

The background image shows a rural village scene. On the left, there is a small, single-story house with a corrugated metal roof and a wall that appears to be made of mud or plaster, with some peeling. A person is standing near the house. In the center, there is a dirt road or path. On the right, there are more houses and some trees. The overall scene is a typical rural settlement.

NYUMBA YAAKIBA sari

**Framework
Resettlement Action
Plan**

AUGUST 2013

Framework Resettlement Action Plan
For
Nyumba Ya Akiba Cement Plant Project,
Bas Congo Province of Democratic Republic of Congo

Prepared by
Nyumba Ya Akiba sarl
in association with
SRK Consulting (South Africa) (Pty) Ltd

Date: August 2013

Executive Summary

Project Overview

Nyumba Ya Akiba (NYA) is a 50-50 joint venture between Lucky Cement, Pakistan's largest cement producer and the Rawji Group, a banking firm with extensive experience in the DRC. NYA proposes to develop a USD 240 million limestone quarry and cement factory with associated facilities on a green field site located approximately 250 km south west of Kinshasa in the Kimpese and Luima Sectors of the Songololo Territory of the Bas Congo Province; DRC (see Figure 1-1). Seven settlements are located in close proximity to the NYA Project; namely, Kinsua, Kokolo, Minkelo, Mbamba Mbemba, Nkonda and Yuku Camp Village.

NYA appointed SRK Consulting (SRK) to prepare an updated ESIA and Environmental and Social Management Plan (ESMP) for the Nyumba Project ("the project"), in line with IFC Performance Standards and other requirements, including those of the African Development Bank (AfDB). The purpose of the updated ESIA and ESMP is to address the outstanding requirements identified in ERM's ESDD, as well as comment received from AfDB. In addition to meeting the DRC legal requirements, the ESIA and ESMP must also meet international good practice standards. A component of the ESIA included the updating of the Resettlement Action Plan (RAP) prepared by ECTECH for the management of physical and economic displacement caused by project activities. Due to time limitations SRK developed an updated Framework Resettlement Action Plan (FRAP) with the inclusion of a detailed action plan for addressing resettlement planning in detail.

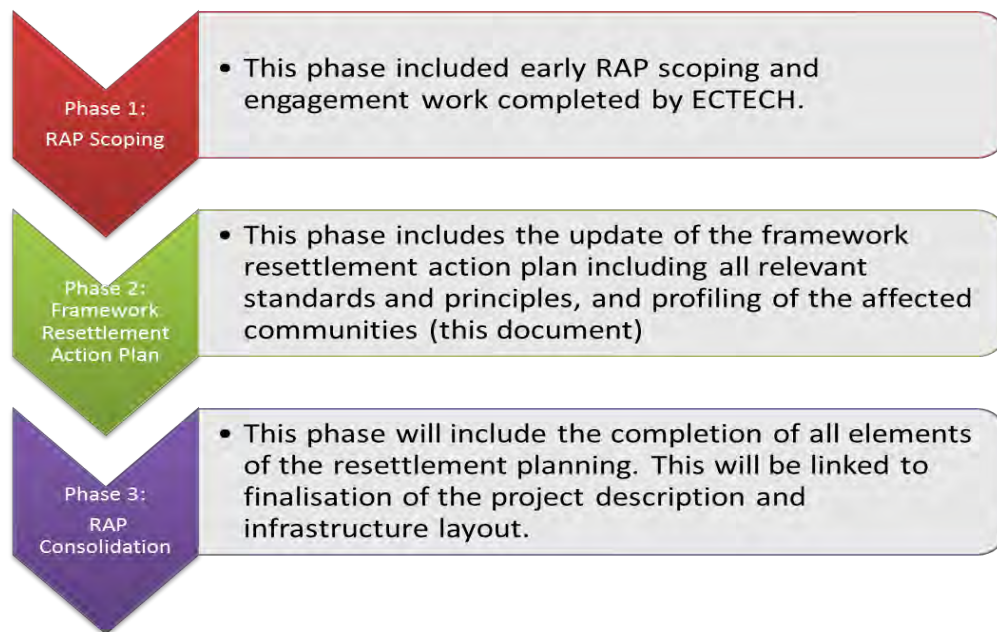
Rationale for Current Resettlement Activities

A combination of land take associated with infrastructure footprints and impacts associated with project activities is expected to result in the need for physical and economic displacement of households within the project area. The ECTECH ESIA identified the need for the relocation of the Yuku Camp Village households on the basis of health and safety impacts.

The Yuku Camp Village is located within 1 km of both the quarry and cement plant. Due to their proximate location to both the quarry and cement plant site, and associated impacts relating to movement of heavy vehicles, increased levels of dust, blasting at the quarry, a decision has been taken by NYA to relocate all the households in the Yuku Camp Village.

In addition, during the updating of the ESIA, SRK identified several agricultural fields as well as impacts associated with noise (quantified), dust (unquantified), and safety (unquantified) that may affect households within the Mbamba Village. These impacts cannot be effectively mitigated through design or other management measures, and therefore may stimulate the need for physical and economic displacement. Unknown resettlement and economic displacement may also be identified at a later stage once the project layout is fixed.

The completion of this resettlement process is broken into three distinct phases, namely the RAP Scoping Phase, the Framework Resettlement Action Plan and the RAP Consolidation. The figure below provides a breakdown of the three phases.



Baseline of Yuku Camp Village

A complete socio-economic baseline was completed for the Yuku Camp Village. This baseline information will predominantly be used for monitoring purposes throughout the RAP process. For the complete baseline data collected, please refer to the full FRAP report.

The baseline provided the following information on the Yuku Camp Village:

- From the socio-economic baseline, it is clear that the 46 people living in nine affected households in the Yuku Camp Village are predominantly poor relying extensively on the land to secure their livelihood needs. Although these households may face economic as well as physical displacement caused by the construction of mining infrastructure, NYA aims to ensure that the livelihoods of these household will not deteriorate as a result of this disturbance.
- Education levels in the community are relatively low making households more susceptible to the potential impacts and rigours of resettlement;
- The population are generally healthy, with only a few reported cases of malaria. The closest hospital and clinic is in Kimpepe.
- Only 4 people in the community are formally employed, the remainder rely on subsistence agriculture, informal trade and charcoal production for income. The average monthly household income for in the Yuku Camp Village is **\$190.00 (approximately 175 000 CDF)**. During the census no houses reported having no income, while the highest monthly household income was \$360.00.
- All of the housing in the Yuku Camp Village was constructed in the 1960's. The houses were constructed using brick and cement and were plastered. They all have corrugated iron roofing. The houses are severely run down, many are cracked and missing window and door frames. All of the houses in the village are based around the same basic designs and range between 25 m² and 35 m².
- Most houses make use of pit latrines as their only form of sanitation. Water in the Yuku Camp Village is sourced solely from the Yuku River which lies approximately 300m to the north. there is no electricity in the village , therefore households rely on wood, charcoal and paraffin for lighting and cooking.

- There is a need to consider vulnerable people, and find ways to support and monitor them during the RAP implementation process. Vulnerable people included women, elderly and children.

Resettlement Related Impacts

Physical Impacts

During the Yuku Camp Village census and asset inventory, a summary of all the immovable physical assets was recorded. In the event of resettlement taking place, these assets will be compensated for according to an agreed entitlement matrix. The table below provides a summary of the physical impacts.

Affected Category	No.	Summary of impacts	Mitigation Measure
Total number of affected housing structures	9	There are 9 houses in the Yuku Camp Village that will be affected	All physical structures will be compensated for in line with the entitlement matrix and compensation framework (refer to Section 11).
Total number of additional structures affected	3	There are 3 animal enclosures that will be affected	
Number of affected public facilities and amenities	0	There are no public facilities such as schools, clinics, etc in the Yuku Camp Village.	Not applicable.
Impacted number of graves	1	Number of graves identified during the census and asset inventory which will potentially be affected by relocation.	If possible the grave will remain where it is, otherwise it will be moved in accordance with DRC law and good international industry practice.
Number of businesses affected	0	There are no businesses in the Yuku Camp Village that will be affected.	No mitigation measures required.
Number of fruit trees	330	There are numerous fruit trees belonging to households in the Yuku Camp Village.	Fruit trees will be compensated for in line with the entitlement matrix.

The construction of the cement plant, the quarry, the overburden stockpile and the waste landfill will result in the economic displacement of agricultural fields belonging to households within Yuku Village as well as households from other villages. The table below provides a summary of the potential economic displacement.

Impacted Area	Affected Category	No.
Yuku Camp Village	Number of Yuku Camp Village households with affected fields	8
	Area of land of Yuku Camp Village Fields	15 hectares
Cement Plant	Number of households potentially affected economic displacement due to the construction of the cement plant	16
	Area of land potentially affected by the cement plant	2.6 hectares
Quarry	Number of households potentially affected by economic displacement due to the construction of the quarry	6
	Area of productive land/fields potentially affected by the quarry	1.7 hectares
Overburden Stockpile	Number of households potentially affected by economic displacement due to the construction of the overburden stockpile	11
	Area of productive land/fields potentially affected by	4.9 hectares

	the overburden stockpile	
Labour and officer hostels	Number of households potentially affected by economic displacement due to the construction of the labour and officer hostels	0
	Area of productive land/fields potentially affected by the overburden stockpile	0
Waste Landfill	Number of households potentially affected by economic displacement due to the construction of the waste landfill	12
	Area of productive land/fields potentially affected by the waste landfill	3.4 hectares
Waste Landfill (Option 1)	Number of households potentially affected by economic displacement due to the construction of the waste landfill	3
	Area of productive land/fields potentially affected by the waste landfill	1.7 hectares
Waste Landfill (Option 2)	Number of households potentially affected by economic displacement due to the construction of the waste landfill	0
	Area of productive land/fields potentially affected by the waste landfill	0
Entire NYA Project Area	Total number of households potentially affected by economic displacement due to NYA project infrastructure	56
	Total Area of agricultural land potentially impacted by the Project area*	27.6 hectares¹

Stakeholder Engagement

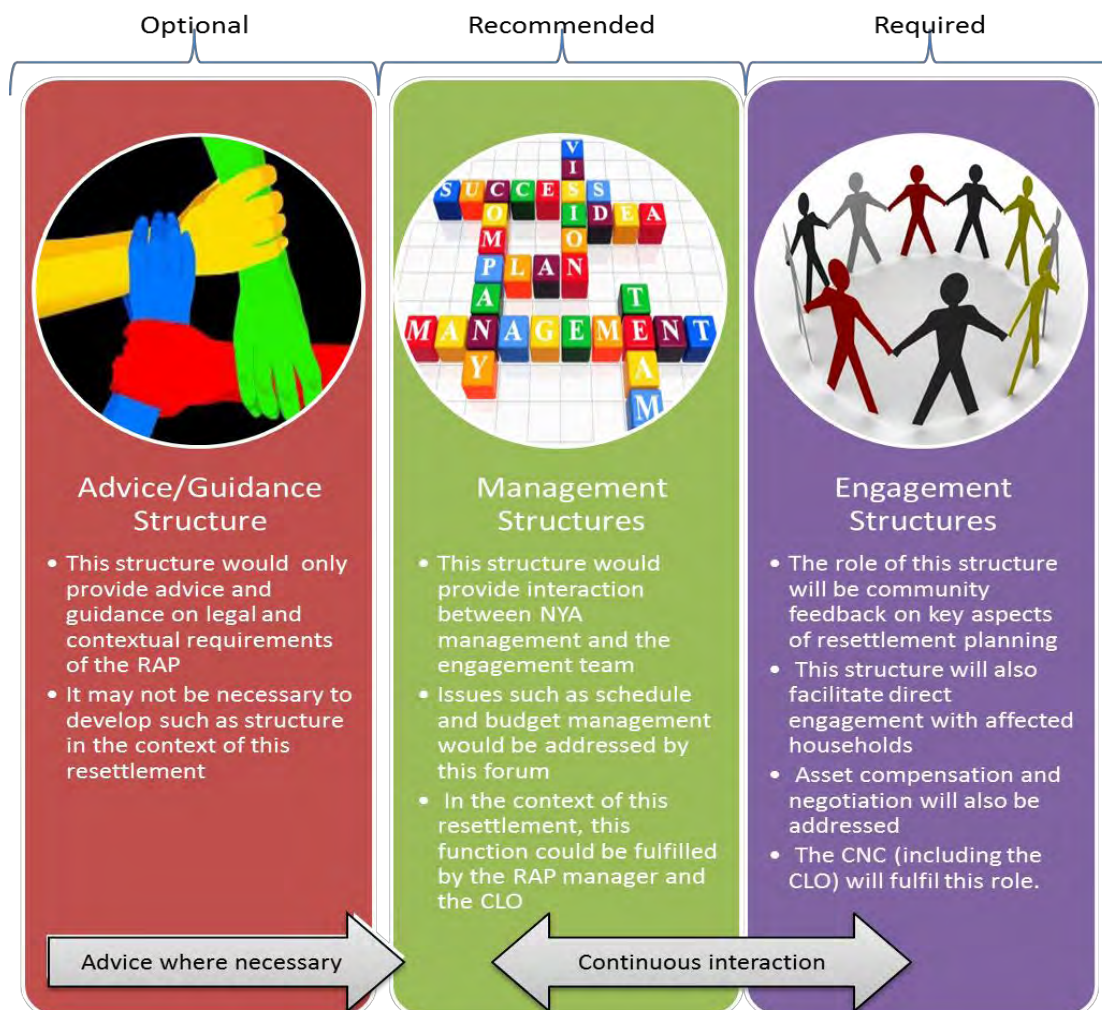
SRK is currently developing a Stakeholder Engagement Plan (SEP) that will detail the stakeholder engagement process, all of the potential stakeholders in the process, their roles and involvement and methods of engagement. Many of the stakeholders identified in this plan will be directly involved or affected by the resettlement and therefore extensive consultation and information sharing will be necessary. The objectives of formal consultations are to secure the participation of all people affected by the project in their own resettlement planning and implementation, particularly in the following areas:

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

Depending on the scale of a resettlement process, it is advisable to establish various structures specifically to manage, facilitate, advise and implement the RAP process. The figure below provides an overview of the roles and interaction between the various structures that can be developed. Due

¹ The total number and area of affected fields is based on Option 1 for the Waste Landfill.

to the potentially small scale of this resettlement, it may be sufficient for NYA management to work closely with just the CNC in order to achieve successful results.



Land Tenure and Host Site Selection

In selecting a potential host site, NYA's land planning activities will be informed by the following principles:

- Decisions to establish sites will be made in consultation with affected households, host communities, the CNC and traditional authorities that will approve the sites;
- Layouts and designs of the residential sites will be prepared and approved by affected households and will be consistent with existing settlement patterns;
- Where possible, largely unoccupied land will be utilised to minimize the impact on other inhabitants and maximize flexibility in the design of the resettlement village;
- Enough area will be secured in order to accommodate the number of households likely to be resettled
- Houses will be located as close to the Project Area as possible in order to minimise resettlement impacts, provide continuity and economic opportunities for resettled households;
- The host site should be suitable for construction and have relatively flat topography;
- The host site will be located in close proximity to appropriate fields for reestablishment of farming activities;

- There should be an availability of adjoining land for future village growth and expansion;
- The suitability of the proposed sites and the economic viability of maintaining livelihoods in new locations will be documented;
- Mechanisms will be developed for procuring, developing, and allotting housing plots;
- The necessary infrastructure (water and sanitation) will be developed as part of site preparation prior to affected households resettling on the land;
- Final relocation plans must consider Government requirements and be sustainable;
- Where possible, the community must remain a cohesive social unit and households should be relocated within the respective TAs area of jurisdiction; and
- All costs for site preparation, construction and relocation will be borne by NYA.

Preliminary Compensation Framework and Entitlement Matrix

Where applicable, eligible households will be provided with entitlements as per the final Entitlement Matrix. The Entitlement Matrix will be developed following both the determination of the final project layout and the extent of physical and economic displacement. The entitlement matrix will be developed in line with the following compensation and associated provision principles:

- All compensation packages will be negotiated with affected households;
- All compensation packages must restore livelihoods and the standard of living of displaced persons;
- All cash compensation will be paid at full market value plus 50% in accordance with the DRC Mining Code;
- Households must receive compensation packages prior to permanent asset losses;
- Where possible, affected assets will be replaced with like-for-like assets;
- No cash compensation will be provided for permanent loss of physical structures (i.e. housing). Households will receive like-for-like replacement assets;
- All communal assets (i.e. land and physical structures) will be negotiated with the CNC and community.

Restoration and rehabilitation measures to be provided could potentially include:

- Free removal services for all affected households permanently displaced;
- Additional assistance to vulnerable households as per Section 12.6; and
- Resources or other economic and livelihood development programmes (such as agricultural assistance, and training for non-farm income) to assist with the full restoration of income earning capacity of affected households as per the Livelihood Restoration Plan.

The management and monitoring measures to be provided could potentially include:

- Comprehensive and accessible grievance management procedure;
- Organisational arrangements to ensure effective preparation and implementation of the NYA RAP;
- Ongoing monitoring and evaluation of the implementation of the RAP will be carried out in order to ensure that compensation and resettlement activities and tasks will be implemented effectively; and
- Full close-out audit by an independent third party.

Preliminary Livelihood Restoration Plan

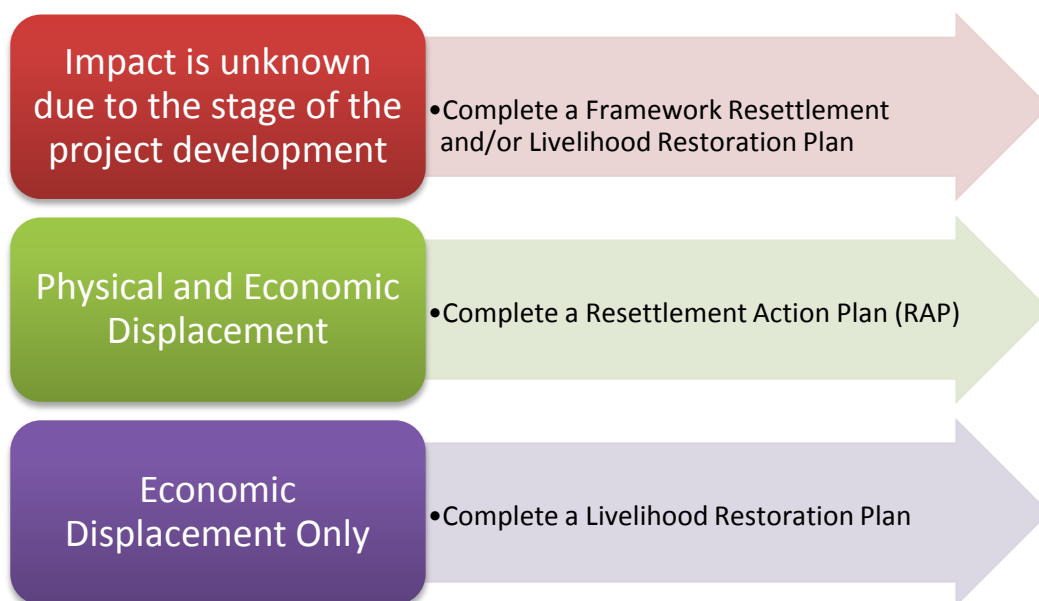
Households affected by economic and physical displacement will be eligible to participate in the livelihood restoration programme. Some of the options that might be considered for the LRP include the following:

- Money management awareness;
- Agriculture enhancement;
- Training in non-farming income generating activities and related business support; and
- Preservation of a sense of community; and
- Temporary Hardship Assistance.

Additional assistance should be provided to households, which as a result of their “vulnerability” are unable to fully participate in the resettlement process or the livelihood restoration programme.

Progression of the FRAP

It is important that NYA management finalise the project layout and description so that all potential physical and economic displacement can be accurately quantified and a detailed Resettlement Action plan (RAP) can be developed and implemented. Varying project activities and the timing of these will potentially bring about different resettlement related impacts and management plans. The figure below provides an overview of what type of management plan is required.



Following the development of a final RAP, NYA will be in a position to implement the RAP. Implementation of the RAP will incorporate the following tasks:

- a) Development of resettlement sites, including planning, survey, dwelling and infrastructure design, construction and inspection.
- b) Development of replacement land, including clearing, land preparation and allocation.
- c) Provision of cash compensation including compensation for field preparation labour costs, lost crops, and lost business income. Financial counselling is envisaged as an element of livelihoods restoration.
- d) Implementation of the livelihoods restoration programme, including the finalisation of delivery arrangements and the launch of the various programme elements.

- e) Implementation of transitional assistance and assistance to vulnerable households.
- f) Implementation of the physical resettlement.
- g) Ongoing resolution of grievances.

Monitoring and Reporting

International standards require monitoring and evaluation on the effectiveness of RAP implementation, including resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of income restoration and development efforts among affected communities.

Apart from on-going monitoring, key monitoring intervals will be the following:

- a) On completion of the RAP implementation NYA will commission a Completion Audit to determine whether resettlement and compensation complied with the procedures and policies outlined in this RAP, and more generally with the IFC's Performance Standards.
- b) Six months after resettlement. This will be largely internally managed, and will provide an opportunity to correct deviations from the principles and objectives of the RAP. An evaluation session involving the main stakeholders will be considered. The session will identify key lessons.
- c) One year after resettlement. Internal and external evaluations will take place on this occasion. The internal evaluation will focus on livelihoods restoration activities, and the external on sustainability.
- d) Two years after resettlement. A second external review will take place on this occasion, again focussed on issues of sustainability.

