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**Africo Resources Limited (ARL)
Kalunkundi Project**

Resettlement Action Plan: Kisankala Village

June 2007

Synergy Global Consulting Ltd
26 Beaumont Street
Oxford OX1 2NP
United Kingdom
Tel: +44 (0)1865 513 135
Fax: +44 (0)1865 556 792
info@synergy-global.net
www.synergy-global.net

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Prepared by: Paul Kapelus, Emily Keeble
Approved by: Ed O'Keefe, Director, Synergy

This Resettlement Action Plan (RAP) has been undertaken by Synergy Global Consulting Ltd on behalf of Africo Resources Limited (ARL) relating to the Kalukundi Project in the Democratic Republic of Congo (DRC). The RAP was undertaken in May 2007 in accordance with IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement.

This report was commissioned by Africo Resources Limited (ARL) on terms specifically limiting the liability of the authors. The authors have prepared this report with all reasonable skill, care and diligence within the terms of the contract with the client. Our conclusions are the results of the exercise of our professional judgment based upon materials and information provided by Africo Resources Limited (ARL). The Synergy team has not been to site to verify any of the information provided or engage any of the relevant stakeholders. Synergy cannot be held liable for the accuracy of the information contained in the report. We disclaim any responsibility and liability to the client and others in respect of any matters outside the scope of the work. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

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Glossary

Associated facility	Facilities that are essential to the construction or operation of an IFC-financed project but are not themselves financed by IFC. The IFC policy on involuntary resettlement may apply to resettlement induced by such facilities.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.
Cut-off date	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
Host population	People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement.
Economic displacement	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.
International Finance Corporation (IFC)	The private sector arm of the World Bank
Involuntary resettlement	Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
Land expropriation	Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses
OP 4.12	The World Bank Group (WBG) Operation Policy (OP) and Bank Procedure (BP) on Involuntary Resettlement have in combination replaced the WBG Operational Directive (OD) 4.30. These policy and procedure papers embody the basic principles and procedures that underlie IFC's approach to involuntary resettlement associated with its investment projects.
Project-affected household	All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.
Project-affected person	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Project sponsor	A corporate entity seeking IFC financing for a project either directly or through a financial intermediary supported by IFC.
Physical displacement	Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.
Replacement cost	The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land and structures, IFC defines "replacement costs" as follows:

Agricultural land	similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;
Land in urban areas	the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;
Household and public structures	the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
Resettlement Action Plan (RAP)	The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.
Resettlement assistance	Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.
Resettlement policy framework	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 OD 4.30.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

ARL Commitments to IFC Performance Standard 5

The following table highlights the key elements of the IFC performance 5 on Land Acquisition and Involuntary Resettlement and outlines Africo Resources Limited's progress in fulfilling its requirements

IFC Performance Standards: PS5 Land Acquisition and Involuntary Resettlement			
Standard	Standard Detail	Current progress	Future action points
Project Design Principles	Avoid or minimise resettlement	Strong project commitment to minimising resettlement. No indication given that efforts have been made to minimise or avoid resettlement	
	Mitigation of adverse impacts of displacement should be planned and implemented	ARL has identified the likely negative impacts from relocation.	Using the socio- economic baseline study, undertake further analysis to identify the likely key negative and positive impacts of displacement taking into account potential vulnerabilities ARL to link this analysis with the livelihood restoration section and the planning and implementation strategies, which will be used to mitigate negative impacts
	Direct involvement of the client is beneficial	ARL has and continues to be involved in the development of the action plan	
	Avoid expropriation where possible	Due to the location of the mineral, the physical and economic resettlement has been deemed as unavoidable	
	Consider alternative project design to minimise resettlement.	Alternative project designs have been considered	
Compensation and Benefits for Displaced Persons	Full restoration and replacement costs for resettlement	In compliance with domestic legislation, ARL intends to undertake full restoration and pay full resettlement costs to what the client has deems to be 'eligible residents'	ARL will ensure that all residents (both temporary and permanent) receive resettlement costs and full restoration of livelihoods, including artisanal miners
Consultation	Informed participation of all affected persons and communities	ARL has undertake some initial consultation	ARL will undertake additional consultation
Grievance Mechanisms	Establish a grievance mechanism	ARL has created a grievance mechanism framework model	ARL will undertake consultation on the grievance mechanism and establish the grievance mechanism
Census	Full census including appropriate baseline data	ARL has undertaken as full a census as has been possible of a transient population	ARL will update the most recent census to ensure any legitimate physical alterations made since the eligibility cut off point in July 2006 have been included within the RAP
	Consider all affected populations including the host population	All efforts have been made to include affected populations within the census.	
Resettlement Action Plan	12. Mitigate negative impacts of displacement	ARL has highlighted potential impacts of displacement	Using the socio- economic baseline study, ARL will undertake further analysis to identify the likely key negative and positive impacts of displacement taking into account potential vulnerabilities ARIL will link this analysis with the livelihood restoration section to highlight how such negative impacts will be mitigated

IFC Performance Standards: PS5 Land Acquisition and Involuntary Resettlement			
Standard	Standard Detail	Current progress	Future action points
	Identify development opportunities	ARL has proposed a variety of alternative livelihoods	ARL will undertake a series of initiatives to ensure the sustainability of the village beyond the closure of the mine ARL will work with the Kisankala Village Development Committee to aid business development and ensure sustainability
	Establish the entitlements of all categories of affected persons	ARL has established a methodology to establish the entitlement of all categories of affected persons using both domestic and traditional customary law.	ARL will undertake full compensation based on broad community support for the methodologies employed to determine compensation
	Document all transactions to acquire land rights, as well as compensation measures and relocation activities	Some relocation activities are being documented ARL has documented compensation measures	ARL will create a process by which all transactions to acquire land rights and all relocation activities are documented
	Procedures to monitor and evaluate the implementation of resettlement plans	In conjunction with Synergy Global, the client has created a framework upon which it will create a procedure to monitor and evaluate the implementation of resettlement plans	ARL will create a procedure to monitor and evaluate the implementation of resettlement plans
Land Rights	Clarify and identify the nature of land rights of those affected by the project	ARL has identified that the chief is responsible for the allocation of land rights	ARL will procure documentation to clarify and identify the nature of the land rights of those affected by the project
Physical Displacement	Offer displaced persons choices for resettlement sites	ARL has proposed three possible resettlement sites. ARL has undertaken initial consultation on these proposed sites	ARL will undertake further consultation with PAP on the proposed resettlement sites
	Provide suitable relocation assistance	ARL has outlined its intention to supply trucks to assist in physical relocation	ARL will document vehicle capacity versus magnitude of displacement to ensure that assistance is sufficient
	Pay specific attention to the poor and vulnerable groups	Women and vulnerable groups have been identified and attention has been paid to them throughout the project design	
	Housing and/or compensation to be made prior to resettlement	In collaboration with Synergy Global the client intends to create a schedule for compensation payments	ARL will create a schedule for compensation payment, which includes details of how compensation will physically be paid
	New resettlement sites to offer improved living standards	Relocation project design details an improvement in living standards	ARL will undertake consultation to ensure that PAP are satisfied with the relocation project design
Replacement property	Replacement property should be of equal or higher value.	Relocation project ensures that replacement property is of equal or higher value. DRC legislation prescribes 150% compensation	
Options for Adequate Housing	Choice of options	The client has proposed three possible relocation sites	
	Security of Tenure	ARL has identified that the chief is responsible for the allocation of land rights	ARL will ensure that documentation will be supplied to PAP on the future security of tenure

IFC Performance Standards: PS5 Land Acquisition and Involuntary Resettlement			
Standard	Standard Detail	Current progress	Future action points
	Full compensation in cash or in kind	Full cash compensation to be supplied to all PAP identified for eligibility within the July 2006 census	ARL will undertake an additional census to ensure that any legitimate improvements made to assets since July 2006 will be integrated into the compensation eligibility framework and methodology
	Restoration of living standards	Restoration of living standards documented	
Tradition or customary land tenure systems	Meet applicable requirements on IFC Performance Standard 7	ARL has identified that the chief is responsible for the allocation of land rights	ARL will procure documentation to clarify and identify the nature of the land rights of those affected by the project
Economic Displacement	Compensate promptly for loss of assets	In collaboration with Synergy Global ARL will outline compensation payment schedule	ARL will provide a livelihoods restoration schedule to ensure that PAPs are promptly compensated for the loss of assets
	Cover costs of re-establishing commercial activities	ARL intends to cover include the re-establishment of commercial activities within the relocation plan	
Government role in managing resettlement	Ensure that government involvement in resettlement conforms to IFC performance standards	ARL has identified that despite wanting to remain informed, the government has no involvement in the relocation process apart from ceremonial engagement at a local level.	

ARL Action Plan

As a road map to the RAP the following table identifies key areas which ARL has identified in which it needs to undertake a series of action points listed here

Chapter	Action	Page
Legal framework	1. ARL affirms that this RAP will be implemented in compliance with both DRC and WBG requirements.	24
Magnitude of Displacement	2. In addition to the identification of socio environmental and positive impacts, ARL will further analyse the likely vulnerability of the village residents in the face of relocation	29
Consultation	3. ARL will undertake an assessment of all key stakeholders who will be affected by, or will play a significant role in shaping or affecting the project either positively or negatively.	42
	4. All formal consultations convened by ARL will include, ARL representatives, Project managers, relevant government officials, representatives of concerned NGOs, and members of the displaced community.	43
	5. ARL will create a Relocation Committee to represent these groups and aid in the convening of stakeholder consultations, and in eliciting support for the proposed relocation project. ARL will form this relocation committee out of the already functional Kisankala Village Development Committee.	43
	6. ARL will undertake full consultation with the affected community to gain a consensus (based on individual consent) on the various issues	48
Compensation framework	7. Using existing census information ARL will undertake a new census of village residents and their assets to determine on a case-by-case basis where such upgrades will be included into the eligibility and compensation framework.	51
	8. Based on individual consent ARL will undertake full consultation with all affected stakeholders on the proposed compensation methodology framework paying particular attention to the needs of women and vulnerable groups	52
	9. ARL through negotiations with Nomimet will find a resolution to the likely impacts, which relocation will have on the small scale and artisanal miners.	56
	10. ARL will develop a schedule for the payment of compensation acknowledging the need to ensure that compensation payments will be issued in the name of both spouses.	56
Resettlement Assistance	11. ARL will undertake full and informed consultation with affected stakeholders to gain consent on the proposed relocation site selection	58
	12. ARL will undertake full and informed consultation with affected stakeholders to gain consent on the proposed village design	63
Relocation process	13. In order to support livelihoods restoration, ARL will establish linkages with other national and local organisations dealing with the promotion of economic welfare.	65
	14. ARL will provide land-based options for those displaced residents, whose livelihoods are based on the use of land. ARL will ensure that the quality of agricultural land is the restored or improved upon	65
	15. ARL will enter into discussions with Nomimet about providing more accommodation facilities at the Goma fragment to reduce the number of small-scale miners that have to walk to the fragment daily.	66
	16. ARL will provide alternative employment for small-scale miners during the construction and processing phases of the mining operations.	66
	17. ARL will undertake a variety of livelihoods restoration projects in the relocated village site, particularly relating to water and sanitation, education, and employment.	66
	18. ARL will work with the Kisankala Village Development Committee (KVDC) to implement education, training, civic administration strategies and business development initiatives.	67
	19. ARL will undertake initiatives to involve women's groups, including skills development and health support services.	70
Grievance Mechanism	20. ARL will create a grievance mechanism consistent with IFC Performance Standards 1 and 5	71
	21. ARL will inform affected communities about the mechanism in the course of its community engagement process.	71

1. Introduction

This Resettlement Action Plan (RAP) has been undertaken by Synergy Global Consulting Ltd (Synergy) on behalf of Africo Resources Limited (ARL) relating to the Kalukundi Project in the Democratic Republic of Congo (DRC). The RAP was undertaken in May 2007 in accordance with IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement.

This report was commissioned by ARL on terms specifically limiting the liability of the authors. The authors have prepared this report with all reasonable skill, care and diligence within the terms of the contract with the client. Our conclusions are the results of the exercise of our professional judgment based upon materials and information provided by ARL. The Synergy team has not been to site to verify any of the information provided or engage any of the relevant stakeholders. Synergy cannot be held liable for the accuracy of the information contained in the report. We disclaim any responsibility and liability to the client and others in respect of any matters outside the scope of the work. This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

ARL is a Canadian mineral exploration and development company trading on the Toronto Stock Exchange under the symbol ARL. The company is advancing the development of its high grade Kalukundi cobalt-copper deposit in the Democratic Republic of the Congo (see Figure 1) through an aggressive plan of converting existing resources into reserves and bringing the mine into production in 2008.

Figure 1. Location map



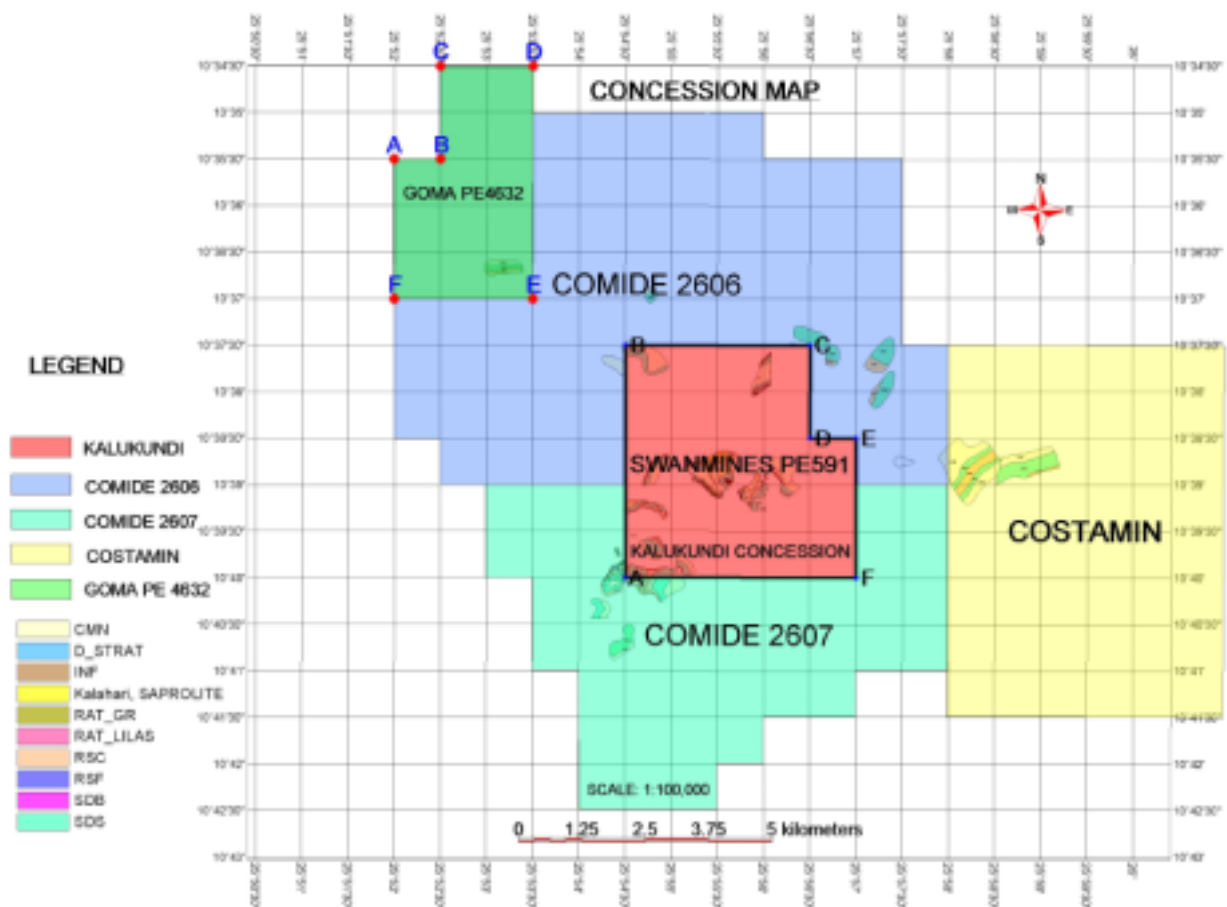
1.1. Project description

The Kalukundi project dates from October 11th 2001, when the Minister for Mines of the DRC granted a mining permit, PE 591, to Swanmines SPRL. Swanmines SPRL was set up on March 5th 2001; it appointed shareholders Gecamines and H. & J. Swanepoel Family Trust S.P.R.L. (H. & J.). Gecamines and H. & J. signed a joint-venture agreement (Swanmines (JV)), on March 3rd 2001 for the mining of ore deposits at Kalukundi.

Through a preliminary contract signed on February 12th 2004 between ARL and a private British-Columbian Company (B.C.) and H.& J., ARL can acquire 100% of the share capital of H. & J. through cash payments spread over 4 years and by investing a minimum of 3 million \$US in land exploration costs. ARL has thus already gained a 36% interest in H & J and has satisfied the minimum conditions required for production rates. Up to now, ARL has been financed privately by its shareholders.

The Kalukundi ore body is located in PE 591, 50km east of Kolwezi, in the Ville de Kolwezi, 220km west northwest of Lubumbashi, the provincial capital of the Katanga Province, within the Mutshatsha Territory (see Figure 2). The permit covers an area of approximately 19.5km². The railway from Kolwezi passes by the site to Pompe and onwards to Tenke and Likasi. The Nzilo High Tension power line passes through the permit area and will be used as a power source for the project. The permit covers an area of 19.5km². Its southern boundary is located 2.5km north of Kisanfu Village and the Likasi-Kolwezi railway line and 2km north of the main Likasi-Kolwezi road along the turnoff to Kisankala Village. The permit lies in the administrative boundaries of the Kazembe Grouping, which forms part of the Lulu Sector.

Figure 2. Concession location



The permit area itself is enclosed within the administrative boundaries of the Kazembe Grouping of which Chef Makonga Kazembe presides. The Kazembe grouping forms part of the Luilu Sector, one of three sectors of the Mutshatsha territory. ARL plans to begin open pit mining of three open pits, namely the C5 Principal, C5 East and Kalukundi North.

Mineable reserves are to be processed at an onsite leach, solvent extraction, electrowinning plant to produce cobalt carbonate and copper cathode. Kisankala Village is located in the centre of the permit area. The villages of Kibenzebenze and Samba are located 10km northwest and 6km west North West of the northwestern corner of PE 591 respectively.

Swanmines sprl could commence operations by 2008 after the securing of funds and the approval of the EIS. The Kalukundi Project will involve the mining of a number of ore body fragments through open pit techniques, the construction of a process plant to carry out solvent extraction and electro-winning, mine village, development of waste rock dumps and tailings storage facility and relocation of Kisankala Village to a new area on the permit.

