

# RESETTLEMENT ACTION PLAN REPORT



**KAFUBU FARM**  
(Farm No. 9424 Kasongo Road, Ndola District, Zambia )

JANUARY 2015

Prepared for GoldenLay Limited

P.O. Box 90444

Baluba Road, Luanshya

Zambia



## TABLE OF CONTENTS

<b>Executive Summary .....</b>	<b>8</b>
<b>Executive Summary (Bemba).....</b>	<b>12</b>
<b>1.0 INTRODUCTION.....</b>	<b>15</b>
1.1 Objectives of the RAP.....	15
1.2 Methodology.....	15
1.2.1 Literature Review.....	15
1.2.2 Evaluation of the Social Baseline Study of 2013.....	16
1.2.3 Social Baseline Update Survey.....	16
1.2.4 Satellite Imaging.....	16
1.2.5 Corrective Action and Monitoring Plan.....	17
1.2.6 Compensation Criteria calculations.....	17
1.3 Project Location.....	17
1.3.1 Farm Development Plans .....	20
1.3.2 Social and cultural setup of Kafubu Farm area.....	21
1.3.2.1 Pre-Resettlement .....	21
1.3.2.2 Post-Resettlement.....	24
1.3.2.3 Location of resettled households.....	26
<b>2.0 LEGAL AND POLICY FRAMEWORKS.....</b>	<b>33</b>
2.1 Introduction and background.....	34
2.2 Zambian legislation, Standards and Guidelines relating to resettlement.....	34
2.3 Administrative Authorities.....	34
2.4 IFC Guidelines.....	34
2.5 Comparison of Zambian Government and IFC Policy on resettlement.....	34
2.6 Land titling and registration Laws and Policies in Zambia.....	35
2.7 Legal and Administration Procedures applicable to resettlement process.....	35
2.8 Entitlement Framework.....	35
2.8.1 Entitlements.....	37
<b>3.0 SOCIO-ECONOMIC BASELINE ASSESSMENT 2013 EVALUATION.....</b>	<b>39</b>
3.1 Introduction.....	39
3.2 Explanation of Survey Approach.....	39
3.3 Explanation of Survey Methods.....	39
3.4 Evaluation of Socio-Economic Baseline Survey.....	40
3.4.1 Adequacy of stakeholder engagement.....	40

3.4.2 Categorization of Settler groups.....	41
3.4.3 Adequacy of eligibility criteria for compensation.....	42
<b>4.0 SOCIO-ECONOMIC BASELINE UPDATE.....</b>	<b>43</b>
4.1 Socio-Economic Survey Evaluation Findings.....	43
4.1.1 Social Services and amenities.....	43
4.1.2 Market availability of various commodities.....	43
4.1.3 Inventory of movable and immovable assets.....	44
4.2 Socio-Economic Baseline Update Survey.....	44
4.2.1 Update survey findings.....	44
<b>5.0 SOCIO-ECONOMIC IMPACTS AND RESPECTIVE MITIGATION MEASURES.....</b>	<b>46</b>
5.1 Project Impacts.....	46
5.2 Impact overview and mitigation measures.....	46
5.2.1 Previous employees.....	46
5.2.2 Permitted squatters.....	46
5.2.3 Illegal squatters.....	46
5.2.4 Seasonal Farmers.....	47
5.3 Compensation Matrix.....	47
5.4 Project Attitudes and Concerns.....	50
5.5 Perceived Project benefits.....	50
<b>6.0 BUDGET AND COSTS.....</b>	<b>51</b>
6.1 Compensation Framework.....	51
6.2 Financial responsibility and Authority.....	51
6.3 Compensation budget.....	51
6.3.1 Previous employees.....	51
6.3.2 Illegal squatters.....	51
6.3.3 Permitted settlers.....	51
6.3.4 Seasonal farmers.....	51
6.4 Inflation and currency variations.....	51
6.5 External Monitoring and Evaluation.....	52
6.6 Total compensation costs.....	52
<b>7.0 INSTITUTIONS AND IMPLEMENTATION ARRANGEMENTS.....</b>	<b>53</b>
7.1 Introduction.....	53
7.2 Organizational units.....	53
7.3 Management information systems.....	53

7.3.1 Record Keeping.....	53
7.3.2 Identity of affected people.....	53
7.4 Implementation schedule.....	54
7.5 Monitoring and Evaluation.....	55
<b>8.0 REFERENCES.....</b>	<b>56</b>
<b>9.0 APPENDICES.....</b>	<b>57</b>
9.1 Photos and Maps.....	57
9.1.1 Pre-Resettlement.....	59
9.1.2 Post-Resettlement.....	59
9.1.3 Post resettlement maps.....	60
9.2 Data Base of affected people.....	62
9.3 Questionnaire.....	6Error! Bookmark not defined.
9.4 Terms of Reference for the RAP.....	6Error! Bookmark not defined.

## LIST OF TABLES

Table 1: Questions used in sampling questionnaire.....	14
Table 2: Boundary Coordinates for Kafubu farm.....	16
Table 3: Land allocation and activity planned for Kafubu farm.....	18
Table 4: Settler Categories.....	23
Table 5: Coordinates for the 200Ha allocated for resettlement.....	23
Table 6: GPS coordinated for settlers.....	23
Table 7: Stakeholder engagement meetings summary.....	38
Table 8: Categories of settler groups.....	39
Table 9: Incomes for Kafubu farm affected people.....	41
Table 10: Compensation matrix.....	46
Table 11: Compensation budget.....	51
Table 12: Total Estimated Costs for compensation.....	52
Table 13: Implementation schedule.....	55
Table 14: Internal Monitoring schedule.....	56

## LIST OF FIGURES

Figure 1: Location Map for Kafubu farm.....	17
Figure 2: Pre-resettlement satellite image (2012).....	22
Figure 3: Post resettlement image (2014).....	24

## **ABBREVIATIONS AND ACRONYMS**

<b>AP's</b>	-	Affected persons
<b>BoZ</b>	-	Bank of Zambia
<b>ECZ</b>	-	Environmental Council of Zambia
<b>ESIA</b>	-	Environmental and Social Impact Assessment
<b>EMP</b>	-	Environmental Management Plan
<b>EPB</b>	-	Environmental Project Brief
<b>EPPCA-</b>	-	Environmental Protection and Pollution Control Act
<b>FGD</b>	-	Focused Group Discussion
<b>GLL</b>	-	GoldenLay Limited
<b>GPS</b>	-	Global Positioning System
<b>GRZ</b>	-	Government of the Republic of Zambia
<b>HH</b>	-	Households
<b>IFC</b>	-	International Finance Corporation
<b>MOA</b>	-	Ministry of Agriculture
<b>NGO</b>	-	Non-governmental Governmental Organization
<b>NHCC-</b>	-	National Heritage Conservation Commission
<b>PAP's</b>	-	Project Affected Persons
<b>RAP</b>	-	Resettlement Action Plan
<b>WB</b>	-	World Bank
<b>ZEMA</b>	-	Zambia Environmental Management Agency

## 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

**Cut-off date:** Date after which people will not be considered eligible for compensation.

**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 leaves project people with 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 Action 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

## EXECUTIVE SUMMARY

GoldenLay Limited identified Kafubu Dairy Farm in 2011 as a suitable site for growing inputs for chicken feed, namely soya beans, maize and wheat. Kafubu farm is a 2764 hectare former dairy farm. At the time it was purchased in 2012 by GoldenLay, the land had not been in productive use for 10 years. The farm is located 2.5 km from the Luanshya/Ndola road.

Kafubu farm was purchased as part of GoldenLay's expansion programme whose objective was to integrate cropping, poultry and cattle ranching activities into the egg-laying operations. The size and proximity of the site to the already existing egg laying facility at Baluba would allow GoldenLay to realise the expansion objectives. The site offers the company the opportunity to reduce its Bio-security risk due to its location from other similar activities and market exposure to commodity fluctuations for its raw feed material, mainly soya beans and maize by being self-sufficient in growing its own raw material.

The project site (Kafubu Farm) was established in the late 1960s by the Zambian government and was managed by Zambia Agricultural Development Limited (ZADL). The farm was privatized and sold to Mr. Ernest Mutambo through a competitive tendering process in December 1996. In November 2012, Mr. Ernest Mutambo sold Kafubu Dairy Farm to GoldenLay.

The resettlement of people living and utilising Kafubu Dairy Farm by after the company purchased the land triggered IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement (IFC PS 5). This necessitated the development of this Resettlement Action Plan (RAP). In addition to the guidelines of IFC Performance Standard 5, the RAP was conducted in line with the applicable Zambian legislation.

The objective of the RAP was to ensure that the project affected community, including individuals and households, were meaningfully consulted on the resettlement planning process and were adequately compensated in a fair and transparent manner. In line with the objectives of IFC PS 5 the ultimate aim of the resettlement process was to restore the affected community's pre-displacement incomes or livelihoods and where possible improve them.

The following methodology was undertaken to achieve the RAP's objective:

- Literature review: this involved a review of the 2013 social baseline survey report conducted by Greenfield Consult, an ESIA conducted on Kafubu farm in 2013 by Greenline Environmental Solutions Limited, Zambian legislation on involuntary resettlement, and IFC PS 5.
- Evaluation of the Social Baseline Survey (2013) to assess the adequacy of stakeholder involvement and categorization of settlers.
- A brief social baseline update survey (2014) was conducted in the project area post-resettlement and focused on the re-located settler's status in comparison with pre-relocation status.
- Based on the findings from the above, a compensation matrix was developed for all relocated households.

## Dynamics of the affected persons

The social baseline survey conducted in August 2013 categorised the project affected community into four groups. Each group was eligible for a certain type of compensation. The four groups are as follows:

- **Permitted squatters:** This category is composed of settlers that were offered land for agricultural purposes and establishment of dwellings by the Ministry of Agriculture (MOA) in 2003. The allocated land was on the south westerly boundary of the farm between beacons D and E (*Figure 2*). Each affected person was issued 2Ha of land by MOA. These settlers had offer letters for the land they occupied from MOA. GoldenLay offered 200Ha land on the eastern boundary of Kafubu farm as compensation and each affected settler was given 3.7Ha of this land.
- **Illegal squatters:** The farm was occupied by informal settlers who had no formal entitlement or any defined relationship with the vendor or the Zambian Government at the time of purchase. They had sporadically settled throughout the Farm erecting various types of structures. These structures ranged from burnt brick houses to mud and pole shelters. Most of the structures were concentrated on the north eastern border of the farm while some of them were outside the boundary (as per title deed drawings). When the social baseline survey was conducted in 2013, only one structure was left on the farm and negotiations were entered into on a settlement that would adequately satisfy the affected person. Illegal settlers with no legal claim to the land were allowed to plant and harvest their crops for two seasons thereafter were given 30 day vacation notice to leave Kafubu farm.
- **Seasonal farmers:** The vendor had allowed seasonal farmers to utilize portions of the land for crop cultivation, for which the owner charged a rental fee. Seasonal farmers were charged a fee by the vendor as rental for using the land. When the vendor sold the land, the vendor –farmer agreement ended. During follow-up interviews with these groups it was discovered that GoldenLay had allowed the seasonal farmers to harvest their produce before vacating the farm.
- **Previous employees:** The previous employees were entitled to stay on the farm as part of a verbal agreement between them and the vendor of the land. In terms of this verbal agreement, these former employees were afforded the right to stay on the premises (i.e. on the farm’s staff accommodation buildings) until they were paid wages owed to them by the vendor. The former employees were paid their outstanding wages and allowed to harvest crops planted at the staff houses prior to vacating the farm.

A summary of the number of affected persons in each category is provided in table 1.

*Table 1: No. of affected people per category*

<b>Category of persons affected</b>	<b># of people affected</b>
Previous employees	38
Illegal settlers	25
Seasonal farmers	17
Permitted squatters	54
<b>Total</b>	<b>134</b>

Data collected from the social baseline study that was conducted as part of the project has been utilized in the development of a compensation matrix. The matrix details the measures that have been implemented to restore the livelihood and incomes of the affected community to at least pre-impact status, as per the requirements of IFC PS 5.

**Table 2: Compensation Matrix**

	<b>Previous employees</b>	<b>Illegal Squatters</b>	<b>Permitted Squatters</b>	<b>Seasonal farmers</b>
<b>Description</b>	Employed by the vendor prior to acquisition of the farm by GoldenLay in 2012.	Informal settlers with no formal entitlement to the land occupied at Kafubu farm.	Settlers with offer letters issued in 2003 by MOA for the 2Ha land occupied by each squatter.	Persons that rented portions of land within the farm from the vendor for farming activities.
<b>No. of Effected Households</b>	38	25	54	17
<b>No. of Households Eligible for Compensation</b>	4	25	54	10
<b>% Survey capture Rate: August 2013</b>	100	100	100	100
<b>% Survey Capture rate: December 2014</b>	28.94*	20	100	58.82**
<b>Compensation Entitlements</b>	Compensation for groundnut crop that could not be harvested at relocation date. The crop was not yet ready for harvesting at this time.	Land for land or cash compensation for full loss of assets and land, subject to squatter's preference.	<ul style="list-style-type: none"> <li>• Allowed to farm on land for 3 farming seasons by seller of the land.</li> <li>• Notice given to vacate land 30 days prior to acquisition.</li> <li>• 200Ha located near North-East boundary of Kafubu farm given for resettlement (3.7 Ha allocated to each settler).</li> <li>• Legal ownership of land given by Ministry of Lands.</li> <li>• GoldenLay offered transport for relocating to new site.</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed to harvest their crops prior to GoldenLay implementing the project.</li> <li>• 30day notice given after harvesting to clear all crops from fields and cancel rent agreement with vendor.</li> <li>• GRZ offered land in Mpongwe resettlement area for farming purposes.</li> </ul>
<b>Resettlement Options</b>	Resettlement was on individual preference: <ul style="list-style-type: none"> <li>• Resettlement in nearby host community (Hope Compound), or</li> <li>• Community of settler's choice.</li> </ul>	Resettlement was on individual preference: <ul style="list-style-type: none"> <li>• GRZ to provide land for resettlement in Maposa resettlement area, or</li> <li>• Resettlement in Hope Compound and Fisenge area.</li> </ul>	Resettlement was based on individual preference: <ul style="list-style-type: none"> <li>• Relocate to Maposa resettlement area, or</li> <li>• Government to provide alternative land in Mpongwe and GoldenLay was to facilitate relocation.</li> </ul>	<ul style="list-style-type: none"> <li>• Relocation of farming fields to Mpongwe farm block.</li> <li>• Increased farm land from 2Ha previously utilized to 5Ha each.</li> <li>• Rent alternative land outside Kafubu farm.</li> </ul>