Table of Contents

Executive Summary	iii
List of Abbreviations	xvii
Terminology	xviii
1 Introduction	1
1.1 Project Overview	1
1.2 The environmental and social assessment process	3
1.3 Overview of the Updated Framework Resettlement Action Plan	3
1.3.1 Rationale for the Current Resettlement Activities	3
1.3.2 Phasing and Scope of the updated FRAP	6
2 Methodology	7
2.1 Assumptions and Limitations	7
3 Legal and Governance Framework	8
3.1 Relevant DRC Legislation	8
3.1.1 <i>Constitution De La Republique Democratique du Congo</i>	8
3.1.2 DRC Mining Code	9
3.1.3 Land tenure systems	10
3.2 Good International Industry Practice Guidelines	11
3.2.1 IFC Performance Standard 5	11
3.2.2 Handbook for Preparing a Resettlement Action Plan	12
3.2.3 African Development Bank Policy on Involuntary Resettlement	13
3.3 Company Policy and Standards	13
3.3.1 Draft Human Rights Policy	13
3.3.2 Sustainable Development Policy	14
4 Census and Asset Inventory	15
4.1 Yuku Camp Census and Asset Inventory	15
4.1.1 Overview	15
4.2 Planning and methodology of the census and asset inventory	15
4.2.1 Identification of project components	15
4.2.2 Community Consultation	16
4.2.3 Use of fieldworkers	16
4.2.4 Census and asset inventory training	16
4.2.5 Census and asset inventory questionnaire	16
4.2.6 Census and asset inventory methodology	16
4.3 Identification of Fields	17
4.3.1 Overview	17
4.3.2 Methodology	17
5 Yuku Camp Village Socio-economic baseline	18
5.1 History and Location	18

5.2	Demography.....	18
5.2.1	Population Structure.....	19
5.2.2	Age and Gender.....	19
5.2.3	Population Growth and Movement.....	19
5.3	Education.....	21
5.4	Health.....	21
5.5	Employment, Income and Livelihoods.....	22
5.5.1	Employment.....	22
5.5.2	Income and Livelihoods.....	22
5.5.3	Agriculture.....	23
5.5.4	Livestock.....	23
5.5.5	Charcoal Production and Sales.....	23
5.6	Housing.....	24
5.7	Infrastructure and Services.....	24
5.7.1	Transport.....	24
5.7.2	Refuse Removal.....	24
5.7.3	Sanitation.....	25
5.7.4	Water.....	25
5.7.5	Energy Sources.....	25
5.8	Significant Cultural Heritage Sites.....	25
5.9	Vulnerable Groups.....	26
5.9.1	Vulnerable Households.....	26
5.10	Implications for resettlement.....	26
6	Resettlement Related Impacts	28
6.1	Land Acquisition.....	28
6.2	Physical Displacement.....	28
6.2.1	Preliminary summary of physical impacts.....	28
6.3	Economic Displacement.....	29
6.3.1	Preliminary summary of economic impacts.....	29
6.4	Additional Socio-Economic Impacts.....	30
6.5	Host Site and Community Impacts.....	31
6.5.1	Host area consultation.....	31
6.5.2	Integration Measures.....	31
6.6	Efforts to Minimize Project Impacts.....	32
6.6.1	Design of Project Infrastructure.....	32
6.6.2	Land Access and Management.....	32
7	Stakeholder Engagement	35
7.1	Engagement Requirements, Objectives and Principles.....	35
7.1.1	Requirements.....	35
7.1.2	Objectives.....	36
7.1.3	Principles of engagement.....	36

7.2	Previous engagement activities undertaken by NYA and ECTECH	36
7.2.1	Memorandum of Understanding	38
7.3	NYA Communication Strategy and Stakeholder Engagement Plan	39
7.3.1	Key SEP Objectives	39
7.3.2	Stakeholder Identification	40
7.3.3	Identification of Women and other Vulnerable Groups	40
7.4	Proposed RAP Engagement Structures	42
7.4.1	Management Structure	42
7.4.2	Advice/Guidance Structure	43
7.4.3	Compensation Negotiation Committee	43
8	Grievance Management	45
8.1	Overview	45
8.2	Benefits of a Complaints and Grievance Procedure	45
8.3	IFC Requirements	45
8.4	Objectives	45
8.5	Process	45
8.6	Time Line for Amicable Settlement Between the Parties	46
8.7	Communication	47
8.8	Likely Types of Grievances and Disputes	47
9	Land Tenure and Host Site Selection	48
9.1	Principles Informing Host Site Selection	48
9.1.1	Key Considerations	48
9.1.2	Tenure and Land Allocation	49
9.2	Replacement Agricultural and Grazing Land	49
9.2.1	Land Planning Process	50
10	Preliminary Resettlement and Compensation Framework	51
10.1	Overview of the Compensation Framework	51
10.2	Objectives and principles	51
10.3	Cut-off Dates	51
10.4	Eligibility	52
10.4.1	International Guidelines	52
10.4.2	Eligibility for Compensation and Assistance	52
10.4.3	Role of the CNC	53
10.5	Entitlements	53
10.6	Compensation framework and entitlement matrix	54
10.7	Principles to determine value of losses	55
10.8	Proposed compensation and schedule for payments	55
11	Preliminary Livelihoods Restoration Plan	57
11.1	Purpose	57
11.2	Mainstreaming Livelihoods	57

11.3 Livelihoods Needs Assessment	57
11.4 Livelihoods Restoration Programme.....	57
11.4.1 Money management awareness	58
11.4.2 Agriculture enhancement	58
11.4.3 Training and business support	58
11.4.4 Preservation of a Sense of Community.....	59
11.5 Assistance to vulnerable households.....	59
11.5.1 Temporary Hardship Assistance	59
11.5.2 Additional Assistance	60
11.6 Proposed Livelihood Restoration Plan	60
11.6.1 Managing the LRP.....	60
11.7 Ensuring Sustainability.....	60
12 Additional Resettlement Assistance.....	63
12.1 Salvaging	63
12.2 Free Removal Services.....	63
12.3 Community Development Activities	63
12.4 Employment Opportunities.....	63
12.5 Environmental Mitigation Measures.....	63
13 Action plan for the progression of the FRAP to a RAP	64
13.1 Context.....	64
13.2 Remaining Planning Tasks for the FRAP	64
13.3 RAP Implementation	71
13.3.1 Implementation Arrangements and Responsibilities	71
13.4 Current NYA Structure and Roles.....	72
13.4.1 Key NYA Responsibilities.....	73
13.5 Indicative Implementation Schedule	74
14 Monitoring and Evaluation	75
14.1 General Objectives of Monitoring and Evaluation.....	75
14.2 Internal and External Monitoring	75
14.3 Performance Indicators	75
14.4 Monitoring Plan	77
14.4.1 Completion Audit.....	77
Appendices	80
Appendix A: Census and Asset Inventory Questionnaires.....	81
Appendix B: Fields owned by the Yuku Camp community.....	82
Appendix C: Detail of fields impacted by project infrastructure	83
Appendix D: Memorandum of Understanding with local communities	84

List of Tables

Table 5-1: Education levels of affected households	21
Table 5-2: Prevalent ailments and diseases in the Yuku Camp Village Community.....	21
Table 5-3: Employment levels in the Yuku Camp Village.....	22
Table 5-4: Primary Sources of Income	22
Table 5-5: Average household monthly income	23
Table 5-6: Livestock in the Yuku Camp Village Community.....	23
Table 5-7: Sources and uses of energy in the Yuku Camp Village	25
Table 5-8: Potentially vulnerable households.....	26
Table 6-1: Preliminary summary of impacted physical assets	29
Table 6-2: Summary of impacted fields	30
Table 6-3: Potential socio-economic impacts on the Yuku Camp Village Community.....	31
Table 7-1: NYA stakeholder engagement and interactions (2009 – 2013)	36
Table 7-2: ECTECH Stakeholder engagement and interactions (2012)	38
Table 10-1: Identified assets and methodology to value lost assets	55
Table 11-1: Proposed NYA Livelihood Restoration Plan.....	61
Table 13-1: Pros and cons of RAP implementation options.....	72
Table 13-2: Indicative RAP Implementation Schedule	74
Table 14-1: Key performance indicators.....	76
Table 14-2: Proposed RAP Monitoring Plan.....	78

List of Figures

Figure 1-1: NYA Project Location	5
Figure 5-1: Population structure of the Yuku Camp Village.....	19
Figure 5-2: Location of the affected households and their fields.....	20
Figure 6-1: Location of fields affected by proposed project infrastructure	34
Figure 7-1: Proposed RAP Engagement Structures	42
Figure 13-1: Applicable management measures.....	64
Figure 13-2: NYA Organogram.....	72

List of Abbreviations

ADB	African Development Bank
CCR	Community and Corporate Relations
CLO	Community Liaison Officer
CNC	Compensation Negotiations Committee
CSI	Corporate Social Investment
DRC	Democratic Republic of Congo
ESDD	Environmental and Social Due Diligence
ESIA	Environmental and Social Impact Assessment
EMPP	Environmental Management Plan for the Project
IAP	Interested and Affected Party
IFC	International Finance Corporation
LRP	Livelihood Restoration Plan
NYA	Nyumba Ya Akiba SARL
PAP	Project Affected People
PS5	International Finance Corporation Performance Standard 5
PTOs	Permission to Occupy Certificates
RAC	Resettlement Advisory Committee
RAP	Resettlement Action Plan
SIA	Socio-Economic Impact Assessment
SEP	Stakeholder Engagement Plan
SOP	Standard Operating Procedure
SRK	SRK Consulting
TA	Traditional Authority
WBG	World Bank Group

Terminology

- **Compensation:** replacement of physical assets or economic resources affected by the project and other related mining activities.
- **Cut-off dates:** date of completion of the census and assets inventory of persons affected by the project. Persons moving into the Yuku Camp Village after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, owners of affected fields identified after the cut-off date will not be eligible for compensation.
- **Economic Displacement:** the loss of income and/or access to livelihood activities resulting from the acquisition of land associated with a project.
- **Entitlement:** eligibility for compensation and/or other resettlement assistance
- **Hosts or Host Communities:** existing communities residing in or close to resettlement areas where displaced households will be resettled.
- **Income restoration:** support and/or compensation provided to Project Affected People (PAP) to restore income generating potential and standard of living.
- **Involuntary resettlement:** occurs without the informed consent of the displaced persons or if they give their consent, they do not have the power to refuse resettlement.
- **Livelihood restoration:** support provided to PAP's to restore their livelihoods through sustainable development initiatives that leads to improved standards of living for the PAP.
- **Physical Displacement:** the relocation of PAP to a host site resulting from the acquisition of land associated with a project and the subsequent loss of housing and associated physical structures.
- **Project Affected People (PAP):** any person who is affected by project related activities, physical and/or economic displacement.
- **Zone of Influence:** the area in which impacts resulting from project related activities, physical and/or economic displacement are likely to be experienced.
- **Resettlement Action Plan:** A 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. A RAP must meet both in-country laws and requirements as well as international best practice guidelines and standards.
- **Resettled Households:** Entire households, usually comprising of a number of PAP that will be physically relocated to accommodate the proposed project activities in the project area.
- **Resettlement Assistance:** support provided to a PAP during their relocation. This assistance may be in the form of transportation, food, shelter and social services. It may also include cash allowances for inconvenience associated with resettlement such as moving costs and lost working days.
- **Vulnerable Groups:** People who may be adversely affected by resettlement and limited in their ability to take advantage of resettlement assistance and related livelihood restoration benefits. This includes women, children and the elderly.

1 Introduction



1.1 Project Overview

Nyumba Ya Akiba (NYA) is a 50-50 joint venture between Lucky Cement, Pakistan's largest cement producer and the Rawji Group, a banking firm with extensive experience in the DRC. NYA proposes to develop a USD 240 million limestone quarry and cement factory with associated facilities on a green field site located approximately 250 km south west of Kinshasa in the Kimpese and Luima Sectors of the Songololo Territory of the Bas Congo Province; DRC (see Figure 1-1). Seven settlements are located in close proximity to the NYA Project; namely, Kinsua, Kokolo, Minkelo, Mbamba Mbemba, Nkonda and Yuku Camp Village.

The proposed cement plant will span 60 hectares of land that is owned by the DRC Government. It will be supplied by limestone and clay mining through concessions in close proximity to the plant. The plant is due to be commissioned in late 2015 and will be built using the best available technologies defined for the cement industry. At full operational capacity, NYA propose production rates of 3,000 tonnes clinker and 3,580 tonnes of cement per day (1.18 million tonnes per annum), over double the current total production in the DRC.

Currently, access to the site is from the national N1 road, via a dirt road passing through Minkelo. The national N1 road links Kinshasa with Port Matadi. The national railway line passes at a distance of approximately 100 m from the proposed NYA Project boundary. An existing sand track passing through the proposed plant site will need to be re-routed to link Bembo village to villages north of it.

The area is characterised by gently undulating topography with three hills and two small lakes. Grassland forms the predominant vegetation cover, except on the edges of the major rivers, where patches of dense gallery forest occur.

The Sanzikua River flows in a northwest-south-easterly direction, east of the proposed NYA Project area. The Yuku River flows between the proposed quarry and cement plant in a north-south direction to meet the Sanzikua River in the North. A wetland is located immediately east of the proposed NYA plant site and currently supplies the local Mbamba community with water and fish.

NYA holds an exploration permit for 29 km². Within this area, they identified a high grade, shallow limestone deposit (estimated 70 million tonnes) that will be exploited for the manufacture of cement. It is anticipated that 1.6 million tonnes of ore will be required per annum, assuming the plant operates at maximum capacity.

The deposit will be mined using an open-cast method and most of the quarried products will be transported directly to the cement plant via a haul road that passes through the Yuku Camp Village. Overburden (waste soil and rock) not used for construction, will be stockpiled in a non-environmentally sensitive area adjacent and west of the quarry. Quarry development is expected to take about 24 months prior to the commissioning of the cement plant.

A 12 m wide gravel access road of 2.6 km length will be constructed from the N1 road to the plant. The access road will cross the railway line between two wetlands that occur to the south of the line. The road design will provide for culverts (drains that allow water to flow under the road) that enable flow between these wetland areas.

The haul road between the cement plant and the quarry will follow the existing clay track. Culverts will need to be provided for the haul road where it crosses the Yuku River to accommodate surface flow during the rainy season.

NYA will look at other ways of crossing the river to avoid impacts on water flow and quality, natural vegetation along the banks of the river and agricultural lands.

During the construction phase the following will be required:

- Workers' camp;
- Offices;
- Equipment and furnishings;
- Ablutions and sewerage;
- Power;
- Water and water treatment;
- Voice and data communications; and
- Laydown area for construction equipment and materials.

After construction these facilities will be removed and the area rehabilitated.

Two hostels are proposed: one for more senior level employees and another for the general workforce. Both hostels will be within close proximity of one another, and within 1 km of the proposed plant. Dedicated transportation will therefore not be required.

The maximum power demand for the proposed plant is estimated to be approximately 16.5 MW. Power will be sourced from the DRC national energy grid via the state energy utility, *Société Nationale d'Electricité*, Sarl (SNEL). Diesel generators will be installed for emergency power supply and for extracting excess water from the quarry.

Three power lines will run through the concession area: a proposed 400 kV line, running from Kinshasa to Inga Dam; an existing 220 kV line running from Kwilu sub-station westwards towards Minkelo; and a new proposed 220 kV power line that will supply the proposed NYA Project. The new power line will run from Kwilu substation alongside the existing 220 kV line to Minkelo.

Wastes will be disposed of in accordance with DRC, IFC guidelines and lender requirements. Where possible, waste will be decontaminated, recycled and reused. Non-recyclable industrial waste will be disposed of in a waste management facility and medical waste will be incinerated.

Within the plant, ore will be transported via conveyor belts from the mill to a raw meal storage area. NYA plans to utilize an existing clay track or road, which will be widened, to and from the quarry and plant.

NYA will preferably use railways to transport its raw and final product, but as an alternative, will contract trucking companies to transport the materials via road.

The estimated water requirement is 840 m³ per day for process water and 120 m³ per day for domestic use. Raw water supply will be sourced from: the Sanzikua and Yuku Rivers; water extracted from the quarry as well as surface run-off. Water required for producing cement in the plant will be recycled to reduce the volumes of fresh water utilised.

It is estimated that at the busiest time of construction, 500 to 600 additional contracted personnel will be on site. Unskilled workers will be sourced from the surrounding villages. Semi-skilled and

skilled contractor labour will be sourced more widely from the region and accommodated in hostels. The NYA Corporate Office will consist of 50 permanent personnel and during the operation phase, the cement plant will have 375 personnel on the plant site.

1.2 The environmental and social assessment process

An Environmental Impact Assessment (EIA) for the project including the limestone quarry and the cement plant was conducted by an accredited local consultant (OEMS) in December 2010 in accordance with the Congolese legislation. This EIA was approved by the local authorities in 2011 and the quarry operational permit granted.

Subsequently, an Environmental and Social Impact Assessment (ESIA) for lender approval was undertaken in December 2012 by Pakistani consulting firm ECTECH, covering the cement plant, limestone quarry and some associated facilities but not covering the entire area of influence of the Project. These and other gaps relative to the required assessment framework to meet the requirements of international funders were identified via an independent environmental and social due diligence (ESDD) by ERM on behalf of the lenders.

NYA has appointed SRK Consulting (SRK) to prepare an updated ESIA and Environmental and Social Management Plan (ESMP) for the Nyumba Project ("the project"), in line with IFC Performance Standards and other requirements, including those of the African Development Bank (AfDB). The purpose of SRK's updated ESIA and ESMP is to address the outstanding requirements identified in ERM's ESDD, as well as comment received from AfDB. In addition to meeting the DRC legal requirements, the ESIA and ESMP must also meet international good practice standards. A component of the ESIA includes the updating of the Resettlement Action Plan (RAP) prepared by ECTECH for the management of physical and economic displacement caused by project activities. Due to time limitations SRK believes that the only reasonably achievable deliverable is an updated Framework Resettlement Action Plan (FRAP) with the inclusion of a detailed action plan for addressing resettlement planning in detail.

This document identifies relevant good international industry practice (GIIP) guidelines for the preparation of a FRAP, including the International Finance Corporation (IFC) Performance Standard 5 (PS5), the IFC's *Handbook for Preparing a Resettlement Action Plan* and the AfDB policy on Involuntary Resettlement. SRK has used these standards in the preparation of the updated FRAP.

1.3 Overview of the Updated Framework Resettlement Action Plan

1.3.1 Rationale for the Current Resettlement Activities

A combination of land take associated with infrastructure footprints and impacts associated with project activities is expected to result in the need for physical and economic displacement of households within the project area. The ECTECH ESIA identified the need for the relocation of the Yuku Camp Village households on the basis of health and safety impacts associated with the haul road and the 400KV powerline² that both intersect the village. Community leaders and Project Affected People (PAP) have been made aware of the project information by NYA and ECTECH as part of the original stakeholder engagement process of the ECTECH ESIA.

The Yuku Camp Village is located within 1 km of both the quarry and cement plant (refer to Figure 1-1). Due to their proximate location to both the quarry and cement plant site, and associated impacts relating to movement of heavy vehicles, increased levels of dust, blasting at the quarry, a

² It should be noted that the 440 kV powerline is being constructed by SNEL and therefore will be their responsibility. Possibilities for collaboration on the resettlement should be explored by NYA.

decision has been taken by NYA to relocate all the households in the Yuku Camp Village. During consultations undertaken by NYA and ECTECH, all the households of the Yuku Camp Village indicated that they would be willing to relocate to their original village of Kinsua or to the nearby Bemba Village on condition that fair and due compensation is provided.

In addition, during the updating of the ESIA, SRK has identified the following impacts that cannot be effectively mitigated through design or other management measures, and therefore may stimulate the need for physical and economic displacement.

- Several agricultural fields have been identified within the footprints of the cement plant site, the quarry, the proposed overburden stockpile and the waste landfill sites³. New fields will need to be identified to replace the fields affected by land take for the project footprint, and their owners fairly compensated. These fields have been identified as belonging to households within the Yuku Camp Village as well as to households from other villages.
- Impacts associated with noise (quantified), dust (unquantified), and safety (unquantified) may affect households within the Mbamba Village. If these impacts cannot be adequately mitigated, this may result in the need to consider resettlement of this village.

Unknown resettlement and economic displacement may also be identified at a later stage once the project layout is fixed. It is quite likely that once the project footprint has been finalised at detailed design phase, that further physical and economic displacement may become evident, that some currently identified resettlement may be avoided and that mitigation measures for avoidance may result in impacts to other receptors in turn stimulating physical and/or economic displacement. It is not possible to identify the households and fields that may be affected at this stage and further work will be required at detailed design phase to identify affected households.

³ Three potential waste landfill sites have been identified. Fields within all of these footprints have been recorded.

