



RESETTLEMENT POLICY FRAMEWORK

For the proposed

Network Reinforcement and Access Project

Project ID: P166170

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Abbreviations

EERA	Eswatini Energy Regulatory Authority
EEC	Eswatini Electricity Company
ESS5	World Bank's Environmental and Social Framework, specifically Standard 5: "Land Acquisition, Restrictions on Land and Involuntary Resettlement"
GoKE	Government of the Kingdom of Eswatini
MHUD	Ministry of Housing and Urban Development
Project	Eswatini Network Reinforcement and Access Project
PAP	Project Affected Person
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework

1. DEFINITION OF TERMS

Associated activities	Any subprojects or activities that are directly related to the Project.
Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs), their assets, and potential impacts. The census will be carried out in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Environmental and Social Framework. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and local leaders.
Compensation	The payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
Cut-off date	The date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
Economic displacement	Loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood.
Eligibility	The criteria for qualification to receive resettlement benefits.
Entitlement	Resettlement entitlement are the sum total of compensation provided to persons in their respective eligibility category. The entitlement may comprise of cash or in-kind compensation, relocation costs, income rehabilitation assistance, transfer assistance, income substitution and relocation.
Grievance	An issue, concern, problem or claim (perceived or actual) that an individual or community group wants the EEC to address and resolve.
Grievance Redress Mechanism	A locally accessible, formalized way to accept, assess and resolve feedback or complaints from individuals or communities who believe they are adversely impacted by the Project.
Land	Land, including anything growing on or permanently affixed to land, such as crops, buildings and other improvements.
Land acquisition	Methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or right of way. Land acquisition may also include: <ul style="list-style-type: none"> • Acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; • Repossession of public land that is used or occupied for individuals or households; • Project Impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

Livelihood	The full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.
Livelihood restoration	Consists of the entitlements for affected persons and/or communities who are economically displaced, to provide them with adequate opportunity and resources to at least restore, if not improve, their livelihoods.
Physical displacement	Relocation, loss of residential land or loss of shelter.
Project Affected Household	A family or collection of PAPs forming a nuclear or extended family that coexists or lives within the same house or compound.
Project Affected Person (PAP)	Persons who, as a result of Project activities, for reasons of the involuntary taking or voluntary contribution of their land and other assets, results in direct economic and or social adverse impacts, regardless of whether or not they are required to physically relocate. These PAPs may have their: <ul style="list-style-type: none"> • Standard of living adversely affected, whether or not the PAP must move to another location; • Right, title, interest in any house, land or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; • Access to productive assets adversely affected, temporarily or permanently; • Business, occupation, work or place of residence or habitat adversely affected.
Replacement cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. In terms of land, this may be categorized as follows; <ul style="list-style-type: none"> • Replacement cost for agricultural land means the pre-project or pre- displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, including any registration, transfer taxes and other associated fees; • Replacement cost for houses and other structures means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures. Such costs shall include: building materials, transporting building materials to site, any labour and contractors' fees; and any registration costs.
Resettlement Action Plan (RAP)	A resettlement instrument to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on PAPs and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate

	the affected party before implementation of the project activities causing adverse impacts. A detailed template for RAP development is attached to this document in Annex 1.
Restrictions on land use	Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the Project. These may include restrictions on access to common property resources, restrictions on land use within easements or safety zones.
Stakeholder Engagement	Broad, inclusive and continuous process between the project proponent and those potentially affected by the Project that usually spans the life of the Project. It includes broad participation and input to project design and procedures, including consultations, consultations, information disclosure and dissemination.
Vulnerable	Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend. .

2. EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) is prepared by the Eswatini Electricity Company (EEC) in accordance with the Kingdom of Eswatini's legal framework, and the World Bank's Environmental and Social Framework, specifically ESS5 which is the standard for "Land Acquisition, Restrictions on Land and Involuntary Resettlement". This RPF is for the Network Reinforcement and Access Project (NRAP). The project is planned to be implemented in the Shiselweni region.

This RPF is prepared to guide the preparation and implementation of RAP for impacts that may be caused by all Components of construction activities of the NRAP. It sets out the principles and objectives governing the preparation and implementation of social risks and impacts mitigation measures when the specific impact location (s) of component 1 of NRAP are known –in accordance with the World Bank's ESF requirements, in particular that of ESS5. The aim is to ensure that adverse socio-economic impacts of the project on PAPs are adequately mitigated and PAPs are not worse off as a result of the project intervention.

While designing and implementing component 1 activities, the project shall be required to follow resettlement principles, organization arrangements and design requirements stated in ESS5. The Government of the Kingdom of Eswatini (GoKE) has agreed to adhere to the ESS5 of World Bank's standard which requires that involuntary resettlement should be avoided¹. Where involuntary resettlement is unavoidable, the project shall minimize and adopt appropriate measures to mitigate adverse social and economic impacts on displaced persons (and on host communities receiving displaced persons-if any) will be carefully planned and implemented.

Where involuntary resettlement is unavoidable the EEC, through the PIU shall prepare a Resettlement Action Plan (RAP); and the NRAP agreed to provide prompt compensation and resettlement assistances to PAPs to assist them in their efforts to improve or at least restore their livelihoods and living standards to pre-displacement level or better. Compensation and resettlement assistances shall cover permanent or temporary physical

¹ *Avoidance is the preferred approach in accordance with the mitigation hierarchy in ESS1. It is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result. However, avoidance may not be the preferred approach in situations where public health or safety would be adversely affected as a result. There may also be situations where resettlement can provide direct development opportunities for households or communities, including improved housing and public health conditions, strengthened security of tenure or other improvements to local living standards*

and economic displacement resulting from land acquisition or restrictions on land use in connection with component 1 activities of the NRAP.

When preparing the RAP for component 1, the PIU shall conduct a socioeconomic study targeting potential PAPs as well as carryout census survey to: a) identify current occupants of PAPs in affected area, b) establish standard characteristics of affected household, c) provide information on vulnerable groups and people, d) determine the magnitude of potential losses – partial or full and, e) establish communication system to ensure two way information flow- from PAPs to the NRAP and from NRAP to PAPs.

Project Affected Persons (PAPs) who will be affected by component 1 activities of NRAP or its associated activities shall be eligible to receive compensation and resettlement assistances. PAPs who: i) have formal legal rights to land or assets; ii) do not have formal legal rights to land or assets, but have a claim to land or assets that are recognized or recognizable under national law - such claims could be derived from adverse possession or from customary or traditional tenure arrangements; and iii) who have no recognizable legal right or claim to the land or assets they occupy or use, shall be entitled for compensations for lost assets and resettlement assistances.

The process used for determining compensation values and resettlement assistances shall be transparent and easily comprehensible to PAPs. The entitlement matrix provided in the body of this RPF shall guide the project when determining entitlements due to PAPs. The project shall publicly declare the cut-off date to determine eligibility and thus determines entitlements to PAPs. The cut-off date is provided to safeguard against encroachment or opportunists.

The EEC through the NRAP has undertaken legal framework analysis to determine the fit between Eswatini's laws and regulations and Bank's policy requirements and proposed measures to fill gaps as shown in Table 7.2 of this RPF. Gaps have been observed in compensation for : i) agricultural (including fallow) land or pastureland , ii) land in urban areas , iii) loss of access to natural resources, iv) physical displacement, v) Economic displacement and, vi) disclosure. Gap filling measures to be included in project legal document are recommended in Table 7.2.

When calculating compensation amount of affected properties and means of livelihoods, the project shall follow the principle of full replacements cost. The valuation exercise shall aim and will be geared toward ensuring that affected properties valuation is consistent with the ESS5 provisions and the valuation method shall be transparent.

This RPF has also identified the institutional arrangements and coordination mechanism for RAP implementation including: line ministries, local authorities, traditional chiefs, community organizations and State Owned Enterprises (SoE) that will be engaged by the project and Stakeholders Engagement Plan (SEP) that has been crafted. The PIU's capacity to plan and implement RAP and to ensure compliance to ESSs requirement need to be strengthened. A full time and dedicated Social Development staff is to be hired and trained.

The PIU shall take responsibility for the implementation and coordination of resettlement related activities under the NRAP. It shall be responsible for ensuring that compensation and resettlement payments to all PAPs are made promptly and prior to commencement of civil works. It will ensure that site(s) is/are handed-over to the contractor after submitting a "compensation and resettlement assistance payments completion report" to and after obtaining a clearance from the Bank.

The NRAP shall establish Grievance Redress Mechanisms (GRMs) under the project and its design shall take into consideration the views of affected communities expressed during the resettlement planning process and project design. Information shall be disclosed and explained to PAPs as early as possible and on a regular basis throughout the project cycle. The grievance mechanism shall be available at no cost, and will be easily accessible, with special attention paid to accessibility for disadvantaged and vulnerable individuals or groups.

The overall cost of RAP shall be borne by the EEC. The EEC committed to making USD 5 million to cover resettlement related cost. The NRAP shall ensure predictable financial resource flows into the RAP "Special Account" that shall be opened and maintained by the EEC finance department. Funding shall be made available into the RAP special account ahead of commencement of the actual resettlement activities. Adequate financial resources sufficient to cover all compensation and resettlement assistance costs and other related costs shall be provided for by the EEC, including sufficient contingency to offset unforeseen expenses that may occur as a result of inflation and also as a consequence of omitted and undervalued structures or properties.

While preparing safeguards instruments and while implementing the resettlement component of NRAP, the PIU shall engage in consultation with affected communities, including host communities, if any. The Stakeholders Engagement Plan (ESP) developed

for the project will guide the consultation processes to be undertaken. The plan will be updated and shall follow “adaptive management²” approach.

While taking the lead responsibility, the PIU shall track the preparation and implementation of RAP and shall closely monitor the situation of vulnerable people affected by the project. Implementation status assessment will be part of the project’s “Project Completion” review exercise and report. The resettlement aspect of the evaluation shall examine and determine the living standards of PAPs (pre-project vs post RAP implementations.)

This RPF has been prepared by EEC/NRAP as an instrument to guide resettlement preparation and implementation and will be used throughout the project life cycle of the NRAP. This RPF covers the following elements:-

- (a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared;
- (b) principles and objectives governing resettlement preparation and implementation;
- (c) a description of the process for preparing and approving resettlement plans;
- (d) estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- (e) eligibility criteria for defining various categories of displaced persons;
- (f) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- (g) methods of valuing affected assets;
- (h) organizational procedures for delivery of compensation and other resettlement assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- (i) a description of the implementation process, linking resettlement implementation to civil works;
- (j) a description of grievance redress mechanisms;
- (k) a description of the arrangements for funding resettlement, including the preparation

² It is an approach to making decisions and adjustments in response to new information and changes in context.” Adaptive management is not about changing goals during implementation; it is about changing the path being used to achieve the goals in response to changes.

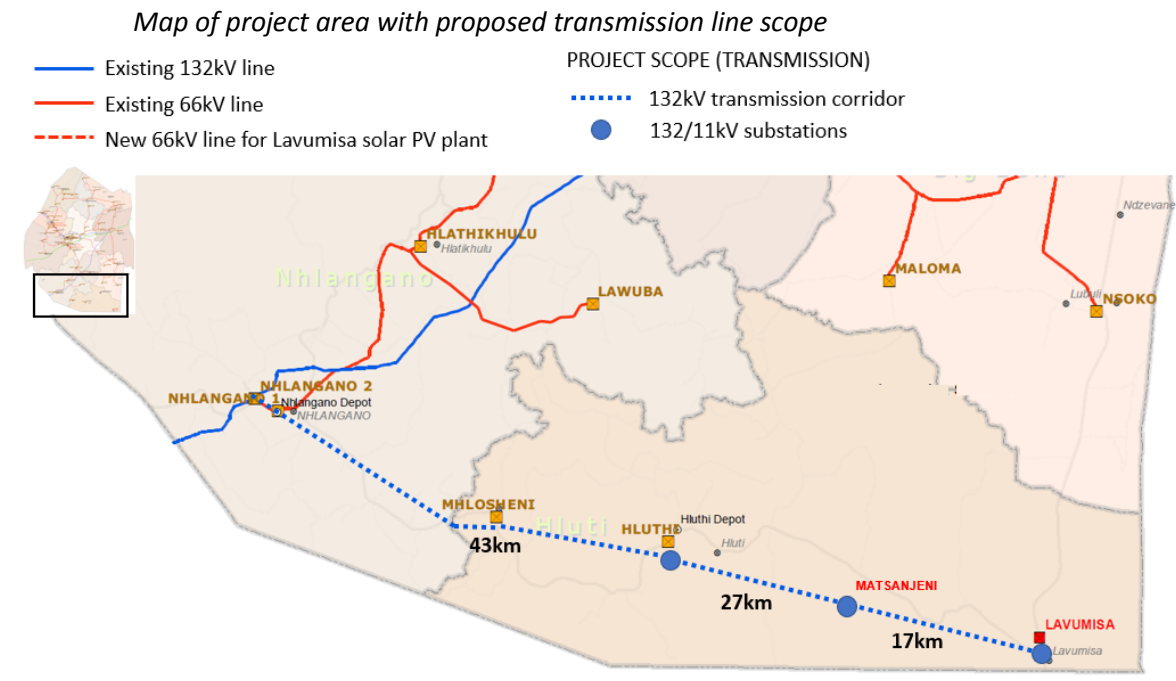
- and review of cost estimates, the flow of funds, and contingency arrangements;
- (l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
 - (m) arrangements for monitoring by the implementing agency.

3. PROJECT DESCRIPTION AND ACTIVITIES

The Network Access and Reinforcement Project (NRAP) will be comprised of four (4) components:-

1. 3.1 Component 1. Reinforcement of the Transmission and Distribution Grid.

The objective of this component is to strengthen the transmission and rural networks for social and economic development. The map of the project area is shown in Figure 5 and the two sub-components are described below.



Component 1a: Reinforcement of the Southern Transmission Grid

2. Component 1a will finance the construction of 87km of 132 kV lines from Nhlanguano II to Lavumisa with 3 new 132/11kV 20MVA substations and expansion works at the existing 132/66/11kV Nhlanguano II substation. The network in the region is operated at 11kV which limits the ability to deliver power and the long lines result in low voltages that suppress the utilization of appliances. The low voltages, small conductor sizes and loading on the lines result in high technical losses. This sub-component will help EEC improve its network to support growing demand in the region. It will cover the electrical, civil and electromechanical works, switchgear, and protection and control equipment. Specific activities are:

- (a) Construction of Nhlanguano II-Hluthi-Matsanjeni-Lavumisa 132kV transmission line (87km) with associated communication, OPGW, metering, and SCADA;

- (b) Construction of a 132kV line bay and associated works at Nhlanguano II substation
- (c) Construction of 20MVA 132/11kV substations at Hluthi, Matsanjeni and Lavumisa

3. The project was selected as the most viable option to address the constraints based on a preliminary study by EEC that assessed the technical viability of strengthening the 66kV network. EEC has completed a preliminary project note based on in-house analysis which provides a strong rationale for the project. Detailed feasibility will be undertaken to determine the final cost estimates and line route.

