

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

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

2.2.2 Lands Acquisition Act of 1994

Section 12 (b) of The Lands Acquisition Act of 1994 provides that any person whose property is affected by a public project is entitled to compensation, and provides a mechanism by which people not satisfied with compensation may seek redress through the courts of law. It states that the value of property shall, subject as hereinafter provided, be the amount which the property might be expected to realize if sold in the open market by a willing seller at the time of publication under section seven of the notice to yield up possession.

The basis for assessment of compensation includes:- Enhancement of value of land by reason of proximity of any improvements or works made or constructed on part acquired;

and damage if any, sustained by the person having an estate or interest in land by reason of severance of such land.

2.2.3 The Agricultural Lands Act of 1994

Section 40 of The Agricultural Lands Act of 1994 identifies improvements qualifying for compensation to include:-

Planting of orchards or fruit bushes; Improvement to watercourses for water supply – domestic and agricultural; Boreholes/wells, ponds; and Erection, alteration and enlargement of building.

2.2.4 The Environmental Management Act No.12 of 2011

Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations 1997 (No. 28 of 1997, promulgated under the Environmental Management Act No12 of 2011 provides the framework for conducting environmental impact assessments of proposed projects; and Legal frameworks for impact Assessment in Zambia Regulation 3 of the Regulations specifies which type of developments requires a project brief and Environmental Impact Assessment.

Regulation 10 provides for public consultation by the developer before submitting the environmental impact statement to ZEMA by seeking the views of the people in the communities, which will be affected by the project shall: -

Publicize the intended project, its effects and benefits in the mass media in a language understood by the community for a period of not less than fifteen days and thereafter at regular intervals throughout the project implementation schedule;

Regulation 11 provides for the contents of environmental impact statements to include:

The social economic impact of the project, such as resettlement of affected people; Socio-economic and cultural considerations such as effects on generation or reduction of employment in the area, social cohesion or resettlement, local economic impacts; and effect on land uses and land potential in the project area and surrounding areas.

2.3 International best practice on involuntary resettlement

2.4 .1 World Bank Safeguarding Policies

The World Bank Operational Policy on Involuntary Resettlements safeguards against impoverishment risks of involuntary resettlement that may be associated with a development project. This Operational Policy and Bank Procedure are being employed around the world by both private and multilateral investors to manage involuntary resettlement associated with infrastructure development. The policy addresses risks that

the production systems may be dismantled; people may face impoverishment when their production assets or income sources are lost; people may be relocated to an environment where the productive skills may be less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority and potential for mutual help may be diminished or lost. The policy is internationally accepted as the most comprehensive and efficient set of international standards with respect to the protection of the rights of project-affected people. Some of the key principles of this policy include:-

- a. Physical and economic dislocation should be avoided or minimized where feasible; the borrower should develop a resettlement plan where physical displacement and loss of other economic assets are unavoidable. The plan should ensure that displacement is minimized, and that the displaced persons are provided with assistance prior to, during and following their physical relocation. The aim of the relocation and of the resettlement plan is to improve displaced persons former living standards, income earning capacity, and production levels. The resettlement plan should be conceived and executed as part of a development program, with displaced persons provided sufficient resources and opportunities to share in the project benefits. Project planners should work to ensure that affected communities give their demonstrable acceptance to the resettlement plan and the development program, and that any necessary displacement is done in the context of negotiated settlements with affected communities.
- b. Additionally, displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. The displaced persons should be informed about their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives. In this regard, particular attention should be paid to the location and scheduling of activities. In order for consultation to be meaningful, information about the proposed project and the plans regarding resettlement and rehabilitation must be made available to local people and national civil society organizations in a timely manner and in a form and manner that is appropriate and understandable to local people. As well, careful attention should be given in the organization of meetings. The feasibility of holding separate women's meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender lines.
- c. Particular attention should be paid to the needs of disadvantaged groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title

to assets, female-headed households. Appropriate assistance must be provided to help these disadvantaged groups cope with the dislocation and to improve their status. Provision of health care services, particularly for pregnant women, and infants, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease.

- d. Project Affected People (PAP) should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. Any payment due to the hosts for land or other assets provided to PAP's should be promptly rendered. Conflicts between hosts and PAP's may develop as increased demands are placed on land, water, forests, services, etc., or if the PAP's are provided services and housing superior to that of the hosts. These impacts must be carefully considered when assessing the feasibility and costs of any proposed project involving displacement, and adequate resources must be reflected in the budget for the mitigation of these additional environmental and social impacts.
- e. Displaced persons should be compensated for their losses at "full replacement" cost prior to their actual move or before taking of land and related assets or commencement of project activities, whichever occurs first.
- f. The total cost of the project as a result should include the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among affected peoples. This attempt to calculate the "total economic cost" should also factor the social, health, environmental and psychological impacts of the project and the displacement, which may disrupt productivity and social integration. The resettlement costs should be treated against economic benefits of the project and any net benefits to PAP's should be added to the benefit stream of the project.
- g. All involuntary resettlement should be conceived and executed as development programs, with re-settlers provided with sufficient investment resources and opportunities to share in project benefits;
The policy covers not only physical relocation by projects but any loss of land and other assets resulting in relocation or loss of shelter; loss of assets or access to assets; and loss in income sources or means of livelihood, whether or not the affected people must move to another location. The objectives of the resettlement policy are to:
 - To avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs;
 - To assist the displaced in improving their former living standards, income earning capacity, and production levels or at least in restoring them; and

- To encourage community participation in planning and implementing resettlement; and provide assistance to affected people regardless of the legality of the land tenure.

