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**AES - SONEL**

**RESETTLEMENT POLICY FRAMEWORK (RPF)**

[Corporate Governance]

MARCH 2006

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**Acronyms**

<b>AfDB</b>	African Development Bank
<b>BP</b>	Best Practices
<b>DFI</b>	Development Finance institutions
<b>EAP</b>	Environmental Action Programmes
<b>EIA</b>	Environmental Impact Assessment
<b>ESIA</b>	<b>Environmental and Social Impact Assessment</b>
<b>EIB</b>	European Investment Bank
<b>GRRM</b>	Grievance Referral and Redressal Mechanism
<b>HV</b>	High Voltage
<b>IFC</b>	International Finance Corporation
<b>LPAP</b>	Land Purchase Assistance Programme
<b>O&amp;M</b>	Operations and Maintenance
<b>PAPs</b>	Project Affected Persons
<b>PAH</b>	Project Affected Households
<b>PCDP</b>	Public Consultation and Disclosure Plan
<b>PIM</b>	Project Information Memorandum
<b>RAP</b>	Resettlement Action Plan
<b>RPF</b>	Resettlement Policy Framework

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## Definitions of Key Terms

- Project Affected Person (PAP)** means the same as displaced person within the meaning of IFC's Performance Standard 5 on land acquisition and involuntary resettlement, and means any person experiencing loss of asset, access to income whether of a temporary or permanent nature due to the land acquisition process regardless of whether they are physically displaced or relocated or not.
- Project Affected Household** means the family or collection of PAPs that will experience effects from land acquisition regardless of whether they are physically displaced or relocated or not.
- Compensation** means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.
- Cut-off-date** means the date after which PAPs will NOT be considered eligible for compensation, i.e., they are not included in the list of PAPs as defined by the socio-economic survey.
- Displaced Persons** means all the people affected by a project through land acquisition, relocation, or loss of incomes and includes any person, household, firms, or public or private institutions who as a result of a project would have their;
- (i) Standard of living adversely affected;
  - (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or
  - (iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.
- Encroachers** mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
- Entitlement** means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.

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<b>Full Cost of Resettlement</b>	Compensation based on the present value of replacement of the lost asset, resource or income without taking into account depreciation.
<b>Income Restoration</b>	means the measures required to ensure that PAPs have the resources to <i>at least</i> restore, if not improve, their livelihoods.
<b>Indigenous peoples</b>	mean the people indigenous to an area and include ethnic minorities as defined by IFC's Performance Standard 7 on indigenous peoples.
<b>Involuntary Resettlement</b>	refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain; and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. In the event of adverse economic, social, or environmental impacts from project activities other than land acquisition (e.g., loss of access to assets or resources or restrictions on land use), such impacts will be avoided, minimized, mitigated or compensated for through the social and environmental assessment process of IFC's Performance Standard 1 on social & environmental assessment and management system.
<b>Land acquisition</b>	means the process whereby a person or household is involuntarily alienated from all or part of the land s/he owns or possesses, to the ownership and possession of a project for public purposes, in return for fair compensation.
<b>Market Value</b>	means the process of determining market value has sought to establish appropriate compensation figures so that the affected population is able to restore their standards of living to levels "at least as good as or better than" than they were prior to the project. Where the Government rates do not provide for this standard of value, AES-SONEL, with the technical support of the independent evaluator, will calculate and adjust the compensation figures according to these principles.

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<b>Relocation</b>	means the physical moving of PAPs from their pre-project place or residence, place for work or business premises, also called physical displacement under IFC's Performance Standard 5.
<b>Resettlement Action Plan</b>	means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
<b>Resettlement Impacts</b>	The direct physical and socio-economic impacts of resettlement activities in the project and host areas.
<b>Resettlement Policy Framework</b>	A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before project approval. This instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future implementation. The policy framework should be consistent with the principles and objectives of Performance Standard 5
<b>Socio-economic survey</b>	means the census of PAHs/ PAPs of potentially affected people, which is prepared through a detailed survey based on actual data collected.
<b>Vulnerable</b>	means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support; (v) households without security of tenure; and (vi) ethnic minorities.

## **EXECUTIVE SUMMARY**

### **1. Introduction**

This Executive Summary provides a synopsis of AES Sonel's corporate environmental and social governance Resettlement Policy Framework (RPF).

