

Government of Sao Tomé and Principe

**Central African Backbone (CAB) Project
Africa Coast to Europe (ACE) Submarine Cable**

Resettlement Policy Framework

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EXECUTIVE SUMMARY

The Government of Sao Tomé and Príncipe and the Companhia Santomense de Telecomunicações, with assistance from the World Bank, are going to finance the Africa Coast to Europe (ACE) submarine cable, the first submarine cable landing for the Republic of Sao Tomé and Príncipe (STP). The cable will extend from Europe to South Africa and will connect a number of countries along the west coast of Africa.

The final cable route, landing sites and cable station sites are still to be confirmed, although various alternatives have been identified. As per World Bank policy this Resettlement Policy Framework has been prepared to provide guidance with regard to any social, compensation, resettlement related impacts that may require mitigation during the remaining implementation of the project.

The cable will pass through STP's exclusive economic zone (including a zone shared with Nigeria) and territorial waters before landing at one of the identified beach alternatives. The alternative landing sites are Praia Meleo, Praia Pomba and two locations at Santana. From the beach man-hole at the landing point the cable will be trenched under existing roads back to the site of the proposed cable station.

The preferred site, as well as an additional one recommended during this assignment, are both owned by the Companhia Santomense de Telecomunicações but have been occupied by community members for subsistence agricultural purposes. This occupation ranges from 10 – 20 years and there is the potential that some families may have their main source of livelihood affected should they no longer be allowed to cultivate these areas. There is little alternative vacant land in this urban area.

For this reason a Resettlement Action Plan (RAP), in full or abbreviated form, is required to ensure that the implementation of the ACE cable project does not negatively impact a number of households with limited livelihood alternatives.

The preferred site at Sao Gabriel is an area of approximately 4 – 6 ha of cultivated land within the City of Sao Tome. The number of households cultivating land within the entire garden area is estimated at between 45 – 65 households, with 15 – 20 households potentially impacted by the proposed 0.5 ha required for the cable station site.

The other site is within the suburb Sao Marçal. This area is far less suited to agriculture but is still being cultivated by two individuals. The women interviewed is vulnerable being over 60 years of age with a disabled husband who does not work.

The eligibility of these households for compensation, none with legal land title, but some possibly having written permission to cultivate the land is described in Section 6. Three categories are proposed and with the recommended cut off date for compensation the date the affected people are informed of the decision to construct the station on a particular site.

There are no laws in STP that specifically govern resettlement and compensation, thus, World Bank policies should prevail. The valuation procedures are outlined in Section 8 but as the land does not belong to those potentially affected and there are no immovable structures, it is anticipated that compensation will only be needed for standing crops and trees and some form of livelihood support or restoration where required.

The Government of Sao Tomé and Príncipe will be responsible for implementing and delivering the compensation. All compensation should be paid prior to resettlement being affected. Compensation should only be in cash where exceptional circumstances dictate.

It is important that civil works on the site only commence after any compensation or resettlement activities have taken place. Due to the tight timeframes it is recommended that the resettlement implementation process commence as soon as a decision is made that triggers the requirement for resettlement. A detailed programme of activities will need to be prepared between the resettlement team, the Government of STP and the civil works contractor with input from the PAPs in order to ensure that resettlement does not delay the civil works.

Importantly, regardless of the site selected and the compensation procedures there should be a formal grievance mechanism, as outlined, whereby individuals and groups who feel that they have been treated inadequately or unfairly can raise their grievances.

Section 12 outlines estimated costs envisaged to fund the resettlement and compensation procedures which will differ depending on the site selected and the results of more detailed social impact assessment.

Adequate consultation mechanisms and resettlement monitoring procedures should be put in place during the resettlement process as well as a final monitoring audit of the resettlement in accordance with best international practise.

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ACRONYMS

BMH	Beach Man-Hole
CST	Companhia Santomense de Telecomunicações
EIA	Environmental Impact Assessment
EMSF	Environmental Management and Social Framework
GIS	Geographic Information Systems
GoSTP	Government of Sao Tomé and Principe
IBP	International Best Practice
OP	Operational Policy
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RWG	Resettlement Working Group
SIA	Social Impact Assessment
SPV	Special Purpose Vehicle

DEFINITION OF TERMS USED IN THE REPORT

Unless the context dictates otherwise, the following terms shall have the following meanings:

1. “Census” means a field survey carried out to identify and determine the number of Project Affected Persons (PAPs), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultation with affected communities and Local Leaders.
2. “Environmental and Social Management Framework (ESMF)” is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the proposed activities associated with this project regardless of the funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels.
3. “Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other assets, including fixed assets thereon, in part or whole.
4. “Cut off date” is the date of commencement of the notification of PAPs within the project area boundaries. This is the date on and beyond which any person whose subsequently occupies land allocated for project use will not be eligible for compensation.
5. “Project Affected Persons (PAPs)” means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, experience direct economic and or social adverse impacts. These people may have their:
 - Standard of living adversely affected, whether or not the Project Affected Person must move to another location.
 - Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently adversely affected.
 - Access to productive assets adversely affected, temporarily or permanently or business, occupation, work or place of residence or habitat adversely affected.
6. “Involuntary Displacement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - Loss of Benefits from use of such land.
 - Relocation or loss of shelter.
 - Loss of assets or access to assets.
 - Loss of income sources or means of livelihoods, whether or not the Project Affected Person has moved to another location.
7. “Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

8. "Land acquisition" means the taking or alienation of land, buildings or other assets thereon for purposes of the Project.
9. "Income and/or livelihood restoration" means the provision of development assistance in addition to compensation in order to enable Project Affected Persons to maintain or improve their living standards, income earning capacity and production levels, either through similar or new activities.
10. "Resettlement Action Plan" (RAP) or "Resettlement and Compensation Plan" is a resettlement instrument (document) to be prepared when land acquisition leads to physical displacement of persons and/or loss of shelter, and/or loss of livelihoods and/or loss, denial, or restriction of access to economic resources. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
11. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of houses and structures this means the prevailing cost of replacing the affected structures of the quality similar or better than that of the affected structures, in an area. Such costs shall include:
 - Building materials.
 - Transporting building materials to the construction site.
 - Any labour and contractors fees.
 - Any registration costs.
12. "Resettlement Policy Framework (RFP) is an instrument (document) used to guide preparation of the RAP for the proposed funded activities in the ACE cable program and other activities associated with this project regardless of funding agency. The framework sets out the resettlement policy, defines approaches and criteria and organisational arrangements.
13. "Vulnerable Groups" refers to:
 - Widows, the disabled, marginalised groups, low income households and informal sector operators.
 - Incapacitated households – those with no one fit to work and;
 - Child-headed households and street children.

This group is among other things, characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

1. INTRODUCTION

The Government of Sao Tomé and Príncipe (GoSTP) and the Companhia Santomense de Telecomunicações (CST) are going to finance the submarine cable Africa Coast to Europe (ACE). The World Bank is providing financing to support the linking of the ACE cable to the Republic of Sao Tomé and Príncipe (STP). This cable will be the first international submarine cable to land in STP.

The final cable route, landing sites and cable station sites are still to be confirmed, although various alternatives have been identified. This Resettlement Policy Framework (RPF) is aimed at providing guidance with regard to any social, compensation, resettlement related impacts that may require mitigation during the remaining implementation of the project.

2. PROGRAM DESCRIPTION

2.1 Overview of the ACE Cable project

In its planned configuration the ACE cable will be 17,000 km long and will run from France to South Africa. However, the project is being constructed and financed in phases.

Segments 1, 2 and 3 of the ACE cable are expected to be operational in the first half of 2012. These segments will connect France, Portugal, Morocco, Tenerife, Nouakchott, Senegal, The Gambia, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Benin, Nigeria, Cameroon, Equatorial Guinea, Gabon and STP.

Segment 4 will connect STP, the Democratic Republic of the Congo, Angola, Namibia and end in South Africa. The funding arrangements and timeframes for Segment 4 are still being finalised.

The main cable, both Segments 3 and 4 will land on the island of Sao Tomé and be connected in STP's cable station. Thus, the STP link forms an important component of the entire cable project.

2.2 STP infrastructure components

The main cable will run through STP's Joint Development Zone, exclusive economic zone and territorial waters. The Joint Development Zone is an area where STP and Nigeria's exclusive economic zones overlap and economic proceeds from this portion of the ocean are shared between the two countries. Parts of the cable's branching to connect Cameroon, Equatorial Guinea and Gabon also fall within STP's exclusive economic zone (EEZ).

The relevant project components for this RPF include the laying of the main cable under the beach up to the Beach Man-Hole (BMH)¹, the laying of the terrestrial cable network up to the cable station and the construction of a cable station.

¹ The BMH is the first manhole on land where the marine portion of the cable is connected to the land-based cable. The BMH is never on the beach itself but is rather usually set back from the beach at a practical location.

Infrastructure designs have not been finalised but preliminary components and dimensions are as follows:

☐ Cable Station.