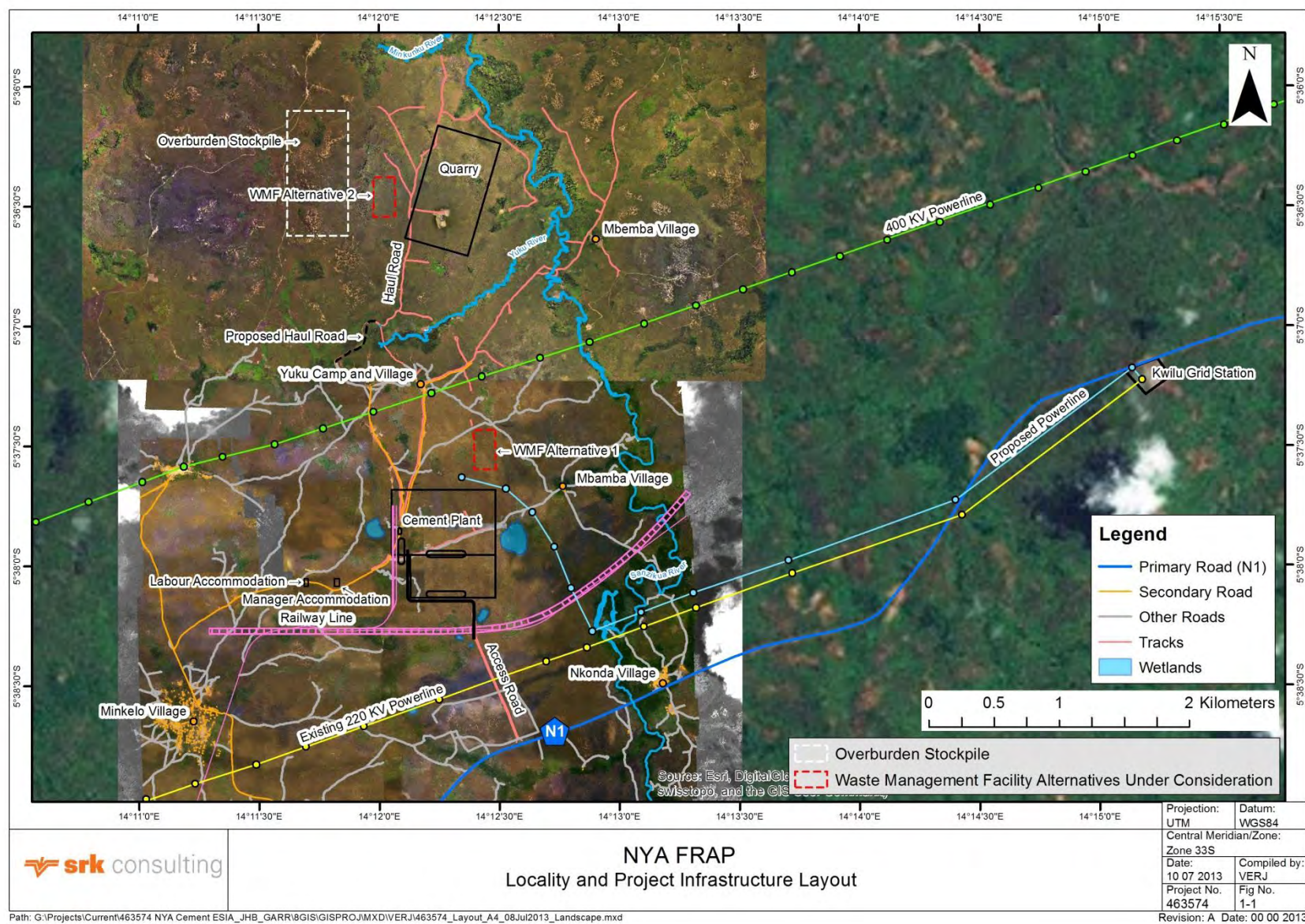
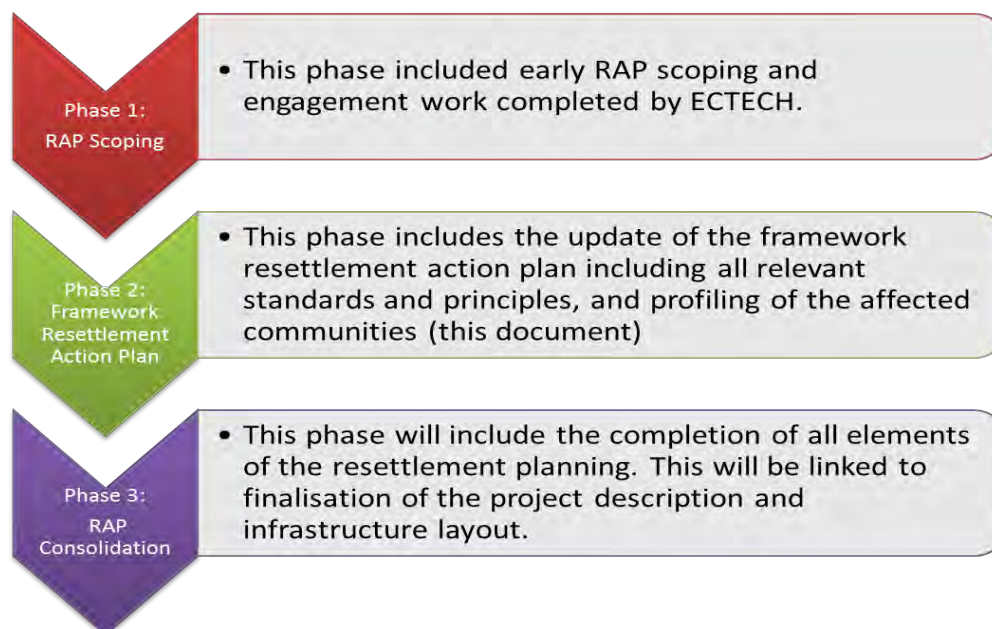


Figure 1-1: NYA Project Location

1.3.2 Phasing and Scope of the updated FRAP

This updated FRAP forms part of the resettlement planning process and outlines the procedures and actions NYA will follow to enhance development opportunities and to mitigate negative impacts associated with project-induced economic and physical displacement if this is required.

The completion of this resettlement process is broken into three distinct phases, namely the RAP Scoping Phase, the Framework Resettlement Action Plan and the RAP Consolidation. The figure below provides a breakdown of the three phases.



This FRAP (Phase 2) provides for the conceptual planning and management component of the resettlement process and lays the foundation for successful and detailed planning and implementation. This updated FRAP is structured as follows:

- **Section 2:** Methodology;
- **Section 3:** Legal and Governance Framework;
- **Section 4:** Census and Asset Inventory;
- **Section 5:** Yuku Camp Village Socio-economic baseline
- **Section 6:** Resettlement Related Impacts;
- **Section 7:** Stakeholder Engagement;
- **Section 8:** Grievance Management;
- **Section 9:** Land Tenure and Host Site Selection;
- **Section 10:** Preliminary Resettlement and Compensation Framework;
- **Section 11:** Preliminary Livelihoods Restoration Plan;
- **Section 12:** Additional Resettlement Assistance;
- **Section 13:** Action plan for the progression of the FRAP to a RAP;
- **Section 14:** Monitoring and Evaluation.

2 Methodology



This FRAP has been developed on the basis of the following key activities:

- a review of the ECTECH FRAP, previous stakeholder engagement, the ECTECH ESIA and other available documentation
- the legal and governance requirements section was updated to include international requirements
- implementation of detailed household questionnaires in Yuku Village within the context of an updated socio-economic baseline survey conducted by SRK in June 2013
- integration with the SRK team responsible for updating the ESIA.

A detailed outline of the methodology used in collecting baseline data is provided in Section 4.2.

2.1 Assumptions and Limitations

The following assumptions and limitations apply to this updated FRAP:

- SRK Consulting has only been involved in limited public participation as a part of this FRAP. Previous public participation has either been done by ECTECH or NYA.
- At the time of the census and asset inventory (June 2013), measurements were completed for physical structures and agricultural fields based on structures and fields that were made known to the team by the household interviewees. While every effort was made to ensure that measurements were accurate, small inaccuracies may exist.
- Identification of owners affected by economic displacement is still not final since several components of project design are still to be developed and finalised. Locations still to be finalised during detailed design include the overburden facility, waste management facility, wastewater treatment (sanitation and industrial/ quarry), as well as the storm water management systems.
- During the census and asset inventory 4 of the 9 household heads were not available. In these cases the questionnaire was conducted with a household representative.
- While every attempt has been made to ensure the correct information was collected, there still exists a possibility of inaccuracies. A census and asset validation process will need to be conducted prior once infrastructure locations have been finalized, and a full RAP will need to be developed ahead of implementation.
- Final detail on economic and physical displacement can only be determined once design is finalised based not only on the final layout of the project, but also based on the specifications of designs.

3 Legal and Governance Framework



3.1 Relevant DRC Legislation

DRC law draws its substance from at least seven sources, namely the Constitution, international treaties, legislation, administrative regulations, custom, case law, and doctrinal writings.

At the apex of the legal system, the DRC Constitution is the first source of law. It establishes the institutions and the apparatus of government, defines the content and limits of government powers, and protects fundamental human rights and freedoms. While the Constitution does not specifically refer to 'resettlement', there are numerous issues that should be taken into account throughout the resettlement process.

3.1.1 *Constitution De La Republique Democratique du Congo*

The preamble of the Constitution reaffirms Congo's adherence to human rights and the equal representation of women and men in state institutions. It reaffirms adherence to the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights (African Charter), and the UN conventions on the rights of children and women. The DRC has ratified all the main international human rights and humanitarian legal instruments, including the UN Convention on Civil and Political Rights and the UN Convention on Social, Economic and Cultural Rights.

The Constitution also protects fundamental freedoms, including opinion, conscience and religion (Article 22); expression (Article 23); information, press and communication (Article 24); privacy (Articles 29 and 31); movement (Article 30); assembly, demonstration and petition (Articles 25, 26 and 27, respectively); asylum (Article 33) and protection of foreign nationals and their property (Article 32).

The Constitution proclaims that private property is sacred (Article 34). It lays down the right to work (Article 36) and freedom of association (Article 37), the right to form trade unions (Article 38) and the right to strike (Article 39).

Some of the articles within the constitution that may be more applicable during a resettlement process include the following:

Article 53

- Every person has a right to a healthy environment and which is favourable to his/her full development.
- The environment must be protected.
- The State must look after the protection of the environment and the health of the people.

Article 123 of the DRC Constitution makes provision for laws to be made concerning, *inter alia*, "the protection of the environment and tourism".

Article 203 allows for co-operative governance by central government and the Provincial administrations "to protect the environment, natural sites and landscapes, and the conservation of such sites."

Other provisions in the Constitution that may have some relevance to the resettlement process include the following:

Article 12 - All Congolese are equal before the law and have the right to equal protection by the law;

Article 13 - In education, access to public services or any other area, no Congolese shall be subject to discrimination, whether on the basis of law or executive action, on the grounds of religion,

family origin, social status, residence, political opinions or convictions or of belonging to a race, ethnic group, tribe or cultural or linguistic minority;

Article 51 - It also ensures the protection and promotion of vulnerable groups and of all minorities. It ensures their development.

3.1.2 DRC Mining Code

The key DRC legislation pertaining to the FRAP 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 (including quarrying). 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.

Article 281: Compensation for the occupants of the land.

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%**.

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.

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.

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.

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 then no longer continue to construct buildings on it.

Lastly, simply passing through the land does not entitle to pay compensation if no damage results therefrom. The act of passing must take place with a view to best conserving the environment.

Land Policy

An important section of the Mining Code deals with restrictions on the occupation of land (Title XI, Chapter II: Holder's relations with the occupants of the land Article 279: Restrictions on the occupation of land). The provisions of the section are particularly relevant to the finalisation of infrastructure routes and sites. When doing so, these requirements will be specifically considered. Information on the location of archaeological sites and cemeteries has been collected during the baseline studies and these will also be used during the final planning exercise. The text of the Article is set out in the box below.

Article 279: Restrictions on the occupation of the land

Except with the consent of the competent authorities, no person may occupy land:

- 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.

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 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.

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.

3.1.3 Land tenure systems

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

The *Service Urbain de l'Urbanisme et Habitat* (Town Planning and Housing) controls and regulates urban land concessions.

3.2 Good International Industry Practice Guidelines

Whilst seeking to comply with DRC legislation, international policies, directives and guidelines will provide an overarching framework for the NYA RAP.

3.2.1 IFC Performance Standard 5

The IFC Performance Standards provide internationally recognised standards for a range of environmental and social risks and impact management including resettlement. The most relevant of these is IFC PS5 on Land Acquisition and Involuntary Resettlement. PS5 seeks to provide a framework for responsible and transparent management of physical and economic displacement. This Standard defines different types of involuntary resettlement, explains the need for negotiated settlements (as opposed to expropriation), highlights the requirement to improve living conditions at resettlement sites, and outlines different approaches replacing collective assets and compensation entitlements.

The main objectives of PS5 are included below:

- To avoid or at least minimize involuntary resettlement wherever possible by exploring alternative options;
- To mitigate adverse social and economic impacts from land acquisition;
- Ensuring that resettlement activities are implemented with appropriate disclosure, consultation and informed participation;
- To improve or at least restore the livelihoods and standards of living of displaced persons;
- To improve living conditions through provision of adequate housing with security of tenure at resettlement sites.

Among many themes, PS5 is clear on a number of parameters regarding a RAP exercise. The following are relevant here:

- **On project design** - Paragraph 7 of PS5 states that, *“the client will consider feasible alternative project designs to avoid or at least minimise physical or economic displacement, while balancing environmental, social, and financial costs and benefits”*.
- **On Resettlement Planning and Implementation** - Paragraph 11 of PS5 states that *“where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the person who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits”*. Paragraph 12 further states that, *“the client will also establish procedures to monitor and evaluate the implementation of resettlement plans and take corrective action where necessary”*. Thus, the implementation of a RAP will be considered complete when the adverse impacts of the resettlement have been addressed in a manner that is consistent with the objectives stated in the resettlement plan framework as well as the objectives of PS5.
- **On displacement** - Paragraph 14 of PS5 identifies three different classes of displaced persons as follows: (i) persons who have formal legal rights to the land they occupy; (ii) persons who do not have formal legal rights to the land, but have a claim to land that is recognised or recognisable under the national laws; or (iii) persons who do not have recognisable legal right or claim to the land they occupy. The census will establish the status of the displaced persons.
- **On compensation** - PS5 Paragraph 16 states that, *“if people living in the project area must move to another location, the client will (i) offer the displaced persons choices among feasible*

resettlement options, including adequate replacement housing or cash compensation where appropriate, and (ii) provide relocation assistance suited to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation". Paragraph 18 highlights that, "the client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date".

Across the entire document, emphasis is placed on consultation and disclosure, monitoring and evaluation of the RAP and the establishment of a grievance mechanism to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of the host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

3.2.2 Handbook for Preparing a Resettlement Action Plan

The IFC's *Handbook for Preparing a Resettlement Action Plan* provides guidance on developing RAPs. The requirements of a comprehensive RAP are listed below:

- identification of project impacts and affected populations;
- a legal framework for land acquisition and compensation;
- a compensation framework;
- a description of resettlement assistance and restoration of livelihood activities;
- a detailed budget;
- an implementation schedule;
- a description of organizational responsibilities;
- a framework for public consultation, participation, and development planning;
- a description of provisions for redress of grievances; and
- a framework for monitoring, evaluation, and reporting

The handbook also stipulates that affected people be compensated for temporary and permanent losses of physical assets, revenue, and income. It clearly outlines compensation procedures and provides detailed explanations on compensation valuations and replacement costs, described below:

- Compensation is a replacement for a physical asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced;
- 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;
- Replacement costs for agricultural land should be based on the market value of land of equal productive use or 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, and the cost of any registration and transfer taxes; and
- In determining replacement costs, depreciation of the asset and the value of salvage materials are not taken in to account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

IFC PS5 is explicit on the avoidance of cash compensation where possible. The RAP entitlement framework will be developed with this principle in mind.

3.2.3 African Development Bank Policy on Involuntary Resettlement

The African Development Bank (AfDB) policy on involuntary resettlement was developed in 2003⁴. The primary goal of the policy is to ensure that people displaced by AfDB-funded projects are treated equitably, and that they share the benefits of such projects. The policy provides a useful African benchmark that largely complements WBG standards. In line with an overarching focus on poverty reduction, the AfDB resettlement policy moves beyond mitigation to the promotion of sustainable community and society.

Key principles and requirements of the policy are the following:

- A resettlement plan must be developed where physical displacement and loss of economic assets are unavoidable. The plan should ensure that displacement is minimised, and that resettlement is undertaken as part of a development programme (in line with the views of the WBG).
- Displaced persons and host communities should be meaningfully consulted early in the planning process, and involved in the implementation of the resettlement programme.
- Attention must be given to disadvantaged groups, including the impoverished, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities.
- Attention must be given to the integration of resettled people into host communities, minimising the impacts on those communities.
- Displaced persons must be compensated for their losses at full replacement cost.
- The total cost of the project must include the full cost of all resettlement activities.

The AfDB requires one of two levels of resettlement plan: a Full Resettlement Plan (FRP) where 200 or more people will experience resettlement effects (including economic displacement); and an Abbreviated Resettlement Plan (ARP) when less than 200 people will be subject to such effects. It is not anticipated that the NYA resettlement will affect more than 200 people, including economic displacement; however, despite this an equivalent of a FRP should be developed in accordance with AfDB policies and principles.

3.3 Company Policy and Standards

NYA does not have a specific resettlement policy; however, there are other policies that will need to be taken into consideration during the resettlement process. This includes their draft Human Rights Policy and the Sustainable Development Policy.

3.3.1 Draft Human Rights Policy

The key human rights principles to be taken into account during the resettlement process include the following:

- Promote human rights through engagement with host governments, local communities, and our employees and contractors;
- Ensure that all employees treat everyone in and around our operations with dignity and respect;
- Fully cooperate with any responsible human rights investigation and support appropriate punishment for proven violations;
- Protect all employees who report suspected human rights violations;

⁴ African Development Bank, 2003: Involuntary Resettlement Policy. Sustainable Development and Poverty Reduction Unit

- Provide appropriate cultural and human rights education, training and guidance to all relevant staff, including security personnel;
- Ensure fair treatment and work conditions for all employees, including rights to freedom of association and collective bargaining, and prohibit forced, compulsory or child labour; and
- Implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities.

3.3.2 Sustainable Development Policy

The NYA Sustainable Development Policy is focussed on responsible management practices that avoid and minimize adverse health, safety, social or environmental impacts, and enhance the benefits associated with NYA activities, products or services.

The NYA Environment, Health and Safety, and Community Management System outlines responsibilities to implement this Policy and requires the following:

- Engage with stakeholders to ensure that governance and decision-making in the company considers and is responsive to legitimate suggestions, expectations, views or concerns of stakeholders;
- Identify hazards and avoid and reduce risks where there is potential to cause injury or illness to people, or to adversely impact the environment or the community;
- Provide safe work places and systems of work, empower employees and contractors to address unsafe or hazardous situations and carry out their work in a manner that does not present a risk to themselves, others or the environment;
- Support the recovery and rehabilitation of employees in the event of work-related injury or illness;
- Set objectives and targets that promote the efficient use of resources, including energy, water and materials, the minimization of wastes and emissions and the prevention of pollution;
- Develop and implement a community development programme that focusses on community empowerment and well-being;
- Comply with relevant EHS&C legal requirements and other commitments including international standards
- Ensure human resources and labour system incorporates the requirements of fair labour practice relating to issues such as human rights, non-discrimination, equal opportunity, child and forced labour, freedom of association, skills development and training, conditions at work, employment relationships and grievance resolution;
- Require Contractors and Suppliers to meet the requirements of this Policy and the Management System;
- Regularly monitor, review and report sustainability performance.

4 Census and Asset Inventory



This section of the report describes the census and asset inventory process that was carried out in the Yuku Camp Village as well as the methodology used to identify affected field owners. Detailed findings and information from these processes can be found in Section 5 and 6 respectively.

4.1 Yuku Camp Census and Asset Inventory

4.1.1 Overview

SRK Consulting undertook a census and asset inventory in households in Yuku Camp Village between the 8th and 21st June 2013. Household surveys and focus group meetings were also held in other villages to improve on local socio-economic baseline understanding. Information from the census and asset inventory has been used to supplement the socio-economic baseline information (refer to Section 5).

Data for the census and inventory was collected at the household level in Yuku Camp Village in anticipation of physical and economic displacement and included details on affected land and assets, household structures and basic socioeconomic status for each household (e.g. household size, age, gender, relationships etc.)

The census and inventory was conducted by visiting each of the 9 households in Yuku Camp Village to administer the surveys. During the survey the team identified affected assets including structures, houses, subsistence gardens and fields in the presence of affected household members from Yuku Camp Village.

The census served five important and interrelated functions:

- Enumerating and collecting basic information on the affected population;
- Registering the affected population by locality;
- Establishing a list of legitimate beneficiaries;
- Laying a framework for subsequent socio-economic research needed to establish fair compensation rates and to design, monitor, and evaluate sustainable income restoration or development interventions (this will be completed as a part of the feasibility phase); and
- Providing a baseline for monitoring and evaluation.

Data collected in the field was used to prepare a database, and to assist with determining entitlements, eligibility and compensation packages.

4.2 Planning and methodology of the census and asset inventory

Undertaking a household census and asset inventory requires extensive planning. The following planning process included:

4.2.1 Identification of project components

Prior to the site visit and in consultation with NYA, a zone of influence was defined. Within this zone of influence the Yuku Camp Village was identified as the only settlement to be affected by potential physical and economic displacement and therefore it was included in the census and asset inventory.

Having identified affected households and their fields through mapping, a census and asset inventory was conducted. The census of people affected by the project was the key initial stage in

the preparation of the RAP. It is important to note that this census and asset inventory only deals with the households and assets in the Yuku Camp Village.

Subsequent to the site visit, and in the process of integrating specialist impacts into the updated ESIA, it has been noted that further physical and economic displacement may be induced. Further work will be required to determine specific affected households and fields once the detailed design has been finalised. Actions in this regard are outlined in the Action Plan in Section 13.

4.2.2 Community Consultation

Prior to commencing the census and asset inventory, SRK consulted with the community leadership to inform them of the process for undertaking the census and asset inventory. The leaders were then responsible for informing individual households of the census and asset inventory. This meeting was held prior to the commencement of the census and asset inventory. The objective of these meetings was to:

- Discuss the community engagement process;
- Inform communities about the census and asset inventory;
- Notify communities about the grievance mechanism; and
- Provide affected community members with an opportunity to raise their opinions and concerns about the proposed census and asset inventory process.

At these meetings, affected households were informed that the household questionnaires and individual interviews would be conducted with affected households by SRK's survey team.

4.2.3 Use of fieldworkers

SRK made use of three fieldworkers for the census and asset inventory. Two of the fieldworkers were from the SRK DRC office and are experienced socio-economic practitioners. The third fieldworker was from the SRK Cameroon office. The fieldworkers were tasked with completing the census and asset inventory questionnaires. All three fieldworkers are fluent in French and English.

The three fieldworkers were managed by an experienced SRK South African socio-economic consultant who ensured quality throughout the process.

4.2.4 Census and asset inventory training

Prior to commencing the census and asset inventory, fieldworkers participated in a training programme that aimed to describe the tasks and activities undertaken during the survey. The training programme provided fieldworkers with background information about the project and assisted fieldworkers with understanding their roles during the census and asset inventory.

4.2.5 Census and asset inventory questionnaire

A set of carefully designed questionnaires were developed to capture as much detail as possible on the socio-economic circumstances of the affected households, as well as their assets. A total of 9 questionnaires were completed during the Yuku Camp Village census and asset inventory. The census and asset inventory questionnaire template is presented in Appendix A.

4.2.6 Census and asset inventory methodology

The fieldworkers were responsible for the completion of the census and asset inventory questionnaires while the team leaders co-ordinated the process, demarcated residential and garden lands in the presence of affected households and recorded pictures and GPS coordinates of

affected households, structures and assets. Quality control was achieved by the team leader reviewing completed questionnaires.

