

**SWAZILAND RAIL LINK PROJECT
RESETTLEMENT ACTION PLAN –
FINAL REPORT – SWAZILAND
COMPONENT
SWAZILAND RAILWAY**

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Executive summary

Transnet SOC Limited (hereafter referred to as Transnet) is a government (state) owned Company (SOC) and is the custodian of South Africa's railway, ports and pipelines, thereby responsible for delivering reliable freight transport and handling services that satisfy customer demand.

Transnet in collaboration with Swaziland Railway identified the construction and upgrade of the railway line from Nerston border and traveling through Sidvokodvo to Phuzumoya, and passing through to the Golela border, comprising an entirely new alignment with a length of approximately 141 km. The aim of the project is to unlock the potential of a multinational strategic rail corridor. The project holds significant advantages in creating an opportunity of promoting regional integration and growth of general freight. The benefits of creating the Swaziland railway link include, amongst others, freeing up capacity on the existing Ermelo-Richards Bay coal line.

The project activities will consist of various works, including the upgrading of existing railway sections (including re-building certain sections), construction of an entirely new rail link from Lothair in South Africa to Sidvokodvo in Swaziland and construction of new rail yards. The Swaziland portion of this proposed railway line commences at the Nerston border, travels through Sidvokodvo to Phuzumoya, to the Golela border and is approximately 141 km long, comprising an entirely new alignment. Also, this route alternative creates the design base for the later establishment of a railway service to Ka Dake. It creates the possibility to reinstate and upgrade the Ka Dake to Matsapha to Sidvokodvo sections respectively, as a self-contained spur line, if and when commercial imperatives render this necessary.

The Proposed Route

Existing Routes

Davel – Lothair

Davel provides an outstanding network connection point, after the provision of connection links. It functions as a traction change yard and diverts traffic from the Cola Line 45km from Ermelo. Reinstatement of the section between Estancia and Breyten as well as doubling of the line from that point to Buhrmanskop to accommodate existing traffic will be required. All sections will require upgrading in the form of track and formation rehabilitation, easing the curves and gradients as well as realignments or deviations outside of the rail reserve to achieve the objective.

Swaziland links: Sidvokodvo – Phuzumoya – Lavumisa – Mpaka – Siweni

Sections of the East West line will require upgrading and re-railing, as well as easing of curves and gradients to achieve the design criteria established for the passage of 100 wagon

trains. The Mpaka Lavumisa – Phuzumoya sections of the proposed link falling within the North South Swaziland line will generally require upgrading of the formation due to poor geology in certain sections.

Golela - Nsezi

This section carries the heaviest combined new and existing traffic within the ambit of the project. To accommodate increased capacity, apart from the extension of existing and creation of new loops, approximately seven deviations and partial doubling or realignment outside the existing reserve will be required.

Lothair – Sidvokodvo

The new alignment extends from Lothair, South Africa, in the south easterly direction to Sidvokodvo, Swaziland where it joins the existing Matsapha – Phuzumoya line. The line passes through a variety of land uses including commercial and subsistence agricultural, rural settlements, open space areas including areas of biodiversity importance, wetland and watercourses. Between 7 and 10 km of bridges (for water crossings and viaducts) and between 2 and 3 km of tunnels will be required to be constructed for this proposed alignment

The proposed Swaziland Rail Link Project will involve the establishment of a permanent servitude along the length of the new railway line, as well as for certain items of ancillary infrastructure. Certain land use restrictions will be permanently in force within this servitude. In addition, construction activities will necessitate a temporary disruption of all current land uses in a corridor to either side of the permanent servitude – the so-called “temporary servitude.”

Households and communities residing or owning assets in either of these reserves (or in the areas earmarked for surface infrastructure) will therefore experience physical and/or economic displacement as a result of the project. In addition, construction activities may cause a temporary disruption in access and communities’ daily movement patterns from one side of the pipeline route to the other.

In order to address such impacts, it was necessary to compile a Resettlement Action Plan (RAP) that conforms to the requirements of the International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement (PS 5) as well as World Bank Operation Policy OP 4.12. As a component of the RAP, a Resettlement Policy Framework (RPF) has been prepared and sets out the general principles according to which resettlement planning and implementation for the proposed project will be undertaken. The items below form part of the RPF and RAP in general and are discussed in detail in this document.

Socio-economic survey of project impacts and affected populations

When a Resettlement Action Plan (RAP) is undertaken, the first important attention is given to identifying the project’s adverse impacts and the populations that will be affected. This will be more than just simple cadastral surveys or inventories of affected assets. The ultimate goal of a RAP is to enable those displaced by a project to improve their standard of living—a

goal that requires an examination of social, environmental, and economic conditions beyond simple physical inventories.

Through RAP all people affected by the project and all adverse impacts on their livelihoods associated with the project's land acquisition are identified. Typical effects may include breakup of communities and social support networks; loss of dwellings, farm buildings, and other structures (wells, boreholes, irrigation works, and fencing), agricultural land, trees, and standing crops; impeded or lost access to community resources such as water sources, pasture, forest and woodland, medicinal plants, game animals, or fisheries; loss of business; loss of access to public infrastructure or services; and reduced income resulting from these losses. The sections below discuss the regional profile as well as the social and economic conditions of the communities along the proposed railway line.

During this process 74 households in the new link section and 44 households in the upgrade section were surveyed as part of SIA. In total, 118 households were surveyed. The table below shows the Percentage of surveyed households in various Sigodzi / communities.

Table 1: Percentage of surveyed households in various Sigodzi / Communities

New link Sigodzi/ community	Percentage of households	Upgrade section Sigodzi/ community	Percentage of households
Egebeni	6%	Emabantaneni 2	9%
Emhlangeni	20%	Emabhudlweni	2.3%
Empini	5%	Kangeaphalale	2.3%
Enhlulweni	3%	Kuvovovo	2.3%
Kandinda	5%	Lanjani	4.6%
Kazondwako	15%	Lavumisa	11.3%
Khalangilile	11%	Lugegedze	13.6%
Mangcongco	8%	Lusutfu	2.3%
Mbangave	1%	Makhoyane	6.8%
Mlindazwe	3%	Mayayeni	2.3%
Ncabaneni	3%	Mbutfu	2.3%
Ngogodla	15%	Mkhweli	2.3%
Nhlabeni	1%	Mndobandoba	6.8%
Ntondozi	4%	Nkilongo,	2.3%
	100%	Nsoko	11.3%
		Phumula Mtcashi	2.3%
		Phuzumoya	4.6%
		Siphofaneni	11.3%
			100%

The socio-economic assessment results indicate that many of the significant socio-economic impacts of the proposed railway line will occur during the *construction phase*.

Positive impacts during this phase will include temporary creation of *employment opportunities* as well as concomitant economic benefits and possible creation of opportunities for black economic empowerment.

Negative impacts include the potential influx of job seekers, outflow of labour, creation of informal settlements, possible social pathologies arising from the influx of construction workers and job seekers, access to certain portions of the farm, increased traffic, damage to roads, involuntary resettlement of households and impacts related to physical intrusion (dust, noise and vibration).

As far as the *operational* phase of the proposed developments is concerned, the most significant *positive* impacts will include the creation of a number of long-term employment opportunities.

The effects of the economic opportunities will be a significant positive during this phase, as well as the *local and regional economic benefits* emanating from the economic opportunities and employment that is created.

It is expected that income will accrue to the area from economic opportunities, with income emerging from the total annual wage bills for all project components. Social investment initiatives and upgrading of infrastructure in the area can also be regarded as significant positive impacts.

The most significant *negative* impacts likely to occur during the operational phase of the proposed developments will include increase of noise levels due to train operation where it was not there before.

Potential socio-economic impacts that may occur during both construction and operation phases are provided in this document.

It is recommended that the mitigation and maximisation measures included in this report be implemented to decrease the effect of negative impacts on communities and maximise the effect of positive impacts on communities.

The main mitigation measures that were proposed included the maximisation of local employment opportunities, engaging the local community in decision making processes, undertaking RAP in an acceptable way and following mitigation measures recommended by other specialists and maximising opportunities for income creation for local people.

It is further recommended that labour should be sourced locally as far as possible during construction and operation of the project. This will minimise the risk of conflict among local residents and newcomers and better relationships for workers housed in temporary housing for construction workers.

The possibility of crime escalating in the project area is not of a concern based on interactions with communities and farmers. To this end, the appropriate Associations and Community Organisations in the area as well as the affected local chiefs and Tinkhundla

should be made aware of the impact that the influx of new people could have on the area. They should also be made aware of the precise location where the construction village will be erected.

Furthermore, “new” people in the area must be urged to refrain from abusing resources and infrastructure of the existing adjacent communities. There should be closer cooperation between the affected Local Authority, local chiefs and Tinkhundla as well as Swaziland Railway in order to ensure that identified negative impacts are dealt with in a coordinated manner. This information should be conveyed to all relevant construction workers and affected communities.

Legal and policy framework

One of the principles of the RPF is that resettlement planning should adhere to national policies and legislation, as well as international best practices. The Ministry of Housing and Urban Development has developed Resettlement Policy and Guidelines to address resettlement and there is also relevant legislation that has some aspects that have a bearing on land acquisition and resettlement in Swaziland and these include:

- The Constitution of The Kingdom of Swaziland 2005
- The National Trust Commission Act 1972
- Human Settlements Authority Act, 1988
- Acquisition of Property Act, 1961
- Conveyance and Burial of Dead Bodies Act, 1970
- Land Survey Act, 1961
- Deeds Registry Act, 1968
- The Definition of Swazi Areas Act, 1917
- Land Speculation Control Act and the Land Speculation Control Regulations, 1972
- The Building and Housing Act, 1988
- National Housing Board Act, 1988
- The Swaziland Posts and Telecommunications Corporations Act 1980
- Ministry of Housing and Urban Development (MHUD) Resettlement Policy & Guidelines 1994
- Gender equity
- The Railway Act 1962
- The Environmental Management Act 2002
- Farm dwellers Act 1982

The legal and policy framework has the following key objectives:

- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities are conceived and executed as sustainable development programmes;
- Displaced and compensated persons are meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.

- Displaced and compensated persons are assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.
- Affected people, refers to people who are directly affected socially and economically by the projects caused by:
 - relocation or loss of shelter;
 - loss of assets or access to assets;
 - loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The legal and policy framework applies to all components under the project, whether or not they are directly funded in whole or in part by the World Bank and Equator Principles Financial Institutions (EPFI). The policy applies to all affected persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those ***below the poverty line***¹; the landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or other affected persons who may not be protected through national land compensation legislation.

The legal and policy framework also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the implementation of project activities causing resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets and infrastructures may take place only once formal agreements between parties have been reached.

Furthermore, where relocation or loss of shelter occurs, the legal and policy framework further requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action. It is particularly important to neutralise, to the extent possible, any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the project activities.

Finally, the legal and policy framework seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is fair and transparent. The main features of both IFC Performance Standard 5

¹ *Below Poverty Line* is an economic benchmark and poverty threshold used by the government to indicate economic disadvantage and to identify individuals and households in need of government assistance and aid. It is determined using various parameters. Internationally, an income of less than \$1.25 per day per head of purchasing power parity is defined as extreme poverty.

World Bank OP 4.12 as well as the relevant Swaziland legislation are discussed in detail in this document.

Inventory of assets and infrastructures

The assets and infrastructure survey undertaken by Lang Mitchell Associates revealed the following:

- There are 410 households that will need to be relocated as a result of the proposed project;
- 36.34% of household members were on a formal wage employment while 16.82% were on informal or short term / casual employment
- Almost 40% of the main structures have cement or concrete block walls and almost 23% are built of mud or clay blocks;
- 80% of the main structures' roofs are built from corrugated iron or tin and 10% of leaves or thatch;
- 134 of the households surveyed used electricity as a source of lighting and 46 as a source of energy for cooking;
- 159 of the respondents used wood as a source of energy for cooking and 187 used it as a source of energy for heating purposes;
- 76 households surveyed use a communal pump, well or protected spring as primary source of water and 51 and 77 use an unprotected spring as primary or secondary water source. 123 of the respondents use a private water resource in their homestead or yard as primary source of water;
- 104 and 103 household members have experience and training in driving skills respectively 28 and 32 have experience in brick-laying and security respectively;
- The 410 households survey have a total of 866 fields of which approximately half is fenced;
- More than 60% of the fields are used for the production of maize;
- Between the 410 surveyed households a wide range of livestock is kept of which chickens account for just more than 3 000 and cattle just over a 1 000;
- A total number of 355 graves have been recorded.

The above summary document and attached data will assist Swaziland Railway to make informed decisions regarding the resettlement of the affected households and relocation of graves. It is our recommendation that there be adequate consultation with the affected households during the lifetime of the project, to minimise grievances and promote good relations.

Compensation framework

The aim of the compensation framework are to list the various ways in which assets may be affected by the project, to define appropriate and equitable means of compensating for the loss of any assets (where such compensation may be either in cash or in kind, depending on

the type and circumstances of the loss), and to identify the legitimate beneficiaries of such compensation.

Asset types included in the compensation framework are:

- Homestead plots;
- Structures (residential and non-residential, individually- and communally-owned);
- Agricultural plots (individually- and communally-owned);
- Fences, gates, and grazing land (individually- and communally-owned);
- Perennial crops (e.g. fruit trees, individually- and communally-owned);
- Communal land without any identified use;
- Graves;
- Access routes; and
- Tenants.

Compensation of assets and infrastructures to be lost to the project should be based on appropriate consultation and engagement with representatives of the affected communities through Resettlement Task Team (RTT) to assess the adequacy and acceptability of the proposed compensation. Such consultation is especially important where market values for assets are not well established (property markets in emerging economies) or intangible (social or cultural values that are not readily monetized).

After acceptable compensation rates are established, they will be applied to the RAP *inventory of losses* for all households and enterprises affected by the project. This database can then be used to budget compensation payments and to track progress in settling compensation claims.

Swaziland Railway should establish a method for delivering compensation (either cash payments or in-kind allocations, as in the case of land-for-land compensation). In most cases, Swaziland Railway will be advised to collaborate with local government authorities in the distribution of compensation payments. Those eligible for compensation should be given advance notice of the date, time, and place of payments via public announcement. Receipts should be signed by all those receiving compensation payments and retained for auditing purposes.

The payment of compensation should be monitored and verified by representatives of the Swaziland Railway as well as representatives of the affected communities, through RTT. It may be appropriate for Swaziland Railway to engage the services of a registered auditing firm to monitor compensation payments.

Resettlement assistance and restoration of livelihood activities

Resettlement assistance and livelihood development, sustenance and restoration programmes are included in resettlement planning when affected households stand to lose a significant portion of their livelihood resources (e.g. subsistence agricultural plots, access to important natural resources, etc.) as a result of land acquisition or resettlement. Such programmes are intended to offset the effects of those losses that *cannot* adequately be

compensated for through monetary payments or replacement of assets – e.g. the disruption of social support networks, reduced access to markets, decreased soil productivity, the time required to reinstate agricultural plots to their former productivity, etc. – so as to ensure that resettled/ compensated households are not worse off after the project than they were before. Livelihood restoration is particularly important where a project affects the livelihoods of *vulnerable households* (i.e. households who, because of their social or economic status, may be more adversely affected than others by a temporary or permanent loss of part of their asset base).

The detailed socio-economic information obtained and discussed in Chapter 1 indicates the vulnerability of affected households. The assessment also points to the low levels of education, low skills, high unemployment among the members of households as well as competing needs. However, wherever possible, Swaziland Railway should avoid or minimize the displacement of people by exploring alternative project designs. Where displacement is unavoidable, Swaziland Railway should plan and execute resettlement as a development initiative that provides displaced persons with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods. IFC recommends that project sponsors undertake the following actions on behalf of all affected people, including members of the host communities in which displaced people will be settled:

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

Swaziland Railway is expected to undertake all land acquisition, provide compensation for lost assets, and initiate resettlement related to a specific project before that project commences. It is recommended that the implementation of resettlement activities be linked to the schedule of disbursements for project financing. In doing so, this will ensure that displacement does not occur before the sponsor has carried out the necessary measures for the resettlement of the affected people. In particular, the acquisition of land and other assets

should not take place until compensation is paid and, where applicable, resettlement sites and moving allowances are provided to displaced persons.

The Rap Implementation Team in conjunction with RTT must design appropriate targeted resettlement assistance measures to ensure that the vulnerable groups are catered for during resettlement process. There are a number of vulnerable groups deserving special attention during the resettlement process. These include:

- Female-headed households (with no additional able-bodied persons);
- Pregnant and lactating women;
- Mentally and physically challenged (including amputees);
- Orphans;
- Infirm; and
- Elderly.

The provision of basic services within areas of resettlement should be prioritised as far possible. This must include access to primary health care and referral systems, potable water, sanitation facilities and education. The RTT, with the support of the relevant operational agencies, will assess the current basic services operating within resettlement areas. Critical gaps must then be identified and drawn-up into a prioritised listing of interventions. Efforts should be made to restore basic service coverage within a reasonable timeframe, so as to avoid further dislocation of the resettling population. Information gathered on the status of basic services will be entered into a management information system to support targeting and monitoring.

Estimated budget

At this stage where values of assets and infrastructures to be lost to the project have not been determined, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for the RAP will be funded like any other project activity eligible under the Project. Swaziland Railway will provide funding for the RAP implementation activities.

Funds for implementing inventory assessments and resettlement action plans will be provided by the PIA on behalf of Swaziland Railway. In general, the cost burden of compensation will be borne by the implementing agency for RAP implementation appointed by Swaziland Railway.

Implementation Guideline and Schedule

The purpose of the guidelines will be to lay the foundation by which resettlement can be carried out with regard to the project. Any involuntary resettlement, including any land acquisition needs to be identified and considered at the earliest stages of project design, and should be addressed from the earliest stages of project preparation. It is assumed that land acquisition and resettlement will be necessary and to this end the policies highlighted in this framework should be followed.

For Swaziland, the identified legislation as well as the IFC and World Bank Policy will be utilised.

Resettlement responsibilities

The Resettlement Implementation Team consisting of Resettlement Specialist among other specialists, will be responsible for ensuring that Resettlement Action Plans (RAP) is prepared for the project involving land acquisition, impact on assets, and/or loss of income. The RAP will establish dispute resolutions to be used for each sub-project. RAP specialist will ensure project affected persons are meaningfully consulted and are given an opportunity to participate in and benefit from project activities.

Resettlement principles

In the resettlement of any person or business the World Bank policies will be followed as well as principles as set out in relevant Swaziland Legislation.

Timeframes

The following key timeframes shall apply unless otherwise agreed between the implementing agency and Resettlement Specialist, the RTT and the PAPs; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of PAPs, under this plan:

- the inventory shall be completed at most four months prior to the commencement of work; and
- civil works shall commence once agreements between all parties have been reached.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs. Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.

Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the “new comers”. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

Description of Organisational Responsibilities

The RAP is expected to identify and provide details on the roles and responsibilities of all organizations public or private, governmental or non-governmental that will be responsible for resettlement activities. It is expected that Swaziland Railway will assess the capacity of these organizations to carry out their responsibilities.

The entities that proposed to play significant roles in the resettlement implementation process include the Programme Manager, Project Implementing Agent (PIA) , Resettlement Implementation Team and a Resettlement Task Team Local Authorities (statutory and

customary), as well as Swaziland Railway. The c sets out the relationship between these various entities, as well as the roles and responsibilities of each.

In addition, as per the Resettlement Policy Framework, a Resettlement Task Team (RTT) will be established as part of the resettlement planning process and will be responsible to plan and co-ordinate resettlement activities. The RTT will include representatives of resettlement-affected households, local authorities (statutory and customary), RAP Implementation Team, PIA as well as Swaziland Railway. The RAP Implementation Team will be made up of representatives from Swaziland Railway as well as appointed RAP Specialist. The RTT will be a two-level structure comprising a set of local RTTs and an umbrella RTT made up of representatives from local RTTs.

The RAP sets out the relationship between these various entities, as well as the roles and responsibilities of each.

Framework for public consultation, participation and development

Public consultations in relation to the RAP must occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach shall be adopted as an on-going strategy throughout the entire project cycle. Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAs are fully involved in designing the public consultation procedures.

The International Finance Corporation (IFC) policy on involuntary resettlement stipulates that *“people affected by the project must be: consulted regarding resettlement activities.....”* Furthermore, the IFC handbook for preparing a Resettlement Action Plan (RAP) sets out the following requirements for consultation and communication during a RAP:

- Consultation with local government, community leaders and affected people representatives: “Consultation with officials of local government, community leaders and other representatives of the affected population is essential to gaining a comprehensive understanding of the types and degrees of adverse project effects”
- Consultation with host communities: “Consultation involving representatives of both host communities and the communities to be displaced helps to build familiarity and to resolve disputes that inevitably arise during resettlement”

- Requirement for a resettlement advisory group and composition: “Depending on the scale of resettlement associated with a project, it may be appropriate for the sponsor to create a resettlement advisory group. This advisory group should comprise representatives of the project sponsor, relevant government line and administrative departments, community organisations, NGOs involved in support of resettlement as well as representatives of the communities affected by the project”.
- Purpose of consultations: “Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of the people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. Project consultation with people affected by resettlement is mandatory”.

Public consultation, participation and development will be important to secure the participation of all people affected by the project in their own resettlement planning and implementation, particularly in the following areas:

- Alternative project design;
- Assessment of project impacts;
- Resettlement strategy;
- Compensation rates and eligibility for entitlements;
- Choice of resettlement site and timing of relocation;
- Development opportunities and initiatives;
- Development of procedures for redressing grievances and resolving disputes;
- Mechanisms for monitoring and evaluation and for implementing corrective actions.
- Information sharing: “Information must be made accessible and understandable. Information should be translated into local dialects and indigenous languages and broadcast through media that is accessible to literate and non-literate individuals alike. Special efforts should be made to reach vulnerable groups.....”

The initial stakeholder consultation and public participation processes were taken place during public meetings as part of the Environmental Impact Assessment process. This process sought to make communities and stakeholders aware of the proposed project and afford them a formal opportunity to be part of the project process. Stakeholders were also given an opportunity to make inputs and raise issues of concern that should be considered in the project planning phase. The public meetings were held as follows:

- Identification of communities involved for the new link section from Sandlane to Sidvokodvo May 2013 – 13 May 2013
- Identification of communities involved for the upgrade section from Sidvokodvo to Lavumisa 13 August 2013
- Community liaison (new link) 13 June 2013 – 1 August 2013
- Community liaison (upgrade) 13 September 2013 – 31 October 2013
- 1st Newspaper advertisement (Bhunya & Luyengo) 7 August 2013
- 2nd Newspaper advertisement (Bhunya & Luyengo) 13 August 2013
- Scoping meeting at Bhunya 19 August 2013
- Scoping meeting at Luyengo 21 August 2013

- 1st Newspaper advertisement (Siphofaneni & Big Bend) 7 November 2013
- 2nd Newspaper advertisement (Siphofaneni & Big Bend)
- 14 November 2013
- Scoping meeting at Siphofaneni 21 November 2013
- Scoping meeting at Big Bend 22 November 2013

This process was followed by an exercise that sought to assess the general socio-economic conditions of the populations in the broader area where the proposed project was planned. This culminated in the preparation of a Social Impact Assessment (SIA) report which has been discussed above. The resettlement affected households were then identified by Lang Mitchell Associates (LMA) and in inventory of their assets and infrastructures compiled by LMA.

Consultation and participation activities ***still to be undertaken*** include:

- Establishment of a Resettlement Task Team (RTT), which is the primary mechanism for engaging resettlement-affected households and other relevant stakeholders in resettlement planning. It is understood that the RTT's primary function will be to disseminate information about the resettlement and compensation process to affected communities (although not precluding individual consultations with individual affected households, which will take place during resettlement implementation). In order to avoid the creation of unrealistic expectations, the negotiation of compensation amounts and methods will be explicitly excluded from its mandate – although the RTT may be consulted in cases where more than one feasible option for compensation exists;
- Focus group discussions to be held to obtain additional information and address the affected population's concerns regarding resettlement; and
- Consultation with individual resettlement-affected household heads (or their authorised representatives) to inform them of their compensation packages and to obtain their agreement on compensation amounts and means.

In conclusion, Swaziland Railway through Project Implementing Agent (PIA) may employ a community liaison representative with a budget specifically for the facilitation and management of public consultation. However it chooses to manage information disclosure and public consultation, Swaziland Railway must ensure that affected people have access to information about the project and opportunities to seek redress of grievances relating to the project. Project management must document its information disclosure and public consultation efforts. This documentation should identify who was consulted, what was discussed, and what follow-up was required.

It is expected that consultation with all of the established RAP structures will continue beyond the completion of the planning phase and into the implementation stage of the project, which will be undertaken by PIA. Exact dates for this consultation cannot be determined at this stage as infrastructure planning and design, which may influence the scope of RAP, must still be considered.

Grievances redress and dispute resolution

Grievance mechanisms are an important part of IFC's approach to requirements related to community engagement by clients under the Policy and Performance Standards on Social and Environmental Sustainability. For the Swaziland Rail Link project, it is anticipated that operations will involve ongoing risk and adverse impacts on surrounding communities, that is why Swaziland Railway is required to establish a grievance mechanism to receive and facilitate resolution of the affected communities' concerns and complaints about the its environmental and social performance.

The grievance mechanism should be scaled to risks and adverse impacts of the project, address concerns promptly, use an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and do so at no cost to communities and without retribution. The mechanism should not impede access to judicial and administrative remedies. Swaziland Railway is expected to inform the affected communities about the mechanism in the course of its community engagement process.

A grievance mechanism should be able to deal with most of the community issues that are covered by IFC's Performance Standards. Swaziland Railway will be asked to design the mechanism according to the extent of risks and adverse impacts of the project. Impacts on communities are evaluated within the Social and Environmental Assessment for a project.

A grievance mechanism is intended to inform and complement but do not replace other forms of stakeholder engagement. Stakeholder engagement also includes stakeholder identification and analysis, information disclosure, stakeholder consultation, negotiations and partnerships, stakeholder involvement in project monitoring, and reporting to stakeholders. If strategically applied throughout the project life, an integrated range of stakeholder-engagement approaches can help build trust, contribute to maintaining broad community support for the project, and ultimately help Swaziland Railway promote the long-term viability of their investments.

Individual community members or groups of community members may have claims, complaints or other grievances relating to the resettlement planning process that they wish to register and have resolved. A grievance redress is discussed in detail in this document. Responsibility for implementation of this procedure rests with the Social Officer who will be appointed by the construction Contractor.

The Resettlement Policy Framework (RPF) addresses aspects of the grievance procedure that are specifically applicable to resettlement and compensation. These include the identification of grievances related to resettlement or compensation that have been recorded in the grievance register, categorising them in terms of the type of grievance, forwarding them to the appropriate parties for action and resolution, and providing feedback to the parties who lodged the grievances.

Framework for monitoring, evaluation, and reporting

The RAP monitoring, evaluation and reporting framework is aimed at measuring the following key indicators:

- impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better;
- improvement of communities affected by the project; and
- management of disputes or conflicts.

Monitoring, evaluation and reporting of the RAP must be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. The monitoring must be carried out by both internal and external monitors to be appointed by Swaziland Railway. The monitors must work together with established RTT for inclusive and meaningful monitoring evaluation and reporting. The monitoring process must ensure that all responsible implementing agencies follow the schedule and comply with the principles of the RAP.

Suggested monitoring indicators are outlined below and include (and not limited to):

- number and place of public consultation meetings held with PAPs and local authorities during RAP implementation;
- number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- number of complaints: total received, total justified and total non-justified.

The project has an obligation to ensure that resettled households retain or preferably improve upon their living standards. The monitoring and evaluation system detailed in the RAP is designed to meet this goal. It comprises three broad components:

- Performance monitoring (measuring progress with resettlement and livelihood restoration against scheduled actions and milestones);
- Effects (or impact) monitoring (focussing on the effectiveness of resettlement and livelihood restoration measures, and including standardised or quantitative monitoring as well as participative or qualitative monitoring); and
- External evaluations (to be conducted annually).

IFC recommends that the RAP must provide a coherent monitoring plan that identifies the organisational responsibilities, the methodology, and the schedule for monitoring and reporting. The three components of a monitoring plan should be *performance monitoring*, *impact monitoring* and *completion audit*.

A **completion audit** (to verify that resettlement and livelihood restoration activities have been undertaken in compliance with the objectives and principles of the RAP) will also have to be undertaken.

Conclusion and recommendations

The findings of the socio-economic analysis for the affected population revealed the extent to which households earn their living and have access to basic services. The surveyed households have access to electricity as a source of energy. Their living standard provided a variation in the level of wealth, material goods and necessities available to a certain socio-economic class in a certain geographic area. The standard of living includes factors such as

access to quality of services such as electricity and clean drinking water and is closely related to quality of life of the people.

The assets and infrastructure survey undertaken by Lang Mitchell Associates revealed the following:

- There are 410 households that will need to be resettled as a result of the proposed project;
- 36.34% of household members were on a formal wage employment while 16.82% were on informal or short term / casual employment
- Almost 40% of the main structures have cement or concrete block walls and almost 23% are built of mud or clay blocks;
- 80% of the main structures' roofs are built from corrugated iron or tin and 10% of leaves or thatch;
- 134 of the households surveyed used electricity as a source of lighting and 46 as a source of energy for cooking;
- 159 of the respondents used wood as a source of energy for cooking and 187 used it as a source of energy for heating purposes;
- 76 households surveyed use a communal pump, well or protected spring as primary source of water and 51 and 77 use an unprotected spring as primary or secondary water source. 123 of the respondents use a private water resource in their homestead or yard as primary source of water;
- 104 and 103 household members have experience and training in driving skills respectively 28 and 32 have experience in brick-laying and security respectively;
- The 410 households survey have a total of 866 fields of which approximately half is fenced;
- More than 60% of the fields are used for the production of maize;
- Between the 410 surveyed households a wide range of livestock is kept of which chickens account for just more than 3 000 and cattle just over a 1 000;
- A total number of 355 graves have been recorded.

The main objective of RAP should be sustainable development through appropriate resettlement process, leaving the affected people economically better off, creation job opportunities and to growing of the local economy. To this end, it will be important that the sustainable livelihoods of affected communities are given high priority. Swaziland Railway and the contractors need to give attention to give households affected by the project in terms of employment, skills development and economic improvement during implementation of the project.

The collected and provided socio-economic data of affected households will assist Swaziland Railway to make informed decisions regarding the resettlement of the affected households and relocation of their graves. It is our recommendation that there be adequate consultation with the affected households during the lifetime of the project, to minimise discontentment and promote good relations.

In cases in the world where resettlement has been successful, in the sense of leaving the affected people economically better off, in a socially stable condition, and in a manner that they are themselves able to sustain over time, the process has been characterised by a number of best practice enabling factors such as follows:

- an appropriate understanding of the complications of resettlement;
- proper legal and policy frameworks at national level;
- sufficient funding;
- sufficient capacity, including experience in working with resettlement;
- honest consultation and negotiation with the affected people;
- effective planning, implementation and monitoring;
- integration of the resettlement project into its regional economic and political context;
- the necessary political will to ensure that the above enabling factors are obtained; and
- that resettlement is properly carried out.

International experience of many projects shows that, unless these best practice factors are obtained, resettlement exposes affected people to a range of risks such as:

- Landlessness;
- Homelessness;
- Joblessness;
- Economic and social marginalisation;
- Increased morbidity and mortality;
- Food insecurity;
- Loss of access to common property resources; and
- Social and cultural dislocation and distraction.

The collected and provided socio-economic data of affected households will assist Swaziland Railway to make informed decisions regarding the resettlement of the affected households and relocation of their graves. It is our recommendation that there be adequate consultation with the affected households during the lifetime of the project, to minimise discontentment and promote good relations.