The building is estimated to be approximately 1,400 m² within a 0.5 ha plot of land. The cable station will be constructed of bricks and mortar and will include offices, the telecommunication computer equipment and a small parking area. In addition, a generator and a 20,000 litre diesel storage tank will be installed to ensure continued operation in the event of electricity interruptions.

☐ Beach Man-Holes.

Each BMH will be approximately 9 m² and will be 3 m deep. Access to the BMH will be through a man-hole placed level with the ground.

☐ Terrestrial cable.

The terrestrial cable ducts will be placed under the existing tarred road surfaces from the BMH back to the cable station. Man-holes, approximately 1m deep will be positioned at various points along the road to allow the cable to be pulled through the ducts.

Depending on the final landing point, and the position of the cable station, the distance of these road works will be between 4 km to 16 km.

2.3 Infrastructure alternatives

The proposed landing site alternative for the main cable from Europe is Praia Meleo (0°18'25.37"N 6°44'52.87"E). The BMH will be located adjacent to the road on a concrete walkway down to the sand.

The proposed landing site alternative for the main cable from South Africa is further south at Praia Pomba (0°17'23.33"N 6°44'57.16"E).

Alternatives initially considered for the landing were near Santana (north – 0°15'24.85"N 6°44'35.93"E or south - 0°14'46.46"N 6°44'41.01"E).

The construction of the beach man-holes and terrestrial cables under the roads will require no land acquisition or resettlement and will not result in restricted access to natural resources. There will be a minor short-term (one or two days) disturbance on the beaches when the cable is landed, which in the case of the Praia Meleo and Santana (south) could temporarily disrupt artisanal fishermen. This impact is highlighted with mitigation measures in the Environmental and Social Management Framework (ESMF).

Two possible cable station sites have thus far been identified. For both sites the land is owned by CST yet has been occupied by community members for subsistence agricultural purposes. This occupation is estimated to have been 10 years for the one site and 15-20 years for the other site. It appears that those using the land for cultivation have come to rely upon it for income and livelihood purposes and there is no alternative vacant land readily available within this urban area.

For this reason a Resettlement Action Plan (RAP), in a full or abbreviated form, is required to ensure that the implementation of the ACE cable project does not negatively impact a number of households with limited livelihood alternatives.

3. OBJECTIVES AND TERMS OF REFERENCE

This document is drawn up as framework document that will form the precursor to a detailed RAP or an abbreviated RAP, depending on what is required. The main purpose of this framework is to highlight potential impacts, based on the currently available project information, that may result from land acquisition and resettlement in order to inform and guide the ongoing project design and planning process.

Effective resettlement planning is critical as International Best Practice (IBP) stipulates that any project that may involve the physical displacement and resettlement of people, be it due to expropriation of land or other reasons pertaining to a project, requires that a RPF be drawn up. The RPF ensures that involuntary resettlement, which can be traumatic, debilitating and financially crippling, is fully addressed. The policy document includes measures to be taken to mitigate against any risks associated with resettlement. Evidence from resettlement projects around the world reveals the following fundamental and recurrent risks (Cernea, 1997):

- Landlessness.
- Joblessness.
- Homelessness.
- Marginalisation.
- Increased morbidity and mortality.
- Educational losses.
- Food insecurity.
- Loss of common property.
- Social disarticulation.

As such this RPF clarifies the principles for social impact mitigation with regards to compensation for loss of property, livelihood and relocation or resettlement. The operational objective of the framework is to provide guidelines to stakeholders (including investors and developers) participating in the mitigation of adverse social impacts of the project, in order to ensure that project affected persons (PAPs) will not be impoverished by resettlement.

Best Practice implies that PAPs should be: compensated for any attendant loss of livelihood; compensated for loss of assets at replacement costs; given opportunities to share project benefits; and be assisted in case of relocation or resettlement.

The paramount purpose is to restore the income earning capacity of the PAPs. The aim is to improve or at the very least sustain the living conditions of the PAPs prior to project operations or to resettlement. PAPs must be no worse off than prior to resettlement. Also critical to the resettlement process is that the PAPs are involved, through appropriate consultation, in drawing up the resettlement plans that affect them.

It should be noted that even where there is no physical displacement but people loose access to assets, such as land for farming, as may occur in this instance, then the requirements to produce and implement a RAP are triggered.

This RPF aims to define the roles, responsibilities and actions that must be undertaken in order to develop a plan for resettlement. More specifically the objectives of the RPF are as follows:

- ❑ Define what resettlement and compensation entails.
- ❑ Define the principles for resettlement and compensation.
- ❑ Define the legal, policy and best practice framework within which the resettlement would be undertaken.
- ❑ Produce a set of guidelines for the process of resettlement and the terms of reference should a RAP be required.

4. PREPARING RESETTLEMENT ACTION PLANS

4.1 Key Tasks for subsequent resettlement planning

Previous resettlement and/or expropriation within STP does not appear to have occurred in accordance with any standard set of expropriation or compensation guidelines and no national legislation governing resettlement has been identified. Hence, World Bank Policy should govern any resettlement process.

This section details some of the key tasks that are required in a resettlement and compensation process in accordance with World Bank requirements and safeguard policies. These tasks are considered critical in undertaking a successful resettlement and ensuring best practice. Furthermore, these tasks should form the basis for the RAP terms of reference.

4.1.1 Task 1: Screening

‘Screening’ may be defined as a pre-feasibility level assessment of the project and resettlement. This is necessary in order to provide some understanding of the scope of the likely resettlement, and to provide a preliminary analysis of the resettlement and defining a ‘way forward’ for the resettlement process. This Resettlement Policy Framework report is a key outcome of the screening process.

4.1.2 Task 2: Authority and Community Consultation

Successful resettlement ensures stakeholder participation during all stages of the resettlement. Stakeholders may be defined as any individuals or group that may be affected or have some vested interest in the resettlement, or play a critical role in developing the resettlement process.

Consultation with affected people and stakeholders is mandatory and the single most critical component in the resettlement process. Without effective consultation “due process” and best practice will not ensue. Effective authority and community consultation should include the following:

- ❑ **Information exchange:** Awareness building of the project and the resettlement should be promoted in local communities and/or the PAPs.
- ❑ **Capacity Building and Education:** Affected people should be informed of their options and rights pertaining to resettlement and compensation.
- ❑ **Promote Participation:** All stakeholders should be allowed to openly voice their concerns, any issues and possible disputes without fear of recrimination.

- ❑ **Discussion and Negotiation:** Affected people should be consulted on, and offered choices regarding technically and economically feasible resettlement and compensation alternatives.

In order to facilitate the consultation process a steering committee is recommended. This dedicated Resettlement Working Group (RWG) will be mandated to facilitate the resettlement process. This committee should:

- ❑ Be trained so as to function as an empowered and capacitated body.
- ❑ Be instrumental in the preparation of position papers to deal with critical issues such as the replacement of housing, crop and tree compensation, graves and areas of ritual or spiritual significance, replacement land allocation, job allocation, etc.
- ❑ Participate in negotiation on resettlement issues and compensation rates.
- ❑ Co-operate on the resolution of grievances and implementation problems.
- ❑ Facilitate authority and community participation and provide communication channels for the dissemination of information.

It should be stressed that the RWG will function as an advisory body only and would not have any statutory standing. The final decisions and responsibility would fall under the relevant government directorate.

In order to support the RWG, grievance mechanisms should be developed to address specific concerns about the resettlement and compensation process that are raised by stakeholders. This grievance mechanism should provide structured dispute resolution methods that are agreed to by the RWG and provide for the timely redress of the grievance in an effective, fair and transparent manner.

4.1.3 Task 3: Household and Community Surveys

A critical aspect in undertaking a resettlement programme is to determine the existing socio-economic context of potentially affected households and communities. This is accomplished by undertaking a suite of socio-economic studies, including:

- ❑ **Mapping:** Depending on data availability, the resettlement process may be supported by a Geographic Information Systems (GIS) interface and field mapping. Maps may include both socio-economic spatial patterns and natural features (vegetation, soils etc.) of the resettlement site and host site.
- ❑ **Census:** A census must be undertaken of affected households to provide socio-economic and demographic baseline information. This census is critical as it provides a register of affected households and allows for the determination of households that are eligible for compensation.
- ❑ **Asset Inventory:** The asset inventory records all permanent and temporary losses likely to be incurred by households, enterprises and communities as a result of proposed project. This inventory will focus on individual, households and community losses of physical structures or natural resources. This includes:
 - Homesteads and homestead structures.
 - Trees and natural resources.
 - Graves associated with each household.
 - Community resources including schools, churches and health facilities.
 - Community land and natural resources.

- Sites of cultural or historical importance.
- **Socio-Economic Studies:** Socio-economic studies are usually undertaken as a Social Impact Assessment (SIA) in the Environmental Impact Assessment (EIA) process. These studies focus on determining local socio-economic patterns, livelihood strategies, income streams, labour, community structures, cultural and religious practices.