<b>Compensation Methodology</b>	<b>Costs</b>	<p>Average maximum harvest was 0.5 tons per person at a market price of \$769.29/ton. Farmer product produced per hectare multiplied by market price at time of income loss:  0.5 tons x 0.5Ha = 0.25 tons  0.25 tons x \$769.29/ton x 4 farmers = \$769.25 (Total Compensation for Groundnuts)</p> <ul style="list-style-type: none"> <li>• Compensation for groundnuts not harvested at vacation time as the crop was not ready for harvest = \$769.25</li> <li>• Goldenlay has offered employment to 3 essential skilled former employees and 5 former employees' dependents at Kafubu farm.</li> </ul>	<ul style="list-style-type: none"> <li>• 2013 survey revealed 25 affected people.</li> <li>• 2013 survey: 8.97Ha of land was collectively occupied by illegal settlers. ***</li> <li>• 2014 update survey: Not determined (the identified illegal squatters could not give land size utilized for determination of actual loss and cost of other assets on lost land). Calculations based on 2013 survey findings.</li> <li>• Land: 8.97Ha X \$ 533.72/Ha= \$4,787.5</li> </ul>	<ul style="list-style-type: none"> <li>• Total land value of \$104,761.9</li> <li>• Relocation fuel cost \$ 454 (5 Settlers that required physical relocation assistance were offered transport).</li> <li>• Borehole installation Cost \$ 3,968 (As per the agreement with affected people, Borehole was installed by GoldenLay as the new resettlement site had no potable water source).</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable (seasonal farmers only rented the land for cultivation).</li> <li>• Rental agreement became null and void when GoldenLay purchased the farm. Allowed to farm free for 3 seasons.</li> <li>• Preferential employment opportunity offered to this category as seasonal workers.</li> </ul>
<b>Total Compensation Cost</b>	<b>US\$769.25</b>	<b>\$4,787.5</b>	<b>US\$ 109,183.9</b>	<b>None</b>	
<b>Resettlement schedule</b>	<ul style="list-style-type: none"> <li>• Notice to vacate served at least 30 days prior to acquisition.</li> <li>• Allowed to harvest crop that were ready at the time of vacation.</li> </ul>	<ul style="list-style-type: none"> <li>• Notice to vacate served at least 30 days prior to acquisition.</li> <li>• Allowed to harvest crop that were ready at the time of vacation</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed to harvest current crop at the time of relocation.</li> <li>• GoldenLay demarcated and surrendered 200Ha from total Kafubu farm land to MOA and NCC for allocation to affected people.</li> <li>• The 2014 update survey found that only 5 former permitted squatters had settled on the land.</li> </ul>	<ul style="list-style-type: none"> <li>• Vacate rented land after harvest of maize crop.</li> <li>• No farming to be done on land after cut-off date of 30<sup>th</sup> June 2014.</li> <li>• Notice to vacate served at least 30 days prior to acquisition</li> <li>• Crops grown after the cut-off date not compensated for.</li> <li>• The resettlement schedule took into account the period required for maize crops to be harvested.</li> </ul>	
<b>Recommendations /other assistance</b>	<p>GoldenLay management to conduct bi-annual evaluation through community engagement to ensure resettlement has been successful.</p>	<p>An appropriate compensation advance and housing displacement allowance was paid at time of notice to vacate.</p>	<ul style="list-style-type: none"> <li>• GoldenLay to maintain the community borehole.</li> <li>• GoldenLay provided free chicken manure to the five settlers within the 200Ha allocation.</li> <li>• GoldenLay provided technical application assistance for chicken manure that they provided to the resettled people. This is ongoing.</li> </ul>	<ul style="list-style-type: none"> <li>• GoldenLay offered employment to this category as seasonal workers.</li> </ul>	

**Note:** \*(11 captured during survey, 4eligible);\*\* (10 captured during survey, 10 eligible);\*\*\* Refer to appendix 9.2 of RAP.

## **EXECUTIVE SUMMARY (BEMBA)**

GoldenLay Limited yasalile Kafubu farm ukuba incende isuuma iya mulimo waku kusha imibombele yabo. GoldenLay Limited yashitile Kafubu farm pamulandu wakuti balekabila ukupanga ifyakulya fyakulisha inkoko shama manni pakutwala ubunoshi pantanshi. Aka company kalekabila ukupanga ifyakuya fya nkoko ukubomfya amataba, soya beans elyo na wheat ifilimwa pa Kafubu farm.

Incende ya Kafubu farm yapangilwe mu 1960 na ubuteko bwa Zambia ukupitila muli ba Zambia Agrucultural Dveelopment Limited (ZADL). Ili farm lya Kafubu lya shitishiwe kuli ba Mutambo mu December 1996. Ely nabo ba Enerst Mutambo bashitisha kuli ba GoldenLay Limited mu November umwaka wa 2012.

Ukushitisha kwali ili farm kwa lengele aka bugwe ka chalo aka ndalama aketwa IFC ukubillkapo nolupapulwa lwa mibombele yaku sesha abantu apo baikala mu patikisha (Performance Standard 5-Land acquisition and Involuntary resettlement). Umulandu wa kusesha abantu na ifipe fyabo muku patikishiwa pakuti impanga ya Kafubu ba pangapo apa kulima ifilimwa, ecalegele ukuti incenshi shitwe pakumona ukuti tapali ulufyengo nangu ukutitikishiwa pami sendele ya mpanga. Elyo na ukupanga intampulo isha kusesha abantu ukufuma mu ncende balimo no kuya ku ncende iimbi (Resettlement Action Plan).

Icikankala ca iyi intampulo (RAP) ku mona ukuti abantu bakuminwe na uyu mulimo mu ncende ya Kafubu elyo nabalepokwa impanga, amayanda ne filimwa ba bombela pamo naba GoldenLay pakumona ukuti tapali ulufyengo nagula umucisha cinani pakusenda ilya ncende. Cimbi kumona ukuti abantu cikumine ici ci mulimo basekelamo mu ndalama, impanga and ubukumo bwafuma mukuseshiwa pancende baleikala. Kabili ku mona ukuti imikalille ya nomba yawamapo ukucila iya kale pamulandu wa seshiwa pancende pantu bale sanga imikalille isuma.

Imibombele yaku mona ukuti banatu baikala bwino yabombelwe ukupitila mukwipusha abantu mu ncende ya Kafubu elyo na ukumona ifyo cibalumine bantu bali muli incende. Ilyashi lya fumine mukuceceta elya lengele ukupanga intamulo sha pelelamo bantu mu ncende ya Kafubu impnaga nangula ulupiya mulandu wa kufwaya ukubweshwa imikalille ya bantu ukucisha ifyo bali akale lintu tabashita impanga ba GoldenLay.

Ukulingana ne mibombele yaba IFC PS5 uyu mulimo wa bombelwe mukupitila mu kuceceta abantu cikumine, ukwishiba intulo ya uyu mulimo elyo, ukwipusha abantu cikumine na ukupenda amayanda yaba muli ilya ncende pakwishiba impendwa ya bantu na ifipe filimo.

Mu ncende ya Kafubu farm mwali utubungwe twa bantu tune (four groups) utwalefwaika ukupelwa imikalille isuuma ukucila iyo baleikalilamo kale lintu Kafubu farm taila shitwa naba GoldenLay Limited. Ama bumba ya bantu batantikwe ukuba pali abo abakupelwa imkalille ya yaana nyaba:

**Balya aba suminishiwe ukwikala (permitted squatters):** Bantu ba kwete ama kalata ukufuma ku buteko ukupitila mucipande ca bulimi (Ministry of Agriculture). Cila muntu apelwe 2Ha mu 2003. Ba GoldeLay Limited bapele abantu abali 54 impanga yacibweshwa ukulingana na 200Ha ukuti bakane na ukutampa ukulima. Cila umo pali abantu bakwete amakalata balepelwa impanga ukulingana na 3.7Ha iya cibweshwa.

**Aba sha kwete insambu sha kwikala mu Kafubu (illegal squatters):** Kafubu farm yalikwete abantu aba ikele mu iyi ncende ukwabula ama pepala nangula insambu ukufuuma kubuteko nangu kuli ba Mutambo. Aba bantu balelima na ukukula utu misakuta umwakwikala lintu bali mu ncende ya Kafubu. Pali aba abali 25, pashelefyeye in'ganda imo iyi sha seshiwa pa nshita umulimo wa RAP walepangwa.

**Bakalima ba mu mfula (Seasonal farmers):** Ba Enerst Mutambo balisuminishe abantu ukulima ama bala mu ncende ya Kafubu elyo aba balimi baelipila ba Mutambo indalama pkulima mulya ncende mu nshita ya mfula. Ba GoldenLay lintu bashitile iyi ncende, ukumfwana kwa aba Mutambo nabalya balimi kwali pwa. Aba bantu bonse bali lekele ukulima pantu impanga nombamba yaba ya bene ba GoldenLay.

**Ababomfi bakale pa Kafubu (previous employees):** Ababomfi ba Ba Mutambo balisumishiwe ukwikala pa farm pakulolela indalama ba bombele akale kuli ba Mutambo. Lintu ba GoldeLay bashitile impanga, aba bantu bali balipila indalama shabo ba Mutambo noku bapela inshita yakusombola ifilimwa na ukukusha ifipe fyabo.

<b>Utubungwe twa salilwe mu Kafubu</b>	<b>Impendwa ya bantu</b>
Ababomfi ba kale (Previous employees)	38
Aba sha kwete insambu (Illegal settlers)	25
Bakalima ba mu mfula (Seasonal farmers)	17
Aba suminishiwe (Permitted squatters)	54
<b>Impendwa yonse pamo</b>	<b>134</b>

Abantu baleseshiwa balikwetemo ulubali mu panga umulimo wa ku basesha pa ncende pantu baleikala na ukuba twala pambi nagula uku bapela indalama ukulingana na ifipe, ubukumu na fimbipo ifyo bakalofya pa mulandu waku basesha pa ncende pantu baleikala ukulingana na ubufwayo bwa IFC PS 5.

Abantu bonse abasontelwe muli uyu mulimo bali muma bumba yane. Elyo balya abasuminishiwe ukwikala bapelwe 200Ha ukwana impanga yakulimamo mucipulwa ca farm yaba GoldenLay limited mu Kafubu.

Abantu bapelwe inshiku 30 isha kufuma mu ncende bali na ukuya muli ilya 200Ha bapelwe. Ukufika lelo iyi ncende mwayafye abantu bane (5). Bambi bali pela imcende kuli bambi elyo bamo balishitisha impanga.

## **1.0 INTRODUCTION**

In line with the guidelines set out by IFC Performance Standard 5 (IFC PS 5), the RAP was developed through obtaining an understanding of the project background, the project area, the preliminary designs and the implementation plan. In addition, baseline information on the displaced people was obtained through physical investigation of the households and their surrounding environment, public consultations with displaced persons, baseline surveys, photography, and discussions with the key informants.

### **1.1 Objective of the RAP**

The overall objective of the RAP was to identify detailed management and mitigation measures for GoldenLay Limited to address involuntary displacement impacts caused by the acquisition and development of Kafubu farm in 2012. It also provides a framework and work plan for the implementation of resettlement and compensation for affected people in accordance with the IFC PS5.

### **1.2 Methodology**

The RAP employed the following methodology:

#### ***1.2.1 Literature review***

This involved a review of:

- Legislation on resettlement in Zambia. This included;
  - The Lands Acquisition Act of 1994
  - The Agriculture Lands Acts of 1994
  - The Town and Country Planning Act (1995)
  - The Housing (Statutory and Improvement Areas Act (1974)
  - The Arbitration Act No. 19 of 2000
  - Article 16 of the 4<sup>th</sup> Republican Constitution of Zambia (1996)
- Previous research and studies related to Kafubu farm, including:
  - ESIA for the development of Kafubu farm (2013)
  - Kafubu farm resettlement profile (2013)
  - Kafubu community baseline study report (2013)
  - Correspondences between the settlers and GoldenLay Limited
  - Minutes of stakeholder engagement meetings
  - Kafubu farm resettlement resolutions (2013)

### ***1.2.2 Evaluation of the social baseline survey of 2013***

The evaluation of the Social Baseline Survey conducted by Greenfield Consult focused on a review of the following aspects:

- The methodology undertaken
- The adequacy of stakeholder engagement performed
- How the settlers were categorized into four groups
- The adequacy of the eligibility criteria for compensation

### ***1.2.3 Social Baseline Update Survey-2014***

In November 2014 a brief survey was conducted in the project area and focused on the four categories of relocated settlers. This was an update survey and the outcome was compared to the survey conducted in 2013. This was performed to ensure that there were no material changes to the status of the project affected community between when the initial 2013 survey was conducted and the finalization of the resettlement action plan in November 2014.

Questionnaires, focus groups and semi-structured interviews were conducted and aimed to capture the main concerns; frustrations and needs of each of the households affected by the land acquisition and ascertain the socio-economic status of the affected people. A Team of two people undertook the field work for the survey.

The survey sought answers to the following key questions:

**Table 1: Questions used in the sampling questionnaire**

S/N	SAMPLE QUESTION ADDRESSED BY THE QUESTIONNAIRE
1	How much land did the displaced community occupy prior to GoldenLay's purchase of the land?
2	What is the legal ownership status of the new land occupied by the displaced community?
3	Has the re-settlement resulted in a loss or gain in terms of land and income for the displaced community?
4	Was the value of compensation adequate to cover improved living conditions?
5	What is the condition of dwellings currently being occupied by the displaced community, compared to the dwellings formerly occupied?
6	Are there any additional benefits the community has received, other than land or monetary compensation?

### ***1.2.4 Satellite imaging***

Satellite imagery was obtained and annotated to describe the resettlement process that has been carried out (*i.e. images of the site before and after resettlement from Google Earth*).

Site visits were conducted on 29/11/2014 to ground truth the satellite images. During the site visit the delineated area was be mapped on foot by use of GPS coordinates.

### ***1.2.5 Corrective action and monitoring plan***

Based on findings from above, a corrective action and monitoring plan was developed to ensure the project meets the requirements of IFC PS 5.

### ***1.2.6 Compensation criteria calculations***

A compensation matrix was developed, which proposes payments for all kinds of losses for each displaced individual (e.g. land, housing, businesses and other income sources, temporary loss of income, displacement and moving costs).

The compensation budget highlights the costs associated with each activity to be undertaken and the implementation time-frame.

## **1.3 Project Location**

Kafubu Farm is located in Ndola District of the Copperbelt Province and is approximately 16km from the Ndola Central Business District. The farm is 2.5km off the Ndola-Kitwe dual carriage way on its western side (in the Kitwe direction). The farm No. 9424 is 2,764 Ha in extent and is on title No. 22607 with a 99 year lease from the Zambian government. The title was issued in the name of GoldenLay Limited on 8 August, 2013.

### *Drainage*

Kafubu farm lies between 1285m and 1241m above mean sea level (AMSL) and consists of gentle slopes with broad interfluves which are mostly drained by small streams in a west, south westerly direction.