2.4 Zambian Standards on Involuntary Resettlement

The Zambian constitution recognizes the fundamental rights to private property and to protection by the state of private and public property.

Secondly section 12 (b) of the Lands Acquisition Act of 1994 provides that any person whose property is affected by a public project is entitled to compensation and provides a mechanism under which people not satisfied with compensation may seek redress through the court of Law. The value of such property is based on open market value at such a time.

Further the Agriculture Lands Act of 1994 provides and identifies improvements that qualify for compensation which includes;

- Planting of orchards and fruit bushes
- Improvements to watercourse for water supply
- Boreholes/well/ ponds
- Erection, alteration and enlargements of building
- Any affected person should establish and provide legal title to claim compensation.

2.5 Differences in Compensation between Zambian Legislation and World Bank Standards

While the Zambian Legal Framework does have similarities with the World Bank Operational Policy, there are some differences on compensation in the two legal frameworks as outlined below:

- a) Firstly, in determining the cost of compensation, the Bank cost estimate is given as the new replacement value of property being lost whereas in the case of national legislation, it is the value the property can fetch at an open market if it is to be sold to a willing buyer.
- b) Secondly, the emphasis of World Bank is on restoration or maintenance of previous livelihood levels whereas the Zambian Government responsibility ends at replacing the depreciated value of the lost asset.
- c) Thirdly, the World Bank, unlike the Zambian Legislation, recognizes informal occupancy as a form of customary tenure. Squatters are therefore entitled to compensation if they can establish informal occupancy before the project cut-off-date.

The company will demonstrate commitment to meeting Zambian legislation and international best practice. As defined by World Bank Operational Policy/Bank Procedures 4.12, it will contribute to maintaining a social license to operate. The

Company also seeks to, with specific regard to resettlement policy, minimize disruption to the community. It also commits to sustaining existing livelihoods and supporting the establishment of lost or new livelihoods. The company will commit to ensuring properly administered land dealings defined in consultation with stakeholders. Policies and programs will be put in place to ensure delivery of these commitments. The basic principle in resettlement will be governed by best practice and relates to the idea that in resettling the project affected communities they should be better off than they were prior to resettlement. The following objectives and targets will be adopted to buttress the resettlement planning and implementation process:-

- The resettlement process will be characterized by transparency and structure and will include the active participation of the affected households and communities;
- The Resettlement Action Plan (RAP) will be prepared by independent, and suitably qualified specialists;
- Affected households will be notified of the need to relocate as early as possible to facilitate negotiations and planning;
- Affected households will be assisted with relocation through moving their belongings and assets and establishment of new homesteads;
- Affected households will be assisted in re-establishing their livelihoods and economic resource base; and
- The resettlement will be subjected to a regular process of independent monitoring and evaluation.

3.0 BASELINE SURVEY

3.1 District and community profile

3.1.1 District demographic and population characteristics

The 2010 Census of Housing and Population show that currently, Ndola has a total population of 451, 246 of which, females constitute 223,020 and males 228,226. The project area falls within Bwana mkubwa constituency which has a total of 21,912 households and a total population of 118,325 of which 58,808 are females and 59,517 are males. In terms of the specific ward location, the project area is located in the Chichele ward, which has a total of 1,449 households. It has a total population of 7,987. Of these, 3,976 are males and 4,011 are females as shown in the table below.

Table 2: Population distribution by ward (Source: CSO 2010 report).

No.	Ward	Households	2010 Population		
			Males	Females	Total
1.	Itawa	3,908	10,229	10,584	20,813
2.	Munkulungwe	3,420	8,498	8,227	17, 192
3.	Twashuka	2,725	7,111	6944	14055
4.	Kavu	1,011	2,531	2464	4,995
5.	Chichele	1,449	3976	4011	7,987
6.	Kantolomba	1,356	3511	3730	7,241
7.	Twashuka	8,462	22833	23779	46, 612
8.	Mushili	8,151	22,952	23,557	46,509

Source: 2010 CSO-final report

3.2 Kafubu community demographic characteristics

According to the findings of the survey, there are 134 households captured within the boundaries of Kafubu Farm No.9424 disaggregated according to farming/settler category as shown below.

The former employees: people who once worked for the previous owner of the farm and are still staying in the farm houses at the time of the survey- these have since vacated the houses on payment of their terminal benefits by Mr. Mutambo.

Seasonal farming tenants: - seasonal farmers who rented portions of the farm from Mr. Mutambo to cultivate the area during normal farming season.

Illegal seasonal farmers and squatters: - This group comprised local people that illegally occupied the land and carried out seasonal farming activities and built makeshift structures (tree and grass thatched) for the duration of the farming season.

Land owners/Occupants with offer letters: - The Ministry of Agriculture (MOA) and Ndola City Council (NCC) had given certain occupants of the land that were practicing farming in the area around the farm, offer letters for the acquisition and subsequent ownership of land.

Table 3: Settlers categories

Category	Frequency	%
Ex-employees	39	29.32
Seasonal farming tenants	17	12.78
Illegal settlers/farmers	25	18.71
Occupants with offer letters	52	39.09

Source: Kafubu farm Survey findings, 2013

When cross tabulated against gender, the survey revealed that the majority of squatters in terms of heads of household across all categories are males as shown below.

Table 4: Gender categories of settlers

Gender/category	Ex-employees	Seasonal farming tenants	Illegal Settlers/farmers	Settlers with offer letters
Male	89.5%	76.5%	80.0%	68.6%
Female	10.5%	23.5%	20.0%	31.4%
Total	100%	100%	100%	100%

Source: Kafubu farm Survey findings, 2013

In terms of the population size, there are a total of 834 people currently settled around the project area as shown in the table below.

