

RESETTLEMENT PROFILE OF KANYENDA FARM



**(A Clarification of what transpired during the resettlement of the Community
before commencement of the EIS in Kanyenda, Mpongwe District)**

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ABBREVIATIONS AND ACRONYMS

ADB	-	Asian Development Bank
AfDB	-	African Development Bank
AP's	-	Affected persons
ECZ	-	Environmental Council of Zambia
EIA	-	Environmental Impact Assessment
EMP	-	Environmental Management Plan
EPB	-	Environmental Project Brief
EPPCA-		Environmental Protection and Pollution Control Act
FGD	-	Focused Group Discussion
GPS	-	Global Positioning System's reading
HH	-	Households
NGO	-	Non-governmental Governmental Organisation
NHCC-		National Heritage Conservation Commission
PAP's	-	Project Affected Persons
RAP	-	Resettlement Action Plan
WB	-	World Bank

GLOSSARY OF TERMS

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

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

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 people affected have no option but to rebuild their lives, incomes and asset bases elsewhere

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

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

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

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

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

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

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

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

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

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

1 INTRODUCTION

1.1. Brief Project Background

The majority of raw materials (Soya Beans, Maize and Wheat) sourced for feed production for the poultry industry had become a challenge in the recent past on the Copperbelt due to two main reasons; firstly, ETC Bio –Energy which was the main source of the raw material was sold off to Zambeef Products Plc. Zambeef could no longer continue to supply the raw material to Golden Lay Limited as the arrangement had been with ETC Bio-Energy. Secondly, there was a nationwide shortage of Soya Beans affecting production at Golden lay limited. It is with this background that the developer established Kanyenda Farming Limited and acquired Farm F/10848 in Kanyenda Farming Block of Mpongwe District to grow Soya Beans, Wheat and Maize which shall in turn be used to produce stock feed for the layers in order to sustain the poultry industry and national food security.

Kanyenda Farms Limited intends to develop 669Hectares farm project in Chief Kalunkumya’s area in Mpongwe District. Major activities shall include the opening up the land through vegetation clearing, construction of a workers camp, farm house, machinery workshop, chemical store, fuel facility, sewerage system and an administration office.

This socio-economic study together with other specialist components forms and culminates into preparation of the complete Environmental Impact Statement Report.

The socio-economic component has therefore been prepared in line with the requirements of the Environmental Management Act No 12 of 2011.

Impact Background – How the community was moved

Being a farming project ,the developer had partially implemented the farming activities and at the time the consultants had been engaged, most socio-economic activities such as acquisition of farming documents, permits from the Local /Civic and traditional Authorities, compensation with local people had already been done. The entitlement matrix involving impact identification and to some extent mitigations, in terms of those affected had already been formulated and implemented. In consultation with the affected families/community, Local Authority and Traditional authorities, the matrix drawn proposed eligibility and payments for all kinds of losses and set standards for compensation.

According to the socio-economic consultations carried out during the scoping phase of the project which included one-on-one interviews with the Local

Authority, planning unit as well as our recent site visit to the resettlement area, revealed that a total of 24 households fell within the boundaries of the proposed farm area and they were confirmed to be eligible for compensation. See the list attached in the annex.

1.2 Description of the resettlement site

Site location

The proposed project site is located along Kasamba road 4km from Kanyenda Settlement Area off the Luanshya-Mpongwe road in the Kanyenda Farming Block on Farm F/10848 in Mpongwe District of the Copperbelt Province. It is located approximately 16Km from the Mpongwe Business District .The proposed project site was initially customary land in His Royal Highness Chief Kalunkumya's area which has since been converted to lease title in the name of Kanyenda Farming Limited. The proposed project area is approximately 669 Ha in total.

The site is bordered by Kasamba road on the east facing the Nkanga Hills and the nearest settlements are the villages on the other side of Kasamba road with most of the inhabitants being peasant farmers and charcoal burners. The northern end of the farm is bordered by Nyirenda's farm stretching over 60 Ha to the east. On the south-western boundary is Chimbila village located over 1Km from the proposed project site.