ABBREVIATIONS

A&I	Asset and Infrastructure
CBO	Community Based Organisation
CLO	Community Liaison Officer
DRC	Dispute Resolution Committee
E	Emalangeneni
EAAR	Environmental Audit, Assessment and Review Regulations
EIA	Environmental Impact Assessment
EPFI	Equator Principles Financial Institutions
GPS	Global Position System
ha	hectare
HH	Household
HIV	Human Immunodeficiency Virus
IBRD	International Bank for Reconstruction and Development
ID	Involuntary Displacement
IFC	International Finance Corporation
ILA	Involuntary Land Acquisition
km	kilometer
LMA	Lang Mitchell Associates
M&E	Monitoring and Evaluation
MHUD	Ministry of Housing and Urban Development
NGO	Non-governmental Organisation
OAG	Old Age Grant
OP	World Bank Operation Policy
OVI's	Objectively Verifiable Indicators
PAG	Public Assistance Grant
PAP	Project Affected Person
PIA	Project Implementing Agent
PIE	Prevention of Informal Eviction
PLTA	Permanent land-take area
PM	Programme Manager
PS	Performance Standards
PSDs	Phase-specific Dossiers
RAP	Resettlement Action Plan
RCP	Resettlement and Compensation Plan
RPF	Resettlement Policy Framework
RTT	Resettlement Task Team
RWG	Resettlement Working Group

SADC	Southern African Development Community
SIA	Social Impact Assessment
SIF	Surface infrastructure footprint
SNHB	Swaziland National Housing Board
SNL	Swazi Nation land
SOC	State-owned Company
STI	Sexually Transmitted Infection
SUDP	Swaziland Urban Development Project
TA	Traditional Authority
TLTA	Temporary land-take area
UN	United Nations
UNDP	United Nations Development Programme
WB	World Bank

Table 2: List of Definition

Term	Definition
Community	A group of individuals broader than the household, who identify themselves as a common unit due to recognised social, religious, economic or traditional government ties, or through a shared locality.
Compensation	Payment in cash or in kind for an asset or resource that is acquired or affected by a project at the time the asset needs to be replaced.
Displacement assistance	Support provided to people who are physically displaced by a project. Assistance may include transportation, shelter, and services that are provided to affected people during their move. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with displacement and defray the expenses of a transition to a new locale, such as moving expenses.
Economic displacement	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water or forest) which results from the construction or operation of a project or its associated facilities.
Economically-displaced households	Households whose livelihoods are impacted by the project, which can include both resident households and people living outside the project area but having land, crops, businesses or various usage rights there.
Eligible crops	Crops planted in the moratorium area by project-affected people prior to the moratorium date and that are eligible for compensation in accordance with this RAP.
Eligible land	The land (cropped and fallow, agricultural and communal) within the moratorium area that is eligible for compensation in accordance with this RAP.
Eligible structures	The buildings and structures constructed within the moratorium area prior to the moratorium date and that are eligible for compensation in accordance with this RAP.
Homestead	Stand on communal/ traditional authority land, allocated to an individual or household, on which the latter has built a residential structure and possibly one or more outbuildings. Perimeter may be enclosed by a fence.
Host community	People living in or around areas to which people physically displaced by a project will be resettled to, whom in turn, may be affected by the resettlement.
Household	A person or group of individuals living together, in an individual house who share cooking and eating facilities and form a basic socio-economic and decision-making unit.
IFC	International Finance Corporation, a division of the World Bank Group, which provides investment and advisory services to private sector projects in developing countries, with the goal of ensuring everyone benefits from economic growth.
Involuntary resettlement	Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
Livelihoods	Programs intended to replace or restore quality of life indicators (education,

Term	Definition
programs	health, nutrition, water and sanitation, income) and maintain or improve economic security for project-affected people through provision of economic and income-generating opportunities, including but not limited to, activities such as training, agricultural production and processing, and small and medium enterprises.
Moratorium area	The area in the project area required as a zone for project activities, namely the temporary servitudes, permanent servitudes and servitudes for surface infrastructure. All eligible buildings, crops, and land within this area at the time of the moratorium date will be eligible for compensation, according to the terms of this RAP.
Moratorium date	The date on which the moratorium is declared. Persons moving into the project area after this date are not eligible for compensation and/ or resettlement assistance. Similarly, fixed assets (such as structures, crops, fruit trees and woodlots) established after the date will not be compensated.
Performance Standard 5	The IFC's Performance Standard on Involuntary Resettlement, which embodies the basic principles and procedures that underlie the IFC's approach to involuntary resettlement associated with its investment projects, and stands as the benchmark against which resettlements are measured.
Physical displacement	Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.
Physically-displaced household	Households who normally reside in the project area and who will lose access to shelter and assets resulting from the acquisition of land associated with the project that requires them to move to another location.
Project area	The project area is covered by the moratorium area and its immediate surroundings.
Project-affected household	All members of a household, whether related or not, operating as a single socio-economic and decision-making unit, who are affected by the project.
Relocation	A process through which physically displaced households are provided with a one-time lump sum compensation payment for their existing residential structures and move from the project area.
Replacement value	Replacement value for <i>land</i> is the pre-project or pre-displacement (whichever is higher) market value of land of equal productive potential or use located in the vicinity of the affected land; plus the cost of preparing the land to levels similar to those of the affected land; plus the cost of any registration fees and/or transfer duties. Replacement cost for <i>structures</i> is defined as the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure; plus the cost of transporting building materials to the construction site; plus the cost of any labour and contractor's fees; plus the cost of any registration fees and/or transfer duties.
Resettlement	A process through which physically displaced households are provided with replacement plots and residential structures at a designated site. Resettlement includes initiatives to restore and improve the living standards of those being resettled.

Term	Definition
Resettlement Action Plan (RAP)	The document in which a project proponent specifies the procedures that will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the project.
Resettlement-affected household	Any household that will be affected by land acquisition as a result of the project; this includes physically-displaced and economically-displaced households. In other words, it comprises all those households who either reside, have an asset or structure in, or make use of land that intersects any of the project servitudes.
Speculative building	The erection of buildings or structures, or planting of crops within the moratorium area with the sole aim of claiming compensation from the project proponent. Speculation may be pre-moratorium (occurring prior to the moratorium date) or post-moratorium (occurring after the moratorium date).
Stakeholders	Any and all individuals, groups, organisations, and institutions interested in and potentially affected by the project or having the ability to influence the project.
Swazi Nation land (SNL)	SNL is communal land held in trust by the King. In principle, SNL dwellers have the right to be given replacement land by their Chief for any land taken. Any improvements are compensated in terms of the Acquisition of Act Property.
Tenant	A person who lives in a structure belonging to another, regardless of whether they pay rent or not.
Tinkhundla:	An Inkhundla (plural: Tinkhundla) is an administrative subdivision smaller than a <u>district</u> but larger than an <u>umphakatsi</u> (or "chiefdom"). The system emphasizes the devolution of state power from central government to Tinkhundla while individual merit is a basis for election and appointment into public office. Stimulate community development at grassroots level, coordinating and promoting a good relationship between Government and Non-Governmental Organizations (NGOs) working at the Tinkhundla level. They further provide a link between communities and government as well as other development agents to ensure the responsiveness of all national policies to the needs of the people. In the process they create harmony among all agents providing services within that Inkhundla
Traditional Authority	A person who assumes a leadership role by virtue of his/ her community's tradition or custom.
Vulnerable household	A household who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than other and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.



Contents

1	Introduction	1
2	Methodology	4
2.1	Objective social impacts	4
2.2	Subjective social impacts	4
2.3	Data collection	5
2.4	Socio-economic sample survey	5
2.5	Assets and Infrastructure survey	8
3	Project Impacts and Affected Population	9
3.1	General Socio-economic assessment results	9
3.2	Housing	10
3.3	Key results	10
4	Legal and Policy Framework	25
4.1	Objectives and Basic Terms for preparation of the Resettlement Policy Framework	25
4.2	Principles and Objectives governing Resettlement Preparation and Implementation	26
4.3	Objectives of the Resettlement Policy	27
4.4	International Guidelines on Involuntary Land Acquisition and Resettlement	28
4.5	Guiding principles for resettlement planning and implementation	29
4.6	Review of Swaziland Legislation Governing Land Acquisition and Resettlement	30
4.7	Comparison of Government of Swaziland Legislative Framework with IFC PS5 on Involuntary Resettlement	35
5	Inventory of Affected Assets	39
5.1	Introduction	39
5.2	Methodology	39
5.3	Structure of the Report	42
5.4	Conclusion and recommendation	53
6	Compensation Framework	55
6.1	Impact Scenarios	55
6.2	Compensation Matrix	56
6.3	Responsibility and Schedule for Compensation Payments	64
6.4	Compensation Entitlements	64
7	Resettlement Assistance and Livelihood	67
7.1	Socio-economic assessment indicators	68
7.2	Needs analysis	69
7.3	Livelihood development and sustenance	70
7.4	Resettlement assistance	71
7.5	Community-based Resettlement Assistance	71
7.6	Transportation of registered PAPs	72

7.7	Information and Sensitisation	72
7.8	Recommendations	72
8	Detailed Budget	74
9	Implementation Guidelines and Schedule	75
9.1	Resettlement Responsibilities	75
9.2	Resettlement Principles	75
9.3	Timeframes	75
9.4	Linking Resettlement Implementation to Civil Works	76
10	Description of Organisational Responsibilities	77
10.1	Programme Manager	77
10.2	Resettlement Team Coordinator	77
10.3	Resettlement Advisor	78
10.4	Local-level Resettlement Task Teams	78
10.5	RAP Implementation Team	79
10.6	Members of umbrella RTTs	80
10.7	RTT Meetings	82
10.8	Quorum	82
10.9	Recommendations of the RTT	82
10.10	Allowances	83
10.11	Relationship between the RTT and other coordination bodies	83
11	Framework for public consultation, participation, and development planning	84
11.1	Public participation and consultations Objectives	85
11.2	Principles of engagement	85
11.3	Communication Strategy	86
11.4	Consultation and stakeholder participation activities to date	87
11.5	Consultation and participation activities <i>still to be undertaken</i>	87
11.6	Notification Procedure	87
11.7	Public Consultation Mechanisms	88
11.8	Promoting Participation	89
11.9	Implementation Phase	89
11.10	Conclusion	89
12	Provisions for redress of grievances	90
12.1	What is Grievance	90
12.2	Project-Level Grievance Mechanism	91
12.3	Approach to Grievance Redress	91
12.4	Resources needed to manage a Grievance Mechanism	98
12.5	Grievance Mechanisms Needed for Projects Implemented by Contractors	99
13	Framework for monitoring, evaluation, and reporting	101
13.1	Internal and External Monitoring	102
13.2	Monitoring measures	103

13.3	Indicators	104
13.4	RAP Monitoring Plan	105
14	Conclusion and Recommendations	108
15	RAP Report Approval	111
15.1	Swaziland Railway	111

Appendices


See attached CD

Figures

Figure 1:	Supervisors and enumerators	8
Figure 4:	Poverty indices by Administrative Region (Source: Computed from Data from CSO)	10
Figure 5:	Number of households surveyed - New link and Upgrade Sections	11
Figure 6:	Highest education completed by household head	12
Figure 7:	Highest education completed by household head	13
Figure 8:	Employment status of household members	14
Figure 9:	Land under cultivation	15
Figure 10:	Land under cultivation	15
Figure 11:	Households with livestock	16
Figure 12:	Households with livestock	16
Figure 13:	Business enterprise	17
Figure 14:	Locality of business	17
Figure 15:	Primary water source	18
Figure 16:	Primary water source	18
Figure 17:	Main energy source for lighting	19
Figure 18:	Main energy source for cooking	19
Figure 19:	Main energy source for cooking	20
Figure 20:	Main energy source for heating	20
Figure 21:	Household main income source	21
Figure 22:	Income levels for homesteads in study area	22
Figure 23:	Income levels for homesteads in study area	22
Figure 24:	Expenditure	23
Figure 25:	Expenditure	23
Figure 26:	Impact Scenarios	56
Figure 27:	Socio-economic needs analysis	70
Figure 28:	Receipt, registration and tracking of grievance	91

Tables

Table 1:	Percentage of surveyed households in various Sigodzi / Communities	III
Table 2:	List of Definition	XXI
Table 3:	Percentage of surveyed households in various Sigodzi / communities	11
Table 4:	Summary of the comparison between Swaziland Legislation and IFC requirements	38
Table 5:	Compensation Matrix	58
Table 6:	Plan for monitoring, evaluating and reporting	101
Table 7:	Types of verifiable indicators	104



Annexures and Appendices
referred to in the text are
included in the CD
accompanying this report



1 Introduction

Swaziland Railway provides transport services for import and export commodities as well as transit cargo, ranging from the country's major exports of sugar, canned fruit, coal, hematite and general goods to the import of fuel, wheat and cement comparatively large quantities. It links Swaziland's main industrial centres with the railway systems of South Africa, Mozambique and other SADC countries that trade with overseas markets.

Swaziland Railway and Transnet identified the construction and upgrade of the railway line between Davel in Mpumalanga and Richards Bay in KwaZulu-Natal, connecting via the Swaziland rail network, as a strategic project. The aim of the project is to unlock the potential of a multinational strategic rail corridor and divert general freight traffic off the dedicated heavy haul Richards Bay coal line. Since the project will affect both South Africa and Swaziland, the legal and administrative requirements for both countries will have to be adhered to accordingly.


There are a number of legal and administrative requirements for both South Africa and Swaziland to which the different aspects of the proposed development have to adhere. The activities for the proposed project will consist of various works, including the upgrading of existing railway sections (including re-building certain sections), construction of an entirely new rail link from Lothair in South Africa to Sidvokodvo in Swaziland and construction of new rail yards. These activities for the proposed project are likely to trigger a number of impacts that would vary in nature and magnitude.

Below is a discussion of the relevant legislation that is applicable to the implementation of the project on the Swaziland side. In accordance with the Environmental Management Act, (Act No 5 of 2002) the proposed development is likely to trigger activities which may significantly impact on the environment, hence the Swaziland Environment Authority placed it under Category 3 as per the Environmental Audit, Assessment and Review Regulations, (EAARR, Legal Notice No 31 of 2000). Prior to implementation of the project, Transnet and Swaziland Railways would like to obtain Environmental Authorisation for the project in order to ensure that it is implemented in a manner that is sensitive to the receiving environment. The other legal requirements for the implementation of the project within Swaziland are briefly described below:

- The Occupational Health and Safety Act (2001)

It requires that in a workplace health and safety standards be adhered to. Most relevant to this proposed project would be the wearing of the necessary Personal Protective Equipment (PPE) during construction and the avoidance of fire hazards at the operational phase for the project.

- The Game Act (1993)



This Act is against unnecessary poaching or destruction of birds and mammals, etc. It imposes jail sentences to offenders.

- The Flora Protection Act (2001)

Promotes the protection of special habitats of flora and is against unlawful picking of protected flora.

- The Waste Regulations (2000)

The Waste Regulations regulate the management of solid waste and liquid waste. The Regulations deal with appropriate handling, transportation, treatment and final disposal of waste.

- The Public Health Act (1978)

This Act requires that local authorities should deal with nuisances to the public health including collections of water and sewage (which could lead to disease and infection) and wastewater flowing from premises onto public areas. The Public Health Act also requires that all public water for drinking and domestic use is pollution-free, either through prevention or purification.

- The Water Pollution Control Regulations (2010)

These regulations control and monitor the discharge into rivers and streams of effluents exceeding effluent standards to ensure optimum water quality.

- Air Pollution Control Regulations (2010)

The Regulations set standards for the emission of certain pollutants into the atmosphere, with the aim of controlling the amount of such pollutants within acceptable levels. Dust emissions during project construction would be controlled under these regulations.


- The Natural Resources Act (1975)

The Act promotes the conservation and improvement of natural resources, soil conservation; river and stream conservation; control of water (including storm water); and the control of grass burning.

- The Factory, Machinery and Construction Works Act (1972)

It is concerned with protecting the health of workers from the adverse effect of dust, fumes, other impurities and noise.

- The Flammable Liquids and Substances Regulations, (1962)



The regulations provide the guidelines for the supply, storage, use, handling and replenishing of inflammable liquids. Guidelines on the removal and dismantling of inflammable liquid containers, pipes and pumps and transportation of such inflammable liquids are provided for in these regulations. Within the regulations, certain actions are prohibited while within the vicinity of inflammable liquids. Instructions for avoiding accidents to employees as well as danger notices at the entrance and prohibitions are also requirements under these regulations.

The Swaziland portion of this proposed railway line commences at the Nerston border, travels through Sidvokodvo to Phuzumoya, to the Golela border and is approximately 141 km long, comprising an entirely new alignment. Also, this route alternative creates the design base for the later establishment of a railway service to Ka Dake. It creates the possibility to reinstate and upgrade the Ka Dake to Matsapha to Sidvokodvo sections respectively, as a self-contained spur line, if and when commercial imperatives render this necessary.

Transnet has appointed Aurecon (Pty) Ltd to undertake the Environmental Impact Assessment and develop a Resettlement Action Plan for the proposed project, covering both South African and Swaziland sections respectively. Aurecon in collaboration with Transnet and Swaziland Railway appointed Lang Mitchell Associates (a local Swaziland firm) to support with environmental authorisation process as well as some aspects of RAP including assets and infrastructure survey of the resettlement affected households. This document is the final RAP report for all the section of the Swaziland section of the proposed Swaziland Rail link project.



2 Methodology

Our methodology was based on collection of primary data through surveys and key informant interviews as well as desktop review of secondary data sources which included the following:

- existing socio-economic baseline data, studies and management plans; and secondary statistical information, relevant maps and aerial photography;
- documents describing the proposed project and associated activities during its various phases (the location and length/ size of surface infrastructure, the required servitude area, etc.);
- relevant socio-demographic and economic data (such as social statistics and census data pertaining to the study areas);
- relevant reports including Swaziland election reports ;
- documents and studies pertaining to other current and proposed projects (for instance, documents describing the socio-economic impacts that have resulted from other similar projects in Swaziland); and
- documents produced during the Public Participation Process supporting the EIA, which will assist in identifying key stakeholders and public expectations and concerns regarding the project.

The social impacts identified can be classified into the following broad categories:

2.1 Objective social impacts

These are impacts that can be quantified and verified by independent observers, such as changes in population size or composition, in employment patterns, in standard of living or in health and safety.

2.2 Subjective social impacts

These are impacts that occur “in the imagination” or emotions of people, such as negative public attitudes, psychological stress or reduced quality of life. This kind of impact is much more difficult to identify and describe, as one cannot readily quantify perceptions or emotions.

For the purpose of this social impact assessment the following categories were investigated:

- Social well-being;
- Quality of the living environment;
- Socio-economic impacts
- Family and community impacts; and
- Institutional impacts.



The general criteria for selecting significant social impacts included the following:

- Probability of the event occurring;
- Number of people that will be affected;
- Duration of the impact;
- Value of benefits or costs to the impacted group;
- Extent to which identified social impacts are reversible or can be mitigated;
- Likelihood that an identified impact will lead to secondary or cumulative impacts; and uncertainty over possible effects.

2.3 Data collection

The following issues were investigated during the assessment phase:

- Relocation and compensation;
- Public concerns regarding the project;
- Creation of employment opportunities and social benefits;
- Influx of job seekers;
- Increased crime levels;
- Impacts arising from physical intrusion (e.g. traffic and noise impact on sense of place, etc.);
- Infrastructural improvements and social investment; and
- Access to land and loss of livelihood (reduced grazing land).

Information on these issues was obtained from the following sources:

- Observational data obtained during the site visits;
- Interviews with key stakeholders;
- A sample socio-economic survey;
- A review of documents obtained from the public participation process; and
- A review of other public documents (as outlined above) and other specialist assessment reports.

Each of these components of data collection is described in greater detail below.

2.4 Socio-economic sample survey

A socio-economic survey was conducted of a sample of households in the various communities around sections of the project. The aim of this survey was:

- to obtain first-hand information on the socio-economic circumstances of people in the affected communities (poverty levels, employment figures, types of employment, household sizes, types of housing, access to services such as water, electricity, etc.);
- to assess the dependency of households on land that might be lost as a result of the project – in particular, agricultural land and land for grazing;

- to determine community preferences with regard to mitigation of such losses; and
- to ascertain community members' knowledge and concerns regarding the project.


2.4.1 Interviews with key stakeholders

Interviews were conducted with directly and indirectly affected community members in the course of the site visit that was undertaken during the last week of July 2013. The aim of these interviews was to gain an understanding of stakeholder views and concerns regarding the proposed developments, to gauge the significance of potential impacts and to identify appropriate mitigation measures to reduce negative impacts and enhance positive ones. The following issues were raised by stakeholders who were randomly interviewed:

- The availability and condition of the roads: Stakeholder indicated that the construction vehicles may damage the already poorly maintained roads and in some areas they will be a need to construct new roads to be able to get to the construction site;
- Existing structures that will be affected by the proposed project: Stakeholders indicated that the property owners will have to be consulted and negotiated with regards to access, servitude, etc;
- An influx of construction workers and job seekers into the project area: Stakeholders indicated that this influx may lead to possible increase in crime, health issues and problems associated with cultural differences;
- Issues related to construction phase: Stakeholders pointed out that during this phase construction activities will generate dust, noise and vibration and disturb the neighbouring communities and households within the close proximity of the project activity;
- Location of the construction camps in relation to the communities: Stakeholders indicated that the location of construction camps may increase social problems such as prostitution, unwanted pregnancies, increase HIV / AIDS infections thus leading to conflict with affected communities.

In addition to the above, a number of other issues were also raised at the public meetings held as part of the EIA scoping process on 19th August 2013 at Bhunya and 21st August 2013 at Malkerns. These meetings also assisted to identify further community concerns with regards to the proposed project. These included:

- Loss of access to grazing areas and agricultural fields was a big concern;
- Proper compensation for those whose land will be affected;
- Loss of access to existing water sources;
- Noise and vibration caused not only by construction but also by the large amount of wagons that will run on the railway line;
- Concerns about relocation of affected households outside of their own chiefdom as well as the negotiation for the replacement land;
- Expected benefits for the affected communities including social investment and local infrastructure projects for community development;
- Safety concerns for children and livestock that must cross the railway line;

- 
- Long term health impacts on the neighbouring communities; and
 - Benefits for local small enterprises.

2.4.2 Sampling

A random sampling methodology was utilised and a sample of households was selected from affected communities in Swaziland. The study was not meant to be undertaken on a statistically representative sample of the population in terms of sample size but rather to obtain further insight of the socio-economic circumstances of the affected community. Through the survey, information was obtained on a total number of 118 households, 74 from the new link section and 44 from the upgrade section.

2.4.3 Data collection

The socio-economic survey for the new link section was conducted from 3rd to 20th September 2013 and the socio-economic survey for the upgrade section was undertaken from 13th to 15th November 2013. Data collection during the survey was undertaken by means of semi-structured interviews guided by a questionnaire.

2.4.4 Enumerators

Five enumerators, shown on figure 1 were identified and appointed by Lang Mitchell Associates but trained by Aurecon to undertake the survey. The enumerators were joined by the Aurecon staff member who had previous experience in conducting social surveys as well as a Lang Mitchell Associates employee. Lang Mitchell Associates was responsible for all enumeration logistics including transporting enumerators, coordinating fieldwork activities, providing food and guidance to enumerators and ensuring that questionnaires were correctly completed. Enumerators and the fieldwork supervisor worked under the guidance and with the support of the Social Research Team Leader from Aurecon for the duration of the survey.



Figure 1: Supervisors and enumerators

2.4.5 Data analysis

Data collected during the survey were subjected to analysis to compile descriptive statistics. The results of the analysis are summarised in the following section.

The study investigated the following issues during this scoping phase:

- Public concerns regarding the project;
- Creation of employment opportunities and social benefits;
- Influx of job seekers;
- The anticipated social impact of informal settlements in the area;
- Increased crime levels;
- Impacts arising from physical intrusion (e.g. traffic and noise impact on sense of place, property values etc.);
- Infrastructural improvements and social investment; and
- Access to land and loss of livelihood (reduced grazing land).

2.5 Assets and Infrastructure survey

The process to obtain information relating to the affected assets and infrastructure of the project affected people is described in detail in Chapter 5.



3 Project Impacts and Affected Population

This section deals with socio-economic survey results of the general project impacts as well as project impacts of resettlement affected persons termed Project Affected Persons (PAPs). The detailed general socio-economic assessment of the broader area was undertaken as part of the Environmental Impact Assessment process and has been submitted to the relevant authorities for approval. A summary of the general socio-economic assessment results is provided on the first part of this section.

3.1 General Socio-economic assessment results

The socio-economic survey was conducted with a sample of households in the various communities that stand to be affected by the project. The proposed route is situated mainly alongside rural development areas situated on Swazi Nation Land and a large percentage of these households practice subsistence agriculture.

Subsistence farmers living on Swazi Nation Land are believed to face numerous difficulties that make it somehow challenging difficult to break out of the poverty trap. There are various factors that contribute to low agricultural output some of which are; inadequate availability of irrigation water and agricultural inputs, poor road network and access routes, poor linkages to marketplaces, a lesser amount of impact of new technologies and vulnerability to climatic changes. Historically, the rate of poverty reduction has been closely related to agricultural performance – mostly to the rate of growth of agricultural output. An analysis of the poverty patterns and trends among households in Swaziland was carried out in 2000/01 and in 2009/10 by the Central Statistical Office. Poverty in Swaziland has over the years remained skewed against the rural areas: it is estimated at 73% in rural areas and 31% in urban areas (CSO, 2010). This observation was partly influenced by the fact that a high proportion of the Swazi population (approximately 75%) lives in rural areas. Figure 2 below shows the poverty distribution in Swaziland by administrative region:

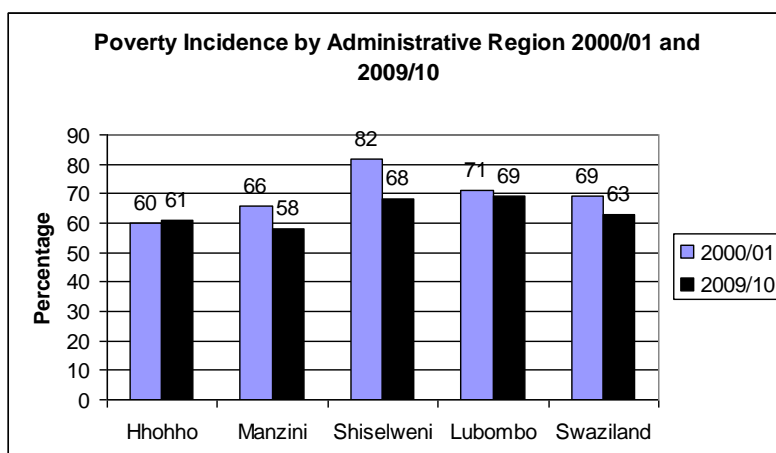


Figure 2: Poverty indices by Administrative Region (Source: Computed from Data from CSO)

Unemployment is another factor that contributes to high incidence of poverty in the country. The 2007 estimates show that the labour force participation for the country is 54.4%, which translates into an unemployment rate of about 40.6%. The estimates also indicate that the labour force participation in the country is skewed against females. The Shiselweni and Lubombo regions have the lowest labour force participation rates, maybe due to inadequate availability of employment opportunities in these regions compared to the Hhohho and Manzini regions.

A rapidly increasing population, poor economic growth and a progressively uneven distribution of resources are factors that contribute to the number of Swaziland's rural poor people. Other contributing factors include prevalence of high unemployment rates, high prevalence of the HIV/AIDS pandemic and the fact that large parts of the country are vulnerable to drought and climate change are aggravating poverty. Environmental vulnerability is starting to affect food security, overgrazing has caused soil depletion, while drought and periodic floods have become persistent problems.

3.2 Housing

According to the 2007 census, there are about 212 195 households in Swaziland.

3.3 Key results

The results below have been provided to reflect the effects on the entire project area as well where possible the effects for both new link and upgrade sections independently.

3.3.1 Sigodzi/ community and households

Figure 3 below indicates that 74 households in the new link section and 44 households in the upgrade section took part in the survey. In total, 118 households were surveyed.

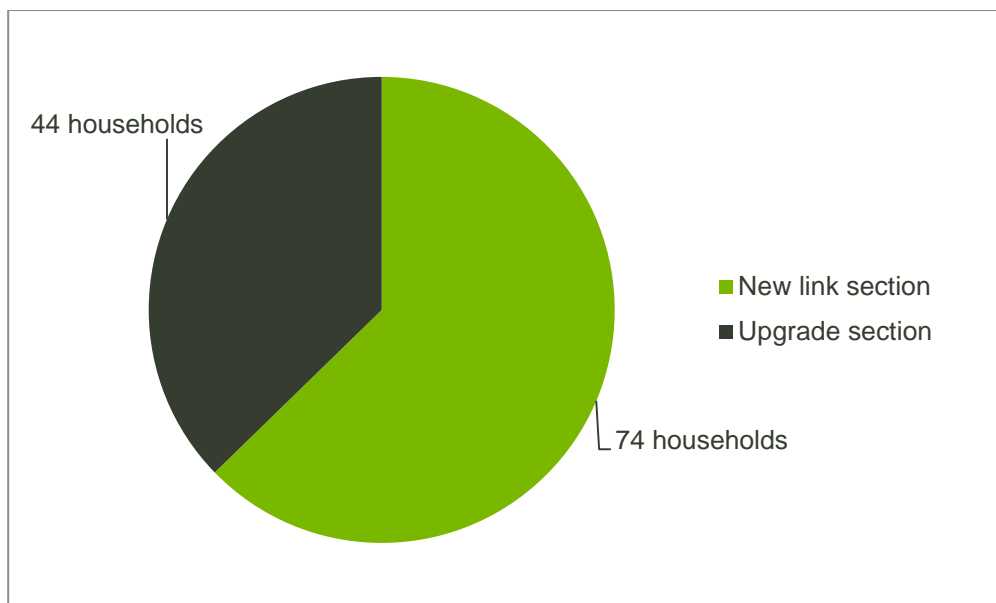


Figure 3: Number of households surveyed - New link and Upgrade Sections

Table 3 below shows the different Sigodzi / communities and percentage of households in each community that were part of the sample survey

Table 3: Percentage of surveyed households in various Sigodzi / communities

New link Sigodzi/ community	Percentage of households	Upgrade section Sigodzi/ community	Percentage of households
Egebeni	6%	Emabantaneni 2	9%
Emhlangeni	20%	Emabhudlweni	2.3%
Empini	5%	Kangeaphalale	2.3%
Enhlulweni	3%	Kuvovovo	2.3%
Kandinda	5%	Lanjani	4.6%
Kazondwako	15%	Lavumisa	11.3%
Khalangilile	11%	Lugegedze	13.6%
Mangcongco	8%	Lusutfu	2.3%
Mbangave	1%	Makhoyane	6.8%
Mlindazwe	3%	Mayayeni	2.3%
Ncabaneni	3%	Mbutfu	2.3%
Ngogodla	15%	Mkhweli	2.3%
Nhlabeni	1%	Mndobandoba	6.8%
Ntondozi	4%	Nkilongo,	2.3%
	100%	Nsoko	11.3%
		Phumula Mtcashi	2.3%
		Phuzumoya	4.6%
		Siphofaneni	11.3%
			100%

3.3.1.1 Educational attainment for household heads

Figure 4 below shows that 9 percent of household heads in the new link section and 14 percent in the upgrade section do not have any formal education. Furthermore 26 percent (new link) and 20 percent of household heads (upgrade) have acquired some primary education. Additionally, 17 percent and 7 percent of household heads correspondingly have completed primary education and 22 percent and 27 percent in that order have had some secondary schooling. Only 18 percent in new link and 16 percent in upgrade section of household heads respectively have completed secondary schooling. An additional 8 percent of household heads in the new link section and 16 percent of household heads in the upgrade section have had some further education.