### *Surrounding Land uses*

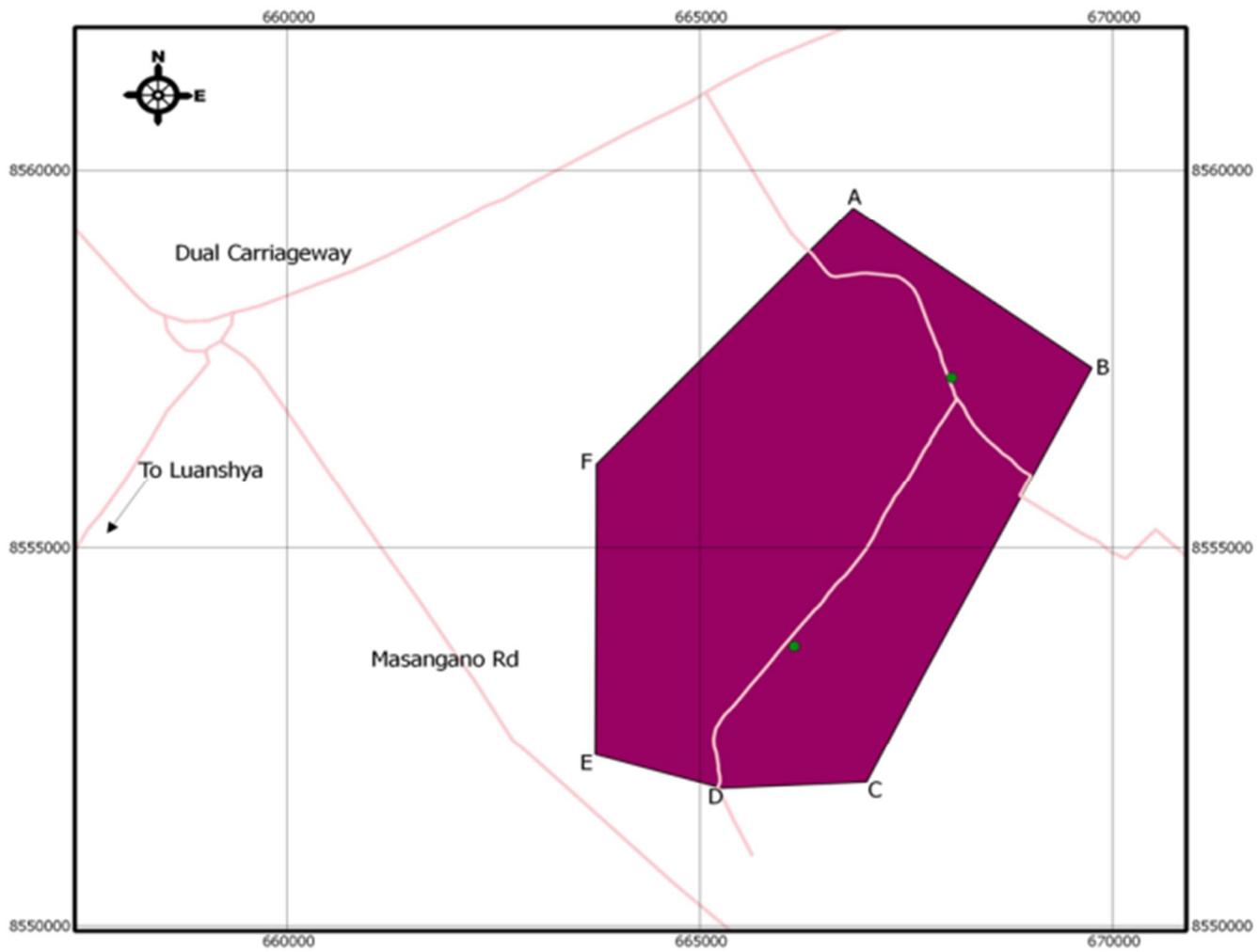
The farm is bordered by:-

- *Battledore Farm*: A banana plantation located between beacons B and C (Figure 1). The farm undertakes both rain fed and irrigated banana farming using water abstracted from the Kafubu River.
- *Kasongo Primary School*: Located between beacons A and F, the school houses grades 1 to 7 of the Zambian education curriculum. The school also has other infrastructure such as staff houses.
- *Simpito's farm*: Located near beacons C and D, the farm is predominantly involved in commercial rain fed farming of maize and ground nuts. The farm is also involved in small scale poultry operations (broilers) and vegetable gardening.
- *Miriam's farm*: located between beacons E and F. This is a small to medium scale farming operation.
- *Other farms*: Several small scale farms are dotted between beacons D and E and are involved in farming of maize and groundnuts.

The coordinates describing the boundaries of the farm are indicated in table 1 and figure 1 below as stipulated in the title deed No. 22607.

**Table 2: Boundary Coordinates for Kafubu farm.** (Source: Land Surveyor's Report, Ndola District)

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



**Figure 1: Location map of Kafubu farm** (Source: ESIA, 2013)

### 1.3.1 Farm Development Plans

Since acquisition of the land GoldenLay has started developing an integrated farming operation. The primary activities on the farm will include cropping and poultry operations and cattle ranching. Following the approval of the ESIA in 2013, the following activities have been undertaken:

- Rehabilitation of the old office block, machinery workshop and staff houses.
- Installation of new boreholes and rehabilitation of potable water holding tank.
- Land preparation (stamping, levelling and drainage construction) of the 1800Ha for planting of rain fed maize and soya beans.

Other land allocations are for the development of housing units and office establishments on 200Ha of the land for the resettlement activity.

**Table 3: Land allocation and activity planned for Kafubu farm**

Proposed Activity	Land allocation (Ha)	Detail description
Cropping operations	1800	Summer cropping (30% maize, 70% soya beans) Winter cropping (60% soya beans, 40% wheat).
Poultry operations	250	6 layer houses (dimensions: 12m X 100m, capacity 40,000 birds each). 2 breeder houses (dimensions: 12m X 100m, capacity 40,000 birds each).
Cattle ranching	450	200 initial beef and 50 dairy animals to be introduced. Construction of lairage, feedlot, holding pens, drinking tanks, dairy cow parlour and free grazing land.
Housing and office operations	120	Includes existing housing units, new construction and rehabilitation of dilapidated infrastructure.
Resettlement land allocation	200	Demarcated from 2,964Ha on the northern farm boundary. Resettlement of people occupying certain portion of the farm in accordance with conditions of land purchase agreement.
Other infrastructure	144	Roads, fencing, farm clearance, Zesco power lines, distances between operations etc.

A larger part of the 1800Ha of land allocated for cropping within Kafubu farm is already cleared of vegetation from the previous owners farming activities. GoldenLay had further cleared vegetation for the operations highlighted in the table above upon obtaining ESIA approval from the Zambia Environmental Management Agency in 2013. The farm also has portions of land that has not been cleared of vegetation including part of the land that was occupied by previous settlers. The previously occupied areas have housing units, animal paddocks and other structures such as kitchen and toilets.

### ***1.3.2 Social and cultural setup of Kafubu area***

Kafubu farm area lies within the Ndola district state land. The farm surrounding area is not customary land and much of the land in the district is designated for agricultural purposes. The area is a designated farming setup with several farms ranging from commercial to small scale.

In the Kafubu area, a small number of households practice subsistence farming with the major crops being maize and ground nuts. This is mainly for household consumption. Some households are involved in the growing of vegetables such as rape, cabbage and tomatoes.

Most of the local people in the area surrounding Kafubu farm are small scale or subsistence farmers practising seasonal farming of crops such as cassava, ground nuts and sorghum.

It is a predominantly a low income economy with most inhabitants being dependent on the area's commercial farms for employment opportunities.

A market for locally grown crops is available through an informal community market. A significant portion of the maize harvested by the local subsistence farmers is sold to the Food Reserve Agency (FRA) through the nearest depot in Fisenge and Baluba.

The project area has no secondary school. From the socio-economic survey conducted, most of the inhabitants of the area practice farming as their primary occupation. Most of the people have not attained higher level education due to lack of school facilities.

#### ***1.3.2.1 Pre-resettlement***

Kafubu farm had a total size of 2964Ha as represented by the GPS coordinates highlighted by the beacons A, B, C,D, E and F that form the boundaries of the farm. On transfer of ownership of the land, assessment identified four (4) categories of settlers that had claims to the land within Kafubu farm.

- a. *Former-employees of the defunct Kafubu dairy farm*:-These were employed by Mr. Mutambo during his operations of the farm and occupied 38 company houses. During the transfer of ownership of the farm, the former employees occupied the company houses because they were not paid their outstanding wages by the previous owner.
- b. *Seasonal farmers*: - 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. The land owner informed the farmers prior to the sale.
- c. *Illegal squatters*: - This group comprised of local people that illegally occupied the land and carried out seasonal farming activities and built makeshift structures (*mud and pole, grass thatched houses*) for the duration of the farming season. The squatters had no legal documentation as proof of land ownership.
- d. *Occupants with offer letters*: - In 2003, the Ministry of Agriculture (MOA) and Ndola City Council (NCC) offered land for agricultural purposes and establishment of dwelling places within Kafubu farm. The occupants were issued with offer letters as proof of

ownership of the land. The occupants of the land that were practicing farming on the South-west part of the farm.

The spatial extent of land occupation by the four categories of settlers is highlighted in figure 2 below obtained in 2012. The figure shows the land occupation and activity areas within Kafubu prior to the development of the farm by GoldenLay.



**Image Key:**

ZQQQ- Kafubu farm company houses occupied by former employees

SQ- Squatters with offer letters within and on the boundaries of the farm. The distribution of the categories was as detailed in table 4 below;

**Table 4: Settler categories**

Category	No.	%
Ex-employees	39	29.32
Seasonal farming tenants	17	12.78
Illegal settlers/farmers	25	18.71
Occupants with offer letters	52	39.09

**1.3.2.2 Post resettlement**

In 2014, in accordance with the agreement made between GoldenLay, the Ministry of Agriculture and the affected squatters, 200Ha was demarcated from the original 2964Ha for the resettlement of the project affected people with offer letters (Permitted Squatters). The 200Ha of the land lie on the coordinates below.

**Table 5: Coordinates for the 200Ha allocated for resettlement**

Point	Coordinates	
A	13° 02' 38.79" S	28°31'31.97"E
B	13° 01'37.96" S	28°32'14.63"E
C	13° 02'56.12" S	28°31'51.27"E
D	13° 02' 00.64" S	28°31'31.97"E

The land allocation for the occupants with offer letters was conducted by the Ministry of Agriculture and Ndola City Council District Administration Office. The total number of settlers that were allocated land within the 200Ha was fifty four (54). There are currently three (3) settlers within the 200 Ha (*ST 2, ST 3 and ST 4*) that have erected structures while two (2) only have cleared land. Other settlers have opted to sell their portions of land to other private citizens and have relocated to the nearby Twapia Township within Ndola District.

In the image below the points marked 'CH' represent the Company Houses that are currently on the farm that were previously occupied by the employees prior to the sale of the land. The points marked 'ST' represent relocated settlers that have been given portions of land within the 200Ha allocation.

**Table 6: GPS Coordinates for settlers**

Point mark	Site description	Coordinates	
ST 1	Relocated settlers plot	13° 03'35.7" S	28°31'31.97"E
ST 2	Relocated settlers plot	13° 01'37.96" S	28°32'14.63"E
ST 3	Relocated settlers plot	13° 02'56.12" S	28°31'51.27"E
ST 4	Relocated settlers plot	13° 02' 00.64" S	28°31'31.97"E
ST 5	Relocated settlers plot	13° 02' 38.79" S	28°31'31.97"E
CH 1	Company house	13° 01'37.96" S	28°32'14.63"E
CH 2	Company house	13° 02'56.12" S	28°31'51.27"E
CH 3	Company house	13° 02' 00.64" S	28°31'31.97"E



Figure 3: Post resettlement Satellite Image (2014)

### 1.3.2.3 Location of relocated households

This section details the number of affected people identified during the baseline update survey. It categorizes the affected people in accordance with the 2013 survey and provides the actual locations of the people after relocation.

#### Category A: Settlers with offer letters

This is a category for the 54 settlers that were allocated the 200Ha of land for resettlement (Permitted Squatters).

1.Name: Kasoma Kashita

Location GPS: S 13° 03'35.7" E 028° 31'03.2" (this house and associated infrastructure is located within the farm).

#### Site Description

Structure	Size (sq. meters)	Material of construction	Status
House	108	Burnt bricks, cement, mortar	Unoccupied
Animal kraal	350	Tree Logs & wire fence	Unused
Kitchen	10	Mud brick, grass thatch, mortar	Unused



**Unoccupied Main house and store room owned by Kasoma Kashita**



Vacant house and banana plants at Kasoma Kashita's residence

2. Name: Kanfwa Element

Location GPS: S 13° 01'51.6" E 028° 32'03.8" (this site is located within the 200Ha allocation demarcated from the original GoldenLay farm).

Site Description

Structure	Size (sq. meters)	Material of construction	Status
House	61.75	Burnt bricks, cement, mortar, iron sheet	Occupied
Animal kraal, cattle pen	308	Tree Logs & wire fence	In use
Kitchen	6.4	Mud blocks and mortar	In use
Grain storage barn	12	Wood and mortar	In use



Residence of Kanfwa Element



**Cattle Kraal & interview with affected person (Permitted Squatter)**

3. Name: Selita Mulobola

Location GPS: S 13° 01'50.2" E 028° 32'02.9"

**Site Description**

Structure	Size (sq. meters)	Material of construction	Status
House	14.8	Burnt bricks, cement, mortar, iron sheet	Occupied
Animal kraal, cattle pen	-	-	-
Kitchen	2.2	Mud blocks and mortar	Used
Maize field	0.5 Ha	-	Cultivated



**Residence and unplanted field of Selita Mulobela**

**Category B:** Kafubu Dairy farm Ex-employees

These were employees that used to work for Mr. Mutambo (the vendor) prior to acquisition of the land by GoldenLay. They were paid terminal benefits by the vendor as per the agreement in the contract of sale. A number of ex-employees have since relocated to the new Hope compound while others have settled in Twapia Township in Ndola.

1. Name: Dulla Bulaya

Location GPS: S 13° 01'45.8" E 028° 32'07.0"

Site Description

Structure	Size (sq. meters)	Material of construction	Status
Main House	35.8	mud bricks, cement, mortar, iron sheet	Occupied
Additional house	22.4	mud bricks, cement, mortar, grass thatched	Occupied
Animal kraal, cattle pen	-	-	
Kitchen	2.6	Mud blocks and mortar	
Maize field	-	-	cultivated



Residence of Dulla Bulaya in new hope compound

2. Name: Kisonge Kapuku James

Location GPS: S 13° 01'42.8" E 028° 32'05.8"

Site Description

Structure	Size (sq. meters)	Material of construction	Status
Main House	81.6	mud bricks, cement, mortar, iron sheet	Occupied
Additional house	19.4	mud bricks, cement, mortar, iron sheet	Occupied
Chicken run	21.8	mud bricks, cement, mortar, iron sheet	Empty
Kitchen	2.6	Mud blocks and mortar	In use



Residence of Kisonge Kapuku James in new hope compound

3. Name: Peter Kampamba

Location GPS: S 13° 01'42.6" E 028° 32'07.4"

### Site Description

Structure	Size (sq. meters)	Material of construction	Status
Main House	96	mud bricks, cement, mortar, iron sheet	Occupied
Additional house	16	mud bricks, cement, mortar, iron sheet	Occupied
Chicken run	21.8	mud bricks, cement, mortar, iron sheet	Empty
Kitchen	2.6	Mud blocks and mortar	In use



Residence of Peter Kampamba in new hope compound

**Category C: Seasonal farmers**

All of the people in this category have left the farm after it was sold and hence the farm plots they used to rent for seasonal farming are no longer in use.



**Abandoned fields and shelter previously used by seasonal farmers within the farm.**

## **2.0 LEGAL AND POLICY FRAMEWORK**

### **2.1 Introduction & Background**

In line with World Bank Operational Directive OP. 4.12 on Involuntary Resettlement, the International Finance Corporation (IFC) Handbook for Preparing a Resettlement Action Plan (RAP) and the PS5: Land Acquisition and Involuntary Resettlement, this section of the Kafubu Farming Project RAP presents the policy, legal and administrative framework governing the resettlement.