The territorial administrator is Mr Ndjungu Itunda. The chief of Kisankala Village is Chief Nsemba (Timothy) Kapaya. The Chief lives in Kisankala Village, located in the centre of the permit area, and at the time of the baseline (January 2005), a census indicated that the population was 1,064 people. This was updated in January 2006 to 2,361 people. The villages of Kibenzebenze and Samba are located 10km northwest and 6km west north-west of the north-western corner of PE 591 respectively.

Swanmines sprl acquired Kalukundi Mining Concession No. 23 in 2001 and pre-feasibility work was completed in 2002. Work carried out in the Pre-Feasibility Study included a review of the resources at Kalukundi, a review of the transport network, verification of historic drilling and modelling carried out by Gecamines and an initial metallurgical report. The project moved into a Bankable Feasibility Study (BFS) stage in 2004 and the BFS was completed in April 2006. Optimisation studies were carried out, mine scheduling, mine designing of process plant and mine camp, further resource drilling, metallurgical studies and design, tailings dam designing and geotechnical studies summarises some of the work that was carried out.

1.2. Project impacts

African Mining Consultants undertook a full Environmental (and Social) Impact Assessment of the proposed project between 2004 and 2006, which details expected project impacts and proposed mitigation methods. The Project is expected to employ between 500 and 600 people either directly or indirectly through contractors during the 12-month Pre Production Year (PPY). During the mine operations, approximately 460 Congolese nationals and 72 expatriates will be employed directly by Swanmines sprl and ARL. Additional jobs will be generated in the service sector in Lubumbashi, Likasi and Kolwezi. The Project will contribute significantly to the development of the area around Kalukundi.

The project will consist of several open pits, four waste rock dumps, a process plant, offices and a mine camp. The construction of a mining village and the requirement for local supplies and employees for the mine will lead to development of the business sector in Kolwezi and the Mutshatsha Territory, as well as Katanga Province and the DRC.

Kisankala village lies in the blast zone of explosions used to extract ore and will need to be resettled to a safer site location.

The Kisankal cemetery is currently located on the south Westside of the village and will therefore fall within the blast zone of explosions. Access to this site will be preserved, and a new site will be established in accordance with the IFC Performance Standard 8 on Cultural Heritage.

1.3. Project components including associated facilities

The mine production life of the Project will be 10 years; with an initial construction PPY and Year 11 will be scheduled for mine decommissioning and closure. In the PPY, the initial 6 months will undergo a pre-strip of the Principal and Kii open pits followed by 6 months of mining from these pits to remove a total of 2.6Mt (2.55Mt of waste and 0.057Mt of ore). This will provide a 3 week supply stockpile of ore to the process plant, prior to commissioning, and waste material to construct the run of mine (ROM) pad. The establishment of haul roads to and from the open pits, ROM pad and waste rock dumps will be conducted in the PPY, as well as construction of operating ramps and initial benches. The Kii and Principal pits supply ore to the process plant up to the 4th quarter of Year 2 and then the Anticline and Kalukundi open pits will be commissioned.

The Kalukundi deposit will be mined by open pit mining methods using bulk blasting with excavation and truck extraction. The mined depth below surface will be 40-60m in the Kalukundi fragment (the shallowest pit) and 100-130m for the Kii, Anticline and Principal fragments. Backhoe excavators and rigid frame dump trucks will be used to selectively mine and haul ore from the open pits.

1.4. Kisankala village: unavoidable resettlement

ARL acknowledges that unless it is properly managed involuntary resettlement may result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. Despite attempts being made to the contrary, ARL acknowledges that the relocation of Kisankala village is unavoidable. ARL therefore commit to undertaking appropriate measures to mitigate adverse impacts on displaced persons and host communities

Resettlement of Kisankala village will be necessary due to its location in the centre of the 19.5km² permit. The village is also in close proximity to the Principal and Anticline ore bodies, which will be mined during the project. This RAP records all people involved in the resettlement, formulated processes by which agreements on compensation methods and values can be achieved, develops grievance and monitoring and reporting mechanisms, and assigns institutional responsibility for the relocation project.

ARL affirms that all project-affected households will be negotiated with and compensation will be done on an individual basis. All permanent households will receive 150% of their current assets. Records on the signing off and agreement of compensation will be taken.

Discussions with Chief Nsemba Kapaya (Kisankala Village), the formation of a relocation committee and public consultations were initiated from the beginning of site visits by Swanmines and African Mining Consultants (AMC). Various relocation sites and processes were investigated and discussed. Pending public consultation, the final site chosen for relocation is expected to fall within the mine permits PE 591. Informed by public consultation, the village will be designed and the construction managed by Imhotep Architects, which are based in Johannesburg South Africa. Village construction will be carried out by an independent contractor.

Kisanfu is the nearest village to Kisankala and is located 7km to the south with more permanent housing and infrastructure. There are no private landowners located within the mining permit area. The chief delegates land to each family or household through traditional land rights but there are no title deed holders in the area. The main land use in the area is artisanal mining on the adjacent concession and some rather limited small-scale agriculture.

1.4.1. Artisanal mining

Figure 3. Artisanal Mining within Kalukundi



The artisanal mining population (see Figure 3) of Kisankala Village is far greater than that of 'original' inhabitants and their presence and activities dominate most aspects of village life. A large number of artisanal miners will be physically displaced along with the village, and it is therefore important to gain an understanding of what these artisanal miners do, where they come from and their expectations concerning both the relocation process and the Kalukundi Project. Most of the diggers work on behalf of **Nomimet**, a Pakistani company leasing the Goma and Kinshasa Fragments from the Presidential Family, who in turn have an agreement with COMIDE and work particularly on three 'fragments' namely the Goma, Kinshasa and Baraka. Artisanal miners are aware of the proposed relocation, however there has been limited consultation on how this would affect artisanal mining.

1.5. Mine project alternatives

The BFS (mine plan/design) instigated by Swanmines and managed by MDM in South Africa is the basis of the Environmental Action Plan undertaken by African Mining Consultants in January 2006. A variety of alternatives were identified for the processing methods, mining methods, power supply, water supply, WRDs and the TSF. The location of the various mine components was limited due to the location of the mineral zone, small permit size and absence of existing site infrastructure. Therefore design of the mine site was carried out with economic feasibility and physical location in mind.

1.6. Methodology

Several studies have been undertaken on the Kisankala village relocation within the context of the Kalukundi Project prior to the compilation of this resettlement action plan by Synergy Global. All work undertaken to date by different sources has contributed to this compilation and as such will be included in the methodologies for this RAP.

Environmental Adjustment Plan (EAP) - AMC

African Mining Consultants (AMC) carried out an Environmental Adjustment Plan (EAP) for ARL and Swanmines sprl. It relates to the Kalukundi Copper-Cobalt Project in the Democratic Republic of Congo and was undertaken between October 2004 and May 2006. The report was prepared in accordance with the requirements of the Congolese Mining Code 'Law 007/2002, of 11 July 2002'.

Resettlement Action Plan (RAP) - AMC

African Mining Consultants Limited (AMC) carried out a Resettlement Action Plan (RAP) for ARL. It relates to the Kalukundi Project in the Democratic Republic of Congo and was undertaken between October 2004 and April 2006. The report was prepared in accordance with the requirements of the World Bank Involuntary Resettlement Instruments (OP 4.12).

Resettlement Action Plan - Professor Kalaba Mutabasha

Professor Mutabasha undertook three phases of work to compile the latest RAP for the relocation of the Kisankala village; documentation, data gathering and analysis.

This included the documentation and analysis included that of all previously undertaken population census listed here

- Previous research undertaken by AMC (including the village population surveys of March 2005)
- Population list established by the chief
- Additional lists undertaken Stéphane Kahamba, completing the lists of the chief;
- The additional lists of the chief;
- The text of the public consultation presented by Stéphane;

Project Implementation Plan: Stephane Kahamba (Imhotep Architects)

Prior to commencement of space planning and the design concept development, the re-engineering of the erratic and confused village layout has been undertaken by Stehane Kahamba from Imhotep Architects who in April 2006 were appointed to prepare the Kisankala Village Institutional Site Development Plan

Resettlement Action Plan: Synergy Global Consulting Ltd

Building upon and using the work undertaken above, Synergy Global has undertaken the compilation of an in-depth resettlement action plan in compliance with IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement

- Identification of a report structure as informed through discussions with IFC
- Collation and review of all existing data received from ARL (as detailed above)
- Identification of data and compliance gaps
- Meetings with ARL staff to resolve any compliance and data gaps
- RAP drafting
- Presentation of draft RAP to ARL and IFC to discuss action points
- Submission of draft for client review
- Finalisation and submission of RAP

2. Background: The Katanga and Kalakundi Province

2.1. Overview

2.1.1. Democratic Republic of Congo

The Democratic Republic of Congo (DR Congo) is an equatorial country situated at the heart of the west-central portion of sub-Saharan Africa and bounded by Angola, the Republic of Congo, the Central African Republic, the Sudan, Uganda, Rwanda, Burundi, Tanzania across Lake Tanganyika, and Zambia. Its territory also straddles the Equator, with one-third to the north and two-thirds to the south. The Congo River system dominates the region.

2.1.2. Katanga Province

Katanga is the southern province of the Democratic Republic of Congo, due to be replaced under the new constitution with four smaller provinces by February 2009. Its regional capital Lubumbashi (formerly Elizabethville in French, Elisabethstad in Dutch). In the past, Katanga has struggled significantly for independence from the rest of the country. In 2009, the name will survive only as Haut-Katanga, one of the four new provinces. Its area is 518,000 km² (larger than California and 16 times larger than Belgium, its former colonial ruler). Farming and ranching are carried out on the Katanga Plateau. In the eastern part of the province is a rich mining region, which supplies cobalt, copper, tin, radium, uranium and diamonds. The province's considerable industrial plant is largely concerned with the processing of minerals. Katanga is well connected by rail with the rest of Congo and with Angola and Zambia. There is also steamer service on Lake Tanganyika between Kalemie, in Katanga, and Kigoma, Tanzania.

Copper has been mined and exported by the region's inhabitants for centuries. From the 17th to the 19th Centuries much of the province was controlled by the Luba and Lunda Kingdoms. In the late 19th Century M'Siri, a Nyamwezi trader from what is now central Tanzania, founded a kingdom in the area that lasted until he was killed by the Belgians in 1891. Under Belgian rule (1884-1960), mineral resources were exploited by Belgian firms and the province was developed much more rapidly than the rest of the country.

In July, 1960, after the Congo became independent, Katanga was proclaimed as a republic and seceded from the central government. Under the leadership of its president, Moise Tshombe, and with Belgian aid, Katanga fought off repeated attempts by the central government to seize control. Disorder was widespread, and the central government invoked the help of the UN. In 1960, President Tshombe reluctantly allowed a small UN force to enter Katanga. Later a considerable number of UN troops, committed to a policy of non-intervention, were stationed in Katanga to oversee the withdrawal of foreign troops. The Belgian troops were slowly withdrawn, but white mercenary officers continued to command in the army of Katanga. There was recurrent trouble between the UN force and the Katangese, and attempts at reconciliation with the central government proved fruitless.

The situation grew steadily more volatile until early 1961, when the former premier Patrice Lumumba was murdered in Katanga. Under a new, stronger UN mandate the international force took control (1961) of Elisabethville (now Lubumbashi) and other strong points. An agreement (December, 1961) for reintegrating Katanga into the country proved abortive. In January 1963, UN troops routed Tshombe's forces and ended the Katanga secession.

In 1966 the central government nationalized Union Minière du Haut Katanga, the Belgian firm that had controlled most of the Katanga's mining interests. It was renamed Gécamines. In 1971 Katanga was renamed Shaba; the original name was restored in 1997. In the 1970s further insurrections were put down by the government with help from foreign nations, and in the 1990s there was again talk of secession. During the civil war that began in 1998, Katanga was divided between government and rebel control. Despite the 2002 peace treaty ending the civil war, Katanga has experienced factional Fighting that has displaced thousands. Gécamines has had difficulty in maintaining its operations and exporting its copper.

2.1.3. Kolwezi City

Kolwezi is a city in the south of the Democratic Republic of Congo, west of Likasi in the province of Katanga. It is home to an airport and a railway to Lubumbashi. The population is approximately 418,000

Kolwezi is an important mining centre for copper and cobalt. There are also uranium, radium, oxide ores, and lime deposits.

On May 12, 1978, rebels supported by Angola, occupied the city. The government of Zaire asked the US, France and Belgium to restore the order. The 2e REP, the elite paratroopers of the French Foreign Legion, were sent in to destroy the rebels, and succeeded despite tremendous odds. 250 rebels, 170 European hostages and 6 paratroopers died.

Near Kolwezi there is the static inverter plant of the HVDC Inga-Shaba.

2.1.4. Kalukundi Village

Kalukundi is located within Kolwezi District of Katanga Province in the south-east of the DRC. Its area is 60 Km to the east of Kolwezi and just 4 Km to the north of the main road between Likasi and Kolwezi. The village of Kisankala (see front cover) is situated close to the principal and North Fragments of the Kalukundi deposit.

2.2. Legal framework

The legal framework of the RAP describes all laws, decrees, policies and regulations relevant to the resettlement activities associated with a project. Many countries have legislation and policies governing land expropriation and compensation for affected assets. However policy-governing resettlement is often poorly defined, if not altogether lacking. ARL is committed to identifying, reviewing, and abiding by all laws of the host country that are applicable to land acquisition and involuntary resettlement

There are few specific laws and policies that govern the management of social issues and impacts of a mine particularly planned involuntary resettlement arising from either public or privately led development projects. The legal framework for resettlement issues derives principally from domestic laws pertaining to rights and procedures governing entitlements to land and other forms of property. Resettlement references within the constitution and land related legislation do in general underline respect for and the rights of private property owners to protect their property interests, highlighting the need for compensation for expropriated land or damages and consent from owners and the community for mining activities on or in the vicinity of their land, heritage sites, water resources or other key livelihood assets (e.g. plantation). Complementing and supporting these domestic requirements are international best practice standards most pertinently the **International Finance Corporation (IFC) Performance Standards**.

2.2.1. The DRC Mining Code

Compensation

The key legislation pertaining to the resettlement in the DRC is the Mining Code (Law No 007/2002 of July 11, 2002). The Code sets out in detail the way in which mining projects of any type may be undertaken. The Mining Code is supported by the Mining Regulations, which implement the provisions of the Code. The requirements for compensation are included in Title XI, Chapter II, Article 281 (see Figure 4).

Figure 4. Domestic legislative provision for compensation

Article 281: Compensation for the occupants of the land
<p>Any occupation of land depriving the rightful holders of enjoyment of the surface rights, any modification rendering the land unfit for cultivation, shall cause the holder or lessee of the mining and/or quarry rights, at the request of the rightful owners of surface rights, and at their convenience, to pay fair compensation, corresponding either to the rent or the value of the land at the time of its occupation, plus 50%.</p>
<p>Land, as referred to in the above paragraph, means the ground on which the individuals have always carried out or are effectively carrying out any activity.</p>
<p>Amicable settlement of the dispute may be made by any legitimate method other than resorting to the courts, especially by compromise, settlement, arbitration or before an Officer of the Judiciary Police or an Officer of the Public Ministry.</p>
<p>In the absence of an amicable settlement between the parties within 3 months from the date on which the dispute arises, the compensation shall be determined by the competent court pursuant to the rules on judicial organisation and jurisdiction in force in the DRC.</p>
<p>However, the usual occupant of the land may, in agreement with the holder, continue to exercise his right to cultivate the land provided the work in the fields does not hinder the mining activities. The owner of the surface rights shall than no longer continue to construct buildings on it.</p>
<p>Lastly, simply passing through the land does not entitle to pay compensation if no damage results there from. The act of passing must take place with a view to best conserving the environment.</p>

The Congolese State stipulates conditions under which the village can be relocated, particularly in relation to mining operations. The mining resources of the DRC, especially precious minerals, always attracted mining explorers and investors coming from all over the world therefore several decrees and by-laws were compiled including the Act N°007/2002 of 11th July 2002 on the mining code (source: official journal, special edition 11th July 2002) was enacted for this purpose.

While reaffirming ownership of the minerals of the national territory by the Congolese State, the Mining Code also emphasises the environmental constraints and the compensation of the land users paid by the

mining industry. Regarding the environmental constraints, the code imposes the applicant of the exploration permit to present an Environmental Impact Assessment (EIA) and a Project Environmental Management Plan (PEMG) to support the requested permit. Regarding the compensation of the land users, article 281 of the Mining Code establishes the following:

Any land use that deprives the eligible parties to make use of the land, any modification making the land unsuitable for culture leads, for the holder or the lessee of the mining and/or carrier rights, upon request of the parties entitled to the land and at their liking, the obligation to pay a fair compensation accounting for the rent of the value of the land, during occupation, plus half of this value. When referring to the land in the previous paragraph, we need to understand the land on which the people always carried on an activity of some kind and still do. The amicable settlement of the litigation is done by law but not in courts of law, especially the transaction, the compromise, the arbitration or before a criminal investigation department officer or before an officer of the public Department.

In case the parties can't settle the litigation amicably within three months from the date of the litigation, the compensations will be allocated by a court of competent jurisdiction in virtue of the rules of organisation and of the judicial competency in force in DRC. However, the customary land user can, in agreement with the holder, carry on exercising his cultivation right as long as the field works don't disturb the mining operations. But the owner of the land won't be able to carry on building on it. And eventually, the mere passage on the land doesn't entitle to any compensation or damage whatsoever. The passage must be in the best conditions for the conservation of the environment.

Restrictions on the use of land

Title XI, Chapter II: Holder's relations with the occupants of the land Article 279: Restrictions on the occupation of land of the Mining Code deals with restrictions on the occupation of land. The provisions of the section are particularly relevant to the finalisation of infrastructure routes and sites.

Figure 5. Domestic legislative provision for land occupation

Article 279: Restrictions on the occupation of the land
<p>Except with the consent of the competent authorities, no person may occupy land:</p> <ul style="list-style-type: none"> • Reserved for cemeteries; • Containing archaeological remains or a national monument; • Situated on or less than ninety metres from a dam or a building belonging to the State; • Close to National Defence installations; within an airport; • Reserved for railway projects; • Reserved for the planting of young trees or forest plantations; • Situated less than ninety metres from the boundary of a village, a town, a municipality or a city; on a street, a road, a motorway; within a national park. <p>Unless there is consent from the owner or legal occupant, no person may occupy land situated less than: one hundred and eighty metres from occupied, unoccupied or temporarily unoccupied</p> <ul style="list-style-type: none"> • houses or buildings; • forty five metres from land hoed and ploughed for farm cultivation; • ninety metres from a farm breeding cattle, having a reservoir, a dam or private water reserve. <p>The Governor of the Province, on the advice of the competent department of the Mines Authority may request the setting up of Perimeters of protection of any dimension within which exploration and exploitation of mineral substances may be subject to certain conditions or may be prohibited, without the holder of the mining or quarry title being able to claim any compensation whatsoever. Said Perimeters are for the protection of buildings and built-up areas, water sources, roads, civil engineering and public utilities works, as in all other cases where it would be necessary in the general public interest. Compensation representing the total expenses relating to the works or structures demolished or abandoned is however owed by the public entity concerned in the event the holder has to demolish or abandon works or structures duly erected by or commenced by him with a view to exploiting those Perimeters, prior to the setting up of said Perimeters.</p>

2.2.2. Customary practices

Rural people are often unfamiliar with the written law living rather according to customary law, which is recognised by the Congolese State. The custom mentions the possibility of relocating a village in a case of force majeure.