Both the old and new sites are located in Kaloko village, in Chief Kalunkumya's area. With reference to the proposed Kanyenda farm, the new site where the families have been resettled is located just across the main access road to Kanyenda, the area immediately opposite the entrance gate. See the site map below.

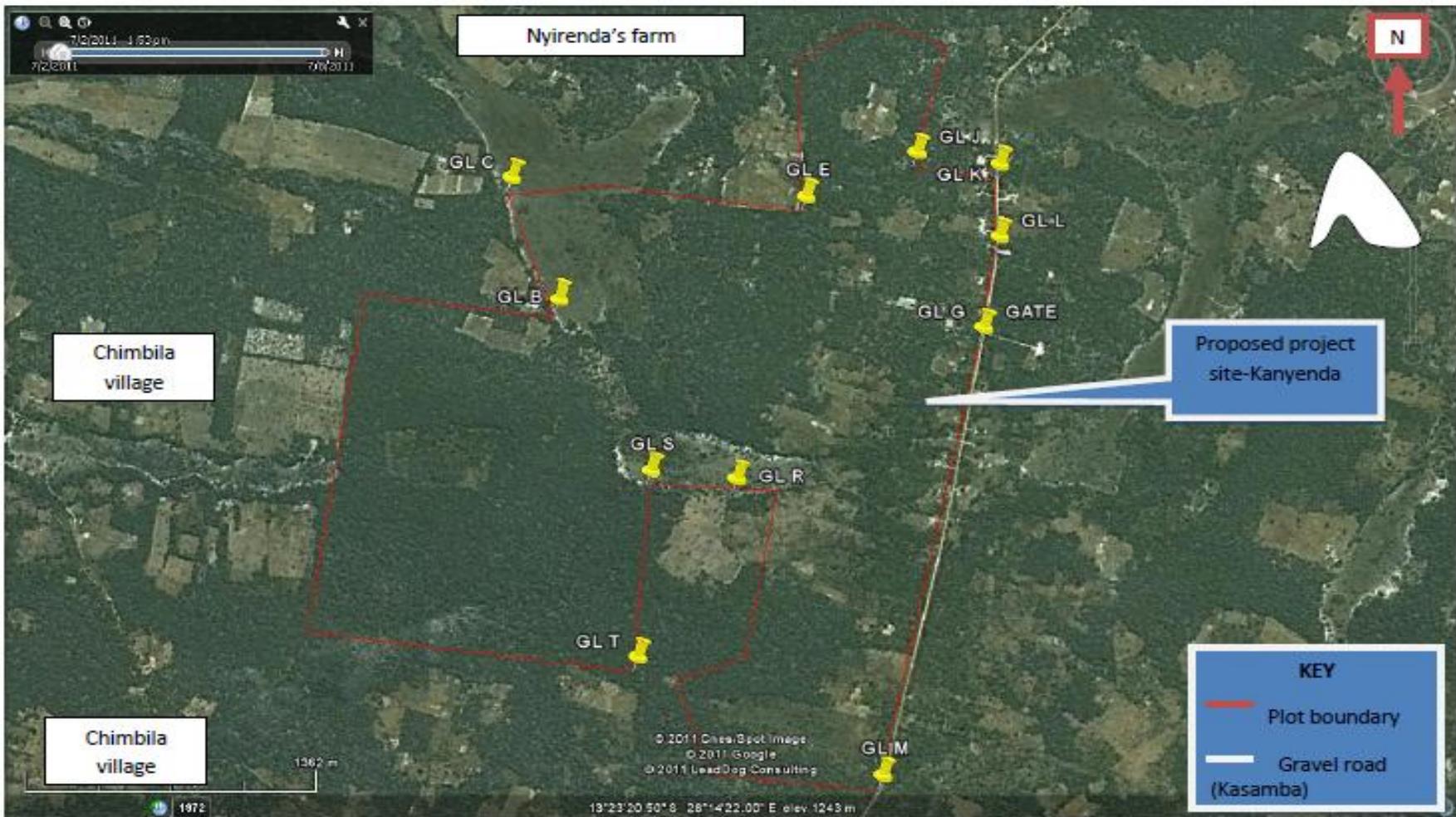


Figure 1: view of Kanyenda Farm Block

2.0 SCOPE OF WORK, STUDY SETTING AND METHODOLOGY USED

Scope of work

The study involved collection of appropriate information in line with the agreed content of this report with ZEMA. The information will be used (by ZEMA) to understand what transpired during the resettlement of the community before the engagement of Environmental Consultants.

Study Setting

The survey was conducted in Kaloko Village, in Chief Kalunkumya's area in Kanyenda among the affected community members.

Methodology used

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

Literature Review

Review of relevant documents was done prior to undertaking the field reconnaissance studies. Literature reviewed included but not limited to compensation agreements between the chief and would be land owners, world bank and Zambian standards on involuntary resettlement.

Field work

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

Questionnaire

A standard questionnaire was used to collect information from the affected communities. It depicted the previous means of living (livelihood), houses and fields occupied (*see appendix*).

2.1 LEGAL FRAMEWORK

This section provides an overview of the legal framework that guided preparation of this brief resettlement profile of the affected community.

2.2 RELEVANT LEGISLATIONS

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

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

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

- Ministry of Mines and Mineral Development; Department of Mines Safety Department,
- Ministry of Tourism, Environment, and Natural resources;
- Ministry of Local Government and Housing; District Local Authorities
- Zambia Environmental Management Agency,
- Ministry of Lands; and Lands Tribunal; and Government Valuation Department
- Ministry of Agriculture

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