This RPF outlines the guiding principles that will be adopted when land acquisition involving involuntary resettlement is associated with the development of any of its projects. The main instrument underpinning AES Sonel's environmental and social compliance will be a project specific resettlement action plan or compensation framework, as appropriate (both are referred to as 'RAP' for the purposes of this framework). The RAP for each project will provide the detail methodology through which AES Sonel's businesses will consult, develop appropriate and sustainable mitigation plans for all involuntary resettlement programmes associated with its five year capital expenditure programme.

In summary, this Resettlement Policy Framework takes cognisance of the World Bank Group and African Development Bank safeguard and operational performance standards namely the International Finance Corporations Performance Standard 5 'Land Acquisition and Involuntary Resettlement' as well as Cameroonian legislation.

#### **1.1 Background**

In July 2001, AES Corporation (AES) acquired a 56% shareholding in SONEL (Société Nationale d'Electricité), the state-owned electricity utility of Cameroon as part of the privatization process together with a concession agreement to generate, transmit and distribute electricity in most of the Republic of Cameroon.

The Company is an integrated utility which manages the generation, transmission and distribution of electricity throughout Cameroon. The Company has an installed generating capacity of 933MW comprised of 721MW hydroelectric capacity and 212MW of thermal capacity. The company has approximately 522,000 customers of which approximately 79% are located in Douala and Yaounde. Power is evacuated to customers via two independent transmission networks, Southern and Northern grids.

## 1.2 At Privatisation

At privatisation, the Company faced a number of challenges typical of a state-owned utility moving from the public sector to the private sector in a developing economy. The Company had suffered from a lack of investment while in the public sector leading to an unreliable distribution system with high technical and non technical losses.

The Company from day one has been committed to addressing the long-term challenges faced by the business and took bold steps to address the issues. The areas where major improvements have been made include:

### Safety and Environmental standards:-

The Company inherited a business that lacked fundamental environmental and safety awareness normally associated with major utilities. These issues are being addressed by an Environmental Rehabilitation Task Force which is establishing baseline conditions, and developing the Company Environmental, Social, Health, and Safety manual that will provide the framework for environmental management throughout the business units. An environmental baseline liability audit was conducted during 2004 and 2005. Based on the results of the audits, an environmental action plan (EAP) and rehabilitation schedule was developed that prioritizes investments based on the risks identified.

### Generation: –

The priority was to address the capacity shortfall with an investment in 48MW of new thermal generation and then the 85MW HFO-fired Limbe power plant, which commenced operation in September 2004 with a combined investment of EUR 130 million.

### Distribution and Transmission Efficiency –

To help reduce transmission losses, the Company implemented the reactive compensation and transformer redeployment programs in 2004. These initiatives have significantly improved the technical losses and improved system stability and efficiency currently operating at 94%

### Enhancing Staff Skill and New Organisational Structure:-

The Company has implemented a new organisational structure which aligns the organisational structure with its operational goals and objectives. The Company has initiated a process to attract Cameroonian talent worldwide and provides focused technical and managerial training to all staff to help in improving the skill set

#### Improvement in business processes and IT network: –

The Company continues to improve the underlying business processes with the initial focus on implementing a new billing system and upgrading the financial reporting system and upgrading the company wide IT infrastructure

#### Relationship with the Government and Regulator –

It is now recognised by all parties that a constructive public-private sector partnership is required to meet the challenges facing the power sector in Cameroon. This recognition is reflected in the positive manner in which the issues like capacity expansion, fuel diversity, expanding electrification and revision of the concession agreement are now discussed and resolved between the Government, Regulator and the Company

### 1.3 Capital Investment Programme

The Company has addressed the urgent issues of providing stability in its operations and improving the management control of its activities. The Company is now embarking on a major rehabilitation and upgrading of its asset base to enable a step change in the quality of the service it provides while improving the return to its stakeholders. To do so the Company has approached Development Finance Institutions (DFI's) such as IFC, AfDB, EIB and Parparco with a five year capital investment programme. The main objectives of the investment programme are to improve quality of service, improve safety and environmental standards, improve system reliability, increase electrification in the country, reduce commercial and technical losses, reduce fuel and variable O&M costs, expand network capacity, and provide fuel diversification.

The Company has prepared a Project Information Memorandum (PIM) that outlines the details of the five year investment programme. The successful financing and implementation of the investment programme will enable the company to achieve top decile performance amongst peer utilities and to act as a flagship for successful privatisation in a challenging environment like Sub-Saharan Africa.