### **2.2 Zambian Legislation, Standards and Guidelines relating to Resettlement**

There are defined legal and institutional policies on resettlement in Zambia. The following legislation governs the acquisition of private land.

- The Fourth Republican Constitution of 1996: Recognizes the right to private property and to protection by the State of property or land.
- The Lands Acquisition Act of 1994: The Act sets out regulations for compulsory acquisition of land and property and compensation for such acquisition. Compensation for acquired property, losses and damages shall be paid as may be agreed or, finally determined by this Act.
- The Agriculture Lands Acts of 1994: Section 40 of the Act requires adequate compensation for loss of assets on the surface of the land due to other intended uses.
- The Arbitration Act No. 19 of 2000: Provides for the undertaking and appointment of arbitrators when two parties to land/property are not agreeable to sums of compensation for relocation, loss or involuntary resettlement.
- The Town and Country Planning Act (1995): Provides for the preparation, approval and revocation of land development plans. It also regulates and controls spatial development and subdivision of private or state land.
- The Environmental Management Act No.12 of 2011: Provides for the identification and mitigation of project related socio-economic impacts on affected people through public consultations and disclosure meetings.
- Land Conversion of Title Act of 1995: This Act provides for the alienation, transfer, disposition, and change of use of land. The Act also provides for compulsory acquisition of land by the president wherever he is of the opinion that it is desirable or expedient to do so in the public's interest.

### **2.3 Administrative Authorities**

The main administrative authorities that are responsible for administering resettlement in Zambia are:

- Ministry of Lands, lands tribunal and the government valuation department – Responsible for reviewing the survey report undertaken by the lands Commission and initial pre-judicial grievance redress
- Courts of law – responsible for judicial grievance redress
- Traditional leadership – as the custodian of customary land
- Ministry of Local Government and Housing – Responsible for undertaking survey report in line with the Public Utility Decrees.
- Ministry of Agriculture (Ndola District Office).

### **2.4 IFC Guidelines**

The following IFC documents and policies were referred to in the preparation of this RAP:

- Handbook for Preparing a Resettlement Action Plan
- Procedure for Environmental and Social Review Projects (1998);
- Policy on Social and Environmental Sustainability (30 April 2006);
- Performance Standards on Social and Environmental Sustainability (30 April 2006);
- Policy on Disclosure of Information (30 April 2006).
- Performance Standard 5 and the Guidance Note.

### **2.5 Comparison of Zambian Government and IFC Policy on Resettlement**

The Zambian and IFC Performance Standards on Resettlement have similar objectives to restore and improve the living standards of people affected by developmental projects through involuntary resettlement. The two policies however have differences as outlined below:

- a) In determining the cost of compensation, the IFC PS 5 cost estimate is given as the new replacement value of property being lost whereas in the case of Zambian legislation, it is the value the property can fetch at an open market if it is to be sold to a willing buyer.
- b) The emphasis of IFC PS 5 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) The IFC PS 5, 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.

GoldenLay is committed to meeting Zambian legislation and the IFC's requirements. As defined by World Bank/IFC Operational Policy/Bank Procedures 4.12, it will contribute to maintaining a social license to operate within the Kafubu area. GoldenLay also seeks to minimize disruption to the community. It is also committed to sustaining existing livelihoods and supporting the establishment of lost or new livelihoods. As a result GoldenLay has been committed to ensuring properly administered land dealings defined in consultation with stakeholders and affected persons. Policies and programs were developed to ensure delivery of these commitments. The following

objectives and targets were adopted to meet the requirements of IFC PS5, as well as Zambian Legislation:-

- The resettlement process was characterized by transparency and included the active participation of the affected households, government stakeholders and communities;
- The Resettlement/relocation program was undertaken by relevant authorities (Ndola DC, MOA, Ministry of Lands, Area Councillors), local NGO's, affected people and GoldenLay Management;
- Affected households in the four categories were notified of the need to relocate as early as possible to facilitate negotiations and planning;
- Affected households were assisted with relocation through movement of their belongings and assets and establishment of new homesteads;
- Affected households were assisted in re-establishing their livelihoods and economic resource base (issuance of chicken manure, installation of borehole and land clearance);
- The resettlement was to be subjected to a regular process of independent monitoring and evaluation.

## **2.6 Land Titling and Registration Laws and Policies in Zambia**

Land tenure in Zambia is governed by State and Customary ownership. There are two land tenure systems found in Ndola District: (1) Leased land tenure system and (2) Traditional land tenure system. Kafubu farm falls in the leased land tenure system category and is on title leasehold in the name of GoldenLay on title No. 233189, for a 99 year period in accordance with the Lands and Deeds registration Department of the Ministry of Lands.

## **2.7 Legal and Administrative Procedures Applicable to the Process of Resettlement**

There are no mandatory legal and administrative procedures applicable to the process of resettlement in Zambia. However, best practices with reference to international norms are adhered to during the resettlement process. Stakeholders drawn from the District Commissioner's office, Ministry of Lands, Ndola District Council, Political leaders, Community leaders' representatives, and non-state actors were engaged to oversee and own the entire process of resettlement at Kafubu. The project affected people were also engaged through the participation of the above mentioned experts who guided the entire process with their area of expertise. The implementation of the agreement between GoldenLay and the affected people was monitored by Ndola District Commissioner. The feedback mechanism was stakeholder consultative meetings.

## **2.8 Entitlement Framework**

### **Introduction**

The objective of the resettlement action plan is to avoid or minimize, to the extent possible, the hardships and impoverishment that the project may cause, and to mitigate any adverse impacts at the household and community level.

The RAP makes reference to the effort made to reduce project impacts mainly through the analysis of alternative sites considered in the Kafubu ESIA. Where displacement was unavoidable the

objective was to ensure that sufficient resources were allocated to enable the displaced people to regain and ideally improve living standards through:

- Adequate and appropriate compensation for private assets;
- Resettlement and entitlement measures to enable affected people to relocate to the new resettlement site and continue with normal livelihoods.

### **Principles**

The following represents a list of principles that form the basis for development of this RAP:

- Displaced people were consulted for compensation planning and throughout the implementation phase;
- Displaced people were informed about their rights and options pertaining to compensation, relocation and about the grievance mechanisms available to them;
- Identification of displaced people was undertaken as per agreed eligibility criteria set out in the RAP;
- Lack of legal rights to land and assets occupied or used did not preclude displaced people from entitlement to compensation and relocation measures, and
- Compensation, relocation and rehabilitation measures were as fair as possible to all parties concerned and also minimize the long-term liability on GoldenLay.

### **Definition of Displaced People and Eligibility for Compensation and Rehabilitation**

Under Section 14 of IFC PS 5, displaced persons who are entitled to compensation include persons:

- I. Who have formal rights to the land they occupy;
- II. Who do not have formal legal rights to land, but have a claim to land that is recognizable under national laws.
- III. Who have no recognizable legal right or claim to the land they occupy (including any new arrivals who occupy the land prior to the cut-off date).
- IV. Economically displaced people without legally recognizable claims to the land will be provided with compensation for lost assets other than land at full replacement cost.

### **Cut-off Date**

Cut-off dates determine eligibility of persons and their assets for compensation. Therefore, they represent the actual date that the affected assets and infrastructure at a particular site were recorded during the census survey. Assets like land, structures and others, which are created, encroached or acquired by individuals or groups, after the cut off dates, were not eligible for compensation. The cut-off date for the project was 30<sup>th</sup> June, 2014.

## **2.8.1 Entitlements**

### **Loss of Land**

In accordance with legislation in Zambia, to be eligible for compensation for loss of land due to involuntary resettlement, affected people need to have legal title or proof of a legal transaction in obtaining the land.

For this RAP, affected people that had legal ownership of the occupied land recognizable under the national legislation were compensated for the loss of land.

Any displaced person that have no recognizable legal right or claim to the land they occupy will be offered a choice of options for adequate housing with security of tenure and, if they own structures and buildings, compensation at full replacement cost as well as resettlement assistance where appropriate. Any persons who encroach on the land after the cutoff date will not be entitled to any compensation.

In line with OP 4.12 preference was to be given to land based resettlement strategies based upon land for which a combination of productive potential, location advantages and other factors was at least equivalent to the advantages of the land taken. Where land based options are not feasible, non-land based options built around opportunities for employment should have been provided in addition to cash compensation.

### **Loss of Income**

#### **Small Business Activities**

In line with the principles of OP 4.12 (to ensure displaced people are not made any worse off as a result of the project) any person owning a small business that would lose income or sources of income as a result of the project would be provided with options of full replacement cost for businesses and loss of income, and with alternative locations situated in areas where infrastructure, and public services are provided as necessary, to improve, restore and maintain adequate levels of service for both displaced persons and their host communities.

### **Crops**

In order for compensation values for crops to be in line with OP4.12 due consideration would be given to ensuring displaced people were compensated for lost potential revenue from any agricultural activities. The values will reflect up to date market prices. Displaced people were to be provided with the full replacement cost of a particular crop using the assumption that for temporary crops it would have taken 1 year for displaced people to be fully resettled and producing them to the same level prior to resettlement.

### **Buildings**

The resettlement action plan team valued residential houses and ancillary structures during the census survey. The valuation of various structures thus obtained formed the basis for determining the amount of compensation to be offered to the displaced people, who will have the opportunity of reconstruction on alternative land either in the vicinity or away from the site according to their preferences. Many displaced people may also use this as an opportunity for upgrading or expanding in comparison to their old structures.

As displaced people were relocated at short distances from the project sites, they have continued to have access to social and public services and facilities that they were using before. This applies to water supplies, schools, health services, transport services and other community services, such as religious groups.

### **3.0 SOCIO-ECONOMIC BASELINE ASSESSMENT 2013 EVALUATION**

#### **3.1 Introduction**

The socio-economic baseline study was undertaken in 2013 by Greenfield Consult Limited. The objective of the study was to establish baseline parameters for the farm and ascertain the number of affected people that were living on the farm. The background to the study was the involuntary resettlement related impacts that were anticipated by the acquisition of Kafubu farm by GoldenLay in November 2012. The farm setting was characterized by different categories of people claiming ownership of different portions of the farm. This was attributed to the fact that Kafubu farm (*then Kafubu Dairy farm*) was not functional for over 10 years under ownership of ZADL and Mr. Mutambo until 2012 when GoldenLay purchased it.

#### **3.2 Explanation of Survey Approach**

The baseline survey involved a literature review on involuntary resettlement requirements, the legal aspects of the resettlement process and the project setting of the Kafubu area, as well as identification of relevant stakeholders in the execution of the resettlement. Key stakeholders included the Area Councillors (Kasongo and Fisenge), Ndola DC, local NGO's, government agencies and the affected community. The survey approach included a household based census survey to determine the extent of the potential displacement, identification of affected households by the project, as well as views on the preliminary identification of an alternative resettlement site and compensation criteria.

#### **3.3 Explanation of Survey Methods**

The 2013 study survey used a cross sectional descriptive survey design to determine the socio-economic profile of the squatters in Kafubu farm. The following techniques were employed to obtain relevant information of the project baseline;

- Identification of the eligible affected people using the snowball technique. This was used to cover as many affected people as possible within the project site.
- Face-to-face interviews of the identified people to establish the eligibility and level of compensation for each affected settler.
- Enumeration was conducted using a survey questionnaire (*see appendix*) to determine the categories and quantify the number of people affected by the project in each of the categories. Household surveys of affected people were undertaken coupled with key informant interviews with stakeholders such as the Ndola District Commissioner, GoldenLay management, Fisenge and Kasongo area councillors and Kafubu farm community.
- Collected data was entered and analysed using the Statistical Package for Social Science (SPSS) version 20, STATA and Microsoft excel, 2007. The 134 questionnaires were entered into the data SPSS spread sheet before exporting to STATA for weight calculation using the STATA weight facility. Excel was used for generating graphs and sampling calculation and determination purposes.
- The socio-economic status of each household was determined including quantification of the assets owned and their sources of income.

### 3.4 Evaluation of Socio-Economic Baseline Survey of 2013

#### 3.4.1 Adequacy of stakeholder engagement

The survey approach engulfed a cross section of stakeholders from which consultations were made and interviews conducted. The following stakeholders were included in the baseline study survey;

- Ndola and Luanshya District Commissioners,
- Kasongo primary school, Fisenge and Kasongo wards councillors,
- Local residents,
- Ministries of Agriculture, Lands, Environment & Natural Resources, Ministry of Labour
- The affected households.

Several meetings were held with the stakeholders for the resolution of the issues surrounding the land occupied by the affected people within Kafubu farm as detailed in table 7 below.

**Table 7: Stakeholder engagement meetings summary**

Meeting Date & Venue	Discussions & Outcomes	In attendance
26/08/13 at Ndola DA's office	Determination of categories of settlers and their eligibility for compensation	Affected people, stakeholders and GRZ
03/09/14 at Kafubu farm	<ul style="list-style-type: none"> <li>• Tour of Kafubu farm to ascertain the number of people affected and boundaries of the farm.</li> <li>• Meeting with illegal squatters' representative to confirm eligibility for compensation for the land occupied or farms cultivated.</li> </ul>	Ndola DC, Ministry of Agriculture, Area Councillors, GoldenLay and ZEMA
05/09/13 at Kafubu Farm	Resettlement options from permitted settlers: <ul style="list-style-type: none"> <li>• Option 1; ZMW 1000 payment per hectare lost, full compensation for value of structures.</li> <li>• Option 2; Relocation to Mpongwe, 50% increased hectares of land, full compensation for structures.</li> <li>• Option 3; Relocation to boundary of Kafubu farm, demarcate 200Ha and allocate more the 3Ha for each settler. Full compensation for the maize crop planted or farmers are allowed to harvest crop.</li> </ul>	Ndola DC, Councillors, affected people, GoldenLay, Ministry of Agriculture, Lands and Kafubu Dairy farmers association.
23/09/13 at Kafubu Farm	<ul style="list-style-type: none"> <li>• ESIA project disclosure meeting highlighting socio-economic concerns of affected people.</li> <li>• Obtaining views from different stakeholders concerning the land and compensation/relocation options</li> <li>• Presentation of the Draft ESIA to the public for scrutiny and further comments concerning Kafubu farm.</li> </ul>	General public interested and affected parties, GoldenLay, ZEMA, Ndola DC, Luanshya DC, Civil Society and Zambia Police.
25/09/13 Ndola DA's office	<ul style="list-style-type: none"> <li>• Agreement reached for GoldenLay to surrender 200Ha land for resettlement of affected people.</li> <li>• Agreed that ministry of agriculture and DA's office to administer issuance of land to settlers with offer letters.</li> <li>• All the 4 categories of affected people recognised by the stakeholders</li> </ul>	GoldenLay, ZEMA, Ndola DC, Luanshya DC, Civil Society and Zambia Police.

### 3.4.2 Categorization of the settler groups

The 2013 baseline study determined that there were four (4) categories of affected people within Kafubu farm. The settler groups were identified through stakeholder meetings, verified by field survey findings and documentation review from affected people. The groups were categorised as in table 8.

**Table 8: Categorization of Settler groups**

Category	No.	%
Former employees	39	29.32
Seasonal farmers	17	12.78
Illegal settlers	25	18.71
Permitted squatters	54	39.09
<b>Total affected people</b>	<b>135</b>	<b>100</b>

The pictures below show structures in the project area that were occupied by affected people prior to relocation.