Component 1b: Distribution network reinforcement

4. The objective of this component is to improve reliability of the distribution network in the Shiselweni region and align the distribution network with present and projected electricity demand. The sub-component will finance various activities to link the new 132kV substations to the distribution network, reinforce weak segments of the distribution network and install control equipment in key segments of the network. It will be implemented through EEC based on the utility's network expansion plan and distribution system performance analysis. Activities will include construction of 11kV feeders, increased automation (for example, through remote circuit breakers), installation of switchgear to allow network reconfiguration, conductor upgrades, installation of capacitor banks, and expansion of transformation capacity.

3.2 Component 2: Electricity access expansion

5. Component 2 will support GoKE's program for rural electrification by financing an estimated 8,000 household connections through the REP. The component will be implemented by EEC's Rural Electrification Unit focusing on the Shiselweni region and will help reduce the outstanding backlog of connection applications. Cost estimates have been prepared by EEC through its Rural Electrification Section that undertakes the works for REP projects.

6. Beneficiaries will include households and micro-small enterprises (MSEs) in rural areas of the Shiselweni region. The component will finance the cost of works up to the customer interface including metering but excludes internal wiring which is the contribution that the customer makes towards the program. Consumers also pay an administration and connection fee of approximately E450 to EEC (approximately US\$30) before a connection is made.

3.3 Component 3: Analytical Support and Capacity Building

7. This component will finance technical assistance (TA) to: (i) enhance electrification planning capacity, considering GoKE's stated capacity of reaching

universal access in the short-term; and (ii) support the development of a policy and regulatory environment that will engender private sector participation in off-grid electrification and renewable energy generation.

i) .

3.4 Component 4. Contingency Emergency Response Component

The objective of this component is to support GoKE's response in the event of an eligible emergency.

3.4 Description of the proposed 132 kV transmission line

EEC proposes to use 132kV steel monopole structures for the proposed transmission line, running within a 30-meter-wide servitude. EEC has used steel monopoles for existing comparable lines. Transmission monopoles are used as a replacement for lattice type towers (see Figure 2). Their advantages are:

- 70% smaller footprint than lattice towers, which makes them particularly suitable for narrow easement corridors such as in urban areas
- More aesthetic than lattice towers
- Faster and safer mechanised erection
- Less susceptible to failure during severe wind storms

3.5 Component Entailing Land Acquisition and restriction of land use

Component 1 activities are likely to entail land acquisition or restriction to land use which may lead to economic and physical displacement. The will cover the electrical, civil and electromechanical works, switchgear, and protection and control equipment. :-

Specifications for the proposed transmission lines and substations will be determined and become more clearer in terms of actual route and locations of sub stations after the completion of detailed design which will be informed by the comprehensive ESIA report.

3.5.1 Description of the potential impacts of Component 1

Based on the preliminary survey report, the following are the likely impacts that will be expected as a result of component 1 project implementation activities:-

- (a) Civil work activities associated with the construction of Nhlango II-Hluthi-Matsanjeni-Lavumisa 132kV transmission line (~87km) are likely to impact land and assets including commercial forests, farms, fruit trees, crops (maize, beans, cotton trees). The number of PAPs to be impacted shall be determined by the census exercise to be undertaken once the exact locations on ground are known.
- (b) Civil work activities associated with the construction of a 132kV line bay and associated works at Nhlango II substation is likely to impact a commercial forest – these are trees owned by private investors and owners.
- (c) Civil work activities associated with the expansion and conversion of Hluthi 11kV switching station to a 20MVA 132/11kV substation is likely to be carried out on land owned by EEC.
- (d) Civil work activities associated with construction of 20MVA 132/11kV substations at Matsanjeni, and Lavumisa are likely to impact farms. The number of PAPs to be impacted shall be determined by the census exercise to be undertaken once the exact locations are known.

4. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT

4.1 Preparation and Implementation

This section sets out the principles and objectives governing the preparation and implementation of social risks and impacts mitigation measures when the specific impact location (s) of components 1 and 2 are known –in accordance with the World Bank’s ESF requirements, in particular that of ESS5.

This section will cover the preparation and implementation requirements that should be followed by the EEC while preparing the resettlement component for the NRAP and will provide steps to be followed while undertaking resettlement planning as well as processing requirements.

4.2 Principles governing Resettlement Preparation

It is a generally accepted principle that infrastructure projects entailing land acquisition and that impose restrictions on land use can have adverse social and economic impacts on communities and persons. Project induced land acquisition³ or restrictions on land use⁴ may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood)⁵, or both. The term “involuntary resettlement” refers to these impacts. 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 displacement.

Departing from the above principles, the Government of the Kingdom of Eswatini (GoKE) believes that economic displacement that is likely to result from components 1 and 2 project activities of the NRAP, if not mitigated

³“Land acquisition” refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individual or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

⁴“Restrictions on land use” refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.

⁵“Livelihood” refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

properly, may give rise to severe economic, social and environmental risks including: dismantling production systems; impoverishing people if their productive resources or other income sources are lost; relocating people to environments where their productive skills are less applicable and the competition for resources is greater; weakening community institutions and social networks; dispersing kin groups, diminishing cultural identity, traditional authority, and the potential for mutual help.

For the above reasons, the GoKE has agreed to adhere to the ESS5 of World Bank's standard which requires that the involuntary resettlement should be avoided⁶. Where involuntary resettlement is unavoidable, the NRAP shall minimize and adopt appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons-if any) will be carefully planned and implemented.

4.3 Objective of implementing the RAP

The objectives of preparing and implementing RAP are:-

- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost⁷ and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre- displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

⁶Avoidance is the preferred approach in accordance with the mitigation hierarchy in ESS1. It is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result. However, avoidance may not be the preferred

approach in situations where public health or safety would be adversely affected as a result. There may also be situations where resettlement can provide direct development opportunities for households or communities, including improved housing and public health conditions, strengthened security of tenure or other improvements to local living standards.

⁷"Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with as set replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.⁸
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, the EEC through its NRAP-PIU will conduct meaningful consultations with PAPs and shall inform them about their rights and choices.

4.4 Scope of ESS5 Coverage

The ESS5 applies to permanent or temporary physical and economic displacement resulting from land acquisition or restrictions on land use in connection with component 1 and 2 activities of the NRAP. The following are the scope of the ESS5 coverage:-

- (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource

⁸"Security of tenure" means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to the mare socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;

- (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, freshwater, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- (g) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

5. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS

The RAP preparation process for components 1 of NRAP shall involve conducting a socio-economic study targeting potential PAPs as well as census survey to: a) identify current occupants of PAPs in affected area, b) establish standard characteristics of affected households, c) provide information on vulnerable groups and people, d) determine the magnitude of potential losses – partial or full, e) establish communication system or create provision for two way information flow from PAPs to the NRAP and from NRAP to PAPs.

This section sets out the step by step process for preparing and approving resettlement plan(s) mainly on the process and approval aspects. It presents: i) the condition for the RAP preparation, ii) the RAP processing requirements, iii)

planning instruments that need to be considered when preparing the resettlement component of the NRAP as discussed below:-

5.1 Preparation requirements

RAP shall be required if component 1 activities require changes in existing land use whether temporarily or permanently. The scope of the RAP will be determined by the magnitude of component 1 impacts and the complexity of mitigation measures. A census of affected properties to be affected by component 1 activities shall be undertaken and will be used in making determination of the scope and complexity of impacts.

The PIU will assess and determine, at the earliest possible stage, the relative impacts related to:

- a) Physical displacement (relocation, loss of residential land or loss of shelter); and
- b) Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).

A census of affected persons will be carried out to determine eligibility. The census should capture demographic, social and economic information. The outcome of the census includes an inventory and valuation of affected assets. The census provides the baseline against RAP outcomes at the completion of the compensation.

The RAP will be submitted to the World Bank for a 'No Objection.' The Project Team will subsequently disclose the RAP in the Shiselweni region area. A printed version of the RAP will be available to the public in the EEC HQ and Shiselweni Regional Offices. Upon disclosure in the Shiselweni region, the RAP will also be disclosed on the World Bank's website.

5.1.1 Processing Requirements

Processing the resettlement component requires the following:-

- 5.1.1.1 Determine whether component 1 activities entail land acquisitions.
- 5.1.1.2 Take steps to prepare the resettlement component—If ESS5 applies to the NRAP, the PIU shall complete following tasks:
- (a) Conduct a census and socioeconomic surveys to identify component 1 impacts and the people that will be affected;
 - (b) Finalize the resettlement entitlements for each category of impact;
 - (c) Select adequate resettlement sites and income-improvement activities (if relocation is necessary or required under NRAP);
 - (d) Establish institutional mechanisms for delivering entitlements and for undertaking other resettlement activities;
 - (e) Prepare budgets and make arrangements to ensure the timely flow of funds for resettlement implementation;
 - (f) Coordinate implementation arrangements among relevant agencies involved in the implementation of RAP, particularly with stakeholders identified NRAP's SEP;
 - (g) Establish mechanisms for continued participation of PAPs in resettlement, as well as for redressing of their grievances; and
 - (h) Make arrangements for internal and independent monitoring of resettlement activities as it may be required and proportional to the risks and complexity of mitigation measures;
- 5.1.1.3 Arrange for preparation of the resettlement planning documents — NRAP, through PIU, engages qualified organizations or consultants to prepare the RAP(s) or resettlement framework(s) and coordinates the activities of agencies contributing to planning documentation,

- 5.1.1.4 Review and clear the resettlement planning documents—NRAP or consultants. The Bank’s Social Development Specialists collaborate in preparing the resettlement document(s) and in arranging for its/their review and clearance,
- 5.1.1.5 Arrange for monitoring and supervision during implementation—Plans for Bank supervision, project monitoring, and independent resettlement monitoring should specify arrangements for responding to obstacles or opportunities arising during implementation.

The following are resettlement planning instruments which the EEC will be required to produce as appropriate to the NRAP circumstances:-

5.2 Resettlement Policy Framework

At this stage of NRAP preparation, the exact nature or magnitude of the land acquisition or restrictions of land use under component 1 of the NRAP is unknown; thus is the reason for putting in place this RPF.

This RPF establishes the general principles and procedures compatible with ESS5 of annex 1 to be followed in circumstances where component 1 activities are causing physical and/or economic displacements. Once the NRAP transmission powerlines and Substation specific locations are defined and the necessary planning information becomes available, this RPF will be expanded into location specific Resettlement Action Plan (RAP) and; the action plan shall be proportional to potential risks and impacts identified by the screening exercise. No physical and/or economic displacement will occur until plans required by ESS5 have been finalized and approved by the Bank.

During the preparation of component 1 activities, the scale and severity of the NRAP social risks and impact will be assessed and determined. Since the precise location of transmission powerline and Substations are not yet fully

known at this stage of the NRAP preparation, this RPF is preparation and will be disclosed for stakeholder feedback and consultation.

5.3 Resettlement Action Plan

If involuntary resettlement and involuntary acquisition of land becomes an unavoidable reality, the NRAP will consider preparing resettlement plan consistent with the principles and objectives of this RPF. A RAP may be required if Project activities require changes in existing land use whether temporarily or permanently.

The scope of the RAP for impacts associated with component 1 activities will be determined by the magnitude of impact and complexity of measures required to mitigate adverse impacts. The outcome of the affected properties inventory will determine the scope of impact.

5.3.1 Elements of RAP

The following are the minimum elements⁹ of a sound RAP:-

- 5.3.1.1 Description of the project;
- 5.3.1.2 Potential impacts identification;
- 5.3.1.3 The main objective of the resettlement plan
- 5.3.1.4 Census survey and baseline socio-economic studies;
- 5.3.1.5 Legal framework;
- 5.3.1.6 Institutional Framework;
- 5.3.1.7 Eligibility;
- 5.3.1.8 Valuation and compensation for losses;
- 5.3.1.9 Community participation;
- 5.3.1.10 Implementation schedule;
- 5.3.1.11 Cost and budget;
- 5.3.1.12 Grievance Redress Mechanism;
- 5.3.1.13 Monitoring and evaluation; and
- 5.3.1.14 Arrangement for adoptive management.

⁹ More detail is provided in the ESS5 guidance note. See Minimum Planning Elements under the guidance note.

5.5 Process Framework (PF)

The Process Framework is prepared if activities of component 1 of NRAP imposes restrictions of access to legally designated parks or protected areas. If component 1 activities resulted in restricting access to common property or natural resources, it is then imperative that the EEC, through its PIU, prepare and submit a process framework as a condition for appraisal.

The purpose of the process framework is to establish a process by which members of potentially affected communities participate in the design of the Natural Resource Management Plan (NRMP), determination of measures necessary to achieve the objectives stated in ESS5, and implementation and monitoring of relevant intervention measures to assist in livelihood restoration as agreed with affected communities.

The process framework, in accordance to the project's SEP, shall describe the participatory processes by which the following activities will be accomplished:-

- (a)* Project components will be prepared and implemented. The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.
- (b)* Criteria for eligibility of affected persons will be determined. The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- (c)* Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and

procedures by which adversely affected community members will decide among the options available to them.

- (d) Potential conflicts or grievances within or between affected communities will be resolved. The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

5.6 Approval & Clearance

Once the magnitude of impact of component 1 activities are determined, the proportionality of impacts mitigation measures are agreed upon and the required planning instruments are prepared, the following approval and clearance steps should be followed by the PIU:-

- 5.6.1 For component 1 activities for which specific resettlement impacts will be known during design stage, the PIU has prepared this Resettlement Policy Framework (RPF) for stakeholder consultation and feedback as a condition of appraisal and will seek World Bank clearance to this RPF. This RPF contains or cover all minimum elements of RPF stated in Annex 1 of the ESS5.
- 5.6.2 The RAP needs to be submitted to the Bank for approval as a condition for financing component 1 activities at the design stage. The RAP must contain or cover all minimum elements of RAP stated in Annex 1 of the ESS5.
- 5.6.3 In rare case, if component 1 activities impose restrictions of access to legally designated parks or protected areas, the PIU would submit a PF as a condition for appraisal. The PF must contain or cover all minimum elements of a PF as stated in Annex 1 of the ESS5.
- 5.6.4 If component 1 activities imposes restrictions of access to legally designated parks or protected areas, the specific plans of action describing the mitigation measures agreed to by the affected

communities need to be submitted for World Bank approval before the restrictions can be imposed.

The PIU is responsible for ensuring the quality and consistency of safeguards' instruments and its subsequent implementation in accordance with the ESS5 requirements.

6. POTENTIAL IMPACT OF THE PROJECT

As per the preliminary survey of tentative transmission line alignment, Land acquisition for the project may impact PAPs on the two land tenure types described below. It is likely that about 50 and above PAPs will be affected on the Title Deeds land. Exact number of PAPs and including those occupying Swazi Nation land will not be known until the exact project locations are determined. This will be known when the technical details of the project are finalized. The estimated impact is primarily related to the transmission line; the footprint required for distribution and household connections is minor and will be assessed once the final designs become available.

6.1 The land that will be acquired will be used for:-

6.1.1 Expansion of existing right of way.

6.1.2 Establishment of new right of way.

6.2 Minor impact is expected and it will take place on: -

6.2.1 Title deed properties;

6.2.2 Swazi Nation Land.

6.3 The potential Impact on Title Deed Land

The transmission line on Title Deeds Land is expected to traverse on about 54 Title deed land most of which are on the existing 11kV right of way route to Lavumisa. It is anticipated that the transmission line will align, as much as possible on the existing right of way route to Lavumisa in order to avoid and minimize land acquisition. However, impact will need to be assessed and affected community and other stakeholders consulted during the routing is determined through the technical feasibility study and exact footprint on ground is being established during final design.