4.3 Identification of Fields

4.3.1 Overview

During the study process it became apparent that numerous subsistence agriculture fields would be affected by the construction of project infrastructure including the cement plant, quarry, overburden facility and waste landfill sites. Insufficient time was available during the SRK site visit to undertake a detailed survey of the fields.

Subsequent to the site visit NYA personnel undertook to survey all fields within an area of 500m of proposed infrastructure footprints. The area of each field was measured and a single GPS coordinate for each field was recorded. Owners of each field were identified and are listed in Appendix C.

It was noted that fields were owned by households from a number of villages other than Yuku Village. The specific villages were not however identified. Further work will also need to be undertaken to identify corner points for each field so as to determine the extent of fields that will be affected by land take associated with infrastructure footprints. This work should be undertaken once the detailed design has been completed and infrastructure has been pegged out. Section 9 provides an estimate of the area of fields that could be affected by land take, however further verification will be required at the detailed design phase.

4.3.2 Methodology

The following methodology was adopted by NYA for identifying fields of subsistence farmers that may be economically displaced by the proposed NYA infrastructure:

- Using a map showing the proposed layout of project infrastructure visit the site to identify fields that occur within each facility footprint;
- In discussions with the local community determine who is working the field;
- Take a GPS reading at the centre point of the field;
- As per the local regulations, the measurement of all fields was done in the presence of a local government authority and the owner of field;
- Plot the GPS points for the entire NYA project area and overlay the project infrastructure to verify those fields that fall within the infrastructure footprint;
- Overlay the aerial photography of the project area to ascertain that the GPS points correspond with fields that appear on the orthophoto (note that aerial photography was not available at the time of the field work);
- Digitise the fields that appear on the aerial photographs to verify the location and area of affected fields;
- Fields that do not have a GPS coordinate but fall within the infrastructure footprint will be added to the list, noting that information on the community/household affected is not available;
- Fields that are within 500m of the boundary of the proposed infrastructure will also be identified and termed “potentially economically displaced”;
- The data is represented in a tabular format in Section 6 and supported by a map (Figure 6-2).

5 Yuku Camp Village Socio-economic baseline



The socio-economic baseline has been broken into two distinct sections:

- **Overall Project Socio-economic baseline** - presents a summary of the broad socio-economic environment of the Project area. This information is presented in SRK's updated ESIA.
- **Detailed socio-economic baseline of the Yuku Camp Village** - this section of the FRAP provides an updated socio-economic baseline of the affected Yuku Camp Village. It draws on information from the household census to provide characteristics of the affected households. This information can be used to gauge whether the social wellbeing of the affected households has deteriorated post resettlement.

5.1 History and Location

The Yuku Camp Village was originally established by Belgian Scientists in the 1960's for research activities in the area. After completion of their research the camp was vacated. In the 1970's the village was occupied by local people from Kinsua Village tribes.

Yuku Camp Village is located between the quarry and cement plant site (refer to Figure 1-1 for the location). The village is approximately 0.7 kms North of the cement plant site.



Photo 1: Yuku Camp Village

5.2 Demography

Demographic data for the Yuku Camp Village has been drawn from the household census conducted in June 2013 by SRK Consulting. This data provides an accurate reflection of the population and structure of the community.

5.2.1 Population Structure

The Yuku Camp Village is a rural community with a total population of **46 people living in 9⁵ households**. This gives an average household size of 5.1 people. The average age of the community is 31 years. A breakdown of the demographic profile of the community is provided in Figure 5-1 below. The location of the affected households is included in Figure 5-2.

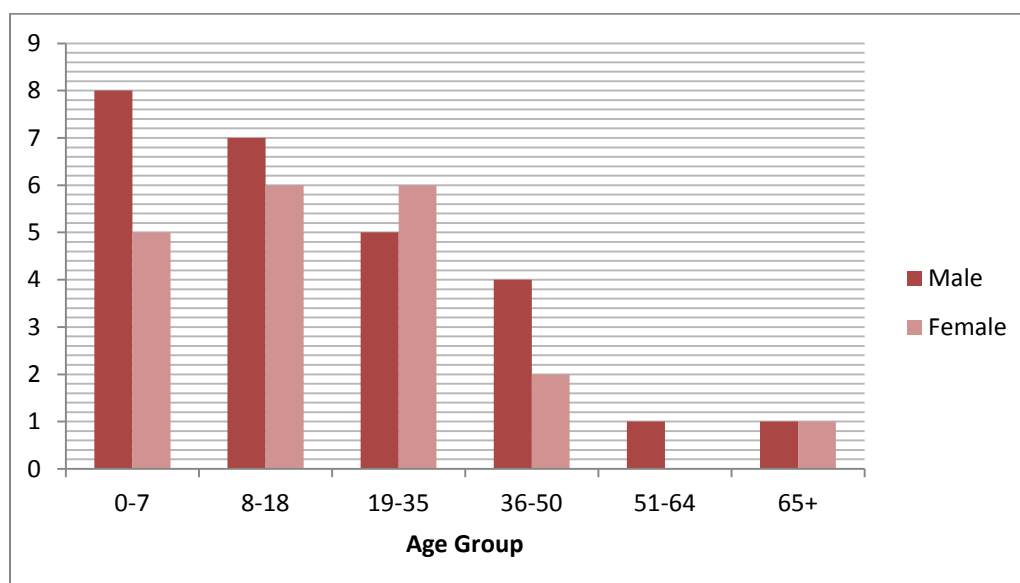


Figure 5-1: Population structure of the Yuku Camp Village

The average age of household heads in the Yuku Camp Village is 42 years, with the oldest head being 75 years and the youngest 29.

5.2.2 Age and Gender

Attempting to understand the age differences and gender stratification within the community is an important part of the RAP process. Certain age groups and genders, particularly the young, elderly and women are more vulnerable and therefore more susceptible to the potential rigours of resettlement.

The community comprises 26 males (57%) and 20 females (43%). The community is generally young with 57% of the community being 18 years of age or under, which indicates a high level of dependency on the income earners. Furthermore, 28% of the community are 7 years or younger. There is only one household headed by a person over 60 years of age, which could potentially increase the vulnerability of this household. Section 5.9 provides a more detailed breakdown of vulnerable households.

5.2.3 Population Growth and Movement

The Yuku Camp Village does not seem to be growing at a rapid pace. There are two factors contributing to this. The first factor is migration. While the Yuku Camp Village was first populated in the 1970's, there is only one household that has lived in the village for more than 20 years, the rest have been there between 1 and 5 years. This seems to indicate that people move in and out of the village on a frequent basis, yet, despite this factor, the population does not seem to be growing rapidly.

The second factor is natural population growth. This is also relatively small with only 2 births reported in the last year in the village. No deaths were recorded in the last year.

⁵ There were originally 12 households identified in the Yuku Camp Village however during the census it became apparent that 3 houses are currently unoccupied.

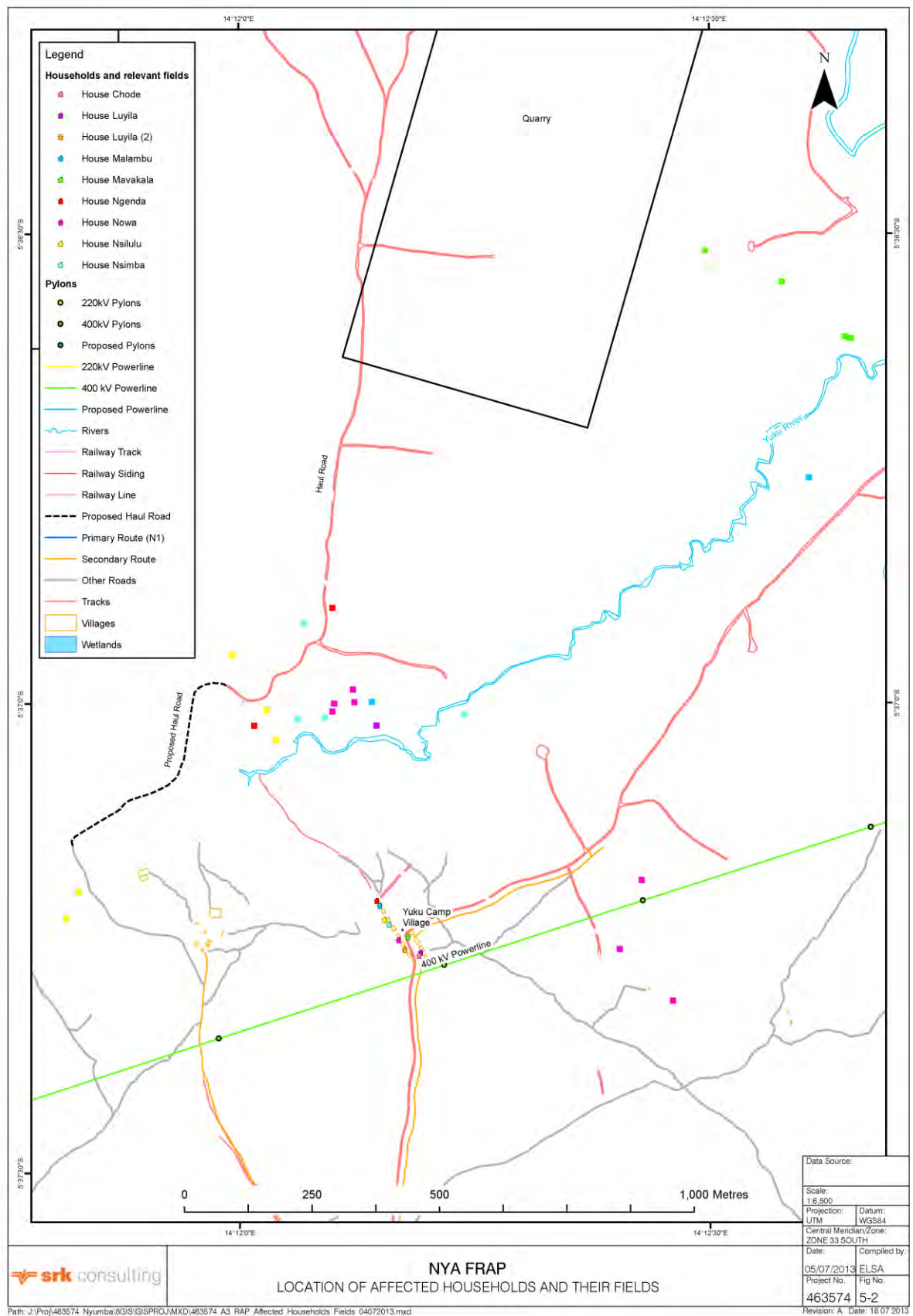


Figure 5-2: Location of the affected households and their fields

5.3 Education

Using data gathered during the census, it was possible to determine the education levels of the affected households in Yuku Camp Village. Table 5-1 below depicts this information.

Table 5-1: Education levels of affected households

Level of Education	Number of people
No education (under 7 years)	9
No education (over 7 years)	1
Attended/Attending Primary School	24
Attended/Attending Secondary School	12
Attended/Attending Tertiary Institution	0
Total	46

Source: SRK household census 2013

Drawing on the data presented above, the following can be ascertained regarding education in the affected households:

- There are several children under 7 years of age who do not have any education, mainly due to a lack of pre-school facilities;
- The majority of the population (52%) have attended or are currently attending primary school. Most students attend primary school in Minkelo Village, approximately 3 km away.
- There is only one person who does not have any education at all; this is a much older household head who never attended school. This potentially places this household in a more vulnerable position;
- While there is a relatively high attendance at primary and secondary level, the quality of education and dropout rate is not reflected in these statistics;
- There are no students completing secondary and moving onto different forms of tertiary education. This is possibly due to financial constraints or the lack of tertiary institutions in the area.

5.4 Health

The census survey attempted to gather information on the overall health of the Yuku Camp Village including common ailments and diseases and sources of treatment. The table below provides a breakdown of this information.

Table 5-2: Prevalent ailments and diseases in the Yuku Camp Village Community

Ailment/Disease	Number of reported incidents in last 3 months	Source of Treatment
Fever	2	Kimpepe Hospital
Malaria	2	Kimpepe Hospital
Headaches	1	Traditional Healer
Ear/Nose/Throat	1	Kimpepe Hospital
Tumour	1	Kimpepe Hospital
Eye Problems	1	Kimpepe Hospital

Source: SRK household census, 2013

Kimpepe hospital is the closest health facility to the Yuku Camp Village. It is used by residents for all medical needs, including child birth.

5.5 Employment, Income and Livelihoods

5.5.1 Employment

It was difficult to ascertain the exact levels of unemployment in the Yuku Camp Village as most respondents classified themselves as self-employed, which included farming, and therefore not actively seeking employment. Therefore, for the purposes of this assessment, the figures below reflect the number of people who are formally and not formally employed.

Table 5-3: Employment levels in the Yuku Camp Village

Type of Employment	Number of people**
Not formally employed	16
Formally employed	4

Source: SRK household census, 2013

*Not formally employed includes people currently earning an income from farming activities

**The remainder of the population are either too young or old to work

5.5.2 Income and Livelihoods

It was established during the census survey that the primary sources of income for the majority of households are formal employment (predominantly in the mining industry), agriculture, informal employment, livestock sales and charcoal production. Seven of the nine households engage in multiple income generating activities. This is usually a combination of someone in the household being formally employed while the remaining members earn additional income from either crop sales and/or charcoal production.

The table below breaks down the sources of income in the community.

Table 5-4: Primary Sources of Income

Source of Income	Number of Households Involved in Activity	Average Monthly Income
Formal Employment	6	\$109.00
Informal Employment	4	\$75.00
Crop Sales	4	\$124.00
Livestock Sales	2	\$70.00
Charcoal Production	2	\$56.00

Source: SRK household census, 2013

Monthly household income is a useful variable to consider because it brings to light the fact that although households are comprised of individual members of the community, income earning individuals are not spread equally throughout these households. Low or no income makes a household more vulnerable to the impacts that resettlement can pose.

The average monthly household income for in the Yuku Camp Village is **\$190.00 (approximately 175 000 CDF)**. During the census no houses reported having no income, while the highest monthly household income was \$360.00. The table below provides a breakdown of the monthly income of the affected households.

Table 5-5: Average household monthly income

Average monthly income	Number of households
\$0	0
\$0 – \$50	1
\$51 – \$100	1
\$101- \$160	2
\$161 – \$250	2
\$251 - \$300	1
\$301 +	2
Average monthly income	\$190.00

Source: SRK household census, 2013

With the majority of households in the community earning between \$100 and \$300 per month, even small additional monthly expenses will have a detrimental effect on them. This needs to be taken into account during the resettlement.

5.5.3 Agriculture

All of the households in the Yuku Camp Village are currently involved in agricultural activities. Four of the households, as mentioned above, derive a considerable proportion of their income from the sale of crops, the remaining households are involved in agricultural activities for predominantly subsistence purposes.

The crops grown in these fields include cassava, peanuts, beans, maize, sweet potatoes, tomatoes, cabbages and onions. The location of the fields owned by the affected households is reflected in Figure 6-1.

Numerous fruit trees were also recorded in the village including banana, orange, avocado, butter fruit (*safu*) and pineapple trees. The produce from these trees is used predominantly for subsistence use and was not reported as a source of income.

5.5.4 Livestock

While two households in the community derive an income from livestock sales and/or animal products, only a small portion of the community keep any livestock including a small number of goats and pigs and several chickens. The table below provides a breakdown of the numbers of livestock currently in the community.

Table 5-6: Livestock in the Yuku Camp Village Community

Type of Livestock	Number of households keeping livestock	Total number in the community*
Goats	2	7
Pigs	2	2
Chickens	4	61

*This number should be considered an estimate as most households were uncertain of the exact numbers

5.5.5 Charcoal Production and Sales

Several households in the Yuku Camp Village are involved in the production and sale of charcoal as a source of income. Charcoal (*makala*) is used extensively for cooking in the project area and as alternative fossil fuel sources are largely unavailable, charcoal is in high demand. In this context, the price of charcoal has increased significantly in recent years, making the production and sale more rewarding, but placing stress on the limited incomes of households.

5.6 Housing

All of the housing in the Yuku Camp Village was constructed in the 1960's. The houses were constructed using brick and cement and were plastered. They all have corrugated iron roofing. The houses are severely run down, many are cracked and missing window and door frames.

All of the houses in the village are based around the same basic designs and range between 25 m² and 35 m².



Photo 2 and 3: Housing structures in the Yuku Camp Village

Most households in the village reported that they inherited their house from their family, there were a few however who reported that they are occupying the house without any consent. None of the households have any formal title deeds to their properties.

5.7 Infrastructure and Services

The importance of establishing the level of services provided to the community at present is important in the RAP process for a number of reasons. Firstly, it allows for the same level of services to be provided to the community when they are resettled. Secondly, it provides for an overview of what level of services will be required at the host site, allowing for accurate budgeting.

5.7.1 Transport

Due to the rural and remote nature of the Yuku Camp Village, transport is a serious issue for the community. The village lies approximately 3 km to the north of the N1, which is the primary road through the area, and the main access point for taxis and buses. During the census survey it was often mentioned that the lack of transport in the area was a contributing factor to the lack of employment opportunities and access to various public amenities.

Typically people walk to their place of work, or use bicycles, while students walk to school which is over 3 km away. It will be important for the resettlement, especially the location of the host site, to take into consideration these factors. There exists the opportunity for people to be located closer to public amenities such as schools, clinics, shops and transport routes which will improve their current way of life.

5.7.2 Refuse Removal

During the household census, affected households were asked how they disposed of their refuse. As there is no municipal refuse removal service, all households indicated that they either burned or buried it.

5.7.3 Sanitation

The availability and access to sanitation services is an important social service, and can often be an indicator of a community's social wellbeing. There are no formal sanitation services Yuku Camp Village, with most houses utilising pit latrines, which are often in a state of disrepair. Some households reported that they do not have access to any sanitation services and are therefore forced to use the bush.

The provision of improved sanitation facilities will be an excellent opportunity for the resettlement to improve the lifestyles of the community and could be achieved by constructing Ventilation Improved Pit Latrines (VIPs).

5.7.4 Water

Water in the Yuku Camp Village is sourced solely from the Yuku River which lies approximately 300m to the north. The water from the river is not potable as therefore has to be boiled before use.

5.7.5 Energy Sources

Table 5-7 summarises the sources of energy and the manner in which these energy sources are used by the Yuku Camp Village households. Some of the key points are:

- No households have access to electricity;
- Battery operated torches and paraffin lamps are the primary source of energy for lighting;
- Candles are not extensively used as they are expensive and difficult to obtain;
- Wood is the most common source of fuel for cooking as it is gathered locally and is free;
- Charcoal is also commonly used for cooking, while it is produced locally, it can be expensive to purchase.

Table 5-7: Sources and uses of energy in the Yuku Camp Village

Energy Source	Number of Households	Lighting	Cooking
Electricity	0		
Battery operated torch	8	☒	
Paraffin Lamp	7	☒	
Candles	2	☒	
Wood	9		☒
Charcoal	6		☒

Source: SRK household census, 2013

5.8 Significant Cultural Heritage Sites

ECTECH identified a single grave in the Yuku Camp Village area. No other heritage or cultural site has been identified.

NYA will ensure that relocation of community and individual sacred sites occurs with culturally appropriate respect and consideration in order to preserve their cultural significance and importance.

Relocation of graves, if necessary, will occur in a culturally appropriate manner with full participation of affected elders, community members and families. These may include an offer of financial compensation and completion of appropriate rituals. Elder men and women would be included explicitly in the process such that their knowledge of the traditional ways would be incorporated into planning and implementing the relocation of graves.

For additional information on Cultural Heritage in the Project Area refer to the Cultural Heritage Report.

5.9 Vulnerable Groups

There are various groups in the community that may be particularly vulnerable to the impacts of resettlement. These vulnerable groups can be categorised as follows:

- **Children and Youth:** There are 13 children seven years and younger and 13 youth between the ages of eight and eighteen in the Yuku Camp Village. The children and youth most at risk in this context are those in households headed by single parents or by relatives replacing parents (grandparents, aunt and uncles).
- **Women:** Among women, groups requiring particular support are single mothers and widows. In both cases, the women often find themselves caring for a household whilst also seeking to provide a living for them. Some of the primary needs for women include access to health facilities and job opportunities. Women will be included in all consultation through the Gender Mainstreaming Plan.
- **Elderly:** The household survey identified 2 many people over the age of 65 living in the community, with only one household headed by elderly people. Access to health facilities and transportation are some of the primary needs for these people. Elderly people mostly at risk are those without support.
- **Disabled and Chronically Ill:** There is currently one physically disabled person in the community. The primary needs for this person includes access to transport and health facilities as well as the support of family, friends and neighbours within the community.

5.9.1 Vulnerable Households

Three households were identified as being potentially vulnerable during the resettlement process for the following reasons:

Table 5-8: Potentially vulnerable households

Household Number	Potential for vulnerability
HH 1.	• Low income earning household • Small child in the household
HH 2.	• Low income earning household • Four children under 7 years of age
HH 3.	• Elderly household head and spouse • Low income earning household • Small children in the household

Households that have been identified as being vulnerable will receive specific attention regarding livelihood restoration and resettlement assistance as detailed in the Livelihood Restoration Plan (LRP) (refer to Section 11.5).

5.10 Implications for resettlement

From the socio-economic baseline, it is clear that affected households are predominantly poor relying extensively on low levels of formal employment and agricultural activities for income. Through the LRP (refer to Section 11.5), NYA will be able to ensure that the livelihoods of these households will not deteriorate as a result of physical and economic displacement.

There are no clear governance structures in the community, with no clear roles and responsibilities. Therefore it will be important that organisational structures (outlined in Section 7.4) are involved in the implementation process by assisting NYA with gaining access to the community.

With this context in mind, it is clear that resettlement prompted by NYA activities should:

- Minimise impacts on livelihoods and where impacts are unavoidable implement sustainable livelihood restoration programmes in partnership with the affected community;
- Consider vulnerable people, and find ways to support and monitor them during the RAP implementation process; and
- Monitor the resettlement process and its implications for the affected population (refer to Section 14).