In undertaking the relocation, custom dictates for the village not to be located on places referred to as Mpembwe or Nsakwa. These places are fortresses or places of safety for the village residents in case of enemy attack. To protect residents these sites have been safeguarded against attack. ARL affirms that the Kisankala village relocation site is neither Nsakwa nor Mpembwe.

The custom further dictates the necessity of identifying fossils and **cemeteries** asserting that the strength of the village and its customary authority remains the permanent communion between the living and the dead. Having identified the need to relocate a cemetery site ARL has undertaken to adhere to the following customary law;

- Identification of the remains of the first inhabitant buried in the previous **cemetery**;
- Exhume the skeleton that will be buried in the new cemetery
- The eldest person in the village executes these ceremonies; provided that payment of taxes in nature and/or in cash is presented to the ancestors.

Relocation of the village requires taking into account sacred places, especially locations where contact with the spirits of the ancestors is made. These are the places where the tabernacle of the ancestor's remains is usually located. To this effect, compensation must be negotiated before relocation.

Finally, the relocation of the village must integrate all aspects regarding the living conditions of the relocated population.

2.2.3. Land tenure systems

All land in the Democratic Republic of Congo is vested in the State, and is formally controlled by the Cadastral Department. Use is granted by the State in terms of concessions.

2.2.4. World Bank and IFC policies, directives and guidelines

Whilst seeking to comply with DRC legal requirements, the overarching frame of reference for the resettlement is the policies, directives and guidelines of the World Bank Group (WBG). The key documents with reference to involuntary resettlement are;

- World Bank Operational Policy 4.12 (OP 4.12) on Involuntary Resettlement
- World Bank Bank Procedure 4.12 (BP 4.12) on Involuntary Resettlement
- IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement
- IFC Handbook for Preparing a Resettlement Action Plan
- The Equator Principles

World Bank OP and BP 4.12 on Involuntary Resettlement

World Bank OP and BP 4.12 require that involuntary resettlement should be avoided or minimized wherever possible. Where this is unavoidable, resettlement plans incorporating provisions for development must be formulated and widely consulted.

IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement

The IFC is in the process of introducing revised policies and standards in the context of social and environmental sustainability. A draft document entitled Policy and Performance Standards on Social and Environmental Sustainability was released in September 2005. This document will be the base for formal policies and standards to be adopted in 2006.

Eight Performance Standards (PS) underpin the new policy. These are:

- PS 1: Social and Environmental Assessment and Management System.
- PS 2: Labour and Working Conditions
- PS 3: Pollution Prevention and Abatement
- PS 4: Community Health and Safety
- **PS 5: Land Acquisition and Involuntary Resettlement**
- PS 6: Conservation of Biodiversity and Sustainable Natural Resource Management
- PS 7: Indigenous Peoples
- **PS 8: Cultural Heritage**

PS 5 addresses involuntary resettlement and builds on earlier World Bank Group policies and directives (particularly Operational Policy 4.12). As was the case under the earlier safeguards, PS 5 seeks to provide a framework for the responsible and transparent management of involuntary resettlement and economic displacement. In addition, it strengthens and clarifies many areas. These include scenarios of involuntary resettlement, negotiated settlement (as opposed to expropriation), living conditions at resettlement sites, the loss of collective assets, cash compensation, entitlements, security of tenure and private sector responsibilities under government-managed resettlement. An important change introduced in terms of PS 5 is the clarification of planning requirements for physical displacement and acquisition of land rights through eminent domain (expropriation) on the one hand, and for transactions that do not involve the physical displacement of people. In the former case a Resettlement Action Plan (RAP) is required. For the latter situation, the client is required to develop compensation procedures that meet the requirements of Performance Standard 5.

IFC Performance Standard 8 on Cultural Heritage

Performance Standard 8 recognises the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, this Performance Standard aims to protect irreplaceable cultural heritage and to guide clients on protecting cultural heritage in the course of their business operations. In addition, the requirements of this Performance Standard on a project's use of cultural heritage are based in part on standards set by the Convention on Biological Diversity. The objectives of the Performance Standard are outlined here:

- To protect cultural heritage from the adverse impacts of project activities and support its preservation
- To promote the equitable sharing of benefits from the use of cultural heritage in business activities

The Handbook for Preparing a Resettlement Action Plan (RAP)

The Handbook for Preparing a Resettlement Action Plan states, 'IFC expects the project sponsor to compensate affected people for loss of physical assets, revenue, and income resulting from economic displacement or physical relocation whether these losses are temporary or permanent'. As compensation procedures are not addressed in detail in under the DRC Mining Code, Regulations or Annexes thereto, the IFC Handbook is used for further guidance. It contains a number of definitions that are relevant to this process

Figure 6. IFC Compensation Definitions

Term	Definition
Compensation	Payment in cash or kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced
Economic displacement	Loss of income stream or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project and its major facilities
Replacement cost	<p>The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the asset plus transaction costs. With regard to land and structures, IFC defines "replacement costs" as follows</p> <ul style="list-style-type: none"> • Agricultural land – the Market value of land of equal productive use of potential located in the vicinity of the affected land, plus the cost of preparation to levels similar or better than those of the affected land, plus the cost of any registration and transfer taxes...(sections on Land in Urban areas and Household and public structures) • In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Action Point 1.

ARL affirms that this RAP will be implemented in compliance with both DRC and WBG requirements. Against this background, alignment with the international Equator Principles is ensured. The RAP based on the principles and objectives of the WBG.

3. Institutional Framework

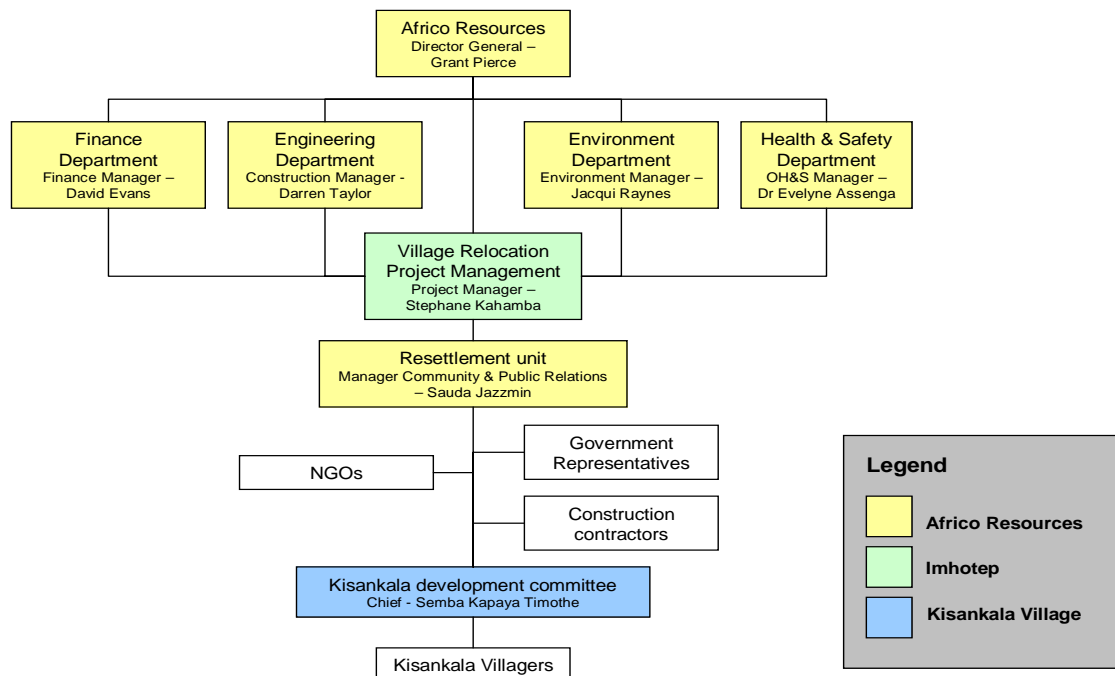
3.1. IFC Principle

The RAP must identify and provide details on the roles and responsibilities of all organizations – public or private, governmental or non- governmental – that will be responsible for resettlement activities. The IFC expects the sponsor to assess the capacity of these organizations to carry out their responsibilities.

3.2. Institutional responsibilities

ARL has identified the institutional responsibility (see Figure 7) for the implementation of the RAP. This institutional framework identifies key figures both within ARL and additional key stakeholders with vested interests in the undertaking of the RAP such as local and international NGOs, government representative, construction contractors, and representatives of the Kisankala village community.

Figure 7. Institutional Responsibilities



3.3. NGO Relationships

As highlighted in the organisational diagram above, ARL has undertaken to forge relationships with key local, national and international NGOs to increase its capacity in undertaking the proposed RAP. Figure 8 outlines key relationships, which have already been established by ARL with NGOs and Figure 9 delineates proposed relationships, which ARL intend to broker in the future.

Figure 8. Current NGO Relationships

Location	Name	Contact	Meeting	Discussed
Local	AMOCONGO: local NGO dealing HIV/AIDS care and prevention activities	Veronique Mbuya Manager of KAMALONDO AMOCONGO CENTER +243 997 022 561 Dr. Lucien, General Manager	March 2007: Evelyne Assenga	Future cooperation in dealing with: <ul style="list-style-type: none"> • HIV/AIDS and STIs awareness for employees and community • Training of clinic staff (site and village) on Voluntary Counseling and Testing for HIV • Training Peer Health Educators amongst the workforce and in the community • Provision of informational material i.e. leaflets and posters • Invitation for mass awareness campaign within the community.
Local	SOPSY	Lubumbashi:		Wheelchairs for kids
Local	Maison Wengi	Kolwezi:		Wheelchairs for kids
National	Division of Social Affairs, DIVAS			Wheelchairs for kids
International	PACT Congo (PACT World International)	Christian Roy, Project Director, pactchristian@ic-lubum.cd +243 997 105 012 Rachel Perks, Specialist Conflict Resolution drcrachel@gmail.com +243 812 789 017	March 2007: Evelyne Assenga	Community initiatives which we will engage their participation in including: <ul style="list-style-type: none"> • Education particularly the running of the village relocation school • Health care and support in running the village relocation clinic with the mining providing input • Training on small scale business entrepreneurship: farming etc • Women empowerment programs esp. adult education • Role of mining companies in working with NGOs for support of artisanal mining initiatives
International	UNICEF	Paul Fiszman Adminstrateur du Programme Protection des groupes vulnérables UNICEF RDC Bureau Zone Sud e-mail: pfiszman@unicef.org mobile: +243 (0)818996979	March 2007: Grant Pierce	Wheelchairs for kids

Figure 9. Proposed NGO Relationships

Location	Name	Contact	Meeting	Discussed
Local	EMAK		To be arranged by Stephan	Artisanal miners
Local	CDF		To be arranged by Stephan	
Local	Asadho/ Katanga	Rigobert Kapepula Tel: +243 81 403 4591 rigokap@yahoo.fr Mr. Freddy Kitoto Tel: +243 98246147 Mr Georges Kapiamba gkapiamba@yahoo.fr	To be arranged by Jean	Human Rights
Local	SAESSCAM	Mr. Leon Tambwe Tel: +243 81 571 46 68 Tel: +243 89 84 544 02 ltambo2007@yahoo.fr 5.Av. Tulipiers Q. Bel-Air Commune Kampemba Tel:+0243 99 87 89 067	To be arranged by Jean	Mining Activity
Local	Union des Ecologistes Forestiers	350, Route Kipushi / Commune de Lubumbashi didkutakut@yahoo.fr Tel:+243 99 702 7966	To be arranged by Jean	Environment
Local	Action against impunity for human rights (ACIDH)	Mr. Umpula Nkumba Emmanuelumpula@yahoo.fr 317, Av des Usines Q Makutano Tel:+ 243 99 72 93 831 Tel:+ 243 99 71 08 022	To be arranged by Jean	Human Rights
International	CICR (Red Cross)		To be arranged by Dr Evelyne Assenga	The Lubumbashi Head Office is mainly a logistic office; they referred us to their Kolwezi Branch which we are yet to visit to discuss possible community intervention programs.
International	Human Rights Watch	2 nd Floor, 2-12 Pentonville Road London N1 9HK, UK Tel:+ 44 2077 13 1995 Fax:+44 20 7713 1800 hrwuk@hrw.org	To be arranged by Emily	
International	CAFOD	Romeo Close, London SW9 9TY, UK Tel:+ 44 20 7733 7900 Fax:+ 44 20 7274 9630 cafod@cafod.org.uk	To be arranged by Emily	
International	Vision Mondiale			
International	Group One	Mr. Costermans Tel: + 243 99 84 948 63 rdcongo@groupeone.be Mr. Quentin Antoine Rue Theodore Verhaegen 150 B-1060 Bruxelles Tel:+32 (0) 2 534 1024 Fax:+32 (0) 2 538 5460 Quetin.antoine@groupeone.be www.groupeone.be	To be arranged by Jean	Women and Child labour

4. Magnitude of displacement

4.1. IFC Policy

According to IFC PS 5 in assessing the magnitude of displacement and likely socio economic impacts of the relocation project ARL affirms the differentiation between 'physical' and 'economic' displacement in undertaking relocation of the Kisankala village (see Figure 10).

Figure 10. IFC Definition of displacement

Physical displacement

- Actual physical relocation of people resulting in a loss of shelter, productive assets or access to productive assets (such as land, water and forests)

Economic displacement

- Results from an action that interrupts or eliminates people's access to productive assets without physically relocating the people themselves

Involuntary resettlement

- Resettlement is considered involuntary when affected individuals or communities do not have the rights to refuse land acquisition that results in displacement This can occur in cases of;
 - Lawful expropriation or restrictions on land use based on eminent domain
 - Negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail

Kisankala Village has a population of more than 2,361 (including both temporary and permanent residents) people living in 643 houses. During the resettlement, these houses will be moved to a new location in the south of the mine permit along the access route to the mine from the main Kolwezi highway.

The resettlement action plan relocates the current residents of Kisankala Village to an appropriate location, mutually agreed between ARL and the local population. The plan will involve the construction of approximately 70 new houses, provision of water and sanitation facilities and the clearance of vegetation for roads and agricultural fields at the agreed site.

4.2. Impacts of displacement

Potential social impacts of relocation include:

- the inconvenience caused by the moving of personal items and goods, etc
- disruptions to businesses currently operating in Kisankala Village during the move, breaking of cultural attachments to the land (the need to undertake a leaving ceremony)
- ceremony has been highlighted by the chief,
- leaving behind the Kisankala Cemetery and the resultant increase in distance and danger (arising from mine activities) when undertaking to visit the cemetery from the new site,
- trauma caused by the demolition of existing housing and buildings to make way for the project.
- likely increase in distance between artisanal miners and ore fragments they work on

Potential environmental impacts of relocation include:

- the removal of 8ha of Dry Congo Tropical Woodland,
- increases in soil erosion caused by land clearance,
- impacts arising from waste and sewerage disposal (land contamination and habitat disruption) and increases on the demand for water in the local area.
- loss in agricultural productivity

Potential positive impacts include:

- ARL will provide better housing for the relocated persons,
- ARL will provide better water and sanitation facilities, in a cleaner better planned village,
- Local labour and materials will be used in the construction of the village (boosting the local economy),
- New schools and clinics will be built,

- New roads will be built.
- The population will be closer to Kisanfu an established railway town, the railway itself and the Likasi Kolwezi Road providing access to more markets and more people to sell goods and services to

4.3. Key issues

Cemetery

There is a cemetery on the south west side of Kisankala, which falls within the concession area. Moving the cemetery will be incorporated into the relocation plan in accordance with customary law and in compliance with the IFC Performance Standard 8 (Cultural Heritage).

Action Point 2.

In addition to the identification of these socio environmental and positive impacts, ARL will further analyse the likely vulnerability of the village residents in the face of relocation

5. Socio-economic Baseline Information

5.1. Institutions and organisations

5.1.1. Provincial government and administration

The provincial capital of the Katanga Province is Lubumbashi, situated approximately 220km from PE 591. The official administrative structure follows provincial divisions, with official representation apparent from sector level up to territory level (headed up by a Territory Administrator) and then on to district, provincial and national levels. More traditional tribal governing systems operate from the sector level downwards.

Katanga Province is the wealthiest province in the DRC (formerly Shaba Province until 1997). The province is endowed with minerals and is rich in copper, cobalt and uranium.

The permit falls within the administrative boundary of the Kazembe Grouping (lowest level of administration) of which Chief Makonga Kazembe is administrator. Kisankala Village is part of the Kazembe Grouping, which forms part of the Luilu Sector, which is part of the Mutshatsha Territory, of which Mutshatsha town is the territorial capital.

5.1.2. Local authorities

The Chief has the overall responsibility for all administrative and customary roles including local courts, traditional police and tax collection within the permit area. A Council of Notables or Village Keepers, a secretary and a traditional judge assist the Chief in his duties.

Individual village headmen are the last tier of authority. The village headmen have no courts, police or council of notables. The authority of the Chief and headmen are based on traditional values, which are kept in high esteem. Kisankala Village is one of the villages within the Kazembe Grouping and so the village chief, Chief Nsemba Kapaya reports to Chief Makonga Kazembe.

5.1.3. Non Governmental Organisations

There are no community-based or non-governmental organisations operating in Kisankala village. However, Vision Mondiale (World Vision) is one of the prominent NGO's with Area Development Projects in other villages along the Likasi-Kolwezi road.