A small portion of the transmission line will also be expected to traverse within Nhlangano Town¹⁰ boundary using an existing right of way. It is expected that resettlement impact can be avoided or minimized, if it cannot be avoided for this stretch, it will be confirmed during the detailed technical

¹⁰ The land in Nhlangano town is owned by town board with individual owning portion of land.

assessment and consultations with the Nhlanguano Town Council and the communities.

Based on preliminary assessment it is estimated that about 10¹¹ parcels of the 54¹² Titled Deed Land may be acquired to facilitate component 1 RoW requirement for the transmission line route deviation. On the existing right of way and new deviating routes, the potential impact shall be assessed and stakeholders consulted once the technical studies affirm the exact transmission line routing.

Another small portion of the transmission line is expected to traverse land held in a 99-year lease by the Shiselweni Forest Company. Right of way is part of the lease and it is anticipated that the transmission line will align, as much as possible, with the existing lines. However, impact will need to be assessed once the final line route has been determined through the technical feasibility studies.

6.4 The potential Impact on Swazi Nation Land

A portion of the transmission (Component 1a) line shall traverse areas under the Swazi National Land (SNL) tenure system which falls in the jurisdiction of Royal Kraals headed by Chiefs or traditional authorities. There are about 11 chiefdoms that may be affected by the transmission line route alignment, namely:

- (a) Mampondweni under Chief Sibasani;
- (b) Ngwenyameni under Chief Magoloza;
- (c) Zikhoteni under Chief Zwide II
- (d) Hhohho Emuva under Chief Salebona;
- (e) Mobanabulawe under Chief Ndabankulu;
- (f) Manyiseni under Chief Bhejisa;
- (g) Kwaliseni Mgamudze under Chief Gasas;
- (h) Nkonka under Chief Gasas;
- (i) Maplotini under Chief Gasas;

¹¹ The 10 parcel of Title Deed land will be affected as a result of deviation from the RoW for which the NRAP will need land

¹² The 44 parcels of Title Deed land are within the existing RoW

- (j) Vimnizibuko under Chief Gasa.
- (k) Mchinsweni under Chief Mahange

A general information disclosure (**Annex IV**) has been conducted to the general public about the intention of the project in the project area. Consultation with affected PAPs will be conducted once the specific impact location(s) is/are known. It is important to underscore that at this stage it is not possible to determine the number of PAPs until the technical feasibility studies and Preliminary Design has confirmed the exact transmission line routing. When locations are known, the likely displacement (economic or physical) will impact three categories of PAPs: i) individual affected persons; ii) households affected; and iii) vulnerable people.

A stakeholder consultation meeting has also been planned in the last week of April with key affected community representatives, NGO representatives, Regional administrative head, land/revenue department representatives and chiefs to receive feedback on this RPF.

6.5 Impacts are expected to include:-

- (a) Permanent land takings impact may lead to economic displacement due to loss of land and assets or restriction of land use: permanent reduction in production in plantations, commercial forests, gardens, fields or communal land;
- (b) Temporary impact: This will include taking land for: i) materials storage; ii) camp site; and iii) access routes to project site.
- (c) Restricted access: there may be 1-3 hour restrictions to traffic and land use during construction phases, when erecting tower structure along the road resulting in reduced business in Nhlango town and smaller settlements and this may result to income loss.
- (d) Livelihood impact: permanent and temporary takings may reduce the ability to produce crops and horticulture denial to farming and this may result to income loss– and their productivity will be limited.

7. ELIGIBILITY CRITERIA AND CATEGORIES OF DISPLACED PERSONS

Those who will be affected directly by the Project or Project associated activities are eligible to receive full replacement cost and rehabilitation assistance for impacts identified as part of the screening and census.

The Project must assess impacts on all use of land and property and not only for formal landowners of land with title deed. PAPs eligibility includes users of the resources, including people informally settled on the land, those with usufruct rights to the land, tenants, and those renting spaces in a homestead or business. In addition, agricultural wage labourers and employees of households and business enterprises need be regarded as eligible for compensation if directly impacted by the loss of assets.

7.1 Eligibility criteria

PAPs qualified for compensation are classified as:-

- a) PAPs who have formal legal rights to land or assets(i.e. title deed, Crown grant, and Lease)
- b) PAPs who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law - such claims could be derived from adverse possession or from customary or traditional tenure arrangements(i.e Eswatini khonta¹³ through Royal kraal Chief); or
- c) PAPs who have no recognizable legal right or claim to the land or assets they occupy or use (i.e. Farm dwellers and squatters, vulnerable people (orphans, widows, elderlies, disabled and the sick).

Persons under category (a) are PAPs who have formal legal rights to land or assets and are those who have formal documentation under Eswatini national law to prove their rights. In the simplest case, land is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.

¹³ The customary acquisition of land in Eswatini through the Royal Kraal Chief – who has the authority to allocate land

Persons under category (b) are PAPs who do not have formal rights to land or assets, but who have a recognized or recognizable claim under Eswatini national law can fall into a number of groups:-

- 1) They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by Eswatini Customary Law of 'kuKhonta'. In other cases, they may have never been provided formal title or their documents may be incomplete or lost.
- 2) They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by Eswatini national and customary law, without the formal owner contesting the occupation. In such cases, Eswatini national law often has legal procedures by which such claims can become recognized.

Persons under category (c) are affected persons who have no recognizable legal right or claim to the land or assets they occupy or use are eligible for assistance under ESS5. These can be the farm dwellers, squatters, and vulnerable people (although if the rights of such users are recognized by national law, they may fall into category (a) or (b)). They can also be persons occupying land in violation of applicable laws. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets¹⁴.

PAPs with recognizable rights will be provided compensation for the land they lose and other assistance as required by ESS5. Those without recognizable rights would be provided with resettlement assistance in lieu of compensation for the land they occupy, or other assistance, as necessary, if they occupy the project area prior to the cut-off day, which is established prior to the census which is conducted as a key part of the RAP. All PAPs will be provided compensation for assets other than land.

¹⁴ Farm Dwellers Act, 4 of

7.2 Categories of PAPs

The policy framework applies to all economically or physically affected PAPs by the severity of impact and whether or not they have legal Title to the land. The impact of the project will have two land Types of PAPs according to the Land tenure in Eswatini. Land tenure in Eswatini is characterized by two types of land tenure: land held in customary tenure, or Swazi nation land; and land held by freehold tenure, or title deed land. The latter is sometimes referred to as individual tenure farms. Swazi nation land is generally regarded as lacking secure tenure. The chief has the power to allocate land, but he also has the power to take it away. Potential Impact would be on both: PAPs Swazi Nation land and titled deed land.

It is anticipated that the three categories of PAPs are likely to be impacted by component 1 activities. The three categories of PAPs are: i) Individual property owners, ii) PAPs households, and iii) vulnerable PAPs. Detailed discussion on each category of PAPs to be impacted is presented by Annex – I. The details and categories of impacts on properties and livelihoods shall be identified by the assets inventory exercises to be undertaken during the RAP preparation process.

7.3 Differentiated Assistance

The NRAP shall afford differentiated treatment to vulnerable people. Vulnerable groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:-

- i) Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP and PF process;
- ii) The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;

- iii) Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;
- iv) The RAPs and PFs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- v) PAPs and PFs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
- vi) Decisions concerning them should be made in the shortest possible time.

7.4 Entitlement

The Component 1 activities may impact on a wide range of households, business operators, institutions and community members. These impacts, however, manifest at individual and group level. Definitions of unit of entitlement are described below:-

- (a) For compensation against the loss of arable land (fields and gardens): the landholder and those with usufruct rights;
- (b) For privately held assets and resources: the owner(s). If the owner is married but the spouse is not recognized on, the distribution of compensation will be determined following the principles for vulnerable groups;
- (c) For loss of employment: the individual directly affected;
- (d) For livelihood restoration assistance: the individual directly affected;
- (e) For loss of communal assets (pastureland, medicinal plants, thatching grass, trees, river sand, etc.) and impeded/constrained access: the affected community through the chief;
- (f) For affected gravesites: the affected household/family;
- (g) For impacts on vulnerable individuals/groups.¹⁵

¹⁵ Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend

The entitlement matrix shown below describes the unit of entitlement to be delivered to PAPs by: i) type of loss, ii) entitled persons, ii) description of entitlement, iii) land access conditions.

Entitlement Matrix

Type of loss	Entitled person	Description of entitlement	Lan access conditions
Loss of arable land	Landholder/owner or persons with usufruct rights	<p>Permanent loss:</p> <p>Cash compensation at full replacement cost, or assistance with the identification and allocation of suitable replacement cultivation land if available.</p> <p>Temporary loss:</p> <p>(a) Compensation for crop losses for the duration of temporary occupation.</p> <p>(b) Compensation for other disturbance or and damages caused to property.</p>	<ul style="list-style-type: none"> • Notice to vacate will be served at least 120 days prior to acquisition date and timed to allow owner to harvest any standing crops. • Compensation for all losses payable prior to impact. • Any transfer costs the responsibility of the project.

Type of loss	Entitled person	Description of entitlement	Lan access conditions
Crops/trees	Owner/tenant	Compensation of full market value.	Compensation will be based on current market value, including value of future loss. Rightful owner/tenant is allowed to take standing crops, produce and timber.
Privately held assets and resources	Landholder/owner	<p>Permanent loss: Replacement of assets or compensation at full replacement cost.</p> <p>Temporary loss: Compensation for other disturbance or and damages caused to property.</p>	<ul style="list-style-type: none"> • Notice of impact to be served at least 120 days prior to impact. • Compensation or replacement of assets is due prior to impact. • Any transfer costs the responsibility of the project.
Loss of employment/livelihood	Individual affected	Project will develop livelihood restoration plans consummate with impact.	Project Unit to work with social agencies and NGOs active in the area to develop effective livelihood alternatives and training, as well as any additional compensation consummate with impact.

Type of loss	Entitled person	Description of entitlement	Lan access conditions
Communal asset	Affected community through chief	The loss of communal assets, such as medicinal plans, grazing lands or thatching grass will be mitigated through agreed programs to replace resource utilization.	Determined through close consultation with the concerned community and with participation of relevant authorities, including traditional authorities.
Access to homes or businesses	Tenant or owner	Assessed impact on ability to reside in home or conduct business during works.	<ul style="list-style-type: none"> • Provision of alternative temporary access. • In kind compensation, e.g. alternative car parking. • Disturbance allowance which may include calculation of lost wages or lost business based on records.
Gravesite	Family/household	Affected graves will be treated in accordance with the wishes of the relatives of the	Affected graves will be identified and confirmed with the affected communities and families.

Type of loss	Entitled person	Description of entitlement	Lan access conditions
		deceased. The cost of exhumation of graves will be borne by the Project.	
Vulnerable households	Individual/household affected	Based on impact identified as described in this table, should a household be identified as vulnerable additional assistance will be provided by the Project.	<ul style="list-style-type: none"> • Advice on alternative subsistence and livelihood strategies as offered by the project, including skills/ training enhancement; and • Assistance to gain access to government poverty alleviation/social welfare programs.

7.4 Cut-Off Date to Entitlements

It is necessary to publicly declare a cut-off date to determine eligibility and thus entitlements to resettlement and compensation for each component of the Project as it enters the preparation stage. The Project Unit must ensure that the cut-off date is well-known by PAPs as well as the broader community that lives in the sphere of project impact. This must be accommodated with clear demarcation of areas of impact and the process must be documented, with records retained by the Project Unit's Social standards Officer. A public notice of the cut-off date shall be displayed at the Tikhundla centres notice board(s), and the local EEC depot following completion of the adjudication exercise on affected land and assets. A notice with the cut-off date will be provided in letters to PAPs and announced through community meetings

which will be organized by the EEC, the Inkhundla or Chief with the help of Community Liaison Officers. The Project Unit will be required to send a representative to any community meetings related to resettlement.

The cut-off date is provided to safeguard against encroachment or opportunists. Compensation cannot be claimed for structures constructed after the cut-off date has been publicized. The onus will be on a person who is not recorded in the census to prove that s/he qualifies for project entitlements utilizing the established grievance procedures described in this RPF.

8. LEGAL FRAMEWORK

The RAP must be consistent with GoKE policy and laws, regulations and procedures and the World Bank environmental and social standard 5 on Land Acquisition, Restrictions on Land and Involuntary Resettlement (ESS5) covering displacement, resettlement and livelihood restoration as defined in the RPF. In addition, the RAP will adapt the grievance mechanism defined in the RPF to ensure that it is appropriate to the context.

The King may regulate the use of Swazi National Land under section 10 of the Swazi Administrations Act, including the use of such land for public purposes and the resettlement of persons living thereon if necessary.

The various legal provisions under the Eswatini legal framework and the relevant EES5 extracts are presented by **Annex – II**.

8.1 Legal Framework Gap Analysis

This section gives an overview of gap analysis between the ESS5 and that of the Eswatini legal framework as it relates to land acquisition, compensation, and resettlement of the NRAP. Details of the national frameworks are attached as annex to this RPF

The Bank's Environmental and Social Framework (ESF) requires that a comparison of ESS5 and national legal provision on land acquisition, compensation and, resettlement assistance shall be undertaken by the EEC. Where gaps between the provisions of the ESS5 and national legislation are identified, a required measure should be considered and proposed to fill in the gap(s). ideally, where a gap(s) is/are discovered, the policy or the provision that is superior, and that provides better compensation and entitlement to PAPs should be applied – bearing in mind that PAPs should not be made worse than pre-project levels; and that it is desirable for their livelihood to be improved rather than prejudiced by the NSWSP economic or physical displacement.)

The Constitution of 2005 is an Act that provides for the minimum standards acceptable in the Bill of Rights ; the Acquisition of property Act of 1961

provides for the manner and circumstance under which property, including land will be acquired and the redress mechanisms and procedures for so doing in the interest of public development.

Whereas the NRAP implementing agent is a creature of statute, the provisions relating to the power to acquire land for the purpose of executing their mandate as a public utility are very limited and do not adequately meet the requirements of the ESS5. Where land requires compensation to be made, it is the Government that has eminent domain.

8.1.2 Gaps

A comparative analysis of the legislation was done and the following gaps were identified:-

8.1.2.1 Compensation value and livelihoods: Eswatini's national law suffice so it is recommended that EEC applies National Laws when compensating PAPs;

8.1.2.2 Houses and other structures : Eswatini's national law suffice so it is recommended that EEC applies National Laws when compensating PAPs;

8.1.2.3 Agricultural (including fallow) land or pastureland: In the absence of legal provision covering impact on agricultural land activities, it is recommended that EEC applies ESS5 provision on (including fallow) land or pastureland;

8.1.2.4 Land in urban areas: MHUD Policy guidelines would be adopted to meet ESS5 provisions.

8.1.2.5 Loss of access to natural resources Loss of access to natural resources: In the absence of legal provision covering loss of access to natural resource, it is recommended that EEC applies ESS5 provision on 'loss of access to natural resources';

8.1.2.6 Physical displacement (relocation, loss of residential land or loss of shelter): EEC will apply ESS5 provision on "physical displacement" regardless of the number of people affected.