6 Resettlement Related Impacts



The resettlement of the Yuku Camp Village will have numerous potential impacts. These impacts will range from physical impacts on various assets, economic impacts, social impacts and potential impacts on the host community.

Further to these impacts will be the potential impact of economic displacement on numerous households with fields within the footprint of the proposed project infrastructure.

6.1 Land Acquisition

The NYA project will acquire approximately 156.7 ha of land for the construction of the cement plant, the quarry, the overburden stockpile, a waste landfill site⁶ and employee accommodation (refer to Figure 1-1 for the location of this infrastructure). This area may increase or decrease at detailed design stage. The footprint areas may also shift during the detailed design stage. A final estimate of the total area affected by footprints of infrastructure should be verified at that stage.

The acquisition of this land will result in the physical displacement of a total of 9 households, and associated immovable assets, in the Yuku Camp Village (refer to Figure 5-2 for the location of these households).

Land acquisition will also result in economic displacement for households in the Yuku Camp Village and other households who have fields within the infrastructure footprints.

As this FRAP has been updated in parallel with the updating of the ESIA it has not been possible to quantify the physical and economic displacement that may be stimulated by a combination of various environmental impacts that are not associated with direct land take – for example noise, dust, road safety etc. It is also noted that further displacement may be identified once the project description and footprint areas have been fixed at detailed design stage.

This section therefore focusses on the physical displacement of the Yuku Village households in detail, and is more generic with regards other physical displacement and any economic displacement that may take place.

6.2 Physical Displacement

6.2.1 Preliminary summary of physical impacts

During the Yuku Camp Village census and asset inventory, a summary of all the immovable physical assets was recorded. In the event of resettlement taking place, these assets will be compensated for according to an agreed entitlement matrix. Principles for the development of a comprehensive entitlement matrix have been prepared and can be found in Section 10.

The entitlement matrix will need to be finalised once the final design has been completed and the infrastructure footprints have been pegged out. The entitlement matrix will also need to be disclosed and agreed prior to finalisation.

Table 6-1 details the physical assets that were recorded in the community.

⁶ Currently three waste landfill sites are being considered. Field data was collected for all three.

Table 6-1: Preliminary summary of impacted physical assets

Affected Category	No.	Summary of impacts	Mitigation Measure
Total number of affected housing structures	9	There are 9 houses in the Yuku Camp Village that will be affected	All physical structures will be compensated for in line with the entitlement matrix and compensation framework (refer to Section 11).
Total number of additional structures affected	3	There are 3 animal enclosures that will be affected	
Number of affected public facilities and amenities	0	There are no public facilities such as schools, clinics, etc in the Yuku Camp Village.	Not applicable.
Impacted number of graves	1	Number of graves identified during the census and asset inventory which will potentially be affected by relocation.	If possible the grave will remain where it is, otherwise it will be moved in accordance with DRC law and good international industry practice.
Number of businesses affected	0	There are no businesses in the Yuku Camp Village that will be affected.	No mitigation measures required.
Number of fruit trees	330	There are numerous fruit trees belonging to households in the Yuku Camp Village.	Fruit trees will be compensated for in line with the entitlement matrix.

Physical displacement of any other households outside of Yuku, that may be project-induced has not been considered or quantified and will need to be addressed in the final RAP.

6.3 Economic Displacement

6.3.1 Preliminary summary of economic impacts

The construction of the cement plant, the quarry, the overburden stockpile and the waste landfill will result in the economic displacement of agricultural fields belonging to households within Yuku Village as well as households from other villages.

During the asset inventory all of the fields belonging to households from Yuku Camp Village were recorded. The details of these fields are included in **Appendix B**. The location these fields is recorded in Figure 5-2.

In addition, the owners of fields, from other villages, within 500m of the various infrastructure footprints were identified. Their field locations were recorded and the fields measured. Detail of these fields including owner names and GPS coordinates is included in **Appendix C**. The location these fields is recorded in Figure 6-1.

All owners of fields affected by the project should be compensated in accordance with the Entitlement Matrix. Verification of the exact fields that are affected will need to be done at the detailed design phase once infrastructure footprints have been pegged on site.

The entitlement matrix will need to be finalised once the final design has been completed and the infrastructure footprints have been pegged out. The entitlement matrix will also need to be disclosed and agreed prior to finalisation.

A summary of the economic displacement for households in the Yuku Camp Village and households affected by project infrastructure is provided in the table below.

Table 6-2: Summary of impacted fields

Impacted Area	Affected Category	No.
Yuku Camp Village	Number of Yuku Camp Village households with affected fields	8
	Area of land of Yuku Camp Village Fields	15 hectares
Cement Plant	Number of households potentially affected economic displacement due to the construction of the cement plant	16
	Area of land potentially affected by the cement plant	2.6 hectares
Quarry	Number of households potentially affected by economic displacement due to the construction of the quarry	6
	Area of productive land/fields potentially affected by the quarry	1.7 hectares
Overburden Stockpile	Number of households potentially affected by economic displacement due to the construction of the overburden stockpile	11
	Area of productive land/fields potentially affected by the overburden stockpile	4.9 hectares
Labour and officer hostels	Number of households potentially affected by economic displacement due to the construction of the labour and officer hostels	0
	Area of productive land/fields potentially affected by the overburden stockpile	0
Waste Landfill	Number of households potentially affected by economic displacement due to the construction of the waste landfill	12
	Area of productive land/fields potentially affected by the waste landfill	3.4 hectares
Waste Landfill (Option 1)	Number of households potentially affected by economic displacement due to the construction of the waste landfill	3
	Area of productive land/fields potentially affected by the waste landfill	1.7 hectares
Waste Landfill (Option 2)	Number of households potentially affected by economic displacement due to the construction of the waste landfill	0
	Area of productive land/fields potentially affected by the waste landfill	0
Entire NYA Project Area	Total number of households potentially affected by economic displacement due to NYA project infrastructure	56
	Total Area of agricultural land potentially impacted by the Project area*	27.6 hectares⁷

Economic displacement of any other households that may be project-induced has not been considered or quantified and will need to be addressed in the final RAP.

6.4 Additional Socio-Economic Impacts

Resettlement can often have profound impacts on the socio-economic status and wellbeing of an affected community. These impacts are often not tangible or quantifiable like the physical impacts, yet they too need to be identified and mitigated where possible. Table 6-3 below provides a summary of some of the potential socio-economic impacts expected as a result of the resettlement of the Yuku Camp Village. These impacts have been determined from past experiences and sentiments voiced by the community during various consultations.

⁷ The total number and area of affected fields is based on Option 1 for the Waste Landfill.

These impacts would be equally relevant to any other households subjected to currently undetermined physical displacement that may be identified during the detailed design stage.

Table 6-3: Potential socio-economic impacts on the Yuku Camp Village Community

Impact	+/-	Detail	Proposed Mitigation
Social			
Loss of a sense of community and family/neighbour support systems	-	There are currently strong family and neighbour support systems in the community. These systems may be detrimentally affected by the resettlement	- The layout of both the community and individual houses should take the current community layout into account. - Neighbours and families should not be broken apart where possible - Households should be integrally involved in the design process
Improved security of tenure	+	The community currently do not have title deeds to their properties, when they are resettled their tenure should be improved	NYA should attempt, through the Lands Commission, to improve the tenure status of the residents of the Yuku Camp Village by securing leases.
Improved access to basic services	+	The community will receive improved services, particularly water and sanitation	Through the resettlement process, improved services should be provided, particularly reliable water supply and improved sanitation facilities.
Economic			
Possible employment prospects	+	Currently the majority of the community is not formally employed. A large scale project in the area may increase employment opportunities for the local population	- The LRP will make provision for training and or business development opportunities in the community, thus taking advantage of improved employment potential - NYA will employ local people where possible in accordance with their employment policies and requirements.

6.5 Host Site and Community Impacts

6.5.1 Host area consultation

It will be important for NYA to consult with the host community prior, during and post resettlement. This consultation will aim to identify the potential concerns and impacts on the host community. This feedback should be taken into consideration when considering the resettlement host site scenarios presented in Section 9.

6.5.2 Integration Measures

Many of the households in the Yuku Camp Village originate from either Mbemba or Kinsua Villages. This coupled with the locality of potential host sites, and the relatively small population of the Yuku Camp Village will help to prevent any serious integration problems. However, if and where problems do occur however, specific actions will have to be undertaken to address and mitigate them. The following will assist the process of integration into the host community:

- **Local government structures.** NYA will engage with local government. They will be well placed to ensure local organisational continuity through and after the resettlement.
- **The activities of the CNC.** This forum is used mainly the resolution of compensation claims and disputes, however, where possible the CNC should extend its brief to include the role of liaison and communication between NYA and the affected community. If possible the forum should attempt to identify local development requirements once the mine is operational. In this role, the forum should benefit resettled households and hosts alike.
- **Livelihood Restoration Programme.** This will provide long term restoration of livelihoods among affected the community. These initiatives will ensure that the resettled households are

re-established as quickly as possible, reducing the potential for disruption of the host community. The LRP will be in line with socio-economic situation in the area and the development goals and approach of NYA.

- **Translocation assistance:** Support and assistance to the affected community during relocation, including transport and removal services, will assist, in the short term, with integrating the community into their new surroundings;
- **Consolidated resettlement.** The resettlement process should be undertaken in one consolidated phase. This will ensure all affected households are moved together, reducing the anxiety that family, friends and neighbours will be left behind.

6.6 Efforts to Minimize Project Impacts

During Project development, consideration will need to be given to minimizing the scope of physical and economic displacement associated with the NYA Project through:

- Design of Project Infrastructure
- Approaches to Land Access & Management

6.6.1 Design of Project Infrastructure

In terms of the design of project infrastructure, careful attention will need to be given to the following:

1. **Minimizing the size of Project components and the distances between those components:** NYA is required to minimize the size of Project components and the distances between them in order to reduce the Mining Area. Doing so is important from the standpoint of the social impact of the Project and reducing take of farmland to the minimum necessary, but also from the standpoint of Project efficiency: shorter roads mean lower construction and operating costs.
2. **Minimizing buffers around Project components:** NYA will need to minimize buffers around Project components without compromising the health and safety of nearby residents and rivers/streams.
3. **Locating components of the Project footprint where feasible in less populated areas:** NYA has worked to ensure that the Mining Area is located in the un-populated, rural areas, distant from sizeable communities and major public facilities and infrastructure.
4. **Minimizing loss of access as a result of Project infrastructure:** The quarry plan shall ensure that access is still maintained between various villages through or outside the quarry and Plant area, and also ensures continued access to farmlands for local residents, by affecting as few established access roads and pathways as possible.

6.6.2 Land Access and Management

The reduction of direct and indirect impacts on PAPs, particularly with regard to livelihoods, needs to be given concerted attention in the development of the final project layout. This should involve the detailed design of environmental and development buffers around key infrastructure and the quarry.

Buffers prevent development around key Project infrastructure to avoid encroachment on the quarry and plant area and adverse environmental impacts on residents, and also to ensure public safety, while still keeping the land take to the minimum area needed, reducing resettlement requirements, and keeping impacts on households and farms to a minimum.

During the land access and resettlement process, farming of food crops will be allowed to continue in the Yuku Camp Village area, until compensation and resettlement negotiations are completed, compensation has been paid, and the roll-out of livelihood programs allows a smooth transition for villagers out of the Quarry and Plant Area, without compromising food security. Wherever possible, farmers will also be given the opportunity to harvest crops before relocating from the quarry and plant area.

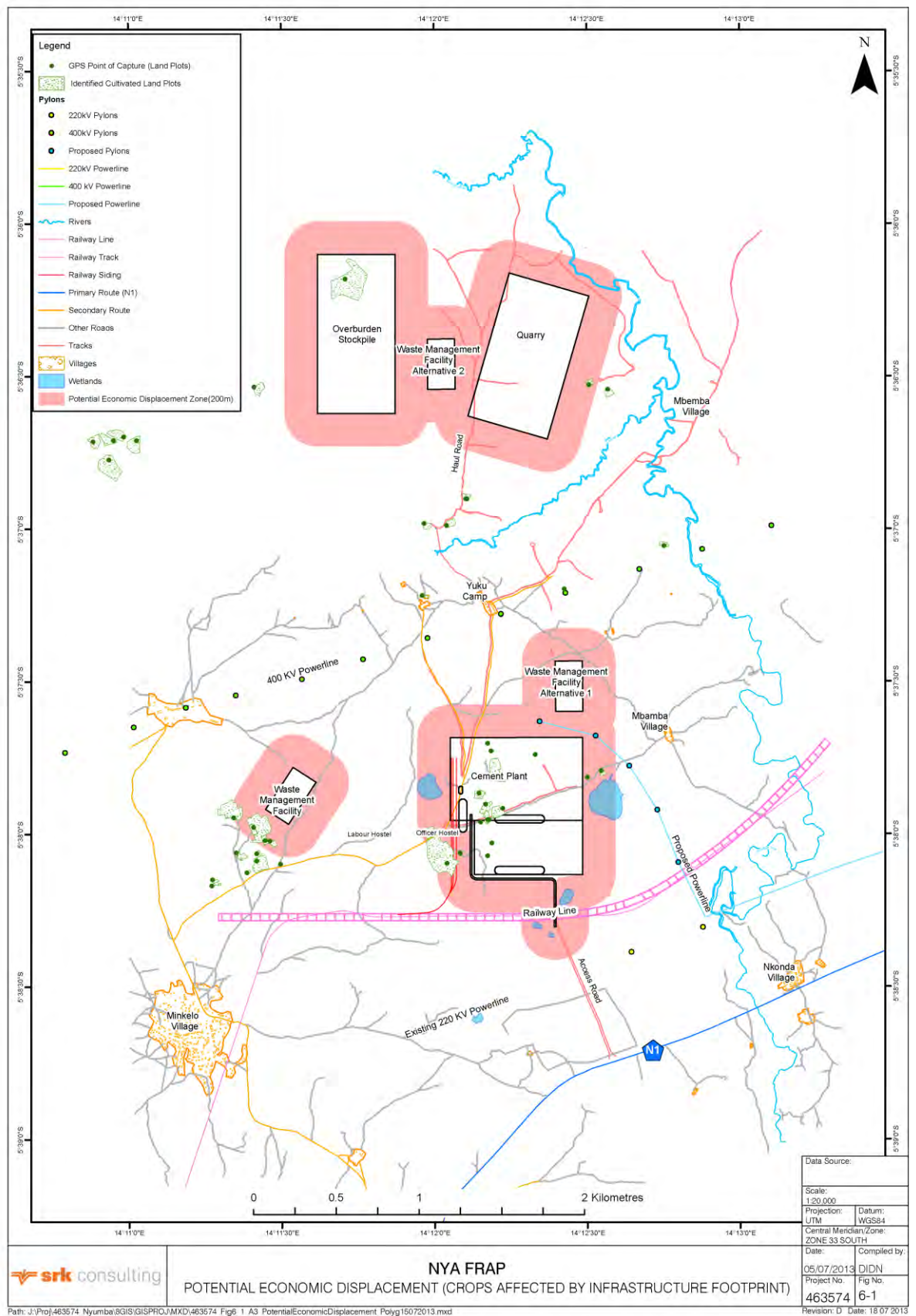


Figure 6-1: Location of fields affected by proposed project infrastructure

7 Stakeholder Engagement



SRK is currently developing a Stakeholder Engagement Plan (SEP) that will detail the stakeholder engagement process, all of the potential stakeholders in the process, their roles and involvement and methods of engagement. Many of the stakeholders identified in this plan will be directly involved or affected by the resettlement and therefore extensive consultation and information sharing will be necessary.

7.1 Engagement Requirements, Objectives and Principles

7.1.1 Requirements

The IFC Guidelines state that *“Effective resettlement planning requires regular consultation with a wide range of Project stakeholders. Early consultation helps to manage public expectations concerning impacts of a project and expected benefits. Subsequent consultations provide opportunities for the Project proponent and representatives of affected populations to negotiate compensation packages and eligibility requirements, resettlement assistance, and the timing of resettlement activities”*

Furthermore, the IFC handbook for preparing a Resettlement Action Plan (RAP) sets out the following requirements for consultation and communication during a RAP:

- **Consultation with local government, community leaders and affected people representatives:** “Consultation with officials of local government, community leaders and other representatives of the affected population is essential to gaining a comprehensive understanding of the types and degrees of adverse project effects’
- **Consultation with host communities:** “Consultation involving representatives of both host communities and the communities to be displaced helps to build familiarity and to resolve disputes that inevitably arise during resettlement”
- **Requirement for a resettlement advisory group and composition:** “Depending on the scale of resettlement associated with a project, it may be appropriate for the sponsor to create a resettlement advisory group. This advisory group should comprise representatives of the project sponsor, relevant government line and administrative departments, community organisations, NGOs involved in support of resettlement as well as representatives of the communities affected by the project”.
- **Purpose of consultations:** “Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of the people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. Project consultation with people affected by resettlement is mandatory”.

NYA endorses the concept that communication with project stakeholders is an essential component of any resettlement process. NYA is committed to pro-active and on-going communication with all agencies, organizations, and individuals with an interest in the development of the Project. NYA has undertaken a comprehensive suite of consultation, disclosure activities, and stakeholder engagement exercises since acquiring the concessions.

7.1.2 Objectives

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

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

7.1.3 Principles of engagement

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

- Transparency to all parties;
- Involvement of all affected parties (inclusivity);
- Information sharing;
- Informed decision-making;
- Flexibility in terms of approach; and
- The advisory and objective role of the external support team to be maintained at all times.

7.2 Previous engagement activities undertaken by NYA and ECTECH

NYA and ECTECH have had various engagements and meetings with authorities and communities in the project area, as well as other interactions such as sit visits with stakeholders between 2009 and 2013. The two tables below provide a breakdown of this consultation and engagement.

Table 7-1: NYA stakeholder engagement and interactions (2009 – 2013)

Date of meeting	Type of meeting and stakeholder group	Stakeholder Group
9 December 2009	Community meeting at project site	Mbemba Community
20 January 2010	Community meeting and project site visit	Kinsua Community
13 March 2010	Consultation and familiarisation with Periodical Audit Report (PAR) Report	Local Authorities and Kinsua Community
5 April 2010	Public information meeting regarding	Local Authorities, Kinsua Community

Date of meeting	Type of meeting and stakeholder group	Stakeholder Group
	digging campaign	
20 April 2010	Field visit of Rodio Company and preparation for digging campaign	Administrative authorities, Kinsua Community, Rodio, LUIMA sector head
2 May 2010	Field visit of Holtec Company	Kinsua Community and LUIMA sector head
21 May 2010	Site visit with NYA, Rodio and Holtec and preparation of digging campaign	Holtec, Rodio, Kinsua Community and LUIMA sector head
10 June 2010	Awarding of gift to local traditional authorities	Kinsua Community and head of Makulukulu
17 June 2010	G4S Gas company site visit to project area	Kinsua Community
24 June 2010	Launching ceremony for digging campaign	Kinsua Community and local authorities
10 July 2010	Community information on progress of digging campaign	Kinsua Community
10 August 2010	Community information on progress of digging campaign	Kinsua Community, head of LUIMA sector and Provincial Division of Mines
20 December 2010	Awarding of end of year basket,	Kinsua Community, Songololo Territory Administrator
7 October 2010	Preparation of convention between NYA and local population	Kinsua Community, LUIMA sector head
10 November 2010	Discussion of content of convention document	Permanent consultation framework
11 December 2010	Reception and modification of convention document by community representatives, local administrative authorities	Members of the permanent consultation framework
23 December 2012	End of the year gift to local communities	
29 January 2013	Community meeting to address Kondo Kiomba opposition to giving consent to use their land for the NYA project	Kondo Kiomba Community
3 February 2013	Discussion of the use of Kondo Kiobia land for NYA project,	Kondo Kiombo Community representatives and LUIMA sector head
16 February 2013	Constitution of the Permanent Consultation Framework (PCF)	With the PCF and LUIMA sector head
20 February 2013	Discussion of convention document between NYA and local population	Kinsua Village representatives
18 March 2013,	Information visit from ERM Consultants	PCF and Sector Head
21 March 2013	Environmental and social situation analysis of ERM experts	Members of the PCF
25 April 2013	Visit of lenders to project area.	PCF, Territory Administrator, Sector Head and lender bank representatives

Date of meeting	Type of meeting and stakeholder group	Stakeholder Group
8 May 2013	Survey on non-occupied land for site identification of VODACOM antenna and relocation of Yuku Village	Representatives of 5 concerned villages, Songololo Territory Administrator, LUIMA and Kimpese sector heads and 2 principal traditional leaders in the area
17 May 2013	Public notification of VODACOM antenna installation on non-occupied land and relocation of Yuku Village	Members of the PCF and sector head
5 June 2013	Public notification meeting of update of the ESIA and site visits by SRK Consulting	SRK staff, sector head and members of the PCF
27 June 2013	Meeting with African Development Bank representatives	Sector head and 2 tribal leaders in the area and African Development Bank representatives

During the ESIA undertaken by ECTECH Environmental Consultants during 2012, various consultations took place with key DRC government authorities and local communities. These meetings are listed in the table below.

Table 7-2: ECTECH Stakeholder engagement and interactions (2012)

Date of meeting	Type of meeting	Stakeholder Group	Approximate Number of Attendees
8 November 2012	Consultation	Environment Minister	4
8 November 2012	Consultation	GEEC and DPEM	8
10 November 2012	Community meeting	Tandi Kumbi and Nkonda Villages	24
11 November 2012	Community meeting	Nionga Village	12
12 November 2012	Community meeting	Nkondo Kiomba Villages	32
13 November 2012	Community meeting	Minkelo and Mawete Village	52
14 November 2012	Community meeting	Mbemba and Yuku Villages	17
15 November 2012	Community meeting	Kokolo Village	21
16 November 2012	Community meeting	Kinsua Village	9
17 November 2012	Consultation	Songololo Territory Office	4
18 November 2012	Consultation	District des Cataractes Office	3

7.2.1 Memorandum of Understanding

An outcome of the previous stakeholder engagement that occurred was the signing of a Memorandum of Understanding (MoU) between NYA and various local community beneficiaries.