- Environmental Impact Assessment Regulations, SI No. 28 of 1997. These Regulations provides the main framework under which EIAs are conducted, submitted to ZEMA and considered for either approval or rejection. These regulations are relevant as they give guidance to the developer (Kanyenda Farming Limited) as to what is supposed to be done at every stage of the EIA process. The requirements of conducting an EIA are all stipulated under these regulations and the developer shall ensure compliance at every stage. The EIA regulations also gives a guide line as to how much review fee will be paid to ZEMA for the purpose of reviewing the EIS for the proposed project.

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

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

The Constitution of Zambia

The Fourth Republican Constitution (1996) recognizes the right to private property and to protection by the State of property. Part II of the Constitution enshrines the fundamental rights and freedoms of the individual. Section 11 (d) offers:-

“Protection for the privacy of his home and other property and from deprivation of property without compensation”.

The protection of private property is expanded further in Section 6 (1):-

“Except as provided in this Article, property of any description shall not be compulsorily taken possession of, and interest in or right over property of any description shall not be compulsorily acquired, unless by or under the authority of an Act of Parliament which provides for payment of adequate compensation for the property or interest or right to be taken possession of or acquired”.

Lands Acquisition Act of 1994

Section 12 (b) of The Lands Acquisition Act of 1994 provides that any person whose property is affected by a public project is entitled to compensation, and provides a mechanism by which people not satisfied with compensation may seek redress through the courts of law. It states:-

“The value of property shall, subject as hereinafter provided, be the amount which the property might be expected to realize if sold in the open market by a willing seller at the time of publication under section seven of the notice to yield up possession”.

The basis for assessment of compensation includes:-

Enhancement of value of land by reason of proximity of any improvements or works made or constructed on part acquired; and
Damage if any, sustained by the person having an estate or interest in land by reason of severance of such land.