To implement this investment programme the Company needs to acquire additional land both temporarily for appraisal work, road access, equipment storage and setting down areas, etc., and longer term for new developments such as infrastructure and or permanent facilities.

This RPF outlines the environmental and social guiding principles to be followed when acquiring land for any of the investment programme either of a temporary or permanent nature, especially but not exclusively those of an involuntarily nature that cause physical displacement.

This RPF has been prepared in accordance with good industry practices taking cognisance of DFI safeguard policies and in particular IFC performance standard PS5 ‘Land Acquisition and Involuntary Resettlement’, AfDB Involuntary Resettlement Policy as well as Cameroonian legislation. The main focus of this policy framework will be in providing the principles to be followed in developing sustainable compensation options covering loss of land from income, access and physical displacement impacts or loss of assets such as structures, cultural heritage, seasonal and perennial crops and impacts to livelihoods. As the investment plan unfolds over the five year term, more detailed and project specific RAPs will be prepared for each project where there is a need for land acquisition and compensation.

#### 1.4 Project Description

Currently within the five year investment programme (2005 – 2009), there are eight projects that will require land acquisition, though not all will involve involuntary resettlement. There are five substations and three transmission lines. Two of the substation are located in the town land of Njombe and Makepe and in registered land owned by the state and AES Sonel. The other three substations are located in the town lands of Simbok, Etam-Bafia and Nyalla. These sites will be ‘green field’ developments. They were identified after a detailed land review endeavouring to minimise to the extent possible involuntary resettlement and land acreage and therefore the sites are not expected to have significant environmental or social impacts.

Three high voltage (HV) transmission lines are currently included in the investment plan (i) Koumassi – Diedo are two existing substations and it is planned that a 90kV underground transmission cable of circa 4km will be constructed to fortify the links

between these two substations. The route will follow the existing road network, (ii) an extension to transmission corridor Mangombe – Logbaba which has currently 90 kV infrastructures. The development will take place in two phases. A 225kV line will be constructed between Logbaba and Nyalla substations and the second phase will be the upgrading of the transmission line between Mangombe and Logbaba to 225kV, (iii) a new 225kV transmission line will be constructed between the existing substation of Bekoko and Nkongsamba. The corridor will stretch along 113km and run parallel to an existing 90kV line for most of the route. This project will require a full ESIA statement and a RAP.

Every reasonable effort has been made to avoid any resettlement of homesteads by rerouting of transmission corridors and access roads and by altering the site layout of substations. However it will be necessary to resettle/ rehabilitate households due to the land acquisition process.

This RPF contains a broad policy framework to identify and address the issues arising out of land acquisition for the above mentioned projects. It will be summarised and translated into the local languages (mainly French), and will be placed in the public domain in appropriate places in order to make it accessible to all stakeholders, especially the project affected communities. Where necessary, site-specific RAP's will also be developed, which accord with this policy framework, to address specific, localised issues.

## **2 Scope of Resettlement Policy Framework**

The scope of the RPF is to outline the guiding principles to be followed when involuntary land acquisition is undertaken. This Framework sets out the key issues that need to be delineated into project specific RAP in order to minimise to the extent possible the impact to Project Affected People (PAP) and also to mitigate any negative impacts upon local communities and enhance positive impacts.

The Framework applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous

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groups and the ethnic and religious minorities or other displaced persons who may not be protected through Cameroonian land compensation legislation.

To address the impacts under this policy, resettlement and compensation plans must include measures to ensure that displaced persons are;

- informed about their options and rights pertaining to resettlement and compensation.
- consulted on, offered choices/ options, and provided with technically and economically feasible resettlement and compensation alternatives.
- provided with prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.
- and provided opportunities to improve or at least restore their livelihoods and standards of living

## 2.1 The key principles to be followed:

- Any project which includes the acquisition of land either of a temporary or permanent nature requires the development of a project-specific RAP or Compensation Framework (both are referred to as a RAP in the discussion that follows).
- The project-specific RAP must take cognisance of the following:
  - Requirements of this Resettlement Policy Framework.
  - Requirements of the laws of Cameroon.
  - A project-specific community engagement strategy will be developed.
  - A project Eligibility Notice will be posted both in the local media and at appropriate locations within the footprint of the project.
  - The RAP will identify the nature and magnitude of the land acquisition needed in terms of permanent and temporary requirements for the project.
  - The RAP will have a clear definition of the PAP by socio-economic and gender category; household or family; the cut-off dates for eligibility for compensation; the assets to be compensated at replacement cost.
  - The RPF requires that an implementation mechanism be set in place for the delivery of the entitlement compensation package, as well as to meet the objective of the RAP.