**Pictures 1 & 2:** Unoccupied structures left by the displaced community (Source: Socio-Economic Update Survey-2014)

The farm had several housing units that formed part of the acquisition in 2012. These were used by the former employees of the defunct Kafubu dairy farm.



**Pictures 3 & 4:** Houses formerly occupied by former employees (Source: Socio-Economic Baseline Survey-2013)

Seasonal farmers that used to rent land from the previous owner had small structures they occupied during the farming season.



**Pictures 5 & 6:** Structures formerly occupied by seasonal farmers (Source: Socio-Economic Update Survey-2014)

### **3.4.3 Adequacy of the eligibility criteria for compensation**

The eligibility criteria for compensation for the losses incurred by the four categories of settlers was based on each category's proof of legal ownership of the land (*offer letter, title deed or lease agreement*), inventory of immovable and movable assets as determined by the survey team, and the period of occupancy of the land occupied or used by the settlers.

It was deduced from the report conclusion that the requirement of IFC PS 5 (Land Acquisition and Involuntary Resettlement) was not adequately met at the time of the 2013 report.

## 4.0 SOCIO-ECONOMIC BASELINE UPDATE

### 4.1 Socio-Economic survey 2013 Evaluation Findings

Kafubu farm is located in Bwana Mumbwa constituency and in Chichele ward with populations of 118,464 and 7,767 respectively.

The annual incomes for the community showed that the average income was K1, 184.29, while the maximum and minimum were K15, 500 and K20 respectively. The table below shows categorized monthly incomes for the affected community.

**Table 9: Incomes for Kafubu farm affected people**

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 employees	987.4615	20.00	9000.00	1714.78720
Seasonal Farmers	343.60000	200.00	800.00	247.68932
Illegal Squatters	822.8571	50.00	3000.00	856.24788
Permitted squatters	1645.2703	50.00	15500.00	2876.96260
<b>Total</b>	<b>1184.2907</b>	<b>20.00</b>	<b>15500.00</b>	<b>2162.40380</b>

Source: Kafubu farm Survey findings, 2013

Baseline study through interviewed heads of households indicated that their sources of income was through charcoal burning, small scale trading of essential groceries, small scale farming and employment.

Of the 135 households captured during the study, 4% had charcoal burning as their main income source, 63% for small scale farmers (*maize & groundnuts*), 23% for employment and 10% on trading.

#### 4.1.1 Social services and amenities

Kafubu farm area is predominantly a low income economy with most inhabitants being local peasant farmers and dependent on the large existing farms such as Battledore and Kafubu farms for employment and economic activities. In terms of social services, the area has two primary Schools namely Kasongo Primary on the entrance to Kafubu Farm and Roma Community primary School located 2km on the western boundary of the farm near Battledore farms. The project area has no secondary school offering higher education.

The area has only one clinic in the nearest 5 km radius. Fisenge Clinic is located 3.5km off the Baluba –Luanshya road. The area has no existing Police Post for maintenance of security and order. Other social services available include churches and community groups. The area is also serviced by passable gravel roads, mobile network such as Airtel, MTN and Zamtel.

#### 4.1.2 Market availability of various commodities

A market for crops grown in the area is available through local community seasonal markets. Vegetables grown almost throughout the year were readily sold on the local markets. A significant portion of the maize harvested by the local subsistence farmers was readily sold to the Food

Reserve Agency (FRA) through the nearest depot in Fisenge and Baluba areas. Local traders from Ndola and Luanshya also purchased the commodity for resale to local millers.

#### **4.1.3 Inventory of movable and immovable assets**

The field findings of the survey showed that most of the affected people were living in houses built from mud bricks (59.6%) with 21.3% in Cement/concrete blocks, 6.7% in houses made of grass and thatch, 11.2% mud and wood and 1.2% lived in houses whose walls were made of iron sheets. The average size for the main house was 30.3m<sup>2</sup> while the maximum and minimum size was 180m<sup>2</sup> and 5.2m<sup>2</sup> respectively. For auxiliary structures, the findings indicate that, the average sized structure was 22.3m<sup>2</sup> while the maximum and minimum size was 240m<sup>2</sup> and 1.9m<sup>2</sup> respectively.

All the settlers in the project area were allowed to transfer their movable assets to the new locations. This included the animals (*cattle, goats, pigs, chickens & ducks*) and household items owned by the settlers.

#### **4.2 Socio-Economic Baseline Update Survey**

The baseline update survey undertaken in November 2014 revealed that the results of the 2013 survey were consistent with the categories of settlers identified. The four (4) categories identified were eligible for the indicated levels of compensation as per the compensation matrix in section 5.

##### **4.2.1 Update Survey findings**

**Previous employees:** - All the former employees (38) at Kafubu farm were paid their outstanding wages by Mr. Mutambo in December 2012. Each individual was paid depending on their net salary accrued over the period worked. It was not established how much was paid to each individual. The former employees vacated the houses as per agreement after payment of outstanding wages. A 30 day notice period was given for vacation after payment.

The former employees were allowed to harvest the maize crop and vegetables planted at the houses prior to vacation. Four (4) people from this category planted ground nuts that were not harvested at the time of vacation because they were not ready for harvest. Six (6) were retained as seasonal workers while four (4) were re-employed on a permanent basis.

**Illegal squatters:** - There were 25 affected people in this category (*2013 baseline survey*). At the time of the update survey, no illegal squatters were found in the project area. Most of them had vacated and relocated to Twapia and other surrounding areas. No crops were identified at survey time.

**Permitted Squatters:-** Fifty four (54) settlers were identified. Their entitlement to the land was established by the review of offer letters. The affected people had offer letters issued to them in 2003 by MOA. Each settler was offered a 2Ha small holding for agricultural purposes and housing.

GoldenLay in agreement with the permitted squatters, Ndola DAO and MOA through consultative meetings (refer to Table 7) resolved to allocate 200Ha of land to the settlers. The land was delineated from the 2964 Ha owned by GoldenLay and surrendered to the state for re-allocation. The land was subdivided and each affected individual was given 3.7Ha. The 200Ha lies to the eastern boundary of Kafubu farm. The affected people with assets were allowed to move all

movable assets while the structures were lost. At the time of the 2014 survey, only five (5) settlers had occupied their portions of land at the resettlement site. It was established that others had opted to settle in the nearby township after selling the land while others have leased it to other people for agricultural use.

**Seasonal Farmers:** - The affected people in this category rented farm land from the vendor for cultivation of crops at a fee. This was undertaken at a time when the farm was not functioning. Rented land ranged from 2Ha to 3Ha and was used mainly for farming of maize during the rainy season. No houses were built on the rented land. Out of the 17 people in this category, only 10 were affected by the acquisition of the farm in that they did not harvest the maize planted prior to vacation time. It was established that each had planted 2Ha of maize. The whereabouts of the affected people could not be established as it was reported that most of them originated from Luanshya district and only used to farm the land in the rainy season.

## **5.0 SOCIO-ECONOMIC IMPACTS & RESPECTIVE MITIGATION MEASURES**

### **5.1 Project Impacts**

The development of Kafubu farm by GoldenLay Limited brought about anticipated socio-economic impacts including involuntary resettlement of the project affected people occupying and utilizing the land. The following impacts were identified:

- Permanent land acquisition by GoldenLay ,
- Permanent physical resettlement of houses, buildings, trees and crops
- Permanent economic displacement of business units

### **5.2 Impact Overview & Mitigation Measures**

This land acquisition affected a total of 135 persons and buildings which included main houses, kitchen, toilets, and storage barns. A total of 54 people from the permitted settlers' category needed to be resettled for the loss of land.

GoldenLay implemented the following measures to mitigate the impacts of the resettlement:

#### **5.2.1 Previous employees**

The previous employees were entitled to stay on the Farm as part of a verbal agreement between them and Mr. Mutambo ("the vendor"), until their outstanding wages were paid. The payment of the wages was to be effected upon GoldenLay Limited paying the vendor for the value of the land (ZMW 10,000,000).

The previous employees agreed to vacate the farm once they were paid the wages as confirmed by the interviewed former employees.

All the previous employees were paid outstanding wages by the vendor upon receipt of payment for the farm from GoldenLay in 2012 in accordance with the terms of sale. Four (4) of the former employees were re-employed by GoldenLay on a permanent basis while 6 were retained as seasonal workers.

#### **5.2.2 Permitted squatters**

This category was composed of settlers that had offer letters from the Ministry of Agriculture for small holdings of 2Ha each. The eligibility of the settlers was established through the baseline study survey and through confirmation of the authenticity of the offer letters from the Ministry of Agriculture and Ndola District Administration office. The 2012 baseline study identified 54 settlers with offer letters. Each affected person was allocated 2Ha according to the offer letters for agricultural purposes including establishment of dwelling places.

This category was compensated for the loss of the land by allocation and delineating 200Ha from the Kafubu farm land for resettlement. Each affected person was allocated 3.7Ha of land within the 200Ha and full compensation was to be paid for the housing units and ancillary structures lost due to the relocation. GoldenLay further installed a borehole within the resettlement for access to potable drinking water for the settlers. The 2014 baseline update survey reveals that only five (5) of the 54 settlers have since relocated to occupy the 3.7Ha allocation. The other affected people have moved to the nearby Twapia Township. The motive was not established at the time of the survey as the settlers were not on their allocated land.

#### **5.2.3 Illegal squatters**

Due to the prolonged inactivity on Kafubu farm prior to acquisition by GoldenLay, parts of the land was occupied by 25 informal settlers i.e. settlers with no formal entitlement to the land or any

defined relationship with the vendor. They had sporadically settled throughout the farm erecting various types of structures. The built structures included mud and pole houses and temporal shelters used during farming. The settlers had lost ownership of the land although the legality of their ownership was not established. In accordance with the IFC PS 5, they were eligible for compensation for the loss of land, agricultural viability and for structures on the said piece of land they occupied.

They were allowed to harvest the crop they planted before the purchase of the land by GoldenLay and were given 30 day vacation notice.

#### **5.2.4 Seasonal farmers**

The vendor had allowed seasonal farmers to utilise portions of the land for crop cultivation, for which he charged a rental fee. When the vendor sold the land, the rental agreements with the seasonal farmers was terminated.

The farmers were not eligible for compensation for the land they were cultivating because they were only renting from the vendor. 10 farmers out of the affected 17 harvested maize planted prior to acquisition by GoldenLay. 7 farmers did not plant the maize crop in the period referred to this RAP.

#### **5.3 Compensation Matrix**

The compensation matrix highlighted in Table 10 below gives an indication of the compensation and eligibility for each category of settlers that were identified in the baseline survey. It also shows the compensation options that were discussed between GoldenLay and the affected people.

**Table 10: Compensation Matrix-Kafubu Farm**

	<b>Previous employees</b>	<b>Illegal Squatters</b>	<b>Permitted Squatters</b>	<b>Seasonal farmers</b>
<b>Description</b>	Employed by the vendor prior to acquisition of the farm by GoldenLay in 2012.	Informal settlers with no formal entitlement to the land occupied at Kafubu farm.	Settlers with offer letters issued in 2003 by MOA for the 2Ha land occupied by each squatter.	Persons that rented portions of land within the farm from the vendor for farming activities.
<b>No. of Effected Households</b>	38	25	54	17
<b>No. of Households Eligible for Compensation</b>	4	25	54	10
<b>% Survey capture Rate: August 2013</b>	100	100	100	100
<b>% Survey Capture rate: December 2014</b>	28.94*	20	100	58.82**
<b>Compensation Entitlements</b>	Compensation for groundnut crop that could not be harvested at relocation date. The crop was not yet ready for harvesting at this time.	Land for land or cash compensation for full loss of assets and land, subject to squatter's preference.	<ul style="list-style-type: none"> <li>Allowed to farm on land for 3 farming seasons by seller of the land.</li> <li>Notice given to vacate land 30 days prior to acquisition.</li> <li>200Ha located near North-East boundary of Kafubu farm given for resettlement (3.7 Ha allocated to each settler).</li> <li>Legal ownership of land given by Ministry of Lands.</li> <li>GoldenLay offered transport for relocating to new site.</li> </ul>	<ul style="list-style-type: none"> <li>Allowed to harvest their crops prior to GoldenLay implementing the project.</li> <li>30day notice given after harvesting to clear all crops from fields and cancel rent agreement with vendor.</li> <li>GRZ offered land in Mpongwe resettlement area for farming purposes.</li> </ul>
<b>Resettlement Options</b>	Resettlement was on individual preference: <ul style="list-style-type: none"> <li>Resettlement in nearby host community (Hope Compound), or</li> <li>Community of settler's choice.</li> </ul>	Resettlement was on individual preference: <ul style="list-style-type: none"> <li>GRZ to provide land for resettlement in Maposa resettlement area, or</li> <li>Resettlement in Hope Compound and Fisenge area.</li> </ul>	Resettlement was based on individual preference: <ul style="list-style-type: none"> <li>Relocate to Maposa resettlement area, or</li> <li>Government to provide alternative land in Mpongwe and GoldenLay was to facilitate relocation.</li> </ul>	<ul style="list-style-type: none"> <li>Relocation of farming fields to Mpongwe farm block.</li> <li>Increased farm land from 2Ha previously utilized to 5Ha each.</li> <li>Rent alternative land outside Kafubu farm.</li> </ul>

<b>Compensation Methodology</b>	<b>Costs</b>	<p>Average maximum harvest was 0.5 tons per person at a market price of \$769.29/ton. Farmer product produced per hectare multiplied by market price at time of income loss:  0.5 tons x 0.5Ha = 0.25 tons  0.25 tons x \$769.29/ton x 4 farmers = \$769.25 (Total Compensation for Groundnuts)</p> <ul style="list-style-type: none"> <li>• Compensation for groundnuts not harvested at vacation time as the crop was not ready for harvest = \$769.25</li> <li>• GoldenLay has offered employment to 3 essential skilled former employees and 5 former employees' dependents at Kafubu farm.</li> </ul>	<ul style="list-style-type: none"> <li>• 2013 survey revealed 25 affected people.</li> <li>• 2013 survey: 8.97Ha of land was collectively occupied by illegal settlers. ***</li> <li>• 2014 update survey: Not determined (the identified illegal squatters could not give land size utilized for determination of actual loss and cost of other assets on lost land). Calculations based on 2013 survey findings.</li> <li>• Land: 8.97Ha X \$ 533.72/Ha= \$4,787.5</li> </ul>	<ul style="list-style-type: none"> <li>• Total land value of \$104,761.9</li> <li>• Relocation fuel cost \$ 454 (5 Settlers that required physical relocation assistance were offered transport).</li> <li>• Borehole installation Cost \$ 3,968 (As per the agreement with affected people, Borehole was installed by GoldenLay as the new resettlement site had no potable water source).</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable (seasonal farmers only rented the land for cultivation).</li> <li>• Rental agreement became null and void when GoldenLay purchased the farm. Allowed to farm free for 3 seasons.</li> <li>• Preferential employment opportunity offered to this category as seasonal workers.</li> </ul>
<b>Total Compensation Cost</b>		<b>US\$769.25</b>	<b>\$4,787.5</b>	<b>US\$ 109,183.9</b>	<b>None</b>
<b>Resettlement schedule</b>		<ul style="list-style-type: none"> <li>• Notice to vacate served at least 30 days prior to acquisition.</li> <li>• Allowed to harvest crop that were ready at the time of vacation.</li> </ul>	<ul style="list-style-type: none"> <li>• Notice to vacate served at least 30 days prior to acquisition.</li> <li>• Allowed to harvest crop that were ready at the time of vacation</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed to harvest current crop at the time of relocation.</li> <li>• GoldenLay demarcated and surrendered 200Ha from total Kafubu farm land to MOA and NCC for allocation to affected people.</li> <li>• The 2014 update survey found that only 5 former permitted squatters had settled on the land.</li> </ul>	<ul style="list-style-type: none"> <li>• Vacate rented land after harvest of maize crop.</li> <li>• No farming to be done on land after cut-off date of 30<sup>th</sup> June 2014.</li> <li>• Notice to vacate served at least 30 days prior to acquisition</li> <li>• Crops grown after the cut-off date not compensated for.</li> <li>• The resettlement schedule took into account the period required for maize crops to be harvested.</li> </ul>
<b>Recommendations /other assistance</b>		GoldenLay management to conduct bi-annual evaluation through community engagement to ensure resettlement has been successful.	An appropriate compensation advance and housing displacement allowance was paid at time of notice to vacate.	<ul style="list-style-type: none"> <li>• GoldenLay to maintain the community borehole.</li> <li>• GoldenLay provided free chicken manure to the five settlers within the 200Ha allocation.</li> <li>• GoldenLay provided technical application assistance for chicken manure that they provided to the resettled people. This is ongoing.</li> </ul>	<ul style="list-style-type: none"> <li>• GoldenLay offered employment to this category as seasonal workers.</li> </ul>

**Note:** \*(11 captured during survey, 4eligible);\*\* (10 captured during survey, 10 eligible);\*\*\* Refer to appendix 9.2 of RAP.