8.1.2.7 Economic displacement: In the absence of legal provision to develop a plan to cover economic displacement, it is recommended that EEC applies ESS5 provision on “economic displacement.”

8.1.2.8 Disclosure: In the absence of a national legislation, the EEC will apply ESS5

8.1.2.9 Vulnerable People: Given that the National law guarantees the protection of all occupiers of land to be affected by land acquisition, it is recommended that the EEC applies the National laws and ESS5 where the need arises.

8.2 Gap filling measures

The gap filling measures are provided in the gap analysis table shown below. In addition to what is provided in the gap filling column of the table, it is recommended that the gap filling measures flagged in the gap filling column are reflected in the project legal document.

Legal framework Gap Analysis - table 7.2

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Eligibility Classification				
Loss of legal right or possession	ESS5: Para(10): a) Persons who have formal legal rights to land or assets b) Persons who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable	Section 211(3) of the Constitution notes that “a person shall not be deprived of land without the due process of the law and where a person is deprived, that person shall be entitled to prompt and adequate compensation... Section 14 (1) (d) of the Constitution guarantees the right of all individuals the	All person are protected by the law regardless of their social or economic standing, age or disability so long as they occupy land earmarked for the proposed project.	Given that the National laws guarantees the protection of all occupiers of land to be affected by land acquisition, it is recommended that the EEC applies the National laws shall apply.

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
	<p>under national law;</p> <p>c) Persons who have no recognizable legal right or claim to the land or assets they occupy or use.</p>	<p>protection from deprivation of property without compensation.</p> <p>Section (14) (1) (c) secures the right of individuals to protection of their property rights.</p> <p>In as much as The Constitution does not specifically classify the different categories of eligibility of a person to be deprived of land without due process as required by ESS5 classification. Section 20(1) and (2) provides thus;</p> <p>S.20(1) – all person are equal before and under the law in all spheres of political, social, economic and cultural life and in every other respect and shall enjoy equal protection of the law; Section 20(2) further states that for the avoidance of any doubt, a person shall not be discriminated against on the ground of gender, ..., or social or economic standing..., age or disability.</p>		

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Compensation and Benefits General Principle				
Compensation value and livelihoods	Offer affected persons compensation at replacement cost , and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods,	<p>S.15 of the Acquisition Act identifies the factors that needs to be considered when determining compensation, namely: -</p> <p>a) market value of the property</p> <p>b) damages sustained by the person interested by severing of any land</p> <p>c) damages sustained by reason of the acquisition injuriously affecting any other property of the person</p> <p>d) any reasonable expenses incidental to a change of residence or business as a consequence of the acquisition</p> <p>The factors listed in S.15 of The Acquisition of Property Act 10, 1961 in essence requires that the person affected by the acquisition should be placed in a position he was had he not been affected by the move if not better</p> <p>S.9 & 10 of the Acquisition of Property Act</p>	This requirement is adequately addressed by Section 15 of the Acquisition of Property Act, particularly Section 15 (e) which encompasses all expenses such as the replacement cost in determining compensation .	It is recommended that EEC applies National Laws when compensating PAPs,

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		articulates the procedure for settlement of disputes for compensation by the Board of Assessment as appointed in terms of S.10.		
Impact Specific Compensations				
Agricultural (including fallow) land or pastureland	Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees.	While the Acquisition of Property Act applies to all PAP affected by the proposed project with regards to the procedure for acquiring and compensation it is silent on the issue of allocation land of equal production use or potential. It only speaks to compensation in terms of monetary value No transfer or Stamp duty is payable in respect of any transfer of title consequent upon acquisition of property in terms of the Acquisition of Property Act.	Provision of monetary compensation is mentioned but there is no explicit mention of provision of stamp duty and Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land,.	In the absence of legal provision covering impact on agricultural land activities, it is recommended that EEC applies ESS5 provision on (including fallow) land or pastureland
Land in urban areas	The market value of land of equivalent area and use, with	Acquisition of Property Act Section 15(1) a. the market value of the property	The principle of ESS5 relating to equivalent	that The provision under ESS5 will apply.

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
	<p>similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.</p>	<p>at the date of the service of the notice of acquisition under section 5 or the date of publication of the notice under section 8(4), whichever date is the earlier;</p> <p>b. any increase in the value of any other property of a person interested likely to accrue from the use to which the property acquired will be put;</p> <p>c. any damage sustained by a person interested, by reason of the severing of any land from any other land of such person;</p> <p>d. any damage sustained by a person interested, by reason of the acquisition injuriously affecting any other property of such person;</p> <p>e. any reasonable expenses incidental to a change of residence or place of business of a person interested which is necessary in consequence of the acquisition.</p> <p>Section 22(2) Notwithstanding anything in other law,</p>	<p>area and use, with similar or improved infrastructure and services is not explicitly mentioned in the Acquisition of Property Act.</p>	

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		not transfer stamp duty shall be payable in respect of any conveyance of title consequent upon acquisition of property I terms of this Act.		
Houses and other structures (including public structures such as schools, clinics, and religious buildings)	The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors' fees; and transaction costs, such as registration, transfer taxes, and moving costs.	<p>The Acquisition of Property Act Section 15(1) states that:</p> <ul style="list-style-type: none"> a) the market value of the property at the date of the service of the notice of acquisition under section 5 or the date of publication of the notice under section 8(4), whichever date is the earlier; b) any increase in the value of any other property of a person interested likely to accrue from the use to which the property acquired will be put; c) any damage sustained by a person interested, by reason of the severing of any land from any other land of such person; d) any damage sustained by a person interested, by reason of the 	The provision of Section 15 of the Acquisition of Property Act, particularly Section 15 suffices largely. However, provision of stamp duty is excluded	The ESS5 will apply.

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		<p>acquisition injuriously affecting any other property of such person;</p> <p>e) any reasonable expenses incidental to a change of residence or place of business of a person interested which is necessary in consequence of the acquisition.</p> <p>Section 22(2) Notwithstanding anything in other law, no transfer stamp duty shall be payable in respect of any conveyance of title consequent upon acquisition of property I terms of this Act.</p>		
Loss of access to natural resources	The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish. However, cash compensation is seldom an effective way of compensating	There is no legislation which deals with this aspect.	There is no national legislation which deals with the loss of access to natural resources.	In the absence of legal provision covering loss of access to natural resource, ESS5 provision applies on 'loss of access to natural resources.

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
	<p>for lost access to natural resources—as discussed in the guidance associated with paragraphs 16 and 33–36. The Borrower assesses means to provide, or facilitate access to, similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available.</p>			
Displacement				
Physical Displacement or Economic Displacement				
<p>Physical displacement (relocation, loss of residential land or loss of shelter); or</p>	<p>Develop a plan that covers, at a minimum, the applicable requirements of this ESS regardless of the number of people affected</p>	<p>The Ministry of Housing and Urban Development Resettlement Policy and Guidelines 1994, requires that where 10 or more households, are affected, a resettlement plan is required to be</p>	<p>The legal requirement to develop a plan only applies where there are 10 or more affected people. Whereas the</p>	<p>EEC will apply ESS5 provision on “physical displacement” regardless of the number of people affected.</p>

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
		approved, which will consider the needs of vulnerable groups.	ESS5 applies regardless of the number of people affected.	
Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).	Develop a plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods	While the Acquisition of Properties Act addresses the issue of compensation for the affected people, it is silent on the need to develop a plan on “economic displacement”. The Ministry of Housing and Urban Development Resettlement Policy and Guidelines 1994 also applies to any loss of land and assets.	There is no legal requirement to develop this plan as anticipated in this requirement	In the absence of legal provision to develop a plan to cover economic displacement, ESS5 provision applies on “economic displacement.”
Consultation	To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.			
Disclosure		There is no legislated requirement for disclosure of the Resettlement Plan and stakeholder engagement		In the absence of a national legislation, the EEC will apply ESS5

Impact	ESS5	Eswatini Legal Framework	Gap	Gap filling measures
Vulnerable People	To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.	The MHUD Resettlement Policy and Implementation Guidelines 1994 requires a resettlement plan to also consider the needs of vulnerable groups;	The national legislations does not discriminate anyone. However, additional support to vulnerable is not part of EEC Resettlement Policy.	MHUD Policy guidelines would be adopted to meet ESS5 provisions.

9. VALUATION METHOD

The compensation for impact will be calculated based on replacement cost, guided by legally acceptable valuation procedures¹⁶ accepted by both the Government of Eswatini and World Bank for purposes of fairness and consistency, the *Acquisition of Property Act* of 1961, and compensation for the right-of-way easement will be as per the *Electricity Act* of 2007 and its Regulations. Compensation rates may be subject to adjustment to update based on inflation and current market prices. The compensation standards that will be used in the RAP will be applied consistently. The rates will be disclosed and shared with PAPs. The basis for calculation of compensation will be documented.

The objective of compensation and other rehabilitation measures is to mitigate and manage the negative impacts of the involuntary resettlement aspects of the component 1 activities. The overall aim is to:-

- (a) At a minimum restore, but preferably improve, the pre-project living standards of affected people;
- (b) When the Project result in permanent land loss and livelihoods of PAP is land based, the Project will, as a principle, prefer land-for-land compensation as compared to cash;
- (c) PAPs should be given appropriate options to choose a form of impact compensation which best suits their needs;
- (d) Offer development opportunities for PAPs;
- (e) Special measures may be required for disadvantaged or vulnerable groups impacted by the Project;
- (f) PAP should benefit from Projects benefits.

¹⁶ Procedure will be a combinations of: i) the Acquisition of Property Act, ii) the Electricity Act, iii) the Deeds Registry Act, iv) the Rating Act and, v) the energy regulatory act.

The following compensation methods will guide the valuation exercise:-

9.1 Agricultural fields and food gardens:

Landholders will be compensated for permanent land loss, either through the provision (identification, allocation and preparation) of replacement land, with assistance in registration of that land or in the form of cash compensation.

9.1.1 For temporary acquisition of land, PAPs should receive: (i) compensation equivalent to the net average income/value of agricultural production that would have been obtained from the land during the period of temporary acquisition; and (ii) restoration of the land to its original productive use or full compensation for the cost of restoration.

9.1.2 Owners of trees located in areas required by the Project will be given advance notice to remove their trees if they so wish, and will have rights to all resources from the trees. Productive fruit and timber/fuel trees will be compensated as follows:

9.1.2.1 Compensation will be paid for future production losses, at net present value calculated for the productive life of the various fruit and timber tree species.

9.1.2.2 PAPs will be provided with three (3) replacement saplings per tree, in addition to compensation for production losses as defined above.

9.1.2.3 The PAPs will have rights to all other resources (timber, firewood) from privately owned trees that are felled.

9.1.2.4 Cash compensation will be paid for the loss of crops to the crop cultivator/s, whether landholder or not. Where land was cultivated according to a rent, leasehold or sharecropping arrangement at the time of acquisition, compensation for the lost crops will be apportioned according to the arrangement.

The evaluation method to be used shall be presented to and shall be agreed upon amongst all stakeholders and PAPs. The method shall show how payments will be calculated to each item as per the census survey and arrive at a dollar value. It will then be adopted for Compensation Calculation.

9.2 Permanent structures and other improvements:

9.2.1 Replacement value for building structures or other improvements 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 for the land.

9.2.2 Provision of replacement housing structure, latrines and business enterprise structures at a location agreed with the PAP or cash compensation at full replacement value for those electing to carry out replacement construction.

9.2.3 Cash compensation for the full or partial loss of other structures not provided in the resettlement option, such as fencing, cattle kraals.

9.3 Business or residential tenants:

Provide relocation assistance to tenants should they be required to move.

The relocation assistance should cover:-

- (a) Locating replacement housing;
- (b) Packing and moving;
- (c) Financial payment for the cost of the move and possibly for refitting the new residence;
- (d) Compensation for any immovable assets;
- (e) Loss of income during transition;

- (f) Reasonable follow-up services for the individuals in their new locations.

9.4 Workers and employees, including farm labourers and informal sector workers:

- (a) Temporary loss of employment requires compensation for wages during the transition;
- (b) In case of permanent job loss, for those who are unlikely to have a reasonable opportunity for re-employment (at equal or higher wages), the Project will make a good effort to identify alternative jobs or take other rehabilitation measures to allow them to restore their incomes. Workers not assured of alternative employment will be given the equivalent of one year's wages.
- (c) If employment disruption, whether permanent or temporary as a result of Project impact, is assessed to result in workers to be unlikely to be re-employed, the Project should assist with a transition allowance equivalent to lost wages for the assessed duration of unemployment.

9.5 Access to services and essential resources:

Impeded access is defined as barriers caused by Project components that obstruct local people's usual movements, across rivers or along pathways, thus curtailing their economic and social interactions and access to services and facilities.

- (a) If access to water, other natural resources or services is disrupted as a result of Project activities, alternative sources/access will be facilitated by the Contractor whether on a temporary or permanent basis;
- (b) If community buildings/facilities, such as schools or clinics, are affected by a project, they will be repaired to at least their previous condition, or replaced in areas identified in consultation with affected communities and the relevant authorities. Consultation and coordination will occur between government ministries regarding any impacts that a project may have on government assets.

10. INSTITUTIONAL ARRANGEMENT

10.1 Eswatini Electricity Company (EEC)

The Project Implementation Agency (PIA), EEC, will manage the project on behalf of the GoKE and, in this regard, and will be responsible for project fiduciary responsibilities. The EEC is responsible for the project life-cycle implementation from inception, preparation, implementation, monitoring and evaluation and project closure. The entire ECC organizational structure is heavily involved in advancing the project from development to implementation EEC will monitor the utilization of the project resources by each beneficiary, including itself, and provide expenditure projections. It will be responsible for coordinating the project's Results Framework, providing regular progress reports, as well as the Midterm Review Report and the Implementation Completion and Results Report. It will coordinate overall procurement under the project and prepare and revise Procurement Plans as needed. Implementation of specific activities under the project components will need close involvement of MNRE as a co-execution agency for activities under Components 2 and 3. EEC will liaise closely with the MNRE to provide procurement guidance where necessary and ensure adherence to the procurement guidelines. A Project Agreement between EEC and IBRD will capture these obligations and responsibilities.

10.2 The Project Implementation Unit (PIU)

The Project Implementation Unit (PIU) will be responsible for the preparation and physical implementation of project. This unit will be under the oversight of the General Manager, Research and Development, comprising the following staff: Project Manager, Procurement Officer, Transmission and Substations Engineer, Electrification Specialist, Social Standards Officer and an Environmental Officer.

The PIU will be responsible for monitoring the project's implementation progress outlined in the results framework that defines specific outcomes and results. Progress reports will be prepared on a quarterly basis. M&E procedures will be included in the Project Implementation Manual to guide

overall M&E activities. Activities to be monitored include the timely and efficient construction and commissioning of the transmission line, quality control, and processing of payments to contractors approved by the Owner's Engineer, as well as the effective implementation of the ESMP and the RAPs of the project, and the successful completion of the training activities.

The Social Standards Officer who will be engaged and be part of the PIU. He/she shall be responsible to manage all social development aspects of the NRAP which include (i) ensure highest standard of quality in social impact assessment and mitigation activities, (ii) stakeholder engagement, (iii) project disclosure and outreach, (iv) grievance management and (v) resettlement and compensation issues. Provide intensive support to Consultants involved in resettlement studies or preparation and implementation of RAP, ESMPs, LMP, and SEP.