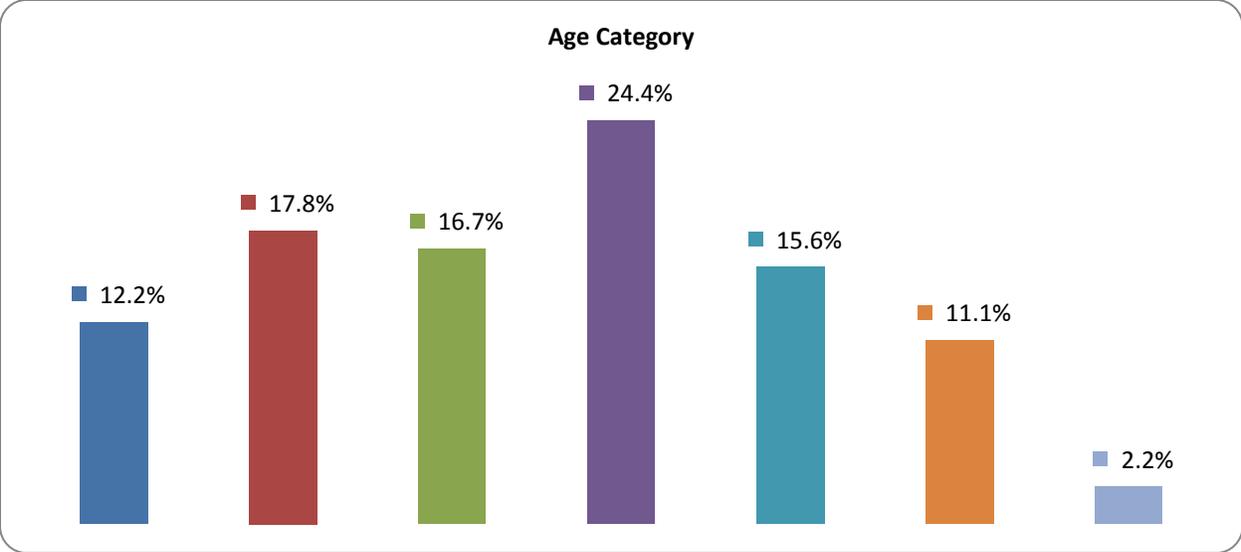
Table 5: Kafubu area population

	Child		Adult		Not known	Total
	Male	Female	Male	FEMALE		
	212	216	201	218	19	834

Source: Kafubu farm Survey findings, 2013

The 19 classified as unknown include those who were not around at the time of the survey.

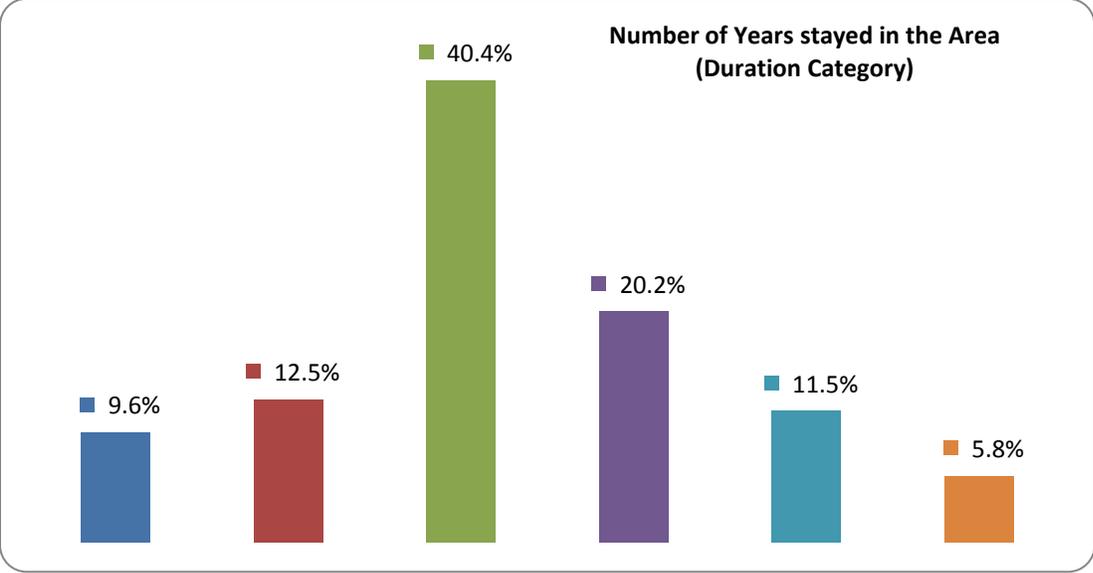
24% of the interviewed heads of household are in the 51-60yr old age cohort, followed by those in the 31-40yr cohort (17.8%), and the smallest group 81-90yr cohort as shown in the figure below.



Source: Kafubu farm Survey findings, 2013

Duration

In terms of duration of habitation in the project area, the longest period of staying on the farm recorded was 25 to 29 years by only 5.8% of those interviewed from all categories while the shortest period stayed was 1 to 4 years by 9.6%. Other details are as presented below.



3.3 Site visit findings

This section presents the field findings of the affected community and therefore paints a picture of the situation in the new settlement in terms of description of socio-economic conditions obtaining within Kafubu farm.

3.3.1 Categories of settlers on Kafubu farm

During the acquisition of the farm by GoldenLay limited, the following categories of settlers were identified to be present on the farm. These were categorized as either settlers occupying land and earning their living through their stay on the farm or seasonal farmers that occupied the land during farming season only.