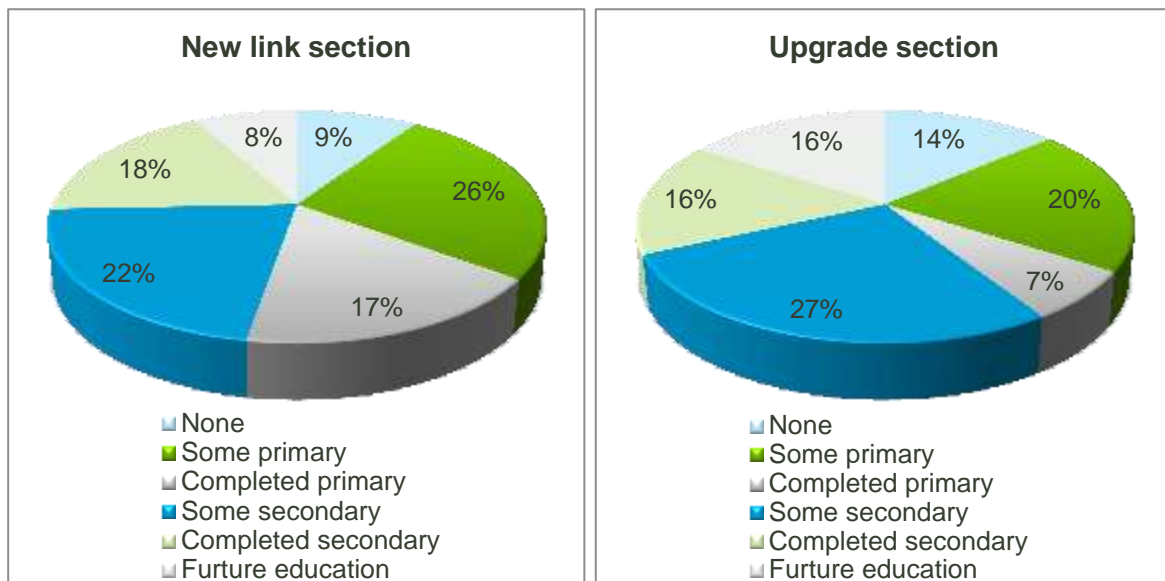


Figure 4: Highest education completed by household head

Figure 5 shows that 24 percent of all surveyed household heads have had either some primary or some secondary education. Only 13 percent have completed primary school and 17 percent completed secondary school. A further 11 percent of all household heads surveyed have had some further education and another 11 percent have had no formal education. On the overall, the survey shows that the level of educational attainment for the people in the study area is generally very low, with household heads having no high school or tertiary education.

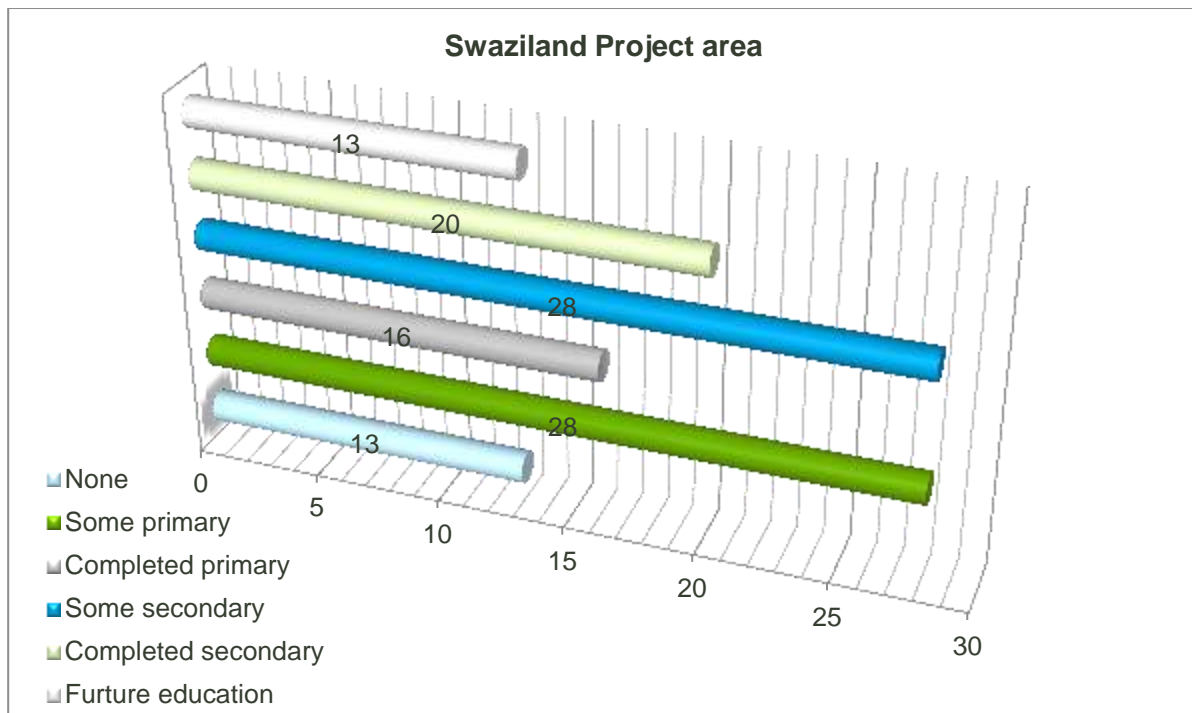
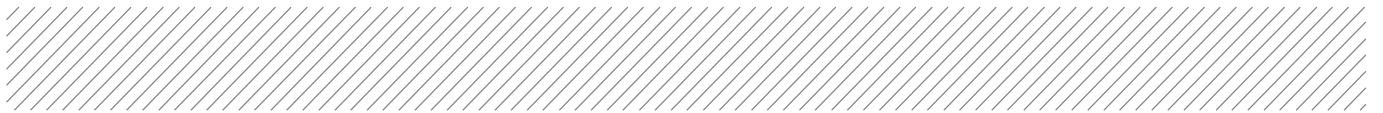


Figure 5: Highest education completed by household head

3.3.1.2 Employment status of household members

As per Figure 6 below, 30 percent of the household members in the new link section are students who are either at primary or secondary school levels. In the upgrade section, 33 percent of the household members are students of which 1 is a tertiary education student. Furthermore, 15 percent of household members in the new link section and 12 percent of household members in the upgrade section are pre-school children. An additional 6 percent of households in the new link section and 15 percent in the upgrade section are unemployed. The figure also shows that 16 percent of household members in the new link section and 14 percent in the upgrade section were home and not seeking work. Only 18 percent of the household members in the new link section and 14 percent in the upgrade section are formally employed with 4 percent respectively having their own business.

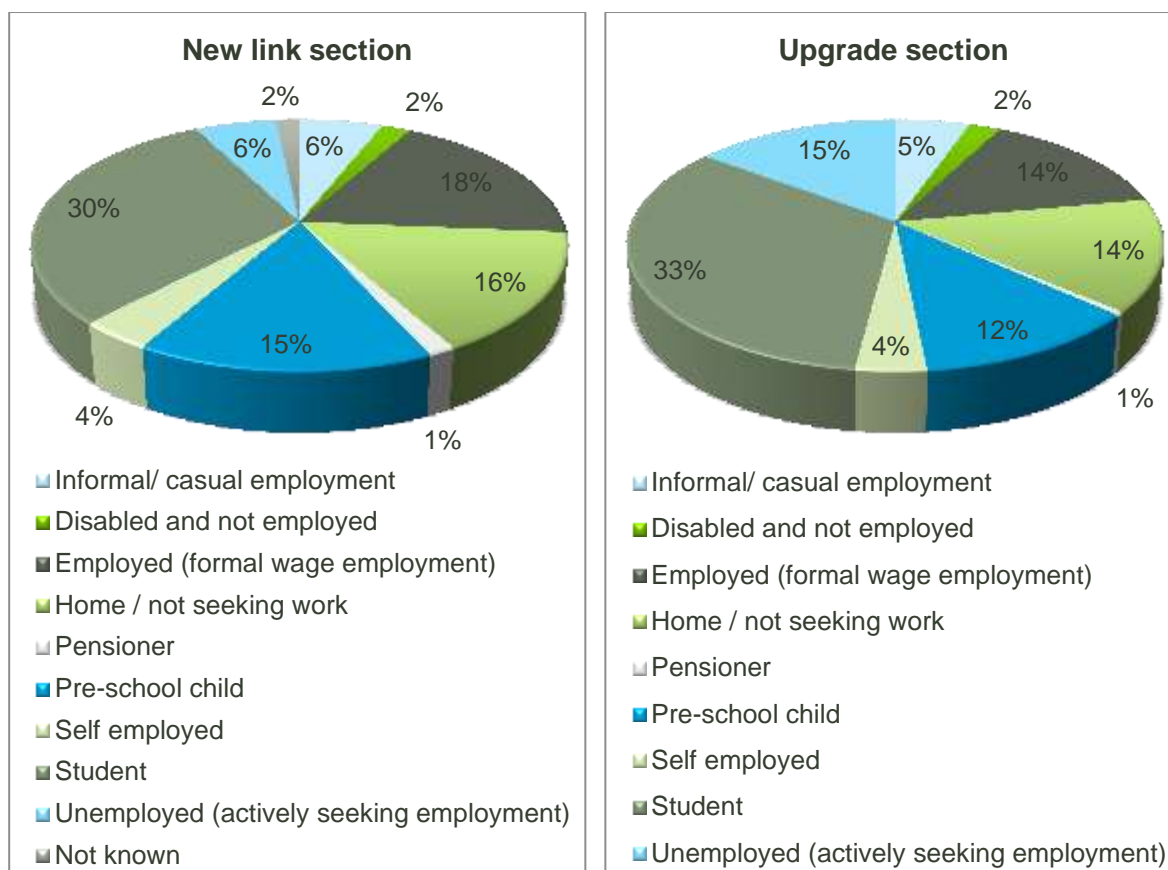


Figure 6: Employment status of household members

Swaziland has an average unemployment rate of 40 percent which is costly to the country's economy but it's not just the economic cost that should be noted, the social cost it has on the population is also crucial to poverty levels in the country. High unemployment rates cause a waste of scarce economic resources and decreases the long run growth potential of the local economy as well as the national economy. High levels of unemployment forces government to spend more money on grants and benefits, this means that there will be less tax revenue and the country has to increase the money borrowed from external sources.

3.3.2 Settlements and agricultural practices

Agricultural production on Swazi Nation Land in Swaziland is mainly characterized by arable (dry land) crop farming and livestock production. Both production systems are undertaken on Swazi Nation Land (about 70 percent of the country's area) and Individual Tenure Farms. The achievement of sustained and equitable agricultural development remains a challenge facing the Swaziland.

3.3.2.1 Homesteads currently with land under cultivation

In the new link section about 95 percent of surveyed households have land currently under cultivation as indicated by Figure 7. Only 5 percent of households surveyed do not currently cultivate any land, but a smaller number of households in the upgrade section, 34 percent have land currently under cultivation with 66 percent having no land under cultivation. The

main crops grown on the cultivated land are beans, ground nuts, maize, sugar cane and sweet potato. Furthermore, 46 percent of the households in the new link section and 57 percent of the households in the upgrade section have small vegetable gardens at the homestead with main crops grown being beetroot, cabbage, carrots, green pepper, onion, spinach and tomatoes.

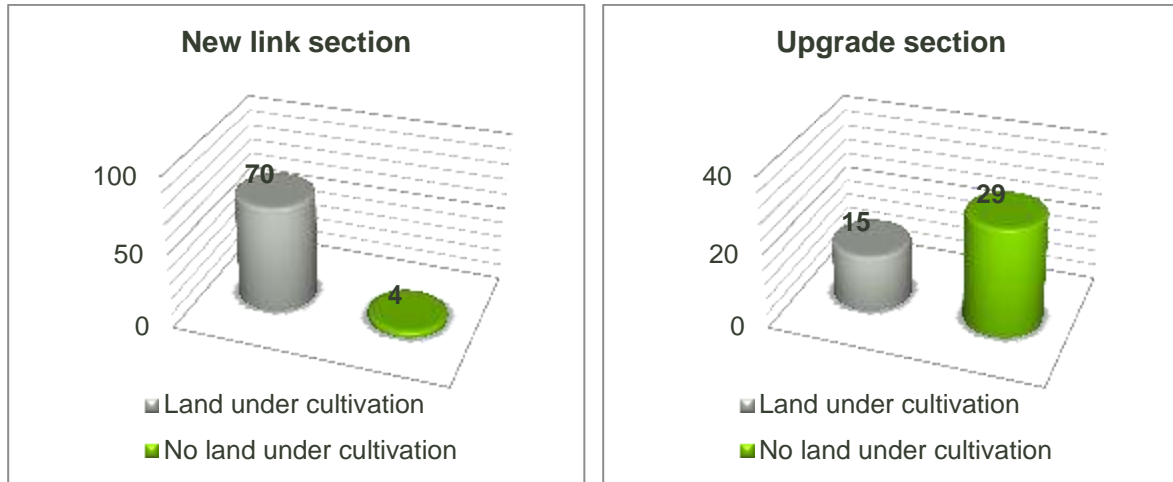


Figure 7: Land under cultivation

As seen in Figure 8 below, for the entire project area, 72 percent of households currently have land under cultivation only 28 percent of households indicated that they do not currently have any land under cultivation.

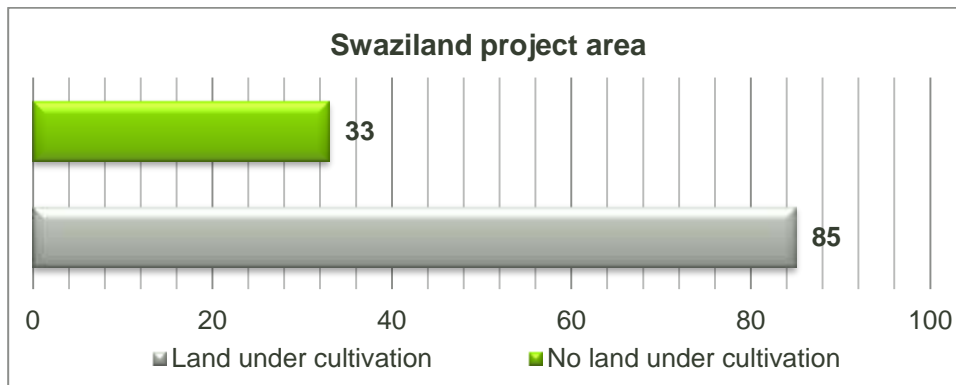


Figure 8: Land under cultivation

3.3.2.2 Homesteads with livestock

Figure 9 reveals that 84 percent of the homesteads in the new link section that were part of the study survey had livestock with only 16 percent without any livestock. In the upgrade section 55 percent of the households had livestock and 45 percent indicated that they did not have any livestock. Mostly the livestock was kept and grazed around the homestead and in designated areas.

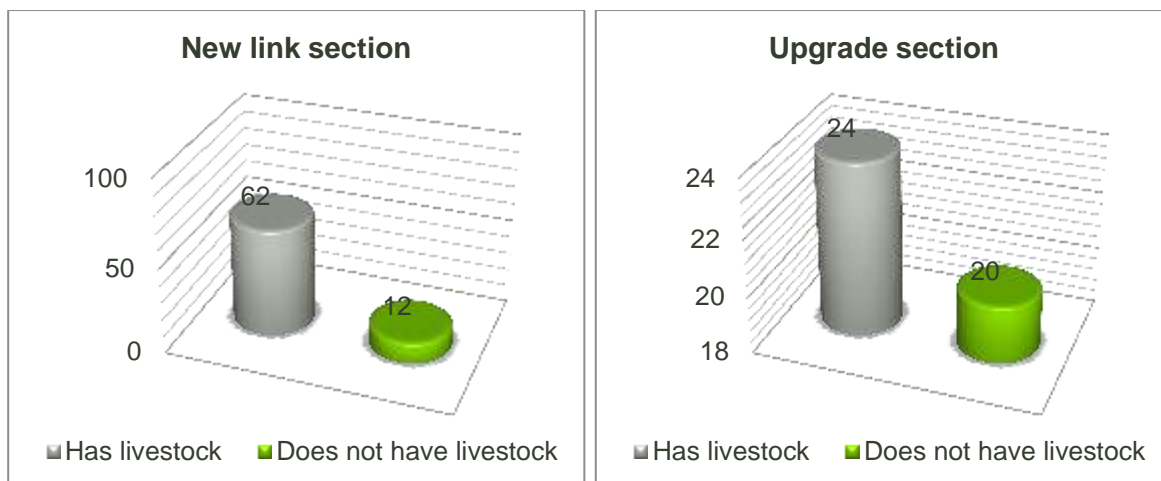


Figure 9: Households with livestock

As indicated below by Figure 10, for the entire study area a total of 73 percent of households surveyed have livestock.

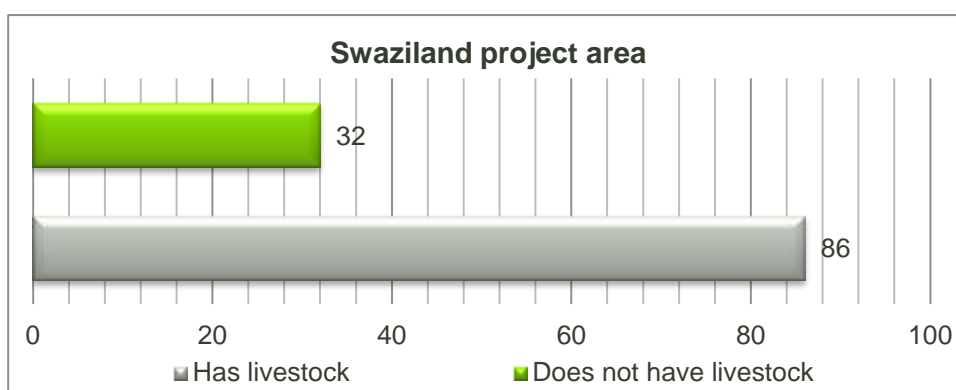


Figure 10: Households with livestock

3.3.3 Business enterprises

Unemployment is believed to be one of the development challenges in Swaziland. One of the coping mechanisms to supplement income is expected to be small and medium business enterprises. In rural Swaziland most of these business enterprises are informal and assumed to be particularly sensitive to small fluctuations in the economy and social structures. It is understood that there are a number of constraints that halt the process of formalising informal business enterprises.

3.3.3.1 Homestead member with small business

As indicated in Figure 11, 62 percent of household members in the new link section run business enterprises, and as specified in Figure 6 only 3 percent of surveyed household members in the new link indicated that they were self-employed, we can then assume that the other 35 percent of household members in the new link section run business enterprise to supplement either their casual or permanent salaries. In the upgrade section, it was found

that 41 percent of the household members run business enterprise of which 44 percent indicated that they run the business enterprise from home.

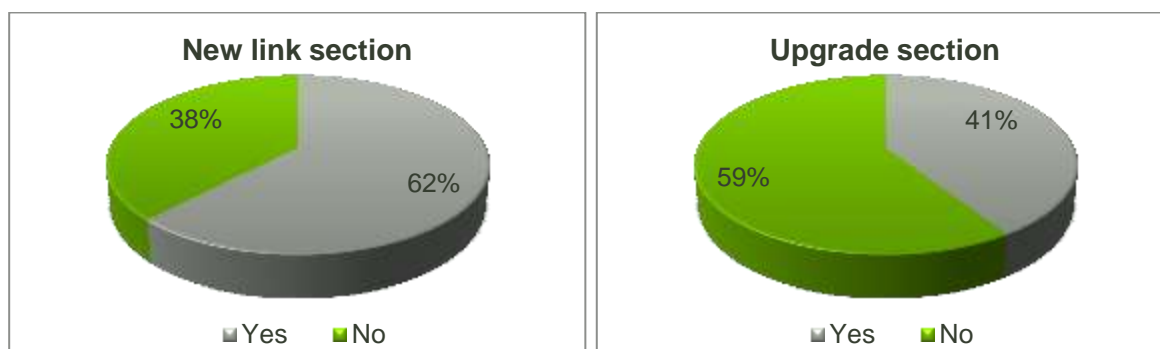


Figure 11: Business enterprise

3.3.3.2 Locality of business enterprise

As Figure 12 shows most of the businesses are run from home accounting to 61 percent in the new link section and 59 percent in the upgrade section, another 13 percent and 23 percent of businesses are run from a local premises and 24 percent and 12 percent are run from a business premises in a nearby town/ sigodzi.

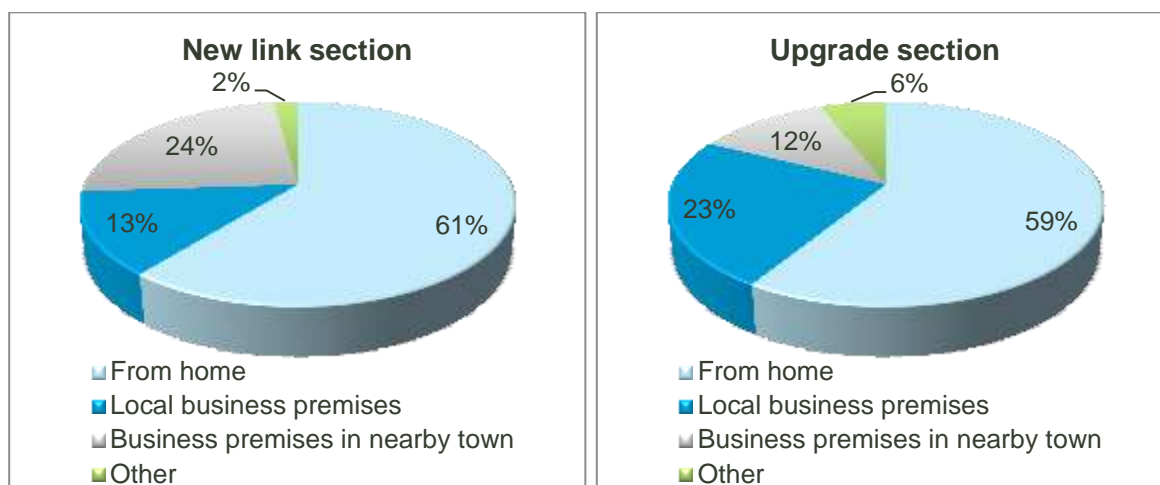


Figure 12: Locality of business

3.3.4 Water and energy

There is an intricate relationship between water and energy and this presents both challenges and opportunities in the development framework. The global demand for freshwater and energy is mounting and steps must be taken and measures put in place to ensure that sustainable use of our sparse resources are guaranteed not just for us now, but for the generations to come.

3.3.4.1 Household primary water source

As shown in Figure 13, approximately 32 percent of households in the new link section and 52 percent in the upgrade section get their water from a private source. A further 28 percent

and 18 percent of households respectively use the river as their primary water source. Communal water sources are utilised by 23 percent of households surveyed in the new link section and 18 percent in the upgrade section. In addition, 3 percent (upgrade section) and 2 percent (new link section) of households correspondingly buy their water from private vendors.

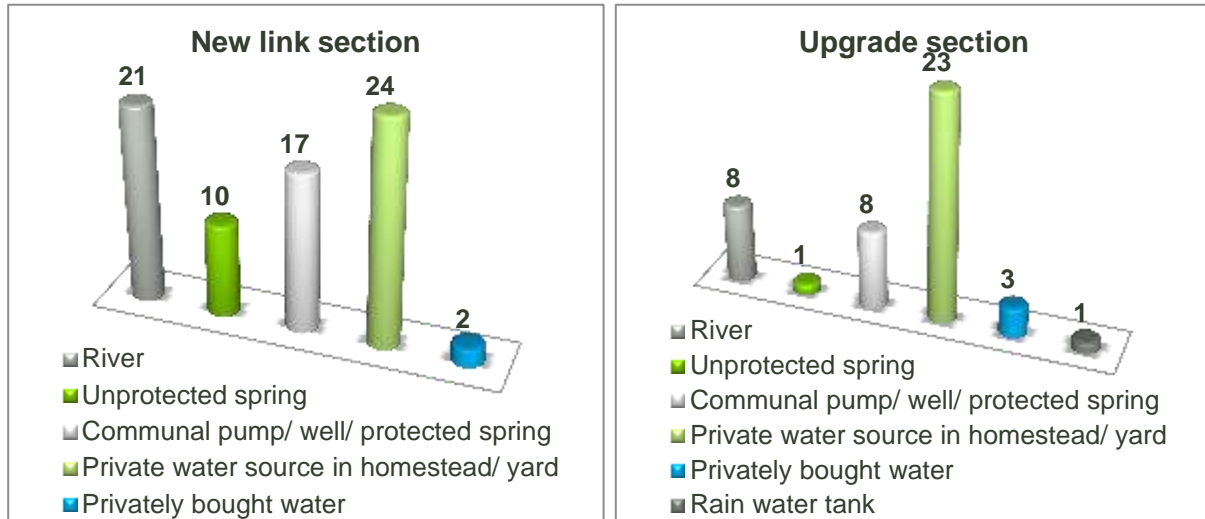


Figure 13: Primary water source

Figure 14 shows that 40 percent of the households' primary water source is private and inside their homestead / yard, a further 25 percent use the river as their primary water source and this accentuates the need to retain access routes to these rivers, to keep these rivers free from pollution or to provide alternative and safe water sources.

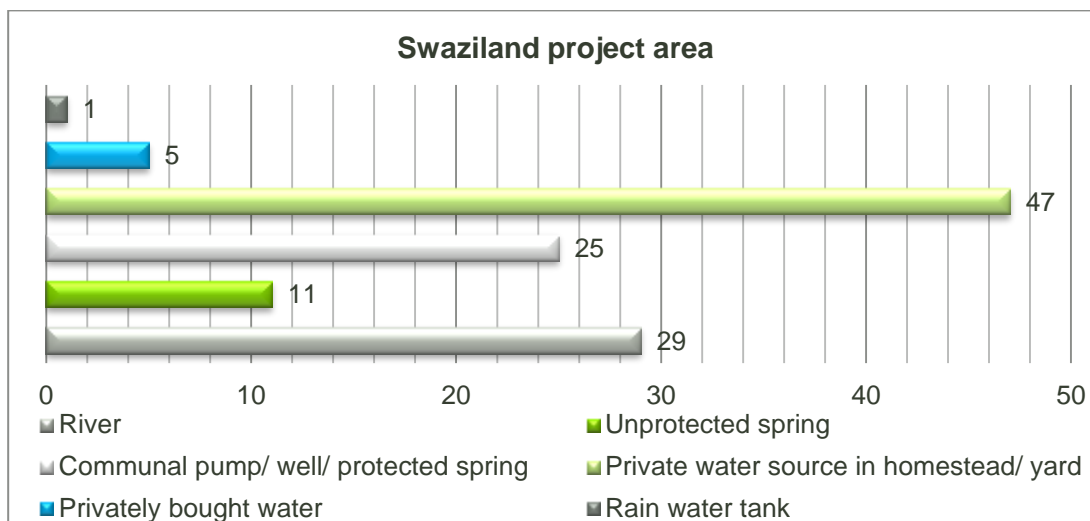


Figure 14: Primary water source

3.3.4.2 Energy source used for lighting

Figure 15 reveals that the most common energy source used for lighting is electricity with 41 percent of households in the new link section and 66 percent in the upgrade section having

electrified lights. Paraffin is the second most use source for lighting in the new link section used by 32 percent of households and then candles with 26 percent of surveyed households. Only 1 percent of households use solar energy for lighting. In the upgrade section candles are used by 30 percent of the households and paraffin only by 4 percent of households for lighting.

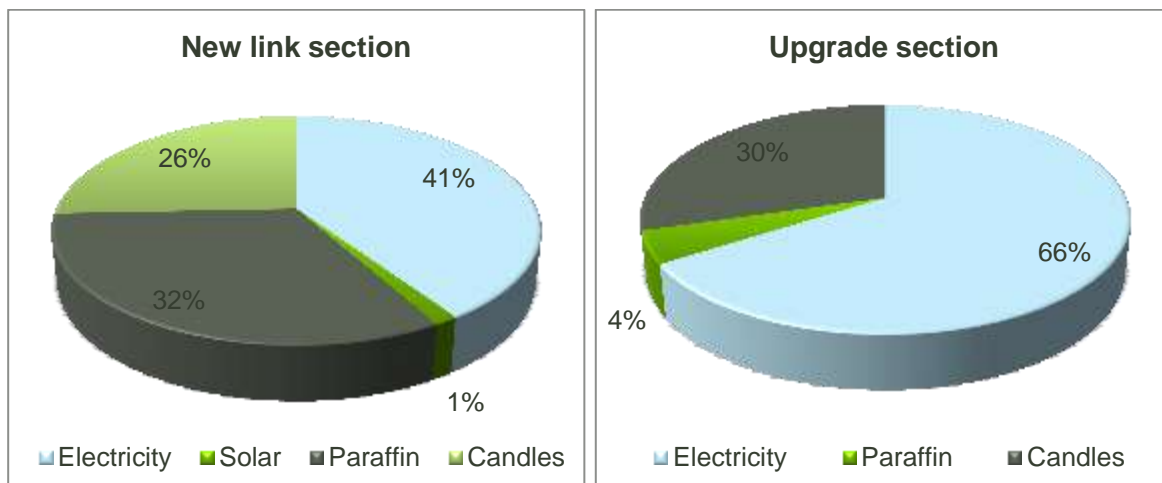


Figure 15: Main energy source for lighting

3.3.4.3 Energy source used for cooking

In Figure 16 for the new link section wood is most commonly used (71 percent) as the main energy source for cooking and this puts a big constraint on the local wood resources in that area, and a further 19 percent of households use electricity for cooking.

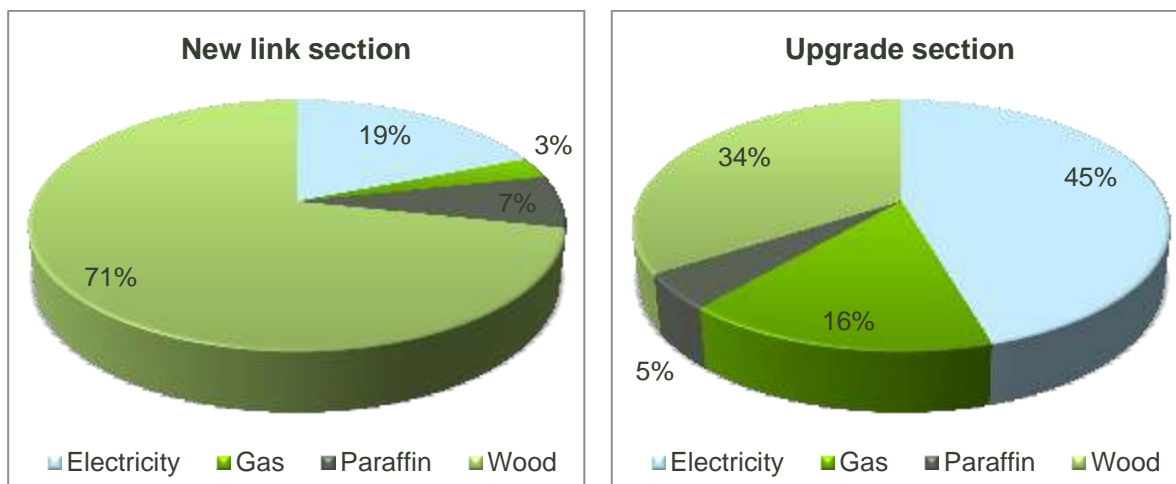


Figure 16: Main energy source for cooking

As shown in Figure 17, for the entire study area, 57.5 percent of the households use wood as their main energy source for cooking, 29 percent use electricity and 7.5 percent use gas for cooking with only 6 percent using paraffin.

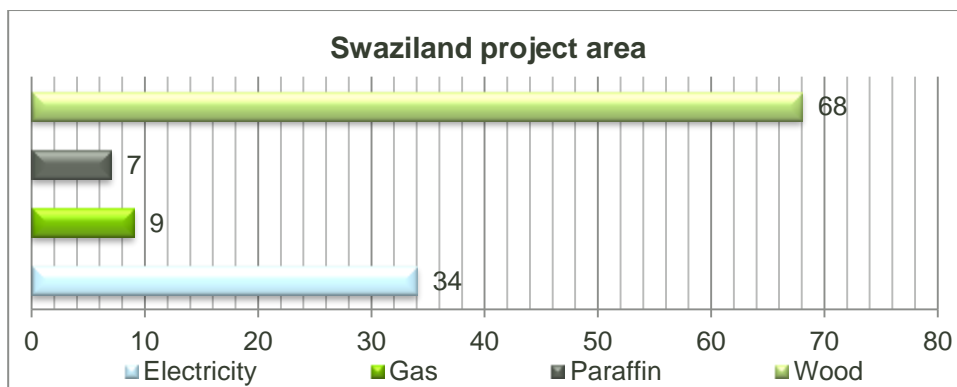


Figure 17: Main energy source for cooking

3.3.4.4 Energy source used for heating

As per Figure 18 below wood is also the main energy source used for heating the home (89 percent in the new link and 52 percent in the upgrade sections respectively), electricity, paraffin and other energy sources are only used by a few other households.