Owner's engineer (Consultant) shall be recruited to provide institutional capacity and support to the Project Implementation Unit (PIU) with: (a) overall project management and supervision including procurement, design, contract management; and (b) oversee the overall implementation, monitoring, and reporting of safeguards aspects such ESMPs, LMP, SEP and RAPs. After familiarizing themselves with the project area through reading and consultations with the EEC Project Unit, the consultants will design appropriate questionnaires intended for data collection at project location levels. The consultant will design questionnaires for data collection from various households, individual farm units, depending on the nature of information source. The RAP preparation, as well as monitoring and implementation, will be done in close collaboration with all impacted households, affected community members, chiefs, Royal kraal council members and other interested and affected parties. The consultations will be on-going and an integral part of the project as set out in this RPF.

In order to advance the Project the PIU will work collaboratively with some of the EEC departments and stakeholders such as (i) Commercial Services, (ii)

Finance, (iii) Corporate Communication and Marketing, (iv) Operations Division, (v) Corporate Services, (vi) MD's Office.

The roles and responsibilities, their interest and potential influence, and the internal coordination and communication arrangements are summarised in the Table 10.2

Internal Departments: Table 10-2

EEC Departments	Role	Interest	Influence	Coordination	Frequency
Commercial Services	coordinate overall procurement under the project and prepare and revise Procurement Plans as needed	High	High	Hold meetings to update procurement plans and review delivery timelines that have high project risk impact	Regularly
Finance	account for the deposits and withdrawals of project funds with Financial institution(s) and perform the audits and provide financial	High	High	Hold meetings to evaluate project financial performance including disbursement of RAP entitlements.	Regularly

EEC Departments	Role	Interest	Influence	Coordination	Frequency
	reports in accordance with the World Bank rules and guidelines				
Corporate Communication and Marketing	Work with the Social standards Officer to conduct stakeholder engagement and project disclosure and outreach activities	High	Low	Hold meetings to review and update stakeholder engagement plan	Regularly
Operations Division	Ensure timely and efficient construction and commissioning of the transmission line, substations and quality control.	High	High	Hold project progress meetings to highlight project challenges and risks	Regularly
Corporate Services	Recruitment of PIU staff	Medium	Medium	Share PIU staff requirements	As needed

EEC Departments	Role	Interest	Influence	Coordination	Frequency
	such as the Social Standards Officer and Procurement Officer				
MD's Office	Ensure timely approval of procurement processes and	High	High	Provide updates on project progress through reports and meetings to discuss project risks that need their intervention	Regularly

10.3 Line Ministries and Parastatals/Agencies

While advancing the Project Development Objective (PDO), the PIU will coordinate with number of Line Ministries including the:

- i) Ministry of Natural Resources and Energy (MNRE),
- ii) Ministry of Finance (MoF),
- iii) Ministry of Health (MOH),
- iv) Ministry of Public Works and Transport (MOPWT),
- v) Eswatini Environmental Authority (EEA),
- vi) Eswatini Energy Regulatory Authority (EERA),
- vii) Eswatini National Trust Commission (ENTC),
- viii) Nhlanguano Town Council.
- ix) Shiselweni Regional Administrator
- x) Traditional Authorities / Royal Kraals
- xi) Royal Eswatini Police Service (REPS)

The roles and responsibilities of these line ministries, their interest to and potential influence on the project , and the coordination and communication arrangements to moonlike their resources and capabilities are summarized in the below (Table 10.3)

Line Ministries Roles and Responsibilities: Table 10-3

Stakeholder				
	Roles and Responsibilities	Degree of		Coordination and Communication
		Interest	Influence	
Ministry of Natural Resources and Energy (MNRE)	The (MNRE) has regulatory oversight of the energy sector in Eswatini and is the primary agency responsible for ensuring that the government’s rural electrification goals are met. MNRE works with the Eswatini Electricity Company (EEC), in implementing the Rural Electrification Program (REP) .	High	High	<ul style="list-style-type: none"> - Meetings - Email - Letters - Reports - Project Brief Document
Ministry of Finance (MoF)	The funds will be disbursed from the World Bank into US\$ segregated Designated Account opened by the MoF in the Central Bank of Eswatini. The MoF is the custodian of the project fund.	High	High	<ul style="list-style-type: none"> - Meetings - Email - Letters - Reports - Project Brief Document
Ministry of Health (MOH)	Public Health Section shall assist with educating project stakeholders on health issues such as prevention of Sexually Transmitted Diseases (STDs) such as HIV, TB, and prevention of other. Their expertise will be required during awareness exercises for Contractor’s workers and project areas	High	Low	<ul style="list-style-type: none"> - Meetings - Letters

Stakeholder				
	Roles and Responsibilities	Degree of		Coordination and Communication
		Interest	Influence	
	communities.			
Ministry of Public Works and Transport (MOPWT)	The ministry is responsible for approving all construction and improvement on all Gazzetted roads in the country. The project will have to obtain this permit in order to begin civil works under component 1.	High	High	- Meetings - Email - Letters - Reports
Eswatini Environmental Authority (EEA)	<ul style="list-style-type: none"> • Have the overall oversight and responsibility of ensuring compliance to environmental and social regulations of all organisations, persons, companies whose actions and processes have a potential environmental and social impact. • The Project will, from time to time, be required to obtain permits and authorisation prior to implementation of certain components of the project. Furthermore, EEA will frequently carryout inspection of the project implementation process to ensure compliance to the environmental and social regulations. <p>The agency plays role in issuing to the project the required environmental permits prior to commencing civil works.</p>	High	High	- Meetings - Email - Letters - Reports - Project Brief Document
Eswatini Energy Regulatory Authority (EERA)	<ul style="list-style-type: none"> • Eswatini Energy Regulatory Authority is a statutory Energy Regulatory Body established through the Energy Regulatory Act, 2007 (Act No.2 of 2007). The responsibilities 	High	High	- Meetings - Email - Letters - Reports - Project Brief Document

Stakeholder				
	Roles and Responsibilities	Degree of		Coordination and Communication
		Interest	Influence	
	<p>include exercising control over the electricity supply industry (ESI) and regulation of generation, transmission, distribution, supply, use, import and export of electricity in Eswatini.</p> <ul style="list-style-type: none"> The Authority will provide information and guidance in resolving land disputes between PAPs and NRAP. <p>The EERA is part of the GRM that is crafted to resolve disputes within the framework of the NRAP.</p>			
Eswatini National Trust Commission (ENTC)	<ul style="list-style-type: none"> To be consulted on sensitive areas of nature conservation such as game reserves, heritage sites, etc. that the Project may affect. 	Medium	Low	<ul style="list-style-type: none"> - Meetings - Email - Letters - Reports - Project Brief Document
Deputy Prime Minister's Office (DPMO)	<ul style="list-style-type: none"> The Government 	Medium	Low	<ul style="list-style-type: none"> - Meetings - Email - Letters - Reports
Nhlangano Town Council	<ul style="list-style-type: none"> The overriding institution in the Nhlangano Town. The council governs private, commercial and government owned land in the town. The town council permit and monitor all developments within the town boundary. 	High	High	<ul style="list-style-type: none"> - Meetings - Email - Letters /Reports
Shiselweni Regional Administrator	<ul style="list-style-type: none"> According to the laws of the country, Regional Administration (RA) is the second level of government after National Government, 	High	High	

Stakeholder				
	Roles and Responsibilities	Degree of		Coordination and Communication
		Interest	Influence	
	<p>which makes the Shiselweni an important stakeholder. RA provides structures for national government to allocate resources in an efficient, effective and more equitable way to communities in the country.</p> <p>Throughout the project life-cycle, the Shiselweni Regional Administrator will be involved in the following when the need arises:</p> <ul style="list-style-type: none"> • Facilitate resolution of community conflicts and land disputes in the Chieftdoms. • Facilitate and monitor the implementation of the Project. 			
Traditional Authorities / Royal Kraals	<ul style="list-style-type: none"> • Local community leaders acting as representatives of their local community. Meetings with traditional authorities will follow local practices and be held prior to any wider communication in local communities in order to respect the cultural and social structures. • Be involved in and facilitate the resolution of community conflicts and land disputes at community level • Facilitate and monitor the implementation of the Project. • Liaison Officers will be selected from each chieftdom to be a link between the community, chief and EEC. 	High	High	

Stakeholder				
	Roles and Responsibilities	Degree of		Coordination and Communication
		Interest	Influence	
Royal Eswatini Police Service (REPS)	<ul style="list-style-type: none"> • They are responsible for keeping law and order. The Project can bring crime, violence and other criminal offences. The services of this stakeholder will be on a need basis. • Their services will also be requested to be used by the affected local communities to report Gender Based Violence Incidents. • The Eswatini Police has a department that is dedicated to address this kind of reports, making it a safe and fully capable environment to deal with Gender Based Violence cases. 	Medium	Medium	

10.4 Non-governmental Organizations (NGOs)

In addition to coordinating and collaborating with line ministries and agencies, the PIU will also interact and work with the following NGOs as it may be necessary:-

- (a) **Women and Law in Southern Africa-Swaziland (WLSA)** - Educate people on the provisions of the Sexual Offences and Domestic Violence Act of 2018 to combat and prevent the occurrence of gender based violence (GBV) related to the project. SWAGAA shall take a leading role in educating and enforcing the Child Protection and Welfare Act 2012. SWAGAA plays a major role as the first contact and driving investigations of child abuse issues in collaboration with the Eswatini Royal Police Service to prosecute offenders and provide counselling to victims and assist victims to obtain safe living conditions and follow up on the progress of recovering victims

- (b) **Nhlangano AIDS Training Information and Counselling Centre (NATIC)** - Will assist with training of communities and workers on available programs for prevention of HIV, counselling and testing for HIV. They will further ensure that information about national initiatives on HIV is disseminated at community level working closely with NERCHA
- (c) **The National Emergency Response Council on HIV and AIDS (NERCHA)** - To coordinate and facilitate the National Multi-sectoral HIV/AIDS response and oversee the implementation of the national strategic plans and frameworks. Act as the conduit for monies received from Government and the U.N. Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria. NERCHA works with organizational and community partners across all sectors to ensure that comprehensive services are delivered at the grass-roots level throughout the nation
- (d) **Coordinating Assembly for NGO's (CANGO)** - Their core mandate is to facilitate coordination of the NGO sector, building capacity of its members to fulfil their organizational-specific mandates, and to influence national and international policies through advocacy. Shall provide support to the other NGOs during execution of roles in supporting the Project
- (e) **Swaziland Action Group Against Abuse (SWAGAA)** - SWAGAA will partner with key stakeholders of the Project to provide technical expertise on best practices in GBV prevention and response.
- (f) **FODSWA** - is the umbrella body for all associations of Persons with Disabilities which works closely with the National Disability Unit (NDU) in the Deputy Prime Minister's Office whose mandate is to work with persons with disabilities, including those with long-term physical, mental, intellectual or sensory impairments. In particular, its mission is to champion significant improvement in the quality of their life and to collaborate with organizations representing Persons With Disabilities in promoting and supporting disability issues, to raise public awareness, to promote measures to prevent disabilities, to conduct relevant trainings (sign language and Braille communication) and to

implement the national disability policy in line with the UN Convention on the Rights of Persons With Disabilities.

10.5 World Bank

The World Bank will provide due diligence supervision of the implementation of the RPF and any associated RAPs throughout the Project implementation through regular supervision missions. During such missions World Bank social specialists will conduct document reviews and site visits. The World Bank will receive any RAPs prepared under the Project to ensure that the scope and quality is satisfactory.

11. RESETTLEMENT IMPLEMENTATION PROCESS AND LINKAGE TO CIVIL WORKS

The PIU shall take responsibility for the implementation and coordination of resettlement related activities under the NRAP. It shall be responsible for ensuring that compensation and resettlement payments to all PAPs are made promptly and prior to commencement of civil works. It will ensure that site(s) is/are handed-over to the contractor after submitting a “Compensation and Resettlement Assistance Payments Completion Report” to and after obtaining a clearance from the Bank.

11.1 RAP implementation schedule

It is imperative that resettlement implementation is linked to component 1 civil works; if entitlement delivery and commencement of civil work is to comply with the Bank’s ESS5 requirements. Before any construction activity is initiated, PAPs will need to be compensated in accordance with the objective and principles discussed in this RPF and in line with what is planned in the RAP, For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistances 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 may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons

The schedule for the implementation of RAP and for commencement of component 1 civil work activities must be agreed to between the EEC, and the PAPs indicating: s a) target dates for commencement of civil works, b) timetables for processing the RAP, c) timeline for processing and completing compensation and resettlement assistance Payments, d) expected date to vacate impact location, d) agreed date for handing over site(s) to the contractor, and e) date for civil work start these activities shall be linked to the start of component 1 civil works activities.

While advancing implementation of RAP and ensuring compliance to ESS5 requirements, the PIU, specifically the SSD officer shall ensure that the sequencing shown in the schedule shown in the next page followed strictly.

Sample: Implementation schedule: Table 10.1

Steps	Activities	Timeline															
		M1	M2	M3	M4	M5	M6	M7	M8	M18	M19	M20	M21	M22	M23	M24	M25
1	Complete Socioeconomic studies and census	Yellow	Yellow	Yellow	Yellow												
2	Conduct consultation					Yellow	Yellow	Yellow	Yellow	Yellow							
3	Complete valuation and verification	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
4	Prepare, finalize and obtain clearance of the RAP									Green							
5	Agree with PAPs on compensation									Green							
6	Start and complete entitlement delivery										Blue						
7	Submit Post RAP Compensation Payment Report												Yellow				
8	Grace period to vacation										Grey	Grey					
9	Resolve all residual issues												Green				
10	Site handover to contractor												Green				
11	Commence Civil works													Dark Blue	Dark Blue	Dark Blue	Dark Blue
12	Monitoring RAP	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red

In addition to following the implementation steps presented by table 10.1, the PIU shall also ensure that:

- Possession of acquired land and related assets is under taken only after compensation is made in accordance with ESS5 requirements and, where

applicable, displaced people have been resettled; and moving allowances have been provided to the displaced persons in addition to compensation.

- Livelihood restoration and improvement programs commences in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

It is also important that the NRAP/PIU starts initiating the above steps and measures in sufficient time to ensure that people have access to alternative livelihood opportunities as soon as needed. Until such measures are in place, appropriate transitional support is provided to affected persons so that they do not bear the burden of implementation delays. Planning of such transitional support should provide for contingencies allocation in the RAP to address unforeseen additional delays.

In situations where the project is unable to make payment of compensation to particular affected persons, after making repeated efforts to contact absentee owners have failed, where project affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. - the NRAP shall deposit the amount to the “Accountant General” Office¹⁷ which is the equivalent of escrow account (interest-bearing escrow¹⁸ or other deposit account¹⁹) and proceed with the relevant component 1 activities.

11.2 Compensation Process

The compensation process in Eswatini depends on the land tenure system: i) Swazi nation land and, ii) Title Deed land.