Ex-employees of the defunct Kafubu dairy farm:-These were employed by Mr. Mutambo during his operations of the farm and occupied the company houses. Upon the closure of Mr.Mutambo to operate the farm and prior to sale, the said former employees were paid their terminal benefits by Mr. Mutambo and most of them vacated the company houses. The remaining occupants were informed of the sale of the land and since they were paid by their former employer, they also willingly vacated the farm houses during the transition.



Plates 1 & 2: Company houses previously occupied by Kafubu dairy farm ex-employees.

Seasonal farming tenants: - During the ownership of the farm by Mr. Mutambo, certain portions of the land was rented out to seasonal farmers to cultivate the area during normal farming season. The crops cultivated included maize and groundnuts. During the sale of the farm, the rent agreement with the farmers was cancelled and the land owner informed the farmers prior to the sale. These have since stopped the farming activities on the said land.

Illegal seasonal farmers and squatters: - This group comprised local people that illegally occupied the land and carried out seasonal farming activities and built makeshift structures (tree and grass thatched) for the duration of the farming season. These were informed of the illegality

of their occupancy of the land and that they did not have any legal papers to claim that the land in question was theirs. In recognition of these facts, the squatters agreed to vacate the said farming portions of the land within Kafubu farm.

Land owners/Occupants with offer letters: - The Ministry of Agriculture (MOA) and Ndola City Council (NCC) had given certain occupants of the land that were practicing farming in the area around the farm, offer letters for the acquisition and subsequent ownership of land. These letters gave the occupant's right of stay on the farm. The Ministry of Agriculture and Ndola City Council were engaged over the issuance of offer letters within the titled land of Kafubu farm. This report highlights the resolutions made and settlements entered into by GoldenLay Limited, the affected settlers and relevant government departments (MOA & NCC) regarding the land that was occupied by the settlers.

3.3.2 Affected land owners

Field reconnaissance survey revealed that they were at the time of the study 52 local people that had offer letters from the Ministry of Agriculture and Ndola City Council. These local people had land for cultivation in the following locations; 17 people were located in Hope Compound near the railway siding, 31 along the northern boundary parallel to the railway line and 5 within the farm. All the above mentioned individuals practiced seasonal farming activities on the said pieces of land and some had makeshift grass thatched structures for use during the farming season for storage of farming implements and interim storage of inputs and food supplies for the duration of the farming season.



Temporal structures and seasonal farms owned by the local settlers within Kafubu farm.

These received the offer to own the land of various sizes between the years 2003 and 2009 from Ndola City Council and Ministry of Agriculture respectively. The affected individuals are highlighted in the table below:

Table 6: List of affected by the relocation program (*settlers with offer letters*)

NO	NAME	NRC NO	NCC OFFER DATE	MOA OFFER DATE	SIZE(HA)
1	FORWARD KASOMA KASHATA	159871/61/1	20/10/03	15/04/00	2
2	MRS LUNGU	375531/67/1			
3	CHAMA CHILEFWAYA	135172/31/1	17/10/03		2
4	FRANCIS KACHINGWE	205595/61/1			
5	KAMFWA TONWELL	246898/61/1	20/10/03		2
6	PHALES CHONDWE	204267/61/1			
7	KAMFWA CLEMENT	118329/61/1	15/10/03		2
8	SIKOTA SHAMPUTA	143264/24/1			
9	GRANSON B.TOLOPA	305941/61/1			
10	THERESA MPASELA	120382/25/1	23/10/03	02/03/00	2
11	JAMES ZULU	280060/61/1	15/10/03		2
12	BWALYA BABAMU	127814/65/1	20/10/03	02/04/00	2
13	MAKHAZI SAKALA	272272/11/1	20/10/03		2
14	ELIZABETH LYOWA	135587/62/1		15/04/00	2
15	HARRISON YAMBANI	172658/53/1		13/02/00	2
16	CHARLES BANDA	160057/68/1			
17	ISAAH KAPEMBWA	281482/68/1	20/10/03	27/03/09	2
18	CHITAMBO MWANSA	132477/67/1	20/10/03		2
19	DANNIS BWALYA	332477/67/1	15/10/03	15/04/00	2
20	VICTOR M. YAMBANI	335819/61/1		15/04/00	2
21	JOHN PONDA	208614/61/1	20/10/03		2
22	PRECIOUS CHITAMBO	253704/68/1	20/10/03	19/08/00	2
23	KAULU SELITA	176371/67/1		15/04/00	2
24	MULENGA GABRIEL	148244/68/1	15/09/03	19/08/00	2
25	GREENWELL NSOFU	320827/11/1	28/07/03		2
26	BERRINGS THEMBA	158123/61/1	29/10/03	15/04/00	2
27	MARIA MUSONDA	115055/61/1	15/10/03		2
28	TEPULA SKELA	146454/61/1		27/07/09	2
29	MULENGA MAUREEN	196975/43/1	23/10/03	12/03/00	2
30	LYSON MBEWE	164111/43/1	23/10/03	15/04/00	2
31	MAGGIE NAKANA	124557/65/1		18/05/00	2
32	CHISANGA MAGRATE	112903/65/1			
33	MULENGA AGNESS	137847/42/1		15/04/00	2
34	MARY KALABA	187155/68/1		13/03/09	2
35	CHISANGA ELLENA	104086/43/1	23/10/03		2
36	MUTALE CHAMA THERESA	106798/32/1		02/04/00	2
37	GRACE MULENGA	125661/66/1		13/02/00	2
38	PRECIOUS CHITAMBO	253704/68/1			
39	ASAYA KATANDULA	164659/32/1		28/06/00	2
40	MUPETA LUTE	122987/61/1		27/03/06 & 15/04/00	2
41	ALBERT KAISALE	222868/61/1		20/03/09	2
42	JOHN CHIRWA	178776/64/1		12/03/00	2
43	LAFI LOKO	153618/61/1		13/11/11	2
44	HENRY MWANSA CHILESHE	142411/45/1			
45	HENRY PETER MOTI	148804/43/1			
46	BOSTON KATONGO	166301/45/1		13/04/00	2