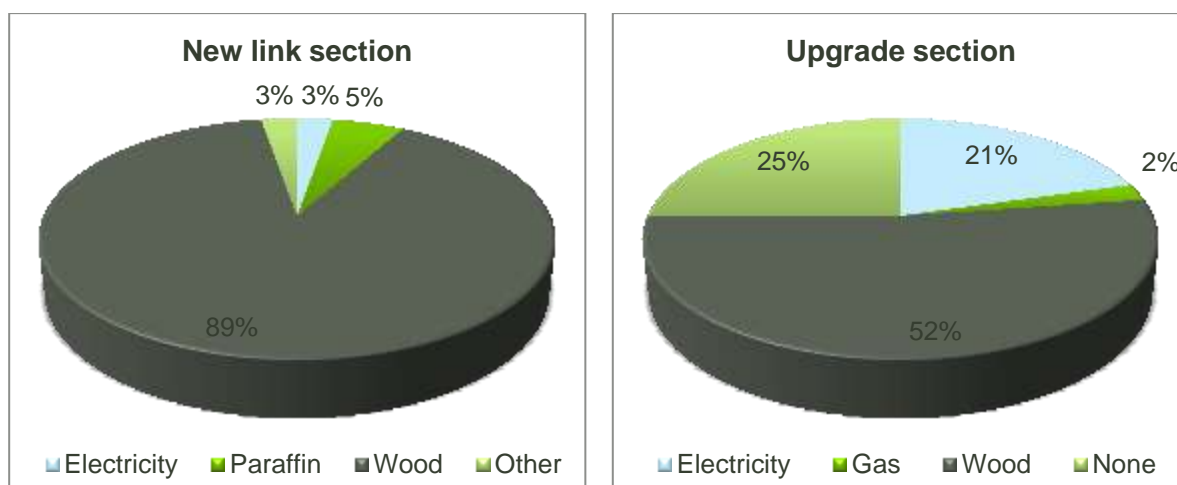


Figure 18: Main energy source for heating

3.3.5 Income and Expenditure

Income and expenditure data is complex data and its reliability is narrowly depended on the accuracy and completeness with which the respondents consent to share sensitive information with the enumerators. The income and expenditure questions asked in the questionnaire are sometimes affected by many biases.

3.3.5.1 Household main source of income

As Figure 19 indicates, the main income source for 42 households in the new link section and 26 households in the upgrade section is formal wages or salaries, followed by 11 and 7 households respectively receiving their main income from casual employment. Furthermore, another 9 and 5 household correspondingly have their main income source generated through home enterprises or small businesses. Old age pension is the other main income source for 2 households in the new link section and 1 household in the upgrade section. One

household in the new link section receive its main income from renting out land, equipment, animals and goods and one other household's main income is in the form of remittances.

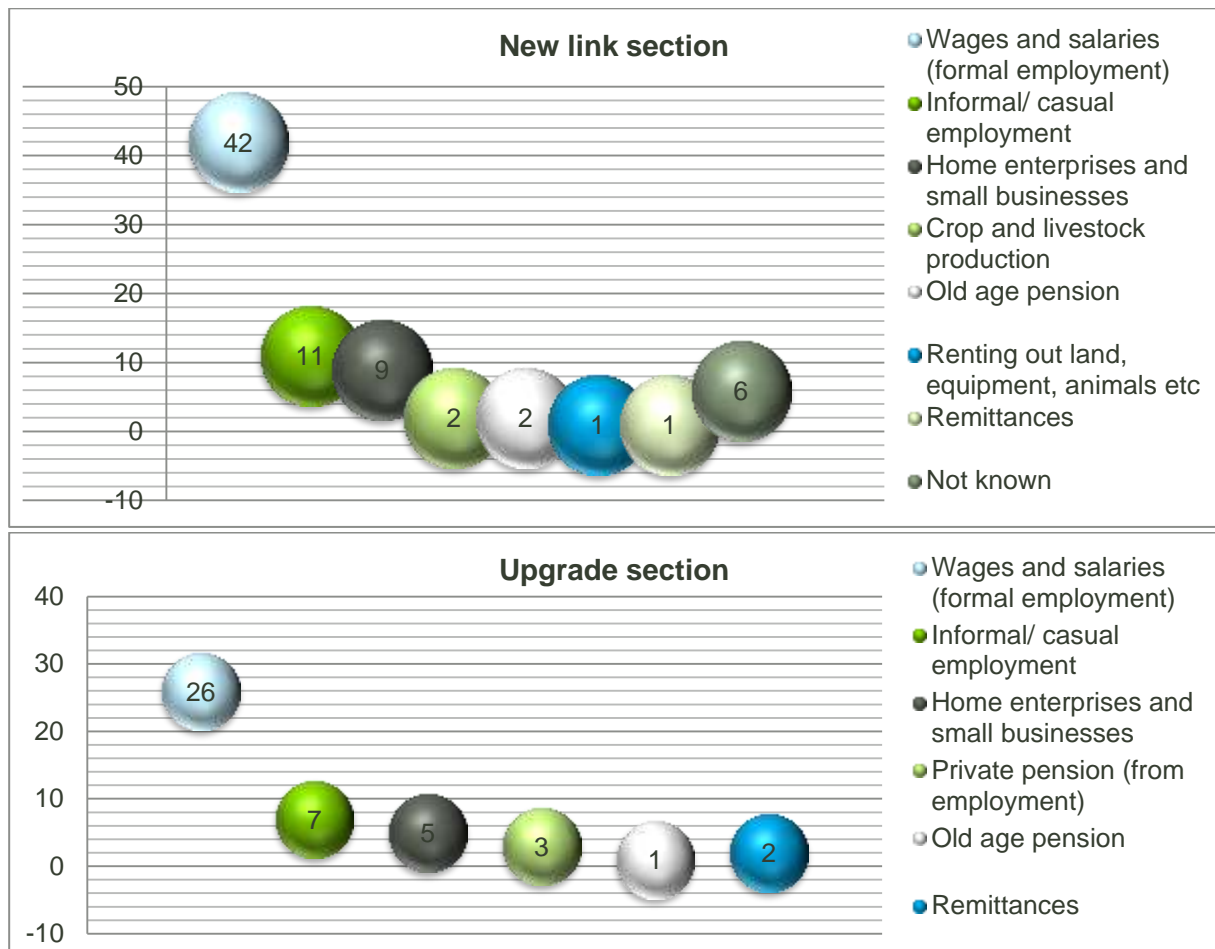


Figure 19: Household main income source

3.3.5.2 Income

As seen in Figure 20 below, a large percentage of the households (33 percent in the new link section and 25 percent in the upgrade section) have an income less than E 1 000 per month, 18 percent and 25 percent of the households have an income between E 1 001 and E 2 000 per month. A further 9.5 percent and 23 percent of the households in that order have an income of between E 2 001 – 3 000. An additional 18 percent of households in the new link section and 9 percent in the upgrade section receive an income of between E 3 001 – E 5 000 per month. Only 7 percent of the households in the new link section and 11.5 percent in the upgrade section have an income of more than E 10 000 per month. From the survey it can be concluded that the income levels for the project area are very low, indicating the possibility of correspondingly high levels of poverty.

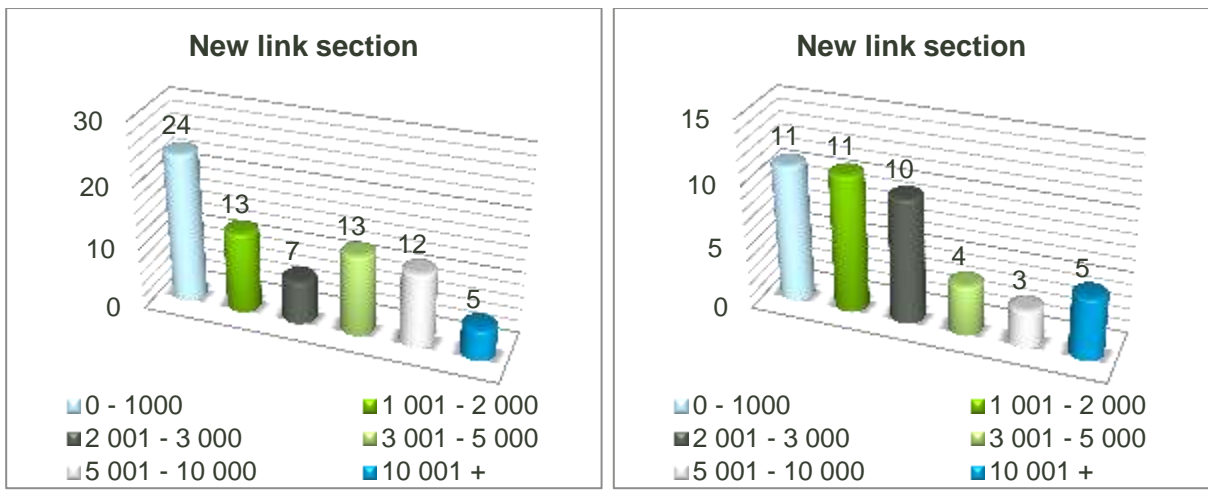


Figure 20: Income levels for homesteads in study area

In Figure 21 below, for the entire study area, 30 percent (35 households) of the households surveyed had an income of less than E 1 000 and a further 20 percent (24 households) had an income of between E 1 001 – E 2 000. An additional 14 percent of households respectively had an income of between E 2 001 – E 3 000 and E 3 001 – E 5 000 per month. Only 13 percent (15 households) of the households had an income of between E 5 001 – E 10 000 per month. It is apparent in the graph below that 78 percent of the households surveyed have an income less than E 5 000 a month.

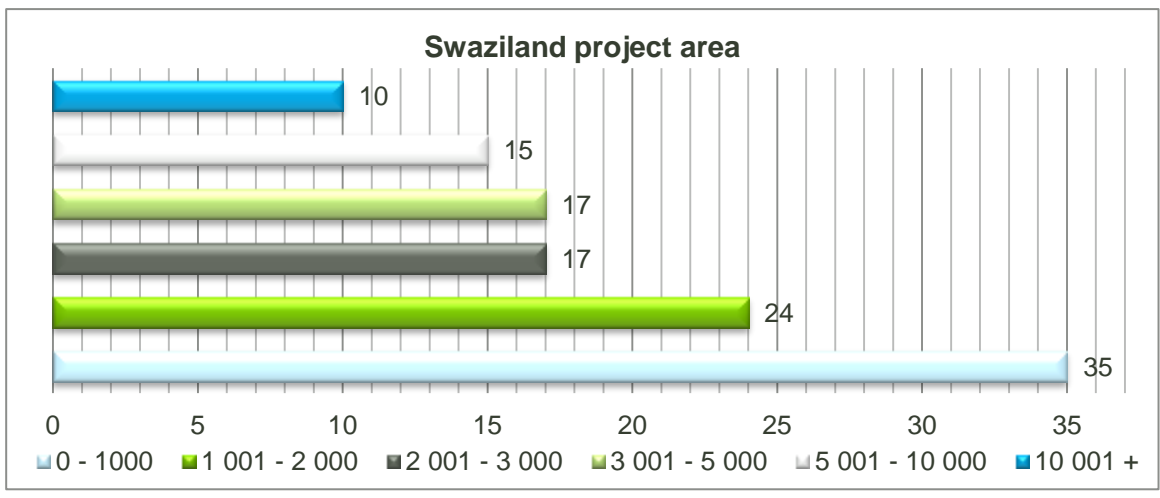


Figure 21: Income levels for homesteads in study area

3.3.5.3 Expenditure

In Figure 22 below 35 percent of households in both sections have an expenditure of less than E 1 000 (per month / year/ day? whilst 33 percent of the households has a combined expenditure between E 1 001 - E 5 000 this is followed by 32 percent that has a combined expenditure of more than E 5 001 a month. The average expenditure of the households surveyed are E 7 000.

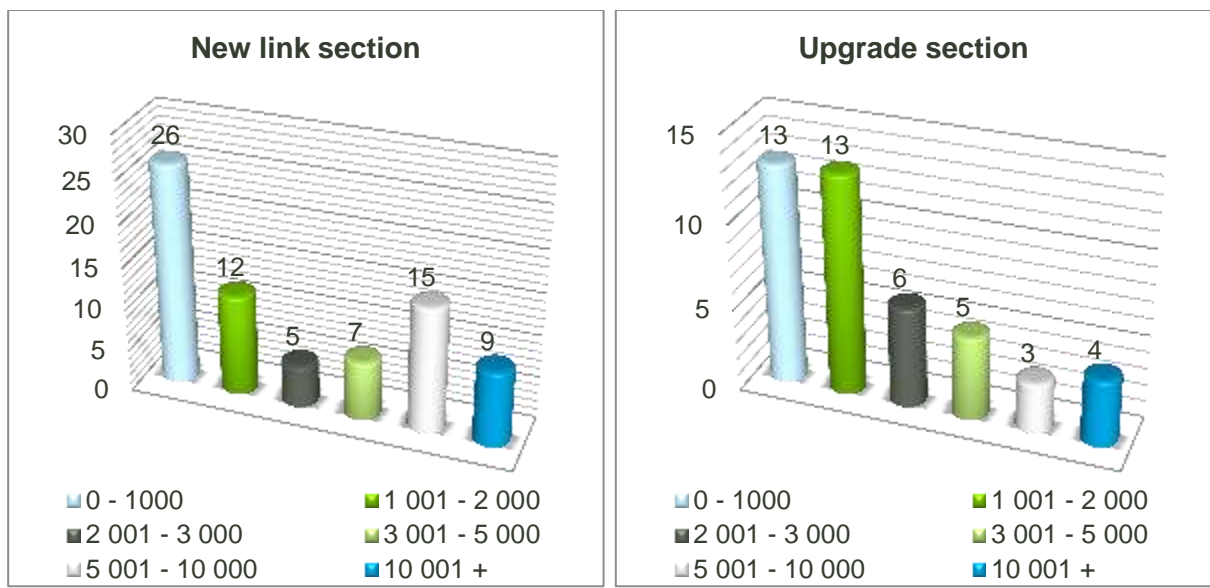


Figure 22: Expenditure

As can be seen in Figure 23, the total expenditure for 33 percent of the households surveyed (39 households) is less than E 1 000 per month, another 21 percent of the households (21 households) have a monthly expenditure of between E 1 001 – E 2 000. A further 9 percent of the households (11 households) have a monthly expenditure of between E 2 001 – E 3 000, and an additional 10 percent of households spend between E 3 001 – E 5 000 a month. Approximately 15 percent of the households spend between E 5 001 – E 10 000 a month and finally 11 percent of households (13 households) have a monthly household expenditure of more than E 10 000 per month.

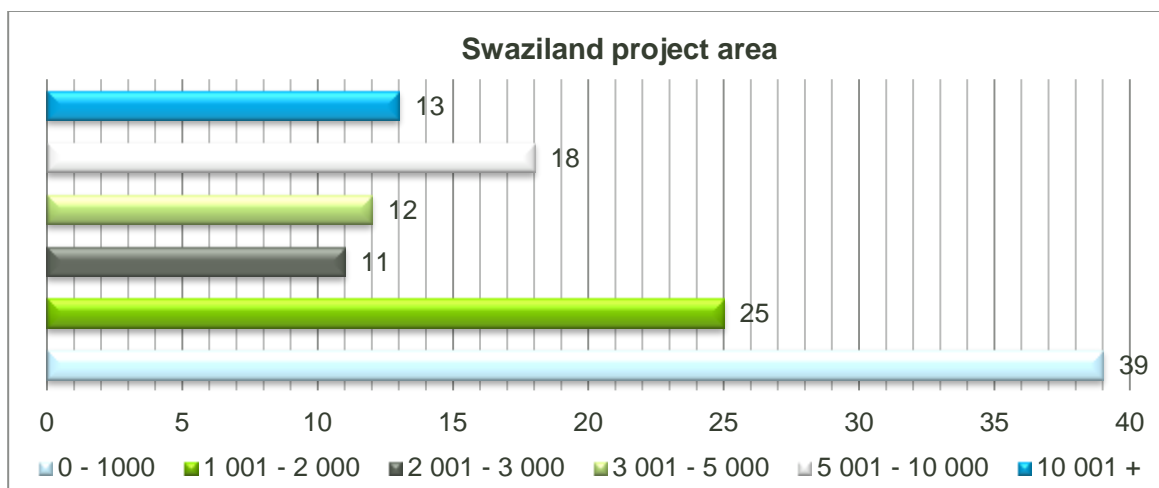



Figure 23: Expenditure

The results of the socio-economic survey indicate that the surrounding environment of the project is characterised by poverty and underdevelopment. Notable socio-economic statistics include:

- A relatively high unemployment rate– 24 percent of the surveyed population is unemployed; and

- 
- There is a significant *dependency ratio* in these areas, with 1 or 2 employed household members often having to provide for households with an average of 8 household members.

From these figures, it is clear that the households in the project area face significant socio-economic challenges. The creation of employment opportunities can therefore be seen as a significant positive impact on the surrounding communities, even though some of these opportunities may only be of a temporary nature.

During the household survey, the issue regarding creation of employment opportunities was most frequently mentioned in the area. There is a widespread high expectation that Swaziland Railway and Swaziland Railway should provide employment opportunities to the residents in the local area. With increased income-earning capacity the individuals and communities will be empowered.

Construction activities on the proposed railway project will create a number of permanent and temporary employment opportunities. The magnitude of this impact is related to the number of construction workers to be employed, either by Swaziland Railway itself or by contractors. It is recommended that local labour must be used as much as possible.


Sourcing of construction workers from the local labour pool is likely to be limited to unskilled and semi-skilled workers. This could have some economic benefits for surrounding communities, although mostly of a temporary nature. It is recommended that recruitment for new positions be undertaken through the *Employment Forum* (or any other relevant Forum) that would have been established by the local community /chief or Inkhundla.

Marginalised and vulnerable groups are particularly sensitive to social and economic changes in their local area, special care should be taken to incorporate these vulnerable groups and in so doing minimising the potential negative impacts of the project on them and create positive economic opportunities for them.

In addition to creating job opportunities for construction workers, the project may also lead to indirect employment creation in the informal sector, for instance in terms of food stalls for the convenience of construction workers. Additionally, more informal employment opportunities may be created through a multiplier effect from the project's activities.

Historically *development induced displacement* in Swaziland has been negatively perceived by the population as previous projects relocated project affected persons without proper consultation and compensation. This left the people affected scared and others wary of development projects and the consequences they have. There should be proper mechanisms for addressing the relocated person's grievances to restore their livelihoods and prevent them from feeling helpless or powerless.

There will be a permanent loss of life-long social and emotional investment as well as livelihood resources for the households that need to be relocated. Special care should be taken, as far as possible, to relocate the affected households back into their own communities through using the infill method.



4 Legal and Policy Framework

The Legal and Policy Framework as included below has already been approved by Swaziland Railway and is included in the CD containing the annexures and appendices

4.1 Objectives and Basic Terms for preparation of the Resettlement Policy Framework

4.1.1 Impacts, Land Acquisition and Resettlement


Based on the nature of project it is inevitable that activities will lead to either land acquisition and/or denial of, restriction to or loss of access to economic assets and resources and therefore, ultimately to the land acquisition and compensation and, possibly, resettlement of people. It is envisioned that only small numbers of people and areas will be impacted by project activities. When this occurs, relevant provisions in the legislation for the Government of Swaziland as well as the World Bank Operational Policy (OP) 4.12 and International Finance Corporation (IFC) Performance Standard (PS) 5 on Land Acquisition and Involuntary Resettlement will be triggered.

The Project is not required to prepare a Resettlement and Compensation Plan at this stage since all PAPs and areas affected have not yet all been identified. However, the Project is required to prepare a Resettlement Policy Framework (RPF), to be prepared as a separate and stand-alone document forming part of the Environmental Assessment (EIA) process to be submitted to the Swaziland Environment Authority.

4.1.2 Resettlement Preparation and Implementation

The RPF establishes the resettlement and compensation principles, organisational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RPF is prepared according to the standards of the Swaziland governmental legislation and policy on resettlement and compensation as well as World Bank OP 4.12 and International Finance Corporation (IFC) PS 5. If Swaziland Railway and Swaziland Railway wish to apply for funding from the Equator Principles Financial Institutions, (EPFIs), then apart from compliance with the relevant legislation and guidelines listed above, they will have to also conform to appropriate Equator Principles. Furthermore, compliance with the set principles will clearly indicate commitment their commitment to sustainable development.

When specific planning information becomes available and the affected land areas are identified, sub-project resettlement and compensation plans will be subsequently prepared consistent with this policy framework and will be submitted to Swaziland Railway for approval



before any land acquisition, compensation, resettlement, or any other impact on livelihood occurs.


According to World Bank OP 4.12 (attached as Annexure 1) this RPF will cover the following sections:

- Background and Project Description;
- Principles and objectives governing resettlement and compensation preparation and implementation;
- A description of the process for preparing and approving Resettlement and Compensation Plans;
- Land acquisition and likely categories of impact;
- Eligibility criteria for defining various categories of project affected persons;
- A legal framework reviewing the fit between the laws of Swaziland and regulations and World Bank / IFC policy requirements and measures proposed to bridge any gaps between them;
- Methods of valuing affected assets;
- Organisational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- Description of the implementation process, linking resettlement and compensation implementation to civil works;
- Description of grievance redress mechanisms;
- Description of the arrangements for funding resettlement and compensation, including the preparation and review of costs estimates, the flow of funds, and contingency arrangements;
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

4.2 Principles and Objectives governing Resettlement Preparation and Implementation

4.2.1 Basic Principles of the Resettlement Programme

The impacts due to involuntary resettlement from development projects, may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition of resources increases; community institutions and social networks being weakened; family groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.



The resettlement policy may be triggered because the project activity requires land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented.


Therefore, people will appropriately be compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred. The laws for resettlement and land acquisition for Swaziland, sets procedures for compensation while acquiring land from citizens. Respective Swaziland laws and the World Bank's OP 4.12 / IFC PS 5 as well as Equator Principles should be adhered to.

4.3 Objectives of the Resettlement Policy

The Resettlement Policy will thus have the following objectives:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimised, by exploring all viable alternatives.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.
- Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Affected people, according to the World Bank policy, refers to people who are directly affected socially and economically by Bank-assisted investment projects caused by:
 - relocation or loss of shelter;
 - loss of assets or access to assets;
 - loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

The resettlement policy framework applies to all components under the project, whether or not they are directly funded in whole or in part by the World Bank and EPFIs. The policy applies to all affected persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or other affected persons who may not be protected through national land compensation legislation.



The policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the implementation of project (Swaziland Section) activities causing resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets and infrastructures may take place only once formal agreements between parties have been reached.

Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action. It is particularly important to neutralise, to the extent possible, any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the project activities. Therefore, impacted communities must be consulted and are part of the planning process.

Finally, the RPF seeks to ensure that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is fair and transparent.

4.4 International Guidelines on Involuntary Land Acquisition and Resettlement

4.4.1 International Finance Corporation (IFC) Performance Standard 5

International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement (PS 5) recognises that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Performance Standard 5 further describes a Resettlement Action Plan (RAP) as a document drafted by the company or other parties responsible for resettlement, specifying the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The RAP is the company's commitment to financial institutions and to the affected people that it will meet its obligations arising from involuntary resettlement.

4.4.2 World Bank Operational Policy-OP 4.12


The World Bank Operation Policy OP 4.12 indicates that “involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs” .This fundamental policy objective reflects the recognition that resettlement can be severely harmful to people and their communities. Moreover, the planning and implementation of mitigation measures can be both complex and costly, and Involuntary Resettlement Sourcebook even so the measures provide no guarantees of complete success. A project design that reduces the number of people potentially affected and minimises the severity of potential impacts also helps reduce the resettlement costs, responsibilities, and liabilities of the project. The OP 4.12 further defines a resettlement policy framework as a document that clarifies resettlement principles, organisational arrangements and design criteria to be applied to subprojects to be prepared during project implementation.

In addition, the OP 4.12 indicates that when a resettlement policy framework is the only document that needs to be submitted to source funding, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organisational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socio-economic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

4.5 Guiding principles for resettlement planning and implementation

The following guiding principles should be adopted for the resettlement planning process, as well as during RAP implementation:

- Principle 1: Relocation and land acquisition will be avoided or minimised.
- Principle 2: On-going and meaningful consultation will occur with project-affected persons and communities.
- Principle 3: Affected persons will be assisted to improve their livelihoods.
- Principle 4: Vulnerable groups and severely project-affected persons will be specifically catered for.
- Principle 5: Land acquisition/relocation planning, budgeting and implementation will be an integral part of the project.
- Principle 6: A proper database of affected persons will be established for management and monitoring purposes.
- Principle 7: Grievance and monitoring procedures will be in place.
- Principle 8: All resettlement activities will be planned and executed so as to comply with relevant legal obligations.



The principles are consistent with international involuntary resettlement safeguards, while also acknowledging Swaziland policies and legislation.

4.6 Review of Swaziland Legislation Governing Land Acquisition and Resettlement

The following section outlines the main legislation related to land acquisition and resettlement in Swaziland.

4.6.1 The Constitution of The Kingdom of Swaziland 2005

Chapter 13 of the new constitution requires the establishment within five years of a single countrywide system of local government, to allow people at sub-national and local level to progressively take control of their own affairs. Local governments shall be organised and administered through democratic means. The introduction of the new constitution coincides with the government's decentralisation policy and implementation strategy. The new constitution specifically articulates its position on property and compensation in Section 19 (1) states that "a person has the right to own property alone or in association with others." Furthermore in 19 (2b) the constitution states that no one should be deprived of property ownership and in cases of public interest or safety owners shall be duly compensated.


Also worth mentioning is Section 211 of the Constitution of the Kingdom of Swaziland. In terms of subsection 1 of that section all land in Swaziland including any existing concessions, save for privately held title deed land, shall vest in Ingwenyama in Trust of the Swazi Nation. Subsection 3 provides that a person shall not be deprived of land without due process of law. Where that person has been deprived of such land he shall be compensated for any improvements on that land or loss consequent upon the deprivation unless otherwise provided by law.

4.6.2 The National Trust Commission Act 1972

This Act provides for the operation of cultural institutions and the proclamation of national parks, monuments and matters incidental thereto. The Act provides further, at s21, that the owner or occupier of private land falling within the boundary of a reserve shall not without the prior consent of the Commission sell or lease such land or permit any portion of such land to be occupied without having given a prior option to the Commission to purchase, lease or otherwise occupy such land on the same terms. The person may not construct a building, roads, dams or bridges without such consent. No excavation or material alteration of the natural configuration of such land can be made. The National Trust Commission should, in terms of this Act, have first preference in the purchase or lease of the property.

4.6.3 Human Settlements Authority Act, 1988

The act established the Human Settlements Authority and its objects and functions. It provides policy support to Government and the orderly development of human settlements by allowing for and outlining procedures for the establishment of Human Settlements. It also makes provision for the development human settlement development plans, the revocation



or modification of development plans and finance mechanisms for the supply and maintenance of improved shelter and infrastructure.

The act also provides procedure for township establishment for any person wishing to sub-divide property into five or more plots.

4.6.4 Acquisition of Property Act, 1961

This Act provides for the authorisation of the acquisition of property for public and other purposes and for settling the amount of any compensation to be paid or any matter in difference. In terms of Section 2 of the Act, public purposes include, but are not limited to the construction of any railway authorised by legislation or for the maintenance or working or any existing railway. Section 3 of the Act provides that the Minister responsible for Natural Resources may acquire any real property needed for public purposes, whether present or future, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Act. The section also authorises the Minister to purchase the property or any part thereof as he thinks proper at a price agreed upon or determined under this Act. In terms of Section 5 of the Act once the Minister is satisfied that certain property is required for a public purpose he shall give notice to the owner or any person claiming title thereof to sell and convey or lease the said property for the execution of the public purpose. Section 10 of the Act provides for the establishment of the Board of Assessment and any dispute emanating from this Act ought to be resolved by this Board. Section 15 of the Act stipulates matters that need to be considered in determining compensation.

4.6.5 Conveyance and Burial of Dead Bodies Act, 1970

This Act deals with the conveyance of dead bodies, their burial and incidental or connected matters which include but not limited to the exhumation in reburial of the said dead bodies. The Act provides that no person shall cause a body or remains of a body to be exhumed without a permit issued by the Minister or without an order of the High Court. This is stipulated in Section 14 of the Act. Subsection (2) of the Act provides that the body or remains of a person who died from an infectious disease shall only be exhumed after the lapse of four (4) years since his death. It further provides that in all other cases the exhumation of a body or the remains of a body shall be permitted after the lapse of two (2) years. However in special circumstances the Minister may waive the provisions of the paragraph relating to the exhumation of a body of a person who did not die from an infectious disease. Consequently the Minister may waive the two (2) year period in the circumstances wherein there is a construction of a railway line. The Minister referred to herein is the Minister of Tinkhundla Administration and Development.

4.6.6 Land Survey Act, 1961

The act provides for the survey of land and matters incidental thereto. It deals with interpretation including the definition of diagram, general plan, lot, owner, registration and township. It deals with matters relating to the Surveyor-General and Surveyors, surveys and resurveys, beacons and boundaries.

4.6.7 Deeds Registry Act, 1968

This act consolidates and amends the laws in force in Swaziland relating to the Registration of Deeds. It establishes the Deeds Registry, appointment, duties and powers of the Registrar. It deals with the registration of land including transfers, substituted title deeds and endorsements and covers; change of title by endorsement; townships including requirements in case of sub-divisions of land into lots, transfer of township, extension of boundaries of an existing township. It further deals with bonds including execution, cession, transfer and registration of notarial bonds; the rights in immovable property and antenuptial contract. A discussion concerning the township establishment process, in which this legislation plays an important part, is contained in relationship to the Human Settlements Authority Act.

4.6.8 The Definition of Swazi Areas Act, 1917

This Act describes areas set apart under the Concessions' Partition Act and it also declares and determines the conditions and restrictions subject to which the Swazi people are entitled to the sole and exclusive use and occupation of such areas. This Act defines the various Swazi Nation Land within the various districts and it also confers certain rights on Swazi nationals on the use of such land.

4.6.9 Land Speculation Control Act and the Land Speculation Control Regulations, 1972

The act provides for the control of speculative land transactions involving persons who are not citizens of Swaziland, and matters incidental thereto. The Regulations prescribe exemptions, form of consent, conduct of proceedings, and registration of landowners who are non-citizens of Swaziland through the Land Control Board and the form of appeal.

4.6.10 The Building and Housing Act, 1988

The act provides for the control and the safety of buildings and for incidental or connected matters. It deals with the classes of buildings, locations, design and construction and building regulations, including codes of practice.

The procedure required by the Act is that all applicants must submit five copies of the following documents to the Local Authority, together with an application fee:

- Application form;
- Working drawings;
- Site plan showing access to the public road, existing buildings and plot boundaries;
- A location map; and
- All sewerage, drainage and water plans.

Plans are forwarded to several government departments and public utilities for comment. The Principal Secretary of the Ministry of Housing and Urban Development makes the final decision, except in Mbabane and Manzini, where it is made by the City Council.



4.6.11 National Housing Board Act, 1988

The act deals with the establishment of the Swaziland National Housing Board (SNHB) and includes provisions to purchase or by other means acquire and by sale, mortgage or lease, dispose of any movable or immovable property. It details the objects and functions of the Board which subject to the provisions of the Human Settlements Authority Act are to provide affordable housing generally in Swaziland and to take over such housing schemes as the government may determine. The SNHB make loans for acquisition of property and construction of housing or housing schemes.