4.1.4 Task 4: Identification and Evaluation of Resettlement Sites

Resettlement requires the physical relocation of people to a new site or location. The process of identifying and selecting potential resettlement sites should be transparent and include consultation with affected households and notably the host community.

Ideally, multiple resettlement sites should be considered and made available for individual households to select their preference. However in the site selection process the following should be considered:

- Location.
- Access to natural resources.
- Maintaining community structure.
- Continued access to existing economic activities.
- Impacts on host communities.
- Land ownership and tenure rights.

4.1.5 Task 5: Determination and Negotiation of Entitlements and Compensation

The resettlement process will be required to identify households, individuals and communities that are deemed to be entitled to compensation. The nature of the entitlement will vary between each individual and household, and will be based on specific entitlement criteria. These criteria need to be defined early in the resettlement process and should be agreed to by all stakeholders.

Affected households, individuals and communities are entitled to compensation based on agreed values. Multiple compensation options should be discussed with affected parties via the RWG in order to obtain agreement on the adequacy and acceptability of the compensation package. Compensation valuations should focus on the following:

- Compensation options in terms of replacement of homesteads and structures.
- Compensation for standing crops and trees.
- Options for the relocation of graves and sites of cultural, historical or religious importance (although not applicable in this project).
- Relocation and replacement of any community structures e.g. schools (although not applicable in this project).

4.1.6 Task 6: Income Restoration and Sustainable Development Initiatives

Economic displacement and disruption of livelihoods is often an ‘invisible’ impact of resettlement. In essence, resettlement may lead to the disruption of income-earning capacity or livelihood strategies such as subsistence farming. Often the restoration of income streams and livelihoods lost during the resettlement is difficult to value and thus often overlooked.

The resettlement process will need to be undertaken as a sustainable development initiative, i.e. an initiative that improves the standard of living of project-affected people. This will act as a means of restoring and, if possible, improving economic opportunities and promoting long-term development.

The overarching aim of any initiative is to ensure that the affected people’s livelihoods and living standards are restored as closely as possible or they are better-off than they were prior to resettlement.

4.1.7 Task 7: Resettlement Planning, Scheduling, Budget and Responsibilities

The RAP should provide detailed information in terms of resettlement planning, schedules, budget and responsibilities. These various components should be developed based on the outcomes of the previous steps, negotiated and ratified by the RWG and relevant authorities. Some of the key factors that need to be defined include:

- ❑ **Resettlement Planning:** Define overall strategy in terms of resettlement, likely phasing and means of compensation. Further consideration will be needed in terms of construction of any resettlement structures, labour issues etc.
- ❑ **Scheduling:** Define timing for resettlement in terms of the physical resettlement, payment of any cash compensation and ensure it aligns with any civil engineering required by the project.
- ❑ **Budget:** Resettlement costs are often underestimated and thus detailed budgeting/costs for the implementation of the resettlement should be provided.
- ❑ **Role and Responsibilities:** Organisational structures and responsibilities must be clarified prior to resettlement. This includes all actions that must be adopted by relevant stakeholders including the GoSTP, specific Directorates etc.

4.1.8 Task 8: Production of Resettlement Action Plan

The RAP is a report that provides a synthesis of the outcomes of the above tasks. The RAP should function as a practical and useful management plan for the planning, implementation and monitoring of the resettlement process. A recommended Table of Contents for the RAP is given in Appendix 1.

The RAP should be subject to scrutiny by all relevant stakeholders including affected households, local communities, and relevant authorities, and if needed be peer reviewed. This will form part of the authority and community consultation process. The RAP will thus need to be released to the public. This may be in an abbreviated format that does not include information deemed to be sensitive to the GoSTP or the people being affected.

In terms of ensuring that affected households and local communities are sufficiently empowered it is essential that consultative mechanisms referred to in Task 2 (Section 4.1.2) are in place.

In order not to prejudice PAPs who have lower levels of literacy, the document should be presented to these stakeholders and their representatives in the form of verbal presentations.

4.1.9 Task 9: Initiation of Resettlement and Compensation

The physical resettlement and compensation should be initiated in line with the RAP. In general the actual resettlement should only commence when the project is confirmed but prior to any civil works. Overall responsibility for the implementation of the RAP will lie with the GoSTP but may be managed by a resettlement team.

4.1.10 Task 10: Monitoring

Monitoring is critical in gauging the short- to long-term affects of the resettlement process. It also highlights keys successes and failures that need to be addressed. The monitoring programme should be explicitly defined in the RAP and include details in terms of responsibilities, timing of monitoring, methodology employed and independent review.

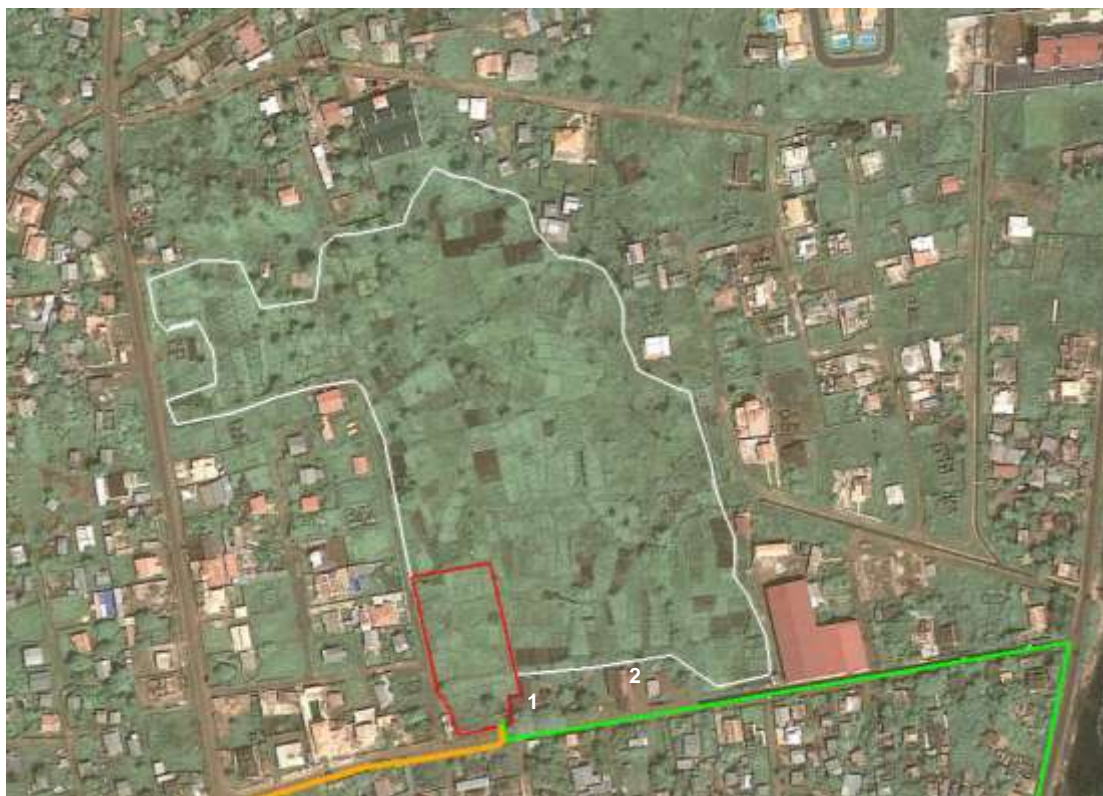
5. AFFECTED POPULATION

The two cable station alternatives will impact upon different groups. The areas and a general description, based on a few key informant interviews undertaken, are as follows:

5.1 Site 1: Sao Gabriel

This site is within the city of Sao Tomé in the suburb Sao Gabriel. CST owns approximately 3.8 ha of the land outlined (in white) (Figure 1)². CST have a small existing building (1) on the site and there is also a fuel station and a small chapel (2). The proposed site for the new cable station will be 0.5 ha on the south-west corner of the property (in red). The route of the proposed terrestrial cables from Praia Meleo and Praia Pomba are shown in green and yellow, respectively.

² The land demarcated in white measures approximately 6.3 ha on Google Earth, but measurements taken from the plan seen at the Directorate of Geographical Services and Land Ownership measured 3.8 ha.

Figure 1: Proposed San Gabriel cable station site

The number of 'plots' potentially affected within the 0.5 ha is estimated to be 15-20 households. It would appear that some of these may be plots allocated to different members of the same household or different households of relatives. The soil and agricultural potential of this land in terms of vegetable production is considered to be quite high in terms of a city-based area.

The total number of households cultivating land within the entire garden area is estimated at between 45 – 65 households. This area has apparently been used for cultivation for the last 15-20 years although those interviewed are aware that the land belonged to CST. One garden member interviewed claimed to have written permission from CST to manage and cultivate a piece of this land. This appears to be the case.