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- The RAP will undertake a detailed socio-economic survey in order to identify entitlement, key issues faced in terms of land acquisition and compensation; and options and strategies for minimising impacts on current land use activities or cultural heritage.
  - The RAP will provide specific rates for compensation of loss of assets at fair market and equitable value and the methodology of how these values were derived.
  - The RAP will set out the land acquisition and compensation processes, options available, eligibility and entitlement and consultation and grievance referral and redressal mechanisms (GRRM).

The specific RAP for each project must take into account the requirements of the applicable laws of the Cameroon as well as requirements of the International Finance Corporation (IFC), African Development Bank (AFDB) and the policies and procedures of AES Sonel.

### **3 Legal Framework within Cameroon**

The Cameroonian legal framework under which AES Sonel operates is detailed in Appendix 5.1.

### **4 Framework for RAP - Procedures**

This RPF describes the key principles to be followed for each project-specific RAP. This section outlines the procedures for implementing compensation for impacts and losses, those of a physical or economic displacement as well as the rehabilitation assistance that is to be provided for affected households in order to restore their livelihoods and for mitigation measures for those indirectly affected communities. The scope and level of detail of the project-specific RAP will vary with the magnitude of displacement and the complexity of the measures required to mitigate adverse impacts.

#### **4.1 RAP Framework Guiding Principles**

The principles of the RPF outlined above shall be delineating into the specific project RAP's. These procedures are more extensively elaborated upon below.

#### 4.2 Resources

A team will be set up to oversee all the activities of the RAP. The size of the team, its formation, its functions and terms of reference will depend upon the extent of the land acquisition and numbers of PAPs.

#### 4.3 Community Engagement Requirements

The RAP team will develop a community engagement plan as a first step towards informing the community about the project, its impacts and entitlement framework. It should include a description of the implementation mechanism to be set in place for delivery of the entitlement packages. The plan shall accord with the requirements of this Policy, good industry practices and the IFC's Performance Standards 1 and 5.

The community engagement plan shall be an ongoing process in order to engage stakeholders in meaningful consultations about the project and shall continue throughout all stages of the project. Their concerns and aspirations should be fed back into the development of the RAP.

The Principles are:

- All stakeholders must be consulted and be effectively involved in a two-way communication with the project sponsors. Special efforts will be made to consult with women and vulnerable communities.
- The RAP will include an explicit public information strategy. This will include the use of mass media, possibly through radio and television, to advise the dates and times of public meetings, availability of documents, selection criteria, cut-off dates, and compensation measures.
- The consultation should be preceded by providing all the relevant and accurate information.
- Following disclosure of all relevant information, the client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation

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payment and resettlement to achieve outcomes that are consistent with the objectives of this Framework.

- Supply of information and consultation with different stakeholders should be through a language and medium they are comfortable with.
- In certain cases, for example, the land acquisition process, where the information is not easily understood by the people, AES Sonel shall take responsibility for simplifying and ensuring that the whole process is understood by the project affected persons, using appropriate methods of communication.
- There shall be a specific and transparent mechanism for the recording of grievances and their timely resolution. The Company will make every effort to resolve grievances at the community level without impeding access to any judicial or administrative remedies that may be available.
- Where affected population do not have land titles, cadastral surveys may have to be carried out to establish the basis for compensation and procedures will be established to regularize and recognize claims to land, including claims that derive from customary law and traditional usage.
- Clear communication of responsibility and accountability procedures, personnel and resource availability for effective implementation of plan shall be put in place.
- A schedule shall be prepared and disseminated in appropriate places within the footprint of the project detailing the time, place for consultation and contact details of the lead person.

#### 4.4 Eligibility Notice

A project eligibility notice will be posted both in the local media and at appropriate locations within the footprint of the project. In accordance with the above good practices and the community engagement plan a notice must be published informing communities and PAPs of the cut-off date for compensation eligibility.

#### 4.5 Implementation Mechanism

The RAP will require that an implementation mechanism be set in place for the delivery of the entitlement package, as well as to meet the objective of the RAP. The strategy of implementation includes the delineation of roles and responsibilities of organisations/ institutions, as well community groups, the procedures to be followed

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along with the support facilities available and a timeframe for implementation of each of the activities.