5.1.4. Landowners within the Kalukundi Concession

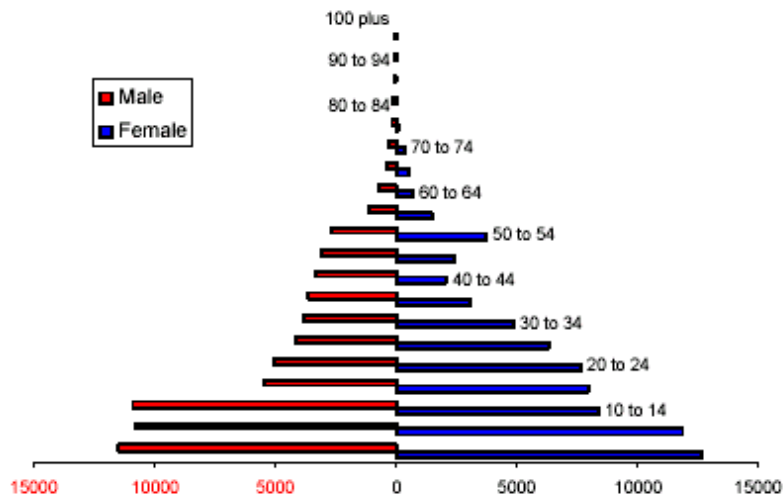
There is no record or evidence of land ownership or certificates allowing exploitation of natural resources within PE 591 apart from traditional rights to land controlled by local authorities.

5.2. Population and culture

The population of the Katanga Province is around 4.4 million (2001), of which a large proportion, live in or around the provincial centre, Lubumbashi. The current population growth rate is estimated to be almost 4%. Statistics taken for the country as a whole indicate that some 48% of the population is made up of children aged between 0 and 14 years.

Population statistics contained in the "Rapport Territoire de Mutshatsha, 2003" indicate that there is a total population of 144,445 people in the Mutshatsha District, of which 20,343 people live in the Kazembe Grouping. Figure 11 is a population / age pyramid showing the total population of males and females of all ages within the Mutshatsha Territory. The pyramid indicates that birth rates are high. Infant mortality and general mortality rates are also high with less than half the people born likely to reach the age of 20.

Data was extracted from the "Rapport Territoire de Mutshatsha, 2003" which explained that the main industries in the Mutshatsha Territory are mining (Gecamines), electrical supply (SNEL) and CEPEC (Centre d'Execution des Programmes Socio-Economique) which promote sanitary health, agriculture and safe home environments. Commerce in the Mutshatsha Territory consists of business, commercial centres and boutiques. Police stations and local markets are also found in Mutshatsha Territory with 13 and 9 respectively within Mutshatsha and the Sectors of Mutshatsha.

Figure 11. Population / Age pyramid


5.2.1. Local Population

A general census and detailed census was undertaken of Kisankala village by AMC on the 19th of January 2005. The general census involved an initial count of all residents in the village in the form of a house to house survey that identified the number of persons per household and type of housing unit. The housing units were characterised into four main groups as follows:- Permanent / Thatch Roofing - Housing with a permanent nature (adobe bricks and thatch roofing – Plate2); Permanent / Iron Sheeting - Housing with a permanent nature (adobe bricks and iron sheet roofing – Plate3); Semi-Permanent- Housing of a semi-permanent nature (wood / bamboo and mud plastered walls with thatch roofing – Plate 4); and Temporary Housing - Temporary housing (made of waste materials, bags, sacks and wood or bamboo poles – Plate 5). The results of the general census indicated that Kisankala has a population of 1064 individuals living in 209 housing units of which 76 are permanent housing (thatch roofing), 9 are permanent (iron sheet roofing), 37 are semi-permanent and 87 are temporary (see Figure 12). A register of all residents is included in Appendix 1.

Figure 12. Original housing census

Type of Housing Unit	Number of Units	Number of people
Permanent/ thatch roof	76	321
Permanent/ Iron Sheet Roof	9	48
Semi- Permanent/ Thatch Roof	37	201
Temporary Housing	87	494
Total	209	1,064

The census was updated from the 21st to 23rd of February 2006 and it indicated that Kisankala Village has a population of 2,361 individuals living in 647 housing units of which 78 are permanent housing (thatch roofing), 20 are permanent (iron-sheet roofing), 48 are semi-permanent and 501 are temporary (see Figure 13).

Figure 13. Housing and population in Kisankala Village (23/02/06)

Type of Housing	Number of units	Number of people
Permanent/ Thatch Roof	78	442
Permanent/ Iron Sheet Roof	20	63
Semi- Permanent/ Thatch Roof	48	223
Temporary Housing	501	1, 633
Total	647	2, 361

The census was undertaken in order to identify persons with the most at stake in terms of any resettlement by detailing demographic information (see below) in order to formulate an appropriate and fair Resettlement Action Plan. This census detailed the following information:

- Name
- Age
- Sex
- Profession
- Housing Type
- Details of Owner
- Income of Household
- Years in Kisankala
- Marital Status
- Number of Children and Dependents
- GPS (UTM) Coordinates
- House Dimensions (width, length and height) and
- Included a digital photo of the residence.

This census information is presented in Appendix 1. A geographical information system has been developed by AMC which links housing locations on a digital map to the census information including digital pictures.

5.2.2. Ethnic tribal groupings

There is a diverse mix of ethnic or tribal groupings with their own languages within PE 591. The main tribes found are Basanga, Baluba, Lunda, Chokwe, Bemba and Kaonde. The largest tribe in PE 591 is the Basanga. The main language spoken within the Kazembe Grouping is Kinsanga but the local people also speak French Chokwe, Lunda and Swahili. Swahili is the dominant language in Kisankala Village.

5.2.3. Religious practices and beliefs

The main religion in the region is Christianity; the Catholic Church dominates with a minor Protestant following. Other denominations include Methodists, Pentecostals, Jehovah's Witness's, and the Garengaze. Animist beliefs are also to some degree part of the local traditions.

Christianity is the main religion practised in Kisankala village, although there is also a small Muslim representation in the village indicated by the presence of a mosque. The churches found in Kisankala village include Église Methodiste-Unie (United Methodist Church), Communauté Des Assemblées De Dieu Au Congo CADC 37e (Community of Assemblies of God Churches in Congo), Communauté Pentecotiste au Congo CPCO 30e (Pentecostal Churches of Congo), Tabernacle.



Plate 2 Permanent/Thatch Roofing



Plate 3 Permanent/Iron Sheetting



Plate 4 Semi-Permanent



Plate 5 Temporary Housing

5.3. Housing

The village is made up of a mixture of housing types. This ranges from the solid looking pole and adobe plastered houses with thatched roofs or corrugated iron sheets to semi-permanent structures of poles covered with plastic sheeting or sacks with white and blue UNHCR tents covering roofs. The majority of housing is of a semi-permanent nature with households being inhabited on average by 4-5 males. The average permanent family unit consists of 7 persons. Two parents will support at least three children and an average of two relatives/dependants per household. The household is normally broken up into rooms depending on sex and family standing. There is usually one room for the parents, one room for the female members and dependants and one room for the male dependants. Larger homes will also have a communal room and kitchen.

5.4. Local Diet

Maize is the main staple food within the permit area. Cassava, vegetables, potatoes and wild fruit supplement the staple food. Dried salted fish are consumed as well as bread, biscuits and tinned items from Kolwezi. The main locally produced beverage is opaque beer (Munkoyo) brewed from maize or millet.

5.5. Incomes and Livelihoods

5.5.1. Incomes

GDP per capita in the DRC is estimated to be \$680 per annum (*Source: United Nations Human Development Report, 2003*). No estimation of local incomes has been made by territory administration but it can be estimated that annual income levels do not exceed \$400 per capita. The census detailed monthly income in Kisankala Village, However not all residents divulged their incomes which purportedly ranged from 13US\$ to 2000US\$ per month. Those who did divulge their salary claimed that the average income was 252US\$ per month per household or 3,024US\$ per annum, which is well above regional norms.

Figure 14. Income by sector

Livelihood	Number of Households	Expected Income US\$ per Month
Baker	4	Up to 2,500
Builder	1	60
Cook	1	5
Teacher	2	-
Driller	10	10 – 160
Farmer	55	6 – 175
Vendor	86	15 – 1,938
Guard	9	50 – 375
Miller	1	435
Hotelier	3	400
Cinema	2	15 – 30
Pastor	6	4 – 500
Pharmacist	1	-
Shopkeeper	5	1,500 – 2,300
Tailor	1	1,500
Carpenter	1	50
Brewer	1	15
Nurse	3	18
Policeman	2	31.25
Barman/Owner	5	18 – 600
Cleaner	9	8 – 22
Butcher	1	-
Restaurant Owner	5	Up to 3,000
Hair Dresser	1	-
Salon	1	500
Midwife	1	300
Charcoal/Water	5	5 – 75
Retired	2	0
Swanmines Employee	7	80-200

5.5.2. Agriculture

There is very little agricultural activity in and around Kisankala Village. Only six agricultural plots were identified within the Kalukundi Concession, most of which were clustered along the Kisankala Stream and another local stream nearby. Residents reportedly used to be more active in agriculture prior to the collapse of Gecamines agencies which used to provide inputs such as fertilizer and pesticide. This assistance ceased just as artisanal mining activities began, and today most residents are involved in artisanal mining or selling activities, or related economic activities such as running bars and shops. Cassava is the most important crop within the concession area, followed by maize. Wild fruit and cultivated vegetables supplement the staple diet. Small numbers of livestock are maintained in order to feed the villagers, including chickens (rare), goats and pigs. Vegetable fields and plantations are found close to villages and on fertile soils along watercourses. Non-staple foods include banana, onion, tomatoes, cabbage, groundnut, pumpkin, beans, mango and sweet potato. A great variety of wild plants and fruits are an important part of the diet. There is no large-scale commercial agriculture within the concession. Figure 15 highlights the seasonal agricultural calendar.

The lack of transport to Kolwezi or Likasi is a major constraint for the local rural economy. It is difficult to transport crops from Kisankala Village to markets because there are none locally and so market gardening is limited. There is only a small area of land along the Kisankala River, which extends 50m from the riverbanks that is being used for agriculture. This is lying almost exclusively fallow.

Figure 15. Seasonal agricultural calendar

Kisankala Village: N° Types de culture, Sowing months, Harvesting months

Crop	Sowing months	Harvesting Months
Maize	October-December May:	June
Beans	November-December:	February
Groundnuts	December-December	January
Onions	October-December:	January/ 2 months later
Beans	February- End of February:	May
Cassava	November-January:	2 years later
Potatoes	December-January:	May

5.5.3. Livestock rearing

According to the Territory's 2005 annual report there are 16 cows, 92 sheep, 303 goats, 118 pigs and 254 farm animals. Rearing is free in the Kisankala village. Chicken, ducks, turkeys, pigs, goats, etc. range freely around the village and sleep outside. In September 2006, a rearers' supervision committee was established. Its aim is to survey rearers and their livestock (goats and pigs) and to supervise them.

The rearers are faced with the following problems:

- lack of food for the cattle
- lack of veterinary products against disease
- conflicts between the rearers and the other residents of the village because of free range of animals.

5.5.4. Timber

The Mutshatsha territory is composed of grass savannah in some places and wooded savannah on an important portion of the territory. Therefore, the Mutshatsha territory has an important variety of timber that can be used for various purposes: including heating and art. There is 153 m³ of rough timber from Mpumba to Kansanse.

The extraction of valuable timber has taken place in the past and is continuing, though hampered by the poor road infrastructure. Timber is also extracted for charcoal burning. The extent and intensity of timber extraction within PE 591 is not extensive with most flora currently in a relatively undisturbed state.

5.5.5. Artisanal Mining

The evidence of past artisanal mining activities is extensive in the Swanmines concession area, and in particular the cobalt reserves found in the C5 Principal South-West Deposit. There are other smaller artisanal operations on the C5 Principal Anticline and the Kalukundi North 1 and North 2 Fragments. These large-scale activities were stopped in October 2004 and very little artisanal mining has occurred on the Kalukundi Concession PE 591 since that date. The high price of cobalt and the demand for heterogenite has led to an increase in the artisanal activity in the area and some excavations are now fairly deep. The ore is mined and brought to the surface by individuals. It is sieved, washed, sorted and then packed into maize meal sacks and then collected by truck. Even despite the amount of heterogenite and concentrate moved there is little evidence of any wealth within the Kisankala Village. A detailed analysis of the intensity, scale and organisation of the artisanal mining is not known.

According to the mayor of Kolwezi, there are 1,500 formal diggers supervised by the Association d'Exploitants Miniers Artisanaux du Katanga (EMAK) in Kisankala, all of whom work for Nomimet. This figure does not take into account the informal diggers. However, SAESSCAM, who is in charge of supervising the diggers on the sites, managed to count 760 diggers at the end of September, while at the beginning of this same month, the mining department of the urban-rural district of Kolwezi counted 800 diggers living in the Kisankala village. There has been a progressive drop in artisanal and small-scale mining since the space reserved to the artisans has become restricted.

According to the president of artisanal and small scale mining in the area of Kinshasa, Mr Mulunga Kabwese Seya, the average monthly income for an artisanal digger isn't more than US\$100. When artisanal miners are able to access the 7 hills surround Kisankala village, the average monthly income could reach US\$300.

The artisanal mining population of Kisankala Village is far greater than that of 'original' inhabitants and their presence and activities dominate most aspects of village life. As a large number of artisanal miners will be physically displaced along with the village, it is important to understand what they do, where they come from and their expectations concerning both the relocation process and the Kalukundi Project. The following anecdotal information was obtained from meetings with the Chief of Kisankala Village, local artisanal miner representatives and EMAK representatives in Kolwezi during the May 2007 site visit.

Origin

Diggers at Kisankala Village originate from throughout Katanga Province. Key feeder towns reportedly include Kamina, a large town several hundred kilometers to the north of Kalukundi, Luena, a smaller town south of Kamina and Kolwezi, the District capital which is located roughly 60 km west of site. Diggers work six days a week, with a half-day on Saturday. Most reportedly stay in Kisankala Village over weekends, as it is too far to go home, although those that have homes in Kolwezi sometimes return over weekends.

Employers

Most of the diggers work on behalf of Nomimet, a Pakistani company leasing the Goma and Kinshasa Fragments from the Presidential Family, who in turn have an agreement with COMIDE. Nomimet apparently recruits diggers on behalf of the Presidential Family (the Kabila Clan), indicates where they should work and supervises this work. Ore produced at the Goma Fragment is sold directly to Nomimet at prices established by Nomimet. According to EMAK, the Government has instructed Nomimet to cease operations at the Goma Fragment until a processing plant is established, and also to provide proper employment to artisanal miners. Although work has ceased on Goma Fragment whilst a processing plant is imported and set up, nobody has been formally employed. Nomimet has also refused to provide workers with personal protective equipment (PPE). It was evident from a short visit paid to the Kinshasa Fragment that under-age workers are being used by Nomimet.

Access to fragments

Diggers are currently working three 'fragments', namely Goma, Kinshasa and Baraka. Kinshasa Fragment straddles the Kalukundi Concession boundary; 'Goma Mining', operated Nomimet on behalf of the Presidential Family, has moved its border beacon to this point, whereas in theory their land begins 2 km further away and COMIDE owns the concession rights. It seems that all are being controlled by Nomimet currently, although only the Goma fragment falls within their lease from COMIDE. Diggers either walk to the fragments from Kisankala Village or are transported by Nomimet. Until recently Somika, one of the main 'maisons' trading in artisanal ores, reportedly had a contract with the Presidential Family and also provided transport/trucks. However it appears that Somika may have lost its contract recently in favour of a Chinese contractor. Some diggers live in Kisanfu, roughly 7 km from Kisankala Village and further from the fragments – distance does not appear to be a significant barrier for them.

Fatalities

There have been two fatalities at Kinshasa Fragment and one at Goma Fragment in the past four months. No statistics are kept at either site.

Organization

EMAK has a Kolwezi leadership structure as well as two main site representatives (names provided in table on first page). They appear to have a good understanding of historical happenings involving artisanal miners at Kalukundi as well as some of the challenges that the company faces moving forward. EMAK should be involved as an interface with the diggers in future. Interesting points raised by EMAK included:

- Possible designated artisanal mining sites are being proposed at Tombolo (near Nzilo) and Kawama (approx. 8 km from Kalukundi). Kawama has 7 hills, 2 of which EMAK has control over and the rest Chinese. There is reportedly another outcrop near Kawama where there is uranium and if people dig their noses bleed.
- A suggestion to prepare a place for artisanal miners to move to when Kisankala Village relocates, preferably separate from but close to the relocated village.
- A suggestion that the company could make use of skilled persons from within the ranks of artisanal miners once construction / operations commences

Diggers are not yet formally represented on the Village Development Committee, although several are on the Committee as business owners.

Pricing, wages and selling process

The recent ban on exports of raw material has reportedly had a definite negative impact on artisanal mining and pricing. Accurate numbers are very difficult to obtain and clearly vary widely. One estimate of wages indicated that, depending upon how strong a digger is, earnings range from roughly 5000 – 20000 congolese francs per day (\$10 – 40). Other estimates indicate that diggers make roughly \$100 / month, or roughly \$5 / day. Diggers are paid daily, per kilogram and negotiants are paid per ton. Diggers sell to Nomimet at the Goma Fragment for 60 Fr/kg. At the Kinshasa Fragment, ore is sold to negotiants; where these do not have sufficient funds to absorb all the ore, it is brought back to the village. Current prices at the village are approx. 100 Fr/kg. Ore is sold on by negotiants to maisons, of which there are apparently a large number. Ore is graded for pricing purposes; for example, 3 % Cu is sold for \$150/ton, whereas 20 % Cu is sold for \$200/ton. The ore being mined at the Goma and Kinshasa Fragments is reportedly mostly cobalt rich; at Baraka Fragment both copper and cobalt are being mined. Ore is typically washed, sieved and sorted to increase its quality before being sold in 50 kg sacks. There is no way to save money and most spend it immediately; banks are not trusted and there is no education on financial aspects of this short-term livelihood. If EMAK holds workshops, it is for its own representatives and these are held in Kolwezi.

Attitude to relocation

Although artisanal miners are aware of the pending relocation, there has reportedly not been much discussion as to what would happen to them. The prevailing attitude appears to be 'everyone for themselves'. Because they have other homes to go back to, their exact location is not too much of a concern; some already live in Kisanfu, which is further from the fragments than even the proposed relocation site. There is apparently a place closer to the fragments (Goma and Kinshasa mainly) with water available, but there is no existing settlement there. Their 'employer' (i.e. Nomimet) will 'have to decide' on such an option.

Historical displacement of artisanal miners from Kalukundi Concession

Approximately 4000 diggers initially worked alongside Swanmines on the Kalakundi Concession in 2004. Buyers had trucks and reportedly made most of the money. Swanmines made a decision in October 2004 to buy ore directly from the diggers, registering around 500 of these diggers in the process. However, when Swanmines assayed ore provided by the diggers, the quality turned out to be very low. The delay associated with the assaying process coupled with the lower price subsequently offered to diggers triggered a demonstration. Diggers lifted the barrier gate off its hinges, burned it, and brought it to the camp gate, demanding to speak to management about their grievances.