The Agricultural Lands Act of 1994

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

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

The Environmental Management Act No12 of 2011

Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations 1997 (No. 28 of 1997, promulgated under the Environmental Management Act No12 of 2011 provides the framework for conducting environmental impact assessments of proposed projects; and Legal frameworks for impact Assessment in Zambia Regulation 3 of the Regulations specifies which type of developments requires a project brief in the First Schedule. Paragraph 2 of the First Schedule specifies that all major roads outside the urban areas, the construction of new roads and major improvements over 10

km in length or over 1 km in length if the road passes through a National Park or Game Management Area requires a project brief and/or an environmental impact statement.

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

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

After the expiration of fifteen days referred to above, hold meetings with affected communities in order to present information on the project and obtain views of those concerned.

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

The social economic impact of the project, such as resettlement of affected people;

Socio-economic and cultural considerations such as effects on generation or reduction of employment in the area, social cohesion or resettlement, local economic impacts; and

Effect on land uses and land potential in the project area and surrounding areas.

2.3 INTERNATIONAL BEST PRACTICE ON INVOLUNTARY RESETTLEMENT

2.3.1 World Bank Safeguarding Policies

The World Bank Operational Policy on Involuntary Resettlements safeguards against impoverishment risks of involuntary resettlement that may be associated with a development project. This Operational Policy and Bank Procedure are being employed around the world by both private and multilateral investors to manage involuntary resettlement associated with infrastructure development. The policy addresses risks that the production systems may be dismantled; people may face impoverishment when their production assets or income sources are lost; people may be relocated to an environment where the productive skills may less applicable and the competition for resources greater; community institutions and

social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority and potential for mutual help may be diminished or lost. The policy is internationally accepted as the most comprehensive and efficient set of international standards with respect to the protection of the rights of project-affected people. Some of the key principles of this policy include:-

- a. Physical and economic dislocation should be avoided or minimized where feasible; the borrower should develop a resettlement plan where physical displacement and loss of other economic assets are unavoidable. The plan should ensure that displacement is minimized, and that the displaced persons are provided with assistance prior to, during and following their physical relocation. The aim of the relocation and of the resettlement plan is to improve displaced persons former living standards, income earning capacity, and production levels. The resettlement plan should be conceived and executed as part of a development program, with displaced persons provided sufficient resources and opportunities to share in the project benefits. Project planners should work to ensure that affected communities give their demonstrable acceptance to the resettlement plan and the development program, and that any necessary displacement is done in the context of negotiated settlements with affected communities;
- b. Additionally, displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. The displaced persons should be informed about their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives. In this regard, particular attention should be paid to the location and scheduling of activities. In order for consultation to be meaningful, information about the proposed project and the plans regarding resettlement and rehabilitation must be made available to local people and national civil society organizations in a timely manner and in a form and manner that is appropriate and understandable to local people. As well, careful attention should be given in the organisation of meetings. The feasibility of holding separate women's meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender lines;
- c. Particular attention should be paid to the needs of disadvantaged groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities; including

- those without legal title to assets, female-headed households. Appropriate assistance must be provided to help these disadvantaged groups cope with the dislocation and to improve their status. Provision of health care services, particularly for pregnant women, and infants, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease;
- d. PAP's should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. Any payment due to the hosts for land or other assets provided to PAP's should be promptly rendered. Conflicts between hosts and PAP's may develop as increased demands are placed on land, water, forests, services, etc., or if the PAP's are provided services and housing superior to that of the hosts. These impacts must be carefully considered when assessing the feasibility and costs of any proposed project involving displacement, and adequate resources must be reflected in the budget for the mitigation of these additional environmental and social impacts;
 - e. Displaced persons should be compensated for their losses at "full replacement" cost prior to their actual move or before taking of land and related assets or commencement of project activities, whichever occurs first; and
 - f. The total cost of the project as a result should include the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among affected peoples. This attempt to calculate the "total economic cost" should also factor the social, health, environmental and psychological impacts of the project and the displacement, which may disrupt productivity and social integration. The resettlement costs should be treated against economic benefits of the project and any net benefits to PAP's should be added to the benefit stream of the project; and
 - g. All involuntary resettlement should be conceived and executed as development programs, with re-settlers provided with sufficient investment resources and opportunities to share in project benefits;