These are as follows:

- Community Engagement
  - Issuance of Eligibility Notice
- Land Survey
- Asset Inventory
- Census survey of the PAPs
  - Issuance of Identity Cards
- RAP Stakeholder Consultation
- Alternative land survey
- Land Acquisition
- Payment of Compensation
- Land Purchase
  - Moving assistance
  - Land clearance
- Rehabilitation and Income Restoration
- Community Development (if deemed appropriate or necessary)
- Monitoring and Evaluation

#### 4.6 Legal and Legislative Requirements

A summary of the legal framework, policies, principles and objectives that govern the land acquisition and compensation processes will be prepared and disclosed to PAPs. Where the information is not easily understood by the people, the company shall take responsibility for simplifying and ensuring that the requirements and procedure is understood by the project affected persons, using appropriate methods of communication.

#### 4.7 Land Acquisition

The RAP will provide both detailed and locational maps identifying the nature and magnitude of land acquisition needs, both permanent and temporary for the project.

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The maps will detail the extent of the impact of land acquisition on each individual project affected household (PAH) and to the extent possible each PAPs asset/ economic interest in the land to be acquired.

In cases where the family members have informally divided and cultivated their ancestral land with no mutation legally recorded, the portion of the land currently being farmed or resided upon by the PAP will be allocated in accordance with their mutation arrangement and the disbursement of compensation will be pro rata basis on a acreage /percentage basis. However, the compensation option entitlements will be calculated on the overall size of the land parcel or PAH basis.

#### 4.8 Socio-economic Survey

Provide a summary of relevant baseline information on affected populations; identifying all categories of impacts and people both directly and indirectly which include those of a physical and economical nature. The summary will include an assessment of their relevant socio-economic circumstances; identify key issues faced in terms of land acquisition and compensation; whether or not the PAH or PAP falls with the criteria for vulnerability and options and strategies for minimising impacts on current land use activities or cultural heritage. An electronic database will be developed to store all socio-economic data collected during the survey. Each PAH and PAP within the parcels of land to be acquired for the project will be given a unique identification number that will grant eligibility to compensation and to the various compensations options that will be developed. A questionnaire will be developed for the household survey and for the economic interest within each parcel of land. Photographs of PAPs and their assets will be taken to supplement identification and enable transparency with respect to material assets. The census survey data will assist in preparing the micro plans for each PAH/ PAP and will be used to monitor the success of the RAP process.

The survey should bring out as a minimum the following details:

- Name and family details
- Demographic information on social classification, education and occupation of each family member

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- Skill base/ education level for each member
  - Total family income (from all sources)
  - Details of land ownership and extent of land loss due to the land acquisition/ negotiation. (Actual land ownership, and not only in terms of land records)
  - Details of income loss due to loss of land (from agriculture, plantation, labour and sharecropping).
  - Details of any structure or asset on the impacted land
  - Identification of vulnerability (women-headed household, family with physically and mentally challenged members, family with aged members, family with income below poverty line and family losing more than the economic threshold of their land through acquisition/ negotiation)

#### 4.9 Resettlement and Compensation Action Plan

Following the collection of the baseline data, market surveys for structures, land and crops a resettlement action plan or compensation framework will be developed providing options for eligible PAHs and PAPs taking cognisance of the feedback from the various stakeholders. Meetings will be set up to disclose the various resettlement and compensations options available for all PAHs and PAPs. At the meeting the resettlement, rehabilitation, assistance and compensation options available will be discussed in broad general terms and further meetings will be arranged to discuss with individual PAHs and PAPs the specific resettlement, rehabilitation, assistance and compensation options that are applicable to them.

The following process will form the basis of compensation but not limited as such:

- Land-base compensation will be the preferred option and will be based on the principle of equal productivity and/or value. Assistance with purchase and registry will be provided and such land should be free from all encumbrances.
- Payment of cash compensation for lost assets may be appropriate where: (i) livelihoods are not land-based; (ii) livelihoods are land-based but the land taken for the project is a small fraction of the affected holding and the residual land is economically viable; (iii) replacement land or housing of comparable quality is not available locally; or (iv) active markets for land, housing, and labor exist

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locally, displaced persons use such markets, and there is sufficient supply of land and housing. Cash compensation levels will be sufficient to replace the lost land and other assets at full replacement cost in local markets.. The PAH/PAP (owner) receiving the compensation should be persuaded to operate through a joint account in the name of both the entitled person and his or her spouse, unless the person is divorced or separated. The purpose for which the money could be used will be monitored by the monitoring team. The PAHs should be encouraged to invest in creation of capital, property, payment of debts, or enhancing their livelihood. These processes will be explained to the PAHs/PAPs in village level consultations held before the land acquisition process, and in accordance with the schedule of consultations outlined in the community engagement plan.