4.6.12 The Swaziland Posts and Telecommunications Corporations Act 1980

This Act provides for the establishment of the Swaziland Posts and Telecommunications Corporation and also, albeit not substantively, provides for the procedure to be followed in the event there is a necessity to remove telephone lines or alter such lines positions. Section 17(2) of the Act provides that where a telephone line or pole has been constructed, under the provisions of the Act, on property that does not fall under the management of a local authority, any person entitled to do so, may require the Corporation to remove or alter the position of the line if he wishes to construct a building on the said property. The costs of the alteration and / or removal will be borne by the Corporation provided the line was not constructed for the sole use of the person making the requisition.

The Act also provides that if such person wishes to deal with the property in such a manner other than by erecting a building, then he may require the Corporation to remove the line and / or alter its position and the Corporation may either comply to do so and also bear the costs. The Corporation may also comply on condition that the person making the request bears the costs. The Corporation may also refuse to comply with the said requirements in which case the person concerned may make application to the Minister whose decision will be final.


4.6.13 Ministry of Housing and Urban Development (MHUD) Resettlement Policy & Guidelines 1994

The MHUD resettlement policy and guidelines lay a foundation through which resettlement can be carried out regarding MHUD projects but should be considered as guideline for this project to limit adverse effects of resettlement.

4.6.14 Gender equity

Since 2000, a series of significant legislation relating to gender equity in Swaziland has come into being including the new constitution. The situation may be summarized as follows:

- The Constitution of the Kingdom of Swaziland (2005), as well as protecting fundamental rights of all citizens (Section 14), specifically enshrines the rights of women (Section 28) to equal treatment, political, economic and social opportunities and commits the Government to enhancing their welfare, and provides for equal access to land irrespective of gender (Section 211). Furthermore according to Section 28 (3) women may not be compelled to undergo or uphold any custom “to which she is in conscience opposed.

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- The Gender Unit in the Ministry of Home Affairs has identified Constitutionalism and Law Reform as a priority and they have drafted a Program of Action with the assistance of United Nations Development Programme (UNDP). Currently the Constitution has two provisions explicitly stating the protection from gender discrimination and inequality before the law based on gender. Sections 14 and 28 enshrine gender equality reforms and redress previous legislation such as the Marriage Act of 1964, the Deeds Registry Act of 1938 and the Intestate Succession Act of 1953 and other inheritance laws.

4.6.15 The Railway Act 1962

The Act provides for the construction and operation of the Swaziland Railway and for finances of the said Railway. S13 of the Act makes provision for the powers of the Swaziland Railway one of which is to acquire land. This power is also buttressed in S 28, 29 and 33 of the Act. The Act exempts Swaziland Railway from paying transfer duty. The provisions of the Sub-division of Land Act 1957 do not apply to any land required to be sub divided for the railway reserve not to any sub division of land resulting from the deduction of any land required for the railway reserve. This is provided for in S36 of the Act.

4.6.16 The Environmental Management Act 2002

The Act provides for the promotion and enhancement, protection and conservation of the Environment and matters that are incidental thereto. In consideration of the magnitude of the work that will be done in the construction of the railway line, in terms of this Act, it is necessary to conduct an Environmental Impact Assessment. If it appears that the impact on the environment is grave, the land or that environmental aspect will not be interfered with. However in the event the Director authorises the continuation of the project and it transpired that there is an impact on the environment, in terms of S64 of the Act, the Swaziland Railway may be served with a protection order in terms of which Swaziland Railway may be directed to stop the activity that is causing the adverse effect, control the activity and to assess the actual or anticipated extent of the adverse effect.


This Act also governs the other Environmental Acts which include but not limited to The Forest Preservation Act of 1910, The Private Forest Act 1951, The Water Act of 2003 and the Flora Protection Act of 2001.

4.6.17 Farm Dwellers Control Act 1982

The term “Farm – Dweller” is defined as follows in the definition section of the Act:-

“*Farm Dweller*” means a person who resides on a farm other than:-

1. the owner thereof; or
2. a usufructuary or fiduciary; or
3. a lessee under a written agreement of lease ;or
4. the holder of a registered servitude which gives the right of occupation; or
5. the manager or agent of a person referred to in paragraphs (a), (b) ,(c) and (d); or
6. a member of the family or a guest of a person mentioned in paragraphs (a), (b) ,(c) and (d) or (e);or

- 
7. a person who is in the full time employment of an owner if it is a condition of his employment that the owner shall provide him or his family with residential accommodation.

The Farm Dwellers Control Act, which is the principal instrument below the Constitution on matters of eviction from privately held land in Swaziland, does not address itself to any substantive rights of that class of people. Instead, it dwells much on procedural aspects of how evictions are to be carried out. The Act sets up the tribunals and lays down their procedural rules.

4.7 Comparison of Government of Swaziland Legislative Framework with IFC PS5 on Involuntary Resettlement

The Bank's safeguard policies require that potentially adverse environmental and social impacts of projects are identified, avoided, or minimised where feasible, and mitigated or monitored. Most safeguard policies provide that:

- potentially adverse environmental impacts as well as specific social impacts should be identified and assessed early in the project cycle;
- unavoidable adverse impacts should be minimised or mitigated to the extent feasible; and
- timely information should be provided to the stakeholders, who should have the opportunity to comment on both the nature and significance of impacts and the proposed mitigation measures.


Key objectives of the World Bank's policy on Involuntary Resettlement (OP 4.12) are:

- avoid or minimise involuntary resettlement where feasible, exploring all viable alternative project designs;
- assist displaced persons in improving their former living standards, income earning capacity, and production level, or at least in restoring them;
- encourage community participation in planning and implementing resettlement; and
- provide assistance to affected people regardless of the legality of land tenure.

The policy covers not only physical relocation, but also any loss of land or other assets resulting in:

- relocation or loss of shelter;
- loss of assets or access to assets; and
- loss of income sources or means of livelihood whether or not the affected people must move to another location.

The MHUD Resettlement Policy and Implementation Guidelines which were drawn up in 1994 were intended to meet the needs of the Swaziland Urban Development Project (SUDP). This project was jointly funded by International Bank for Reconstruction and Development (IBRD) and the Government of Swaziland. The policy and guidelines were specifically intended to meet the World Bank's safeguard policy. The key objectives of the policy are virtually the same as that of the World Bank:

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- involuntary resettlement should be avoided or minimised, exploring all designs and alternative mechanisms to permit residents to remain;
 - Where 10 or more households are affected, a resettlement plan is required to be approved, which should consider the needs of vulnerable groups;
 - Affected persons shall have their previous standard of living restored, and shall be no worse off;
 - The costs of resettlement shall be borne neither by those displaced nor the host community; and
 - Those affected shall be compensated prior to moving for immovable assets, loss of income or livelihood, losses arising from disturbance, etc.

Although the policy and guidelines focus on physical relocation, the rules apply to any loss of land or assets. A comparison between the World Bank Safeguard Policy OP 4.12 on Involuntary Resettlement and existing national legislation in Swaziland is contained in **Table 4** below. If it is determined that the Swaziland legislation does not correspond to World Bank policy, then World Bank policy OP 4.12 will be followed.

Category of PAPs/ Type of Lost Assets	Government of Swaziland Policy	World Bank OP4.12	Recommendation to address Gaps
A. Loss of Land			
Swazi National Land (SNL) householder	<ul style="list-style-type: none"> SNL is communal land held in trust by the King In principle, SNL dwellers have the right to be given replacement land by their Chief for any land taken Any improvements are compensated in terms of the Acquisition of Act Property 	Replacement land of equivalent productive potential.	If Swazi law and customs are given equivalent weight to formal written legislation and policy, both have the same objectives. World Bank guidelines should apply as necessary
Non-title holder (informal settlers)	<ul style="list-style-type: none"> MHUD Resettlement Policy and Guidelines should be considered Displaced persons shall have their previous standard of living restored, and shall be no worse off. 	Resettlement assistance in lieu of compensation for land occupied (land, cash, other assets, employment) to at least restore their livelihoods and standards of living to pre-displacement levels.	Essentially no gap, since the policy and guidelines were drafted to meet World Bank policy.
Title Deed property owner	<p>Acquisition of Property Act applies.</p> <ul style="list-style-type: none"> 2 months' notice of acquisition Purchase of property or portion for agreed value, including current market value, effect of project on other owned property, change of residence costs, and loss of rent or profit. In case of dispute, a Board of Assessment is set up to make ruling. 	<ul style="list-style-type: none"> Compensation at full replacement cost. For agriculture land pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential within the same vicinity. For urban land, pre-displacement market value of land of equal size and use, with similar facilities and sources within the same vicinity. 	Fundamentally no gap as property owner has full range options including land for land, partial land and cash or full cash compensation
B. Loss of Homes/Structures			
Families, homesteads, structure owners	<ul style="list-style-type: none"> MHUD Resettlement Policy and Guidelines should be considered. Compensation at market value for shelters (houses and outbuildings), fencing, crops and trees Single inconvenience payment where actual removal is involved – owners and tenants 	<ul style="list-style-type: none"> Compensation at full replacement cost. For houses and structures the market cost of the materials and labour to build a replacement structure of a similar quality or better than the affected structure. 	Removable items such as doors, windows and roof sheeting are not included in Government of Swaziland valuation for compensation (although in practice they are). The World Bank guidelines should apply.
C. Loss of Economic Assets			

Households and homesteads	Not specifically covered in policy and guidelines but generally covered by objectives.	Compensation at full replacement cost.	World Bank guidelines should apply.
D. Loss of Income			
Affected person, households and homesteads	<ul style="list-style-type: none"> Resettlement Guidelines: 'Support during Transition Periods' apply. Commercial enterprises shall be compensated 6 months in advance and shall receive compensation for lost revenue for up to 6 months. Compensation for farming operations is geared to re-establishment of fields. 	Measures to assist affected people in improving their former living standards, income earning capacity, and production levels, or at least restoring them.	No gap – same objective. World Bank guidelines should apply as necessary.
E. Loss of Community Resources			
Affected communities/ households	Not specifically covered in policy and guidelines but generally covered by objectives.	Measures to assist impacted communities to re-establish or redevelop lost community resources.	World Bank guidelines should apply.

Table 4: Summary of the comparison between Swaziland Legislation and IFC requirements



5 Inventory of Affected Assets

5.1 Introduction

The asset and infrastructure baseline refers to the individual and communal assets and infrastructure, fixed or moveable, that the project directly affected people own or has access to. The below report describes these assets and infrastructure that will possibly need to be relocated as a result of the proposed development project as well as the baseline socio-economic conditions of the project affected people.

The baseline socio-economic conditions of a community (community profiles) are the existing conditions and past trends associated with the human environment in which the proposed activity is to take place. The description of baseline conditions includes the relationship with the biophysical environment, social resources, culture, attitudes and social conditions, economic and population characteristics.

The primary and initial function of the fixed asset survey in this context is to provide a series of descriptions and measurements against which compensation rates can be put, or against which designs for replacement accommodation and other fixed assets can be provided. It is thus vital that the levels and standards of measurement and description in the asset survey are aligned with the needs of the compensation requirements.


5.2 Methodology

Asset and infrastructure (A&I) surveys represent the most effective way of obtaining reliable quantitative data on spatial and temporal trends in the socio-economic attributes, attitudes and behaviour of a community. Our methodology for undertaking the household survey comprised of the following activities:

- Survey planning;
- Sample selection;
- Design of the survey instrument (questionnaire);
- Enumeration;
- Survey device and data processing;
- Data analysis, consolidation and reporting; as well as
- Challenges faced during fieldwork.

5.2.1 Survey planning

This process involved the development of the overall strategy, the structure for the survey, component plans and budget. The process involved email correspondence and meetings



with Swaziland Railway on the project where survey methodology, instrument and procedures as well as the enumerators were discussed and agreed upon. The final date for the survey undertaking was set for June 2014.

5.2.2 Questionnaire design

Data collection during the survey was undertaken by means of structured interviews guided by a questionnaire, see questionnaire used in A&I survey in Appendix A. Responses from respondents as well as GPS coordinates and photo numbers of assets and infrastructures of households were recorded on the questionnaire. The final questionnaire containing 10 sections was submitted to Swaziland Railway. Household attributes assessed through the questionnaire included:

- Household information (identification);
- Demographic information;
- Dwelling type (residential and other structures);
- Access to water and energy;
- Land and agriculture;
- Business enterprise;
- Health and nutrition;
- Household income and expenditure;
- Social networks;
- Needs analysis; and
- Graves.


5.2.3 Enumeration

The enumeration phase, started with the training of enumerators. The purpose of the training was to:

- Outline the purpose of the study;
- Provide all enumerators with necessary information pack;
- Introduce the enumerators to the survey instrument;
- Train all enumerators on the questionnaire;
- Fieldworker protocol, accurate data recording; and
- Research ethics and personal safety.

The training approach was based on internationally recognised principles of adult learning, and was therefore problem-based, interactive and experiential. Each enumerator was supplied with an identity card bearing their photos, a cap and reflective vest clearly marked “enumerator” to wear during fieldwork.

The enumerators were joined by Aurecon staff members who had previous experience in conducting social surveys. The first part of the survey commenced on 3rd June 2014 and was completed on 6th June 2014; the second part of the survey was conducted on 2nd July



2014 and 14th August 2014. Completed questionnaires were collected daily and checked by the Aurecon supervisor for quality assurance. Responses were recorded on the questionnaires.

The Lang Mitchell personnel was responsible for transporting enumerators, coordinating fieldwork activities, providing guidance to enumerators and ensuring that questionnaires were correctly completed. Enumerators and the fieldwork supervisor worked under the guidance and with the support of the Social Research Team Leader for the duration of the survey.

All enumerators were given letters of appointment, and were issued with certificates to certify that they have been involved in the project and describing what activities they have undertaken and what skills they have acquired. In this manner, the project contributed to local job creation and capacity building and skills development for future employability. This initiative will also add to Swaziland Railway's drive for youth empowerment through skills development.

5.2.4 Data processing

Data processing included scanning of all questionnaires by removing foreign materials in-between pages and ensured that all pages were loose. These questionnaires were put through a scanner to create an electronic image. Finally, data from questionnaires were entered into our central entry system, cleaned and sorted for analysis.

The data set has been captured using a series of Excel spreadsheets. The entry of this data on to multiple spreadsheets has not been an easy task and has involved a high degree of checking. At the time of drafting this report the data checking and cleaning is still in process. There is therefore a level of error in the reported figures that must be taken into account.


5.2.5 Data analysis, consolidation and reporting

Quantitative data was analysed at Lang Mitchell's office using appropriate statistical software. In addition to descriptive statistics (the proportions of respondents in various areas that gave a particular response to a given questionnaire item), data analysis also made use of inferential techniques (e.g. estimating the degree of confidence that can be attached to a particular indicator, and calculating the significance of differences among geographical areas in terms of the distribution of responses). The findings of the survey are presented by means of tables or in graphical terms (e.g. graphs or charts) as appropriate. These are accompanied by clarifying narrative.

5.2.6 Conduct of the Survey

Throughout the survey regular reports on progress were furnished to Aurecon South Africa. Towards the end of the process these reports became weekly.

The original intention was that the completed survey reports would be returned to the relevant homesteads for verification and signature and would be countersigned by the relevant traditional authorities. This modality was ordered to be changed and the handwritten



survey forms were signed by the Homestead head *in situ*. This change resulted in having to return to a number of homesteads out of sequence.

While the survey work is completed along the line it should be noted that there are a number of return visits that need to be made consequent upon the change in the survey instrument. These visits have not yet been made. A decision was made to concentrate upon the planned survey visits.

5.3 Structure of the Report

The report on the data captured during the Fixed Asset & Infrastructure Survey in Swaziland is separated into three essential tiers. This structure is as directed by Aurecon². We have concentrated on the initial tier because we understand that this is the essential information required. The hierarchy of the report is thus as follows:-

TIER 1

- Indicate total number of Households
 - Also indicate total number of Households by Tenure Type
- Indicate total number of Household Members
- Indicate total number of Structures
- Indicate total number of Trees
- Indicate total number of Fields
 - Also indicate total number of Fields by Tenure Type
- Indicate total number of Livestock

TIER 2

- Indicate total number of Livestock by Type
- Indicate total number of Fields by:
 - Main crops (most commonly occurring crops)
 - Fenced and Unfenced
- Indicate total number of Structures by:
 - Use
 - Number of rooms per structure, i.e. how many 1-room, 2-room 3-room structures
 - Construction Material (Walls and Roofs)
- Indicate total number of Household Members by:
 - Skills Status of Household Members
- Indicate total number of trees by Tree Type
- Indicate total number of Households with Businesses
- Indicate total number of Households by:
 - Primary Water Source Type
 - Secondary Water Source Type

² Meeting held at LMA offices on 15th August 2014

- Indicate total number of Households by Energy Source Type

5.3.1 TIER 1

Based on the potential impact of the railway line on homesteads Swaziland rail identified 245 homesteads that will possibly be impacted on by the railway line. During the survey homesteads within a 25 m buffer zone either side of the centre line of the proposed railway line was surveyed and this resulted in a total of 410 households being surveyed.

5.3.1.1 Number of Households (and Tenure Type)

Households Surveyed	410
Household Tenure - Customary Rights	410

As illustrated above, all the households held a customary right to the occupation of the land.

5.3.1.2 Number of Household Members

The number of household members are those that have been recorded as being permanently resident in the 410 households surveyed in the potentially affected area is 2 518.

5.3.1.3 Number of Structures

Invariably homesteads comprise a number of distinct buildings, in contrast to urban dwellings that tend to be housed in one main structure with other smaller ancillary structures. In total the 410 households comprised of 1 721 structures. These structures included structures such as amongst others:

- Main house;
- Toilet and shower;
- Kitchen;
- Livestock shelters;
- Chicken coups;
- Grain storage; and
- Washing lines

5.3.1.4 Total Number of Trees

Total Trees	8476
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5.3.1.5 Number of Fields (fields by tenure type)

Total Fields	866
Field Tenure - Customary Rights	866

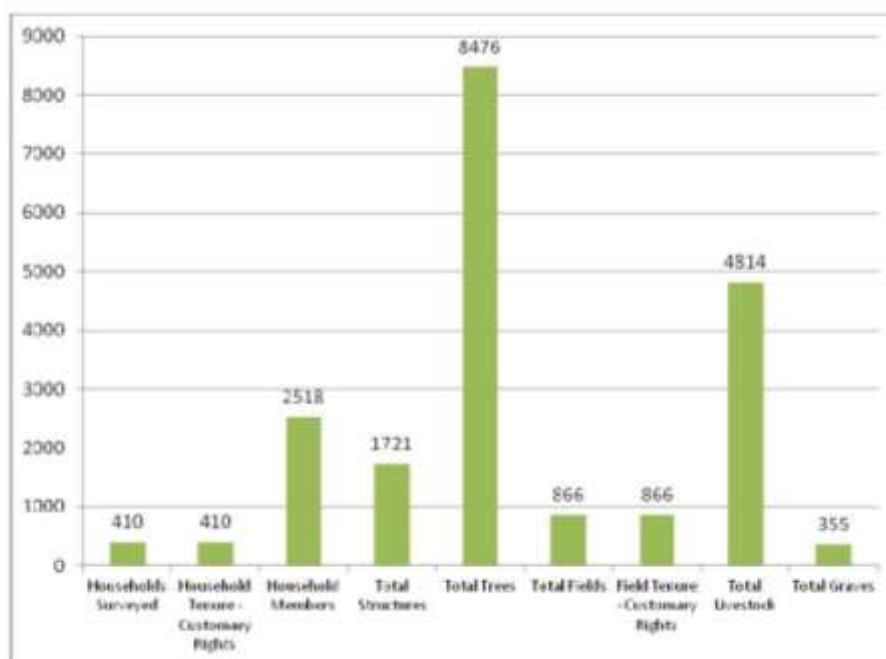
5.3.1.6 Indicate total number of Livestock

Total Livestock	4814
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5.3.1.7 Graves

Total Graves	355
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5.3.1.8 Tier 1 Summary

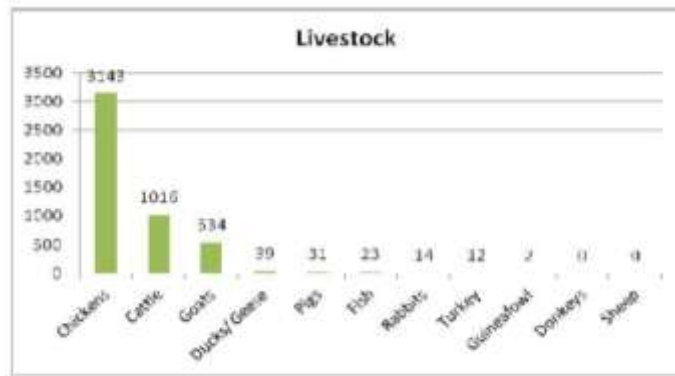
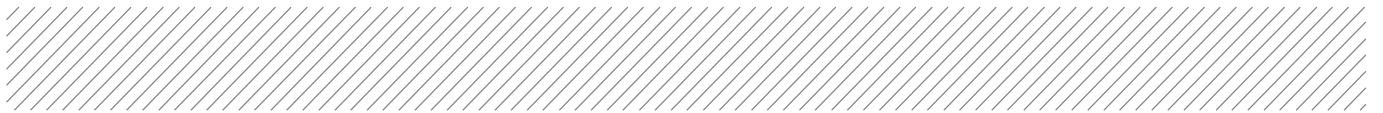


5.3.2 TIER 2

5.3.2.1 Number of Livestock by Type

The most frequently occurring livestock amongst affected households are chickens, cattle and goats.

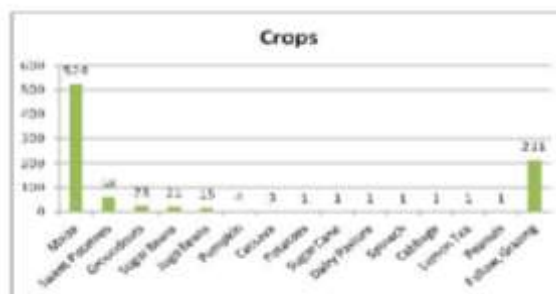
Chickens	3143
Cattle	1016
Goats	534
Ducks/ Geese	39
Pigs	31
Fish	23
Rabbits	14
Turkey	12
Guineafowl	2
Donkeys	0
Sheep	0
Total	4814



5.3.2.2 Details of Fields:

The main crops (i.e. the most commonly occurring crops) are maize, sweet potatoes and sugar beans.

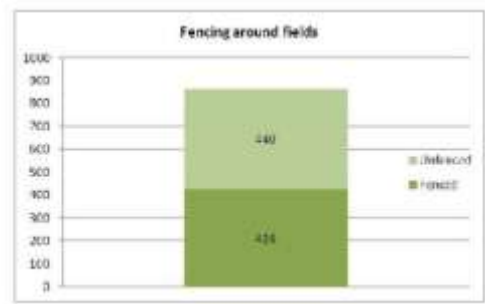
Maize	524
Sweet Potatoes	58
Groundnuts	23
Sugar Beans	21
Jugo Beans	15
Pumpkin	4
Cassava	3
Potatoes	1
Sugar Cane	1
Dairy Pasture	1
Spinach	1
Cabbage	1
Lemon Tea	1
Peanuts	1
Fallow, Grazing	211



Approximately 50% of the affected fields are fenced.

Fenced	426
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Unfenced	440
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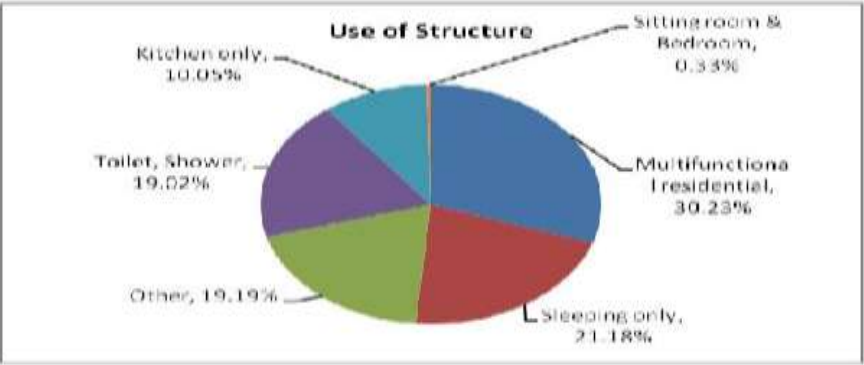
5.3.2.3 Details of Structures:

Of the 1721 structures that have been surveyed the function, the wall and roof materials, the age and the number of rooms are reported upon below.

Use of Structure

The functionality or use of the various structures have been categorized as follows:-

Use of Structure	%
Multifunctional residential	30.23%
Sleeping only	21.18%
Other	19.19%
Toilet, Shower	19.02%
Kitchen only	10.05%
Sitting room & Bedroom	0.33%

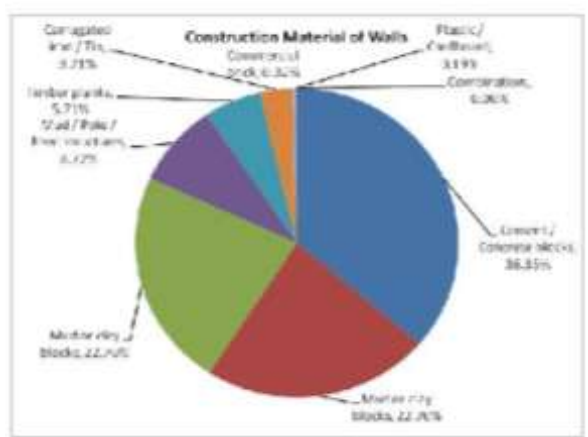


The basic building materials used in the construction of the external walls and the roof of the various structures was noted as follows:-

Walls

It will be noticed that the more conventional and robust materials such as mud or clay and concrete blocks predominate.

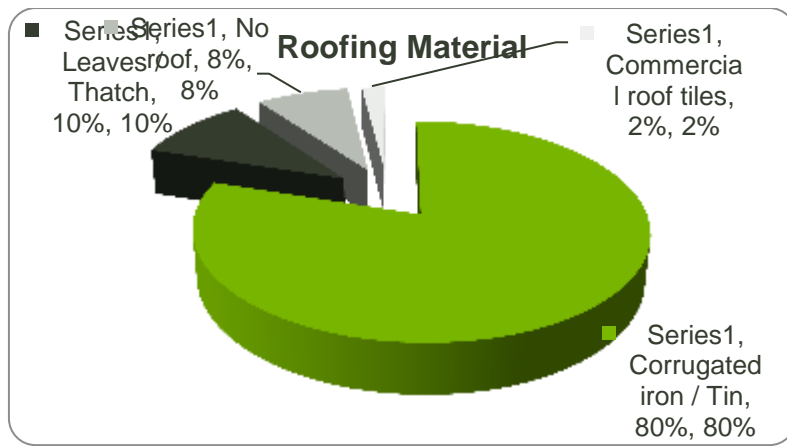
Construction Material of Walls	%
Cement / Concrete blocks	36.35%
Mud or clay blocks	22.76%
Mud or clay blocks	22.76%
Mud / Pole / Reed structures	8.72%
Timber planks	5.71%
Corrugated iron / Tin	3.21%
Commercial brick	0.32%
Plastic / Cardboard	0.19%
Combination	0.00%



Roofs

The most common roofing material is corrugated iron/ tin.

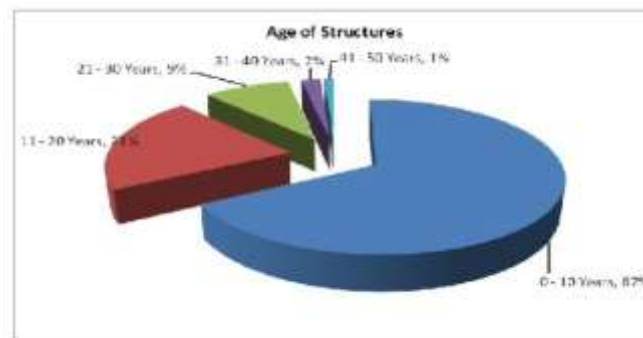
Roofing Material	%
Corrugated iron / Tin	80%
Leaves / Thatch	10%
No roof	8%
Commercial roof tiles	2%



Age of Structures

The majority of structures are equal to or less than 10 years old.

Age or Structure	%
0 - 10 Years	67%
11 - 20 Years	21%
21 - 30 Years	9%
31 - 40 Years	2%
41 - 50 Years	1%

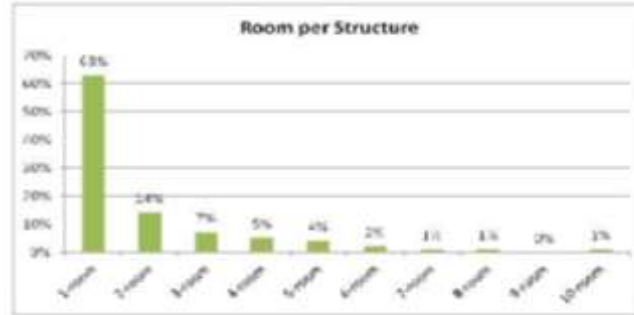


Numbers of room per structure

By number of rooms per structure, the most common are 1 and 2-room structures.

Rooms per structure	%
1-room	63%
2-room	14%
3-room	7%
4-room	5%
5-room	4%
6-room	2%
7-room	1%
8-room	1%

9-room	0%
10-room	1%



5.3.2.4 Details of total number of Household Members by:

Education Level, Employment/ Unemployment Status, Gender of Household Head (Male/ Female), Age Type, i.e. Child-Headed Households and Adult-Headed Households, Disability Status of All Household Members, Disability Status of Household Heads, and Skills Status of Household Members

The skills status of the household members is divided into those who have had experience in specific occupation categories and those who have received formal training in the categories.

The categories for both are as follows:-

	experience	training
Driving	104	103
Operation of equipment of any kind	25	18
Mechanical skills	17	14
Electrical skills	22	18
Electronic skills	14	11
Plumbing	12	9
Brick-laying / Masonry	28	15
Carpentry	8	6
Warehousing / storekeeping skills	21	17
Administrative / clerical skills	23	17
Any mining experience	13	10
Security	32	22
Other	19	17

On the face of it therefore there are more people engaged in a variety of occupations than they have been trained for. The extent to which there are people who have received training but are not engaged in that particular trade (or skill) has not been investigated.

In terms of experience “other” occupations yielded the following categories. In each case (except where noted, there was only one occurrence.

“Other” occupations include -

Catering, Dress Making, Farming (2 cases), Fence making, IT, Panel Beater, Police Officer (2 cases), safety personnel, Sewing, Teaching (2 cases), Welding (2 cases) .

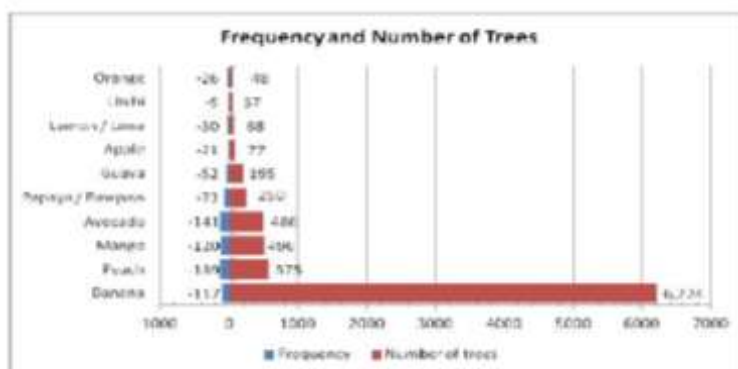
In terms of training “other” occupations yielded the following categories. In each case (except where noted, there was only one occurrence.

Farming (2 cases), Fence making, Health Inspector, Panel Beater, Police Officer, Secretarial, Sewing, Teaching (2 cases), Welding .

5.3.2.5 Detail of number of trees by Tree Type

The following table lists the most common fruit tree types: -

Type	Frequency	Number of trees
Apple	21	77
Avocado	141	486
Banana	117	6,224
Guava	52	195
Lemon / Lime	30	68
Litchi	5	57
Mango	120	496
Orange	26	48
Papaya / Pawpaw	73	250
Peach	139	575



In terms of frequency across different households, avocados are the most common, however in terms of total numbers across all households, bananas are the most common.