No fixed infrastructure improvements or dwellings were identified, although there were a few temporary tool sheds outside of the footprint of the proposed cable station. There is a make-shift system of irrigation whereby a small stream is diverted around the garden and small ponds have been dug around individual plots to ease irrigation. One plot was seen to have a small irrigation pump and pipes, although more were reported to also use irrigation equipment.

Those interviewed reported that cultivating these plots provided the majority their household income. However, one gardener interviewed also claimed to work as a night guard for CST.

All those observed working in the garden area were males between 20 – 50 years of age although they mentioned that female relatives also worked in the garden.

The potential impacts upon these households is a loss of a land and a source of income. The extent to which income from this land contributes to each households total livelihood strategy would need to be determined to quantify the potential significance of this impact. However, it is anticipated that for most, cultivation of this land will contribute a large portion of their income and household food supply.

The cost to compensate for standing crops is estimated to be quite small. However, the task of restoring or ensuring livelihoods may be considerably more difficult and complex. This area is within the limits of the main city of Sao Tomé and there is no available land nearby. Available land on the outskirts of the city is likely to be too far from the homes of the PAPs to make daily access and cultivation viable. Dividing up the land remaining between those who were affected and those who will not be, is likely to be a time consuming process that will require more formal land allocations to be recognised.

Identifying alternative sources of income or income earning opportunities for affected households, particularly within this urban environment, is also anticipated to be a difficult process.

Apart from the direct impact of construction, due to the nature of soil and ground conditions, it is anticipated that a large amount of fill material and compaction will be required in order to prepare the foundations for construction. This is may indirectly affect the drainage and viability of a few more of the surrounding plots, although plots further away should not be affected.

There is also a small restaurant business being run immediately on the border of the cable station site, but this should not be directly impacted. The fuel station and small chapel will also not be impacted upon.

5.2 Site 2: Sao Marçal

This site is two blocks further south within the suburb Sao Marçal. CST also apparently owns this plot of land outlined (in white). CST have an existing building and satellite dish adjacent to this land (1). There is a junior school to the north of the existing CST site (2).

The routes of the proposed terrestrial cables from Praia Meleo and Praia Pomba on the way to the cable station at Sao Gabriel are shown in green and yellow, respectively.

Figure 2: Proposed Sao Marçal cable station site

This area is apparently only being cultivated by two individuals, one female and one male. Only the women was present and claimed to have been cultivating this area for the past 10 years. She was over 60 years of age and stated that two of her children lived in other countries and another one in the city of Sao Tomé. Her husband is apparently blind and does not work.

6. ELIGIBILITY

6.1 Categories of affected people

Currently, there are no persons identified with formal legal rights to cultivate the land, although it appears many could have informal rights, either granted in writing or through verbal consent. Thus, for the purposes of the RPF, three categories of people that are likely to be affected are defined as follows:

- ❑ Category 1: Those not physically displaced but having resources or access to resources that may be directly impacted by the construction of the building.
- ❑ Category 2: Those not physically displaced but having resources or access to resources that may be indirectly impacted by the construction activities associated with the building.
- ❑ Category 3: Those who will play host to people displaced.

6.2 Criteria to identify eligibility

It is proposed that the cut off date for compensation be the date the affected people are informed of the decision to construct the station on a particular site. Those households who will be impacted upon and which were recognised by their peers as cultivating a portion of land up

until this date should be eligible for compensation. Those impacted will fall into one of the three Categories listed in Section 6.1.

A further date should be set in conjunction with the construction programme, to record those households with standing crops, not ready for harvest, for which compensation will need to be paid.

There are likely to be households with different family members all sharing the same plot or the food grown from a number of plots. For this reason all households should be compensated for the production or income to be lost from their specific portion of land rather than per individual who claimed to farm in the area.

Any plots or crops planted after this date will not be entitled to further compensation. However, advanced warning should be provided with regard to the last day for harvesting.

Vulnerable households are usually a subset of the above. Vulnerable people are those who, by virtue of any characteristic not of their making, may be more adversely affected by resettlement or loss of resources than others, and who may be limited in their ability to claim or take advantage of any assistance and related development benefits.

Specifically, as defined by the World Bank, vulnerable people include, but are not limited to the following:

- ❑ Households headed by women or children. It should be noted that not all female headed households are likely to be specifically vulnerable but many, particularly those headed by aged widows, are potentially vulnerable.
- ❑ People with disabilities.
- ❑ The extremely poor. The definition of what constitutes extremely poor is difficult to establish with absolute certainty, particularly within the context of endemic relative poverty. However those with no visible means of income certainly qualify and the landless are often the poorest.
- ❑ The elderly, specifically households where no members are below the age of 60.
- ❑ Internally Displaced Orphaned and Vulnerable Children.
- ❑ Other vulnerable people will be identified in consultation with the community. This process should determine:
 - If the community believes that any other groups or categories of household should also be classified as vulnerable.
 - The type of assistance that will be specifically provided to those vulnerable households to enable them to participate in the process.
 - The dissemination of this information to the vulnerable groups within the population of affected households.
 - Thereafter, each household that requests this assistance should be individually reviewed by the GoSTP and a nominated member from among the local authorities.
 - A report on the case and recommendation should be made for each household.

7. LEGAL FRAMEWORKS

7.1 Relevant STP Legislation

7.1.1 Constitution

The Constitution is the overarching legislation of STP and Article 48 grants all citizens a right to housing and a humane living environment. It also grants everyone the right and duty to defend these rights.

Under the Constitution all laws on the environment permit citizens to access natural resources and use them for sustainable economic and social development, contributing to the acquisition of financial means to combat poverty, to preserve biodiversity and protect biological resources.

7.1.2 Law on the Management of State Land Property (Law no. 3/91)

This law defines the framework for matters related to state owned land. It defines the basis for identifying public and private property of the state. It also defines the basis for private use of State land such as the distribution for investment purposes.

However, it could not be identified whether this law or others have any legal requirements with regard to expropriation or compensation arrangements in the event of expropriation.

7.2 World Bank requirements

The World Bank Operational Policy (OP) 4.12 is seen as the standard set of resettlement guidelines internationally. The fundamental objective of resettlement planning, as encapsulated in OP 4.12 is to avoid or minimize resettlement whenever feasible. When resettlement is unavoidable the policy requires that resettlement is undertaken as part of a sustainable development program that assists displaced persons in their efforts to improve their livelihoods and standards of living or at least to restore them. If incomes are adversely affected, adequate investment is required to give the persons displaced by the project the opportunity to at least restore their income.

The resettlement and compensation activities are to be carried out in a manner that provides sufficient opportunity for the people affected to participate in the planning and implementation of the operation.

The policy covers direct economic and social impacts that are caused by the involuntary taking of land (including crops or improvements on the land) resulting in a relocation or loss of shelter, a loss of assets or access to assets, or a loss of income sources or means of livelihood.

Importantly, the implementation of resettlement activities must be linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before the necessary measures for resettlement are in place. Thus, compensation or provision of other assistance needs to be provided prior to the displacement of those affected. In addition, preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land-based.

7.3 Concordance between World Bank and STP requirements

The following table provides a summary of concordance between the STP legislation reviewed and the requirements of the World Bank OP 4.12. The higher of the two standards must be followed.

Table 1: Concordance between World Bank and STP requirements

Category of PAPs/Type of Lost Assets	STP law	World Bank OP 4.12	Measures to address gaps
PAPs who are land and asset owners with formal legal rights to land or claims on the land/assets that are recognised under the National Laws.	Grants citizens the right to own property and assets. No legal requirement for expropriation and compensation arrangements were identified, but private property is expected to be protected by law.	Recommends land for land compensation and replacement of assets at full replacement cost. Recommends that assistance is provided for the relocation process i.e. transport or transport costs. Offer support after displacement for a transitional period based on the reasonable estimate of time likely to be needed to restore livelihoods and standards of living. Provided with development assistance in addition to compensation measures required.	Follow the World Bank OP 4.12 principles and procedures for determining the value of assets, land and livelihoods affected and required replacement values and assistance.
PAPs who will be displaced from land for which they have no recognisable legal right or claim to occupy	No entitlement to compensation or assistance was identified in terms of National Laws.	Recommends that resettlement assistance be provided in lieu of compensation for the land they occupy. This resettlement assistance may consist of land, other assets, cash, employment etc. as appropriate in order to achieve the objectives of the policy i.e. that displaced persons be assisted in their efforts to improve or at least restore their livelihoods and standard of living.	Follow the World Bank OP 4.12 principles and procedures.

8. VALUING ASSETS

Compensation is generally the most scrutinised component of resettlement and critical in terms of the costs implications for the GoSTP. Thus the methodologies and outcomes in terms of the valuation procedures should transparent and negotiated by the RWG. This section provides a framework for detailed valuation procedures to be developed in the RAP and in consultation with the RWG.