#### **5.4 Project Attitudes & Concerns**

Concerns regarding the resettlement location as gathered in the survey findings revealed that the majority of respondents (96%) in the permitted settler category chose a location near Kafubu farm while other respondents (4%) preferred relocation to Maposa area located 12km from Kafubu farm in Luanshya. A location within or near Kafubu farm will have less impact on the socio-economic status as well as community interactions currently existing. They further revealed that the compensation package should have included relocation allowances.

The respondents in the previous employee's category (only 4 identified in the 2014 update survey) revealed that they had adequately received their outstanding wages resulting from GoldenLay's purchase of the farm and have since improved their livelihood. They further said they were happy that GoldenLay had considered re-employing some of them. The seasonal farmers and illegal squatters were not found at survey time.

Other concerns raised were:

- Delays on the part of government to issue title to the settlers' new 200Ha land.
- Vacation notice time of 30days was not enough at the time for settlers to re-organise themselves although they were given 3 consecutive seasons for planting and harvesting maize.

#### **5.5 Perceived Project Benefits**

Benefits generated by the resettlement included:

- Payment of outstanding wages by the vendor through funds made available by GoldenLay's purchase of Kafubu farm.
- Increased land allocated for permitted settlers. Availability of clean drinking water through borehole drilled in the 200Ha allocation by GoldenLay.
- Availability of chicken manure given free of cost by GoldenLay to the farmers in the resettlement area.

## **6.0 BUDGET AND COSTS**

### **6.1 Compensation Framework**

6.1.1 In accordance with Section 2.0 of this report (*legal framework*), the main Zambian laws relating to compensation for resettlements were:

- The Lands Acquisition Act of 1994: The Act sets out regulations for compulsory acquisition of land and property and compensation for such acquisition.
- The Agriculture Lands Acts of 1994: Section 40 of the Act requires adequate compensation for loss of assets on the surface of the land due to other intended uses is given to affected eligible people.

6.1.2 There are marked differences between the Zambian Legislation and IFC PS5 relating to involuntary resettlement as defined in Section 2.0 of this RAP.

### **6.2 Financial Responsibility and Authority**

All costs for resettlement and implementation of the RAP including post resettlement monitoring and evaluation were the responsibility of GoldenLay.

### **6.3 Compensation Budget**

The compensation budget covered the costs relating to the four (4) identified categories of affected people in Kafubu farm.

#### **6.3.1 Previous employees**

The 2014 update survey revealed that the affected people in this category are those whose ground nuts were not harvested at the time of vacating the company houses because the crop was not ready for harvest. Four (4) former employees were identified by the survey with the respective size of groundnut fields at that time.

#### **6.3.2 Illegal Settlers**

Illegal settlers had no legal documentation for claiming ownership of the land occupied. They were 25 affected people in this category who lost mud and pole structures that had been built within the farm. At survey time, none of the illegal settlers were found on the farm as they had relocated to the nearby Twapia Township.

#### **6.3.3 Permitted Settlers**

The settlers were allocated 200Ha of land delineated from the entire Kafubu farm for demarcation and resettlement. Each of the 54 affected people was allocated 3.7Ha of land.

#### **6.3.4 Seasonal Farmers**

All the seasonal farmers that had planted maize prior to farm acquisition by GoldenLay were allowed to harvest the crop before vacating the land. 10 farmers planted and harvested the crop while 7 did not plant the crop at the time.

**Table 11: Compensation budget**

S/N	ACTIVITY	QTY/ No.	Category	Total ZMW	Total USD
<b>1.0</b>	<b>Compensation for Land</b>				
1.1	GoldenLay Allocated 200Ha for the settlers with offer letters*	54	Permitted squatters	660,000	104,761.9
<b>2.0</b>	<b>Compensation for Structures</b>				
2.1	Houses	04	Permitted squatters	76,097.7	12,079
2.2	Other structures (kitchen, kraal, toilets)	03	Permitted squatters	8,505	1,350
<b>3.0</b>	<b>Compensation for crops and trees</b>				
3.1	Maize	-	Seasonal farmers	-	-
3.2	Ground nuts	1.8Ha	Former employees	4,846.26	769.25
3.3	Mango trees	08	Permitted squatters	3,528	560
3.4	Banana trees	06	Permitted squatters		
<b>4.0</b>	<b>RAP Monitoring and Evaluation</b>				
	RAP implementation		All categories	60,000	9,523.80
<b>5.0</b>	<b>Allowances</b>				
5.1	Relocation allowance	54	Permitted squatters	23,814	3,780
<b>6.0</b>	<b>Contingency @5%</b>			<b>41,839.5</b>	<b>6,641.2</b>
	<b>Total costs</b>			<b>878,630.4</b>	<b>139,465.15</b>

\* 200Ha of land already allocated to settlers

#### 6.4 Inflation and Currency Variations

All compensation values detailed in this RAP have been converted into the United States Dollar (US\$) using the average official exchange rate from Zambian Kwacha (ZMW) to US\$ (*BoZ exchange rate of \$1 to ZMW 6.3 dated 20<sup>th</sup> December, 2014*).

#### 6.5 External Monitoring and Evaluation

Estimated cost of undertaking External Monitoring and Evaluation in line with the IFC PS 5 for the proper implementation of the RAP is US\$ 9,523.80. Monitoring will be undertaken for a maximum period of 12months post implementation.

#### 6.6 Total Compensation Costs

The total estimated costs for compensation of the eligible and affected persons in the project area are detailed in table 12 below.

**Table 12: Total estimated costs for compensation**

S/N	Affected Assets and associated relocation activities	Rate (\$)	Total (ZMW)	Total (US\$)
1.0	Land delineation and allocation **	200Ha @ 535.4/Ha	660,000	104,761.9
2.0	Building (Houses- Thatch Roof/Mud Brick Wall/Compacted Earth Floor)	116.86m <sup>2</sup> @ 50/m <sup>2</sup>	36,810.9	5,848
2.1	Building (Houses- Corrugated iron Roof/Mud Brick Wall/Compacted Earth Floor)	62.31m <sup>2</sup> @ 100/m <sup>2</sup>	39,255.3	6,231
2.2	Ancillary structures (toilets, kraal, kitchen)- Thatch Roof/Gum Pole Supports	54m <sup>2</sup> @ 25/m <sup>2</sup>	8,505	1,350
3.0	Crops (groundnuts)	\$769.29/ton	4846.5	769.29
3.1	Fruit trees	Lump Sum estimate	3,528	560
4.0	Relocation Assistance (Lump Sum estimate)	70/HH @ 54 HH	23,814	3,780
5.0	External monitoring & Evaluation	Lump Sum estimate	25,000	3,968.25
6.0	Contingency @25%		200,439.9	31,817.11
	<b>Total Compensation Costs</b>		<b>1,002,198.9</b>	<b>159,085.55</b>

\*\* 200Ha of land already allocated

## **7.0 INSTITUTIONS AND IMPLEMENTATION ARRANGEMENTS**

### **7.1 Introduction**

This chapter provides guidance on the roles and responsibilities of institutions implementing the RAP and the schedule of the implementation.

### **7.2 Organizational Units**

The implementation of RAP was the responsibility of GoldenLay. Other organizations involved in the fair execution of the RAP were:

- Ministry of Agriculture-Ndola District Agricultural Office
- Ndola District Administration Office (DAO)
- Ministry of Lands-Deeds and Registry department
- Luanshya District Council
- Ministry of Labour and Social Security
- Zambia Environmental Management Agency

### **7.3 Management Information System**

#### **7.3.1 Record Keeping**

All records relating to the resettlement project such as consultation meetings, grievances, stakeholder meetings, surveys, disputes and resolutions are kept at GoldenLay.

#### **7.3.2 Identity of affected people**

During the Resettlement implementation, Zambian identity cards were used to verify the project affected people. In cases where the person did not have an ID card, the project verified the signature used when allocating land to the affected people by MOA. Affected people that had relocated to other areas at the time of the survey were not captured.

## 7.4 Implementation Schedule

**Table 13: Implementation schedule**

RAP Implementation schedule		2013					2014												2015			Responsibility	
No.	Task	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
1	Baseline study survey/Census	X																					Greenfield/GoldenLay Limited
2	Training of staff in RAP implementation (ongoing until closure)																	X	X	X	X		EBS/Resettlement Specialist
3	Community consultations (ongoing)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					RAP Coordinating team
4	Notification of entitlements																						RAP Coordinating team
5	Payment of compensation (including issuance of land)	X	X	X	X	X																	GoldenLay Limited/ RAP coordinating team
6	Vacation period notice	X																					RAP Coordinating team
7	Grievance mechanism (ongoing)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					RAP Coordinating team
8	Performance monitoring (ongoing)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	RAP Coordinating team
9	External evaluation (bi-annual)																		X	X	X		Independent Evaluator
10	RAP report																		X				Greenline/GoldenLay
11	Approval of RAP report																			X			EBS/Phatisa
12	Corrective Action																				X		GoldenLay Limited

## 7.5 Monitoring and Evaluation

Monitoring was a crucial element for the success of the resettlement exercise as it was important to accurately verify the information related to implementation of the Resettlement Plan. Monitoring provided feedback to GoldenLay to keep the implementation program on schedule and to ensure success.

This monitoring was based on the resettlement implementation plan and checked that physical progress had been made in execution of required actions. The main performance milestones checked were:

- Public consultation meetings held;
- Census, assets inventories, assessments and socio-economic studies completed;
- Grievance and redress procedures implemented;
- Compensation payments disbursed;
- Relocation of people completed;
- Income restoration activities initiated; and
- Monitoring and evaluation reports submitted

Monitoring of the resettlement and compensation activities for all categories of affected people was undertaken to determine adequacy of the RAP and compliance to the local requirements and the IFC PS5 principles on involuntary resettlement. Baseline information from the 2013 ESIA and 2013 baseline survey report was used for determination of eligibility and compensation costs. Impact monitoring and reporting was planned as a bi-annual activity.

The external evaluation was to assess whether compensation and other measures to restore the living standards of project-affected persons had been properly designed and carried out. The evaluation was to verify in the field some of the quantitative information submitted by the consulting team.

**Table 14: Internal monitoring schedule**

Monitoring activities	Objective	Source of information	Responsibility for data collection & reporting	Reporting frequency
Performance monitoring	Assess RAP implementation progress including recommended actions	Consulted with affected people found in project area. Records kept for RAP.	RAP Coordinating team	Bi-annual Performance reports
Impact monitoring	Assessment of RAP effectiveness in meeting needs of affected people	Grievance mechanism reports. Consulted with affected people	RAP Coordinating team	Annual
External evaluation	Measurement of output indicators such as restoration of living standards and the development impact against the baseline.	Performance reports Impact monitoring reports, independent surveys and consultation with affected people.	External independent evaluator	Bi-annual

## **8.0 REFERENCES**

Greenfield Consult Ltd, 2013, “Community Baseline Study Report for Kafubu Farm”, Zambia

Greenline Environmental Solutions Ltd, 2013, “ESIA for the development of Kafubu Farm, Zambia”.

Greenline Environmental Solutions Ltd, 2013, “Resettlement Profile for Kafubu Farm, Zambia”.

ZEMA, 2013, “Environmental and Social Outlook Report”, Zambia

**9.0 APPENDICES**

9.1 Photos and Maps

9.1.1 Pre-resettlement



Houses previously occupied by settlers and former employees

9.1.2 Post resettlement survey



9.1.3 Post resettlement Map



## 9.2 Database of affected people

Family Name	settlers Category	Coordinates		Area(sqm)	Auxiliary (sqm)
		L	UTM		
CHISANGA	Permitted seasonal squatters			14.56	
ZULU	Permitted squatters	665126	8557188	16.56	
CHIWAYA	Permitted squatters	664983	855700	41.16	
KASOMA	Permitted squatters	664538	8555880	62.31	25.9
MUPATE	Permitted squatters	664443	8555836	11.84	9.25
PONDA	Permitted squatters			17.92	
MULENGE	Permitted squatters			19.95	1.92
MWAPE	Permitted squatters	664807	8554322	14.96	9.72
GONDWE	Permitted seasonal squatters	665161	8556450	24.96	13.52
TONWEL	Permitted seasonal squatters	665050	8556414		
	Permitted seasonal squatters	664796	8554634		
	Permitted seasonal squatters	664231	8555068		
	Permitted seasonal squatters	664405	8554768		
CHILEFWAYA	Permitted seasonal squatters	664897	8556410		
	Permitted seasonal squatters	665201	8557090		
	Permitted seasonal squatters	664770	8554878	10.8	9.72
NGAMBI	Permitted seasonal squatters	661999	8551622	7.54	
SAVIYA	Permitted squatters	664785	8554618	23.75	
	Permitted seasonal squatters	667215	8557644	21.09	
BANDA	Permitted seasonal squatters	665150	8555074	10.36	
CHISANGA	Permitted squatters	664986	8552694	21.7	25
CHILESHE	Permitted squatters	663784	8555748	45.5	
	Permitted seasonal squatters	664651	8556498	19.11	
MWALE	Permitted seasonal squatters	666819	8559210		
BANDA	Former employee				
KATONGO	Former employee	666242	8553138		
MWALE	Former employee	664102	8554196	21	
KAMPEMBWA	Former employee	664225	8554478	7	
DAKA	Former employee	664152	8554216		
BANDA	Former employee	664142	8554204	40	
CHISENGA	Squatters	663754	8553647	24	
CHIWIZA	Squatters	664902	8552953	12	26
SELITA	Permitted seasonal squatters	665959	8558368	39.76	13.2
KALABA	Permitted squatters			11.68	
KAMFWA	Permitted squatters	664879	8556834	20	
MULENGA	Former employee	668013	8557568		
NWEZI	Former employee	667924	8557530		
MANKISHI	Former employee	668008	8557520	15	
MBASELA	Former employee	667954	8557496	15	
JERE	Former employee	668032	8557532	15	