The Swanmines site camp was vacated for security purposes and the Mayor of Kolwezi, President of EMAK, Chief of Police and chief of the local ANR (secret police) were informed of the problem. Artisanal miners were then instructed by the authorities to cease their activities on the Kalukundi Concession, and were given three months to remove any product that had already been mined. Artisanal exploitation stopped in November 2004. Thirty military police personnel were sent to site to enforce the Government's instructions and this force – ordinarily based in Kolwezi - remained until late 2006, albeit on a reduced scale (15 persons). No confrontations were reported, although occasional arrests were made when diggers and their mine police backers attempted to access the concession fragments after the ban. Swanmines paid the salaries of the military police from late 2004 until late 2006 and provided them with food. Fragments are now patrolled by BRAS security, the private Congolese firm working for Swanmines/ARL. There are currently 46 BRAS personnel stationed on the concession, and BRAS has its own camp below the exploration camp and adjacent to Kisankala Village. It seems likely that the number of BRAS personnel will soon be increased to 62, to cover new site activities. BRAS personnel are unarmed and carry rubber batons only.

5.5.6. Petty Trading

There are a number of stall stands, usually manned by young men and women along the central thoroughfare stocked with shoes and clothes and other consumer items. Although a number of these stalls stock second-hand (used) clothes there are some with brand new items. It is not uncommon to find items of clothing displayed on the ground, especially near the food market. Other stalls in the village stock food products, including tinned items, biscuits and other groceries. Pharmacy stalls in the village sell health and beauty products. The food in the village is bought and sold at the market. The market stalls stock fresh fish from Lualaba (35km away), dry fish from Likasi and Lubumbashi (120km away). Tomatoes and onions are brought in from Likasi and vegetables from Fungurume (40km away).

5.5.7. Hammer Mills

The village has two functional hammer mills for milling maize for staple food.

5.5.8. Catering

The restaurant owners committee identifies, more or less 30 known restaurants. In these restaurants, the client can order dishes appearing on the daily menu, often made of bukari, rice, potatoes, beans, meat, fish, fries, vegetables, tea, and coffee. They are open from 6am to 11pm. The income of a restaurant owner ranges from US\$ 45 to US\$100 per day. The restaurant owners encounter three major problems in the Kisankala village:

- the lack of transportation inhibiting the import of food to Kisankala village
- the lack of drinking water in the village (all the residents drink the water from the Kisankala river)
- the fluctuation in the food prices.

5.5.9. Hotels

Makeshift houses are officially used as accommodation, and are called hotels in the village. However, other houses are playing the same role without being governed by the regulations in force. These institutions are not recognised by the local authority. In 2005, four official 'hotels' accounted for a combined accommodation of 40 rooms, with prices ranging from between FC500 and FC1,000 (\$1 – 2) according to the quality of the room. The major problem is the lack of financial agency to upgrade the standard of accommodation.

5.5.10. Other Activities

The women maintain the households as well as carry out gardening, agricultural activity and run small shops. There is very little recreational activity in the area. There are several bakers in the village producing bread on a daily basis. Most of the people in Kisankala Village are small-scale vendors with market tables or small shops. **Most households are engaged in artisanal mining-related activities to some degree, either directly or as service providers to the many diggers living in the village.**

5.6. Education

Before 2005, there were no schools in Kisankala the closest being located 4km from Kisankala, in Kisanfu. However, built in 1954, this primary school is in a bad condition.

Secondary schools are located in Lubumbashi, Likasi and Kolwezi. However since the 25th of October 2005, a makeshift primary school was opened with 4 classes divided between two rooms in the church of the Pentecostal community in northern Katanga.

Figure 16. Number of pupils 2005 – 2006 and 2006-2007 (Classes)

Classes (primary school level)	Number of pupils 2005-2006			Number of pupils 2006-2007		
	Girls	Boys	Totals	Girls	Boys	Totals
1 st	13	14	27	12	13	25
2 nd	3	9	12	11	12	23
3 rd	4	11	15	2	9	11
4 th	-	-	-	4	10	14
Totals	20	34	54	29	44	72

Sources: - Prize list of the Ufungulivu primary school, 2005 – 2006;
List of the pupils registered in the Ufungulivu primary school, 2006 -2007

The percentage of children in full-time education is low at 6%. The annual growth rate of pupils in primary education within the village is 26%. The 5th primary school year will commence in 2007-2008 which will necessitate the building of a new classroom. However, there is a strong school drop out rate (see Figure 16), especially amongst older girls. This is a product of the image of women in the community. Sensitisation measures for both children and their parents will become necessary to compensate for this. The organisation of adult literacy is also a key factor.

Secondary and tertiary education facilities can be accessed in Kolwezi, Likasi or Lubumbashi.

5.7. Health

There are five health care centres in the Luilu sector for a population of 93,246 inhabitants, as highlighted in Figure 17.

Figure 17. Number of health care centres / Luilu sectors

No	Location	Public	Private
1	Kasombo (Kasania)	1 health care centre	1 health care centre (landrevy)
2	Lualaba-gare	2 health care centre	1 health care centre Tshiwanga 1 health care centre Matshata 1 health care centre Methodist
3	Mwamfwe	1 health care centre	1 health care centre Methodist
4	Tshamudenda	-	1 health care centre Methodist
5	Kaminbi	1 health care centre	1 health care centre Colombe 1 health care centre Vanité

Source: Annual report 2005. Mutshatsha Territory. p. 35.

In the Kisankala village, there is one small private clinic and an adjacent pharmacy. Basic healthcare services are provided here, and the owner (an ex-Gecamines male nurse) has reportedly obtained Government certification recently. The closest and the most significant hospitals are located in Kolwezi and Likasi.

The most predominant diseases in the area are Malaria, TB, Schisosomiasis, Diarrhoeas, Anaemia and HIV/AIDS. The majority of the population rely on traditional medicine. The closest Government clinic is the SNCC (Société Nationale des Chemins de Fer Congolais, National Congolese Railways company),

located in Kisanfu. Staff interviewed at the SNCC clinic indicated that on average, 7 to 10 patients from Kisankala sought treatment without being interned. Malaria, diarrhoeas and sexually transmittable diseases make up part of these cases.

The consultation fee at the clinic is F50 and patients must pay for all prescribed medicines. The in migration of young men and women to the village could contribute to an increasing risk of HIV/AIDS infection. Furthermore, the Chief is concerned about the increase in prostitution over the last two years from Likasi, Kolwezi and Lubumbashi, following an increase in artisanal mining. The staff from the SNCC clinic have noted five new cases of HIV/AIDS. However an analysis of available infrastructures indicates that this diagnostic is quite unlikely to be accurate.

5.8. Water Supply and Sanitation

According to the 2006 AMC report, the quality of the water of the Kisankala river is affected by population living up to 600 m away from the river. Constant abstraction of water from, washing of heterogenite in, agricultural activities and spills of wastewaters coming from the latrines into, the rivers located in the area, have an impact on the water quality.

The village draws its potable water from a stream about 600 metres fed by Kisankala spring. People use pit latrines for sanitation.

There are no sewage reticulation or water supply facilities within the permit area.

5.9. Infrastructure and Communications

The nearest major town is Kolwezi (60km west of PE 591). Access to the permit can be gained from Kolwezi via the degraded Likasi-Kolwezi road, which passes 1.5km to the south of the southern Boundary of PE 591. The road network throughout the area is in a state of disrepair and access within the concession is difficult.

5.9.1. Railway

The electrified SNCC Kolwezi to Likasi railway passes 2km south of the southern boundary of PE 591. The nearest station to the permit area is Kisanfu located 7km from the centre of the project area. The railway line is in use and currently in a good condition. A substation and transformer yard is located near Kisanfu station, with power from the 110kV incomer supplying the overhead railway cables at 25kV.

5.9.2. Power lines

There are three major regional power lines, which pass through the southern part of PE 591. The high tension (HT) power lines travel in an generally east-west direction from various hydro electrical schemes along the Congo River, along a common line, with a width of 200m. The tower structures holding up the HT line are generally interspaced by 200m. The northern most line carries power from the Inga Barrage (500MW) to Zambia and South Africa. The Central line carries power from the Nseke barrage (264MW) and the southern most line carries power from Nzilo (64MW), Mshu (30MW) and Koni (45MW) Barrages for local distribution. The southern most line provides power to the Kisanfu station transformer.

5.9.3. Communications

There are no landline telephone connections but cell phone coverage was introduced March 2005 and then updated subsequently to improve the coverage.

5.10. Restricted Areas

There are no restricted areas on the site.

6. Consultation, Participation and Disclosure process

6.1. Key IFC Principle: free, prior and informed consultation

Following the disclosure of all relevant information, ARL 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 payment and resettlement to achieve the outcomes that are consistent with the objective of the Performance Standard.

IFC stated aims of the consultation process

Projects resulting in the physical or economic displacement have special consultation responsibilities in addition to IFC's regular public disclosure and consultation requirements. Effective resettlement planning requires regular consultation with a wide range of project stakeholders. Broadly defined stakeholders include any individual or group affected by, or that believes it is affected by, the project; and any individual or group that can play a significant role in shaping or affecting the project, either positively or negatively, including the host community. Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of the resettlement activities. Project consultation with people affected by resettlement is mandatory.

6.2. Overview

Having identified all relevant stakeholders according to the definition above, ARL will undertake public consultation with an aim to create consensus approval (based on individual agreement) within Kisankala village for both the proposed company **relocation policy**, and the proposed **relocation process** (including special consideration of the cemetery site). The proposed Relocation Committee will be mobilized to aid the creation of this consensus.

The involvement of the public in the design of a project development is essential to ensure that the negative social impacts that could occur are minimised and that positive impacts are identified and developed. The key areas of investigation identified by ARL as requiring public consultation are

- Resettlement of Kisankala Village;
- Input to the design of the project; and
- Input throughout the project.

Throughout the consultation process, ARL will pay particular attention to the needs of women and the vulnerable.

6.3. Background

Discussions with the residents of Kisankala Village and ARL have been underway since the start of the geological program at Kalukundi. Consultation to inform them of the need for relocation was carried out through a meeting with the villagers of Kisankala on the 24th of October 2006 in Kisankala Village. A working relationship will be developed with future discussions and liaison where information and opinions can be gathered. A public consultation meeting was carried out to obtain the permission of villagers for the relocation of the village and public opinions and suggestions were gathered about the project. The process of public consultation initiated by ARL will be an ongoing process and will benefit all stakeholders and project affected people as they have an opportunity for their concerns or issues to be heard and addressed throughout the life of the project. An information dispersal office (public relations office) and a complaints register will be developed when operations are initiated. Informal consultations have been undertaken sporadically with the village chief as documented below.

Identification of stakeholders

Action Point 3.

ARL will undertake an assessment of all key stakeholders who will be affected by, or will play a significant role in shaping or affecting the project either positively or negatively. These stakeholders are located both at the local (village) level to the international and will be compiled in an accessible format as illustrated in Figure 18.

Figure 18. Format for stakeholder identification

Stakeholder	Interest	Location

Action Point 4.
All formal consultations convened by ARL will include;
ARL representatives

- Project managers
- Relevant government officials
- Representatives of concerned NGOs
- Members of the displaced community
 - Formal
 - Informal residents
 - Small scale and artisanal miners
 - Women and vulnerable groups

6.4. Relocation Committee

Action Point 5.
 ARL will create a **Relocation Committee** to represent these groups and aid in the convening of stakeholder consultations, and in eliciting support for the proposed relocation project. ARL will form this relocation committee out of the already functional **Kisankala Village Development Committee**.

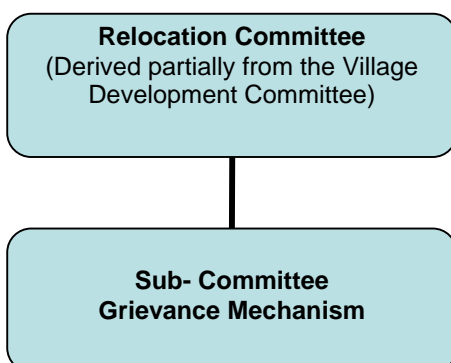
6.4.1. Kisankala Village Development Committee

Members of the Kisankala Village Development Committee are currently divided into the following sub committee sections

- Coal
- Agricultural
- Health professions
- Hotel
- Vendors
- Church
- Teachers
- Artisanal miners/diggers
- Bar
- Village chief

6.4.2. Proposed new members

- Authoritative governmental representative (Kisankala Village)
- Civil society representatives (NGO's)
- Community Development & Public Relations Manager (Sauda Kilumanga: Africo Resources)

Figure 19. KVDC Structure


6.4.3. Function

- The function of the KVDC is to oversee the relocation of the village, act as intermediaries to ensure that the villagers concerns are met, and to communicate issues and solutions to the construction team and the villagers.
- The aim is to have a smooth transition from the old village to the new village, with all the stakeholders needs met by consultation and negotiation.

6.4.4. Responsibilities

The KVDC are responsible for:

- consulting on the design of the village
- communication of issues and outcomes back to the villagers
- enabling consensus to be reached of village relocation issues through negotiation
- feeding information on requirements to the construction team
- allowing fair representation of all opinions
- considering the rights of all parties
- ensuring requirements of temporary artisanal miner residents are considered
- ensuring grievance procedures are followed
- ensuring proper procedures are met in creating the new cemetery

6.4.5. Grievance Subcommittee

(see Figure 19)

- A committee for dealing with any grievances, complaints or issues regarding the relocation will be formed as a subcommittee out of the KVDC. Grievances must be dealt with in a timely manner and the committee will meet as regularly as deemed necessary to deal with any grievances received.
- It is envisaged that this subcommittee will consist of a small group of key people who are able to make decisions on behalf of others, and who have the knowledge of Kisankala Village and ARL requirements. The committee must represent a wide a range of villagers as possible.
 - Village Chief or representative
 - Elected village representatives
 - Representative from the Kisankala women's group
 - ARL Village Relocation Project Manager
 - ARL Community Development Manager
 - Invited guests as required

6.4.6. Operation

Meeting frequency should be at least once per month during the construction phase - preferably fortnightly. Meeting location, time, date and agenda can be decided by the Chief, his deputies or ARL Representatives. Communication of meeting times and outcomes are to be carried out by word of mouth, public meetings, public notices and via the website.

6.4.7. Consultation

The objective of the consultations will be to secure the informed participation and consent of all people affected by the project in their resettlement planning and implementation, particularly in the following areas

- Alternative project design
- Assessment of project impacts
- Resettlement strategy
- Compensation rates and eligibility for entitlements
- Choice of resettlement sites and timing of relocation
- Development of opportunities and initiatives
- Development of procedures for redressing grievances and resolving disputes
- Mechanisms for monitoring and evaluation and for implementing corrective actions

Discussions have been undertaken by ARL with local residents since the initiation of exploration within the area was initiated. Issues for special consideration have been identified including;

- Cemetery relocation

- The identification of a cemetery north west of Kisankala. Relatives of deceased buried within the cemetery remain within the village
- Measures will be put in place to ensure the integrity of the cemetery and also the freedom for safe access for the villagers to visit.
- Health and educational facilities
 - Consultation with the Chief and villagers has highlighted a lack of health and educational facilities in Kisankala Village.
 - The new village will be provided with school and a clinic and finalisations will be made for the long term management of these facilities in the future.
 - The clinic will provide basic healthcare to mine employees and the villagers
 - Primary education will be supplied, with the potential to develop this into secondary
- Termination of artisanal mining/ loss of agricultural land raised concerns over the loss of income
 - The company will practice an employment strategy to maximise employment of local people and skills where applicable and available.
 - An area of the new village will be dedicated to plots for the villagers to cultivate in.
 - The company will provide the resettled community with alternative livelihoods
- Proposed site selection
 - ARL (ANC and Swanmines) have undertaken a series of initial consultations on proposed relocation sites.
 - A preliminary recommendation has been made by the Chief on the outlined site with concession PE 591 pending agreement from the affected stakeholders

Figure 20. Community Consultation: Meetings log to date

Date	Location / Occasion	Present	Discussed	Outcome	Source
17-Jan-05		Chief, Chef de Quartier, Lesa, Nzuru, Banza, Lishomwa, Armitage, Silengo	Briefing		AMC RAP
18-Jan-05		Chief, Sylvanus, Ndala, Kawanga, Nzuru, Lishomwe, Armitage, Silengo	Briefing/logistics		
20-Jan-05		Chief & council & AMC	Location of new village	chose current location	AMC RAP
04-May-06	Village Development Committee, Kisankala	VDC, Kahamba, ANR (national intelligence agency) rep	The cemetery relocation, eligibility to new houses, artisan miners, miscellaneous	This forum will become the basis for a joint effort to carry out the project efficiently. Of all the issues raised, none had been concluded. We first have to consult with the client, ARL.	Trip report 1
13-May-06	Johannesburg	Kahamba, J. Eldridge (Erinys), T. Tregoning, R. Robinson(PACT), Mike Keating, Wolters	Issues raised at above meeting, brief on the new Kisankala village	Decision to review AMC census	SK notes
14-Jun-06	Johannesburg	Kahamba, Mike Keating, Wolters	Issues raised at above meeting	The next trip will be 03 -14 July and include: Review of the AMC census and confirmation, Define the eligibility criteria for houses, Evaluate businesses to be relocated, Evaluate the existing agricultural fields, Visit the First Quantum village in Sakanya, Discuss the plot allocation with the village committee and the public.	Trip report 1
05-Jul-06	Kolwezi	Wolters, Kahamba, Chief Mwamfwe	updated him on the resettlement issue and gave him a brief summary of what has been happening in the last few months, told him about the tentative date for the public meeting	The chief made it very clear that he wants to be kept in the loop from now on, and we agreed that this would happen.	Trip report 2
05-Jul-06	Lubumbashi	Trust Merchant Bank, Wolters	Microfinance credits to village residents		Trip report 2
05-Jul-06	Lubumbashi	Wolters, Kahamba, Prof Kalaba	First Quantum and Anvil Mining village relocations and social development programs		Trip report 2
05-Jul-06	Kisankala door to door	Wolters, Kahamba, Village residents	Confirm ownership of houses.	Able to confirm approximately half of the 650 households. Created resident lists	Trip report 2
16-Jul-06	(unconfirmed)	Regional chiefs		Kisankala cemetery move	Trip report 2
07-Aug-06		Chief, Kahamba	Cemetery relocation meeting went well, no conclusion, another meeting scheduled.	Chief said there shouldn't be any major problem, site for new cemetery around the Lenge stream, outside ARLs concession.	Trip report 3
07-Aug-06		Chief, Kahamba	Allocate plots from the proposed new village. A1 site plan was used to a proposed new owner on each plot	This task was done by the village chief and his collaborators	Trip report 3

07-Feb-07	Submission of EAP, Kinshasa	Kissimba, Kahamba	Lodged EAP		Trip report 4
08-Feb-07		Kahamba, Taylor, D. Evans	mine village construction		Trip report 4
12-Feb-07	Public meeting with buisnees and amenities owners	Kahamba, Raynes, business owners, church leaders, chiefs aid	plot allocations - one on one discussion with each buisness owner	Buisnesses and churches allocated sites	Trip report 4
11-May-07	IFC	Pooley, Badjoko, Kapelus, Harwood, Kahamba, Raynes	Rewrite of RAP requirements of IFC	List of requirements from IFC	Raynes notes 1
21-May-07	Synergy	Kapelus, Kimble, Kahamba, Raynes	requirements for RAP	Action plan	Raynes notes 2
31-May-07	Kisankala Chiefs meeting room	Pooley, Kahamba, Raynes, Assenga, Chief Nsemba, Dieudonne, Lumuna, Mayiji	IFC requirements for community consultation	Exchange of information. (2 hours)	Minutes EA 1, Report JP
01-Jun-07	Kolwezi Mayors office	Shamanye, Kuloz, Pooley, Banza, Kahamba, Raynes, Kamusake	IFC enquiries about ARL's community consultation	Exchange of information.	Notes JR, SK, KB, Report JP
01-Jun-07	Kolwezi EMAK office	Tshiyuk, Malaji, Mafo, Ilunga, Kuloz, Pooley, Banza, Kahamba, Raynes	IFC enquiries about artisanal in the Kolwezi district, supervisory structures, etc	Exchange of information.	Notes JR, SK, KB, Report JP
01-Jun-07	Kolwezi Chief Kezembe's house	Kazembe, Chief's aids, Kuloz, Pooley, Banza, Kahamba, Raynes	IFC enquiries about ARL's community consultation, heirarchy of chiefs, required consultation.	Exchange of information. Chief Kazembe happy that we official approached him as now he can officially approach us.	Notes JR, SK, KB, Report JP
02-Jun-07	Kisankala Swanmines camp	Pooley, Kahamba, Raynes, Assenga, Tchatcho, Mushatsha	IFC enquiries about artisanal mining.	Exchange of information.	Minutes EA 2, Report JP

6.5. Prescribed action plan

6.5.1. Resettlement policy

The design of the project is based on the identification of impacts and measures that can be put in place to minimise or prevent these impacts from occurring. Consultation with the public provides a source of local information, identifies impacts that were not investigated and the views of the public on the development of the project.