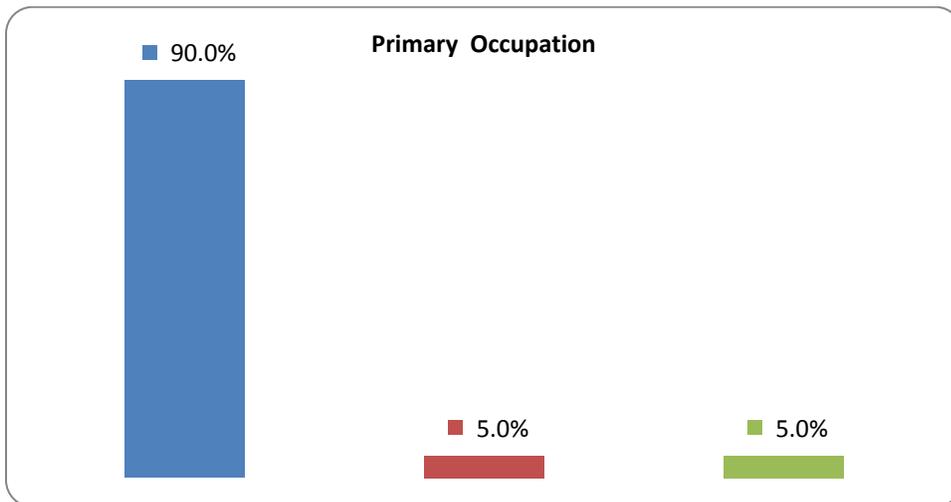
	LAZARUS				
47	FLORENCE CHILAMBWE	132477/67/1		15/04/00	2
48	KENNETH CHIKENGI	141039/65/1	23/10/03		2
49	SIMON CHIPOYA	106882/68/1	23/10/03		2
50	JAMES CHINDO	111469/85/1	23/10/03		2
51	JEREMIAH KALUTENDA	132759/24/1	23/10/03		2
52	EDWARD MATOKA	109900/21/1	23/10/03		2

The table above shows that according to the regulations of land allocation, the ministry of Agriculture issued 2Ha to each farmer in Kafubu farm for agricultural use.

3.3.3 Occupation of head of households

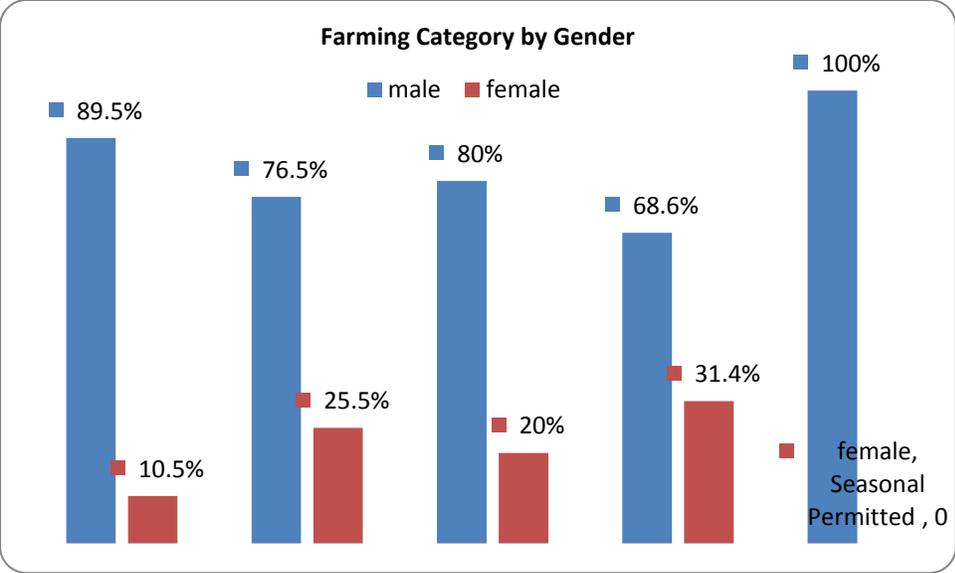
Primary occupation

According to the findings of the survey, most of the interviewed heads of household (90%) are employed as farmers with the least (all at 5%) engaged in piecemeal work within the community and or outside, and trading in various manufactured commodities and goods as a their primary source of livelihood .See the chart below for details.