- The PAHs/ PAPs should be encouraged to purchase alternative land with their compensation (through the Land Purchase Assistance Programme LPAP), so as to facilitate their income restoration and return to their traditional activity of agriculture. This assistance will be provided by the rehabilitation team. This team will assist the families in identifying alternate lands and will provide information on the market prices prevailing in the area.
- Transition assistance/allowance will be provided to vulnerable PAHs and eligible entitled PAPs. The method of assistance and allowance will be developed as part of the compensation package.
- Start-up assistance/ allowance will be provided for PAHs/ PAPS who chose the land-for-land option. The method of assistance and allowance will be developed as part of the compensation package. PAHs/PAPS will be allowed to harvest crops as well as transfer fruit trees to the extent possible and within the relocation schedule.
- Land purchase assistance shall be provided to entitled PAHs/PAPs from the rehabilitation team. The assistance will be in the form of:
  - Disseminating information about availability of different categories of land and their values
  - Helping the PAPs in identifying alternate lands and applying for bank loans, if required.
  - Assisting PAPs with acquiring land title.

The project recognises that households falling within a certain threshold due to the land acquisition process could become more vulnerable than others and may need additional rehabilitation assistance. Such PAHs or PAPS will be identified as early as possible in the process and will be provided with additional support, assistance or compensation based on a reasonable and rational criterion.

In addition, the project will provide land purchase assistance to PAHs and PAPS who want to use their compensation to buy alternative lands. Costs of registration fees, etc for acquiring similar land/ structure will be reimbursed on actual costs or fair market value.

The RAP activities that will be undertaken by the project will also be designed and implemented to contribute additional assistance (transition allowance) to the rehabilitation of the affected households. The plan will also provide a detailed schedule for the implementation of the RAP.

- Crop compensation will be paid in accordance with fair market value. A survey will be performed to assess fair market value.
- Income restoration should be part of the monitoring programme normally carried out over a 3 year term with periodic reviews. Specific attention should be given to requirements of women and vulnerable people and the physical challenged.
- Community development plan should form part of the RAP and be investigated as possible mitigation options when communities are negatively impacted by the project.

#### 4.10 Grievance Referral Redressal Mechanism

The RAP will develop and prepare an appropriate GRRM project specific policy that outlines the formation and function of a committee or appeals mechanism. The specific terms of reference for the committee will be drawn up on its formation and will follow similar GRRM procedure models with an objective to settle disputes, monitor and record the outcome. Specific objective will be to facilitate the process, ensure effective and timely resolution thereby reducing the risk of escalation of conflicts and avoiding

unnecessary delays. The committee shall ensure careful documentation of grievances and remedial actions to enhance accountability and to reduce liability.

If negotiated settlement of grievances cannot be achieved through the normal procedural steps outlined in the mechanism of the committee, the complainant has the right to approach the court. A detailed information booklet on the GRRM procedure will be included in the community engagement plan to ensure that all PAPs know and understand the process and are able to access it whenever they feel the need. The effectiveness of the GRRM will be one of the crucial monitoring indicators.

#### 4.11 RAP Monitoring Framework

The RAP will develop a monitoring plan that includes both internal and external monitoring. There will be a three tier process that will include internal field monitoring by the companies implementation manager as well as the overall monitoring by the RAP manager.

- A framework listing indicative resettlement performance indicators for monitoring purposes will be developed.
- A schedule of when monitoring will be carried out will be developed and shall run for a minimum of three years after completion of the RAP.

The RAP team will work closely with the external monitoring that will be undertaken by the lenders independent resettlement specialist.

## 5 Appendices

### 5.1 Laws and Decrees Relevant to Cameroon

#### LEGISLATURE REVIEW

The following table is a summary of the critical features of the law.