8.1 General Approach

The valuation of assets that may be lost during resettlement will be a sensitive issue and it should be done with care and rigor. This is of particular relevance in cases where compensation may include multiple options including replacement (land and structures for land and structures) or monetary compensation. The general approach to the valuation procedures is summarised below:

- 1. Identify Eligibility under National Guidelines:** All relevant legislation, policy and valuations guidelines defined by the Government of Sao Tomé and Principe will need to be identified. This will form the basis for the identification of eligibility to compensation and valuation methodology.
- 2. Asset Survey:** The asset survey will determine the assets owned by affected individuals, households or communities. This survey will provide the baseline information needed in order to determine the compensation package provided to each person.
- 3. Valuation Methodology:** The valuation process will involve the assessment of national guidelines, international best practice and negotiation of compensation rates via the RWG. The outcomes of this process should be a set of practical and measurable values/rates for each asset category.
- 4. Value and Types of Compensation:** Set values/rates should be ratified by the RWG and the relevant authority prior to the any compensation.
- 5. Entitlement Contracts:** Contracts will be produced for affected individuals that will contain a summary of all their assets, adopted compensation rates or options and final valuations.

8.2 Valuation Guidelines for Asset Categories

The following sections provide generic valuation guidelines for different assets that could be relevant to this project. These valuations should only act as a guide and will need revision prior to adoption.

8.2.1 Homestead Structures and other Fixed Property

It is not envisaged that any homestead structures will be impacted. Nevertheless, should this prove to be the case in the valuation of homestead structures and other fixed property, the following steps may be followed:

- ❑ Undertake a detailed asset inventory of all persons, possessions, and assets found at individual households.
- ❑ Determine values or compensation options for dwelling structures and other fixed property. Options may include rebuild and/or cash payment and the final choice should rest with the household.
- ❑ Determine compensation package for each affected individual according to valuations and preferred options. This package should be signed by the affected individual and a community representative.
- ❑ Where there is dispute within the household such dispute will be referred to a grievances and disputes committee.

The valuation of physical structures should be based on the following general criteria:

- ❑ Survey of physical structures (size, building materials etc.) and all its related structures and support services.
- ❑ Determine average replacement costs of different types of structures based on information on the cost, quantity, and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.).
- ❑ Costs for transportation and delivery of these items to acquired/replacement land or building site.
- ❑ Estimates of construction of new buildings including labour required.

In terms of compensation for physical structures lost due to resettlement two major options are described below.

❑ Option 1: Rebuild lost structures

Under this option, compensation will be paid by replacing lost structures (irrespective of the title or lack of title that pertains to the affected household) with structures of similar or better quality.

It is possible to either re-build all primary dwellings and any additional outbuildings, latrines, fences and other impacted structures or to only replace the main dwelling structure of the household with cash compensation provided only for smaller auxiliary structures.

For the latter option, replacement structures will be rebuilt on the acquired replacement land. The main dwelling structure will be defined in the socio-economic baseline survey. All resettled households will therefore be given one concrete block house. The block house should have a floor area equivalent to the existing main residential structure. Replacement housing should be of an equivalent or better standard than that currently occupied by the resettlers.

Specifically: all existing housing should be surveyed to determine their 'floor area' and number of rooms. 'Floor area' should be defined as the built area of floors under roof, measured in meters squared (m²), and used as primary dwellings in which people reside. Floor area should not include eaves, toilets, external showers, external washing areas, temporary structures, storage structures, animal pens and spiritual houses. The main

dwelling housing should be provided with at least an equivalent floor area and with, as far as GoSTP deems practical, the same number of rooms.

Non-residential moveable structures include sheds and verandas of various kinds. These structures are usually almost entirely moveable, and as long as the owner will be able to salvage the materials, the loss will be very limited. A cash compensation at full replacement value is recommended and is mainly intended to cover the labour needed to dismantle and re-establish the structure elsewhere.

Non-residential immovable structures include latrines, kitchens and other dwelling structures. The compensation at full replacement value plus 15 percent is recommended. This is mainly intended to cover the labour needed to build the structure at the new site.

Non-residential structures that would not fall in one of the above categories will be valued and compensated on a case-by-case basis.

The GoSTP will, through a formal contractor (or with local builders supervised by an accredited individual), undertake to rebuild peoples' main structures. The main advantage of this option is that the GoSTP has control over the building process and can ensure quality, and thereby guarantee the structure.

In terms of the replacement of other household structures it is recommended that the household be responsible for the replacement of all other structures, the GoSTP pay cash compensation at replacement cost plus 15% and the household be entitled to salvage all movable materials and this will not be deducted from the compensation calculation

After the established date for compensation and relocation of all homesteads or assets the household will need to sign a document accepting they have no further claims or rights in relation to the previous homestead/asset or land resources.

After taking occupation, the resettlers will be visited by a GoSTP representative to compile a list of building defects, if any. The GoSTP will guarantee the structure of the primary concrete dwelling for 5 years. This guarantee covers the structural integrity of the house, base, walls, toilet building and roof. It does not include doors, windows, guttering etc.

□ Option 2: Cash payment

Under this option, compensation will be paid out in cash for the replacement cost of the structure. Where households chose the cash option they should be counselled as to the consequences and sign a waiver indicating that all adult members of the household are in agreement that the cash option is preferred. This is not the preferred option and homesteads should be counselled against pursuing this option.

8.2.2 Land

Land is a critical asset among poor households and thus compensation for the loss of land is generally complex. First and foremost, the land ownership and security of tenure of people living on the land must be clarified.

Privately owned land belongs to one individual with an extended family. Preliminary sell/purchase documents must be signed by the land owners in question with the GoSTP.

These documents should also indicate that the land owner will provide the land without occupation by any illegal tenants. In the event that any are resident, the GoSTP will have to compensate for any structures that have been constructed or bought by the illegal tenants.

The valuation guidelines for land are thus as follows:

- ❑ Acquire names and contact details of all persons with title deeds and/or usufruct use of land that may be affected by the resettlement.
- ❑ Classify land in question as either private or municipal land and determine transfer, legal restrictions (i.e. legal limits in terms of sales etc.).
- ❑ Acquire name and contact details of tenants on private land and squatters on municipal land. Additional types of ownership or occupation should be noted at this stage.

8.2.3 Crops and Trees

The valuation of crops, trees and other natural resources is an important step and is generally costly.

For trees the compensation rates will be based on information obtained through comparing market rates with government rates. The higher rate will be paid.

Standing crops that are acquired should be assessed according to government rates/market rates for the different crops. Again the higher of the two should be paid. The crop owner/ farmer will be paid the rate by the number of crops acquired or the area covered. If the farmer does not own the land, the crops compensation should still be paid to the farmer while any land compensation goes to the owner of the land. It should be noted that international practice usually allows any standing crop to be harvested even if the family may have physically moved to their new location.

8.2.4 Graves and Sacred Sites

Sacred sites include such sites or places/features that are important for customary practice, tradition and culture, and thus considered sacred. Sacred sites include but are not restricted to: altars, initiation centres, ritual sites, tombs, graves and cemeteries. No graves or sacred sites are anticipated to be impacted upon. However guidelines to be followed are as follows:

Generally the presence of graves and sacred sites is more pronounced in rural areas, however this cannot be discounted in urban areas. The socio-economic census and asset register will need to note any graves or sacred sites. The outcomes of these surveys will confirm the need for further steps in terms of valuations.

Should graves be found and, as a general principle, the exhumation and re-burial of individual graves within the Project Area will only commence following the resettlement of associated families. When this occurs the GoSTP should:

- ❑ Continue to actively identify all existing graves within the project area.
- ❑ Complete exhumation and re-burial arrangements with local entities.
- ❑ In consultation with the local authorities, identify land for the purposes of preparing such land as a formal re-burial will take place within the designated cemeteries or where the homestead so chooses.

- Negotiate the timing and arrangements for the relocation and re-burial of the deceased with the affected family and record the outcomes of this negotiation.
- Meet the following costs:
 - Exhumation, transport and re-burial (re-interment) of the deceased.
 - Provision of a cloth-lined coffin. An approved supplier will provide the coffin.
 - Provision of a flat rate per grave to satisfy any customary cost.
 - All works associated with the burial.
 - A replacement tombstone where such exists on the site exhumed.

The family will organize ceremonial process in accordance with its religious beliefs and/or custom and uses.

The GoSTP will inform the communities, and all other relevant authorities, when the resettlement and grave relocation process is to be undertaken.

8.2.5 Community Infrastructure

No community infrastructure was identified that may be impacted. Nevertheless guidelines are provided for the unlikely eventuality that they are impacted. Community infrastructure and resources will need to be replaced as part of the resettlement process. The valuation of community structure and resources will require additional consultation with community leaders, committees or individuals that have responsibility over any community structures or natural resources.

The resettlement process would need to commit to the replacement of any community infrastructure in such a manner that maintains existing community services.