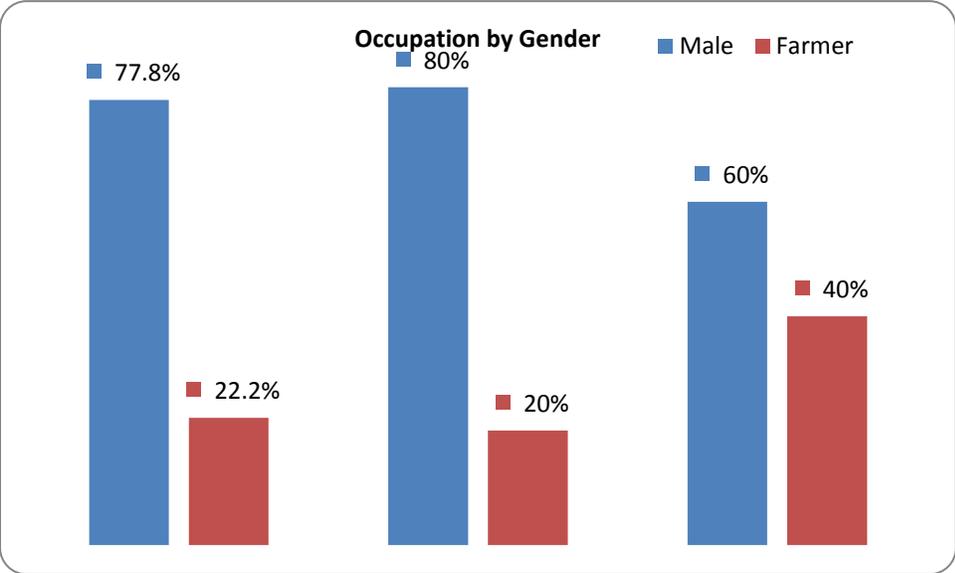


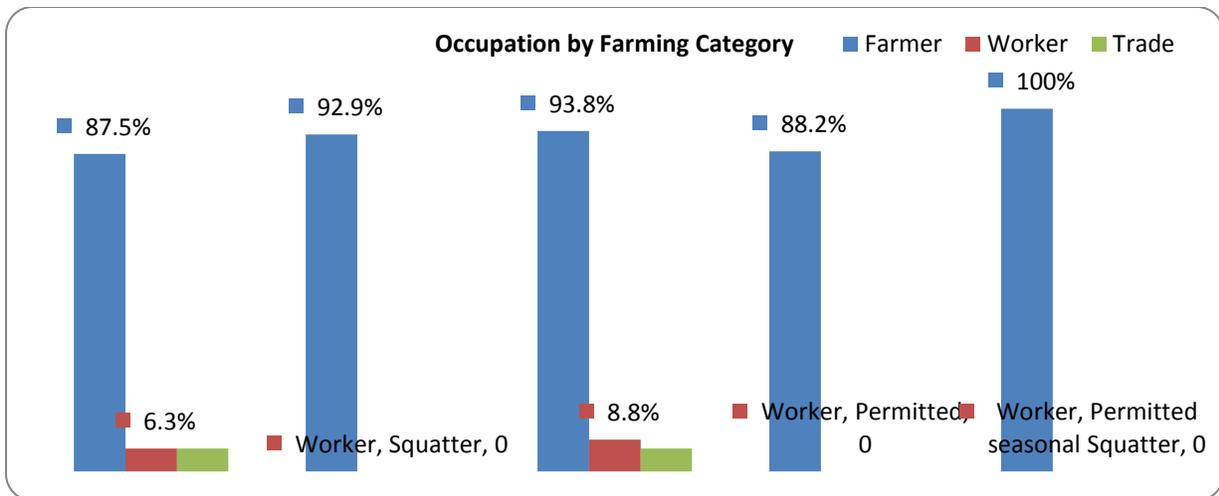
Source: Kafubu farm Survey findings, 2013

According to the findings of the survey, most of the male heads of household (80%) are either former employees of the farmer and do piecemeal work within the community and or outside, followed by those who solely rely on farming as a source of livelihood (77.8%) and 60% said they trade in various merchandise.



Occupation by Gender





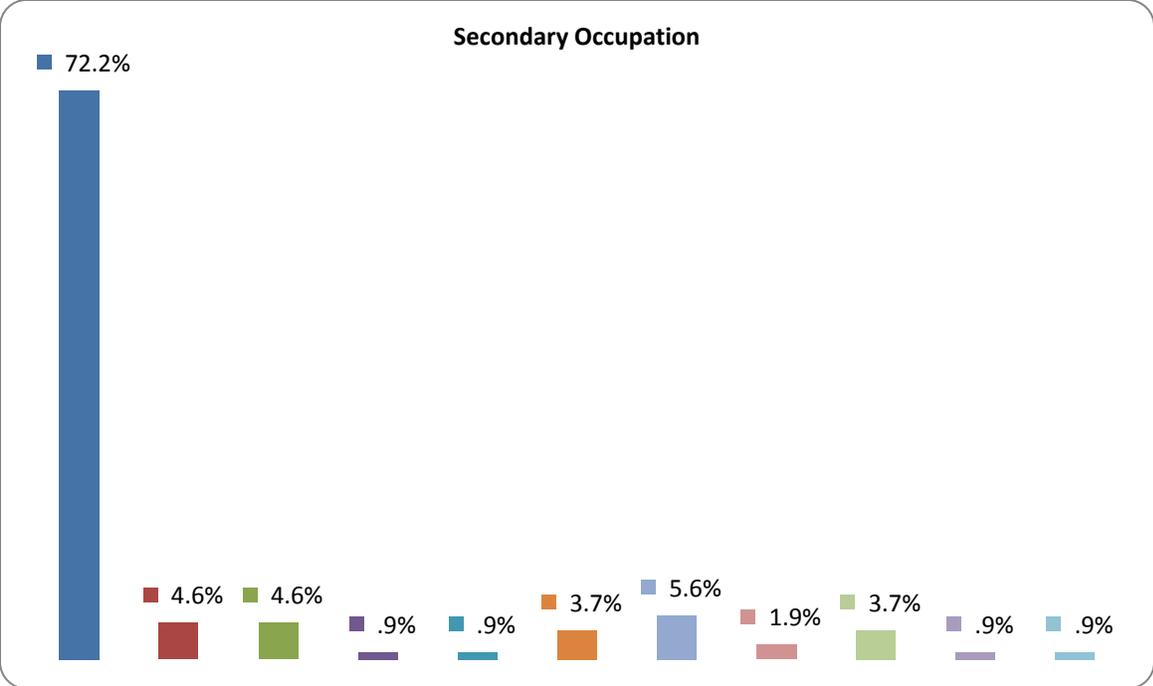
Source: Kafubu farm Survey findings, 2013

On the other hand, there are more females (40%) who are engaged in trading than there are in farming and piecemeal work, at 22% and 20% respectively.