11.2.1 Compensation on Swazi Nation Land

A Public Participation with the PAPs would initiate the compensation process as part of an on-going process that would have started at the planning stages when the technical designs are

¹⁷ Acquisition of Property Act 1961, Section 21

¹⁸ Escrow accounts are an exception; they are not intended to be used on a routine basis to postpone addressing ordinary complications in the implementation of a resettlement plan.

¹⁹ Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved

being developed and at the land selection/screening stage. This process therefore seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning.

- A. **Notification of land resource holders** – in cases where there is clearly no identified owner/user, the respective community liaison officer will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the Local Chief, PAPs and a EEC representative
- B. **Documentation of Holdings and Assets** – EEC Project manager, Social Officer and The area Chief's council will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, Social Officer together with an independent evaluation consultant completes a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by local community Liaison officer, Local Chief's Area Councillors. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.
- C. **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual and households involved. The respective project unit draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the regional Administrator, The Local Chief Councillors, a Representative of PAPs and EEC Representative prior to signing.
- D. **Compensation Payments** – All handing over of property such as land and compensation payments will be made in the presence of the affected party, the Regional administrator or representative of regional administrator, The Local Chief's Councillors, Representative EEC and the PAPs.

11.2.2 Compensation on Title-Deed Land

- A. **A written notice of intent to the PAPs (electricity act 2007)** would initiate the compensation process as part of an on-going process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This process therefore seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning. Notification delivered by EEC representative.
- B. **Documentation of Holdings and Assets** – EEC Project unit will arrange meetings with affected individual farm PAP to discuss the compensation process. For each individual farm affected, the project unit together with an independent evaluation consultant completes a compensation dossier containing necessary personal information on, the affected party. Inventory of assets affected, this information is confirmed and witnessed by individual farm PAP, EEC Consultant or the project unit. Dossiers will be kept current and will include documentation of lands surrendered.
- C. **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual by the project unit, a Wayleave right of way draws up and endorsed by the individual farm PAP involved.
- D. **Compensation Payments** – All handing over of property such as land and compensation payments will be made in the presence of the affected party, Representative EEC and the PAPs.

12. GRIEVANCE REDRESS MECHANISM

PAPs may complain or raise a grievance for a variety of reasons associated with resettlement impact and compensation, including but not limited to:-

- (a) Identification of affected land and associated assets within the Project area;
- (b) Ownership/responsibility for the land and associated assets;
- (c) Valuation of land or associated assets;
- (d) Quality of replacement assets;
- (e) Other compensation allowances;
- (f) The timing or manner of compensation payments;
- (g) Conduct of Project staff/representatives, or their methods in dealing with compensation.

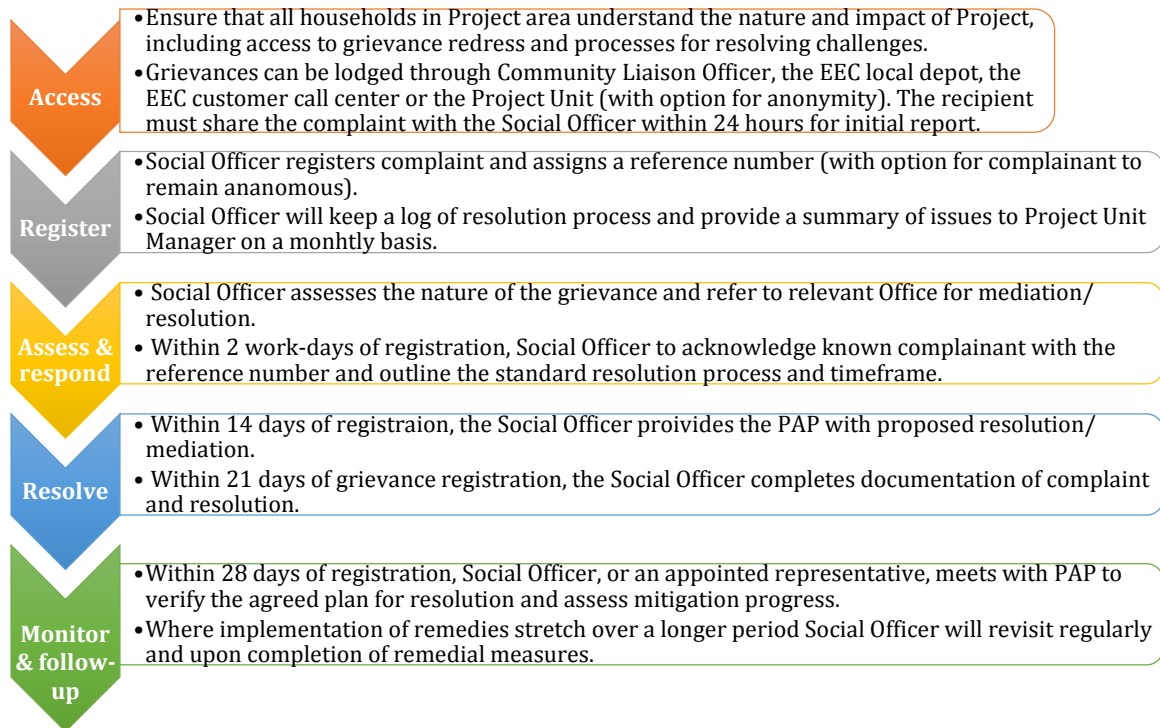
The points of access for grievances will be shared as part of consultation with all PAPs and through broader community and stakeholder consultations. Social Standards Officer will serve as the overall point of registration for any resettlement related complaints coming from each royal kraal Community Liaison Officer and oversee the process to reach resolutions. The issue can be logged as an anonymous grievance.

When a grievance is logged by the Social Standards Officer, The Social Standards Officer will acknowledge the complaint, unless the issue is logged anonymously. If the issue is registered anonymously it will be automatically referred to the head of the Project Unit. Upon registration, the Social Officer will refer the issue for resolution or mediation to relevant officials. The aim is to resolve all grievances within four weeks. Any grievance which is not resolved within that timeframe will be reported in detail in monthly Project Unit report and quarterly reports to the World Bank. All other grievances will be aggregated to track trends for managerial response.

In principle, where the complaint is related to Swazi Nation Land, the Social Standards Officer will seek to mediate the situation through the community liaison

officer. Where an issue related to deeded or land on 99-year lease, the Social Officer will liaise with the project unit to determine proposed resolution.

The Project Unit will ensure that the following grievance procedure is accessible to all stakeholders and project affected people, adequately registered and tracked, and resolution is affirmed as outlines in the figure below.



12.1 Grievance Redress Mechanism Structure

In circumstances where disputes cannot be resolved by the Resident Engineer and the Call Center first instance dispute resolution arrangements, the dispute shall be directed or transferred to the Project Level GRM.

The Community liaison officer Representative shall carry out the following as regard to redressing grievances:-

- I. Hear the grievances of the PAPs or any other aggrieved party, and provide an early solution to those they able to;
- II. Immediately bring any serious matters to the attention of the Project unit or Social Standards Officer;
- III. Inform the aggrieved parties about the progress of their grievances and the decisions of the Project unit.

The Social Standards Officer will be constituted to register the grievance raised by the PAPs and address the grievance forwarded by the PAPs representative.

The Social Standards Officer will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through a series of conciliations, mediations and negotiations exercises conducted with the PAPs. In situations where PAPs are not satisfied with the outcome, the PAPs have the right to file the case to project GRM and Wold Bank GRM described below or have the option to take his/her case directly to the established legal system as provided by Eswatini law²⁰.

12.1.2 Project Level Grievance Redress Committee (GRC)

A project level GRM is a system of dispute resolution that shall be established at the impact corridor/location. Its objective is to bring the GRM closer to PAPs. Issues that are not resolved at project level GRC shall be handled at the project level. All effort shall be made to resolve issues at the first instance.

The project level GRM shall have the following Grievance Redress Committee (GRC) members:-

- (a) Regional Administrator (RA), Chairperson
- (b) Supervising Consultant, Member
- (c) PIU Project Manager, Member
- (d) The Contracting Entity, Member
- (e) Community Liaison Officer
- (f) PAPs' representative

The project level GRC shall resolve or reach a decision five (5) days from the date the complaint is received. The chairperson of the GRC shall communicate

²⁰ As regulated by Eswatini Energy Regulatory Authority Act, Electricity Act, and the Acquisition of Property Act.

the committee's decision to the aggrieved PAPs in writing and maintain a record of all decisions related to each case.

12.2.3 NRAP/PIU Level Grievance Redress Committee

A committee of knowledgeable persons, experience in the subject area, shall be constituted at the EEC to handle complaints that have not been addressed or resolved at the Project level in the impact area or the project area corridor. The EEC level GRM shall be comprised of the following members:-

- (a) General Manager, Chair person
- (b) Legal Compliance Officer, Member
- (c) Social Development Officer, Member
- (d) Safety Health Environmental Risks and Quality Manger (SHERQ)
- (e) PAPs Representative

The EEC level Grievance redress Mechanism committee shall do everything possible to hear and determine the issues within five (5) days from the date the case has been transferred to it from the GRC. The chairperson of the GRC shall communicate the outcome to the aggrieved PAP(s) in writing. The GRC shall maintain a record of all outcomes related to each case.

12.2.4 Judiciary Level Grievance Redress Mechanism (JL-GRM)

When disputes are not resolved at one of the above levels, the case will be directed to the Minister for Natural Resources and Energy and the Board of Assessment²¹ appointed as per the provision of Sections 9, 10 and 11 of the Acquisition of Properties Act of 1961. Alternatively or depending on the nature of the issue, the matter can be referred to ESERA²² for determination.

²¹ Acquisition of Property Act, Section 11

²² The EsRA has the authority to hear and determine a dispute between the PAPs and the EEC

12.3 Grievance Procedures

The following procedures shall be followed while filing and processing complains through the above described GRM structures:

- ***Grievance Register Book:*** A grievance register book shall be opened and kept in the office of each GRC. All grievances shall be registered when and upon the receipt of complaints from the aggrieved. The book shall have: i) case reference number, ii) the aggrieved name, iii) the date the case is received, iv) the date the case is resolved and, v) a remarks column.
- ***Responsibility for Registering Complaints:*** the Community Liaison Officer and Resident Engineer in the project area shall register in the Grievance Register Book all written complaints received.
- ***Case Receipt:*** Within 24 hours of receiving complaints, the monitoring consultant shall issue a letter to the aggrieved acknowledging receipt of the case and providing a date when the case will be reviewed as well as the venue.
- ***Public Access to the book:*** The book shall be accessible to the public,
- ***PAPs:*** All PAPs who have issues with their compensation and assistances are required to submit written complaints to the appropriate level of GRMs.
- Mediation meetings and outcomes will be recorded and kept in safe places at each of the GRC locations.

12.4 World Bank Grievance Redress Service

Communities and individuals who believe that they have been adversely affected by the NRAP can submit complaints to existing country-level grievance redress mechanisms- designed specifically for NRAP. If existing county level GRM(s) described in this RPF fail to resolve disputes in an amicable fashion, PAPs can file their complaints to the World Bank's Grievance Redress Service - known as the World Bank's Independent Inspection Panel²³

²³The Inspection Panel is an independent complaints mechanism for people and communities and people who believe they have been, or are likely to, adversely affected by a World Bank-funded Project. The World Bank's Board of Executive Directors created the Inspection Panel in 1993 to ensure access to an independent body to express

which determines whether any harm occurred, or could occur, as a result of the NRAP's non-compliance with the World Bank ESF – ESS5 Requirements.

Complaints may be submitted at any time to the inspection panel after concerns have been brought directly to the World Bank country office's and the, World Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service, please visit; <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

<http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

concerns and seek recourse. The Panel assesses allegations of harm to people or the environment and reviews with the World Bank followed its operation policies and procedures. Claims can be raised by any group or two or more people in the country of the World Bank finances project. Additional details of procedures on www.inspectionpanel.org.

13. FUNDING ARRANGEMENTS

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, thus facilitating the preparation of a detailed and accurate budget for the RAP.

The cost and any additional cost related to direct social and economic impacts resulted from land acquisition of component 1 activities and the associated compensation and resettlement assistance shall be funded by EEC. The total contribution of EEC toward financing the RAP is estimated to be \$5 million. . The cost of financing the RAP shall be included in the total cost of the NRAP as a cost line item "Compensation and Resettlement Assistance Cost".

13.1 Provision of adequate funding

Adequate financial resources sufficient to cover all compensation and resettlement assistance costs and other related costs (as shown in the sample table) shall be provided for by ECC, including 15 % contingency of the total RAP cost to offset unforeseen expenses that may occur as a result of inflation and also as a consequence of omitted and undervalued structures.

13.2 Items Covered by the Budget

Compensation and resettlement assistance shall be paid to all PAPs who are qualified under the eligibility criteria and the entitlements matrix presented in this RPF. Full replacement compensation and resettlement assistance payments shall cover impacts caused by component 1 and 2 activities. Examples of items that need to be covered under RAP budget include but are not limited to: a) private properties, b) public properties, c) economic crops, d) business/Loss of income, e) tenants and Landlords allowances, f) differentiated support to vulnerable people, g) transitional and disturbance

allowance, h) allocation for supervision and implementation support and, i) GRM running costs. The table in the next page can be used to guide RAP budgeting,

Sample Table: RAP Budget Table 11.2

Item N°	Item	Direct Impacts USD	Total USD
A	COMPENSATION AND SPECIAL ASSISTANCES:		
A.1	Private Properties	XX.	
A.2	Public Properties	XX	
A.3	Economic crops	XX.	
A.4	Businesses/Loss of Income	XX	
A.5	Tenants/Landlords	XX	
A.6	Landlords	XX	
A.7	Special Assistance to Vulnerable Groups	XX	
A.8	Refund to PAPs for processing document	XX	
A	Total (A1+A2+A3+A4+A5+A6+A7+A8)		XXX
B	Allocations for ESF Training, implementation and supervision support, GRM running costs		XXX
C	Post RAP Compensation and Implementation Audit		XXX
D	TOTAL RAP IMPLEMENTATION (Supervision and GRMs 10%)		XXX
E	CONTIGENCIAS 15%*		XXX
	GRAND TOTAL (A+B+C+D+E)		XXX

14. DESCRIPTION OF MECHANISMS FOR CONSULTATIONS

While preparing safeguard instruments and while implementing NRAP and the resettlement component, the PIU shall engage in consultation with affected communities, including host communities, if any. The Stakeholders Engagement Plan (ESP) developed for the project will guide the consultation processes to be undertaken. A multi-stakeholder consultations plan at the NRAP (in all 11 localities where there will be civil work impacts) areas, where the project will be implemented, is developed in the SEP. The plan will be updated and shall follow “adaptive management²⁴” approach.

The SEP also identified stakeholders by interest and influence and defined their roles. Key stakeholders identified in the SEP include :i) Ministry of Natural Resources and Energy, ii) Ministry of Public Works, iii) Ministry of Health, Ministry of Education, iv) Regional Development Team and RA Property , v) Potential PAPs, vi) Water Users and Committee, vii) CSOs and, viii) Traditional leaders. The NRAP shall remain in consultation with these stakeholders throughout the project cycle.

14.1 Consultation Strategy and Methods

The consultation strategy is to ensure that all stakeholders, particularly project affected households and communities, most vulnerable and disadvantaged people are involved throughout the process of resettlement planning, implementation, and monitoring. The NRAP shall deploy appropriate consultation methods while engaging the various stakeholders, including: i) focus group discussions, ii) informal interviews and, ii) public consultations. In each of these consultations, the NRAP’s Project Implementation Unit shall ensure that everyone’s voice is heard, responded to, recorded, and fully incorporated into the RAP.