The policy covers not only physical relocation by projects but any loss of land and other assets resulting in relocation or loss of shelter; loss of assets or access to assets; and loss in income sources or means of livelihood, whether or not the affected people must move to another location. The objectives of the resettlement policy are to:

- To avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs;

- To assist the displaced in improving their former living standards, income earning capacity, and production levels or at least in restoring them; and
- To encourage community participation in planning and implementing resettlement; and provide assistance to affected people regardless of the legality of the land tenure.

2.4 Zambian Standards on Involuntary Resettlement

Firstly the Zambian constitution recognizes the fundamental rights to private property and to protection by the state of property

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

Further the Agriculture Lands Act of 1994 provides and indentifies improvements that qualifies for compensation which includes

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

2.5 Differences in Compensation between Zambian Legislation and World Bank Standards

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

- a) Firstly, in determining the cost of compensation, the Bank cost estimate is given as the new replacement value of property being lost whereas in the case of national legislation, it is the value the property can fetch at an open market if it is to be sold to a willing buyer.
- b) Secondly, the emphasis of World Bank is on restoration or maintenance of previous livelihood levels whereas the Zambian Government responsibility ends at replacing the depreciated value of the lost asset.

- c) Thirdly, the World Bank, unlike the Zambian Legislation, recognizes informal occupancy as a form of customary tenure. Squatters are therefore entitled to compensation if they can establish informal occupancy before the project cut-off-date.

The company will demonstrate commitment to meeting Zambian legislation and international best practice. As defined by World Bank Operational Policy/Bank Procedures 4.12, it will contribute to maintaining a social license to operate. The Company also seeks to, with specific regard to resettlement policy, minimize disruption to the community. It also commits to sustaining existing livelihoods and supporting the establishment of lost or new livelihoods. The company will commit to ensuring properly administered land dealings defined in consultation with stakeholders. Policies and programs will be put in place to ensure delivery of these commitments. The basic principle in resettlement will be governed by best practice and relates to the idea that in resettling the project affected communities they should be better off than they were prior to resettlement. The following objectives and targets will be adopted to buttress the resettlement planning and implementation process:-

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

3.0 BASELINE SURVEY

3.1 Site Visit- Findings

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

The conditions brought forward herewith are as a result of 14 (of the 24) household sample of a household based census survey findings,.

The census survey of households also determined the extent to which the affected families experienced loss of immovable assets distance to social services available and their perception of the resettlement programme.

The survey is therefore critical for ZEMA to decide on the conditions of the decision to be made after submission of the final EIS.

3.1.1 Housing and housing characteristics

Out of the total 13 families interviewed, the survey revealed that all of them (100%) are married and most of the households (93%) are headed by males and only 7% by females, implying levels of vulnerability with regard to household heads, is insignificant.

With regard to the approximate family sizes, which is usually a function of the house size they have moved out and in, the survey revealed that the smallest family size is 2 while the biggest is 11. The average family size is therefore 6.

In trying to determine the psychological attachment to the area, the affected families were asked to state the approximate number of years they had lived in Kaloko community. The study revealed that 10 out of the 14 interviewed had spent more than 15years in Kaloko while only 4 said they had lived there for 10-15years.

When the household respondents were asked to state the estimated sizes of their previous houses, results gathered showed that they had various types of houses built using different material with the most common being those built using moulded clay with bricks followed by those built using moulded bricks and lastly those with burnt bricks. The statistics computed indicated 50% (7 houses), 43 % (6houses) and 7% (only 1 house) respectively.

In the current site where they have moved, the picture is slightly different as there are slightly more people who have built houses using burnt bricks, although those with moulded bricks are less. The survey shows that 29% are now made of burnt bricks while 64% built using moulded clay and sticks and only 7% are of moulded bricks.