Overall, males are more involved in all forms of occupation than females as shown above.

Secondary occupation

In light of the types of secondary occupation identified and provided by the interviewed residents/settlers, the majority (72.2%) indicated not to have been engaged in any form of secondary occupation other than the stated primary one/s while the least (all at 0.9%) were reported to have been engaged in piecemeal work, tailoring, drivers and metal fabricators. See the chart below for details.



Source: Kafubu farm Survey findings, 2013

4.0 INCOMES

The monthly income for the community shows that the average incomes is K1, 184.29, while the minimum and maximum are 15,500 and 20 respectively. The table below shows categorized monthly incomes.

Table 7: Income levels of the local peoples

Descriptive Statistics					
		Minimum	Maximum	Mean	Std. Deviation
Income per month		20.00	15500.00	1184.2907	2162.40380
Income per month					
Farming Category	Mean	Minimum	Maximum	Std. Deviation	
Former employee	987.4615	20.00	9000.00	1714.78720	
Squatters	420.0000	200.00	800.00	247.68932	
Illegal Seasonal	822.8571	50.00	3000.00	856.24788	
Permitted squatters	1645.2703	50.00	15500.00	2876.96260	
Total	1184.2907	20.00	15500.00	2162.40380	

Source of incomes

The interviewed heads of households indicated a number of their sources of income which included making and selling of charcoal, commerce and trade and employment among them.

Of the 134 households captured during the study, 94% indicated that they did not raise their incomes through charcoaling while only 4% said so. This is in contrast to the common perception held by most stakeholders that the majority of settlers, from all categories were engaged in the activity. Engagement in other sources of income is as presented below.

Table 8: Sources of income

Income through Employment					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	125	93.3	93.3	93.3
	Yes	9	6.7	6.7	100.0
	Total	134	100.0	100.0	

Income stream

The community indicated a number income streams which included, sell of goats, poultry, pigs, and cattle. Other sources included sale of various crops. Of the 134 interviewed households who were selling goats, 90.3% said they did not while only 9.7% said yes.

Of the 134 interviewed households who indicated poultry as an income stream, 47.8% said yes and 52.2% said no.

5.0 INVENTORY OF ALLOCATED LAND FOR SETTLERS

The site reconnaissance survey conducted on the farm reveal that a total of 104 Ha was allocated to 54 local residents that have letters of offer to occupy the land they are occupying. The land was issued by the Ministry of Agriculture in collaboration with the Ndola City Council. The land issued in accordance with small holding regulations entitled each one 2Ha of land for cultivation of crops. This allocation occurred between the periods of 2003 and 2009. Each of the settlers utilized the land for cultivation of seasonal rain fed maize and groundnuts. The portion of land occupied by the local farmers is within lot No. 9424 of Kafubu farm.

5.1 Resolutions of the land issues

Land for land option

This was the most preferred option adopted by the settlers. It was agreed that because the land considered is titled land in the name of GoldenLay, land for land was the preferred option.

The background to the wrangles over ownership of the land between the settlers and Mr. Mutambo began when the settlers were offered letters of sale and right to use the land for agriculture purposes by the Ministry of Agriculture. The land on Lot No. 9424 was on title in the name of Ernest Mutambo at the time of issuance of offer letters and the title covered a total of 2,964 Ha as shown by the survey diagram from the Ministry of Lands.

In 2012, Mr. Mutambo offered for sale the land covering 2,964 Ha and GoldenLay acquired that land for the purpose of agricultural expansion of its existing egg business and introduction of animal husbandry and cropping operations.

On acquisition of the farm, GoldenLay undertook an Environmental and Social Impact Assessment as per requirement from ZEMA prior to development of the farm. This entailed obtaining of public views and comments and to clear any social issue surrounding the project. As a result of the public consultations held, the land issue was raised by the settlers who claimed ownership of the land on which they had offer letters from the MOA and NCC. Following these revelations, a series of meetings were convened between GoldenLay Limited and the settlers facilitated by the Office of the District Administrator in Ndola. The meeting were held as follows:

- 23rd August, 2013:- EIA disclosure meeting was held at Kafubu farm. The land issues were raised and the District Administrator (DA) asked for a follow up meeting with the affected people and GoldenLay to champion the way forward in resolving the land issues.
- 26th August, 2013:-Meeting was held at the DA's office in Ndola between the affected land owners and GoldenLay limited. Resolutions were made to identify those that had legally occupied the land by way of documentation from Ministry of Agriculture and Ministry of Lands and the Ndola City Council.
- 3rd September, 2013:- The Ndola District Administrative Officer Mr. Taphen Muloongo took a tour of the entire Kafubu Farm to ascertain the extent of the land and the number

of settlers within the titled land that were legally mandated to claim ownership of the portions of land within Kafubu farm (*see attached report*).