6.5.2. Phase 1: Existing community support for the relocation process

At a public meeting held on 24th October 2006, the majority of attendees voted in favour of the principle of moving the Kisankala village to the proposed new location based on the information provided at the meeting.

However, less than complete attendance at the meeting means that ARL were unable during this period of consultation to secure full community support / consent in favour of the proposed relocation of Kisankala village. ARL will undertake a series of consultations with residents to secure a consensus based on prior and informed consultation on the issues outlined during phase 2.

6.5.3. Phase 2: Achieving consensus on the proposed resettlement policy

Action Point 6.

ARL will undertake full consultation with the affected community to gain a consensus (based on **individual consent**) on the following issues

- Proposed house design
- Proposed village layout
- Proposed location of their house within the village
- Proposed structure of community assets
- Proposed compensation determination methodology and value
- Proposed structure and provision of amenities
- Proposed structure and function of the KVDC
- Proposed treatment of the cemetery
- Proposed relocation process

This will be achieved through engagement with all stakeholders during the following activities;

1. Presentation of the proposed resettlement policy

Public consultation meeting

ARL will have completed the draft design for the village and the houses by the end of May 2007. This will be taken to the Kisankala villagers during a planned public consultation meeting in June 2007. The plans will be displayed at the public meeting along with a life size floor layout to allow villagers to get an idea of the size of their houses.

Meetings with individual householders

ARL will contact all households not represented at the public meeting through individual visits to secure individual consent to the proposed relocation process from the head of the household (or a nominated proxy). Through such visits the relocation process will be detailed and all questions and concerns addressed

2. Consultation arranged to allow for open and informed feedback

Villagers will be encouraged to comment and provide feedback and made aware of the Grievance Procedure. All comments will be logged and followed up on as per the Grievance Procedure

3. Outline of the process to feed this information into the resettlement policy

All comments will be collated and any changes will be put into the second draft of the village plans. Any issues that do not get included in the re-design will be publicly and fully justified. The second draft will be taken back to the villagers and the process of consultation continued until agreement is reached on the final design.

4. Gaining leadership consent on the resettlement policy

Consensus agreement on the proposed resettlement policy needs to be achieved at the leadership level (chief and the elders) as a reflection of the consensus of the village residents. Consultation with village leadership will be undertaken to determine this consent

5. Gaining individual household consent on the proposed compensation determination methodology and value

However valuation and compensation consultations need to achieve a consensus agreement from the head of each household. The process for each of the steps will be explained to all village households, either at the public meeting or individually. When the household head has agreed to all the proposals then consent will be gained and recorded by having the householder sign the form provided in Appendix 3.

6.6. Resettlement process

Phase 1: Consultation on the proposed process

ARL will undertake full consultation with the affected community to gain a consensus (based on **individual agreement**) on and throughout the proposed relocation process.

Special consideration will be given to the process of relocating the cemetery in compliance with domestic legislation and international best practice standards

Phase 2: Consultation throughout the proposed process

ARL will engage with affected stakeholders throughout the lifespan of the project. This engagement will be structure through

- Grievance Mechanism (see Chapter 0)
- Regular feedback of information from the Public Liaison Officer to the local people through meetings and opening of an information office at the mine site or a small office in the relocated Kisankala Village.
- The public will be able to discuss any complaints, suggestions or projects that could be incorporated into the sustainable development plan for Kalukundi Mine.
- Where it is possible, training programs and funding may be provided to local NGO's and other projects requiring assistance upon the submittal of project proposals. . This will provide a sound company and public relationship and aid in the exchange of information and opinions.

7. Compensation framework

7.1. IFC Principle

ARL acknowledges that the census undertaken to assess eligibility for compensation must encompass all people adversely affected by the project, regardless of their legal status or whether they are actually living on an affected site at the time of the census and will give particular attention to vulnerable groups living in the project area.

ARL acknowledges its commitment to offering PAP full restoration of livelihoods, and replacement costs for the resettlement.

ARL acknowledges the need to offer special assistance to women and vulnerable groups.

7.2. Eligibility for assistance

ARL has created established criteria by which affected people will be considered eligible for compensation and other resettlement assistance. Inherent in the determination of these criteria is the understanding that displaced people fall into two categories:

- Those who have formal legal rights to land and other affected assets (including customary and traditional rights to the use of land or other assets)
- Those who do not have formal legal rights to land or other assets at the time of the census, but who have claim to such legal rights by virtue of occupation or use of those assets.

7.3. Census methodology

ARL affirms that that in determining compensation as part of the relocation project through the undertaking of a population census, methodologies must encompass all people adversely affected by the project, regardless of their legal status – landowner, holder of land rights, tenant, illegal squatter – or whether they are actually living on an affected site at the time of the census. The lack of legal title does not disqualify people from resettlement assistance. Private landowners and holders of rights to land as well as any person currently occupying public or private land for shelter, business purposes or other sources of livelihood (caretakers, squatters, scavengers) should be included in the census.

The census of people affected by the project has been highlighted by ARL as the key initial stage in the preparation of the RAP. The census serves five important and interrelated functions:

- Enumerating and collecting basic information on the affected population
- Registering the affected population by residence or locality
- Establishing a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits
- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor and evaluate sustainable income restoration or development interventions,
- Provide a baseline for monitoring and evaluation

Several censuses have been undertaken to determine the magnitude of displacement (as detailed in Appendix 1)

- The AMC list of March 2006;
- Stéphane Kahamba's (of Imhoptep Architect) census list of July 2006;
- Chief Nsemba census list of October 2006 (voters' roll)
- Chef Nsemba's list of November 6th 2006;
- Stéphane Kahamba's list of November 29th 2006;
- From the map of the new village on which the Chief had noted his own list of the names of the permanent inhabitants of the village of Kisankala.

The most recent census of the Kisankala village was undertaken by Imhoptep Architects on behalf of ARL. Two lists were created the first detailing residents' names and the second detailing census numbers that AMC had given residents/ residences. This was necessary because;

- the two pieces of information did not always match up
- people had moved, sold or rented out their houses
- most residents no longer have their census numbers

If residents no longer had a census number they were checked on the list of names. If they had a census number it was checked to see whether it corresponded with the name they had provided. Even using this method, there were a number of discrepancies between the information provided in the previous census and the current census. In many cases, people had census numbers, which the list indicated belonged to other people. On trying to establish who had been present at the previous census, issues were sometimes resolved, but frequently, people did not know the names of their family members or that of their landlords. It was felt that a number of people claimed ownership in the census when they are actually only tenants.

In an attempt to regularise this situation and improve the quality of the information, new numbers were assigned to each house to establish whether the resident was the owner or tenant. Where possible, these were cross-referenced with the previous census numbers.

After conducting the census for four days, it became apparent that a large number of people were absent during the day and that locating them would be difficult as they were either travelling, out in the fields or working on the fragments. It was therefore decided that the best way to reach a maximum number of people would be to create a list of those people whom had not yet been encountered, and post it publicly.

Public notices were displayed informing the public that a list of those not yet registered in this latest round would be posted in public places on a particular Sunday. These unregistered residents were invited to register themselves in the public market place. Such notes were also distributed to all the religious leaders in town asking them to read these public notices during Sunday services. Seven copies of the list were then posted at key points throughout the village.

The overall response was fairly poor and only approximately 50 people came to register/confirm their homes. The help of two Bras security agents was elicited who went with each person to confirm whether they were temporary or permanent residents. The village elders were also present.

To ensure as many people as possible were included in the census, notice were left behind indicating Yves Vanderwalt would be available to receive residents at specified times on Monday, Wednesdays and Thursdays until July 31. A new list of people not seen during the rounds was left with Yves to post in a public place.

7.4. Eligibility cut off point

On conducting the census, which was to inform the eligibility matrix ARL imposed a process of beneficiary capping, marked by the completion of the census in July 2006. This represents a provisional cut off date for eligibility for resettlement assistance. This proof of enumeration precludes an influx of people into the project area after the cut off date. Although concessions will be made for enumerator errors and omissions, people moving into the project area after the cut off date should not be entitled to assistance.

However ARL are yet to determine a date for the start of the relocation process. Within the last nine months, it is possible that residents included within the July 2006 census will have upgraded aspects of their housing. It is important that such upgrades are accounted for during the relocation process.

Action Point 7.

Using existing census information ARL will undertake a new census of village residents and their assets to determine on a case-by-case basis where such upgrades will be included into the eligibility and compensation framework of the relocation process.

7.5. Fraud Prevention

ARL plans to institute a rigorous process to avoid incidents of fraud, for example people claiming funds for the same house several times, unsubstantiated claims of home ownership. ARL asserts that achieving prior and informed consent from the village residents for the proposed relocation project (as outlined within the Consultation chapter) will assist in fraud prevention.

7.6. Land Rights

In accordance with DRC domestic and customary legislation the local chief is responsible for the allocation of land rights.

7.7. Compensation

7.7.1. Methodology Rationale

ARL have proposed a rationale to define the criteria for resettlement based on the complex nature of Kisankala village, which has a transient population of diggers who have been in the village for an undefined amount of time from 1 week up to 2 years living in shanty type shacks. As well as a population of immigrant diggers and traders who have established more permanent dwellings. Those people that have been identified as either having permanent housing (see Figure 21) or are indigenous to the area (10 yrs or more residence) will be provided with new improved housing and services at the new location and will receive cash compensation for loss of other fixed assets, at replacement cost. Businesses established by newcomers will also be replaced at the new village site. Transient 'diggers' (artisanal miners) will be provided with cash compensation for their temporary housing and will be assisted to relocate to a new site. This new site is likely to be off the ARL Kalukundi Concession, and will be discussed with their employer (Nomimet).

To avoid a similar shanty like settlement springing up near the new Kisankala Village site, the village Chief has proposed that only new housing of a permanent nature (as defined in) will be allowed in the new area.

ARL will follow IFC recommendations for **land for land** compensation and for **cash compensation**. In the case of the latter, the ARL will calculate and award compensation payments according to the following principles;

- Compensation rates will be calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate
- Compensation for land, crops, trees and other fixed assets should be sufficient to enable affected people to restore their standard of living after resettlement
- Compensation for structures will cover full replacement cost exclusive of depreciation and inclusive of all fees (such as construction permits and title changes) and labour costs
- Compensation payments will be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites
- Compensation for dismantled infrastructure or disrupted services should be paid to affected communities, or to local government as appropriate, at full replacement cost before civil works begin
- Where necessary and feasible, local currency compensation values will be indexed to \$US or other stable currency to protect affected people against local currency fluctuations and inflation
- Compensation for slot earnings will be paid to proprietors and employees for the duration of work stoppages resulting from the relocation of enterprises

Figure 21. Housing Classification

Classification	Description
Permanent	Adobe bricks with corrugated iron/ thatch/ straw roof
Semi permanent	Wooden hut/ cabin bound with bamboos, walls made of dry mud and thatch/ plastic roofs
Non- permanent	Houses made of reject material that can be removed

Action Point 8.

Based on individual consent ARL will undertake full consultation with all affected stakeholders on the proposed compensation methodology framework paying particular attention to the needs of women and vulnerable groups

A contractor will be commissioned to carry out the construction of the new village to an outline and specification agreed by both the local people and ARL. The compensation money given will provide residents of the new village with the financial ability to re-establish businesses at the new village and offset the negative impacts of the move and non indigenous people an initial ability to start new lives at a place of their choice. Appropriate security measures will be implemented to ensure the safety of ARL employees and the local population.

7.8. Eligibility Framework

Based on this proposed criteria ARL have created a preliminary eligibility framework outlining the distribution of compensation amongst residents (see Figure 22).

Figure 22. Eligibility framework
(as prescribed in both the RAP and the EAP)

Category of PAP	No Loss	Entitlements			
		Compensation for loss of structures	Compensation for loss of assets	Compensation for loss of income	Moving assistance
Non permanent residents with affected activities ¹	52	All transient residents will receive cash compensation for any loss of assets and the inconvenience of moving.		Swanmines and NOMIMET will meet to decide on the optimal relocation site for the artisanal miners, in consultation with their leaders. Secondly there will be employment of some artisans by Swanmines.	ARL will provide trucks to all residents involved in the relocation process to assist in that relocation
Non permanent residents without affected activities	498	Firstly those affected would receive compensation for the workforce it took to construct their premises.	Secondly those affected would receive compensation for the value of their premises.	Thirdly those affected would have a space in the new village which is dependant on their activity.	
Semi permanent residents with affected activities	1	Value of the house with 50% value added on.			
Semi permanent residents without affected activities	15	compensation for the workforce it took to construct their premises.	compensation for the value of their premises.	space in the new village which is dependant on their activity.	
Permanent residents with affected activities	9	Compensation for the workforce it took to construct their premises.	Compensation for the value of their premises.	Space in the new village which is dependant on their activity.	
Permanent residents without affected activities	71	3 categories of housing value. This would determine the house size to be allocated in the new village.			
Corporate bodies (churches and schools) whose activities would be affected	7	Space to be reserved for these activities in the new village			

¹ Potentially including artisanal miners

7.9. Compensation breakdown

ARL have proposed the following methodology to formulate final compensation totals

7.9.1. Non-permanent residents

Non-permanent residents with affected activities

In concrete terms, among the 550 non-permanent residents, there are 52 residents whose activities will be affected by the relocation:

- 34 various shopkeepers;
- 10 bakers;
- 4 barmen;
- 2 millers;
- 2 restaurant owners.

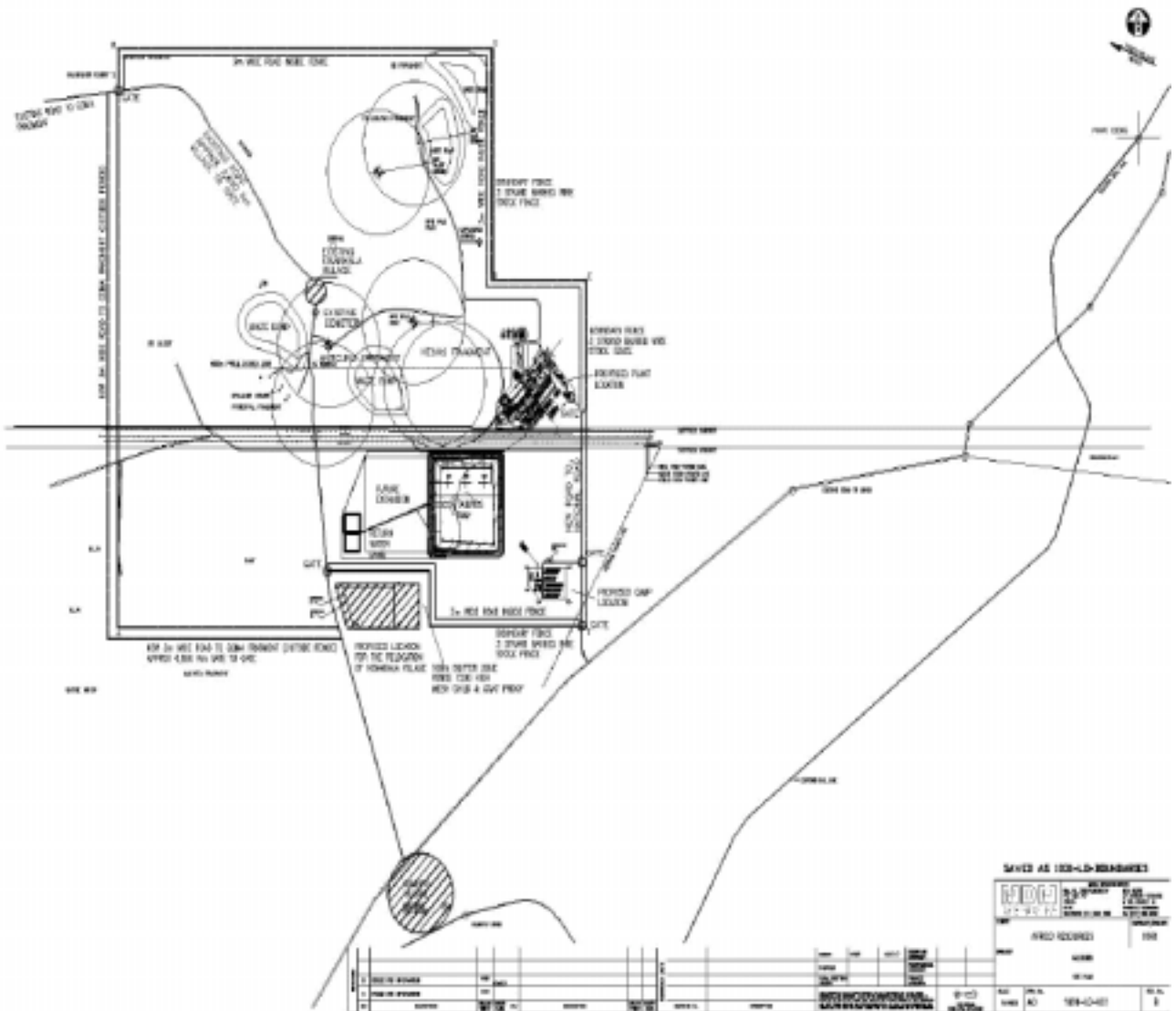
There are 52 people that were mentioned above and who carry on a general trade, who are bakers, barmen, miller, restaurant owners. This category of people will first need to receive compensation equal to the costs of the workforce employed in the erection of their non-permanent housings, a second compensation covering the costs of erection of the buildings that would have been used for their activities and, eventually, an appropriate space in the new village to carry on their activities. A space for the market and other similar activities is taken into account in the construction plan of the new village.