CHISENGA	Former employee	667977	8557508	15	
MULENGA	Former employee	667952	8557260	15	
KAPAMBA	Former employee	667971	8557502		
MUZEYA	Former employee	668006	8557520		
MANKISHI	Former employee	668008	8557520	15	
CHISHA	Former employee	667997	8557327	24.6	
CHALU	Former employee	667943	8557282	83.16	
KISONGE	Former employee	668013	8557320	24.6	
BULAYA	Former employee	668044	8557322	24.6	
MUTALIE	Former employee	668027	8557323	24.6	
	Former employee	664990	85522693	23.25	
CHIBUYE	Former employee	668032	8557532	15	
MPONGO	Former employee	663863	8550155	18	
SHAMPUTA	Permitted squatters	64909	8556864	17.11	
NAMWANDA	Permitted squatters	665184	8557272	26.75	
CHIRWA	Permitted squatters	6664152	8555842	37.2	8.99
KATANDALA	Permitted squatters			23.9	
MULENGA	Permitted squatters	665989	8558532	39.44	23.04
KAPEMBWA	Permitted squatters	665549	8557754	6.21	
MPASERA	Permitted squatters	665040	8557072	29.44	
KAMPAMBA	Permitted squatters	667926	855722	9999	
YAMBANI	Permitted squatters	665507	8557470	35.7	19
CHILAMBWE	Permitted squatters	665586	8557846	21.08	
YAMBANI	Permitted squatters	665952	8557898		
KATONGO	Permitted squatters	663810	8555570		
CHITA	Permitted seasonal squatters	664376	855686	13.44	10.54
NSOFU	Permitted squatters	666321	8558860		
KAMPAMBA	Permitted squatters	665885	8557788		
CHISOLA	Permitted squatters	664879	8555712	5.25	
SAKALA	Permitted squatters	665342	8555120	6.75	11.75
BAMBAMU	Permitted squatters	665228	8557390	43.2	
NAKANA	Permitted squatters			21.4	11.01
CHINAKILA	Permitted squatters	664758	8554974	23.25	8.1
CHISOLA	Permitted seasonal squatters	665071	8555578	9999	
KAISALE	Permitted squatters			9999	
KALUNGA	Permitted squatters	666891	8559292	17.36	
MBEWE	Permitted squatters				
NKANDU	Permitted squatters			12.54	
MUTALE	Permitted squatters			36.96	
kalubwa	Squatters	667980	8557510	15	
katete	Former employee	665055	8552587	15	4
Kampamba	Former employee				
Yambani	Illegal_Seasonal	665495	8557170	60	
Zachariah	Illegal_Seasonal	666670	8559006	72	
Kampamba	Illegal_Seasonal	666670	8559028	35	

Mpasela	Illegal_Seasonal	666648	8558959	90	
Mukanda	Illegal_Seasonal	666675	8558974	70	
Kanyanja	Illegal_Seasonal	669169		14	
Mulenga	Illegal_Seasonal	666627	8558990	24.75	
Chilando	Illegal_Seasonal	666644		28.16	
Ngosa	Illegal_Seasonal	666591	8558946	27.2	12.6
Mutale	Illegal_Seasonal	666768	8558798	86.13	240
Chibwe	Illegal_Seasonal	666620	8558924	21.46	
Mwewa	Illegal_Seasonal	666662	8558960		
Chisenge	Former employee			35	
Kulutenda	Squatters			6.75	6.75
Nganga	Former employee			16	12.5
Kulutenda	Illegal_Seasonal			18	12
Kanjenla	Illegal_Seasonal				
Mulongo	Illegal_Seasonal			19.53	
Phiri	Illegal_Seasonal			40	
Shaba	Former employee				
Muloongo	Illegal_Seasonal				
Mwape	Former employee				
Mulenga	Former employee			14	12
Kapya	Former employee			20.8	
Chipeta	Illegal_Seasonal			12.47	
Chilufya	Illegal_Seasonal			132.6	
Lutepo	Illegal_Seasonal			13.2	
Chabala	Illegal_Seasonal	665916	8554086	12.25	
Phiri	Illegal_Seasonal	666580	8558890	60	
Kapamba	Illegal_Seasonal	666557	8558898	16	
Lewanika	Illegal_Seasonal	666562	8558922	42	
Mwansa	Illegal_Seasonal	666724	8559094	63	
Chikengi	Former employee	664552	8559094	12.68	
Shibamba	Former employee	666192	8553352		
Mwanchenga	Former employee	666139	8553707		
Mulongo	Former employee	666227	8553328		
Mbuyu	Former employee	666210	8553332		
Mulongo	Former employee	666253	8553306		
Mubuyu	Former employee	666165	8553376		
Zulu	Squatters	664474	8552260		
Kasoma	Squatters	667994	8557562		
Kamfwa	Squatters			180	
Kapombwa	Squatters			98	
Musonda	Squatters			66	
Sinyange	Squatters	664741	8553320	15	
Kalimba	Squatters	664687	8552270	11.1	22.5
Katongo	Squatters	666192	8553352		
Muletile	Squatters	664908	8551804		

Chipoya	Squatters	664245	8552113	85.5	8.64
Phiri	Squatters	664385	8552274	14.28	
Changala	Squatters	664922	8552470	15	
Matoka	Squatters	663781	8552825		

**Source: 2013 baseline study**

### 9.3 Questionnaire

<b>S/N</b>	<b>Resettlement Action Plan Key Informant Interview Questionnaire</b>
<b>A</b>	<b>Category of the Key Informant</b>
	1. FBO 2. Non State Actor 3. Government 4. Politician 5. Traditional Leader 6. Influential/Important Person 7. Displaced Person
<b>B</b>	<b>Level of Influence/Importance and Interest</b>
	1. High 2. Medium 3. Low
<b>C</b>	<b>Public Participation and Consultation</b>
<b>1</b>	What avenues should the company use to consult the project affected people?.....
<b>2</b>	Do you think the company has shown willingness to engage with its surrounding neighbors? Yes.....No.....
<b>3</b>	Do you think the project affected people would be happy with community engagement? Yes.....No.....
<b>4</b>	Are Project are affected people happy with the Company? Yes.....No.....
<b>D</b>	<b>Legal and International Finance Corporation Performance Standard 5, Community Perception</b>
<b>1</b>	Is there any law in Zambia that protects squatters? Yes.....No
<b>2</b>	Name the law?.....
<b>3</b>	Are you aware of the International Performance Standard 5? Yes.....No.....
<b>4</b>	If yes explain briefly.....

<b>E</b>	<b>Community Impact</b>
<b>1</b>	How much land did the displaced community occupy prior to GoldenLay Limited's purchase of the land?.....

2	What is the legal ownership status of the new land occupied by the displaced community?..... .....
3	Has the re-settlement resulted in a loss or gain in terms of land and income for the displaced community? Yes.....No.....
4	Was the value of compensation adequate to cover improved living conditions? Yes.....No.....
6	Are there any additional benefits the community has received, other than land or monetary compensation? Yes..... No.....

F	<b>Social and Economic Perceptions</b>
1	Do you think the targeted displaced people's livelihood will improve in their new localities? Yes.....No.....
2	If Yes, Why?.....
3	If No, Why?.....
4	Do you think the displaced people will be happy when they receive compensation at the value of assets lost? Yes.....No.....
5	What is your interest among the project affected people?..... .....
6	Do you think displaced people will use the compensation fund on its intended purpose?.....
G	<b>Challenges</b>
1	What challenges do you foresee during the resettlement process of the displaced people?..... ..... ..... ..... .....
H	<b>Recommendations</b>
	What would you recommend as the best way of resettling the displaced people?..... ..... ..... ..... ..... ..... .....

## 9.4 Terms of Reference for the RAP

### EXTERNAL CONSULTANT TERMS OF REFERENCE FOR A RESETTLEMENT ACTION PLAN REPORT AT KAFUBU FARM

#### BALUBA, ZAMBIA

OCTOBER 2014

#### 1. Introduction

This document provides guidance to the appointed consultant on completing a Resettlement Action Plan (RAP) for the Kafubu Farm ("Kafubu", the "Farm" or Farm 9424).

#### 2. Background

GoldenLay purchased Kafubu Farm in the Ndola District in 2013. The Kafubu farm is a 2764 hectare former dairy farm. At the time of purchase the land had not been in productive use for 10 years. The land is accessed via a 4 km dirt road linked to the Luanshya/Ndola road. The land borders a derelict railway line and a small community, which has two schools - a junior school and a senior school. The land has two main farming compounds for both production and living quarters of employees; the main compound has an old dairy, workshop, manager's house, staff housing and smaller pastures. Water access is from boreholes and wells around the compound. The second compound is located 1 km away from the first; a secondary farm road provides access running through the middle of the farm alongside the service power lines. Pasturelands are mainly overgrown and indistinguishable. The second staff compound is located near the dairy and pastures with similar features to the first. The farm is titled land (as per title deed no. 22607), and therefore no tribe or community has claim to it.

#### Project activities

Due to the recent expansion projects at GoldenLay's main egg laying facility, company management has made it a priority to become self-sufficient in the production of input materials, namely chicken feed. The main constituent items for the manufacturing of chicken feed are soya beans and maize. As a result GoldenLay purchased Kafubu to create a commercial farm that has the capacity to grow these crops in a sustainable manner.

The total project investment budgeted for the revamping, development, implementation and operation of the Kafubu farmland by GoldenLay is Nine Million United States Dollars (US \$ 9,000,000). The project proponent has a valid investment licence obtained from the Zambia Investment Centre.

GoldenLay are in the process of redeveloping the Kafubu Farm into a commercial farm to grow soya beans and maize. The farm will utilise summer (rain fed), at full production management estimates to harvest 675 Mt soya beans, and 1200 Mt maize. 700Ha of cropping operation

#### Resettlement Actions to Date

GoldenLay started the resettlement process in accordance with the IFC performance standards, by conducting a settler survey during October 2013. An independent consultant was appointed to carry out the survey. The objective of the survey was to record all settlers living on the farmland. Based on results of the survey the settlers were divided into four groups. Each group required their own action plan and compensation mechanism (where required). The categories are as follows:

- **Previous employees:** The previous employees were entitled to stay on the Farm as part of a verbal agreement between them and the Vendor of the land to GoldenLay ("the Vendor"), no written record is evident of such an agreement. In terms of this verbal agreement, these former employees have been afforded the right to stay on the premises (i.e. on the farm in the staff accommodation buildings) until they are compensated for the wages owing to them for previous work done when the Farm was still producing dairy milk. The sums owing to these employees and the agreed time frames, between the Vendor (of the land to GoldenLay ) and employees for which accommodation has been offered as temporary substitute for not paying

- Outstanding wages has not been recorded. According to the Vendor, these former employees have agreed to vacate the Farm once they have been fully compensated.
- All the previous employees were paid off by the vendor upon receipt of payment for the farm. All of them have since left the farm.
- **Permitted squatters:** In the initial stage of investigation this category related to an agreement between the vendor and permitted squatters who permitted people to live in vacant staff houses for no agreed sum of rent. This group was differentiated from illegal squatters and previous employees. After further investigation this category was extended to include settlers that had “failed land titles”. This group of settlers have formed an association to push their “land title” claims through the land ministry and obtain legal recognition for their land. This process will be dealt with in a separate legal process. However, for the purpose of the RAP report a documented report on the process followed and outcome of the legal process must be described.
- **Illegal squatters:** The Farm also has squatters on the land i.e. informal settlers who have no formal entitlement or any defined relationship with the Vendor or the Zambian Government. They have sporadically settled throughout the Farm erecting various types of structures. Some squatters have built permanent structures for themselves and others still have mud-brick shelters. . Due to the north-eastern border of the Farm not being clearly demarcated (as per title deed).
- **Seasonal farmers:** The Vendor has allowed seasonal workers to utilise portions of the land for crop cultivation, for which the owner charges no fee. Seasonal farmers were charged a fee by the vendor as lease for using the land. When the vendor sold the land, the leases fail off.

### 3. Mandates and scope of work

The consultant will be required to:

- Write a report describing all resettlement activities conducted by GoldenLay at the Kafubu Farm site to date.
- Provide a comparison between the resettlement related actions that have taken place with IFC Performance Standard 5, utilising the gap analysis prepared by EBS (avail this Gap analysis).
- Identify outstanding measures that need to be conducted to ensure compliance with Performance Standard 5.
- Design and compile a corrective Action Plan to:
  - Finalise the resettlement process in accordance with the IFC/World Bank standards
  - Provide photographic and satellite data demonstrating that the process has been conducted in line with the IFC/World Bank standards
  - Provide a post resettlement monitoring framework for GoldenLay to implement. To ensure that social integration has been successfully achieved for resettled people in their new communities.

The report requires the following expertise:

- A socio-economist with experience in census projects and a background in implementation, and/or monitoring social economic surveys in Zambia, and
- A public consultation expert with skills in community facilitation (local languages: Bemba), conflict resolution, and communications. The socio-economist, will serve as team leader reporting to the GoldenLay Project Manager

## **Methodology**

The report specifically requires:

- Provide an evaluation of the survey process (August 2013) that was conducted on all settlers which lived within the demarcated boundaries of the Kafubu Farm against IFC PS 5;
- A assessment of the results from the census conducted on the settlers,
- Provide a summary on the categorisation of the different settler groups, outlining how each group is aligned with IFC PS 5;
- To justify the inclusion/exclusion of settler groups from compensation claims in accordance with IFC PS 5;
- Evaluate the quantitative statistics from the survey to formulate an appropriate compensation scheme;
- Ensure ground truth of the current satellite images of the Kafubu Farm, with GPS co-ordinates of the current houses/squatters, fields and other infrastructure is accurate;
- Map of delineated area surveyed, and
- Satellite imagery of the resettlement process that was carried out (prior and post resettlement).

### **4. Additional Scope of Work (Kanyenda Farm Site)**

A separate document needs to be compiled in addition to the main RAP report for the Kafubu farm site, which will document the final steps of the resettlement process that was carried out on the Kanyenda farm; the report shall describe the following:

- The Resettlement profile for the Kanyenda Farm site;
- All further meeting(s) held on the Kanyenda Farm site (post RAP Brief 2012) by GoldenLay or GoldenLay representatives, or any other third party, and. There were no follow up meetings further to the purchase of Kanyenda as the land was free and vacant title. There is no connection between GLL and any third parties as there were no pending or unresolved issues.
- Describe the final compensation final payments made to settlers moved from the Kanyenda Farm site. (make available of all data post RAP Brief 2012)

### **5. Additional Scope Deliverables (Kanyenda Farm)**

A summary report must be compiled to describe the resettlement activities that have been conducted by GoldenLay outlining the above-mentioned criteria. The summary report must clearly detail in chronological order the meetings, complaints, payments, evidence of resolution, etc. as well as provide a suitable Action Plan ensuring GoldenLay is in compliance with IFC PS 5.

Please include how the conclusions/ recommendations in the RAP document were addressed and results of the completion audit. Depending on where each of these actions may be, you would include them either in the summary or in an additional Action Plan.

### **6. The deliverables (Appendix 1)**

The Resettlement Action Plan report (RAP report) must include as a minimum the following chapters.