- 5th September, 2013:- Meeting was held at Kafubu Farm between GoldenLay and the settlers with offer letters. This was facilitated by the Ndola DA's office. The meeting resolved to obtain the demands being made by the settlers regarding the plea by GoldenLay to vacate the land as it was on title and also that the settlers had legal documentation to occupy the said portions of land. Three options were offered by GoldenLay in collaboration with the DA for the land in question;

1. Compensation for the land in monetary terms is paid by GoldenLay to the settlers and compensation is paid for the structures on the land as determined by independent valuation.
2. Settlers relocate to Mpongwe on land to be provided by government for their farming activities. The size of land owned to be increased by 50% and structures compensated for by GoldenLay.
3. Allocation of the same amount of land at the boundary of the Kafubu Farm and the cost of relocation paid by GoldenLay.

The settlers in the meeting demanded that GoldenLay considers the following options and /or demands:

1. Government through the DA's office considers facilitating the issuance of title deeds for the land to be allocated.
2. GoldenLay Limited should consider increasing the current allocation of 2Ha per settler to the size that is dependent on the level of activity by the farmers.
3. Farmers must be allowed to cultivate this season before they can relocate to the new areas on the border of Kafubu farm.
4. A written agreement must be entered into between GoldenLay and the farmers for the resolution of the land issues.
5. GoldenLay must consider compensation for the trees that were cut when clearing the line for installation of a wire fence.

An agreement was reached and a written agreement contract was drafted and meeting was set for 25th September 2013 for signing.

- 25th September, 2013:- a meeting was held at Kafubu farm to sign the agreement between GoldenLay and the farmers for allocation of land relating to 2Ha each for the 52 identified and affected people. However, the farmers further requested that they forego the earlier demand for 2Ha each but instead let GoldenLay to surrender 200Ha of land within the farm to the Ministry of Agriculture and Ndola City Council. The MOA and NCC will then re-allocate this piece of land to the farmers in accordance with their regulations. GoldenLay agreed to this proposal and surrendered 200Ha of land as

requested and made subdivisions and submitted to the Ministry of Lands for approval (*see attached diagram*).

- 25th September, 2013:- the agreement was signed by the affected parties in the DA's office in Ndola. According to the agreement, the settlers will be allocated a total of 200Ha at the boundary of the Kafubu farm.

5.2 Land allocation agreement

A land allocation agreement was written as per request by both affected parties (GoldenLay Limited and the settlers) and the contents evaluated. The agreement stipulated that GoldenLay Limited was to allocate 200Ha to the settlers by way of surrendering the land to the Ministry of Agriculture and Ndola City Council. The land is to be demarcated from the 2,964Ha on lot No. 9424 within Kafubu Farm.

The Ministry of Agriculture and Ndola City Council will then allocate the said piece of land to the settlers and ensure that allocation is according to the list of settlers with offer letters as they are the only eligible people for compensation. The size of land to be allocated to each farmer will be determined by the Ministry of Agriculture and Ndola City Council.

The agreement further state that since the size of land allocated has been increased, GoldenLay will not take the responsibility to move the farmers to the new site. GoldenLay Limited is to further drill a borehole within the 200Ha for the provision of safe drinking water for the seasonal farmers.

On signing of the agreement, all parties agreed that they will be no recourse to GoldenLay limited and that by this agreement ALL issues affecting the land in Kafubu Farm have been resolved satisfactorily.

5.3 Other community benefits

- Provision of Improved drinking water, improved productivity.
- Locals will obtain land that will have title and issues of involuntary resettlement will not occur.
- In commitment to provision of improved drinking water, the farm has so far drilled a borehole for the affected families in their new location.
- The farm will provide chicken manure to the local farmers to supplement the need for fertilizer and encourage organic farming.
- GoldenLay will consider the possibility of out grower schemes for the local farmers within the allocated land. A ready market for the purchase of local maize from the farmers will be provided by GoldenLay limited.

All the above proposed programmes form part of the compensation programme for the resettled farmers.

6.0 CONCLUSION

The number of farmers is significant and the land in question is largely used for small scale seasonal farming of maize.

It is imperative that handling and management of the action plan involves all stakeholders especially the affected community, the Local Authority and the Provincial Local Government Office to ensure transparency and fairness.

Monitoring and evaluation should be done at two levels namely internal and external. Internal monitoring should mainly assess whether the implementation of the resettlement program is in accordance with the approved plans and settlement agreement entered into by GoldenLay Limited and the settlers.

This should be done on a quarterly basis and will involve the review of the actual implementation process, against the planned time schedule by the Ministry of Agriculture and Ndola City Council. GoldenLay limited management should be responsible for the internal monitoring of the relocation.

External monitoring and evaluation should assess the overall compliance of the resettlement in accordance with the agreement (*with reference to RAP and the World Bank Safeguards on involuntary resettlement*) as well as indications of effectiveness of mitigation measures. Ministry of Agriculture and Ndola City Council should be responsible for external monitoring and evaluation. Alternatively an independent consultant should be hired to conduct external monitoring on behalf of the company.

GoldenLay Limited intends to implement the Kafubu Farm project with the involvement of all local stakeholders and in line with guidelines that ensure sustainable economic and social growth for the local people and revenue base for the local authority in Ndola.

This report is presented as a justified agreement and closure to the land ownership wrangles surrounding the farm No.9424.

7.0 APPENDICES

Appendix 1

(a) Photos depicting farms and structures within the farm area



(b) Photos showing meeting between GoldenLay and the settlers (*Facilitated by MOA and NCC*).



Meeting held with the representatives of the settlers with offer letters at Kafubu farm (05/08/13)



Appendix 2: Minutes of meeting held on 5th and 25th September, 2013.

Appendix 3: Signed land allocation agreement

Appendix 4: List of compensated land owners

Appendix 5: Land Sale Agreement

Appendix 6: Report of the tour of Kafubu farm by Ndola District Adiministrative Officer.