8.2.6 Businesses and Enterprises

In the case where the project may affect commercial structures, the GoSTP will need to compensate the affected business or enterprise for the cost of re-establishing the commercial business at a new location. The valuation would need to consider the following guidelines:

- The socio-economic study will be required to determine and survey all commercial businesses and describe function, intensity of use, locational importance and its source of customers.
- Valuation should be based on the cost of re-establishing the commercial activity at a new location. This may include costs for:
 - Lost net income and where business profits may be affected, compensation will be paid according to audited results of the enterprises monthly income. Similarly lost wages will be determined through enterprise audit.
 - Acquisition of new land.
 - Material and construction costs of replacement structures.
 - Costs of transfer.

The replacement of commercial businesses should be undertaken in consultation with the business owner.

9. DELIVERY OF COMPENSATION

It is envisaged that the Government of Sao Tomé and Príncipe will be responsible for delivering the compensation. Depending on the nature of the compensation required, cash for crops, livelihood restoration or rebuilding of structures, it is envisaged that different GoSTP Directorates will be tasked to provide assistance.

All compensation should be paid prior to resettlement being affected. Compensation should only be in cash where exceptional circumstances dictate.

10. IMPLEMENTATION PROCESS

Once it is agreed that the project will proceed on a site that will require resettlement or compensation of some form, the safeguard policy on involuntary resettlement will be triggered.

A generic implementation process is described below.

10.1 GoSTP

The GoSTP will provide the financial resources necessary for the resettlement and compensation process and will provide additional managerial and technical expertise. The role of the GoSTP may be broken down into two distinct phases: pre-implementation and implementation. This is conceptual and will be further refined during the resettlement planning phase.

The GoSTP and the Companhia Santomense de Telecomunicações (CST) will be forming a Special Purpose Vehicle (SPV) (i.e. a Company) that will manage the cable and through which some of the day to day work will be undertaken. This SPV is in the process of being formed.

The responsibility for ensuring compliance will be undertaken by the Project Manager from Agência Fiduciária e de Administração de Projectos (AFAP) which falls within the Ministry of Finance and International Cooperation. The AFAP will hire a technical advisor who will be housed within the Ministry of Public Works and Natural Resources.

10.1.1 Pre-Implementation Role

During pre-implementation, the GoSTP will:

- ❑ Draw up Terms of Reference and contract all major planning services needed to effect resettlement, including appointment of a resettlement team, preparation of the Resettlement Action Plan and census of PAPs and assets.
- ❑ Project manage and financially support the development of the land-use plan for any host resettlement areas.
- ❑ Present, discuss and obtain approval for any developed land-use plans.
- ❑ Attend consultative meetings, and provide administrative support and ad hoc managerial and technical support as required.

10.1.2 Implementation Role

In the implementation phase, the GoSTP will finance implementation of the RAPs. This will be done via the establishment of a dedicated resettlement team that will have as its primary responsibilities the following³:

- ❑ Drawing up offer documents for each individual household affected.
- ❑ Discussing terms and conditions of resettlement with each household.
- ❑ Managing compensation and resettlement payments.
- ❑ Ensuring that the principles of the RAPs are respected.
- ❑ Providing technical and managerial input to the implementation of the RAPs.
- ❑ Establishing a socio-economic monitoring programme for the affected households.
- ❑ Identifying households that are “failing” as a result of the resettlement impacts of the project and, together with the relevant local authorities, defining and implementing appropriate corrective action.
- ❑ Attending consultative fora meetings and providing support and input as and when required.
- ❑ Addressing compensation and resettlement grievances.
- ❑ Establishing and managing a local employment committee to ensure the maximisation of employment opportunities for the local community and particularly for those households directly affected.
- ❑ Defining and implementing community development and monitoring programmes to ensure that affected households are not worse off in the post-implementation phase. The monitoring programme will be undertaken with the assistance of a team of fieldworkers recruited from the community and data collected for the RAPs will form the baseline for the post implementation monitoring.

Ensuring compliance with the resettlement and social commitments contained in the RAP will be the responsibility of the GoSTP’s Project Manager.

10.2 Timeframes

It is important that civil works on the site only commence after any compensation or resettlement activities have taken place. Due to the tight timeframes it is recommended that the resettlement implementation process commence as soon as a decision is made that triggers the requirement for resettlement.

A detailed programme of activities will need to be prepared between the resettlement team, the GoSTP and the civil works contractor with input from the PAPs in order to ensure that resettlement does not delay the civil works. The RAP should include a preliminary programme that will be updated as required during implementation.

11. GRIEVANCE REDRESS MECHANISMS

Even when the project can ultimately claim successful resettlement, there may still be individuals and groups who feel that they have been treated inadequately or unfairly. Providing credible and accessible means for PAPs to pursue grievances allows the project to address

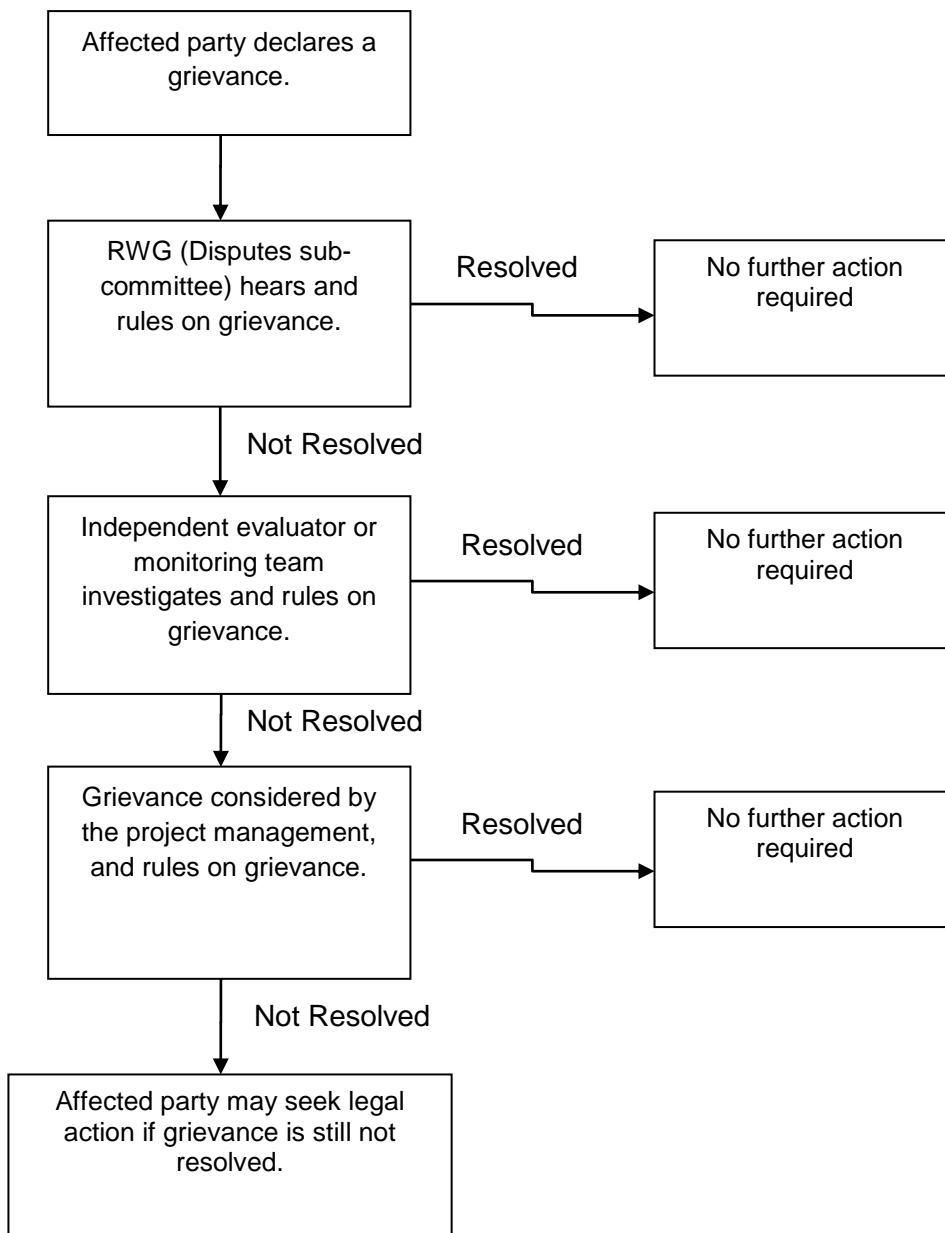
³ This is a typical summary that will need to be reviewed during the RAP planning phase.

genuine issues in a timely manner and decreases the chances of resistance to the project from disgruntled PAPs.

Grievances relating to any aspect of the project must be dealt with through negotiations aimed at reaching consensus between the project and the affected parties. A procedure for the submission of grievances and how they will be dealt with should be put in place. This process is described below and illustrated in Figure 1.