#### **1 Introduction and Methodology**

1.1 Introduction

1.2 Methodology

1.3 Site Description

## **2 Legal Framework**

- 2.1 Introduction & Background
- 2.2 Zambian Legislative Framework
- 2.3 Zambian Legislation, Standards and Guidelines relating to Resettlement
- 2.4 Land Titling and Registration Laws and Policies in Zambia
- 2.5 Legal and Administrative Procedures Applicable to the Process of Resettlement
- 2.6 Administrative Authorities
- 2.7 International Norms
- 2.8 Comparison of Zambian Government and World Bank Policy on Resettlement
- 2.9 Entitlement Framework

## **3 Socio-Economic Assessment Methodology**

- 3.1 Introduction
- 3.2 Survey Approach (**Appendix 2**)
- 3.3 Survey Methods

## **4 Socio-Economic Baseline**

- 4.1 General Socio-Economic Profile of the Project Area
- 4.2 Specific Socio-Economic Profile of the Baluba, Luanshya and Ndola areas

## **5 Socio-Economic Impacts & Respective Mitigation Measures**

- 5.1 Project Impacts
- 5.2 Impact Overview & Mitigation Measures
- 5.3 Entitlement Matrix
- 5.4 Project Attitudes & Concerns
- 5.5 Perceived Project Benefits

## **6 Budget and Costs**

- 6.1 Compensation Framework
- 6.2 Financial Responsibility and Authority
  
- 6.3 Compensation Budget
- 6.4 Physical Displacement
- 6.5 Economic Displacement
- 6.6 Inflation and Currency Variations
- 6.7 External Monitoring and Evaluation
- 6.8 Total Compensation Costs

## **7 Institutions and Implementation Arrangements**

- 7.1 Introduction
- 7.2 Organizational Units
- 7.3 Overview of Implementing Organisations
- 7.4 Management Information System
- 7.5 Community Participation
- 7.6 Capacity Building
- 7.7 Vulnerable People
- 7.8 Implementation Schedule
- 7.9 Monitoring and Evaluation

## **8 References**

## **9 Appendices**

- Photos and Maps
- Additional Socio-Economic characteristics of Project Area

Definition of categories in open-ended questions  
Methodology used for Compensation Calculations  
Database of affected people  
Focus group transcripts  
Questionnaire  
Terms of Reference for the RAP

## 7. Timeline of Deliverables

By signing this ToR the consultant agrees to the below timeline for deliverables: For Kafubu RAP Only

15<sup>th</sup> November 2014: Submission of methodology to be used for the RAP report and evaluation of compliance against IFC performance standards;

30<sup>th</sup> November 2014 Site visits to the Kafubu site to have been completed;

30 December 2014: A draft of the Executive Summary (in English and Bemba) and the main report must to be submitted to GoldenLay and Phatisa Fund Managers for review, and

30 January 2015: The completed final report must to be submitted to the GoldenLay and Phatisa Fund Managers for review.

*Kanyenda RAP report*

This will be a desk study for the most part. But will have at least 2site visits for the co-consultant to appreciate the baseline area of the study and check on prevailing scenario as regards resettlement.

## CONTACT DETAILS

GOLDENLAY LIMITED  
Plot 3037 Baluba road  
P.O Box 90444  
Luanshya  
Zambia  
**Telephone:** + (260) 972 210 658  
**Email** fletcher.broad@GoldenLay .co.zm

## **ANNEXURE 1**

**Below is further detail on the minimum requirements for the Resettlement Action Plan report.**

### **Introduction**

GoldenLay is legally bound to adhere to the IFC/World Bank directive on resettlement and the relevant Zambian laws. This appendix describes the minimum requirements for a report on involuntary resettlement, as well as the conditions that GoldenLay is expected to meet in operations involving involuntary resettlement.

### **IFC Performance Standard**

Projects that may displace people involuntarily generally give rise to severe economic, social, and environmental problems. Production systems are dismantled, productive assets and income sources are lost, people are relocated to environments where their productive skills may be less applicable and the competition for resources greater, community structures and social networks are weakened, kin groups are dispersed, and cultural identity, traditional authority, and the potential for mutual help are diminished. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.

The RAP report introduction should include as a minimum a full description of the above effects of the project in the following sections:

#### **1 Introduction**

- 1.1 Background to the Project
- 1.2 Terms of Reference for the RAP
- 1.3 Objectives of Assignment
- 1.4 Scope of Work
- 1.5 Structure of Report

#### **Alternative Sites and Selection**

The identification of several possible relocation sites and the demarcation of selected sites is a critical step for both rural and urban resettlement. For land-based resettlement, the new site's productive potential and locational advantages should be at least equivalent to those of the old site. It is expected that a "land for land" approach, providing replacement land at least equivalent to the lost land. For rural settlers, irrigation, land reclamation, tree crop development, intensification of production, and other innovations often can provide adequately production potential on limited amounts of land to resettle agriculturalists, even in countries with high population densities. In selecting sites, attention must be paid to the availability of sources of off-farm income (fishing, gathering forest products, and seasonal wage employment) to complement farm income. For urban re-settlers, the new site should ensure comparable access to employment, infrastructure, services, and production opportunities. For both rural and urban resettlement, the company needs to

- (a) Develop institutional and technical arrangements for identifying and preparing relocation sites, e.g., pooling together small plots, wasteland reclamation, land levelling, and terracing;
- (b) draw up timetables and budgets for site preparation and transfer;
- (c) Make legal arrangements for transferring titles to re-settlers; and
- (d) Consider, when necessary, a temporary freeze on land transactions within the relocation area to prevent land speculation.

The RAP report Legal Framework section should include as a minimum a full description of all legislative and international standards applicable to this project in the following sections:

## **2 Legal Framework**

2.1 Introduction & Background

2.2 Zambian Legislative Framework

2.3 Zambian Legislation, Standards and Guidelines relating to Resettlement

2.4 Land Titling and Registration Laws and Policies in Zambia

2.5 Legal and Administrative Procedures Applicable to the Process of Resettlement

2.6 Administrative Authorities

2.7 International Norms

2.8 Comparison of Zambian Government and World Bank/IFC Performance Standard on Resettlement

2.9 Entitlement Framework

A clear understanding of the legal issues involved in resettlement is needed to design a feasible resettlement plan. An analysis should be made to determine the nature of the legal framework for the resettlement as well as additional legally binding standards that GoldenLay has subscribed to, including (a) a gap analysis between local legislation and the World Bank/ IFC Performance Standards should be carried out (b) the scope of the power of eminent domain, the nature of compensation associated with it, both in terms of the valuation methodology and the timing of payment; (c) the legal and administrative procedures applicable, including the appeals process and the normal time frame for such procedures; (d) land titling and registration procedures; and (e) laws and regulations relating to the agencies responsible for implementing resettlement and those related to land compensation, consolidation, land use, environment, water use, and social welfare.

### **Socio-economic Survey**

Resettlement plans should be based on recent information about the scale and impact of resettlement on the displaced population. In addition to describing standard household characteristics, socioeconomic surveys should describe (a) the magnitude of displacement; (b) information on the full resource base of the affected population, including income derived from informal sector and nonfarm activities, and from common property; (c) the extent to which groups will experience total or partial loss of assets; (d) public infrastructure and social services that will be affected; (e) formal and informal institutions (such as community organizations, ritual groups, etc.) that can assist with designing and implementing the resettlement programs; and (f) attitudes on resettlement options. Socioeconomic surveys, recording the names of affected families, should be conducted as early as possible to prevent inflows of population ineligible for compensation.

### **Valuation of and Compensation for Lost Assets**

Valuation of lost assets should be made at their replacement cost. Compensation is facilitated by (a) paying special attention to the adequacy of the legal arrangements concerning land title, registration, and site occupation; (b) publicizing among people to be displaced the laws and regulations on valuation and compensation; (c) establishing criteria for determining the resettlement eligibility of affected households, e.g., households that have only partially lost their assets but are no longer economically viable should be entitled to full resettlement; and (d) developing mechanisms to prevent illegal encroachers and squatters, including an influx of non-residents entering to take advantage of such benefits, from participating in the compensation arrangements, by an early recording of the numbers and names of affected populations entitled to compensation/rehabilitation.

Some types of loss, such as access to (a) public services; (b) customers and suppliers; and (c) fishing, grazing, or forest areas, cannot easily be evaluated or compensated for in monetary terms.

Attempts must therefore be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

Vulnerable groups at particular risk are indigenous people, the landless and semi-landless, and households headed by females who, though displaced, may not be protected through national land compensation legislation. The resettlement plan must include land allocation or culturally acceptable alternative income-earning strategies to protect the livelihood of these people.

### **Land Tenure, Acquisition, and Transfer**

Resettlement plans should review the main land tenure and transfer systems, including common property and nontitle-based usufruct systems governed by locally recognized land allocation mechanisms. The objective is to treat customary and formal rights as equally as possible in devising compensation rules and procedures. The plan should address the issues raised by the different tenure systems found in a project area, including (a) the compensation eligibility of land-dependent populations; (b) the valuation procedures applicable to different tenure types; and (c) the grievance procedures available for disputes over land acquisition. Plans should contain provisions for conducting land surveys and regularizing land tenure in the earliest stages of project development. Planning should also anticipate the approximate time needed to acquire and transfer land.

### **Access to Training, Employment, and Credit**

Normally, general economic growth cannot be relied upon to protect the welfare of the project-affected population. Thus, alternative employment strategies are needed for non-agricultural displaced people, or where the land that can be made available is not sufficient to accommodate all the displaced farmers. The resettlement plan should, where feasible, exploit new economic activities made possible by the main investment requiring the displacement. Vocational training, employment counselling, transportation to jobs, employment in the main investment project or in resettlement activities, establishment of industries, incentives for firms to locate in the area, credit and extension for small businesses or reservoir aquaculture, and preference in public sector employment should all be considered where appropriate.

### **Shelter, Infrastructure, and Social Services**

To ensure the economic and social viability of the relocated communities, adequate resources should be allocated to provide shelter, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health care centres). Site development, engineering, and architectural designs should be prepared for shelter, infrastructure, and social services. Since community or self-built houses are often better accepted and more tailored to the re-settlers' needs than contractor-built housing, provision of a building site with suitable infrastructure, model plans, building materials, technical assistance, and "construction allowances" (for income foregone while re-settlers build their houses) is an option communities should be offered. Planning for shelter, infrastructure, and services should take into account population growth.

The RAP report Socio-economic section should include as a minimum a full description of all socio-economic data for this project in the following sections. This will also include a full description of the community survey that was carried out during October 2013:

## **3 Socio-Economic Assessment Methodology**

### 3.1 Introduction

### 3.2 Survey Approach

### 3.3 Survey Methods

#### **4 Socio-Economic Baseline**

- 4.1 General Socio-Economic Profile of the Project Area
- 4.2 Specific Socio-Economic Profile of the Baluba, Luanshya and Ndola areas

#### **5 Socio-Economic Impacts & Respective Mitigation Measures**

- 5.1 Project Impacts
- 5.2 Impact Overview & Mitigation Measures
- 5.3 Entitlement Matrix
- 5.4 Project Attitudes & Concerns
- 5.5 Perceived Project Benefits

#### **6 Budget and Costs**

- 6.1 Compensation Framework
- 6.2 Financial Responsibility and Authority
- 6.3 Compensation Budget
- 6.4 Physical Displacement
- 6.5 Economic Displacement
- 6.6 Inflation and Currency Variations
- 6.7 External Monitoring and Evaluation
- 6.8 Total Compensation Costs

The RAP report Institutions and Implementation arrangements section should include as a minimum a full description of all components that have governed the implementation of the Resettlement in the site:

#### **Implementation and Supervision**

Resettlement components should be supervised throughout implementation. Supervision that is sporadic or left until late in implementation invariably jeopardizes the success of resettlement. External supervision missions should be carried out with the requisite social, economic, and technical expertise. Complete recovery from resettlement can be protracted and can often make it necessary to continue external supervision until well after populations have been relocated, sometimes even after a project has been closed.

#### **Ex Post Evaluation**

The project completion report submitted to the Operations Evaluation Department should evaluate resettlement and its impact on the standards of living of the re-settlers and the host population.

#### **7 Institutions and Implementation Arrangements**

- 7.1 Introduction
- 7.2 Organizational Units
- 7.3 Overview of Implementing Organisations
- 7.4 Management Information System
- 7.5 Community Participation
- 7.6 Capacity Building
- 7.7 Vulnerable People
- 7.8 Implementation Schedule
- 7.9 Monitoring and Evaluation

#### **8 References**

#### **9 Appendices**

- Photos and Maps
- The Selection Process

Additional Socio-Economic characteristics of Project Area

Definition of categories in open-ended questions

Methodology used for Compensation Calculations

Database of affected people

Focus group transcripts

Questionnaire

Terms of Reference for the RAP

**Appendix 2: A copy of the Survey Framework**

REF NO:	CO-ORDINATES:	FAMILY NAME:			HOUSEHOLD HEAD:					
CUT-OFF DATE:	DURATION OF INHABITATION:	TRIBE:			TOTAL ADULTS:		TOTAL CHILDREN:			
				MALE		FEMALE		MALE		FEMALE
CATEGORY	NAME	RELATION TO HOUSEHOLD HEAD (HH)	SEX	AGE	PRIMARY OCCUPATION	SECONDARY OCCUPATION	INCOME ZMW MONTH	ILLNESS PAST WEEKS	IN 2	
HOUSEHOLD INFORMATION										
CATEGORY	ITEM	QUALITY MEASURE	DESCRIPTION/ CONSTRUCTION VALUE	TYPE/	REPLACEMENT COST ZMW		TOTAL COST			
PHYSICAL ASSETS	RESIDENCE	SIZE	m <sup>2</sup>							
		WALLS								
		ROOF								
		FLOORING								
	HOUSE FENCE	DOORS/EXTRAS								
		LENGTH	m <sup>2</sup>							
	OUTSIDE BUILDINGS	MATERIALS								
		SIZE	m <sup>2</sup>							
		WALLS								
		ROOF								
	LATRINE/BATH	FLOORING								
		DOORS/EXTRAS								
	PADDOCK (INCLUDING FENCE)	AREA (FENCED)	m <sup>2</sup>							
		STRUCTURE								
	WELL/ BOREHOLE	DEPTH	m							
NUMBER										
GRAVE(S)	TYPE									
	NUMBER									
LIVESTOCK ALL TYPES	TYPE									
	NUMBER									
LIVESTOCK ALL TYPES	TYPE									
	NUMBER									
LIVESTOCK ALL TYPES	TYPE									
	NUMBER									
INCOME STREAM	RAIN-FED AGRICULTURE	CROP								
		TONNAGE								
	ZMW									
	IRRIGATED AGRICULTURE	CROP								
TONNAGE										

		ZMW				
	LIVESTOCK ALL TYPES	ANIMAL				
		ZMW				
	CHARCOALING	ZMW				
	WOODLOTS	ZMW				
	SEASONAL LABOUR	ZMW				
	REMITTANCES	ZMW				
	COMMERCE AND TRADE	ZMW				
	EMPLOYMENT	ZMW				
	OTHER	ZMW				

.....  
**Signature of household head**

.....  
**Signature of surveyor**

.....  
**Date signed** (dd/mm/yyyy)

.....  
**Date signed** (dd/mm/yyyy)