Level of compensation for non permanent residents

In the calculation of the compensation of the people who own a house with a plastic tarpaulin and/or straw of thatch roof, the following was taken into account:

- Type of housing: tarpaulin, straw or thatch;
- Number and size of the tarpaulins;
- Number of straw or thatch bails;
- Number of bamboo bails;
- Number of planks or branches;
- Number of bails of local cords;
- Number of recycled raffia bags;
- Number of nails;
- Workforce employed;
- Unforeseen circumstances (10% of the cost of the previous items);
- Plus 50% of the global amount as planned by the Mining Code.

Figure 23. New mine boundaries
 indicating distance to the small scale mining site from the proposed village



Action Point 9.

ARL through negotiations with Nomimet will assess the following two options in finding a resolution to the likely impacts, which relocation will have on the small scale and artisanal miners.

Proposal 1: Informal worker site within the new Kisankala village

ARL assert that it is neither possible nor practical to construct a village for a population which is not permanent in Kisankala and which will move as soon as the local mining possibilities are exhausted. At the same time however, the presence of this large number of artisanal and small scale miners does bring a great amount of economic activity to the village and it would be a very negative thing if ARL were perceived to be depriving the village of this income by excluding the miners from the new site.

One proposed solution is to give the miners their own site across the road from the new village site. The artisanal residential site would be outside of the ARL concession, but still within the local chief's purview, and close enough to the new Kisankala for the village to benefit economically from their presence. This concept has been presented to the chief, who is in agreement and indicated that he would approve the settling of temporary workers within a specified area. The chief indicated that he would also like to impose strict building standards in the new, artisanal site.

ARL will undertake the clearing up of this proposed site. It may be desirable for ARL to lend a hand with the clean-up of the potential site according to environmental standards.

Positive

- Kisankala village continues to benefit from the economic activity of the artisanal and small scale miners

Negative

- Increases the travel time for small scale and artisanal miners to reach the Nomimet concession

Proposal 2: Informal worker site within the Nomimet concession

ARL are currently in discussion with Nomimet to assess the potential relocation of small scale and artisanal miners to an area within the Nomimet concession.

Positive

- Reduces the travel time for small scale and artisanal miners to reach the Nomimet concession

Negative

- Kisankala village will lose the economic benefits gained from the small scale and artisanal miners (however, the leadership of Kisankala Village point out that they anticipate benefiting from the start-up of Kalukundi Mine)

7.9.2. Permanent residents with affected activity

As mentioned above, these permanent residents develop specific activities that differentiate them from the non-permanent, besides the shops, bakeries and mills, with the hotels and a community clinic. These facilities should be judiciously positioned in the design of the new village since they participate to the structure of the village space. So the community clinic should be positioned in a quiet place to accommodate the sick people, but the hotels should cover the totality of the village space to welcome the people visiting the village.

The design of the new village must take the structuring function of these facilities into consideration. This finally leads us to discuss the issue of the collective facilities such as the waterholes, the markets, the schools and the churches. These will also need to be integrated in the design of the village because of their specific function, and it should be easy to access. The other activities mentioned above such as the bakery, the bars, all these activities being carried on by permanent residents, could follow the same logic as for the same activities carried on by the non-permanent and the semi-permanent residents.

Responsibility and Schedule for Compensation payments
Action Point 10.

ARL will develop a schedule for the payment of compensation acknowledging the need to ensure that compensation payments will be issued in the name of both spouses.

8. Resettlement Assistance and Livelihood Restoration

8.1. Alternative site selection process

Three resettlement site options were identified for the resettlement of residents of Kisankala Village. These options were present to Chief Nemba Kapaya and his Council during the consultation meeting on 20th January 2005. These are outlined below.

8.1.1. A: Kisanfu

Kisanfu is located 5km south of Kisankala Village; it is a small railway township, with a railway station, a SNCC (National Railways) compound, a small clinic, three basic schools and a small market. Access to Kisanfu is via the Kolwezi Likasi main road located 500m from the centre of Kisanfu and the Kolwezi – Likasi railway which passes through Kisanfu. Kisanfu is electrified (a transformer is located here, fed by the Nzilo Powerline). The main problem at Kisanfu is water supply as residents have to travel 3.5km to the nearest water abstraction point (a spring 3.5km South West of Kisanfu). An old pumping station is located 3.5km south west of Kisanfu. This station pumped water via a 50mm pipe to provide drinking water to Kisanfu. The pipe is still intact however the pumping equipment has been removed, although the reservoir remains.

Positive Aspects

- Good Basic Infrastructure (Clinics and schools) which can be upgraded
- Established community with good access (Likasi – Kolwezi Road and railway)
- Likely area where a town would develop.
- On a different watershed from the mine site (will not be impacted by mine effluent discharge)
- Electricity is available
- Water supply infrastructure is available although it would require some rehabilitation.
- Development of Clinics and Schools would benefit a greater number of the population in the area.
- Kisanfu as an established small town can be a spring board for future economic development and diversification

Negative Aspects

- Different administrative structures in Kisanfu. The relocation of the chief to Kisanfu may cause a reduction in his administrative powers and could be a source of friction between local people.

8.1.2. B: Kii-Kisankala Confluence

The confluence of the Kii River and Kisankala stream is located 3km North West of Kisankala village 200m away from the north western corner of the permit area. Currently the area is used extensively for agriculture with many fields of cassava and maize located along the sides of the river valley. The area has good fertile alluvial soils but is not inhabited at this time.

Positive Aspects

- Within the Administrative boundaries of the Chief
- Access to Water
- Good Fertile Soil
- Only 3km from Kisankala
- Access via Kisankala – Samba road (in good condition)

Negative Aspects

- Far from markets
- Impacts from mine discharge (water contamination)
- Movement to Kisanfu (nearest Market/route to Kolwezi or Likasi) will be restricted by mine operations
- New road would need to be built from the confluence to Kisanfu avoiding mine operations.
- Water would have to be sourced from non-polluted areas in the future (boreholes sunk)
- A new village including clinics and schools would have to be built from scratch.

8.1.3. C: Area between Kisankala Village and Kisanfu

Located halfway between Kisankala Village and Kisanfu within the administrative boundaries of the Chief (2.5km south of Kisankala and 2.5km north of Kisanfu) along the Kisankala turnoff Road (1.8km from the Kolwezi Likasi Road). This site is currently virgin, relatively undisturbed Tropical Dry Congo Woodland. The exact location of the site is not definite and can be moved closer to the turnoff if necessary (depending on local reaction and the adjacent permit holder).

Positive Aspects

- Good access to the Kolwezi-Likasi Road and railway
- Good access to markets (Kisanfu)
- Has local support

Negative Aspects

- Need to clear a large amount of vegetation causing impacts to Flora and Fauna
- Building of a new village from scratch
- Along the main access route to the mine (impacts from traffic-noise and safety)
- Access to water – no stream are located within the vicinity of the area (boreholes would have to be sunk)

8.1.4. Preferred Relocation Site

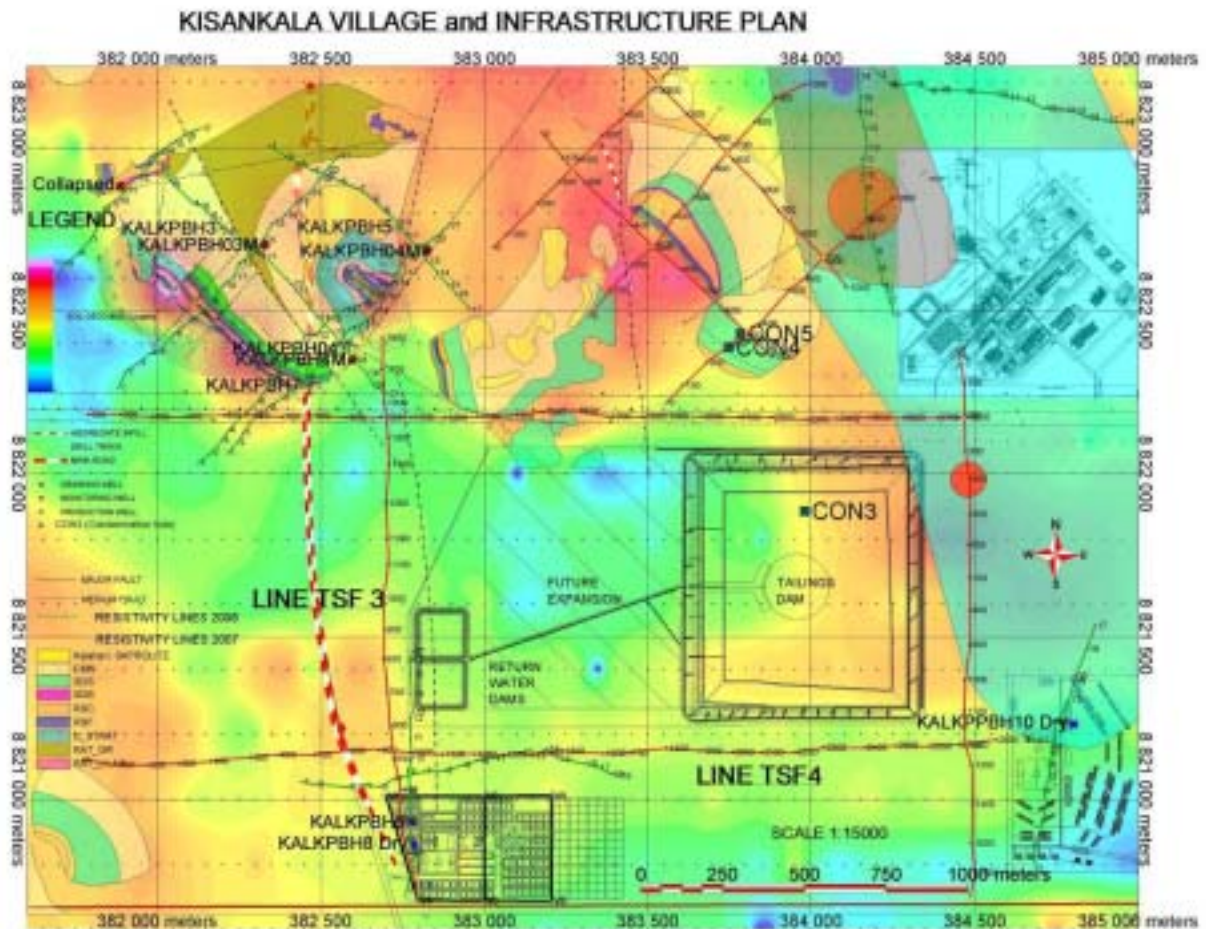
During deliberations with the Chief and his Council the area between Kisankala Village and Kisanfu was identified as the potentially preferred choice. This is the area located halfway between Kisankala Village and Kisanfu within the administrative boundaries of the Chief (2.5km south of Kisankala and 2.5km north of Kisanfu) along the Kisankala turnoff Road (1.8km from the Kolwezi Likasi Road). This site is currently virgin, relatively undisturbed Tropical Dry Congo Woodland. As there is no surface water available in the area, boreholes will have to be sunk. This means that a survey of ground water availability will have to be done before the site selection can be endorsed by the Chief and his people.

During the consultation meeting with the Chief and his Council on 20th January 2005, the Chief observed that they needed to be given enough time before moving so that they could perform a ceremony according to their customs. He also noted that the cemetery was an important place for them and hoped that it would not be disturbed. The Council wondered whether Swan Mines will provide electricity to Chief's and the new village could tap power from there. Concern was also expressed with regard to employment of 'outsiders' when labour was available in the village. It was agreed that the Chief's Council will engage with the representative of Swan Mines to discuss the type of house designs that will be built in the new village. It was noted that the size of houses will be relative to ones that will be demolished in the village.

Action Point 11.

ARL will undertake full and informed consultation with affected stakeholders to gain consent on the proposed relocation site selection (as outlined in the consultation chapter)

Figure 24. Confirmation that the proposed village site is not mineralised



8.2. Proposed village design

ARL have commissioned Imhotep Architects to undertake the creation of the 'Kisankala Village Institutional Development Plan' in April 2006. 3 plans were presented to the local community for discussion and acceptance. Site A is a close fit to the current village, Site B is a grid pattern and Site C is a concentric circle pattern. All site plans were presented to the local community and the various options discussed relating to each site plan, i.e. the location of the football pitch, market area, chiefs palace, cemetery and clinic. The proposed new site plan presented in Figure 25 is based upon the existing Kisankala Village and lays emphasis on the creation of an environment with superior and sustainable building materials and standards, a layout plan, which is compact, efficient and functional, and which allows for the possibility of future village expansion with the residents own capital.

The rationale for the location of different components of the site is as follows:

- Commercial area is located next to the road as close as possible to Kisanfu and the Kolwezi Likasi Road (the potential markets)
- Schools and clinic are located near the main road for ease of access.
- Housing distribution is based on the current layout of Kisankala Village subject to mutual agreement.
- Church distribution is based on the current layout of Kisankala Village subject to mutual agreement.

The mine will provide a source of development for Kisanfu, Kolwezi, Likasi and the Mutshatsha territory as a whole, through economic investment from Swanmines into the Project. Swanmines will aim to aid small scale social projects focusing on sustainable development of education, health and agriculture in the area;

- The provision of jobs and the demand for services will create economic expansion.
- The use of local contractors will develop the skills in the area; and
- General improvement in the health of the local population will be achieved through the provision of health facilities on the mine for mine workers and their families and the clinic in the relocated Kisankala Village. HIV/AIDS awareness programs and malaria rollback campaigns will be

developed.

The Chief's list comprises of 152 families on top of which will be added those families who have business in the village, Each family will obtain a house made of adobe bricks with galvanized roofing. All the businesses (hotels, restaurants, bar, cinema, shops, kiosks) will also be reconstructed in the new village for those villagers with fields; a farming area will be designed and will be irrigated. The new market place will be covered and consist of individual stalls.

8.2.1. Village construction breakdown

- 226 residential housing units
- Chief's house including 2 outbuildings
- 5 churches
- 1 school for +/- 120 Children
- 1 clinic
- 1 market with 26 individual stalls
- 21 businesses; hotels, restaurants etc
- 1 Police building
- 1 chief's office, municipal building
- 5 hotels
- 1 football pitch
- 1 communal washing area

8.2.2. Building Structure and External Envelope

Foundations

- Foundations will be rafter foundations that are 450mm deep and 180mm wide, with specifications to be recommended in the Geotechnical report.

External perimeter of the building

- The external perimeter finish will be in 220mm thick SOLBRIC dry stacking brick walls.

Roof structure

- The roof trusses shall be in a series of local timber frames, space generally at the spacing of +/- 600mm.
- The roof trusses and purlins shall be designed to be of nailed construction, assembled on site.
- The roofing material for the above shall be in galvanised corrugated iron sheets with matching galvanised metal flashing. There is still a possibility that we opt for a less thermal conductive roof sheeting

Construction method

- The particularity of the bricks used here is that they are dry stacking. Particular attention is then required at each new course and at corners. Before each new course, the bricks should be well brushed.
- The above strategy complies with Labour intensity policy of the provincial/national authority to ensure acceleration of job creation in the province.

Specialised construction breakdown

- Boreholes
- Storm Water Drainage
- Sanitation (discussion is underway to determine a pragmatic and culturally acceptable solution)
- Water points
- Football pitch
- Agricultural Fields Irrigation
- Civil and Road works

8.2.3. Key features

Social Programme

- In concern with the social programme, a school will be constructed and gradually a new classroom will be built up to the end of secondary school.
- A clinic will also be constructed to allow a nurse to provide consultation and other primary health care
- The employees of the new mine will have privileges to this service

Utility services

- In regard to these services, each plot will be provided with an exterior toilet
- The agricultural area will have access to water for irrigation purposes
- A sanitation solution is being investigated
- A place will be chosen to dump domestic rubbish which will be periodically incinerated
- The mine encourages the inhabitants of Kisankala to build enclosures for livestock

Details of the housing

- Each plot has an area of 10m by 20m
- The house is made up of two rooms
- Each house has an outhouse with a shower and a toilet
- There will be a tap outside the outhouse with a large basin for washing dishes and clothes

Allocation of plots

After the establishment of the list of permanent residents in Kisankala, a new village layout will be given to the chief for distribution of plots to the 177 families / business owners. The plan will be displayed for affected persons to become familiar with the location of the new house.