In addition a number of other tree types that are not conventionally regarded as fruit trees but may in some cases be fruit bearing have been recorded.

- berries
- losilina
- mulberry
- naartjie
- waterberry (umcozi)

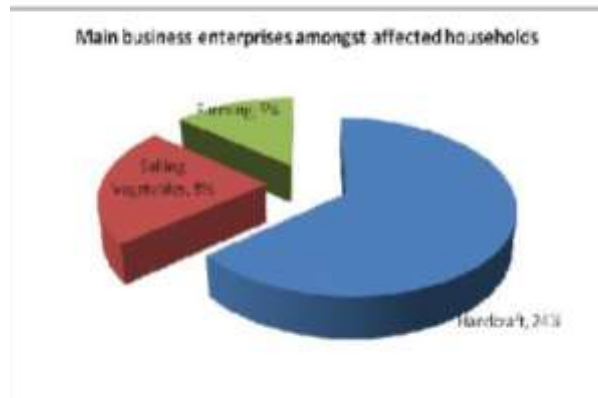
5.3.2.6 Detail of number of Households with Businesses

A number of households have been identified that are engaged in small business enterprises aside from agriculture.

Baking	Refrigeration and Air Conditioning
Bottle Store	Repairing computers
Catering For Events & Wedding	Selling Airtime
Construction Company	Selling Bedding And Curtains
Dairy, Fruits, Vegetables & Broilers	Selling cleaning material & selling tupperware
Decoration & Design	Selling Clothes
Electrical Contractor	Selling eggs
Farming	Selling Fruits and Vegetables
Fishing	Selling livestock
Flats for rentals	Selling perfumes and skin lotion
Gardening	Selling pigs
Hair dresser	Selling Sweets, Biscuits, Snacks
Handcraft	Selling Vegetables
Hawker	Sewing
Installation of landlines PABX	Timbita(herbal medicine)
Making sleeping mats	Tractor
Making woollen hats & bags	Transport
Manufacturing Vaseline	Tuck Shop
Mechanic & Welder	
Poultry Farming	

There are 225 instances where the question about small business engagement has been asked and 97 answered in the affirmative – i.e. 43%. Of these 66% are run from home, 24% are run at a nearby town or “village”, and 9% are run from another business premises.

The main business enterprises amongst households are handicraft, selling vegetables and farming.



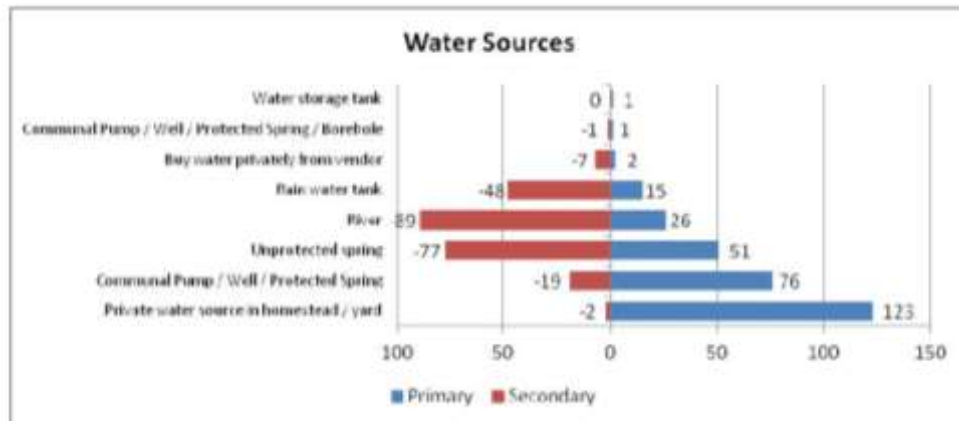
5.3.2.7 Detail Households Water Sources

Water is recorded as being obtained from the following sources:-

- River
- Unprotected spring
- Communal Pump / Well / Protected Spring
- Private water source in homestead / yard
- Rain water tank
- Buy water privately from vendor
- None
- Borehole

The most common primary water source is private water source within households and the most common secondary water source is from the river.

Source	Primary	Secondary
Buy water privately from vendor	2	7
Communal Pump / Well / Protected Spring	76	19
Communal Pump / Well / Protected Spring / Borehole	1	1
Private water source in homestead / yard	123	2
Rain water tank	15	48
River	26	89
Unprotected spring	51	77
Water storage tank	1	0



5.3.2.8 Indicate total number of Households by Energy Source Type

The following alternative energy sources were noted in the survey instrument.


- Electricity
- Gas
- Solar
- Paraffin
- Wood
- Charcoal
- Candles
- Other
- Candles & Paraffin
- Candles & Generator

In the event only the following were noted:-

	Candles	Electricity	Wood
Energy source used most frequently for Lighting	94	134	
Energy source used most frequently for Cooking		46	159
Energy source used most frequently for Heating			187

5.4 Conclusion and recommendation

The findings of the analysis reflect the socio-economic characteristics of the affected population. Furthermore, the analysis also revealed the extent to which households have access to electricity as a source of energy. The living standard of the surveyed households provided a variation in the level of wealth, material goods and necessities available to a certain socio-economic class in a certain geographic area. The standard of living includes factors such as access to quality of services such as electricity and clean drinking water and



is closely related to quality of life of the people. In general the analysis revealed the following key factors in the new link section:

- There are 410 households that will need to be relocated as a result of the proposed project;
- 36.34% of household members were on a formal wage employment while 16.82% were on informal or short term / casual employment
- Almost 40% of the main structures have cement or concrete block walls and almost 23% are built of mud or clay blocks;
- 80% of the main structures' roofs are built from corrugated iron or tin and 10% of leaves or thatch;
- 134 of the households surveyed used electricity as a source of lighting and 46 as a source of energy for cooking;
- 159 of the respondents used wood as a source of energy for cooking and 187 used it as a source of energy for heating purposes;
- 76 households surveyed use a communal pump, well or protected spring as primary source of water and 51 and 77 use an unprotected spring as primary or secondary water source. 123 of the respondents use a private water resource in their homestead or yard as primary source of water;
- 104 and 103 household members have experience and training in driving skills respectively 28 and 32 have experience in brick-laying and security respectively;
- The 410 households survey have a total of 866 fields of which approximately half is fenced;
- More than 60% of the fields are used for the production of maize;
- Between the 410 surveyed households a wide range of livestock is kept of which chickens account for just more than 3 000 and cattle just over a 1 000;
- A total number of 355 graves have been recorded.

The above summary document and attached data will assist Swaziland Railway to make informed decisions regarding the relocation of the affected households and graves. It is our recommendation that there be adequate consultation with the affected households during the lifetime of the project, to minimise grievances and promote good relations.



6 Compensation Framework

This Resettlement Action Plan (RAP) compensation framework should be read in conjunction with Sections 9, 10 and 11 of the approved Resettlement Policy Framework. The RAP compensation framework specifies all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets. The compensation framework includes a description of the following:

- the methodology that Swaziland Railway will use to value losses;
- the proposed types and levels of compensation to be paid;
- compensation and assistance eligibility criteria; and
- how and when compensation will be paid.

Compensation of assets and infrastructures to be lost to the project should be based on appropriate consultation and engagement with representatives of the affected communities through Resettlement Task Team (RTT) to assess the adequacy and acceptability of the proposed compensation. Such consultation is especially important where market values for assets are not well established (property markets in emerging economies) or intangible (social or cultural values that are not readily monetized). Once acceptable compensation rates are established, they will be applied to the RAP inventory of losses for all households and enterprises affected by the project. This database can then be used to budget compensation payments and to track progress in settling compensation claims.

Swaziland Railway should establish a method for delivering compensation (either cash payments or in-kind allocations, as in the case of land-for-land compensation). In most cases, Swaziland Railway will be advised to collaborate with local government authorities in the distribution of compensation payments. Those eligible for compensation should be given advance notice of the date, time, and place of payments via public announcement. Receipts should be signed by all those receiving compensation payments and retained for auditing purposes.

The payment of compensation should be monitored and verified by representatives of the Swaziland Railway as well as representatives of the affected communities, through RTT. It may be appropriate for Swaziland Railway to engage the services of a registered auditing firm to monitor compensation payments.

6.1 Impact Scenarios

Impact scenarios have been defined to denote the manner in which different types of assets may be affected by the project, depending on their physical location relative to the land-take

areas defined below. These impact scenarios are graphically illustrated in Figure 24 below. The figure also indicates which impact scenarios are applicable to which asset types.

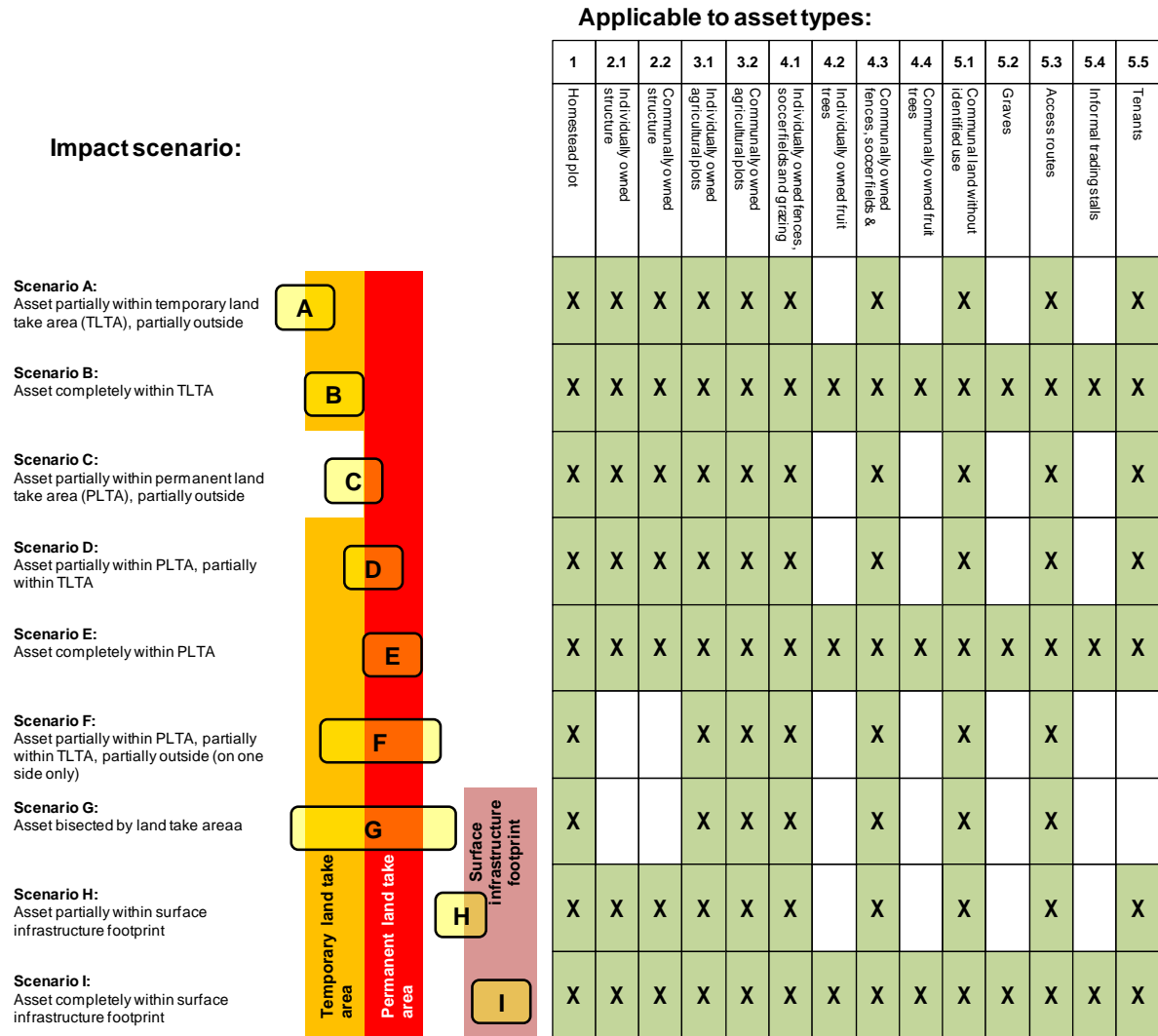
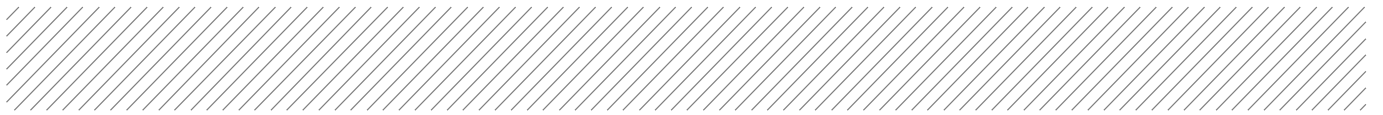


Figure 24: Impact Scenarios

6.2 Compensation Matrix

The compensation matrix presented in Table 5 below defines, for each asset type and applicable impact scenario, the beneficiary of compensation and the type of compensation for which he/she will be eligible. In addition, Swaziland Railway should ensure that eligibility criteria for relocation and cost recovery are not disadvantageous to women, whose incomes tend to be lower and less stable than those of men. Eligibility for relocation and the allocation of new sites should be made to the head of the household, male or female. Land titles, user-right agreements, or loan titles should, if possible, be registered in the name of husband and wife or in the name of the woman if she is the head of household.



One general compensation principle not captured in the matrix is the fact that assets (agricultural plots, structures, graves, etc.) established after the cut-off date stipulated through declaration of the moratorium will not be eligible for any compensation.

Table 5: Compensation Matrix

Asset type	Impact scenario	Party to be compensated	Description of compensation
1 Homestead plots	A, C, F, H (homestead plot partially in a land-take area)	Homestead head	If less than 20% of homestead plot surface area is in a land-take area: <ul style="list-style-type: none"> Cash compensation equal to replacement value³ of lost area.
			If more than 20% of homestead plot surface area is in a land-take area, and sufficient land adjacent to the homestead plot is available: <ul style="list-style-type: none"> Request traditional authority to allocate adjacent land, of equal area to the part of homestead plot that is in the land-take area, to the affected household head. Replace any residential structure or outside toilet on the homestead plot if it is situated within a land-take area, as in 2.1 below. Cash compensation at replacement value for any other structure on the homestead plot that is in a land-take area. If the homestead plot is currently fenced: compensation as in 4.1 below.
			If more than 20% of homestead plot surface area is in a land-take area, and sufficient land adjacent to the homestead plot is <i>not</i> available: <ul style="list-style-type: none"> Replacement of homestead plot, as for Impact Scenarios B, D, E, I below.
		Landowner (traditional authority)	Cash or equivalent compensation equal to customary replacement value of the additional/ replacement land allocated to the affected homestead head.
	B, D, E, I (homestead plot completely in a land-take area)	Homestead head	<ul style="list-style-type: none"> Request traditional authority to allocate a new stand, of equal area to the affected homestead plot, to the affected household head. Replace any residential structure or outside toilet on the homestead plot, as in 2.1 below. Cash compensation at replacement value for any other structure on the homestead plot, as in 2.1 below. If the homestead plot is currently fenced: compensation as in 4.1 below.
		Landowner (traditional authority)	As under Impact Scenarios A, C, F, H above.

³ See List of Definitions.

Asset type	Impact scenario	Party to be compensated	Description of compensation
	G (asset bisected by land-take area)	Homestead head	<p>If main residential structure is located <i>in the land-take area</i>:</p> <ul style="list-style-type: none"> Replace as in 2.1 below. <p>If main residential structure and outbuildings are located on the unaffected part of the homestead plot, on the <i>same side of land-take area</i>:</p> <ul style="list-style-type: none"> Replace the part of the homestead plot in the land-take area, as well as the remainder on the other side of the land-take area, as for Impact Scenarios A, C, F, H above. Acquisition of replacement land as in Impact Scenario A, C, F, H above. Replacement land must be on the same side of the land-take area as the main residential structure. <p>If main residential structure is located in the unaffected part of the homestead plot on one side of the land-take area and outbuildings are located on the <i>other side of land-take area</i>:</p> <ul style="list-style-type: none"> Replace the part of the homestead plot in the land-take area, as well as the remainder on the other side of the land-take area, as for Impact Scenarios A, C, F, H above. Replace outside toilet on the same side of the land-take area as the main residential structure, at a suitable distance from the residential structure. Guidelines for replacement structure provided under 2.2 below.
2.1 Individually owned structures	A-E, H, I (structure partially or completely in a land-take area)	Owner of structure (household head)	<p>For residential structures:</p> <ul style="list-style-type: none"> Replace the structure by building a suitable structure with size and quality similar to or better than the original. Design and location of replacement structure must be decided in consultation with the affected owner and tribal authority. Owner will be allowed to salvage reusable materials with no deduction from their compensation entitlements. If structure is situated on a homestead plot, replacement structure must be on the same plot (if Impact Scenario A, C, F, G or H under Asset Type 1 above applies) or on replacement plot (if Impact Scenario B, D, E or I under Asset Type 1 above applies) <p>For outside toilets:</p> <ul style="list-style-type: none"> Replace with VIP latrine, at a suitable location decided in consultation with the owner and takes into account environmental health and safety constraints. <p>For other structures:</p> <ul style="list-style-type: none"> Cash compensation to the owner at replacement value.⁴

⁴ See List of Definitions.

Asset type	Impact scenario	Party to be compensated	Description of compensation	
2.2	Communally owned structures	A-E, H, I (structure partially or completely in a land-take area)	Owner of structure (government department, traditional authority)	As for individually owned structures.
3.1	Individually owned agricultural plots	A, C, F, G, H (agricultural plot partially in a land-take area)	Person farming the plot, whether owner-cultivator, lessee, customary usufruct rights holder or sharecropper	<p>For standing crops at the time construction commences:</p> <ul style="list-style-type: none"> • Cash compensation at net value of standing <u>crops in the land-take area</u> at the time construction commences, where harvesting prior to construction is not possible. • If more than 80% of the agricultural plot is in a land-take area, cash compensation for crops must be paid for the <u>entire cultivated area</u> on the plot (not just the part in the land-take area). • If the land in question was cultivated according to a sharecropping arrangement at the time of acquisition, compensation for crop losses to be apportioned according to the arrangement. • Affected persons to receive advance notice to harvest crops, if applicable.
				<p>For preparation of agricultural plot:</p> <ul style="list-style-type: none"> • Cash compensation equal to the cost of <u>initial establishment</u> of the agricultural plot (land clearing, etc.). • Cash compensation equal to the <u>input cost</u> expended on the plot during the current cultivating season (seed, fertiliser, etc.). • If more than 80% of the agricultural plot is in a land-take area, compensation must be paid for the <u>entire plot</u> (not just the part in the land-take area).
				<p>For land, irrespective of whether standing crops are present at the time of acquisition:</p> <ul style="list-style-type: none"> • If <u>less than 20%</u> of agricultural plot surface area is in a land-take area, cash compensation equal to mature value of crops that would otherwise have been planted on the affected area of the plot. • If <u>more</u> than 20% of agricultural plot surface area is in a land-take area, and sufficient land adjacent to the plot is available, request traditional authority to allocate adjacent land, of equal area to the part of agricultural plot that is in the land-take area, to the person farming the plot. If the plot is currently fenced: compensation as in 4.1 below. • If more than 20% of agricultural plot surface area is in a land-take area, and sufficient land adjacent to the plot is <u>not</u> available, replacement of agricultural plot, as for Impact Scenarios B, D, E, I below.
		Landowner (traditional authority)	Cash compensation equal to the replacement value of the additional/ replacement land allocated to the person farming the plot.	

Asset type	Impact scenario	Party to be compensated	Description of compensation	
	B, D, E, I (agricultural plot completely in a land-take area)	Person farming the plot	For standing crops at the time construction commences, as well as for preparation of agricultural plot: <ul style="list-style-type: none"> • Compensation as under Impact Scenarios A, C, F, G, H above. 	
			For land irrespective of whether standing crops are present at the time of acquisition:: <ul style="list-style-type: none"> • Request traditional authority to allocate a new plot, of equal area to the affected agricultural plot, to the person farming the plot. • If the agricultural plot is currently fenced: compensation as in 4.1 below. 	
		Landowner (traditional authority)	Cash compensation as under Impact Scenario A, C, F, G, H above.	
3.2	Communally owned agricultural plots	All scenarios	Landowner (traditional authority)	As for 3.1 above, except that cash compensation to be paid to landowner, with the request that this be equitably distributed among persons using the communal plots.
4.1.1	Individually owned fences (Type of fence to be considered)	All scenarios	Owner	<ul style="list-style-type: none"> • If fence is around an affected homestead plot for which adjacent land has been allocated to replace affected portion (Impact Scenarios A, C, F, H under Asset Type 1 above), cash compensation sufficient to fence new perimeter of plot to equal or better quality than existing fence. • If fence is around a homestead plot that has been replaced in its entirety (Impact Scenarios B, D, E, I under Asset Type 1 above), cash compensation sufficient to fence the new stand to equal or better quality than fencing of existing stand. • If fence is around an affected agricultural plot for which adjacent land has been allocated to replace affected portion (Impact Scenarios A, C, F, G, H under 3.1 above), cash compensation sufficient to fence new perimeter of plot to equal or better quality than existing fence. • If fence is around a homestead plot that has been replaced in its entirety (Impact Scenarios B, D, E, I under 3.1 above), cash compensation sufficient to fence the new plot to equal or better quality than fencing of existing plot. • For fences not enclosing an affected privately-owned plot: cash compensation sufficient to replace the section of the fence in the land-take area, taking into account possible need for re-alignment of the fence to maintain its original purpose. • Any gates in an affected fence are to be replaced to a similar or better quality, their placement being determined by relevant access considerations.

Asset type	Impact scenario	Party to be compensated	Description of compensation
4.2 Individually owned perennial crops	All relevant scenarios (B, E, I)	Landowner; other evidence of ownership if different from landowner	<p>Fruit trees utilised mainly for own consumption:</p> <ul style="list-style-type: none"> • Compensation for future production losses at net present value, calculated for productive life of relevant tree species. • Owner will have rights to salvage all other resources (timber; firewood) from privately-owned trees that are felled. <p>Trees for income:</p> <ul style="list-style-type: none"> • Compensation for future production losses at net present value, calculated for the productive life of the various tree species. • Owners wishing to replace lost trees will have to secure suitable replacement land from the landowner; they will be assisted to access seedlings and planting guidance.
4.3 Communally owned fences, soccer fields & grazing land	All scenarios	Landowner (traditional authority)	As for 4.1 above, except that cash compensation to be paid to landowner, with the request (where relevant) that this be equitably distributed among users of affected fences/ soccer fields/ grazing land.
4.4 Communally owned perennial crops	All relevant scenarios (B, E, I)	Landowner (traditional authority)	As for 4.2 above, except that cash compensation to be paid to landowner, with the request (where relevant) that this be equitably distributed among user groups.
5.1 Communal land without identified use	A,B (land only in TR)	Landowner (traditional authority)	No compensation, given temporary nature of impact.
	C-I (land partially or completely in PR or SI footprint)	Landowner (traditional authority)	Cash compensation equal to the replacement value of the area of land in the PR or surface infrastructure footprint.
5.2 Graves	All relevant scenarios (B, E, I)	Affected family	<p>Affected graves to be identified and confirmed in conjunction with the affected communities and families. Still-born burial sites, where identified apart from graves, will be treated the same as family graves.</p> <p>Payment of:</p> <ul style="list-style-type: none"> • Exhumation and reburial of affected family graves with all due ritual and ceremony at the agreed location (symbolic/ spiritual removal with all due ritual and ceremony, where relevant). • Wake allowance (one allowance per family, not one per grave).

Asset type	Impact scenario	Party to be compensated	Description of compensation
5.3 Access routes	A-G (affected by TR or PR)	Local community or user groups	Maintenance of access during construction through: <ul style="list-style-type: none"> Provision of temporary crossing points across TR. Where temporary crossing points are not feasible, establishment of alternative access routes as for Impact Scenarios H, I below. Provision of watering points for animals where access to watering points is impeded, as under 4.1.3 above.
	H, I (affected by SI footprint)	Local community or user groups	Establishment of alternative access routes through: <ul style="list-style-type: none"> Where feasible, improvement/ upgrading of <i>existing</i> alternative routes similar or better quality and capacity to those lost; or Construction of <i>new</i> access roads/ paths to similar or better quality and capacity to those lost.
5.4 Informal trading stalls	All relevant scenarios (B, E, I)	Informal traders owning stalls	<ul style="list-style-type: none"> Assistance in moving operations to suitable location outside TR. <u>No</u> compensation for loss of stalls. If possible, traders will be allowed to return to original sites once construction is complete.
5.5 Tenants	All relevant scenarios (A-E, H, I)	Tenant	<ul style="list-style-type: none"> Where tenant has constructed own housing/ structure on land rented from another person, compensation for loss of structure as under 2.1 above. Where tenant rents accommodation in a structure belonging to another person, rental allowance equal to one month's rent paid by the tenant for current accommodation. However: tenants who voluntarily vacate rented accommodation more than two months prior to implementation of physical relocation programme will <u>not</u> qualify for a rental allowance.



6.3 Responsibility and Schedule for Compensation Payments

The RAP compensation framework, through the RAP Implementation Agency will specify the organisation or agency responsible for delivering compensation to all groups eligible for resettlement assistance and a timetable for the delivery of compensation. People affected by a project may have multiple compensations.

Resettlement Implementation Team should establish a timetable for the payment of compensation and delivery of related entitlements to each category of eligible people. It may be advisable for compensation payments to be staggered or paid out in instalments to allow affected people to establish themselves at the new site (to prepare farm plots, to construct houses or shops). The staggering of compensation payments enables resettlement Implementation Team to determine if payments are being used for their intended purpose and, if not, to adjust the compensation framework accordingly. A compensation timetable can be incorporated into the overall schedule of RAP implementation timetable's deadlines and can serve as implementation milestones for the purposes of RAP Implementation Monitoring.

6.4 Compensation Entitlements

Compensation must include all relevant registration cost or any administrative fees and/or transfer taxes (as may be necessary) associated with relocation. Relocation costs/transport should also be made available for those who do not have formal legal title. All categories of affected people should be provided with relocation costs.

6.4.1 People without Formal Rights


In compliance with IFC PS 5, and as highlighted in Chapter 9 of the approved Resettlement Policy Framework, the census should take into account:

- Category 1 - people who have formal legal rights to the land they occupy;
- Category 2 – people who do not have formal rights to the land but who have a claim to land that is recognised under the national law;
- Category 3 – those who have no recognisable legal rights or claim to the land they occupy, and are not recognised by the law.

Assistance in accordance with existing legislation will be provided to category 2 to acquire a formal legal status before relocation. For category 3, in case of physical displacement, some form of social housing must be provided.

6.4.2 Addressing Human Rights

One of the most difficult issues encountered on resettlement projects is the requirement to compensate and/or assist bona fide informal residents / occupants of properties. The right to adequate housing and improvement of living conditions is specifically required under IFC PS 5, which is consistent with the principles of the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966).



If affected people are evicted without any assistance or relocation solutions, their fundamental right to housing, as defined by the UN Declaration of Human Rights will be violated. For that reason, in such instances, as contemplated under the IFC PS 5, it is necessary to provide alternative solutions for the accommodation of affected people living in them. It is important to note that this does not imply the need to provide affected people with ownership of apartments or houses, which is sometimes the way it is interpreted. It is rather to provide them with adequate accommodation, with security of tenure so that they are safe from future evictions.

The IFC PS 5 stipulates that adequate housing or shelter can be measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility, and location characteristics. Adequate housing should allow access to employment options, markets, and basic infrastructure and services, such as water, electricity, sanitation, health-care and education. The most appropriate and effective way of defining what adequate housing means is to consult project affected people.

6.4.3 Vulnerable Groups

IFC include special requirements for organising consultations and relocation assistance for vulnerable groups. During the census, it is necessary to identify vulnerable groups and assess their needs related to resettlement and relocation assistance.

Vulnerable groups, as for all other affected people, must be engaged in meaningful consultations regarding resettlement options and assistance. However, consultation with vulnerable groups may require a special approach that will enable them to participate equally in the process (i.e. involvement of social workers, use of a different language, or carrying out the consultations in an accessible venue, for people with disabilities, at a particular time of day when e.g. affected single parents are available, etc.)

All vulnerable citizens have the right to once-off financial payments if they find themselves in a situation of sudden and temporary need, administered through assistance of RTT and to be determined by Swaziland Railway at its own discretions. Vulnerable citizens may also receive social welfare in the form of financial assistance or social services.

The Social Assistance Grant in Swaziland, specifically the Old Age Grant (OAG) and the Public Assistance Grant (PAG) which constitute the country's two largest cash-based social transfers should be considered during the RAP programme. The OAG provides for the elderly who are above the age of 60 and the PAG covers all vulnerable groups below the age of 60 who are not beneficiaries of any other grant or source of income. Prominent beneficiaries of the PAG grant are the destitute as well as persons with disabilities. These assistance mechanisms should be used as a basis for developing resettlement programmes for vulnerable groups. Once vulnerable groups are identified during the census, a needs assessment must be performed to be able to define the most appropriate measures for providing resettlement assistance.



6.4.4 Equal Rights

The Constitution of the Kingdom of Swaziland (2005), as well as protecting fundamental rights of all citizens (Section 14), specifically enshrines the rights of women (Section 28) to equal treatment, political, economic and social opportunities and commits the Government to enhancing their welfare, and provides for equal access to land irrespective of gender (Section 211). Furthermore according to Section 28 (3) women may not be compelled to undergo or uphold any custom “to which she is in conscience opposed

Beyond being bound by its Constitution, Swaziland is also a signatory of international agreements that require the nation to respect the equal rights of all citizens. Swaziland is a member of the African Union, and is subject to Articles 3 and 14 of The Banjul Charter on Human and Peoples’ Rights, which state that all people have rights to equal protection and to own property. Articles 6 and 15 of the Convention on the Elimination of all Forms of Discrimination against Women, of which Swaziland is a signatory, give women equal rights to enter into contracts and own property, and require all states to eliminate any discriminatory laws. By allowing discriminatory laws to remain in effect, Swaziland is violating both its own Constitution and its international commitments.

To this end, this RAP should ensure that compensation is shared between spouses according to title documentation or the Constitution of the Kingdom of Swaziland. In addition, all programmes including those related to livelihoods restoration will be made equally accessible to both men and women.




7 Resettlement Assistance and Livelihood

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

The detailed socio-economic information obtained and discussed in Chapter 1 indicates the vulnerability of affected households. The assessment points to the low levels of education, low skills, high unemployment among the members of households as well as competing needs. However, wherever possible, Swaziland Railway should avoid or minimize the displacement of people by exploring alternative project designs (for example, realignment railway line to bypass human settlements). Where displacement is unavoidable, Swaziland Railway should plan and execute resettlement as a development initiative that provides displaced persons with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods. IFC recommends that project sponsors undertake the following actions on behalf of all affected people, including members of the host communities in which displaced people will be settled:

- Inform affected people of their options and rights concerning resettlement;
- Provide technically and economically feasible options for resettlement based on consultation with affected people and assessment of resettlement alternatives;
- Whether physical relocation is required or not, provide affected people with prompt and effective compensation at full replacement value for loss of assets due to project activities;
- Where physical relocation is necessary, provide assistance with relocation expenses (moving allowances, transportation, special assistance and health care for vulnerable groups);
- Where physical relocation is necessary, provide temporary housing, permanent housing sites, and resources (in cash or in kind) for the construction of permanent housing—inclusive of all fees, taxes, customary tributes, and utility hook-up charges—



or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.

- Provide affected people with transitional financial support (such as short-term employment, subsistence support, or salary maintenance); and
- Where necessary, provide affected people with development assistance in addition to compensation for lost assets described above such as land preparation, agricultural inputs, and credit facilities and for training and employment opportunities.

Swaziland Railway is expected to undertake all land acquisition, provide compensation for lost assets, and initiate resettlement related to a specific project before that project commences. It is recommended that the implementation of resettlement activities be linked to the schedule of disbursements for project financing. In doing so, this will ensure that displacement does not occur before the sponsor has carried out the necessary measures for the resettlement of the affected people. In particular, the acquisition of land and other assets should not take place until compensation is paid and, where applicable, resettlement sites and moving allowances are provided to displaced persons.