²⁴ It is an approach to making decisions and adjustments in response to new information and changes in context.” Adaptive management is not about changing goals during implementation; it is about changing the path being used to achieve the goals in response to changes.

14.2. Focus Group Discussions

As part of the focus group discussions, impact location specific interviews and discussions with project affected households and communities, local authorities and other stakeholders along the shall be undertaken. Their views will be captured and the appropriate responses to their concerns, shall be provided and shall also be addressed in the RAP.

14.3 Informal Interview

In addition to focus group discussions, numerous informal interviews with individual PAPs shall be conducted in order to supplement information obtained from other sources – such as the property valuation report. The interface with individual PAPs shall also be used as an opportunity to clarify to each PAP the goal of resettlement and the intention of paying compensation and resettlement assistance for assets to be impacted by components 1 and 2 of NRAP.

14.4 Public/Community Consultation

In addition to the focus groups and interviews with individual PAPs, public consultations shall be held in various locations as described in the SEP. Important background information shall be obtained and discussions on the socio-economic aspects as well as on general and specific concerns which needed to be addressed have been highlighted.

14.5 Resettlement Alternatives

During the consultation exercises as well as during face-to-face meetings, PAPs shall be offered with feasible alternatives including; choices related to forms of compensation and resettlement assistance:

14.6 Alternatives to be offered

In line with ESS5 requirements as well as the national legal framework, the alternative offered by the NRAP to PAPs shall include but shall not be limited to the following alternatives:-

- i) cash compensation for affected structures using full replacement value of the affected structure;

- ii) project takes the responsibility for replacing the fully or partially affected structures;
- iii) relocating PAPs with fully affected structures and business and reconstructing their livelihoods, if this scenario prevails;
- iv) Paying three months net income loss for businesses that may be partially and fully affected;
- v) Paying three months rental/lease allowance for tenants who will be affected,
- vi) Providing three months rental, living and supplemental allowances to vulnerable people,
- vii) Providing social services and other services to vulnerable people on need basis.

14.7 Choices Related to Compensation and Resettlement Assistance

Following the consultation processes that shall be carried out at various locations with PAPs, the NRAP's Public Affairs Senior Social Development Specialist shall summarize the outcome of each meeting. The report shall be used to inform the design of RAP. Examples of topics the report shall cover include but are not limited to the following:-

- i. Cash Compensation
- ii. Replacement Land
- iii. Resettlement Allowance
- iv. Compensation for loss of Business
- v. Vulnerable Households
- vi. Payment of compensation
- vii. Form of payment

14.8 Provision for updating Information on PAPs

The EEC through the NRAP is responsible for putting in place an adaptive management system and responsive communication mechanism. The goal is to ensure two way communications and adapt to changing circumstances on the ground. Information disclosure of the NRAP's decision shall be imperative; and affected people shall be kept informed on decisions and changes that will

affect their livelihoods. In view of these requirements the following shall be considered:-

- (a) Creation of a multi-stakeholder committee to identify and address the impact of components 1 and 2 and community concerns including compensation and resettlement progress,
- (b) Crafting of a communication strategy to ensure that affected persons are informed and kept knowledgeable of resettlement policies; and are capable of asking and responding to questions and comments appropriately in both siSwati and English,
- (c) Choosing the venue of public consultations – preferably at a neutral venue
- (d) Hosting regular meetings of PAPs and their representatives,
- (e) Maintenance of an open door policy through which PAPs can seek advice and lodge complaints,
- (f) Creation of GRCs at different levels.

On-going consultation is critical in ensuring that all stakeholders in the communities are informed about project impact, benefits and timeframes.

Critical time frames for engagement are:-

- 1) Consultation on resettlement principles;
- 2) Determination of footprint of infrastructure;
- 3) Preparation of RAPs;
- 4) Implementation of RAPs;
- 5) Monitoring and evaluation.

The Community Liaison Officers are resident to Project sites and are therefore easily accessible to all households in the Project area. The Community Liaison Officers will serve as local focal points to consult and sensitive PAPs and any relevant stakeholders on issues related to compensation, valuation principles and the grievance redress mechanism. PAPs and interested stakeholders will be given the opportunity to freely participate in meetings and to raise any queries, concerns or questions. All concerns raised must be taken into consideration when prepared the RAPs.

All PAPs with rights to land or a valid claim to Project impacted land will be:-

- Informed about their options and rights pertaining to resettlement;
- Consulted on or offered choice among, and provided with technically and economically feasible resettlement;
- Provided prompt and effective compensation at full replacement cost for losses of assets.

Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received. The Social officer and Project unit will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages. Each individual receiving compensation will have a dossier containing:

- Individual biological information
- Number of people s/he claims as household/homestead dependents
- Amount of land available to the individual or household when the dossier is opened.
- Additional information will be acquired for individuals eligible for resettlement and/or compensation:
- Level of income and of production
- Inventory of material assets and improvements in land, and
- Debts.

Each time land is used /acquired by the project, the dossier will be updated to determine if the individual or household/homestead is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

Engagement with communities in the Project area will take place during planning, implementation, monitoring and evaluation. EEC has, during assessment of preliminary options for the transmission line route consulted with stakeholders in the potentially affected communities. Preliminary engagement with potentially affected communities was completed on March 22, 2019 and principles of the RPF was shared to enable adjustments in process based on key stakeholder preferences and concerns. This preliminary engagement will continue through the technical feasibility studies which will determine exact location of the transmission. As engagement on broader social and environmental impact commences, the Project Unit's Social Officer will ensure that due effort is made to ensure that both women and men's perspective are heard during consultations. Investments in distribution expansion and household connections will happen in close collaboration with the requesting communities to determine the best routing with the least impact. The Project Unit's Social Officer will retain records of all consultation activities related to resettlement planning, implementation and monitoring.

It is expected that 11 Community Liaison Officers will be engaged, pending project location and affirmation. Should more chiefdoms than currently identified be part of the transmission line upgrade or distribution expansions, additional Community Liaison Officers may be engaged. In principle, one Community Liaison Officer will be engaged in each Chiefdom. The Community Liaison Officers will report to the Social Officer in the Project Unit.

The screening exercise may identify disadvantaged or vulnerable groups impacted by the Project. Where individual with special needs are identified, such as the landless, the elderly, the disabled, or female- and child-headed households, there may be special requirements to accommodate individuals, including as part of consultations.

Should the Project unexpectedly require physical relocation, the consultation procedures will apply to any potential host community. Host community is

defined as the community where those who are physically displaced by the Project will move to.

Specifically, the Project Management Unit will ensure that the following steps are part of consultation once final designs are known and resettlement impact identified. These activities may be carried out by the Social Officer, the Community Liaison Officer or a consultant as defined on behalf of the Project Management Unit:-

1. Ensure initial consultation with potential PAPs to inform them on the Project, the scope and impact, their options and rights, and to receive their opinion. This might result in changes to the scope that would minimize the identified impact.
2. Carry out the census of PAPs will determine the scope of impact. The census will lead to determination of asset inventory affected and valuation.
3. Once the census with the related inventory and valuation of assets is complete, present and discuss the details with PAPs to confirm accuracy and acceptability, while ensuring that technically and economically feasible choices and alternatives are offered.
4. PAPs will be provided with copies or access to copies of the completed RAP in a language and format acceptable to them.
5. Compensation packages will be discussed with each eligible PAP for their endorsement. PAPs will be entitled to have a third-party representative during the steps leading to compensation.
6. Written agreements will be prepared and provided to PAPs for signing.

15. EVALUATION AND MONITORING

The PIU will have the overall responsibility for due diligence implementation of the RPF, with the Social Officer providing day-to-day oversight. This oversight includes the responsibility to:-

1. Timely preparation of resettlement impact screening of all activities regardless of expected risk or impact;
2. Timely preparation and clearance of RAPs as needed;
3. Management of the prior review and clearance requirements of the World Bank;
4. Monitoring RAP implementation, including monitoring of compensation and any livelihood restoration measures. The RAP will define specific indicators based on impact;
5. Track all grievances related to resettlement separate from other grievances related to the Project;
6. Training of Project staff and contractors.

The Project Unit will prepare:-

- (a) Monthly report on grievances related to resettlement;
- (b) Quarterly reports summarizing monitoring results and indicators;
- (c) Annually evaluate all environmental and social activities in a report submitted to the World Bank as part of overall Project implementation monitoring which includes a summary of the performance and compliance related to RAP implementation, verification of internal monitoring, efficiency and effectiveness of measures in place to draw lessons learned and adjust implementation approach;
- (d) If any RAPs are prepared under the Project, prepare a close out audit upon RAP implementation completion. Depending on scope of impact, an independent auditor may be retained to produce the audit.

The PAPs or PAPP representatives will participate in the project completion workshops, to give their evaluation of the impacts of the effects of the project. They are also to suggest corrective measures, which may be used to improve implementation of other projects. After completion of all

expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise by the project unit.

15.1 Monitoring

While taking the lead responsibility, the PIU shall track the preparation and implementation of this RAP and shall closely monitor the following indicators:

Table 13-1: RAP Monitoring Indicators

#	Monitoring	Specific indicator	frequency
1	Social and economic monitoring	Provide number of PAPS: i) whose livelihoods have been restored to pre project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level	Yearly
2	Private structures	Provide number of PAPS: i) whose livelihood have been restored to pre project level, ii) whose livelihoods improved beyond pre-project level, iii) whose livelihood are worse than pre-project level	Monthly
3	Public Structures	Provide number of PAPS: i) whose livelihoods have been restored to pre project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level	Monthly
4	Economic Crops	Track progress on: i) number and type of economic crops replanted by affected farmers, ii) number of farmers who have restored their income to pre-project level, iii) number of farmers who have not restored their income to pre project level, iv) number of farmer whose income has been restored beyond pre-project level, v) number of affected farmers who have changed their livelihoods from farming to other livelihood activities,	Monthly

5	Assistance to Businesses	Track progress on: i) number of affected businesses that have resumed business operation, ii) number of businesses that have restored their net income to pre-project level, iii) number of businesses that have restored their net income beyond pre-project level, iv) number of affected businesses that have not resume operations.	Monthly
6	Vulnerable Groups	Provide number of vulnerable PAPs: i) whose livelihoods have been restored to pre project level, ii) whose livelihoods have improved beyond pre-project level, iii) whose livelihoods are worse than pre-project level, iv) who have received assistance from the special package, v) who are sick and who benefited from health service in the project area, vi) number of disable friendly facilitates constructed by the project such as access ramp from main road to their living quarters or neighborhood,	Monthly
7	Tenants	Provide number of affected tenants: i) who have found new rental places, ii) who reported that the rental allowance is inadequate, iii) who showed satisfaction over their new rental places compared to the ones they occupied before the project, iv) number of tenants who have not yet found rental places.	Monthly
8	Grievances and grievance management system	Track grievances and report: i) number of cases at each impact location, ii) the number of cases resolved, iii) number of cases pending, ,iv) reasons for pending cases, v) frequency of GRMs meetings, vi) description of compliance to GRM procedures	Monthly

15.2 Evaluation

Evaluation exercise is aimed at ensuring that this RAP is fully implemented. The exercise shall provide feedback needed for adjusting plan and for taking corrective action. The evaluation shall have the following specific objectives:

- General assessment of the implementation of resettlement activities under RAP,
- Examine compliance of the implementation of resettlement activities with national laws, regulations and that of the World Bank policy on involuntary resettlement,
- Assessment of resettlement and compensation procedures as outlined in the RAP, RPF and ESS5,
- Evaluation of the impact of the resettlement and compensation programs on PAPs income and standard of living, with focus on the “no worse-off if not better-off” requirement,
- Identification of actions to be taken as part of the on-going monitoring exercises to improve RAP implementation, if any. while conducting the evaluation process, the project shall utilize:
 - This RAP as its guiding instrument as well as the RPF
 - The Eswatini’s laws and regulations as described in the legal framework section of this RPF
 - ESS5 on Involuntary Resettlement, also described in chapter three

Evaluation of resettlement activities will be part of the NRAP’s: “Project Completion” review exercise and report. The resettlement aspect of the evaluation shall examine and determine the living standards of PAPs (pre-project vs post RAP implementations.)

ANNEXURES

CLASSIFICATION OF PAPS BY CATEGORIES: ANNEX – I

- (i) **Affected Individual.** Individual who risk losing assets, investments, land, property and/or access to natural and/or economical resources as a result of the project. This could be a person, who farms.

- (ii) **Affected Household.** A household is affected if one or more of its members are affected by the project. This includes:
 - (a) Any members in the households, men, women, children, dependent relatives and friends, tenants;
 - (b) Vulnerable individuals who may be too old or ill to farm along with the others;
 - (c) Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence. Members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and
 - (d) Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence. In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the "household". For example, among polygamous settings, there are situations where each wife has her own home.

- (iii) **Vulnerable Households.** Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them.

- (b) **Unmarried women** – who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom s/he is linked in dependency as part of the household, resettlement will not sever this link.

- (c) **Elderly** – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm. Losing land will affect their economic viability. What would damage their economic viability even more than losing land is resettlement that separates them from the person or household on whom they depend for their support
- (d) **HIV/AIDS afflicted persons** – relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.
- (e) **Orphans and street children** – due to the impacts of the AIDS crisis that plagues Swaziland today, there are a considerable number of orphaned children, whose parents have died from AIDS. These children today fall into three categories of care: (i) those being looked after by an uncle, aunt, grandparents or other close relative, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as manual work at open air markets, transporting of loads for short distances in centres, scavenging for waste paper and metals and other exploitative employment etc. They tend to live in close proximity to large towns and cities. Compensation for these orphans and street children, if they are affected by the projects in a way that requires their physical relocation, cannot be in cash. They will have to be put in a UNICEF program or registered with one of the many children’s charities that are operating in Swaziland today. Their compensation would take the form of paying for their rehabilitation and training to acquire useful vocational skills.
- (f) **Female-headed households** – may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary

income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

(g) **Small-scale female farmers** - are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as ringing trees, clearing or ploughing land. Either male relative in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing a new land, so these women are provided for by the compensation plan.

Non-farming females – these earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the projects need for agricultural land. If a building of theirs lies on land needed by the project, they will receive replacement cost compensation. If someone on whom they depend is

ANNEX – II : LEGAL PROVISION

Transfer Duty Act 1902

Regulates payment of transfer duty triggered by transfer of title deed land.

Safeguarding of Swazi Areas Act 1910

Protection of rights of Swazi people to areas set apart under the Concessions Partition Act for the sole and exclusive use and occupation.

Subdivision of Lands Act, 1957

This is an Act to consolidate and amend the law relating to the sub-division of land in Swaziland.

The approval of Natural Resources Board is required for subdivision, whilst the Surveyor General is required to approve the diagram and the Registrar of Deeds to register transfer/lease. A discussion concerning the township establishment process, in which this legislation plays an important part, is contained in relationship to the Human Settlements Act, below.