With regard to the roofing material used, the survey has revealed that only two types have been used both in the previous site and the current one. In both, only corrugated iron sheets and grass thatch has been used.

In the previous site, 85% of the households used grass thatch as the main roofing material on the main house while only 15% used corrugated iron sheets.

In the new site, all the 14 families (100%) interviewed use corrugated iron sheets.

3.1.2 House sizes (previous Vs Current site)

The houses in the previous site and current site are of various sizes as shown below.

No	Name	Size Of Previous House (m ²)	Size Of Current House(m ²)
1.	Mateyo Stephen Lunda	12	16
2.	LastonMalikoTembo	15	15
3.	NobbyMupishi	15	15
4.	Chifita Clever	6	20
5.	Daniel Mupishi	28	18
6.	ChimbilaLafeti	20	20
7.	Martin Masauka	24	40.7
8.	John Lafeti	15	18
9.	Edson Mukuni	18	18
10.	James Lafeti	8	40
11.	FebbyMatanda	25	8.2
12.	Kelvin Matanda	24	12
13.	Raphael Chimbila	24	24
14.	Chitafu Moses	8	18

3.1.3 Lost land (Cultivated Vs Uncultivated land)

Much as the affected community still lives in the same village, area and chiefdom, in terms of land, the entire community has lost out as indicated in the table below.

No	Name	Previous Land Lost Under Cultivation	Previous Land Lost Not Under Cultivation	Current Land Under Cultivation	Current Land Not Under Cultivation
1	Mateyo Stephen Lunda	3ha	6ha	Nil	1ha
2	Laston Maliko Tembo	2.5ha	5ha	0.250	1ha
3	Nobby Mupishi	5ha	8ha	0.75ha	1ha
4	Chifita Clever	5ha	10	Nil	1ha
5	Daniel Mupishi	12ha	18ha	Nil	1ha
6	Lafeti Chimbila	1ha	20ha	0.250ha	1ha
7	Martin Masauka	13ha	15ha	Nil	8ha
8	John Lafeti Chimbila	1ha	Nil	Nil	1ha
9	Edson Mukuni	Nil	Nil	0.250ha	0.750ha
10	James Lafeti	0.750	3.5ha	Nil	1ha
11	Febby Matanda	9.5ha	15ha	0.250ha	1ha
12	Kelvin Matanda	2ha	5ha	Nil	1ha
13	Raphael Lafeti Chimbila	2ha	4ha	Nil	1ha
14	Chitafu Moses	7ha	10ha	Nil	1ha

The Kaloko community, like many other rural communities in Zambia is a farming community that thrives on peasant agriculture for their sustenance and therefore the 1 hectare given to all the affected has been said to be inadequate by all the respondents.

3.1.4 Community perception of the resettlement programme

Various views were expressed by the 14 interviewed community members and when summarised, they are as follows:

No	Perceived benefits of new site
1.	Slight improvement in terms of proximity to main market, schools, clinic
2.	Improved source of drinking water- borehole provided by Kanyenda farm
3.	Jobs created at the farm
4.	Transport cost, availability improved
No	Perceived weaknesses of new site
1.	Land in new site too small
2.	Complete loss and unpaid for of fruit trees
3.	No new clinic, as distances of minimal impact

4.	Lost a season without farming due to compensation
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Much as most of the distances had improved, the community said that the impact is very minimal. The distance said to have improved include those to the palace, market clinic, grinding mill, churches and schools.

3.1.4.1 Lifestyle Disruption

Regarding changes in their lifestyle, residents cited challenges which were classified in either ‘Social Structure Disorientation’ or ‘largely referring to fruit trees to be left behind’. Among the 14 households who responded, 10 of them (account for about 71 percent) thought social structure disorientation would be the major lifestyle to be disrupted. Only 17% attributed the major disruption in their lifestyle to the fruit trees they will leave behind as they move to the new location, while about 12% of the respondents thought whatever challenges maybe they were negligible.