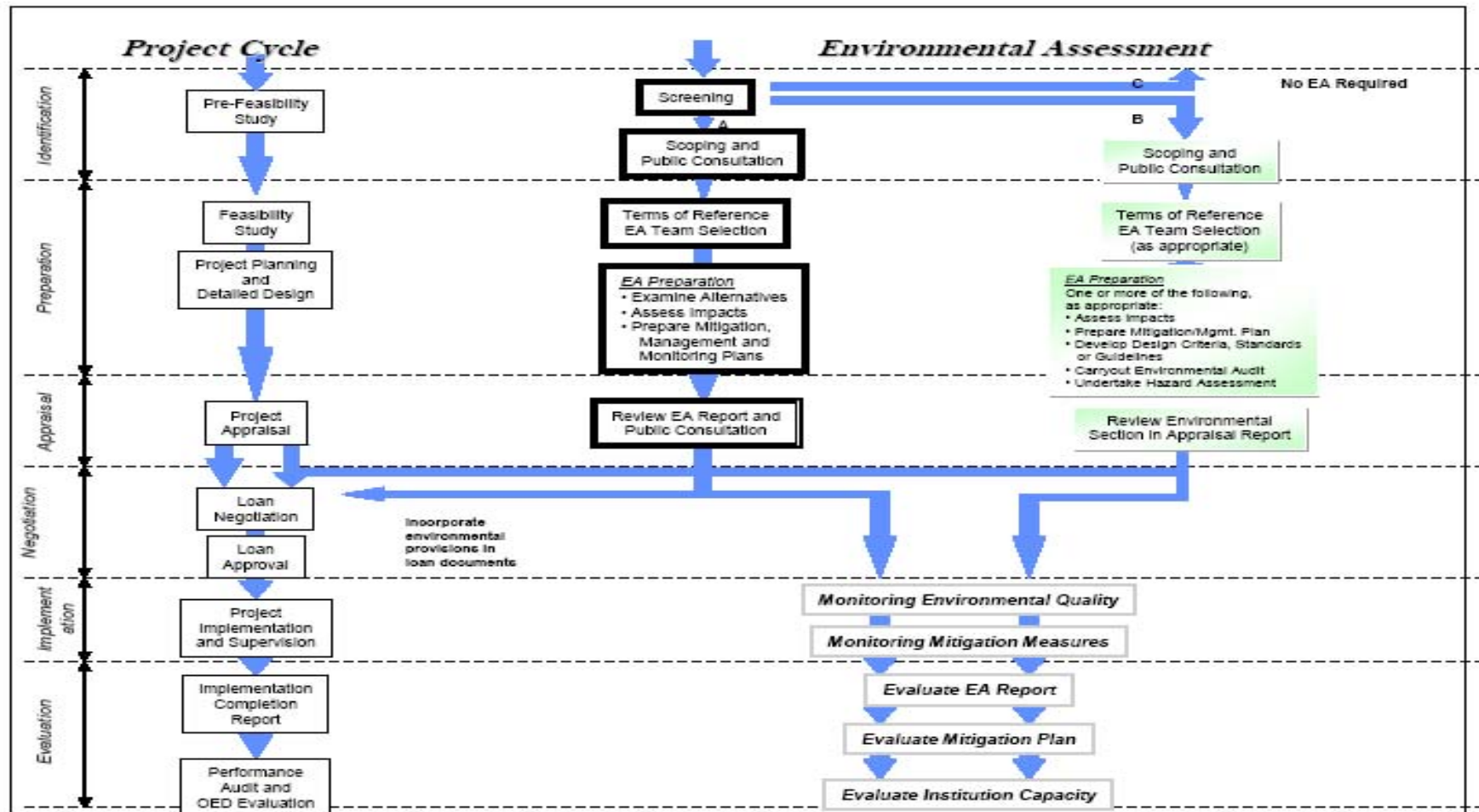
<b>Law/Decree</b>	<b>Responsible Authority</b>	<b>Application (Content of legislature)</b>
<i>Law No. 85/009 of 4/07/1985 on expropriation for purposes of public utility</i>	<b>Ministry of Town Planning &amp; Housing (MINUH)</b>	Relating to expropriation of Land for public use and the modalities of compensation
*Article 1		(1) In order to achieve the objectives of general interest, the Government may resort to expropriation for public utility purposes. (2) This shall be carried out either directly, when it involves operations of public interest, or indirectly, at the request of local communities, public institutions, public utility concession holders or state-owned companies.
* Article 3		Expropriation shall be subject to compensation in cash or in kind. *The expropriation decree shall involve the transfer of property and the land titles thereof to the State or any other legal beneficiary of the said measure. *In principle, expropriation shall be subject to prior compensation. *However, in certain cases, the beneficiary of the expropriation may, prior to effective payment of the compensation, occupy the premises upon publication of the expropriation decree. *A six (6)-month notice as from the date of publication of the expropriation decree shall be served to the victims to vacate the premises. The deadline may be three (3) months in case of emergency.