Individuals or groups that wish to lodge a complaint or grievance, hereafter referred to as the affected party, will be allowed to lodge their complaint with the Resettlement Working Group (RWG), or a sub-committee formed for the specific task of addressing grievances. The RWG will have a set time (possibly 15 days) to act, after receipt of the grievance. If the grievance cannot be adequately addressed by the RWG, the grievance will be passed over to an independent evaluator or monitoring team. The evaluator or monitoring team will have a further set period to address the grievance. If a solution still cannot be found the grievance is passed directly to the management of the development project to be addressed. In the event that the affected party that lodged the complaint still feels that their grievances have not been addressed, as a last resort, they have the right to approach a court of law.

Figure 3: Outline of the proposed grievance mechanism



12. FUNDING

The funding for resettlement and compensation will be borne by the Government of STP and should be funded through the projects financial processing arrangements.

The estimated lump sum costs likely for the two sites as proposed are as follows:

Table 2 Site 1: Sao Gabriel

Item/Task	Estimated Cost (USD)
Preparation of the SIA/RAP (including fees and disbursements)	\$ 30 000
Compensation for lost assets or crops	\$ 4 000
Provision for livelihoods replacement training	\$ 15 000
Monitoring of the RAP	\$ 2 000
Final Audit	\$ 8 000
TOTAL	\$ 59 000

Table 3 Site 2: Sao Marçal

Item/Task	Estimated Cost (USD)
Preparation of the RAP (including fees and disbursements)	\$ 20 000
Compensation for lost assets or crops	\$ 1 000
Provision for livelihoods replacement training	\$ 1 000
Monitoring of the RAP	\$ 2 000
Final Audit	\$ 8 000
TOTAL	\$ 32 000

These costs are general estimates based on typical provisions allowed for on other resettlement projects of this size and likely costs identified during the field work in STP. However, the costs for Site 2 may be considerably less if a RAP does not need to be prepared but alternative land can be sourced for the two affected individuals with only a small component of further monitoring required.

None of these costs have included provision for the exhumation of graves, resettlement and rebuilding of homesteads, community services or the purchase of new land. These are not deemed necessary, but if confirmed during more detailed site investigations, will need to be included.

It is assumed the post resettlement monitoring will be undertaken by a representative from the GoSTP whilst the final audit will be undertaken by an independent practitioner.

The rationale for these estimates is provided in Appendix 3.

13. CONSULTATION

Consultation and participation can be defined as having two aspects. The first is the timely dissemination of information regarding the project and its resettlement component. In this definition, consultation is a one way movement of information from the project, its sponsors and staff to the public. The second aspect is the two-way free flow exchange of information that gives stakeholders a chance to air their concerns and have a voice in the actual planning of the resettlement. It is the second aspect which is the most important in resettlement planning and implementation.

Participation and consultation with the affected community and authorities is vital to the success of the resettlement and compensation programme. WB OP 4.12 specifically states, as a policy objective, that “displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs”.

Consultation and participation of the public allows the project management to design resettlement such that it is able to benefit affected peoples. Effective consultation can also assist in reducing the costs of implementing the RAP by avoiding implementation that is contrary to the needs of PAPs and which does not breed antagonism towards the project. Consultation is an ongoing aspect of the resettlement process that takes place through every stage of resettlement planning and implementation and thereafter once the development project has started.

The consultations undertaken for the preparation of this RPF (and the EMSF) are contained in Appendix 2.

Importantly, during the further social investigations and particularly once the decision has been taken to implement the project on a proposed site, PAPs should be involved and consulted in a meaningful manner.

This should be achieved by arranging an initial public meeting through widespread invitation to potential PAP's. This meeting will be for the purpose of initiating the discussions around resettlement and the impact of the project.

This initial public meeting should be advertised with notices placed in the areas of highest impact, e.g. the communities directly affected by the resettlement. Relevant GoSTP Directorates should be informed of the public meeting and given invitations to attend. Notice for the first public meeting should be given at least a week in advance.

The first public meeting is a useful forum to introduce and explain the need for the census/socio-economic survey. During this meeting a representative group from the PAPs should also be identified in order to provide a contact and point of entry for dealing with the PAPs. These representatives will form part of the Resettlement Working Group.

Once the RAP has been drafted it should be made publicly available to anyone who wishes to see the document. A further public meeting describing the RAP and its implementation is recommended. At this meeting a pamphlet explaining the RAP should be made available.

The grievance procedures must be made clear at these meetings and in the documents provided.

13.1 Resettlement Working Group

As a matter of importance, a Resettlement Working Group should be constituted as a primary means of consultation with the affected community. It is through the RWG that genuine participation can take place with the community having representatives who will take an active role in the planning and implementation of the RAP.

The RWG is not a statutory body but can be composed as follows:

- ❑ Representatives of the PAPs.
- ❑ A representative of the project developer (GoSTP).
- ❑ Representatives from relevant government directorates.

The principle members of the RWG are the representatives of the affected communities. As such the RWG cannot operate without effective elected representation of the affected people.

It is important that the RWG is representative of vulnerable groups such as women, the aged, or other marginalized peoples, as often the concerns of vulnerable groups are overridden. It is important for the success of the resettlement programme, as well as the reputation of the project that vulnerable groups are taken into account in the planning of resettlement as they are the most likely to suffer as a result of resettlement.

The RWG meets as often as is deemed necessary, following standard accepted practices, and makes relevant documentation available to the GoSTP. The RWG will also make such records, as well as minutes of meetings, available to the independent monitoring team.

The RWG will initially act as the primary advisory body in all matters relating to resettlement. It should be constituted in such a manner as to be regarded as the primary representative voice of those affected by resettlement and should be recognized by all stakeholders as such. Under the overall authority of its chairperson (elected by the group itself), the RWG should have the following functions:

- ❑ To act as the primary channel of communication between the various interest groups/organisations involved in the resettlement process. In particular, it will serve to facilitate communication between the client and the affected populace.
- ❑ To act as a focus group forum in which the GoSTP can consult on various resettlement aspects.
- ❑ To debate the Entitlement Framework that is generated for the RAP and makes recommendation as to how it is best structured to ensure equity to all parties involved in the resettlement process.
- ❑ To serve as the court of first appeal to solve any grievances that arise relating to the resettlement process. If it is unable to resolve any such problems, it is to channel them through the appropriate grievance procedures.
- ❑ To assume primary responsibility for assisting the GoSTP in overseeing the resettlement processes in all its phases.

14. MONITORING

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required as part of the resettlement process. Such a plan would include monitoring criteria, milestones and the resources needed to carry out the monitoring. Monitoring primarily involves the systematic use of information to determine the extent to which plans are being implemented effectively.

The project is responsible for providing the necessary funds required for the monitoring programme. Monitoring and supervision of resettlement are critical to its success.

The monitoring plan should be undertaken at two different levels as follows.

14.1 Internal Monitoring

Internal monitoring, sometimes called performance monitoring, is an internal management function allowing the project management (or agency elected to implement the RAP) to measure progress against milestones set out in the RAP.

Internal monitoring should be conducted by a suitably qualified person/s within the project. In a similar manner the affected community should be responsible in part for their own monitoring through the RWG. Quarterly progress reports should be written by the internal evaluators to monitor progress made toward mitigating adverse social impacts. Internal monitoring will:

- ❑ Ensure that due process has been followed in the notification of stakeholders with adequate public meetings being held.
- ❑ Verify that there are no outstanding or unresolved land acquisition issues regarding the Project or any of its subprojects, that the census of all PAPs has been carried out, that the RAP and socio-economic survey has been prepared, and that property valuation and resettlement has been carried out in accordance with the provisions of the RPF.
- ❑ Maintain records of any grievances that require resolution.
- ❑ Oversee that all resettlement measures are implemented as approved by the project management and the RWG.
- ❑ Verify that funds for implementing resettlement activities are provided in a timely manner, are sufficient for their purposes, and are spent in accordance with the provisions of the RPF.
- ❑ Document timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage, while updating the database with respect to any such changes.
- ❑ Ensure that monitoring and evaluation reports are submitted.

14.2 Independent Monitoring

Due to the small size of the resettlement it is proposed that External Independent Monitoring, which takes the form of effects and impact monitoring, should be conducted once, at the end of the compensation and resettlement process, by an independent consultancy, academic research institution or an NGO. This will also function as the project completion audit.

Funds for external monitoring should be provided for under the project's initial budget. The external monitoring will evaluate socio-economic conditions of the PAPs against the baseline data established prior to the resettlement through baseline socio-economic surveys so as to correct any pending issues that place PAPs at greater risk of impoverishment due to project operations.

In particular the external monitoring will:

- Ensure that replacement housing for those who have had to move is of an adequate replacement standard.
- Ensure households who have lost crops and other forms of livelihood production have received fair compensation.
- Ensure that where land has been acquired by the project that the households affected have been afforded suitable replacement land.
- That there has been genuine consultation and participation with affected communities.
- That grievance procedures have been followed.
- That PAPs have not been left worse-off (financially and socially) than prior to resettlement.

In addition to quantitative indicators of the performance of the RAP, qualitative indicators should be assessed to ascertain the relative satisfaction of the affected peoples. This should be done through direct consultation by the evaluators with the affected community through focus group discussions with the RWG or similar forums representative of PAPs established by the project management for this task.