In their view, residents said fruit trees play an important role in the lifestyle of most households in Kaloko area and Mango trees in particular. These serve as an alternative source of food and income, mostly during the early stages of the rainy season when most households are food insecure, a time which coincides with the ripening of Mango fruits. These fruits are either sold by the roadside, or simply eaten to alleviate food insecurity of the individual household. Therefore, relocation to an area where there are no fruit trees will cost them this salient alternative food and income source for a period of not less than five years.

3.1.5 Compensation

Terms of Compensation

As earlier put, the entitlement matrix involving impact identification and to some extent mitigations, in terms of those affected had already been formulated and implemented by the time consultants moved in to do an EIA study. In consultation with the affected families/community, Local Authority and Traditional authorities, the matrix drawn proposed eligibility and payments for all kinds of losses and set standards for compensation. The following are the details on record:

i) Land for land option

It has been revealed that being a customary area, land for land was the preferred option. The chief provided land for the affected families where they have resettled the chief remains the custodian of the land on their behalf (community) by law.

ii) Cash compensation for lost /affected fields,

According to records at Council availed to the consulting team, an average of **ZMK 2,253,166.70** was paid per farmer/family with the highest getting **ZMK9,0000, 000** and the lowest **ZMK 180,000**. This was paid out on 25.01.10. See the attached payment sheet in the annex for details

iii) Other community benefits

- Provision of Improved drinking water, improved productivity.
- In commitment to provision of improved drinking water, the farm has so far drilled a borehole for the affected families in their new location.
- The farm has also already drawn up a community school construction programme with the residents in which commitment to help with roofing material has been made once the community identifies a school site and commences construction.
- The farm has been providing manure to the affected families and is in the process of registering outgrower groups. Soyabeans will be grown by these outgrower groups and sold to the farm at prevailing market value. A ready market for the purchase of local maize from the farmers will be provided by Kanyenda Farming limited.

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

4.0 CONCLUSION

Despite the small number of families resettled, resettlement projects of whatever magnitude deserve to be handled with utmost attention as they could otherwise be disruptive to people's livelihoods.

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

The Kanyenda resettlement overlooked a number of provisions in the various pieces of legislation including the size of land given to the community and other livelihood support programmes which could have been part of the programme.

In conclusion, we recommend that,:

- Since the resettlement programme has already been implemented, farming activities underway by the developer, the 1 hectare piece of land given to the affected families is increased. This should be done in close consultation with the chief and Mpongwe District Council.
- That the unpaid for fruit trees be compensated for in full. This should also be done in close consultation with the department of Agriculture, the area Chief and Local Authority.
- That a number of livelihood programmes be formulated for the community and this developer can do progressively as he carries out his farming activities and use part of the profit/proceeds for the programme.
- That since the project is operational, the process/ZEMA decision be sped up as any delays will result in increased discomfort, suffering of the community. Accelerated decision will ensure accelerated implementation of what has been recommended herewith.

5.0 ANNEX

Appendix 1

(a) Photos depicting houses in new area



(b) Photos showing relocated/resettled persons



F. Matanda (NRC:131302/69/1)



Kelvin Matanda (NO NRC)



Laston Maliko Tembo(NRC: 174280/61/1)



Mateyo Lunda (NRC: 156621/62/1)



Clever Chifita(NRC: 109559/96/1)



(c) Rafeti Chiwila (NRC: N/A)

Masabuka (NRC: 126281/62/1)



Balashi Cynthia (NRC: 123900/69/1)

Appendix 2: Survey questionnaire

Appendix 3: Proof of compensation and sale for land owners

Appendix 4: List of compensated land owners

Appendix 5: Minutes of meeting held at Chief Kalunkumya's palace

Appendix 6: Ministry of lands Correspondences with Kanyenda Farms