The MoU details the NYA project, who the potential beneficiaries of the project will be and what some of the impacts may be, including the resettlement of Yuku Camp Village.

In the MoU the local communities committed to the possibility of physical and economic displacement due to project related activities. The full MoU, translated into English, is included in Appendix D.

7.3 NYA Communication Strategy and Stakeholder Engagement Plan

The SEP, that is being developed by SRK (refer to Appendix 17 of the updated ESIA), will outline and document NYA's consultation and disclosure practices, to be implemented for the proposed Project. The SEP includes details of public involvement activities with NYA affected communities which will occur:

- During the feasibility assessment stages of the NYA Project and resettlement;
- During development of the Project; and
- Continuing throughout the life of the Project.

The goal of the SEP will be to ensure adequate information is provided to project-affected people and other stakeholders in a clear and timely manner, and that these groups have sufficient opportunity to voice their concerns and opinions so that they can influence project decisions.

7.3.1 Key SEP Objectives

The SEP will aim to improve and facilitate decision-making and create an atmosphere of understanding that actively involves individuals, groups, and organizations that can affect, or be affected by, development of the Project. Emphasis of the SEP will be to allow implementation of a formal program of communication in an objective, simple manner, to focus efforts on improving communications between NYA and interested parties.

Key Objectives of the SEP are:

- Keep stakeholders informed of NYA activities;
- Consult and educate stakeholders on all aspects of the project;
- Include community inputs in project development and design;
- Generate and document broad community support for the Project;
- Improve communications between interested and affected parties;
- Document development of formal public consultation;
- Describe formal complaint submittal and resolution mechanisms; and
- Disclosure of project documents.

Key aspects of the consultation and disclosure process will include:

- Regular release of Project-related information, including NYA policies, Project details, answers to frequently asked questions, and rights and responsibilities of affected people, presented as required in a manner consistent with local cultural norms of the area and of DRC.
- Articulation and delivery of clear, consistent messages from key staff to the public and stakeholders, ensuring that community workers and staff are aware of NYA's position regarding the project and are capable of responding to questions/comments appropriately.
- Communication to be undertaken through the local language.
- Regular meetings and forums documented by NYA community workers to present Project-related information, answer questions, and address concerns.
- Development of the NYA **Compensation Negotiations Committee** (refer to Section 7.4.3), to include members representative of all stakeholders and acceptable to all parties, to discuss and make decisions regarding specific Project impacts and community concerns.

- An open-door policy for interaction with **Community Development Officers (CDOs)**, such that stakeholders feel comfortable approaching them directly to ask questions, discuss matters, and raise concerns.
- Management of a responsive grievance and complaints procedure for recording and responding to comments and concerns in a constructive and timely manner.

7.3.2 Stakeholder Identification

The IFC Guidance Notes define stakeholder identification as the process of:

- Identifying individuals, groups or local communities that may be affected by the project, positively or negatively, and directly or indirectly, making special effort to identify those who are directly affected, including the disadvantaged or vulnerable Project Affected Persons (PAPs)
- Identifying broader stakeholders who may be able to influence the outcome of the project because of their knowledge about the affected communities or political influence over them
- Identifying legitimate stakeholder representatives, including elected officials, nonelected community leaders, leaders of informal or traditional community institutions, and elders within the affected community.

The NYA Project has a wide variety of stakeholders, people, agencies, and organizations that could be directly or indirectly affected (positively or negatively) by the Project or that could influence the Project (positively or negatively). In order to develop an effective stakeholder involvement program, it is necessary to identify the various stakeholder groups, as different outreach methods may be required for different groups. In addition, primary concerns will likely differ between various stakeholder groups.

For the NYA Project, stakeholders have been identified through a variety of methodologies. This includes:

- Formal discussions with Traditional Leaders and government agencies;
- Community meetings and forums; and
- Focus groups with key groups such as Traditional leaders, landowners, women, youth, and farmers.

Stakeholders in the local communities have also been identified through a comprehensive socio-economic survey, which also gathered concerns and issues surrounding the project development. With the commencement of the land access and resettlement process at NYA, further socio-economic surveys and focus group discussions will identify all stakeholders affected by the Project.

7.3.3 Identification of Women and other Vulnerable Groups

Resettlement can be particularly arduous on vulnerable groups such as women, children and the elderly. For this reason particular emphasis needs to be placed on early identification and involvement of such vulnerable groups. Given that women constitute a significant potentially vulnerable group, NYA is developing a **Gender Mainstreaming Plan** for the NYA Project which will ensure in particular the interests of women are considered in all aspects of the NYA Project, particularly during the resettlement process, and special efforts will be made for consultation with women.

Women face a number of disadvantages in terms of public consultation:

- Because of the disproportionate amount of work that women undertake in carrying out their responsibilities of feeding their families, they may have limited time at their disposal to attend consultative events
- The limited economic means often available to women also imposes obstacles to participation, for instance by preventing women from accessing transport to public meetings
- The frequent disadvantages suffered by women in terms of educational opportunities and skills acquisition tend to limit their ability to participate meaningfully
- The limited status of women reduces their confidence (and even willingness) to participate in consultative forums, and increases the probability that their contribution will be disregarded or denigrated by male participants
- Outsiders may find it uncomfortable to be fully inclusive of women if there is opposition from male community members who draw on traditional cultural references to exclude women.

Nevertheless, women make an essential contribution to the resettlement process because of their intimate knowledge regarding issues such as land management, water resources, etc. They are also frequently in a good position to identify community needs and priorities that can be taken up in the **Livelihood Restoration Plan**.

The **Gender Mainstreaming Plan** consists of four components:

- Building gender strategy into the decision-making of NYA;
- Developing Women's Associations and Groups in the Project-Affected communities, providing a platform for women in the lease area to express themselves freely, to participate in community decision making regarding the Project, and to address specifically those issues particular to women and their roles in society, as well as an opportunity to meet and collaborate on other issues of common interest;
- Partnering with NGOs and governmental agencies, to increase women's representation and advancement by providing civic education and sensitization programs on gender for all adults, women and men, in the mine affected communities;
- Providing education designed to increase women's ability to engage in policy and program dialogue.

The **Gender Mainstreaming Plan** specifies that the following steps will be taken to promote the equitable and meaningful participation of women:

- NYA's Environment and Social Responsibility are committed to filling a balanced number of positions with women.
- Consultative events such as meetings will be timed so as to take into account the various demands on women's time (including other work, preparing meals, etc.)
- Baseline social profiles compiled as part of the specialist studies for the Land Access & Resettlement process will include an analysis of gender dynamics and disparity between men and women in terms of participation in the local and regional economy. This information will be used as a basis for further planning to involve and meet the needs of female community members
- All consultative committees established in view of on-going stakeholder and neighbour relations (the CNC, etc.) will be developed with the aim of having a reasonable proportion of female members. Women's participation in the leadership and management of these committees will also be promoted

- In its deliberations, the CNC will demonstrate that gender considerations were taken into account in all discussions and agreements
- Training and awareness-raising workshops will be offered to consultative forums to sensitize participants to the relations between men and women, and to transform traditional relationships that have not allowed women to realize their potential
- When monitoring the effects of on-going community consultation, data will be collected and recorded in a gender-disaggregated manner so as to provide insight into the differential impacts of the Project on women and men.

7.4 Proposed RAP Engagement Structures

Depending on the scale of a resettlement process, it is advisable to establish various structures specifically to manage, facilitate, advise and implement the RAP process. Figure 7-1 below provides an overview of the roles and interaction between the various structures that can be developed. Due to the potentially small scale of this resettlement, it may be sufficient for NYA management to work closely with just the CNC in order to achieve successful results.

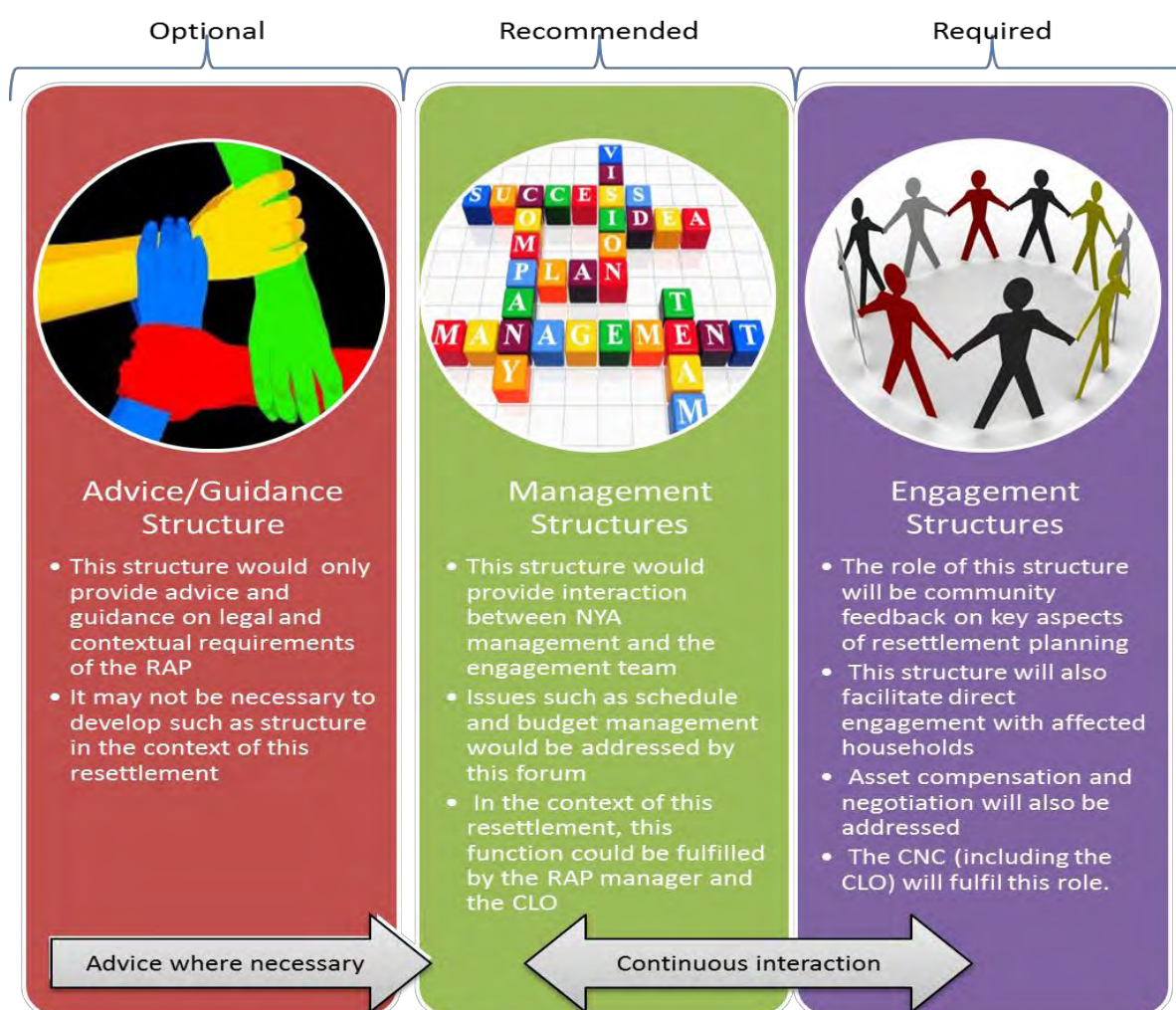


Figure 7-1: Proposed RAP Engagement Structures

7.4.1 Management Structure

The rationale behind developing a Management Structure is to ensure the effective management of the project and review progress against programme, budget and scope. As additional work will be required in order to prepare a final RAP, a management structure will provide important guidance moving forward.

The Management Structure should comprise of select members from NYA and potentially a resettlement consultant who will be contracted to implement the final RAP.

7.4.2 Advice/Guidance Structure

Usually an advice or guidance structure, such as a Resettlement Advisory Committee (RAC), is recommended in a resettlement process, however, given the scale of this resettlement it is not compulsory. The RAC would comprise of select members from government departments and other representatives that have been extensively exposed to resettlements preferably in the context of this project. The role of this Committee would be:

- To advise on all matters related to resettlement (including legislative and procedural);
- To provide advice and guidance at key stages of the project;
- To ensure that the RAP and its implementation are fair and sustainable;
- To ensure that the principles guiding the RAP are followed;
- To ensure that the RAP and its implementation are in line with South African law and good practice; and
- To ensure that the criteria encompassed within the International Finance Corporation's (IFC's) Performance Standards, are achieved.

7.4.3 Compensation Negotiation Committee

The Compensation Negotiations Committee (CNC) will fulfil the role of an engagement structure. For the efficient implementation and management of resettlement issues, NYA will create the CNC to be headed by the resettlement manager.

The CNC will comprise of the following members:

- Two representatives from NYA, one of the members to be Chairman of the CNC;
- A representative of the local District/Territory;
- A NYA Community Liaison Officer/(s);
- Two representatives from the Yuku Camp Village (nominated by the PAP).

Functions of the CNC

The CNC will perform the following functions during the resettlement process:

- Verification of the Asset Inventory for compensation payment.
- Negotiation and calculation of compensation costs;

The CNC will be overseen by two independent Moderators, who are appointed by agreement with the entire CNC. The CNC will guide the land access and resettlement negotiations. In particular, the following Principles shall be adopted by the Committee:

- *Informed Participation* – All participants in the negotiations and the communities they represent will participate in the Compensation Negotiations process on an informed basis
- *Fairness* – All participants in the Compensation Negotiations process and all project affected people will be treated fairly
- *Openness* – All participants in the Compensation Negotiations and implementation process will undertake their activities in an open and transparent manner
- *Mutual Respect* – All participants in the Compensation Negotiations and implementation process will treat each other with respect

- *Laws and Standards* – All participants in the Compensation Negotiations and implementation process will comply with applicable DRC laws and be guided by IFC social safeguard policies.

The CNC need to meet at least monthly during the land access, compensation and resettlement negotiations, and shall deliberate on all key compensation issues, as well as acting as a consultative body for development of appropriate livelihood programs and community development investments.

The CNC needs to finalize agreed crop compensation procedures and rates, and is also required to discuss other key resettlement and compensation issues, including resettlement site, infrastructure and housing, structure valuations, resettlement eligibility and entitlement, deprivation of use of land compensation, and other related assistance.

8 Grievance Management



8.1 Overview

A transparent, accessible and accountable mechanism through which affected people can express grievances is an important mechanism for sustaining good relations between NYA and its stakeholders. It is accepted good practice to afford affected parties the opportunity to air concerns and grievances related to sensitive issues such as resettlement and compensation. Against this background a grievance management provision is a requirement of a comprehensive RAP.

8.2 Benefits of a Complaints and Grievance Procedure

Potential benefits of following “due process” in the handling of complaints and grievances include:

- **Credibility:** Creates greater mutual confidence by making it clear that the operation accepts that it has an obligation to deal fairly and consistently with complaints and grievances from stakeholders;
- **Openness:** Provides a transparent approach for handling complaints and grievances to develop trust and build good relations between the operation and its stakeholders.
- **Accountability:** Provides a defined and consistent process for expressing complaints and grievances, as well as a guarantee that they will be handled in a structured manner.
- **Improved performance:** Ensures that suitable people (with required technical expertise) are involved in assessing and responding to the complaints and grievances raised.
- **Understanding:** Contributes to providing an environment in which a lasting socio-economic benefit to host communities can be fostered through improved understanding of the operation's impact on stakeholders.

The United Nations (UN) Guiding Principles on Business and Human Rights recommend that companies provide individuals with access to effective grievance redress mechanisms.

8.3 IFC Requirements

The complaints and grievance procedure established for the RAP will be consistent with the requirements of the IFC Performance Standards, particularly Standards 1 and 5.

8.4 Objectives

The objectives of the complaints and grievance procedure are:

- To create a transparent and legitimate process between NYA and the affected community that enhances the relationship, improves communication and builds trust ;
- To link the process to the overall stakeholder engagement strategy to allow the two processes to be mutually reinforcing;
- To create a ‘mouthpiece’ for the affected community to voice their concerns;
- To address RAP related concerns and grievance effectively and promptly in a manner that is mutually beneficial to both NYA and the affected communities;
- To deal with issues quickly and effectively therefore reducing reputational risks that can be associated with the resettlement process.

8.5 Process

NYA is currently developing a Standard Operating Procedure (SOP) that seeks to manage complaints in a planned and systematic manner. This is to facilitate the speedy resolution of

disputes and grievances, and also to promote trust and build a positive rapport between NYA and its external stakeholders. The following Grievance Procedure was provided by NYU:

The CNC will form an integral part of the procedure for resolving all complaints and grievances reported by individuals, groups and other stakeholders who may have been adversely affected by the project activities. The resolution of grievances will be done through one of the following mechanisms:

First Order Mechanism: The first order mechanism is a face-to-face discussion with CNC. Most grievances are heard and resolved in the presence of family members or other witnesses. Agreement is normally reached or 'proved' without the complainant continuing into another forum.

Except in complex cases where additional investigation or involvement of third parties is required NYA responds to written grievances within thirty days. Responses generally include a settlement proposal.

NYA staff routinely seeks advice and, where appropriate, intervention of traditional authorities and members of the CNC, to assist in resolving disputes. Grievances of a legal nature are forwarded to NYA's Legal Department in Kinshasa for redress.

Second Order Mechanism: Where complaints and grievances cannot be resolved by NYA Officers, the complaint is referred to the CNC. The committee is mandated to:

- Take over complaints that NYA Resolving Officers are not able to resolve; and
- Manage new complaints that are above the precedent and authority level of Resolving Officers

The committee is expected to:

- Determine the way forward in resolving complaints considered to be an issue (if the same complaint keeps reoccurring by at least ten [10] complainants) within a period of 1 Month
- Manage all new complaints considered to be above the precedent and authority levels of NYA Resolving Officers
- Review the resolution procedures adopted by the NYA Resolving Officer(s) in all appealed Complaints, to see its merits and come out with alternative resolution
- Seek to resolve all outstanding unresolved complaints received over a year
- Examine other alternatives to resolve complaints considered to be resolved (by Resolving Officer(s)) of which the complainant(s) refuse to sign the Terms of Resolution because of dissatisfaction with the resolution
- Ensure that decisions or recommendations taken/made in the resolution process conform to NYA's Complaints & Grievances Standard Operation Procedures and explain deviations
- Document Committee's resolution procedures to serve as a guide to future resolutions

Third Order Mechanism: Court Action: DRC citizens and legal entities have access to court recourse in conformance with applicable laws.

8.6 Time Line for Amicable Settlement Between the Parties

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 Prosecutor's office.

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 organization and jurisdiction in force in the DRC.

8.7 Communication

The availability of the complaints and grievance redress mechanisms will be communicated during all consultations with the affected community ensuring that stakeholders, including all affected households, are aware of the procedure and have easy access to strategic points through which grievances and complaints can be submitted, recorded, and resolved at no cost or retribution.

A complaints and grievance register will be placed in the community to ensure easy access for the affected community. Alternatively, a telephone number will be supplied to accommodate community members who are illiterate.

8.8 Likely Types of Grievances and Disputes

In practice, grievances and disputes that are most likely during the implementation of a RAP are:

- Disputes over plot limits, either between the affected person and the Project, or between neighbours;
- Disputes over the ownership of a given asset (two or more individuals claim to be the owners of such an asset);
- Disagreement over the valuation of an asset;
- Family disputes resulting in conflict amongst family members over ownership or shares of a given asset,
- Disagreement over resettlement measures; and
- Grievances received from the host community.

It should also be noted that any query or comment should also be acknowledged and addressed before it becomes an issue or grievance.

9 Land Tenure and Host Site Selection



International best practice requires that a host site be identified as part of the resettlement planning process. Although this FRAP does not identify host sites, it provides a land planning process which will assist NYA with identifying host sites. This process underlines the importance of identifying host sites in consultation with Traditional Authorities, the CNC and affected households. NYA is concerned not to resettle affected households too far from their families, neighbours and public amenities including clinics, schools, cemeteries and shops.

9.1 Principles Informing Host Site Selection

In selecting a potential host site, NYA's land planning activities will be informed by the following principles:

- Decisions to establish sites will be made in consultation with affected households, host communities, the CNC and traditional authorities that will approve the sites;
- Layouts and designs of the residential sites will be prepared and approved by affected households and will be consistent with existing settlement patterns;
- Where possible, largely unoccupied land will be utilised to minimize the impact on other inhabitants and maximize flexibility in the design of the resettlement village;
- Enough area will be secured in order to accommodate the number of households likely to be resettled
- Houses will be located as close to the Project Area as possible in order to minimise resettlement impacts, provide continuity and economic opportunities for resettled households;
- The host site should be suitable for construction and have relatively flat topography;
- The host site will be located in close proximity to appropriate fields for reestablishment of farming activities;
- There should be an availability of adjoining land for future village growth and expansion;
- The suitability of the proposed sites and the economic viability of maintaining livelihoods in new locations will be documented;
- Mechanisms will be developed for procuring, developing, and allotting housing plots;
- The necessary infrastructure (water and sanitation) will be developed as part of site preparation prior to affected households resettling on the land;
- Final relocation plans must consider Government requirements and be sustainable;
- Where possible, the community must remain a cohesive social unit and households should be relocated within the respective TAs area of jurisdiction; and
- All costs for site preparation, construction and relocation will be borne by NYA.

9.1.1 Key Considerations

Guided by the above principles, NYA will plan the resettlement village options with consideration for the following:

- Existing levels of service/facilities in host communities;
- Standards and guidelines of relevant DRC government agencies;
- Applicable international standards and guidelines; and

- Estimated number of households to be resettled.

The plan for the resettlement community will include adequate physical space for non-residential land uses, including community, recreation, institutional, commercial, farming and industrial uses. The level of service will meet or exceed that available to rural homesteads and communities in the Yuku Camp Village (and any other households that may be physically displaced once the final project layout has been determined at the detailed design phase).

Using the above criteria, NYA are currently in the process of identifying and evaluating potential alternative sites. Site studies will examine site potential from the aspects of impact/benefits on surrounding area and communities, liveability, natural hazards, planning, potential growth, ease of construction and cost efficiency in provision of infrastructure, but are particularly concerned with livelihood considerations and the potential to support restoration and livelihood improvement of resettled households.