Both internal and external monitoring reports should be used to assess whether any changes should be made to the RAP in its implementation. This should be done in consultations between the project management and the RWG. Monitoring reports are a valuable tool in identifying problems in the implementation of the resettlement project and should be used as such. The RWG and project should meet after each monitoring exercise to consult over findings of the monitoring evaluation and whether steps should be taken to rectify issues that have been highlighted by the monitoring reports.

15. REFERENCES

Cernea, M. 1997. *Impoverishment Risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement*. Paper presented at the UN Symposium on Hydropower and Sustainable Development.

APPENDIX 1: TYPICAL RAP TABLE OF CONTENTS

Table of Contents for RAP

The resettlement planning process will culminate in a RAP document that will encompass the following:

Introduction – Project Background

- Brief introduction about the project.
- List of project components.
- Description of project components causing land acquisition and resettlement. Overall estimates of land acquisition and resettlement.

Minimising Resettlement

- Describe efforts made for minimising resettlement.
- Describe the result of these efforts.

Census and Socio-Economic Surveys

- Identify all categories of impacts (loss of property and assets, loss of livelihood, impacts on groups and communities).
- Give formats and tables for census surveys.
- Provide outlines for socio-economic survey.
Summarise process for consultations on the results of the census surveys.
- Describe need and mechanism to conduct updates, if necessary.

Resettlement Policy and Legal Framework

- Identify areas of conflict between local laws and World Bank/IFC policies, and project-specific mechanisms to address conflicts.
- Provide a definition of project affected persons.
- Describe entitlement categories for each category of impact.
- Describe method of evaluation used for affected structures, land, trees and other assets.
- Provide entitlement matrix.

Resettlement Sites

- Does the project need community relocation? Have these been approved by the affected people?
- Give layouts and designs of residential sites.
- Have the affected people agreed to the strategy for housing replacement? Have the selected sites been explicitly approved by the affected people describe the specific process of showing the sites to the affected people and obtaining their opinion on them.
- Describe the technical and feasibility studies conducted to determine the suitability of the proposed sites.
- Give calculations relating to site requirements and availability.
- Describe mechanisms for (i) procuring, (ii) developing and (iii) allotting resettlement sites.

Institutional Arrangements

- Identify and discuss the institutions responsible for delivery of each item/activity in the entitlement policy.
- Describe the project resettlement unit – functions and organisational structure of the unit and coordination relationship.
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions.
- Identify who will co-ordinate all agencies-with the necessary mandate.
- State when the project resettlement unit will be staffed.
- Describe plans for training and development of staff in the resettlement to unit/local agencies.
- Discuss initiatives taken to improve the long term capacity or resettlement institutions.

Income Restoration

- Briefly spell out the main restoration strategies for each category of impacts, and describe the institutional, financial and technical aspects.
- Describe the process of consultation with project affected persons to finalise strategies for income restoration.
- How do these strategies vary with the area/locality of impact?
- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Does income restoration require change in livelihoods, development of alternative resources, etc., or involve some other activities, which require a substantial amount of time for preparation and implementation?
- How does the action plan propose to address impoverishment risks?
- Are choices and options built into the entitlements? If so, what is the mechanism for risk and benefit analysis of each option? What is the process of ensuring that affected people have knowledge about alternatives and can make informed decisions? Is there a mechanism to encourage vulnerable groups among affected people to choose lower risk options such as support in kind rather than cash?
- What are the main institutional and other risks for the smooth implementation of the resettlement programmes?

Implementation Schedule

- List and briefly describe the chronological steps in implementation of the resettlement, including identification of agencies responsible for each step of the programme.
- Prepare a month-wise implementation schedule of activities to be undertaken as part of the resettlement implementation (Gantt chart).
- Describe the linkages between resettlement implementation and initiation of civil works for each of the project components.

Costs and Budget

- Clear statement of financial responsibility and authority.
- Ensure that the cost of resettlement is included in the overall project costs.
- Identify components, if any, to be funded by donors such as the World Bank, JICA, NORAD, DANNIDA, etc.
- Resettlement costs should be a part of annual involvement plans.
- List the sources of funds and describe the flow of funds.
- Describe the specific mechanisms to adjust cost estimates by the inflation factor.
- Describe provisions to account for physical and price contingencies.

Participation and Consultation

- Describe the process of consultation/participation in resettlement preparation and planning.
- Describe the various stakeholders.
- Describe the plan for disseminating information to project affected persons (affected people), such as provisions for a booklet to inform affected people and other stakeholders.
- Describe examples of outcomes of participation and consultation, such as how local beneficiaries' views have influenced the design process, entitlements and support mechanisms, or other issues.
- Have workshops been conducted, or are they planned? Who are the participants, and what are the expected outcomes?

Grievance Redress

- Describe the step-by-step process for registering and addressing grievances.
- Provide specific details regarding registering complaints, response time, communication modes, etc.
- Describe the mechanism for appeal.
- Describe the provisions to approach civil courts in case other provisions fail.

Monitoring and Evaluation

- Describe the internal monitoring process.
- Define key monitoring indicators. Provide a list of monitoring indicators, which would be used for internal monitoring.
- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Describe financial arrangements for external monitoring and evaluation, including process for awarding and maintenance of contracts for the duration of resettlement.
- Describe methodology for external monitoring.
- Define key indicators for external monitoring, focusing on outputs and impacts.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.

APPENDIX 2: PUBLIC CONSULTATIONS UNDERTAKEN DURING THIS ASSIGNMENT

Stakeholder participation is an important component of environmental and social impact assessment. During the field work and preparation of this report, apart from members of the project team and Client, the following stakeholders were consulted.

Name	Role	Organisation
Mr G Carvalho	President	Marapa ONG
Mr JP Lima	Executive Secretary	Marapa ONG
Mr E Paquete	Secretary to Minister	Ministry of Public Works and Natural Resources
Mr J de Oliviera	Director of Legal Regulations and Analysis of Environmental Impact Studies	Directorate of Environment
Mr E Pereira	Technician	European Union Decentralised Food Security Programme
Mr JL Testori	Owner	Maxcel Scuba-diving club
Mr Alavo	Director	Directorate of Fisheries
Mr H Quaresma	Director	Directorate of Geographical Services and Land Ownership
Ms M do ceu Silveira	Director	Ministry of Public Works and Urbanisation
Mr E Aguiar	Architect	Ministry of Public Works and Urbanisation
Mr D Costa	Civil Engineer	Ministry of Public Works and Urbanisation
Mr F Rita	President	ENAPORT
Mr A Olivera	Board member	ENAPORT
Mr J dos Santos		Terminal Link STP
Mr O Tretout		Terminal Link France
Mr J Demenezes	Chief of Department	Directorate of Planning and Cooperation
Mr H de Sousa	Deputy Commander	Coast Guard
Mr P Graca	Subsistence farmer	At Sao Gabriel cable station site
Mr Lopez	Subsistence farmer	At Sao Gabriel cable station site
Mr A Fernades		At Sao Gabriel garden site
Ms J Shinta	Small restaurant owner	At the boundary of the Sao Gabriel cable station site
Ms H Lopez	Subsistence farmer	At Sao Marça; cable station site

APPENDIX 3: FUNDING ASSUMPTIONS AND CALCULATIONS

The rationale for the estimates provided in Section 12 is as follows

- ❑ From the findings thus far there will be no private land or fixed assets for which compensation will need to be paid and so no estimates for these assets is provided.
- ❑ Assets such as pumps or temporary sheds on the site are removable and can be removed by the owners.
- ❑ Compensation estimate for the loss of standing crops was based on a general estimate of \$ 8 000/per hectare for vegetables which is a typical cost based from other RAP situations in Africa. The estimate provided for Sao Gabriel reflects this value, the estimate for Sao Marçal has been reduced due to the vastly poorer soil and growing conditions and smaller quantity of crops identified.
- ❑ It is unlikely for the Sao Gabriel site that alternative land, of the same quality and quantity, could be identified in a suitable location. Thus, the provision for livelihood restoration includes a provision for training. This is a general provision based on local training estimates of a skills training/course at between \$70-\$80 per day. The provision for Sao Gabriel is higher as there will be more people affected whilst for the two PAPs at Sao Marçal it may be possible to identify an area of land smaller but of better quality or some employment opportunity that reduces the need for replacement training.
- ❑ The provision for the monitoring of the RAP is based on the assumption that AFAP will undertake the monitoring and that this cost, if required, will cover general running costs and administration.
- ❑ The provision for the Final Audit is based on a general estimate of a single trip to STP requiring 5 days of professional time and approximately \$ 4 200 in reimbursable costs.
- ❑ The provision for the SIA and RAP are estimate based on approximately 30 days of professional time (Social/RAP specialist, local assistant, document translation) and a single trip to STP of approximately \$ 4 200 in reimbursable costs. The Sao Marçal provision has been reduced slightly due to the slightly less professional time and document translation costs envisaged.