Law/Decree	Responsible Authority	Application (Content of legislature)
*Article 9		<p>Compensation for bare non-serviced lands shall be carried out under the following terms:</p> <p>1) When it involved land acquired under customary law that enabled the holder to obtain a land title, the compensation shall not be more than the minimum official rate for non-serviced state-owned land situated in the area for which the land title was issued.</p> <p>2) When it involves land acquired via a normal legal transaction or the acquisition of state-owned land, the compensation shall be equal to the purchase price, including the costs incurred in the transaction.</p>
* Article 10		<p>*The terms for determination of the value of crops destroyed shall be laid down by Order No. 58/MINAGRI and its additional clauses.</p> <p>*The value of constructions and other development projects shall be determined by the observation and evaluation committee.</p> <p>*No compensation shall be paid for destruction of damaged or blighted crops as well as crops that do not comply with town planning rules, provisions of the law and land tenure regulations.</p>
*Article 12		<p>1) In case of dispute over the amount of compensation, the expropriated party shall lodge its complaint with the Ministry in charge of Lands.</p> <p>2) Where its request is not satisfied, the expropriated party shall refer the matter to the appropriate court of the area of the property concerned, within one month, as from the date of notification of the disputed decision.</p> <p>3) Pursuant to the procedure and subject to the normal course for appeal, the court shall confirm, reduce or increase the amount of compensation in accordance with the evaluation terms laid down in this law and its implementation instruments.</p>
*Article 13		<p>The guardians or legal representatives of legally incapable or banned expropriated parties may be authorized by a ruling from the President or the Tribunal to accept the compensation offered by the Government.</p>
*Article 14		<p>Any cases pending ruling or subject to disputes, and any other real actions shall neither halt the expropriation process nor prevent its effects. The complaint shall be transferred onto the compensation and the law concerned relaxed.</p>

<b>Law/Decree</b>	<b>Responsible Authority</b>	<b>Application (Content of legislature)</b>
<i>Decree No. 87/1872 of 16/12/1987 implementing Law No. 85/9 of 4/07/85 on expropriation for public utility purposes</i>	<b>Ministry of Town Planning &amp; Housing (MINUH)</b>	
*Article 6  *Article 10  *Article 11		There following committees are hereby set up: *At divisional level, via an order issued by the Senior Divisional Officer; *At provincial level, via an order issued by the Governor; *At national level, via an order issued by the Minister in charge of Lands.
		To ensure their participation in all enquiries, the populations involved shall be informed thirty (30) days beforehand of the date and time of the exercise via a notification addressed to the Chiefs and Elders. The enquiries shall be carried out in their entirety in the presence of the owners of the assets and property in question. The work of the sub-committee shall be supervised by the entire committee, which shall countersign the documents.
*Article 13		The public utility declaration order shall become null and void in case, after a period of two (2) years as from the date of notification to the beneficiary Service or Organisation, effective expropriation is not carried out. However, the validity may be extended once via an order issued by the Minister in charge of Lands for a period of at most one (1) year.
*Article 19		In case of omission, pursuant to the areas of jurisdiction provided for in Article 6, the persons concerned shall contact the Senior Divisional Officer, the Governor or the Minister in charge of Lands, who shall submit the complaint to the observation and evaluation committee.

<i>Law No.96/12 of 5/08/1996 laying down the framework law on environmental management</i>	<b>Ministry of the Economy and Finance (MINEF)</b>  (Chapter II)	
*Article 5		The laws and regulations should protect the rights of each and everyone to a healthy environment and ensure harmony in the ecosystems as well as between urban and rural areas.
*Article 6		(1) Each public and private institution shall be obliged, each in its sphere, to sensitise the population to environmental issues. (2) Consequently, they should incorporate environmental awareness programmes into their activities
*Article 8		Duly recognised or authorised public utility Associations, carrying out their statutory environmental protection activities may only contribute to the activities of public institutions and parastatals in the area if they are authorised under the terms laid down in special instruments.
Technical order of 13th February 1970 laying down common provisions applicable to underground/aerial lines and transformer substations	<b>Ministry of Mines, Water Resources, and Power (MINMEE)</b>	General Provisions for Power Transmission  a) Aerial lines b) Underground lines c) Transformer substations

5.2 ESIA Process Flow Procedure



## 6 References

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