As noted in the discussion of the compensation framework, Swaziland Railway must be sensitive to the special needs of women and other vulnerable groups in the planning and implementation of resettlement and livelihood restoration. Men and women have different needs and opportunities for access to land, resources, employment, and markets.

7.1 Socio-economic assessment indicators

The results of the socio-economic survey indicate that the surrounding environment of the project are characterised by poverty and underdevelopment. Notable socio-economic statistics include:

- A *very high unemployment rate* – Only 18 percent of the household members in the new link section and 14 percent in the upgrade section are formally employed;
- There is a significant *dependency ratio* in these areas, with 1 or 2 employed household members often having to provide for households with between 3 and 6 household members; and
- About 24 percent of all surveyed household heads have had either some primary or some secondary education. Only 13 percent have completed primary school and 17 percent completed secondary school. A further 11 percent of all household heads surveyed have had some further education and another 11 percent have had no formal education.
- On the overall, the survey shows that the level of educational attainment for the people in the study area is generally very low, with household heads having no high school or tertiary education.

From these figures, it is clear that the households in the project area face significant socio-economic challenges. The creation of employment opportunities can therefore be seen as a



significant positive impact on the surrounding communities, even if these opportunities are only of a temporary nature.

During the household survey, the issue regarding creation of employment opportunities was most frequently mentioned in the area. There is a widespread high expectation Swaziland Railway should provide employment opportunities to the residents in the local area.

Sourcing of construction workers from the local labour pool is likely to be limited to unskilled and semi-skilled workers. This could have some economic benefits for surrounding communities, although only of a temporary nature. It is recommended that recruitment for new positions be undertaken through the *appropriate forum* that has been established by the local municipality.

In addition to creating job opportunities for construction workers, the project may also lead to *indirect employment creation* in the informal sector, for instance in terms of food stalls for the convenience of construction workers. Additionally, more informal employment opportunities may be created through a multiplier effect from the project's activities.

7.2 Needs analysis

The household socio-economic survey indicates that for the new link section that 82 percent of the respondents are of the view that unemployment is a big problem and it affects their lives negatively. This is followed by 47 percent of respondents who believe that health care facilities were also a big problem which affects their lives negatively. A further 47 percent of respondents believe that bad roads affect their lives negatively and this is exacerbated by transport problems highlighted by 51 percent of households as being another big problem affecting them. On the other hand, almost 97 percent of respondents hold the view that eviction from land was not a problem at all as they were never affected by it. This is followed by 87 percent of respondents who indicated that illegal land use was not a problem in their area. Another 52 percent indicated that water for drinking (availability and quality) was not a problem in the area.

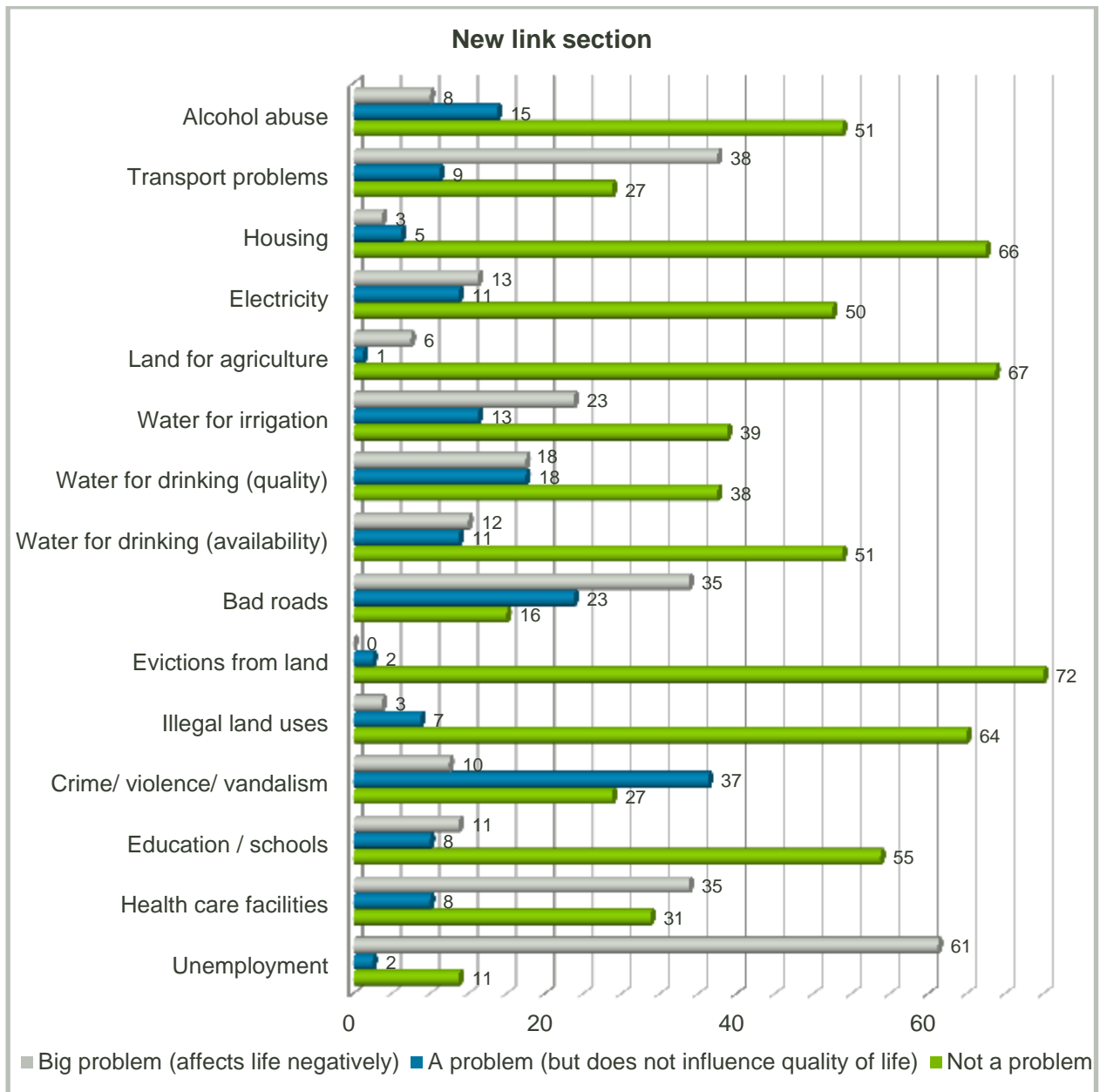


Figure 25: Socio-economic needs analysis

7.3 Livelihood development and sustenance

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

- Make use of local labour as far as possible;
- Liaise with local community structures to identify local labour pool;
- Include conditions in construction contract to involve and train emerging BEE companies
- Recruitment is to be conducted via the Employment Forum and not within the project area Proactively manage;

- Enlist service of appropriate experts for development of appropriate livelihood improvement and sustenance plan;
- Enhance existing livelihoods as far as possible;
- Develop skills transfer plans that would enable a worker to move from one project to another within the same area / region;
- Implement methods to create HIV and STI awareness amongst construction workers;
- Facilitate the establishment of a “Community Safety Committee” to monitor and control illegal squatting. Committee to consist of:
 - Community Relations Department of Swaziland Railway and its counterparts in the area;
 - The Local Municipality;
 - Farmers Association;
 - Local landowners;
 - Representatives of local community structures; and
 - Local police and the Community Policing Forum.
- Align social investment strategies with municipal development;
- Swaziland Railway employees who receive living-out allowances should be required to provide proof that this allowance is used for formal accommodation;
- Additional security must be provided during this period by the contractors, which should be integrated with existing farm /community security systems; and
- Align awareness campaigns with those of other organisations in the area (i.e. the Local Municipality, Farmers etc.)


7.4 Resettlement assistance

The Rap Implementation Team in conjunction with RTT must design appropriate targeted resettlement assistance measures to ensure that the vulnerable groups are catered for during resettlement process. There are a number of vulnerable groups deserving special attention during the resettlement process. These include:

- Female-headed households (with no additional able-bodied persons);
- Pregnant and lactating women;
- Mentally and physically challenged (including amputees);
- Orphans;
- Infirm; and
- Elderly.

7.5 Community-based Resettlement Assistance

The provision of basic services within areas of resettlement should be prioritised as far possible. This must include access to primary health care and referral systems, potable water, sanitation facilities and education. The RTT, with the support of the relevant operational agencies, will assess the current basic services operating within resettlement



areas. Critical gaps must then be identified and drawn-up into a prioritised listing of interventions. Efforts should be made to restore basic service coverage within a reasonable timeframe, so as to avoid further dislocation of the resettling population. Information gathered on the status of basic services will be entered into a management information system to support targeting and monitoring.

7.6 Transportation of registered PAPs

All registered PAPs must be provided transport assistance to their temporary area of resettlement. Transport registration will be undertaken by the transport management agency with support from RTT. Medical checks must be carried out prior to transportation to ensure that all passengers are medically fit to travel. The chronically ill, pregnant women about to deliver and any passenger whose health may be jeopardised by the journey will be given specialised care. RTT will coordinate Logistics Plan.

7.7 Information and Sensitisation

A clear and coherent information and sensitisation campaign is a crucial component of the resettlement process. Lack of clarity or consistency in information provision runs the danger of exposing government and non-government staff to security risks and of impeding the smooth flow of the resettlement process. The central aim of the information and sensitisation campaign is to ensure that the wider public, particularly all PAPs are informed about:


- Safety status of their intended resettlement area;
- Procedures for the phasing-down of affected informal settlements as presented in the Resettlement Strategy; and
- Entitlements and support services provided within the resettlement programme procedures and designated areas for accessing entitlements.

The information campaign is the responsibility of Swaziland Railway which will work closely with RTT. The campaign will make use of existing information dissemination and consultation mechanisms within the Local Municipality and the wider communities, making use of indigenous information networks at the appropriate-level for supporting resettlement. The use of other media, such as radio, will also be employed.

7.8 Recommendations

It is recommended that the mitigation and maximisation measures included in the entire RAP report be implemented to decrease the effect of negative impacts on communities and maximise the effect of positive impacts on communities. It will be important that local employment opportunities are maximised, local community is fully engaging in decision making processes, recommended mitigation measures are followed by other specialists and maximising opportunities for income creation for local people.

It is further recommended that labour should be sourced locally as far as possible during construction and operation of the project. This will minimise the risk of conflict among local



residents and newcomers and better relationships for workers housed in temporary housing for construction workers.

Furthermore, new construction workers in the area must be urged to refrain from abusing resources and infrastructure of the existing adjacent communities. There should be closer cooperation between the affected Municipalities, farmers Association in the area and Swaziland Railway in order to ensure that identified negative impacts are dealt with in a coordinated manner. This information should be conveyed to all relevant construction workers and affected communities.



8 Detailed Budget

At this stage where values of assets and infrastructures to be lost to the project have not been determined, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for the RAP will be funded like any other project activity eligible under the Project. Swaziland Railway will provide funding for the RAP implementation activities.

Funds for implementing inventory assessments and resettlement action plans will be provided by the PIA on behalf of Swaziland Railway. In general, the cost burden of compensation will be borne by the project sponsor through the implementing agency for RAP implementation appointed by Swaziland Railway.



9 Implementation Guidelines and Schedule

It is commonly understood that the involuntary displacement of people may give rise to severe economic, social, and emotional distress on the part of those who are relocated. There is no specific legislation in Swaziland that addresses resettlement *per se* but some aspects that have a bearing on resettlement are covered by more general legislative instruments. These instruments must be considered to limit adverse effects where resettlement is necessary. These instruments should be utilised in conjunction with this Policy, IFC and World Bank Policy

The purpose of these guidelines is to lay the foundation by which resettlement can be carried out with regard to the project. Any involuntary resettlement, including any land acquisition needs to be identified and considered at the earliest stages of project design, and should be addressed from the earliest stages of project preparation. It is assumed that land acquisition and resettlement will be necessary and to this end the policies highlighted in this framework should be followed.

For Swaziland, the identified legislation as well as the World Bank Policy will be utilised.

9.1 Resettlement Responsibilities

The Resettlement Specialist will be responsible for ensuring that Resettlement Action Plans (RAP) is prepared for the project involving land acquisition, impact on assets, and/or loss of income. The RAP will establish dispute resolutions to be used for each sub-project. RAP specialist will ensure project affected persons are meaningfully consulted and are given an opportunity to participate in and benefit from project activities.

9.2 Resettlement Principles

In the resettlement of any person or business the World Bank policies will be followed as well as principles as set out in relevant Swaziland n Legislation.

9.3 Timeframes

The following key timeframes shall apply unless otherwise agreed between the executing agency and Resettlement Specialist, the RTT and the PAPs; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of PAPs, under this Framework:

- the inventory shall be completed at most four months prior to the commencement of work; and

- 
- civil works shall commence once agreements between all parties have been reached.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs. Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.

Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the “new comers”. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

9.4 Linking Resettlement Implementation to Civil Works

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Compensation Framework, before work on the project can begin.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAP. In the Implementation Schedule of the RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Project Planning teams and PAPs must include:

- target dates for start and completion of civil works,
- timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;
- the link between RAP activities to the implementation of the overall project.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.



10 Description of Organisational Responsibilities

This chapter must be read in conjunction with Section 12 of the approved Resettlement Policy Framework (RPF) as well as the proposed Terms of Reference for the Resettlement Task Team. The entities that will play significant roles in the resettlement process include the Programme Manager, Resettlement Implementation Team and a Resettlement Task Team Local Authorities (statutory and customary), as well as Swaziland Railway. The c sets out the relationship between these various entities, as well as the roles and responsibilities of each.

As per the Resettlement Policy Framework, a RTT will be established as part of the resettlement planning process and will be responsible to plan and co-ordinate resettlement activities. The RTT will include representatives of resettlement-affected households, local authorities (statutory and customary), RAP Implementation Team as well as Swaziland Railway – Swaziland Railway. The RAP Implementation Team will be made up of representatives from Swaziland Railway – Swaziland Railway as well as appointed RAP Specialist. The RTT will be a two-level structure comprising a set of local RTTs and an umbrella RTT made up of representatives from local RTTs.

10.1 Programme Manager

The Programme Manager (PM) has overall responsibility for achievement of resettlement goals. The PM is responsible for receiving regular reports on RAP implementation progress, including reasons for any delays or variation from the RAP, as well as proposed corrective actions. The PM will provide status reports to Swaziland Railway management, lenders, and stakeholders, as required. The PM may commission input advice from specialist advisors as required.

10.2 Resettlement Team Coordinator

The Resettlement Team Coordinator (RTC) reports to the PM and has day-to-day responsibility for the development and on-going stewardship of the RPF. The RTC will coordinate all resettlement implementation activities and will work closely with RAP Implementation Team (including the monitoring and evaluation). The RTC may also serve on the Grievance Panel.

10.3 Resettlement Advisor

The resettlement implementation reports and process will be reviewed by an expert advisor who will provide high-level input and guidance prior to documents being endorsed for distribution and implementation.

10.4 Local-level Resettlement Task Teams

The Resettlement Task Team will be the main mechanism for engaging the resettlement-affected persons and communities⁵. These will be persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not this project affected persons physically relocate. These people may have their:


- standard of living adversely affected, whether or not the people 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; and
- access to productive assets adversely affected, temporarily or permanently; or of business, occupation, work or place of residence or habitat adversely affected.

10.4.1 Representatives of resettlement-affected community

The members of the resettlement-affected communities, who will be nominated to sit on the local-level RTTs, will have the following responsibilities:

- Ensuring the concerns and viewpoints of affected persons and households regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- Participating in negotiations and planning with regard to compensation and resettlement measures;
- Accurately indicating the agreement or disagreement with proposed compensation and resettlement measures and, in case of the latter, proposing viable alternatives;
- Accurately and regularly providing feedback the broader community – and particularly to other resettlement-affected households – on resettlement/ compensation negotiations and the resettlement/ compensation process in general;
- Nominating members of their group to represent them at meetings of the relevant umbrella RTT, and providing feedback to the local-level RTT and resettlement-affected persons/ communities in general of activities and decisions at the umbrella RTT; and
- Providing a channel of communication between the RAP Implementation Team and the resettlement-affected community during the implementation of resettlement and compensation – e.g. by helping to ensure that the RTT is notified of grievances or

⁵ A resettlement-affected person is defined as any individual or household who will need to be relocated or will have one or more of his/her assets displaced or otherwise affected by the construction or operation of the Swaziland Rail Link Project. (*International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement*)



disputes, that feedback is provided to the relevant parties on steps taken to resolve such grievances or disputes, etc.

10.4.2 **Representatives of Traditional Authorities**


The responsibilities of members of the Traditional Authorities (TA) and/ who have been nominated to sit on the local-level RTTs include:

- Ensuring the concerns and viewpoints of the TA regarding resettlement and compensation measures are accurately represented on and disclosed to the RTT;
- In cases where resources or actions by the TA are required as part of resettlement or compensation planning or implementation (e.g. where land within its area of jurisdiction has to be allocated to affected households to replace land lost to the project), ensuring that the relevant parties are informed and the required actions taken in a timeous manner;
- Ensuring that representatives of the resettlement-affected community who are members of the RTT provide accurate and regular feedback the broader community on RTT actions and decisions, and providing assistance in this regard where necessary; and
- Nominating a representative to participate in meetings of the relevant umbrella RTT, and providing feedback to the TA of activities and decisions at the umbrella RTT.

10.5 **RAP Implementation Team**

The RAP implementing Team will be made up of Swaziland Railway representatives, RTC as well as appointed RAP Implementation Specialist and will have the following key responsibilities:

- Chair all local-level RTT meetings;
- Provide secretarial services which include among others: take minutes and formally distribute these minutes to all stakeholders;
- In consultation with RTT members, determine the dates, times and locations of future RTT meetings, and distribute an agenda for each meeting to RTT members;
- Consider the prepared Compensation Framework outlining proposed resettlement and compensation measures, and present this to the RTT in such a manner that all members understand its contents and implications;
- Recording recommendations of the local-level RTT with regard to proposed changes to the Compensation Framework and/or other matters related to resettlement or compensation;
- In cases where the local-level RTT is unable to reach consensus regarding its recommendations, and some members have a well-motivated alternative recommendation, formally recording these alternative viewpoints as “minority reports”;
- Where relevant, advising on the feasibility and sustainability of RTT recommendations;
- Providing feedback to the Swaziland Railway engineering teams on the deliberations of the RTT, particularly where these may affect broader project planning and implementation;

- 
- Coordinating and monitoring field-level implementation of resettlement and compensation activities; and
 - Ensuring the grievances or disputes lodged with the RTT are dealt with appropriately and timeously by the relevant parties, and that feedback on steps taken to address these grievances or disputes are given to the aggrieved parties.

10.5.1 Swaziland Railway representatives

The responsibilities of the representatives of Swaziland Railway on the RTT include:

- Ensuring that the land acquisition process being undertaken by Swaziland Railway is adequately taken into account during the deliberations of the RTT and during the design and planning of resettlement and compensation measures;
- Assisting the RAP Implementation Team in providing feedback to Swaziland Railway engineering teams on the deliberations of the RTT, particularly where these may affect broader project planning and implementation; and
- Assisting the RAP Implementation Team in ensuring the grievances or disputes lodged with the RTT are dealt with appropriately and timeously by the relevant parties.

10.6 Members of umbrella RTTs

10.6.1 Community representatives of constituent local-level RTTs

The responsibilities of members of the resettlement-affected communities who have been nominated to sit on the local-level RTTs include:

- Presenting the views and recommendations of the local-level RTTs they represent to the umbrella RTT;
- Considering the recommendations and viewpoints raised by representatives of other local-level RTTs, and cooperating with them in view of formulating consensual recommendations that will be recorded as such by the secretariat;
- Where it is not possible for representatives of all local-level RTTs to reach consensus, formulating alternative viewpoints in the form a “minority report” that will be recorded by the secretariat;
- Providing feedback the local-level RTTs regarding the deliberations and decisions of the umbrella RTT, particularly where these pertain to recommendations of the RTT (i.e. proposed modifications or amendments to the Compensation Framework that will be submitted to Swaziland Railway for consideration);
- Once the formal recommendations of the umbrella RTT have been compiled and submitted to Swaziland Railway for consideration, and the Compensation Framework has been modified to reflect those recommendations accepted by Swaziland Railway, signing off on the final version of the Compensation Framework; and
- Providing an ongoing channel of communication between different local-level RTTs regarding issues relevant to all of them.



10.6.2 Representative of TAs

The responsibilities of members of the Traditional Authorities and/or Associations relevant local municipalities who have been nominated to sit on the umbrella RTTs include:

- Ensuring that views and recommendations raised by TA representatives at the local-level RTTs are adequately communicated to the umbrella RTT;
- Where more than one TA is represented on the same umbrella RTT, ensuring coordination between them in terms of resettlement- and compensation-related recommendations, planning, etc.;
- Providing feedback to other TA representatives at local-level RTTs regarding the deliberations and decisions of the umbrella RTT; and
- Ensuring that representatives of the resettlement-affected community who are members of the umbrella RTT provide accurate and regular feedback the local-level RTT on the actions and decisions of the umbrella RTT.

10.6.3 RAP Implementation Team


The responsibilities of the RAP Implementation Team include:

- Chair all umbrella RTT meetings, take minutes and formally distribute these minutes;
- In consultation with RTT members, determine the dates, times and locations of future umbrella RTT meetings, and distribute an agenda for each meeting to RTT members;
- Collating inputs from representatives of the various local-level RTTs with regard to proposed changes to the Compensation Framework and/or other matters related to resettlement or compensation;
- Where consensus can be reached between local-level RTTs regarding proposed changes to the Compensation Framework, recording these proposed changes as formal “recommendations of the RTT”;
- Where the representatives of constituent local-level RTTs are unable to reach consensus regarding their recommendations, formally recording alternative viewpoints as “minority reports”;
- Submitting recommendations of the RTT to Swaziland Railway for consideration regarding their potential inclusion in the final Compensation Framework; and
- Revising the Compensation Framework to reflect those recommendations of the RTT that are accepted by Swaziland Railway, and presenting the final Compensation Framework to the RTT members.

10.6.4 Swaziland Railway representatives

The responsibilities of the representatives of Swaziland Railway or Swaziland railway on the RTT include:

- Considering the formal recommendations of the RTT with regard to their potential inclusion in the Compensation Framework, taking into account the need for any modifications of the Compensation Framework to remain consistent with Swaziland Railway policies and project objectives; and

- 
- Where recommendations of the RTT are considered acceptable, approving changes to the Compensation Framework to reflect these recommendations.

10.7 RTT Meetings

The RTT will meet **at least** once a month during implementation of resettlement activities. Thereafter the RTT will meet once every three months for a period of one year to address any outstanding issues.

The RTT will be chaired by the RAP Implementation Team. The agenda for the RTT meetings will be clearly drafted and at every meeting, the RTT will first review the progress of decisions taken and action points of the previous meeting.

Meetings will be held at a venue to be decided in consultation with all parties. RAP implementation team will transport the members of the RTT to the venue should it be required. The secretariat representing implementation team will keep and distribute formal minutes of each meeting.

RTT members may invite observers **subject to approval from the RTT**. Observers may address the RTT but their contributions will only be accepted as 'recommendations to the RTT if it receives the support from the parties listed in Section 10.4.

10.8 Quorum


A quorum requires 60% of RTT members and must include:

- The chair (or nominated representative);
- A nominated representative of the TA concerned;
- A representative of the RAP Implementation Team;
- At least ONE (1) member of impacted land users; and
- A representative of Swaziland Railway.

If a quorum is not available within 15 minutes of the called meeting, the meeting will be cancelled. Another meeting will be called immediately. The members present will constitute a quorum. In order to constitute a recognised quorum this group should include the aforementioned named people.

10.9 Recommendations of the RTT

The RTT will provide advice and support to the RAP Implementation Team. The formulation and approval of RTT recommendations will comprise a three-step process. First, recommendations reflecting consensus among members of a local-level RTT will be collated and presented to the relevant umbrella RTT. Next, recommendations tabled at meetings of the umbrella RTT that are acceptable to all members will be recorded by the RAP Implementation Team (with well-motivated alternative viewpoints recorded as "minority reports") and submitted to Swaziland Railway for consideration. Finally, those recommendations accepted by Swaziland Railway will be incorporated into the final version



of the Compensation Framework to be submitted to the umbrella RTT for endorsement and Swaziland Railway for approval and sign –off.

It is anticipated that the RTT will make recommendations regarding the following issues:


- Design of replacement houses and structures;
- Compensation for fixed assets other than houses/structures;
- Compensation for affected community facilities/infrastructure;
- Compensation for fields, crops and communal grazing;
- Assistance with the identification of a resettlement site (replacement land);
- Development and livelihood restoration options; and
- Grievance procedures, disputes and claims.

10.10 Allowances

Only community representatives participating in RTTs will receive an allowance of R150 for each RTT meeting attended.

10.11 Relationship between the RTT and other coordination bodies

The setting up of this RTT is not intended to duplicate existing co-ordination mechanisms, such as other project working groups and work streams, rather it is to act as a focal point into which existing committees can both provide inputs and coordinate the implementation of their sectoral responsibilities contained within the resettlement plan.



11 Framework for public consultation, participation, and development planning

This document must be read in conjunction with Section 16 of the approved Resettlement Policy Framework (RPF)


Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach shall be adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

The International Finance Corporation (IFC) policy on involuntary resettlement stipulates that *“people affected by the project must be: consulted regarding resettlement activities.....”* Furthermore, the IFC handbook for preparing a Resettlement Action Plan (RAP) sets out the following requirements for consultation and communication during a RAP:

- Consultation with local government, community leaders and affected people representatives: “Consultation with officials of local government, community leaders and other representatives of the affected population is essential to gaining a comprehensive understanding of the types and degrees of adverse project effects”
- Consultation with host communities: “Consultation involving representatives of both host communities and the communities to be displaced helps to build familiarity and to resolve disputes that inevitably arise during resettlement”
- Requirement for a resettlement advisory group and composition: “Depending on the scale of resettlement associated with a project, it may be appropriate for the sponsor to



create a resettlement advisory group. This advisory group should comprise representatives of the project sponsor, relevant government line and administrative departments, community organisations, NGOs involved in support of resettlement as well as representatives of the communities affected by the project”.

- Purpose of consultations: “Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of the people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. Project consultation with people affected by resettlement is mandatory”.

11.1 Public participation and consultations Objectives

The objectives of formal consultations are to secure the participation of all people affected by the project in their own resettlement planning and implementation, particularly in the following areas:


- Alternative project design;
- Assessment of project impacts;
- Resettlement strategy;
- Compensation rates and eligibility for entitlements;
- Choice of resettlement site and timing of relocation;
- Development opportunities and initiatives;
- Development of procedures for redressing grievances and resolving disputes;
- Mechanisms for monitoring and evaluation and for implementing corrective actions.
- Information sharing: “Information must be made accessible and understandable. Information should be translated into local dialects and indigenous languages and broadcast through media that is accessible to literate and non-literate individuals alike. Special efforts should be made to reach vulnerable groups.....”

11.2 Principles of engagement

The following principles for engagement have been identified for the purposes of effective resettlement planning. These are to be upheld throughout all engagement processes and the means of engagement modified if required to ensure that these are met:

- Transparency to all parties;
- Involvement of all affected parties (inclusivity);
- Information sharing;
- Informed decision-making;
- Flexibility in terms of approach;
- Independence and objectivity of the RAP team to be maintained.

The success of projects involving communities rests on appropriate community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal must be mandatory for all projects requiring land acquisition, compensation and resettlement for the Swaziland Railway project activities.



During RAP screening there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the proposed activities, facilities and structures. The affected persons must be made aware of:

- their options and rights pertaining to resettlement and compensation;
- specific technically and economically feasible options and alternatives for resettlement sites;
- process of and proposed dates for resettlement and compensation;
- effective compensation rates at full replacement cost for loss of assets and services; and
- proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will be to:

- disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- promote sense of ownership for the project and resettlement activities;
- invite contributions and participation on the selection of project sites;
- determine communities' willingness to contribute in kind towards the implementation of the project; and
- determine community willingness to contribute towards long term maintenance of the project facilities.

11.3 Communication Strategy

Aurecon has initiated a developed a communication and engagement process for the project which has been updated throughout the project to remain flexible to the needs of the stakeholders.

The RAP engagement has been undertaken to meet the following objectives:

- Awareness and information sharing: This element started in September 2013 with community meetings creating awareness about the project, the socio-economic assessment and asset inventory that was to follow. Prior to this, discussions were held with different communities and stakeholders at part of the Social Impact Assessment process. Furthermore, community meetings, as well as meetings with various local Municipality officials were held as part of the Environmental Impact Assessment. Awareness building and information sharing has continued throughout the RAP process and will have to continue throughout implementation. Thus it is anticipated that stakeholders will be involved in information sharing around resettlement for 2-3 years minimum, prior to resettlement taking place.
- Involvement in decision making: The RAP has been prepared on the basis of affected party input into the document throughout. It is intended that the draft RAP Report will be made available for public and stakeholder comment prior to its finalisation and submission to the regulatory authorities.

11.4 Consultation and stakeholder participation activities to date

Consultation and stakeholder participation activities that have been undertaken in Swaziland for all Sections of project area to date include:

- Identification of communities involved for the new link section from Sandlane to Sidvokodvo May 2013 – 13 May 2013
- Identification of communities involved for the upgrade section from Sidvokodvo to Lavumisa 13 August 2013
- Community liaison (new link) 13 June 2013 – 1 August 2013
- Community liaison (upgrade) 13 September 2013 – 31 October 2013
- 1st Newspaper advertisement (Bhunya & Luyengo) 7 August 2013
- 2nd Newspaper advertisement (Bhunya & Luyengo) 13 August 2013
- Scoping meeting at Bhunya 19 August 2013
- Scoping meeting at Luyengo 21 August 2013
- 1st Newspaper advertisement (Siphofaneni & Big Bend) 7 November 2013
- 2nd Newspaper advertisement (Siphofaneni & Big Bend) 14 November 2013
- Scoping meeting at Siphofaneni 21 November 2013
- Scoping meeting at Big Bend 22 November 2013


11.5 Consultation and participation activities still to be undertaken

Consultation and participation activities still to be undertaken include:

- Establishment of a Resettlement Task Team (RTT), which is the primary mechanism for engaging resettlement-affected households and other relevant stakeholders in resettlement planning. It is understood that the RTT's primary function will be to disseminate information about the resettlement and compensation process to affected communities (although not precluding individual consultations with individual affected households, which will take place during resettlement implementation). In order to avoid the creation of unrealistic expectations, the negotiation of compensation amounts and methods will be explicitly excluded from its mandate – although the RTT may be consulted in cases where more than one feasible option for compensation exists;
- Focus group discussions to be held to obtain additional information and address the affected population's concerns regarding resettlement; and
- Consultation with individual resettlement-affected household heads (or their authorised representatives) to inform them of their compensation packages and to obtain their agreement on compensation amounts and means.

11.6 Notification Procedure

The Project (through the appropriate Project Implementing Agent - PIA) must by public notice, and publicly announce the project in the media (daily newspapers), notify the Project



Affected Persons (PAPs) of its intention to acquire land earmarked for the project. The notice must contain the following key information:

- proponent's proposal to acquire the land;
- the purpose for which the land is needed;
- that the proposal or plan may be inspected by the offices of the relevant local Authority during working hours; and
- that PAP may, by written notice, object to the transaction giving reasons for doing so, to the PIA with copies to the relevant Local Municipality and local Chief within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

11.7 Public Consultation Mechanisms

As indicated in the Section 16 of the approved RPF, public consultation and participation is vital because it provides an opportunity for informing the public and stakeholders about the proposed project. Public consultation and participation creates a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs.