The final decision on the preferred location will be agreed with the CNC, and will also be influenced by the views of the traditional authorities. Preliminary discussions shall be undertaken with traditional leaders, local government, as well as the CNC. Comprehensive consultations will also been undertaken with all households in the Yuku Camp Village (and any other households that may be physically displaced once the final project layout has been determined at the detailed design phase).

9.1.2 Tenure and Land Allocation

Residential plots will be allocated to resettled households in discussion with the household heads. NYA proposes to allocate firstly by lottery in order to achieve fairness however this system will only be used if agreed to by affected households and in the event that they do not want to be settled in the same configuration as the current Yuku Camp Village layout. Families, neighbours and social networks can request to be kept together.

Proposed approaches to handover of the resettlement houses and sites will be confirmed and agreed as part of negotiations. Resettled households will be provided with a Handover Document, which will include title to their individual resettlement plot, and guidance on responsibilities in terms of maintenance of private and public infrastructure. The Handover Document will be prepared to be easily understandable and accessible and text will be supplemented with graphics and diagrams. All households will be provided with training so that the Handover Documents are fully understood.

Resettled households will be responsible for maintenance of their individual houses and plots subsequent to handover. In terms of public infrastructure, roads, drainage and solid waste disposal will be adopted and managed by the Territory Administration.

A Memorandum of Understanding will be prepared to facilitate formal handover of the Resettlement Community to the Territory Administration.

9.2 Replacement Agricultural and Grazing Land

Replacement agricultural and grazing land will be identified in consultation with Traditional Authorities and the CNC. NYA will undertake the necessary efforts to ensure that replacement agriculture land is of a similar or better quality to the existing lands. Households will also participate in a livelihoods restoration programme (refer to Section 11) that aims to ensure livelihoods do not deteriorate but rather improve as a result of the project. This entails NYA fulfilling the following criteria:

- Replacement agriculture land will be identified in consultation with the households and the CNC who will approve the sites;
- The agricultural suitability of the proposed sites will be documented;
- Farmers will be given sufficient notice to harvest their existing crops prior to resettlement and this will be timed to co-incide with the harvesting season, failing which farmers will be compensated for the value of their crops in kind;
- Clearing mechanisms will be developed for preparing and developing agricultural plots;
- The necessary inputs (water, fertilizer, top cover, manual labour) will be provided as part of field and site preparation prior to resettlement; and
- All costs for field preparation will be borne by NYA.

9.2.1 Land Planning Process

A land allocation and planning process needs to be followed that identifies replacement land, and determines the best land tenure option that ensures affected households and host sites are no worse off as a result of resettlement . This requires several steps, which are outlined below:

- **Determine land requirements.** Identify the size and category of affected land from the asset inventory.
- **Determine land availability:** Develop a land availability map by mapping; (i) “unused” land using existing maps and GIS technology, (ii) overlaying current land tenure status, (iii) plotting service infrastructure (including water and electricity) (iv) engaging the TAs on land availability.
- **Formulate land transfer and development action plan.** Formulate an action plan for land transfer and development, including a detailed timetable, roles and responsibilities.
- **Undertake transfer and development activities.** Implement the action plan as an integral part of RAP implementation

10 Preliminary Resettlement and Compensation Framework



10.1 Overview of the Compensation Framework

The IFC stipulates that *'all affected people and households should be compensated for loss of physical assets, revenue, and income resulting from economic displacement or physical relocation whether these losses are temporary or permanent'*. IFC Guidelines emphasize that the preferred approach is compensation in kind, but that cash compensation is permissible under certain circumstances.

The RAP compensation framework specifies all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets.

10.2 Objectives and principles

The overall objective of the RAP is to set out a framework and process for fair and transparent redress of displacement losses, including the mobilisation of initiatives to improve the livelihoods and living standards of those experiencing such losses. Key implementation principles include:

- Avoidance of resettlement where possible. This principle has informed the Project from the start;
- Fair compensation, at full replacement cost, prior to displacement. This principle has guided the compensation procedures;
- Cash compensation will not be paid for loss of physical structures, this is in order to prevent the mismanagement of cash funds resulting in possible homelessness and loss of livelihood;
- Open, amicable and negotiated settlement regarding appropriate compensation and assistance;
- The promotion and facilitation of consultation and transparency through all phases of the RAP;
- Execution of the RAP as part of a development programme, seeking at least to restore livelihoods, and wherever possible to improve these and associated quality of life;
- The promotion of environmental integrity and sustainable development as a principle underpinning RAP-linked development initiatives;
- The provision of specific assistance, as required, to vulnerable people and groups;
- The implementation of structured, sustainable and responsive monitoring and evaluation of the RAP and those participating in it; and
- The inclusion of the RAP as an up-front project cost.

The implementation principles listed above are in line with international best practice.

10.3 Cut-off Dates

Cut-off dates are an important part of the RAP process. They are applied to firstly control and regulate who is included in the census and asset inventory and secondly to determine when affected households should stop making improvements to their homes, planting crops etc. It is

important to implement these cut-off dates to develop an accurate database and compensation strategy and to prevent opportunistic influx from occurring.

In order to be eligible for compensation (as mentioned in Section 10.4), households must have been included in the census and asset inventory database. As part of this resettlement process the following cut-off dates will be need to be established:

- **Cut-off date for physical displacement in Yuku Camp Village:** This cut-off date is determined by the initial census and asset inventory. This cut-off date determines which households are affected by physical displacement and are therefore eligible for compensation. Households who move into the area after this cut-off date are not entitled to compensation or any other form of resettlement assistance, nor will they be entitled to permanent or temporary occupancy in the area.
- **Cut-off date for physical displacement of other households:** This cut-off date will be determined once final project layout and additional physical displacement determined. This cut-off date will determine which additional households are eligible for compensation.
- **Cut-off date for economic displacement:** This cut-off date will only be implemented once final project design and layout has been determined. The cut-off date will determine which households are eligible for compensation due to economic displacement.

It is important to note that no cut-off dates have been put into place and nothing has been communicated to affected households. Once the project design and layout has been finalised, the census and asset inventory can be updated if necessary, and the relevant cut-off dates communicated to the affected households. Until this occurs households are free to continue their lives including planting crops and constructing houses.

10.4 Eligibility

10.4.1 International Guidelines

Eligibility for compensation will be guided by the policies and principles of the AfDB resettlement policy and IFC Performance Standard 5. According to these guidelines the following groups of affected households are eligible for compensation:

- (a) Those who have formal legal rights to land or other affected assets (including customary or traditional rights to the use of land and/or assets);
- (b) Those who initially do not have formal legal rights to occupy or use the land or other assets but have a claim to legal rights based upon the laws of the country, upon the possession of documents such as Permission to Occupy (PTO) and/or permission from traditional authorities to occupy or use the land; and
- (c) Those who have no recognisable legal right or claim to the land they are occupying (i.e. tenants and/or squatters).

Persons and households covered under (a) and (b) should be provided compensation and resettlement assistance for lost land, and other assets. Persons and households covered under (c) are provided compensation for the assets they lose, and other assistance, as necessary, to achieve the objectives set out in this RAP.

10.4.2 Eligibility for Compensation and Assistance

Project-affected households are eligible for compensation and other assistance if they have a “legitimate interest” in respect of “immoveable assets” in the Project Area that are in place (i.e.

established, in the case of crops or constructed, in the case of buildings) at the time of the Entitlement Cut-Off Date.

“Legitimate Interest” in immovable assets at the household level is usually held by a single member, the household head. Through traditional and family practice, the household head is typically the most senior male member of the household. In some instances the legitimate interest may be held jointly, i.e. by the household head and his/her spouse, or with other members of the extended family. When the household head dies, NYA will require that other household members identify the inheritor through a court order before compensation will be paid.

It should be noted that “Legitimate Interest” is not synonymous with ownership. Even those project affected persons/households/communities with no recognizable right or claim to the assets they occupy or hold are considered eligible for resettlement assistance.

Determination of Eligible Assets

The inventory of immovable assets, supported by household socio-economic data, forms the basis for compensation of project-affected people/households. In conjunction with compensation rates, the surveys will determine the compensation eligibility and entitlement for each project-affected person/household.

SRK Consulting completed a household asset inventory for Yuku Camp Village to determine and record all immovable assets located in this affected community. Immoveable assets that were in place at the time of the asset inventory included:

- Complete Immoveable Assets – Assets that are fully established (in the case of crops) or fully constructed (in the case of buildings);
- Incomplete Immoveable Assets – Assets that are only partially established: newly planted (in the case of crops) or partially constructed (in the case of buildings);

The final asset inventory for Yuku Village and any other households that may be physically displaced on the final infrastructure layout will need to be verified by the CNC, independent evaluators, community witnesses, and government officials, as appropriate at the detailed design stage.

10.4.3 Role of the CNC

Owners of residential structures that are physically displaced and that are eligible for resettlement may be, subject to certain conditions, eligible for relocation. The eligibility criteria for entitlement to relocation, and the rate of relocation compensation, will be the subject of detailed discussion and agreement with the CNC.

All assets within the Project Area will be surveyed and valued by an independent valuer, on the basis of full replacement rates for immovable assets, and market value plus 50% for crops, and inclusive of labour costs. The eligibility criteria for entitlement to cash compensation, and the methodology for valuation, will be the subject of discussion and agreement with the CNC.

Miscellaneous allowances made to relocating occupying households will be the subject of discussion and agreement with the CNC.

10.5 Entitlements

Based on the findings of the census and asset inventory, SRK Consulting developed principles to guide the development of an entitlement matrix that will outline the compensation principles for replacing affected assets. The objectives of the Entitlement Matrix will be to identify:

- All categories of affected people, including property owners and land right holders, tenants, squatters, sharecroppers, grazers, nomadic pastoralists and other natural resource users, shopkeepers, vendors and other service providers, communities, and vulnerable groups;
- All types of loss associated with each category, including loss of physical, economic and livelihood assets; loss of access to such assets; loss of wages, rent, or sales earnings; loss of public infrastructure and elements of cultural significance; and,
- All types of compensation and assistance to which each category is entitled, including: compensation for or replacement of land and natural resources; compensation for structures, assets, wages, rent, or sales earnings; moving assistance and post-resettlement support.

10.6 Compensation framework and entitlement matrix

Where applicable, eligible households will be provided with entitlements as per the final Entitlement Matrix. The Entitlement Matrix will be developed following both the determination of the final project layout and the extent of physical and economic displacement. The entitlement matrix will be developed in line with the following compensation and associated provision principles:

- All compensation packages will be negotiated with affected households;
- All compensation packages must restore livelihoods and the standard of living of displaced persons;
- All cash compensation will be paid at full market value plus 50% in accordance with the DRC Mining Code;
- Households must receive compensation packages prior to permanent asset losses;
- Where possible, affected assets will be replaced with like-for-like assets;
- No cash compensation will be provided for permanent loss of physical structures (i.e. housing). Households will receive like-for-like replacement assets;
- All communal assets (i.e. land and physical structures) will be negotiated with the CNC and community.

Restoration and rehabilitation measures to be provided could potentially include:

- Free removal services for all affected households permanently displaced;
- Additional assistance to vulnerable households as per Section 12.6; and
- Resources or other economic and livelihood development programmes (such as agricultural assistance, and training for non-farm income) to assist with the full restoration of income earning capacity of affected households as per the Livelihood Restoration Plan.

The management and monitoring measures to be provided could potentially include:

- Comprehensive and accessible grievance management procedure;
- Organisational arrangements to ensure effective preparation and implementation of the NYA RAP;
- Ongoing monitoring and evaluation of the implementation of the RAP will be carried out in order to ensure that compensation and resettlement activities and tasks will be implemented effectively; and
- Full close-out audit by an independent third party.

10.7 Principles to determine value of losses

A number of affected assets were identified during the asset inventory survey. These assets are classified according to “asset type”. Individual asset valuations have not been prepared yet, these will be determined prior to resettlement and compensation. This report presents the principles and basis on which these calculations will be made.

The table below provides a summary of these assets and describes the principles that should be applied to “value” lost assets.

Table 10-1: Identified assets and methodology to value lost assets

Asset type	Description	Principles
Crops	Includes all crops.	- All permanent losses for crops and vegetables should be based on market values. - Market values plus 50% will be paid to affected households
Vegetables	Including cabbages, lettuce, peanuts, tomatoes, sweet potatoes, beetroot, carrots, peanuts, cassava, potatoes, pumpkins etc.	- All permanent losses of vegetables should be based on replacement market values. - Market values plus 50% will be paid to affected households
Fruit trees	Including avocado, banana, orange, <i>safu</i> and butter fruit	- Replacement values for fruit trees should be based on market values - Values should be estimated at a yield depending on the type of fruit tree and based on market research. - Compensation will be paid plus 50%
Loss of income	Includes businesses relocation, loss of income as a business owner and an employee.	- The full replacement values of commercial business structures should be based on market values. - Cash compensation for loss of income should be negotiated with business owners and employees and based on annual earnings.

10.8 Proposed compensation and schedule for payments

The following principles and practices will be followed by NYA when determining compensation and payments. These principles are in line with international best practice and AfDB resettlement policy:

- In keeping with international best practice NYA will not provide affected households with cash compensation for housing structures and agricultural land, instead NYA will provide affected households with like-for-like assets;
- Where feasible NYA will provide resettled households with land-for-land compensation for agricultural activities that is of equivalent or superior in productive potential and that is located in reasonable proximity to their new homesteads. This land will be provided free of any transactional costs and will be prepared once off (i.e. cleared, levelled and made accessible) for achieving productive levels similar to those of their former land;
- NYA will implement a LRP, which aims to provide technical support to assist households with re-establishing fields/gardens and realising the full productive potential of the land (refer to Section 11);

- In situations where cash compensation is appropriate (i.e. compensation for lost crops, vegetables, and fruit trees), cash compensation will be calculated and then presented to the representatives of the affected households so as to ensure rates are fair and transparent. All compensation rates will be increased by 50% in accordance with the DRC Mining Code.
- Cash compensation for crops, vegetables, and fruit trees will be sufficient to enable affected households to maintain their livelihoods;
- All payments will be made by NYA before asset appropriation and physical resettlement; and
- All eligible households will be informed of a timetable for the payment and delivery of entitlements.

11 Preliminary Livelihoods Restoration Plan



11.1 Purpose

IFC Guidance notes that “*simple restoration of livelihood may be insufficient to protect affected populations from adverse project impacts, especially induced effects such as competition for resources and employment, inflation, and the breakdown of social support networks. For this reason, IFC seeks to promote the improvement of the living standards of people affected by the project*”

The social-economic baseline shows that a majority of the households in the Project area are poor and sustain their livelihoods through multiple livelihood activities. Agriculture is prominent among these activities, providing food for household consumption, and in some cases, surplus produce is sold to generate income. Other sources of livelihood include formal and informal employment, charcoal production and animal husbandry.

The LRP describes NYA’s strategy to ensure that livelihoods disrupted by resettlement are speedily restored, sustained and where possible improved. Inputs proposed via the LRP will be implemented as part of a broader development programme. Participation of affected households (i.e. the Yuku Camp Village) and local authorities is central to the success of this broader development programme.

11.2 Mainstreaming Livelihoods

In addition to the development of specific programs to address livelihood restoration, development and replacement, as described in Section 11.4, the approach to Livelihoods for the NYA Project shall be developed to consider all project decisions in the context of a mainstreaming of livelihood considerations. In this sense, all aspects of the land access, resettlement and project development are considered in terms of livelihood implications, to ensure all key project decisions promote livelihood restoration and development.

11.3 Livelihoods Needs Assessment

In addition to mainstreaming livelihood considerations in key project decisions, the development of the LRP itself has been based on a comprehensive approach to livelihood assistance requirements of each project-affected household, based around the principal of a unified approach to addressing needs, and avoiding several initiatives operating in isolation, such as farming assistance, business training, employment initiatives etc. The assessment of needs on a household basis has been based initially on baseline data gathered from the census and asset inventory as well as the overall project SIA.

This has allowed an initial assessment of each household’s requirement in terms of livelihood restoration programs. This includes programs to restore farming practices, including facilitating land access, as well as temporary hardship assistance in certain cases. These programs would be complemented by NYA Community Development programs which will include vocational training and community infrastructure projects. The individual program components are discussed further below.

11.4 Livelihoods Restoration Programme

Households affected by economic and physical displacement will be eligible to participate in the livelihood restoration programme. Some of the options that might be considered for the LRP include the following:

- Money management awareness;

- Agriculture enhancement;
- Training in non-farming income generating activities and related business support; and
- Preservation of a sense of community; and
- Temporary Hardship Assistance.

11.4.1 Money management awareness

Experience with cash compensation in other African countries suggests that people awarded cash compensation are vulnerable to misuse and mismanagement of the cash, which in many cases is often used for short term expenses. To prevent households experiencing increased vulnerability as a result of receiving cash compensation, NYA could assist households with improving their awareness on money management.

All households receiving cash compensation could be encouraged to attend a one-day course on money management, which would aim to:

- Assist households with securing cash;
- Provide tips on avoiding misuse and mismanagement of funds;
- Help households with skills to improve savings and expenditure; and

These training services would need to be provided by an organisation experienced in facilitating money management awareness courses. If these are not available in the area then an experienced resettlement consultant could provide this service.

11.4.2 Agriculture enhancement

Agriculture enhancement aims to assist households with re-establishing their fields and subsistence gardens. The LRP could include the following:

- Practical skills training courses on improved agriculture techniques, including fertilization, small scale irrigation, related equipment, post-harvest grain conservation;
- Provision of fertilizer and seeds; and
- Extension services and related monitoring for a period of five years.

Training and extension services should be provided by an organisation experienced in agriculture development in the area. In addition, NYA should explore possible opportunities to collaborate with local government and/or local NGOs and CBOs who are involved in agricultural activities and development.

11.4.3 Training and business support

Currently affected households are characterised by high levels of unemployment, dependence and reliance on subsistence farming. Training and business support will aim to assist households with improving their livelihoods by diversifying their income sources. This programme could potentially include the following activities:

- Assist households with identifying feasible non-farm income generating activities;
- Provide skills training and support for generating alternative livelihood strategies; and
- Related monitoring and support for a period of five years.

11.4.4 Preservation of a Sense of Community

A critical concern is the preservation of a sense of community. Resettlement must avoid breaking up families, separating neighbours and dissolving communal networks that cause social disarticulation. This is because many households rely on their social capital to maintain and secure their livelihoods. By destroying social networks, resettlement can affect a household's ability to restore their livelihoods. NYA could undertake the following actions as part of the LRP to ensure that a sense of community is preserved:

- Where feasible, households could be relocated to host sites near the affected area;
- Households affected by resettlement could be provided with the opportunity to attend one-on-one counselling sessions with trained psychologists and social workers if necessary; and
- The monitoring and evaluation plan should assess the impact of resettlement on affected households. This assessment would determine and monitor the effect of resettlement on social capital and community preservation and suggest activities to maintain the sense of community.

11.5 Assistance to vulnerable households

IFC defines vulnerable persons as those 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”*

Additional assistance should be provided to households, which as a result of their “vulnerability” are unable to fully participate in the resettlement process or the livelihood restoration programme. For the purposes of this project, vulnerability may be viewed in the context of two stages:

- Pre-existing vulnerability; and
- Transitional hardship vulnerability, caused by project related physical and economic displacement

Pre-existing vulnerability is vulnerability that occurs, with or without the Project development, whilst transitional hardship vulnerability occurs as a result of those directly affected by the Project being unable to adjust to new conditions due to shock or stress related to project activities. Generally households that will be most vulnerable include:

- Female-headed households (particularly where the household head is unemployed and they lack extended family support);
- Elderly-headed households;
- Physically impaired or disabled-headed households (where the household head is physically or mentally challenged);
- Households with high levels of unemployment (where all household members are unemployed); and
- Child-headed households (where households are headed by children under the age of 21).

11.5.1 Temporary Hardship Assistance

The above components of the NYA livelihood program could potentially be the primary mechanisms to address issues of landlessness, homelessness and joblessness as a result of resettlement activities. However, Temporary Hardship Assistance will be developed to target those households identified as requiring additional supports for a time as the transition of resettlement occurs.

The goal of NYA's Temporary Hardship Assistance is to provide a safety net until identified vulnerable households can become self-sufficient and resilient to economic stresses resulting from land access and resettlement.

Program Objective

The objective is to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship, as part of the overall LRP for each household. Each household should have a place to live, means of income, access to medical care, and ability to feed itself.

Process

NYA will partner with Territory Officials, local NGOs, and the affected-households in program delivery.

The Livelihoods Team will include the key partners needed to administer and monitor the Program, and will meet initially with Households to determine the specific temporary hardship assistance required as part of the LRP for each household, and subsequently to monitor household progress, and continually assess the period for which assistance is required.

Households requiring assistance will be fast-tracked on the program where possible, to limit the time requirement for assistance.

11.5.2 Additional Assistance

In addition to the Temporary Hardship Assistance, NYA will be able to assist vulnerable households with additional assistance in the form of providing the following support:

- Provision for separate and confidential consultation;
- Priority site selection for host sites;
- Relocation near to kin and former neighbours;
- Assistance with dismantling salvageable materials from their original homes;
- Priority access to all other mitigation and development assistance; and
- Additional assistance when restoring agricultural land, including preparation and planting.

11.6 Proposed Livelihood Restoration Plan

Table 11-1 describes the potential LRP inputs that have been proposed, showing also who is responsible, the timing and duration of the inputs, and key performance indicators (KPIs) to be followed under the Monitoring and Evaluation Programme (refer to Section 14).

11.6.1 Managing the LRP

As a cooperative and multi-faceted programme the LRP will require coordination and management. This role will be undertaken by NYA, or by a resettlement consultant hired by NYA to oversee the management and implementation of this Plan. The contributions of the resettlement consultant will be outlined in a Memorandum of Understanding.

11.7 Ensuring Sustainability

All LRP programmes will need to be designed to ensure sustainability. Through an analytical and consultative process adequate projects will need to be identified that seek to address potential social opportunities to enhance and improve the livelihoods of those affected by displacement. In addition, these programmes will need to be implemented with a broader development strategy that aims to mitigate social impacts and risks.