Acquisition of Property Act, 1961

This Act provides the authorization and procedures for compulsory real property acquisition for public purposes and provides for settlement of compensation through the establishment of a

Board of Assessment. The Act states that structures affected by acquisition identified by the Ministry of Housing and Urban Development (MHUD). After identification of the properties, an independent valuation is sought then based upon the outcome, residents in affected areas are invited to negotiate with the GoKE on an individual basis. Once agreement is reached the residents are compensated prior to relocation. In cases where the resident cannot reach agreement with the offered compensation, the Minister of Housing requests convening of the Board of Assessment which is constituted by the Chief Justice who appoints a judge to be the chair of the Board. Once established, the Minister gazettes the announcement on the Board of Assessment by legal notice. The decision on compensation by the Board of Assessment will be legally binding for the Ministry and the resident.

Town Planning Act, 1961

This act makes provision for the preparation and carrying out of town planning schemes in declared urban areas. It establishes the Town Planning Board, its functions, powers and duties. It authorizes the preparation of town planning schemes, the approval of schemes, variation of schemes, enforcement of schemes and compensation for injurious affection. Injurious affection is defined as being negatively affected by changes to the Town Planning Scheme such that previously established businesses or industries become illegal under new legislation.

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.

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 subdivisions 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 Act, below.

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.

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
- 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. The regulations permit different standards are for different classes of building. Grade I regulations apply for conventional building. The Grade II Regulations, 1996, permit what might be described as “Traditional” construction, for example walls of clay or stabilized soil, ventilated improved pit latrines, and modest room sizes (10m², 7 m², Kitchen 2,3m²).

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.

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 organized and administered through democratic means. The introduction of the new constitution coincides with the government's decentralization 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 the 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.

MHUD Resettlement Policy & Guidelines 1994

The MHUD Resettlement Policy and Implementation Guidelines were drawn up in 1994.

The key objectives of the policy are:

- 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;
- 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.

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:

- Under the UDP a 99-Year Lease was introduced which provided equal access to land regardless of gender;
- 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.
- 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 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.

World Bank’s Standard on Land Acquisition, Restrictions on Land and Involuntary Resettlement

The World Bank’s environmental and social standard 5 on Land Acquisition, Restrictions on Land and Involuntary Resettlement (ESS5) applies where project-related land acquisitions or restrictions or land use may cause:

- Physical displacement (relocation, loss of residential land or loss of shelter); or
- Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood).

ESS5 thus covers not only physical relocation but any loss or land, assets or access to assets. The key objectives are to:

- Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- Avoid forced eviction.

- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost⁶ and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

ESS5 applied to the following persons:

1. Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of the country;
2. Those who do not have formal legal rights to land or assets, but have claim to land or assets that are recognized or recognizable under national laws or become recognized through a process identified in the resettlement plan;
3. Those who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons in the first (1.) and second (2.) category must be compensation for the loss while the third (3.) group will be provided with resettlement assistance in lieu of compensation for the land they occupy as well as other assistance as necessary, if they have occupied the area prior to an agreed cut-off date for entitlements. All three categories should be provided with compensation for loss of assets other than land.

ESS5 requires that displaced people are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project; provided assistance (such as moving allowances) during relocation; and provided with residential

housing or housing sites. The policy requires that the taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided. Vulnerable people need to be given special attention to remove the barriers that stand in the way of their equal participation in projects, or through special project components and targeting strategies tailored to their needs.

In addition, the following principles apply:

- Compensation standards for categories of land and fixed assets will be disclosed and applied consistently;
- Where livelihoods are land based or land is collectively owned, the preference for compensation is land-for-land;
- Land and assets can only be acquired by the project subsequent to completion of compensation and other associated allowances;
- Project affected communities will be meaningfully engaged and provided with options to participate in planning and implementation of resettlement programs. Project proponent must ensure that both men and women's perspectives are reflected in plans;
- PAPs must be provided with options and alternatives for compensation;
- There must be a grievance mechanism in place;
- The project proponent must conduct a census to identify persons who will be affected by the project in order to establish an inventory of land and assets that will be affected;
- The project proponent must establish roles and responsibilities relating to financing and implementation of any required Resettlement Action Plans;
- Draft resettlement plans are to be disclosed, including documentation of the consultation process, in a timely manner, in an accessible place and in an understandable form and language.

ANNEX III: OUTLINE FOR PREPARING RESETTLEMENT ACTION PLANS

This template is extracted from World Bank's Environmental and Social Framework, specifically Standard 5: "Land Acquisition, Restrictions on Land and Involuntary Resettlement."

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

Minimum Elements of a Resettlement Plan

1. ***Description of the project.*** General description of the project and identification of the project area.
2. ***Potential impacts.*** Identification of:
 - (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
 - (b) the zone of impact of such components or activities;
 - (c) the scope and scale of land acquisition and impacts on structures and other fixed assets;
 - (d) any project-imposed restrictions on use of, or access to, land or natural resources;
 - (e) alternatives considered to avoid or minimize displacement and why those were rejected; and
 - (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.
3. ***Objectives. The main objectives of the resettlement program.***
4. ***Census survey and baseline socio-economic studies.*** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed

assets to be affected by the project. The census survey also serves other essential functions:

- (a) identifying characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (b) information on vulnerable groups or persons for whom special provisions may have to be made;
- (c) identifying public or community infrastructure, property or services that may be affected;
- (d) providing a basis for the design of, and budgeting for, the resettlement program;
- (e) in conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and establishing baseline conditions for monitoring and evaluation purposes.

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- (f) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (g) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- (h) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. ***Legal framework. The findings of an analysis of the legal framework, covering***
 - (a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
 - (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
 - (c) laws and regulations relating to the agencies responsible for implementing resettlement activities; and
 - (d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS 5, and the mechanisms to bridge such gaps.
6. ***Institutional Framework. The findings of an analysis of the institutional framework covering***
 - (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
 - (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and
 - (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
7. ***Eligibility. Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.***
8. ***Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.***
9. ***Community participation. Involvement of displaced persons (including host communities, where relevant)***

- (a) a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
 - (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
 - (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and
 - (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
10. **Implementation schedule.** *An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.*
 11. **Costs and budget.** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
 12. **Grievance redress mechanism.** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
 13. **Monitoring and evaluation.** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all

resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

14. ***Arrangements for adaptive management.*** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

Additional Planning Requirements where Resettlement Involves Physical Displacement

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

15. ***Transitional assistance.*** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
16. ***Site selection, site preparation, and relocation.*** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering
 - (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
 - (b) identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;
 - (c) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

- (d) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
 - (e) legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
17. **Housing, infrastructure, and social services.** Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
18. **Environmental protection and management.** A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
19. **Consultation on relocation arrangements.** The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g. places of worship, pilgrimage centres, cemeteries).
20. **Integration with host populations.** Measures to mitigate the impact of planned relocation sites on any host communities, including
- (a) consultations with host communities and local governments;
 - (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
 - (c) arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
 - (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands

upon them, or to make them at least comparable to services available within planned relocation sites.

Additional Planning Requirements where Resettlement involves Economic Displacement

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan.

These include:

21. Direct land replacement. For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
22. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
23. Support for alternative livelihoods. For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
24. Consideration of economic development opportunities. The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the

feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

25. ***Transitional support.*** The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

ANNEX IV: INITIAL STAKEHOLDER ENGAGEMENT MEETING REPORT

Purpose	Nhlangano – Lavumisa NRAP corridor stakeholder engagement meeting with Chief’s Royal Kraal Councils
Date	8th March 2019 - 22th March 2019
Time (from – to)	
Venue	Chief’s Royal Kraals along NRAP Corridor
Minutes taken by	Dumisani Shongwe
Agenda Item	Responsibility
1. Welcome and Introductions	Royal Kraal Chairman
2. Objectives of Meeting(NRAP Presentation) 2.1 Project Description 2.2 Goals of the NRAP 2.3 Project potential impact 2.4 Stakeholders continuous engagement 2.5 Project impact Mitigation plan(Environmental and social) 2.6 EEC Commitments and project funders	EEC
3. Feedbacks and Questions	All
4. Closing	All

ATTENDANCE:

See attached attendance list

1. Welcome and introductions

The Chief’s Royal Kraal Chairman (Indvuna) welcomed EEC participants to the Meeting and introduced all members of the Chief’s Royal Kraal Council and acknowledge the appointment made by EEC specifically to address the council. The chairman requested EEC to introduce themselves and Present.

2. Objectives of Meeting(NRAP Presentation)

2.1 Project Description

- 2.1.1 EEC informed the council that the Eswatini Network Reinforcement and Access Project (Project) supports the Government of the Kingdom of Eswatini’s (GoKE) goal of providing access to modern energy to all by 2022 as stated in the National Energy Policy. Stated that the proposed NRAP will

include construction of ≈87km of 132 kV transmission line from Nhlangano II to Lavumisa with 2 new substations at Matsanjeni and Lavumisa, and expansion works at the existing Nhlangano II substation, and the 11kV Hluthi switching station that will be converted into a 20MVA 132/11kV substation.

2.1.2 EEC informed the meeting that the route of the transmission line is likely to traverse over land belonging to community members which may result in temporary or permanent displacement which the EEC shall address through inclusive and participatory consultation with the affected persons or households and resettlement and compensation will be done in accordance to a policy framework which shall be shared and discussed with all stakeholders. EEC then mentioned that all efforts will be made by the project as far as practicable to reduce the impact of resettlement.

2.1.3 The EEC also told the meeting that there will be stakeholder engagement processes following this initial meeting to share information, consult affected persons and provide a mechanism for reporting grievances, concerns and any other issues related to the project.

2.2 The NRAP Goals

2.2.1 NRAP goal is to improve its network reliability and quality of supply to support growing demand in the region. It will cover the electrical, civil and electromechanical works, switchgear, and protection and control equipment thus reinforcing weak segments of the distribution network installing control equipment in key segments of the network.

2.3 NRAP Potential Impact

The meeting highlighted the following potential impact;

- 2.3.1 Land use and ownership due to right of way and encroachments;
- 2.3.2 Crops, Flora and fauna disturbances/ damage during construction;
- 2.3.3 The aesthetic and visual quality of the surrounding landscape of the project area from the introduction of transmission towers
- 2.3.4 Soil erosion due to excavation activities when constructing substations;
- 2.3.5 Occupational safety and health impacts from construction activities
- 2.3.6 Impacts on cultural heritage (cemetery, graves, sacred areas etc.)
- 2.3.7 . Land health as a result of poor waste management on site;

- 2.3.8 Community safety and health from construction activities and labour influx in the region;
- 2.3.9 Resettlement(relocations)
- 2.3.10 Public nuisance such as noise, dust pollution etc., during construction activities.

2.4 Continuous Engagement Plan

- 2.4.1 Each Chief's Royal Kraal is expected to appoint a Community Liaison Officer (CLO) to facilitate continuous consultation with persons affected by the project to ensure that all stakeholders, particularly project affected households and communities, vulnerable and disadvantaged people are involved throughout the process of resettlement planning, implementation, and monitoring. The NRAP shall deploy appropriate consultation methods while engaging the various stakeholders, including: i) focus group discussions, ii) informal interviews and, iii) public consultations. In each of these consultations, the NRAP's Project Implementation Unit shall ensure that everyone's voice is heard, responded to, recorded, and fully incorporated into the RAP.

2.5 Project impact Mitigation plan(Environmental and Social)

The meeting was informed about the Project impact mitigation plan on environment and social issues as follows;

- 1) The Resettlement impacts will be avoided or minimized
- 2) Affected people will be defined inclusively
- 3) Meaningful consultation with PAPs and communities will be undertaken
- 4) All adverse Project impacts will be identified prior to implementation and losses properly recorded and compensated
- 5) PAPs are entitled to full compensation and rehabilitation measures on an equitable basis
- 6) Vulnerable groups will receive special attention
- 7) Cultural and religious practices will be respected.

- 8) Resettlement planning, budgeting and implementation will be an integral part of the Project.
- 9) Grievance, monitoring and evaluation procedures will verify
- 10) Effectiveness of resettlement measures.
- 11) Project activities must be in accordance with policy and legislative framework
- 12) Adherence to Labour management plans guidelines
- 13) Adherence to EHS Guidelines
- 14) Adherence to Labour laws

2.6 EEC Commitments

- 2.6.1 EEC informed the meeting of its commitments to; i) Climate Change Mitigation & Adaptation; ii) Pollution Prevention; iii) Waste Management plans; iv) Risk Assessment & Management; v) Sustainable Development; vi) Biodiversity Protection; vii) Social impact mitigation

Approaches:

Avoid: The Company will (where practicable) avoid activities that could result in significantly adverse impacts in a project area.

Prevent: The Company will prevent occurrence of adverse impacts on the environment during project implementation.

Minimise: Where unavoidable, the company will reduce the degree or extent/ duration of the adverse impact through immediate reaction.

Rehabilitate: The Company will restore affected project area zones to their original states

3. Discussion Feedbacks and Questions

3.1 Royal Kraals' Feedback and Discussions

The comments and responses that came from the Royal Kraal leaders and community members at large were invariably the same owing to the current poor state of the network reliability and quality of supply service that these communities experience frequently. Some of the comments that were made are as follows:



Figure 1: Initial stakeholder Engagement Meeting at Sihlahleni, Endlovini area under Zwide II Umphakatsi - Ezikhotheni

- The Chief's Royal kraal Council Chairman welcomed the project with appreciation and requested EEC to implement this project without fail to address the current state of power supply.
- The Meeting requested timelines of the project implementation. The response was that there will be a continuous engagement, the Technical feasibility study will identify all the requirement of the project which will then give the project timelines. This will then be communicated to all stakeholders.
- The issue of a Community Liaison Officer engagement was raised and addressed by stating that, Each Royal Kraal Council shall appoint one CLO and shall be paid by EEC for the duration of the Project.
- Current Electricity Group Scheme awaiting funding was raised and addressed by stating that, EEC will work hand in hand with Ministry of Natural Resources and Energy in addressing affordable electricity connection and funding of these schemes and all concerns will be addressed during the continuous engagement during project implementation.
- Employment issue was raised by the Council and was addressed that opportunity shall be available for unskilled labor within the community, the awarded Contractor is expected to employment laborers along the Project corridor with the help of CLO.

3.2 Regional Administrator Feedback and Discussions

The Regional Administrators' Office was represented by the Regional Secretary, Mr Zwakele N. Dlamini, following that the term of office for the incumbent RA had come to an end was still awaiting the King to appoint a replacement. The regional Secretary made the following comments:

- Welcomed the project and thanked the EEC project team for the synoptic presentation of the project and emphasised the importance of the project to assist the Shiselwni region to drive its development agenda in line with Vision 2022 that was pronounced by His Majesty King Mswati III. He warned that this project should not just end with the disclosure process but EEC must ensure that it moves to implementation as is expected of the Water Project along the same corridor.
- The Regional Secretary pledged support to the project so that it succeeds and advised that since this is a national project he advises that the project be disclosed to all members of Local government heading the different Tinkhundla Centres and promised to play a pivotal role in ensuring that all Chiefs and Local Government Officials support the project and do not impede its progress.

4. Closing

- 4.1.1 The Royal Kraal Council chairman (Indvuna) closed the meeting with a word of Appreciation to EEC on the engagement at the early stage of the project.

Record of meeting proceedings prepared by:

Dumisani Shongwe

Approved by: 

CHAIRMAN

DATE