Public consultation and participation will offer the PAPs an opportunity to contribute to both the design and implementation of the programme activities. In doing so, the likelihood for conflicts between and among the affected and with the management committees will be reduced. In recognition of this, particular attention should be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved. As a matter of strategy, public consultation must be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the following phases of the project:

- project inception and planning;
- screening process;
- feasibility study;
- preparation of project designs;
- resettlement and compensation planning;
- drafting and reading/signing of the compensation contracts;
- payment of compensations;
- resettlement activities; and
- implementation of after-project community support activities.

Public consultation and participation should take place through local meetings, request for written proposals/comments, completion of questionnaires/application forms, public readings and explanations of the project ideas and requirements. Public documents should be made available in appropriate languages at the national, local and homestead levels and at suitable locations including the official residences/offices of village governments and village elders. Public consultation measures should take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions and feedback.



11.8 Promoting Participation

IFC guideline of RAP recommends that the developer must initiate and facilitate a series of consultations with project stakeholders throughout the planning and implementation of a RAP. The purpose of these consultations is to inform stakeholders about the project and its effects and to provide opportunities for people to voice their concerns and propose alternatives. Formal consultations should include Swaziland Railway representatives, project managers, relevant government authorities, representatives of concerned NGOs and members of both displaced and host communities. Discussions should center on the effects of the project and measures to mitigate those effects. Because of discrimination within societies, women and members of other vulnerable groups may find it difficult to defend their interests in a public forum. For this reason, it is important for project management or the agencies responsible for RAP planning and implementation to employ women and members of other vulnerable groups. These staff members can undertake outreach efforts, such as focus group consultation, to learn the concerns of vulnerable groups and convey them to resettlement planners and project managers

11.9 Implementation Phase

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of RTT, local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programmes.

11.10 Conclusion

In conclusion, Swaziland Railway through PIA may employ a community liaison representative with a budget specifically for the facilitation and management of public consultation. However it chooses to manage information disclosure and public consultation, Swaziland Railway must ensure that affected people have access to information about the project and opportunities to seek redress of grievances relating to the project. Project management must document its information disclosure and public consultation efforts. This documentation should identify who was consulted, what was discussed, and what follow-up was required.

It is expected that consultation with all of the established RAP structures will continue beyond the completion of the planning phase and into the implementation stage of the project, which will be undertaken by PIA. Exact dates for this consultation cannot be determined at this stage as infrastructure planning and design, which may influence the scope of RAP, must still be considered.



12 Provisions for redress of grievances

This Grievance Redress Mechanism should be read in conjunction with Section 15 of the approved Resettlement Policy Framework.

Grievance mechanisms are an important part of project approach on requirements related to community engagement by Swaziland Railway under IFC's Policy and Performance Standards on Social and Environmental Sustainability. In anticipation of ongoing risk and adverse impacts on surrounding communities' Swaziland Railway will be required to establish a grievance mechanism to receive and facilitate resolution of the affected communities' concerns and complaints about the its environmental and social performance. The grievance mechanism should be scaled to risks and adverse impacts of the project, address concerns promptly, use an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and do so at no cost to communities and without retribution. The mechanism should not impede access to judicial and administrative remedies. Swaziland Railway will inform the affected communities about the mechanism in the course of its community engagement process.


A grievance mechanism should be able to deal with most of the community issues that are covered by IFC's Performance Standards. Grievance mechanism requirements in relation to affected communities are explicitly stated with regard to security personnel (PS 4, Paragraph 13), land acquisition (PS 5, Paragraph 10), and adverse impacts on indigenous peoples (PS 7, Paragraph 9). Swaziland Railway will be asked to design the mechanism according to the extent of risks and adverse impacts of the project. Impacts on communities are evaluated within the Social and Environmental Assessment for a project.

Grievance mechanisms inform and complement but do not replace other forms of stakeholder engagement. Stakeholder engagement also includes stakeholder identification and analysis, information disclosure, stakeholder consultation, negotiations and partnerships, stakeholder involvement in project monitoring, and reporting to stakeholders. If strategically applied throughout the project life, an integrated range of stakeholder-engagement approaches can help build trust, contribute to maintaining broad community support for the project, and ultimately help companies promote the long-term viability of their investments.

12.1 What is Grievance

The *Good Practice Note*⁶ defines a grievance as a concern or complaint raised by an individual or a group within communities affected by company operations. Both concerns and

⁶ IFC Good Practice Note: Addressing Grievance from Project Affected Communities. 2009. Available from available at http://www.ifc.org/ifcext/sustainability.nsf/Content/Publications_GoodPractice. Accessed on 19th August 2014.



complaints can result from either real or perceived impacts of a company's operations, and may be filed in the same manner and handled with the same procedure. The difference between responses to a concern or to a complaint may be in the specific approaches and the amount of time needed to resolve it. The term "grievance" implies that there may be a problem. In practice, however, the nature of feedback that communities may want to bring to a company's attention will vary, since communities often find it appropriate to use the same channels to communicate not only grievances but also questions, requests for information, and suggestions. Communities may even use these channels to convey what they think the company is doing well.

Swaziland Railway should keep in mind that unanswered questions or ignored requests for information have the potential to become problems and should, therefore, be addressed promptly. It is good practice to respond to community feedback through the relevant pillars of community engagement, such as disclosure, consultation, and participation in project monitoring. For example, a question about specific benefits the project provides or intends to provide to women in the community can be forwarded to a community liaison or a staff member who specifically deals with gender matters, if such person has been appointed by the project. The person(s) who asked this question are then notified as to who will respond and by when.

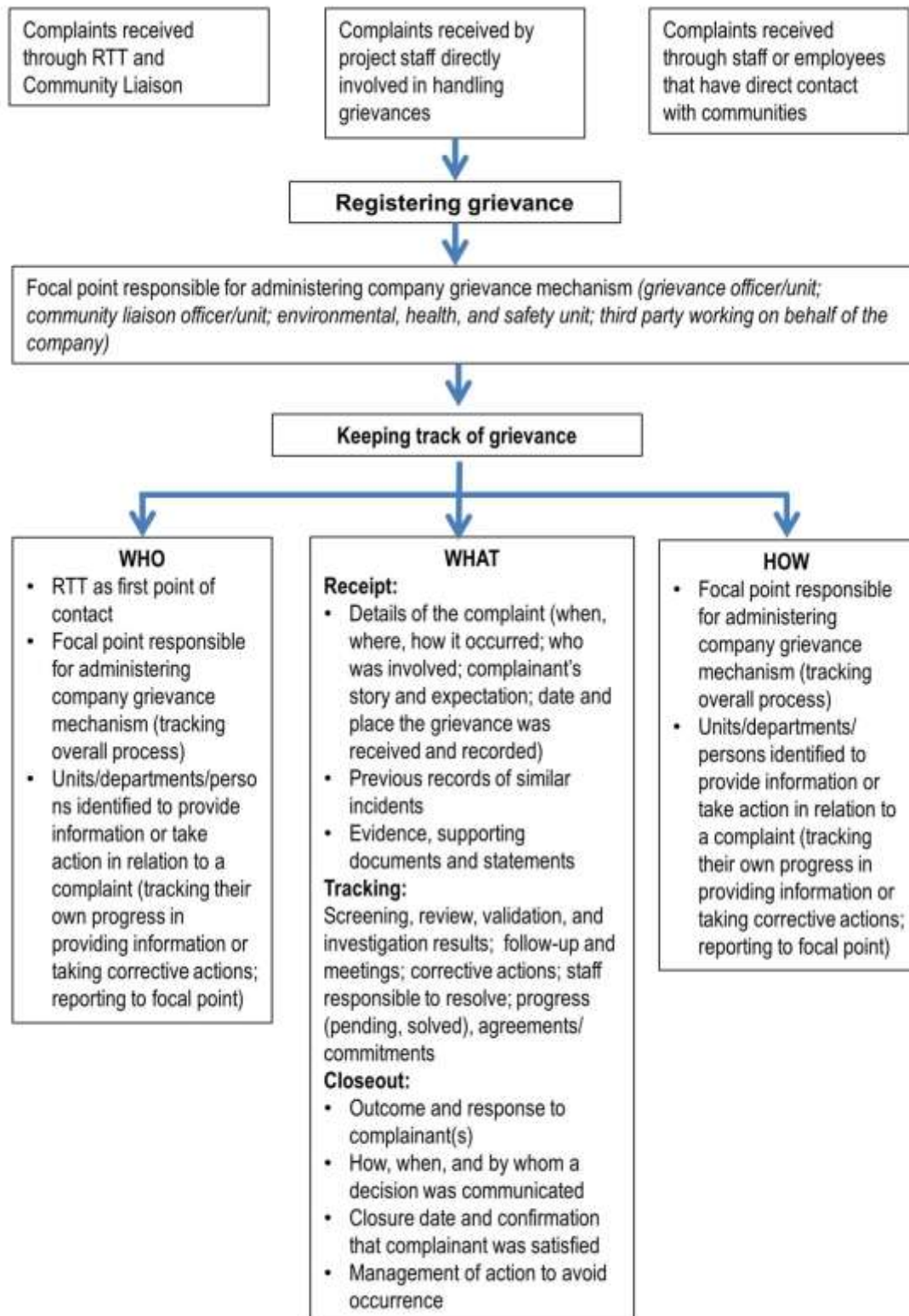
12.2 Project-Level Grievance Mechanism

A project-level grievance mechanism for affected communities is a process for receiving, evaluating, and addressing project-related grievances from affected communities at the level of the company, or project. In the context of the Swaziland Rail link project, this project, this mechanism may also address grievances against contractors and subcontractors. Project-level grievance mechanisms offer companies and affected communities an alternative to external dispute resolution processes (legal or administrative systems or other public or civic mechanisms). These grievance mechanisms differ from other forms of dispute resolution in that they offer the advantage of a locally based, simplified, and mutually beneficial way to settle issues within the framework of the company–community relationship, while recognising the right of complainants to take their grievances to a formal dispute body or other external dispute-resolution mechanisms.


It should be noted, however, that complex issues that arise from high environmental and social impacts are seldom resolved in a relatively simple way. In such cases, projects should anticipate involvement of various third parties in the resolution process to achieve solutions with affected communities. These include, but are not limited to, various national and international mediation bodies, independent mediators and facilitators with sector- and country-specific expertise, and independent accountability mechanisms of public sector financiers.

12.3 Approach to Grievance Redress

Figure 26: Receipt, registration and tracking of grievance



Handling grievances encompasses a step-by-step process as well as assigned responsibilities for their proper completion. Figure 26 above provides procedure on how



grievance should be received, registered and tracked. Companies establishing grievance mechanisms will follow the process steps discussed in this section.

12.3.1 Step 1: Publicising Grievance Management Procedures

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

- What project-level mechanisms are (and are not) capable of delivering and what benefits complainants can receive from using the company grievance mechanism, as opposed to other resolution mechanisms;
- Who can raise complaints (affected communities)
- Where, when, and how community members can file complaints;
- Who is responsible for receiving and responding to complaints, and any external parties that can take complaints from communities;
- What sort of response complainants can expect from the company, including timing of response; and
- What other rights and protection are guaranteed. Ideally, as part of their first interactions with company representatives, communities should be informed of a company's intention to establish a grievance mechanism, and continue to be reminded of this mechanism on a regular basis during project implementation. Companies should emphasize the objectives of the grievance system and the issues it is designed to address. A company's community liaison officers, grievance officers, or individuals working in analogous positions, should be responsible for publicizing the procedure through appropriate methods.

12.3.2 Step 2: Receiving and Keeping Track of Grievances


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

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

12.3.2.1 Receiving Concerns and Complaints

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

- All incoming grievances should be acknowledged as soon as possible. A formal confirmation with a complaint number, or other identifier, and a timeline for response assures the complainant that the organization is responding properly, and it gives the project a record of the allegation. If a complaint is received in person, a good practice is to acknowledge it on the spot.

- 
- If a more complex investigation is required, the complainant should receive an update explaining the actions required to resolve the complaint, and the likely timeline.
 - The company should explain up front what claims clearly are outside the scope of the mechanism and what alternative avenues communities can use to address these potential issues.

12.3.3 Step 3: Reviewing and Investigating Grievances

For a grievance mechanism to work, all complaints should be handled as promptly as possible, depending on the nature and complexity of the matter. The central unit or person responsible for grievance handling should organise the process to validate the complaint's legitimacy and arrange for investigation of details. Depending on the circumstances of the complaint, various units or departments may need to get involved, including senior management if their direction and decision is required by the established procedures and division of responsibilities. To begin this process, establish the nature of the grievance to determine the measures needed for review and investigation. All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances. For example: **Minor, straightforward issues** may only need screening before proceeding to the next step (resolution options and response). Review of minor issues, especially those related to a complainant's request for information, can generally be handled easily by providing information on the spot, or referring the person to community liaison personnel. If there is any possibility that deeper underlying issues may exist, always take time to look into the complaint further.

Less clear, more problematic, or repetitive issues, or group complaints may need a more detailed review prior to action. Staff involved in handling grievances may need to seek advice internally, and in some cases turn to outside parties to help in the validation process, especially in cases of damage claims. One option to help determine legitimacy is an internal committee comprising staff who will be involved in the operation, staff involved in supervision of the grievance mechanism, and managers from the project departments whose activities are likely to result in claims. For example, the committee might consist of RTT members, a community liaison officer and an operations manager. This committee can also provide initial recommendations on resolution options.

12.3.3.1 Where an extensive investigation is required

An extensive investigation may be required when grievances are complex or widespread and cannot be resolved quickly. As a way to conform to the principle of "no cost to communities," the company should take full responsibility for investigating the details of grievances coming through its grievance mechanism. However, in cases of sensitive grievances such as those involving multiple interests and a large number of affected people, it may help to engage outside organisations in a joint investigation, or allow for participation by RTT, civil society organizations or NGOs, or local authorities, if the complainants agree to this approach.

12.3.4 Step 4: Developing Resolution Options and Preparing a Response

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

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

12.3.4.1 Developing resolutions options commensurate with the nature of the grievance

General approaches to grievance resolution may include proposing a solution:


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

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

12.3.4.2 Preparing and communicating clear response

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

The claim is rejected and no further action will be taken. If a claim is rejected upfront, it is either ineligible or clearly does not have a basis. If the response is that the grievance does not require action by the company to resolve it, all considerations should be documented and included in both the response and the company systems for grievance tracking for further reference. Companies should be diplomatic when telling community members that no further action will be taken, since they are likely to be disappointed. But including a detailed and respectful explanation, together with compelling evidence of why it cannot be accepted, usually keeps a conflict from escalating. **The claim is accepted.** The response procedure would include two general steps:



1. **A preliminary response** should be provided within a stipulated period of time and should propose the next steps and actions to be taken for resolution. Let complainants know the results of the assessment and the status of their claims, and encourage and invite further discussion with complainants (to obtain additional arguments, collect more evidence, conduct further investigation, and launch a dialogue). If complainants are not likely to be satisfied with the outcome the company is considering, schedule group or individual meetings, as needed, to discuss the findings and further clarify the position of the company and of the complainants; and, in more complex cases, have management participate in such meetings, since they are perceived to be the legitimate decision makers.

In this project, it will be advisable that RTT is given space to deal with grievances from project affected people as well as communities and third parties.

2. **A final response** should be given to document the final proposed resolution. Communicate the proposal, stipulate mutual commitments, and ask for the complainants' agreement. If the complainants are not satisfied with the proposed resolution, or the outcome of the agreed corrective actions, they should be free to take their grievances to a dispute resolution mechanism outside of the company grievance mechanism.

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

Following completion of the agreed-upon corrective actions, it is a good practice to collect proof that those actions have taken place. For example:

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

12.3.5 Step 5: Monitoring, Reporting, and Evaluating a Grievance Mechanism

Monitoring and reporting can be tools for measuring the effectiveness of the grievance mechanism and the efficient use of resources, and for determining broad trends and recurring problems so they can be resolved proactively before they become points of contention. Monitoring helps identify common or recurrent claims that may require structural solutions or a policy change, and it enables the company to capture any lessons learned in addressing grievances. Monitoring and reporting also create a base level of information that can be used by the company to report back to communities. Although internal monitoring is usually sufficient for smaller projects, in the case of projects with significant impacts, or where the facts surrounding the grievance are contentious, monitoring by a neutral third party can enhance the credibility of the grievance mechanism.



12.3.5.1 Tracking grievance statistics to ascertain effectiveness

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

12.3.5.2 Adapting the mechanism to correct effectiveness

The final objective of monitoring is to ensure that the design and implementation of the grievance mechanism adequately respond to the stakeholders' needs in a cost-effective manner.

To maintain the mechanism's effectiveness, the company must design the mechanism and assign responsibilities to allow for policies and practices to improve efficiencies in the receipt and resolution of grievances. These objectives can be met only through ongoing adjustments to the mechanism, facilitated by support from the management. For example:

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

12.3.5.3 Using monitoring results to report back

Lessons learned throughout the process of handling grievances can help ensure continual improvement of the company's operations. The company can also use monitoring to report back to the community on its implementation of the mechanism. In addition, the company can designate personnel responsible for translating lessons learned from its monitoring into concrete policy and practice changes for the company. A community meeting to explain the results of such reports is also effective, and may lead to a mutually respectful relationship between the company and the community.

12.4 Resources needed to manage a Grievance Mechanism

12.4.1 Resources for Grievance Mechanisms

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

12.4.2 Who Should Be Responsible for Implementation?

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

- Make sure that the role of senior management is clear, i.e. in what cases and at what stage in the handling of a complaint their decision will be required, and who will be responsible for strategic oversight of grievance management. Senior management has final authority to ensure that commitments to affected communities are met, and clear reporting lines must be established between senior management and those implementing the grievance mechanism.
- Identify personnel or a unit responsible for administering the grievance mechanism (recording complaints, arranging for collection of additional information, consulting relevant departments or persons within the organization, tracking progress, aggregating and forwarding feedback to complainants, reporting). It may be a new or existing unit or person within an organization. Who is best suited to handle these tasks is sometimes determined by the nature of community grievances. RTT together with community liaison or an administrative assistant should serve as an entry point to receive and log complaints. Frequent turnover of staff assigned to grievance handling and community liaison can adversely impact the perception of the mechanism.
- It should be noted that other community engagement tasks do not take the place of handling grievances, particularly if a community liaison officer is also assigned to handle the grievance process.
- Where possible, functions of grievances handling should be separated from project management, and assign clear accountability for each, so as to avoid decisions that favour the interest of the company only. Safeguards can include clearly defining the authority and decision-making responsibilities of people involved in administering the grievance mechanism, as well as making sure that senior management is ready to intervene. These would include responsibilities for managing the overall process, as well as separate steps (receipt, recording and tracking, investigating, and responding).



12.4.3 Involving Third Parties

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

12.4.3.1 Options for Third Party engagement

To have an effective project-level grievance mechanism, companies need to understand the roles of third parties before engaging them. For example:


Tinkhundla or Umphakatsi (chiefdom) - These should be taken into account when developing a grievance mechanism to ensure cultural appropriateness, community involvement in decision making, and efficient and effective use of existing community resources.

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

Local Authorities. Communities sometimes bring their project-related complaints to local governments. It would be advisable for the company to consider partnering with local authorities to facilitate receipt of grievances from communities. Local Authorities can also be a resource to help companies resolve complaints, since local authorities may have an established relationship with the communities. They can participate as third parties and advisors in company-initiated resolution processes.

12.5 Grievance Mechanisms Needed for Projects Implemented by Contractors

Although a company generally differentiates between the actions of its own employees and those of contractors and subcontractors, local communities tend to see no difference and will



attribute actions of contractors and subcontractors to the company. This is the case even if contractors are in the country only for a short period of time.

Swaziland Railway need to anticipate grievances that may arise from the actions of suppliers or contractors, and implement a policy and management tools, such as regular monitoring to govern their behaviour and actions, including provisions for coordinated management of grievances and key indicators that help evaluate the effectiveness of contractors' policies and tools. Where there are a small number of contractors, it may be feasible for the contractors to establish and manage their own grievance mechanisms. Swaziland Railway will need to make sure that these mechanisms do not conflict with the company mechanism or those of the other contractors by establishing clear guidelines and ensuring oversight. Where contractual relationships are more complex or numerous, companies may wish to have all grievances directed to the company's mechanism, regardless of whether they relate to the company or its contractors or subcontractors.

13 Framework for monitoring, evaluation, and reporting

This chapter must be read in conjunction with Section 17 of the approved Resettlement Policy Framework (RPF).

The RAP monitoring, evaluation and reporting framework is aimed at measuring the following main indicators:

- impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better;
- improvement of communities affected by the project; and
- management of disputes or conflicts.

Monitoring, evaluation and reporting of the RAP must be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. The monitoring must be carried out by both internal and external monitors to be appointed by Swaziland Railway. The monitors must work together with established RTT for inclusive and meaningful monitoring evaluation and reporting. The monitoring process must ensure that all responsible implementing agencies follow the schedule and comply with the principles of the RAP.

Suggested monitoring indicators are outlined below and include (and not limited to):

- number and place of public consultation meetings held with PAPs and local authorities during RAP implementation;
- number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- number of complaints: total received, total justified and total non-justified.

Table 6 below provides a typical plan for monitoring, evaluating and reporting that can be followed or adapted as may be deemed necessary.

Table 6: Plan for monitoring, evaluating and reporting

Item	Main activities	Responsible institute	Frequency of monitoring
Public consultation	Consultation meeting with the PAPs	RTT and PIA	Continuous

Database	Updating census results	PIA in consultation with RTT	Once during RAP implementation
Disclosure of entitlement	Display to the PAPs the results of the census.	PIA in consultation with RTT	Twice
Preparation of alternatives	Follow up of implementation of proposed alternative	PIA in consultation with RTT	Twice
Compensation and other resettlement measures	Follow up compensation process	PIA in consultation with RTT	Continuous
Follow up of PAPs	Follow up and monitoring of PAPs livelihoods	PIA in consultation with RTT	Once fortnightly

13.1 Internal and External Monitoring

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.


13.1.1 Internal Monitoring

For internal monitoring, the resettlement offices of the RIA, in partnership with the paying consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with RTT, local Authority and will be done after every six weeks. Post resettlement monitoring will be undertaken internally like every three months.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- number of sub-projects requiring preparation of a RAP;
- number of households and individuals physically or economically displaced by each sub-project;
- length of time from sub-project identification to payment of compensation to PAPs;
- timing of compensation in relation to commencement of physical works;
- amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- number of people raising grievances in relation to each sub-project; and
- number of unresolved grievances.

The PIA will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues.



Financial records will be maintained by the sub-projects and the PIA, to determine the final cost of RAP implementation.

13.1.2 External Monitoring

External monitoring will be undertaken by an independent agency or Consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at least 2 years after completion of the construction phase. The Civil Society Organisations may be involved in this exercise.

External monitoring will include an independent impact evaluation that will determine:

- if compensation payments have been completed in a satisfactory manner; and
- if there are improvements in livelihoods and well-being of PAPs

13.2 Monitoring measures

In addition to inspecting that the consultants and construction firms are adhering to the required measures, the monitoring system will be put in place to report on the effectiveness of compensation payments and resettlement assistance. Monitoring measures must be designed to ensure the effective and timely implementation of compensation and resettlement activities. This should include the physical progress of resettlement, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of income restoration and development efforts among affected communities.

The monitoring must include continuous RAP tasks especially on grievance redress handling throughout the phase of civil works in order to assure timely response to PAPs requirements and to assure correct implementation of resettlement procedures. National level monitoring at times is not regularly carried out sometimes due to lack of operating budget, in those cases and others, the project must utilise resources of the utilities such as transport to facilitate the external monitors perform their duties. In addition, the project must encourage involvement of PAPs, local Associations and local NGOs and CBOs to get involved with monitoring and evaluation.

The implementation of compensation and relocation activities will have to comply with both national laws and international safeguards. Particular attention must be paid to adequacy of asset valuation mechanisms, timely compensation payments and prior information, consultation and participation of project affected people. The enforcement of the existing laws is also of critical importance to ensure harmonisation between the national frameworks and the international safeguards. A further issue is the eligibility status of unregistered land users where IFC guidelines will have to be applied and all affected land-users fully compensated.

13.3 Indicators

The approved RPF highlights the objectively verifiable indicators (OVI's) which can be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. Table 7 below provides a set of indicators which can be used.

Table 7: Types of verifiable indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognised as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

13.3.1 Indicators to determine status of affected people

A number of indicators should be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

13.3.2 Indicators to measure RAP performances

As documented in the RPF, in order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. For example the following parameters and verifiable indicators can be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Authority;

- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- The Local Authority will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages;
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- Proposed use of payments;
- The number of contentious cases out of the total cases;
- The number of grievances and time and quality of resolution;
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- Agricultural productivity of new lands;
- Number of impacted locals employed by the civil works contractors;
- Seasonal or inter-annual fluctuation on key foodstuffs; and
- General relations between the project and the local communities.

13.3.3 Indicators to monitor and evaluate implementation of RAPs

The RPF indicates that financial records must be maintained by the PIA to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual bio-data information;
- Number of people s/he claims as household dependents; and
- Amount of land available to the individual or household when the dossier is opened.

The following additional information will be acquired for individuals eligible for resettlement/compensation:


- Type and amount of compensation;
- Level of income and of production; and
- Inventory of material assets and improvements in land.

13.4 RAP Monitoring Plan

IFC recommends that the RAP must provide a coherent monitoring plan that identifies the organisational responsibilities, the methodology, and the schedule for monitoring and reporting. The three components of a monitoring plan should be *performance monitoring*, *impact monitoring* and *completion audit*.

13.4.1 Performance Monitoring

In accordance with IFC guidelines, performance monitoring is an internal management function allowing the sponsor or the organisations responsible for resettlement to measure



physical progress against milestones established in the RAP. Examples of performance milestones could include:

- Public meetings held;
- Census, assets inventories, assessments, and socioeconomic studies completed;
- Grievance redress procedures in place and functioning;
- Compensation payments disbursed;
- Housing lots allocated;
- Housing and related infrastructure completed;
- Relocation of people completed;
- Income restoration and development activities initiated;
- Monitoring and evaluation reports submitted

13.4.2 Impact Monitoring

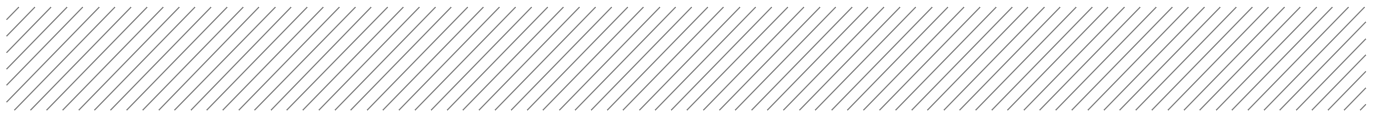
Impact monitoring measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. Impact monitoring must be conducted by an independent external agency appointed by Swaziland Railway. IFC highlights the purpose of impact monitoring as being to provide Swaziland Railway or RIA with an assessment of the effects of resettlement, to verify internal performance monitoring and to identify adjustments in the implementation of the RAP as required. It is recommended that where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

13.4.3 Completion Audit

This should be undertaken by independent third party to assess whether the outcome of the RAP complies with IFC involuntary resettlement policy guidelines. The key objective of this external evaluation will be to determine whether Swaziland Railway's efforts to restore the living standards of the affected population have been properly conceived and executed. IFC guidelines indicate that the audit should verify that all physical inputs committed in the RAP have been delivered and all services provided. In addition, the audit should evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. The socio-economic status of the affected population, including the host population, should be measured against the baseline conditions of the population before displacement, (as established through the census and socio-economic studies).

13.4.4 Socio-Economic Assessment

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators (discussed above) will be used for measuring status of affected people.



Finally, the socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each sub-project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes based on this baseline.




14 Conclusion and Recommendations

The findings of the socio-economic analysis for the affected population revealed the extent to which households earn their living and have access to basic services. The surveyed households have access to electricity as a source of energy. Their living standard provided a variation in the level of wealth, material goods and necessities available to a certain socio-economic class in a certain geographic area. The standard of living includes factors such as access to quality of services such as electricity and clean drinking water and is closely related to quality of life of the people. For the New Link Section for both socio-economic assessment and RAP the following have been discovered:

The assets and infrastructure survey undertaken by Lang Mitchel Associates revealed the following:

- There are 410 households that will need to be resettled as a result of the proposed project;
- 36.34% of household members were on a formal wage employment while 16.82% were on informal or short term / casual employment
- Almost 40% of the main structures have cement or concrete block walls and almost 23% are built of mud or clay blocks;
- 80% of the main structures' roofs are built from corrugated iron or tin and 10% of leaves or thatch;
- 134 of the households surveyed used electricity as a source of lighting and 46 as a source of energy for cooking;
- 159 of the respondents used wood as a source of energy for cooking and 187 used it as a source of energy for heating purposes;
- 76 households surveyed use a communal pump, well or protected spring as primary source of water and 51 and 77 use an unprotected spring as primary or secondary water source. 123 of the respondents use a private water resource in their homestead or yard as primary source of water;
- 104 and 103 household members have experience and training in driving skills respectively 28 and 32 have experience in brick-laying and security respectively;
- The 410 households surveyed have a total of 866 fields of which approximately half is fenced;
- More than 60% of the fields are used for the production of maize;
- Between the 410 surveyed households a wide range of livestock is kept of which chickens account for just more than 3 000 and cattle just over a 1 000;
- A total number of 355 graves have been recorded.



Since one of the objectives in our country is sustainable development through create job opportunities and to growing our economy, it will be important that the sustainable livelihoods of affected communities are given high priority. Swaziland Railway and the contractors need to give attention to give households affected by the project in terms of employment, skills development and economic improvement during implementation of the project.

Green energy such as solar systems can play an important role as a source of energy during the rollout process, due to the unavailability of electricity in the area. It will be important to provide alternative water sources to the affected households as the proposed railway line will in most of the cases create access difficulties.

The collected and provided socio-economic data of affected households will assist Swaziland Railway to make informed decisions regarding the resettlement of the affected households and relocation of their graves. It is our recommendation that there be adequate consultation with the affected households during the lifetime of the project, to minimise discontentment and promote good relations.


In cases in the world where resettlement has been successful, in the sense of leaving the affected people economically better off, in a socially stable condition, and in a manner that they are themselves able to sustain over time, the process has been characterised by a number of best practice enabling factors such as follows:

- an appropriate understanding of the complications of resettlement;
- proper legal and policy frameworks at national level;
- sufficient funding;
- sufficient capacity, including experience in working with resettlement;
- honest consultation and negotiation with the affected people;
- effective planning, implementation and monitoring;
- integration of the resettlement project into its regional economic and political context;
- the necessary political will to ensure that the above enabling factors are obtained; and
- that resettlement is properly carried out.

International experience of many projects shows that, unless these best practice factors are obtained, resettlement exposes affected people to a range of risks such as:

- Landlessness;
- Homelessness;
- Joblessness;
- Economic and social marginalisation;
- Increased morbidity and mortality;
- Food insecurity;
- Loss of access to common property resources; and
- Social and cultural dislocation and distraction.

Unless consciously countered, these risks become reality, negatively reinforcing each other in an interactive and cumulative manner. On the other hand, if these risks are incorporated as part of planning and project design, and if the necessary best practice factors are



obtained, these risks can be turned into development opportunities, resulting in resettlement with development.

Since one of the objectives in our country is sustainable development through create job opportunities and to growing our economy, it will be important that the sustainable livelihoods of affected communities are given high priority. Swaziland Railway and the contractors need to give attention to give households affected by the project in terms of employment, skills development and economic improvement during implementation of the project.

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15 RAP Report Approval

This Resettlement Action Plan Final Report is hereby approved as follows:

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Date:

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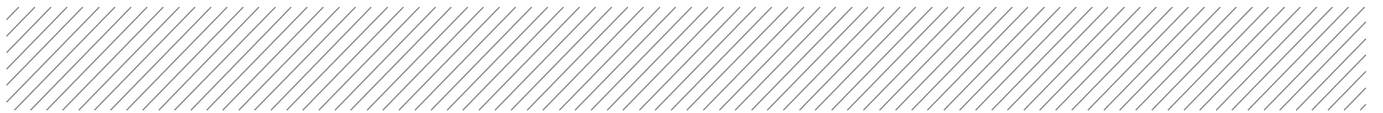
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