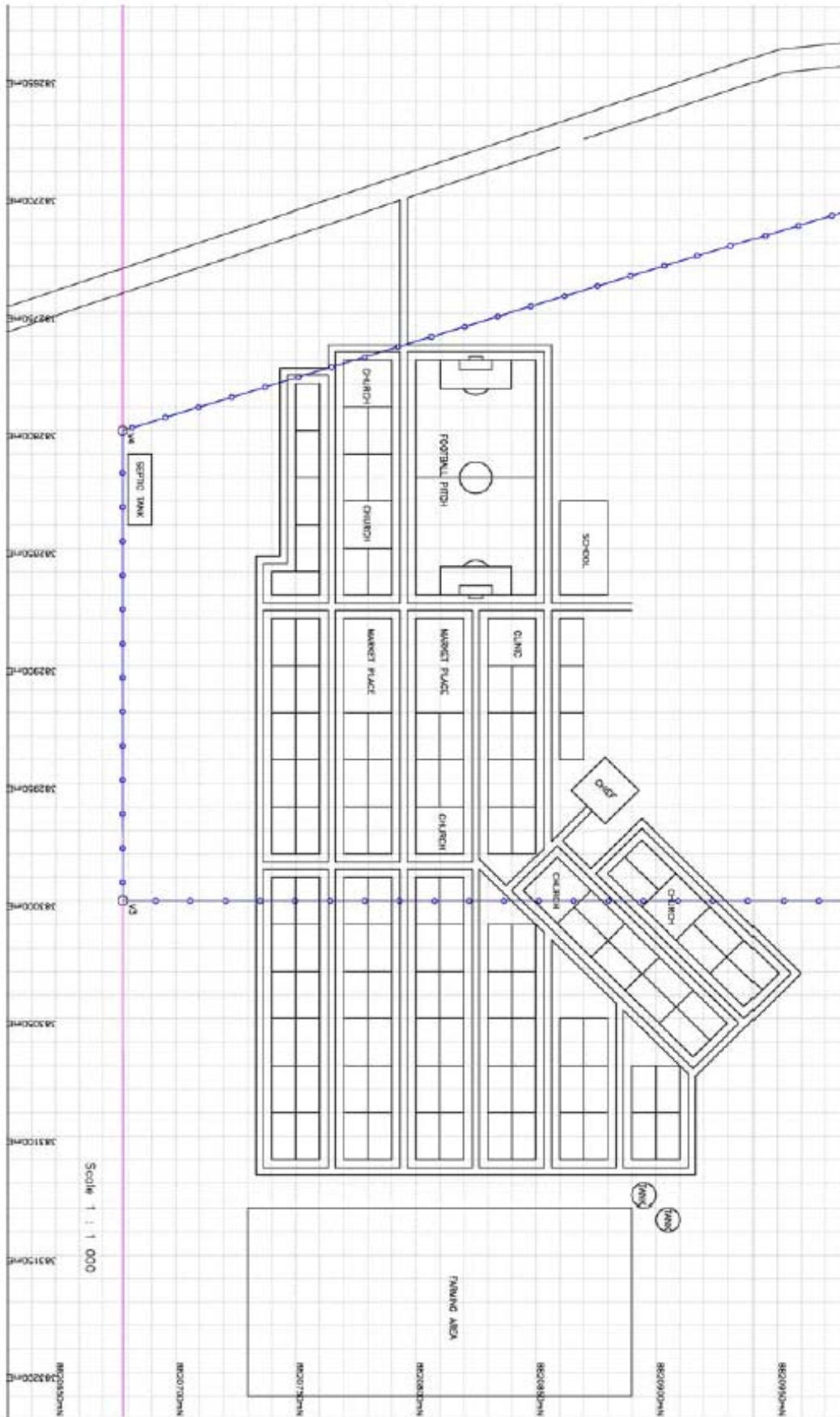
Cemetery

In concern with the cemetery, Chief Nsemba is in consultation with the other chiefs of the region to decide the location of the new cemetery. A traditional ceremony will be organized during the preparation of opening the new cemetery. The existing cemetery will be surrounded with a security fence and will be accessible to families for upkeep and visiting. To this effect a secure access corridor will be put in place.

The house of the chief

For the chief of the village it is envisaged that the house will have three rooms with two wash houses, as well as a toilet house.

Figure 25. Proposed Village Layout



ARL has commissioned Imhotep Architects to build the new village with the specifications as shown in Figure 26.

Figure 26. New Village Specifications and Costs

Unit	Number	Plot size	Building Dimensions	Building Materials	Cost \$US
Low cost housing	150	10m x 20m	8m x 4m (2 rooms)	Bricks and roofing tiles or sheets (local materials)	1,000,000
Chief's palace	1	20m x 20m	10m x 5m (3 rooms)	Bricks and roofing tiles or sheets	10,000
Clinic	1	20m x 20m	10m x 5m (3 rooms)	Bricks and roofing tiles or sheets (local materials)	25,000
School	1	40m x 20m	35m x 6m	Bricks and roofing tiles or sheets (local materials)	50,000
Church	5	20m x 20m	10m x 5m	Bricks and roofing tiles or sheets (local materials)	10,000
Market place	1	40m x 40m	N/A	Clearing of area for market stalls	10,000
Football pitch	1	50m x 100m	N/A	Goal Posts	10,000
Sewage systems	1	N/A	Designed for 1 sanitation system per 4 households	Underground piping	75,000
Water supply systems	1	N/A	Designed for 1 water point per 4 households	Steel piping + Above ground water tanks	75,000
Over ground drainage system	1	N/A	Drainage system to serve village	N/A	20,000
Agricultural area	1	2ha	N/A	Clearing of Area for agriculture	10,000
				Total	1,335,000

Action Point 12.

ARL will undertake full and informed consultation with affected stakeholders to gain consent on the proposed village design (as outlined in the consultation chapter)

8.3. Resettlement Costs

The costs of constructing the new village are outlined in Figure 26. Additional costs are detailed below.

8.3.1. Compensation Costs

The formula for calculating cash entitlement is based on current house dimension (volume of the house or width x length x height) multiplied by a conversion factor of 75 US\$ per m³ if the house is defined as Permanent / Iron Sheet Roofing (PI), 50 US\$ per m³ if defined as Permanent / Thatch Roofing (PT), 25 US\$ per m³ if defined as semi permanent and 10 US\$ per m³ if defined as temporary housing. Cash entitlement ranges from 100 US\$ to 12,768 US\$. 100 US\$ compensation will be provided to any owner of a fruit tree. The total cash entitlement for Kisankala residents is 459, 376 US\$. This cash compensation should more than adequately compensate all individual households.

8.3.2. Additional Costs

Leaving Ceremony

At the request of the Chief a traditional leaving ceremony is to be conducted. A 10,000 US\$ sponsorship for this will be made by ARL. The sponsorship will be in the form of the provision of transport, food and beverages at the request of the chief not exceeding the above stated amount.

Construction of the new Village

The construction of the new village with the specifications outlined above is estimated to cost 1,335,000US\$.

Transportation Costs

Transportation costs include transfer of people and belongings from Kisankala to the new village and transportation to Kolwezi or Lubumbashi. It is expected that two trucks will be used for this purpose, and the transfers should not take more than 10 days. The cost of hiring two trucks for this period is estimated at 5,000US\$.

Security

To ensure the safety of the local population and ARL employees and to ensure law and order is maintained. A detachment of police officers and security personnel will be maintained on site. The resettlement process is expected to take no more than 5 weeks to complete after the construction of the new village. Costs of maintaining a significant security force is estimated at 25,000US\$.

8.3.3. Total Cost

The total cost for the resettlement of Kisankala village as described in the Resettlement Action Plan is 1,859,376US\$. With the addition of a 25% contingency the total cost for the resettlement is 2,324,220US\$.

8.3.4. Operational Costs

The costs of staffing the Clinic and school will be born by the government, NGO or by the local people through a pay for service system. However initiatives to train teachers and nurses from the village or the nearby area in Lubumbashi or Kolwezi will be investigated and sponsorship of these programs will be provided by ARL. In order to make the school and clinic sustainable post closure, a small charge will be charged to users, for school and clinic maintenance. The provision of books and medical equipment will be sourced through donor agencies and from government departments by the school and clinic itself.

9. Relocation Process

9.1. IFC principles

ARL has tried to avoid /minimise the displacement of people by exploring alternative project designs. However due to the location of the minerals, this displacement has become unavoidable. ARL has therefore will plan and intends to execute the resettlement as a development initiative, that will provide displaced persons with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods.

It is ARL's policy to support community development. Because the relocation of Kisankala Village will affect the villagers' economic situation, a special focus will be on supporting the development of new industries for the Kisankala Villagers.

9.2. Community development

9.2.1. Livelihoods Restoration

The resettlement process provides a unique opportunity to promote local economic development in the new village. Local people will need to be engaged in paid activities that will generate incomes for their families. This may include:

- Stumping and cutting trees after clearing the areas for the new settlement
- Production of charcoal for sale from the felled trees
- Building kilns for firing bricks for construction
- Making bricks for construction of houses in the new village
- Engaging local builders and artisans in the construction of houses
- Promotion of income generating activities such as poultry rearing, bee keeping and honey production, carpentry and tailoring activities
- Promotion of women's clubs for literacy and welfare activities
- Village population to be given priority for jobs they can do when the mine becomes operational

Action Point 13.

In order to support livelihoods restoration, ARL will establish linkages with other national and local organisations dealing with the promotion of economic welfare.

9.2.2. Restitution of agricultural land within the concession area

It was identified that some of the villagers would be losing access to their agricultural fields. The planned new village has an area dedicated to creating agricultural fields next to the village. This area will be cleared and divided into fields and allocated to villagers according to the outcome of planned public consultation processes.

Action Point 14.

As a fundamental tenet of the involuntary resettlement process ARL will provide land-based options for those displaced residents, whose livelihoods are based on the use of land. This **land for land** compensation will be made according to the following principles

- New land will be equivalent or superior to in productive potential to the land from which people will be displaced
- New land will be located in a reasonable proximity to land from which people will be displaced
- New land will be provided free of any "transaction costs" such as registration fees, transfer taxes or customary tributes
- New land will be prepared (cleared, levelled, and made accessible) for productive levels similar to those of the land from which people will be displaced (ARL will try to employ PAPs to undertake this work)

ARL will ensure that the quality of agricultural land is the restored or improved upon.

9.2.3. Mitigating the economic impact on small scale miners

The majority of the small-scale miners that are living in Kisankala village in temporary dwellings or hotels are working on the Goma fragment, which is being mined by the Nomimet contractors. The move of the village to the new location will increase the distance for the small-scale miners to walk to the fragment.

Action Point 15.

ARL will enter into discussions with Nomimet about providing more accommodation facilities at the Goma fragment to reduce the number of small-scale miners that have to walk to the fragment daily.

Action Point 16.

ARL will provide alternative employment for small-scale miners during the construction and processing phases of the mining operations.

9.3. Sustainable development plan

This relocation process followed by various forms of compensation must lead to sustainable development within the Kisankala region. Sustainable development refers to the rational use of the resources available for development, taking the future generations into account to ensure that they are able to benefit from the same opportunities to develop. This includes the regeneration of resources used and restoration of the impacted environment. Mining activities will necessarily affect the environment, necessitating restoration through rehabilitation. The mining code stipulates that the effects of mining should benefit the population affected in terms of sustainable development.

The Kalukundi project has a mine life projected to be 10 years. Further exploration work will be carried out over the life of mine, which may extend the life of the mine, but this will not be known until later. The life of mine is also subject to world commodity prices, which cannot be reliably predicted.

Regardless of speculation about the life of the mining project, it is ARL's aim to assist the Kisankala Village to develop and to become self-sustaining. ARL personnel will work with the Kisankala Village Development Committee to ensure these aims are achieved.

Action Point 17.

ARL to undertake a variety of livelihoods restoration projects in the relocated village site, particularly relating to water and sanitation, education, and employment.

Water and sanitation

- supplying drinking water to the new village, as a prime requirement for health
- provision of water will be accompanied by accessibility to sanitation.
- to this end ARL will increase the capacity of the only sanitation facility

Education

- ARL will invest in the education sector to increase the number of children in full-time education and as an investment to draw future employment
- ARL will invest in both primary and secondary education within the village
- ARL will invest in increasing adult literacy
- ARL will provide training for farmers and joiners

Employment

ARL will create employment opportunities through:

- building of the new Kisankala village
- through the provision of mining infrastructure (along with necessary maintenance and servicing)
- through its mining operations
- ARL will provide development opportunities beyond employment within the mine

Training in agricultural production of the residents of Kisankala not hired by the mine

81 farmers are listed within the village cultivating maize, groundnut, beans and cassava. (Cf. list provided in annexure). This is traditional agriculture deploying hoes and non-selected (sometimes damaged) seeds, without fertilisation or technical and financial supervision. There exists a desire to develop an NGO structure to provide fertiliser on credit, and an agronomist to supervise.

Farmers would also like to be supervised for the perennial cultivation of fruit trees (especially avocado), commercial crops such as potatoes (three times a year), onions (twice a year) all of which are high value crops. Once training is received, the rearing of pigs and goats could also bring in a reliable income to those who practise it.

Supervision of the residents of Kisankala regarding the timber production

For the residents of Kisankala not hired by the mine, the production of timber will be an important income source. Producers of timber have the potential to supply wood to the company, to mining companies located in the perimeter, or to the other residents. The timber can be used for various purposes (furniture making, school benches, planks for the roofs, etc.) and could be delivered untransformed or transformed.

This could give rise to the development of professional joinery within the village. ARL will support the development of timber production within the village by offering micro financing and capacity building. This would allow individuals to evolve on an individual level or within Kisankala's woodcutter or joinery cooperatives

Flora and Fauna

To ensure the efficiency of sustainable development to be efficient, supervision and capacity building will also focus on the regeneration of flora with the reforestation.

Kisankala Village Development Committee

Kisankala village has had a development committee in place for a number of years. This committee is a good vehicle for determining strategies for developing business and prosperity within the Kisankala domain.

Action Point 18.

ARL will work with the Kisankala Village Development Committee (KVDC) to implement education, training, civic administration strategies and business development initiatives.

Business development

Potential business development areas are detailed in the 'Community Development - Kisankala Village' document.

Village services

To be sustainable post Kalukundi Project closure, the Kisankala village will have to implement their own procedures to maintain and improve the village amenities services. This will mean that village taxes will have to be collected so there is a source of finance to pay for village services.

Water

Maintenance of the water supply system will be required, and fuel for the generator for the bore pumps.

Schools

Wages for the schoolteachers will be required to be paid.

Clinic

Clinic services will need to be maintained.

9.4. Physical Resettlement

9.4.1. Schedule

The following steps have to be completed to move the village:

- Definite agreement with the chief and stakeholders about the exact location of the new site
- Signing of legal documents relating to the resettlement by each individual household
- Allocation of plots in the new settlement upon mutual agreement.
- A proposed site layout will be presented to the local population and each buildings location agreed upon
- Clearance of vegetation
- Construction of roads
- Construction of boreholes
- Construction of latrines
- Construction of houses, clinic communal buildings and school
- Fencing of existing cemetery to prevent access by mine staff
- Traditional leaving ceremony
- Official resettlement to new houses

Figure 27. Schedule for relocation

		2007								2008											
		N	J	J	A	S	C	N	C	J	F	M	A	M	J	J	A	S	C	N	C
Planning Phase																					
Public meetings held	Ongoing																				
Census, asset inventories, assessments and socioeconomic studies completed	Completed																				
Definite agreement with the chief and stakeholders about the exact location of the new site																					
Grievance redress procedures in place and functioning																					
Signing of legal documents relating to the resettlement by each individual household																					
Compensation payments disbursed																					
1 months notice of cessation of all artisanal activities in the permit area	Completed																				
Allocation of plots in the new settlement upon mutual agreement.																					
A proposed site layout will be presented to the local population and each buildings location agreed upon																					
Construction Phase																					
Clearance of vegetation																					
Construction of roads																					
Construction of boreholes	Completed																				
Construction of latrines																					
Construction of houses, clinic communal buildings and school																					
Fencing of existing cemetery to prevent access by mine staff																					
Relocation Phase																					
Traditional leaving ceremony																					
Official resettlement to new houses																					
Relocation of people completed																					
Post Relocation Phase																					
Income restoration and development activities initiated																					
Monitoring and evaluation reports submitted																					

The resettlement process is expected to take no more than 5 weeks to complete after the construction of the new village.

9.4.2. Transport

Trucks will be hired to transport people and belongings to the new village.

9.4.3. Security

To ensure the safety of the local populations and ARL employees and to ensure law and order is maintained, a detachment of police officers and security personnel will be maintained on site during the moving process.

9.4.4. Treatment of Cultural Property

In accordance with the IFC Performance Standard 8 ARL will document all necessary efforts to protect, move, and restore the cultural property of all affected people. The baseline study did not identify any sites of interest in the location of the waste rock dumps making this impact unlikely. Construction contractors and mine workers will be sensitised to the procedures to be carried out in the event that a discovery does occur so as to conserve the site. The cemetery on the SW side of Kisankala Village will be preserved and access granted to the local population unless otherwise agreed during the relocation of the village. The custom mentions the possibility to relocate a village, when the community lands aren't fertile anymore, after important epidemics, when a wildcat comes to the village and decimates its population, when a cataclysm happens; in a nutshell, in a case of force majeure.

It is also important to identify the fossils and the cemeteries, because what makes the strength of the village and the strength of the customary authority is the permanent communion between the living and the dead. Therefore, the question here is to find out how to create a new cemetery. To create a cemetery in a new village, several ceremonies must be executed:

- Identification of the remains of the first inhabitant buried in the previous cemetery;
- Exhume the skeleton that will be buried in the new cemetery;
- The eldest person in the village executes these ceremonies; provided that payment of some taxes in nature and/or in cash are presented to the ancestors.

9.4.5. Assistance for Women and Vulnerable Groups

Women comprise a disproportionately large number of the poor in most countries. Gender discrimination limits access to resources, opportunities and public services necessary to improve the standard of living for themselves and their families. As a result women are often the first to suffer when resettlement is planned or executed badly. Women tend to rely more heavily than men on informal support networks such as the help of friends, neighbours or relatives for childcare. Women with children also have less mobility to travel to find ways of earning a livelihood. For these reasons, the sponsors' efforts to maintain the social continuity of communities affected by a project – whether through the physical design of new sites, measures to prevent the disintegration of the community, or the provision of specialised social services at those sites – are important. Some of the immediate and practical initiatives that can be considered to improve women's adaptation to the resettlement site include

- Ensuring that land titles and compensation entitlements are issues in the name of both spouses
- Reducing women's workloads by providing, for example, standpipes, hand pumps, grinding mills, woodlots, fuel efficient stoves, ox carts and ploughs
- Improving health services by providing training for village midwives, primary health care centres, child spacing/ family planning counselling, clean water supply and sanitation training
- Improving family services by providing immunisations, child care for wage earning women, primary schools, inputs for food crop production and housing and
- Increasing incomes by setting up credit groups, skills training and access to markets.

Despite these provisions, the legal status of women is likely to remain circumscribed and therefore the ability of women to improve their own and their own family's livelihood will be compromised without longer term "strategic" efforts to change gender discrimination. Some strategic initiatives that can improve women's livelihoods in their new setting will include

- Improving education opportunities (providing literacy and numeracy training, and promoting the education of girls)

- Improving access to productive assets (credit legal reform)
- Improving participation in decision making (support for women's interest groups) and
- Promoting equal opportunities for women's employment

Though these initiatives will aid women to adapt to new resettlement sites, their social and legal status is likely to remain circumscribed and therefore their ability to improve their own and their family's livelihoods will be compromised without longer-term strategic efforts to change gender discrimination

Vulnerable groups can include households headed by women, households victimised by HIV/AIDS that are headed by the children, and households made up of the aged or handicapped, households whose members are impoverished, or households whose members are socially stigmatised (as a result of traditional or cultural bias) and economically marginalised. Special assistance to vulnerable groups will consist of the following;

- Provision for separate and confidential consultation
- Priority in site selection in the host area
- Relocation near to kin and former neighbours
- Provision of a contractor, if necessary to construct their new house
- Assistance with dismantling salvageable materials from their original home
- Priority access to all other mitigation and development assistance
- Monitoring of nutritional and health status to ensure successful integration into the resettled community

Action Point 19.

ARL will undertake initiatives to involve women's groups, including skills development and health support services