Table 11-1: Proposed NYA Livelihood Restoration Plan

Livelihood Programme	Proposed Inputs	Recipients	Responsibility	Timing and Duration	Indicators
Money awareness management	A one day community workshop on money awareness management	- All households affected by economic and physical displacement; and - All households receiving cash compensation.	- NYA - Organisation experienced in facilitating money awareness courses or and experienced resettlement consultant	Prior to payment of cash compensation	- Improved household saving - Possible opening of bank accounts (if feasible)
Agriculture enhancement	- Provision of seeds⁸, based on household needs and site suitability; - Provision of fertilizer⁹; - Agricultural training (including environmental protection and sustainable land use); - Assistance with access to agricultural markets; and - Support to the consolidation or establishment of farming cooperatives (if required).	Households affected by economic displacement, including households affected by the loss of access to agricultural fields and subsistence gardens.	- NYA - Organisation experienced in agricultural training courses	One round of input is anticipated, within three weeks of resettlement. The agricultural training may be spread over a longer period, depending on the availability of appropriate extension officers	- Increased yields - Increased sales - Application of improved farming methods - Fertilizer appropriately utilized - Use of small scale irrigation
Training in non-farming income generating activities	- Community workshops on enterprise and small business development - Support to the establishment of community cooperatives (if required)	Households affected by physical displacement.	- NYA - Organisation experienced in SMME development	One round of input is anticipated, but this may be spread over a period of some months, depending on the availability of appropriate development practitioners.	Enterprise development workshops held in locations accessible to resettled and host communities

⁸ This will have to be done through an appropriate structure, such as a cooperative. Such a structure will be established if necessary.

⁹ As above.

Preservation of a sense of community	• Visits by social workers (if available) to vulnerable households • Establishment of a grievance hotline (if required) • Monitoring and evaluation to include an assessment of households' sense of community	• Households affected by physical displacement.	• NYA • Social workers and community psychologists	• One round of visits by a team of social workers to take place one month before, and one month after physical displacement. • Thereafter visits will take place as required, and recommended by the community therapists.	• Maintained sense of community • Maintained levels of income • Improved community relations
Assistance to vulnerable households	• Separate and confidential consultation • Priority site selection for host sites • Relocation near to kin and former neighbours • Assistance with dismantling salvageable materials from their original homesteads • Priority access to livelihood restoration programmes including assistance with restoring fields and subsistence gardens	• Vulnerable households affected by physical displacement and economic displacement	• NYA	• One round of visits by NYA to determine additional assistance required by vulnerable household four months prior to physical or economic displacement	• Maintained incomes • Restoration of fields and subsistence gardens

12 Additional Resettlement Assistance



Due to the disruptive nature of resettlement affected households will benefit from both livelihood restoration programmes (refer to Section 11) and resettlement assistance, particularly for vulnerable people (Refer to Section 12.6).

The following resettlement assistance measures could potentially be offered to affected households over and above compensation and LRP initiatives. These measures would both improve relationships between NYA and the affected community and help to mitigate the disruption and inconvenience caused by resettlement.

12.1 Salvaging

Households could be provided with an opportunity to salvage any materials they own. These materials would be transported by NYA with the exception of bricks, cement blocks and straw roofing, which are too bulky to be transported by NYA's vehicles.

Affected households would need to be duly informed of limitations and dates for salvaging.

12.2 Free Removal Services

All costs associated with resettlement should be covered by NYA. This will include the cost of transporting household goods and items to new host sites. All affected households should be provided with free removal services.

12.3 Community Development Activities

Households affected by physical and economic displacement should be provided with livelihood restoration assistance (refer to Section 11). NYA is committed to ensuring that households are not adversely affected by resettlement. Through a series of community development initiatives, as detailed in the MoU with local communities, NYA aims to ensure that the quality of life and standard of living of those affected by displacement is at a minimum restored and preferably improved.

SRK Consulting are currently in the process of developing a Sustainable Development Plan (SDP), which outlines the community development activities NYA will engage in during the life of the Project. Households affected by displacement are categorised as a key beneficiary of these community development initiatives. The SDP will be included as an Appendix to the updated EIA report.

12.4 Employment Opportunities

NYA will develop a proactive local recruitment policy, which will be supported by a skills training program. This policy is integral to the operation of the Company's Human Resources Department.

12.5 Environmental Mitigation Measures

For the proposed mining operation and its associated infrastructure, proposed environmental management measures will need to be adhered to should authorisation for the project be granted.

In addition, all activities that are listed in terms of DRC legislation will require authorisation and management in terms of the environmental management plan and conditions set by the record of decision.

13 Action plan for the progression of the FRAP to a RAP

13.1 Context

This section of the report provides a practical overview of when to implement resettlement measures, what measures to implement and what is required in the final RAP. Table 13-1 provides a summary of the relevant steps and requirements for developing a RAP.

It is important that resettlement management measures are prepared and implemented in a timely and manner. IFC PS5 requires that land acquisition, payment of compensation for affected assets, and resettlement associated with a project (or project component) be complete before the onset of project impacts. For this reason it is important that NYA management finalise the project layout and description so that all potential physical and economic displacement can be accurately quantified and a detailed Resettlement Action plan (RAP) can be developed and implemented.

Varying project activities and the timing of these will potentially bring about different resettlement related impacts and management plans. Figure 13-1 below provides an overview of what type of management plan is required.

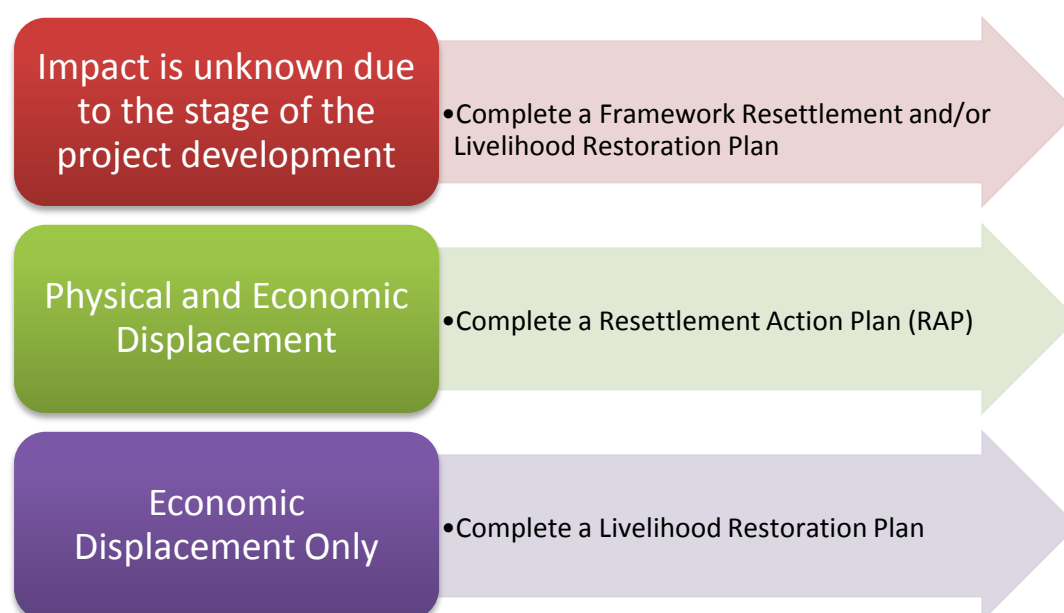


Figure 13-1: Applicable management measures

The table below provides a breakdown of the tasks required in order to prepare a final RAP that will be used for implementation.

13.2 Remaining Planning Tasks for the FRAP

The above table details what is required for the completion of a final RAP, however there are some tasks that will require attention to complete the current planning component of the FRAP. The table below details these tasks and also details responsibilities and timing for each task.

Table 13-1: FRAP Action Plan

Issue	Action	Objectives	Responsibility	Progress Indicators	Timing
Finalisation of project infrastructure layout to determine land take	The Project description and land acquisition will have to be updated following final project design	Final project infrastructure layout and the extent of landtake will determine the extent of the bot the economic and physical displacement	NYA	Final infrastructure design plan and layout	Q4 2013
Final identification of households to be subjected to physical displacement (potentially not just Yuku Camp Village).	Following the completion of the ESIA and final project layout, determine if further households will be affected by physical displacement	There are potentially further households that will need to be resettled due to project induced impacts such as dust, noise and safety issues	NYA	- Final project layout determined - Census and asset inventories completed with additional households	Q1 2014
Identification and confirmation of ownership of all fields to be economically displaced by land take (not just fields owned by members of Yuku Camp Village).	Record and confirm all households affected by economic displacement.	Identification of all field owners who will be affected by economic displacement	NYA	- Final project layout determined - All field owners identified, field locations and sizes recorded	Q1 2014
Refinement and completion of the entitlement matrix and compensation framework and application to selected assets.	- A final compensation framework and entitlement matrix should be developed in accordance with the principles defined in Section 10 - Since resettlement may not take place immediately, the full valuation of assets will take place closer to implementation	The final entitlement matrix and compensation framework will determine the entitlements of all affected households	- NYA - CNC	Completion and sign off of the final entitlement matrix and compensation framework	Q1 2014
Refinement of the land planning process.	Resettlement sites will need to be identified in accordance with the principles detailed in	The following elements of the process require elaboration during the planning phase: confirmation of settlement	- NYA - CNC	- Final landtake defined as per the finalized project layout - Resettlement host	Q2 2014

Issue	Action	Objectives	Responsibility	Progress Indicators	Timing
	Section 9	principles; full quantification of land requirements; development of settlement options, and; initial discussions with key stakeholders (the Traditional Authorities and local government) on the merits and issues associated with the options.		- sites identified - Engagement with key stakeholders	
Further development of the livelihoods restoration framework.	A final Livelihood Restoration Plan should be developed in accordance with the principles and options presented in Section 11	The final Livelihood Restoration Plan will detail NYAs commitments to restoring and possibly improving the livelihoods of all affected households	NYA	- Final Livelihood Restoration Plan - Identification of service providers - Implementation and methodology for implementation	Q1 2014
Development, negotiation, agreement and disclosure of a detailed RAP	A final detailed RAP report will be developed in accordance with Table 13-1	A final RAP report will detail all of the requirements and commitments made by NYA for the successful resettlement and compensation of all affected households	- NYA - RAP Consultant	Development and disclosure of a final RAP report	Q2 2014

Table 13-2: Summary of requirements for preparing a RAP

☒ Physical Displacement – Follow Steps 1 to 13 ☒ Economic Displacement Only – Follow Step 6¹⁰					
Required Management Measure	Associated Management Plans	Eligibility	Steps	Summary of requirements	Level of Completion
Resettlement Action Plan (RAP)	☒ Sustainable Development Plan ☒ Stakeholder Engagement Plan	The following categories of people will be eligible for compensation: ☒ Those who have formal legal rights to land or other affected assets (including customary and traditional rights to the use of land or other assets); and ☒ 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.	STEP 1: Project Overview	☒ Briefly describe the project; ☒ List project components including associated facilities (if any). ☒ Describe project components requiring land acquisition and resettlement; ☒ Give overall estimates of land acquisition and resettlement.	☒ The Project description and land acquisition will have to be updated following final project design
			STEP 2: Minimise Resettlement	☒ Describe efforts made to minimize displacement including results of these efforts.	☒ As above
			STEP 3: Census and Socio-Economic Survey	☒ Provide the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys. ☒ Identify all categories of impacts and people affected. ☒ Summarize consultations on the results of the various surveys with affected people.	☒ Additional census and asset inventory tasks may be required if additional physical and economic displacement are identified
			STEP 4: Legal Framework	☒ Describe all relevant local laws and customs that apply to resettlement. ☒ Identify gaps between local laws and World Bank Group policies, ☒ Describe entitlement policies for each category of impact ☒ Describe method of valuation used for affected structures, land, trees, and other assets. ☒ Prepare entitlement matrix.	☒ A legal framework has been completed for this FRAP
			STEP 5: Resettlement Sites	☒ If the project requires relocation sites ensure that affected people have been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites	☒ Resettlement sites will need to be identified in accordance with the principles detailed in Section 9
			STEP 6: Compensation	☒ The compensation framework should include a description of the following:	☒ A final compensation framework and

¹⁰ If only Economic Displacement is anticipated then it will be sufficient to produce a Livelihood Restoration Plan where the requirements of Step 6 should be followed

☒ Physical Displacement – Follow Steps 1 to 13 ☒ Economic Displacement Only – Follow Step 6¹⁰					
Required Management Measure	Associated Management Plans	Eligibility	Steps	Summary of requirements	Level of Completion
			framework and entitlement matrix	☒ any compensation guidelines established by the host government; ☒ in the absence of established guidelines, the methodology that NYA will use to value losses; ☒ the proposed types and levels of compensation to be paid; ☒ compensation and assistance eligibility criteria; and ☒ how and when compensation will be paid. ☒ Prepare an Entitlement Matrix that identifies: ☒ all categories of affected people; ☒ all types of loss associated with each category, all types of compensation and assistance to which each category is entitled,	entitlement matrix should be developed in accordance with the principles defined in Section 10
Livelihood Restoration Plan (LRP)			STEP 7: Livelihood Restoration	☒ Ensure that the compensation entitlements are sufficient to restore income streams for each category of impact ☒ Briefly describe the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects. ☒ Describe the process of consultation with affected populations and their participation for income restoration. ☒ Assess whether income restoration requires changes in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation and implementation. ☒ Ensure that vulnerable groups have been accounted for ☒ What are the main institutional and other risks for the smooth implementation of the resettlement programs? ☒ Describe the process for monitoring the	☒ A final Livelihood Restoration Plan should be developed in accordance with the principles and options presented in Section 11

☒ Physical Displacement – Follow Steps 1 to 13 ☒ Economic Displacement Only – Follow Step 6¹⁰					
Required Management Measure	Associated Management Plans	Eligibility	Steps	Summary of requirements	Level of Completion
				effectiveness of the income restoration measures. ☒ Describe any social or community development programs currently operating in or around the project area. ☒ Assess if there are opportunities for the project to support new programs or expand existing programs to meet the development priorities of communities in the project area?	
			STEP 8: Implementation Schedule	☒ List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.	☒ A final implementation schedule will need to be developed once project design has been finalised
			STEP 9: Participation and Consultation	☒ Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning. ☒ Describe the process of involving affected populations and other stakeholders in implementation and monitoring. ☒ Describe the plan for disseminating RAP information to affected populations and stakeholders	☒ Stakeholder engagement should continue throughout the resettlement process in accordance with Section 7
			STEP 10: Grievance Mechanism	☒ Describe the step-by-step process for registering and addressing grievances	☒ The current grievance mechanism should continue throughout the resettlement process as described in Section 8
			STEP 11: Monitoring and Evaluation	☒ Describe the internal/performance monitoring process. ☒ Define key monitoring indicators derived from baseline survey. ☒ Provide a list of monitoring indicators that will be used for internal monitoring.	☒ Monitoring and evaluation should continue as per Section 14
			STEP 12: Costs and Budget	☒ Ensure that the budget for resettlement is sufficient and included in the overall project budget.	☒ A final resettlement budget will be developed once the full

☒ Physical Displacement – Follow Steps 1 to 13 ☒ Economic Displacement Only – Follow Step 6¹⁰					
Required Management Measure	Associated Management Plans	Eligibility	Steps	Summary of requirements	Level of Completion
				☒ Prepare an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies. ☒ Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.	extent of displacement has been determined and the entitlement and compensation framework finalised

13.3 RAP Implementation

Following the development of a final RAP, as per Table 13-2, NYA will be in a position to implement the RAP. Implementation of the RAP will incorporate the following tasks:

- h) Development of resettlement sites, including planning, survey, dwelling and infrastructure design, construction and inspection.
- i) Development of replacement land, including clearing, land preparation and allocation.
- j) Provision of cash compensation including compensation for field preparation labour costs, lost crops, and lost business income. Financial counselling is envisaged as an element of livelihoods restoration.
- k) Implementation of the livelihoods restoration programme, including the finalisation of delivery arrangements and the launch of the various programme elements.
- l) Implementation of transitional assistance and assistance to vulnerable households.
- m) Implementation of the physical resettlement.
- n) Ongoing resolution of grievances.

13.3.1 Implementation Arrangements and Responsibilities

IFC notes that “*resettlement and development planning require specialized expertise. It is essential that the project sponsor engage the services of qualified and experienced personnel to design and implement resettlement action plans. However, it is equally important that sponsors engage themselves in the RAP design process. Sponsor participation in the process is instrumental to coordinating resettlement activities with the project implementation schedule. IFC experience indicates that the success of a RAP is related directly to the level of sponsor involvement in its implementation*”.

Initial RAP planning was conducted by ECTECH Environmental Consultants and was subsequently updated by SRK Consulting, acting as a neutral party. For the remaining planning and bridging activities, it might be prudent to retain a similar arrangement (involving SRK or a similar planning/facilitating agency). The following options are available for the implementation of resettlement tasks outlined above:

- Resettlement managed and executed internally (i.e. by NYA)
- Resettlement managed and executed by an implementation agent, with broad oversight by NYA.
- Resettlement managed and executed jointly by NYA and a facilitation / implementation agent.

Table 13-3 presents the pros and cons of the three options:

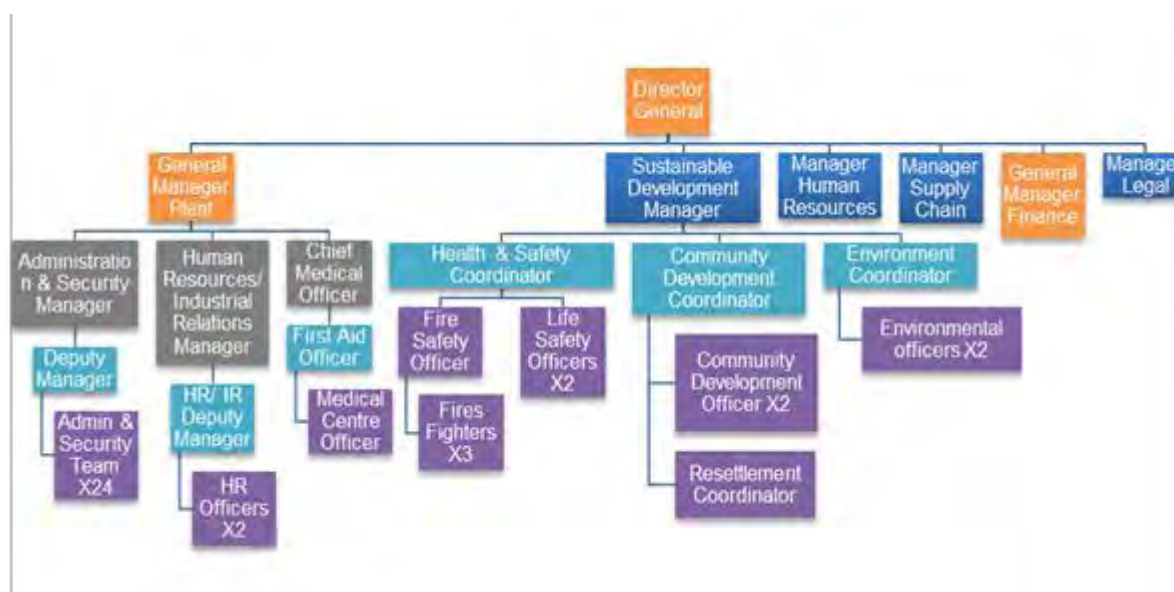
Table 13-1: Pros and cons of RAP implementation options

	Pros	Cons
Internal option	- Simplified coordination - Overt demonstration of commitment and accountability - Potential for company-community relationship building - Detailed understanding of the resettlement process	- Pressure on limited capacity, with potential for delay. Cost of capacity development - Many tasks not the core business of NYA - Potential for disputes requiring external arbitration
External option	- Implementation agent can provide all necessary skills - Agent can adopt and maintain a neutral stance - Services and capacity tailored to tasks. Services reduced or terminated when no longer required	- NYA may be seen to be uncaring or distant - Company distant from the implementation process, with limited skills development in this context - Complexity of defining and procuring services
Joint option	- Roles can be distributed according to the capacity and strength of the company and the implementing agent - Compromise between company ownership and agent neutrality - Opportunity to build capacity in NYA	- Complexity of defining roles and responsibilities - Potential for confusion among stakeholders and affected people (need to communicate role definition very clearly)

Overall, the third option appears to offer the best spread of benefits and the best potential to address limitations. The key to the success of this option is the careful definition and distribution of roles. In principle the agent should provide services in areas requiring non-core or specialised skills, and NYA should provide oversight, existing in-house skills, and skills in areas of work relevant to on-going relationships between the company and the affected communities. A single service provider may not have all the skills required (for example the design of replacement housing) and may have to sub-contract in some areas of work.

13.4 Current NYA Structure and Roles

The organogram presented in Figure 13-2 below provides an overview of the current NYA corporate structure.

**Figure 13-2: NYA Organogram**

Currently the NYA Resettlement Team, who will be responsible for the management, implementation and monitoring of the RAP, consists of the following key positions:

- General Manager
- Sustainable Development Manager
- Manager Human Resource
- Community Development Coordinator and Officers
- Local Resettlement Consultants
- Manager Legal.

NYU senior management will be responsible for providing strategic direction to the Sustainable Development Manager and team, and for reviewing draft policies, procedures and rates proposed for the RAP. Senior Management are particularly concerned with ensuring that the RAP helps meet the NYU's project objectives, including the overall Project schedule and budget.

The NYA Sustainable Development Team is responsible for all stakeholder communication, consultation and information disclosure concerning project development and implementation. The Team is also responsible for implementing the SEP.

Community Development Officers (CDOs) will accompany the Project Resettlement Team members into the Project Affected area, introduce them to community leaders and members, and assist them to behave in a culturally appropriate way. CDOs in addition maintain an on-going liaison in their respective communities, and ensure that NYA is aware of and can act upon community concerns. They also assist in arranging meetings locally, in presenting project details to their communities, working closely with community representatives in feeding back to their communities.

13.4.1 Key NYA Responsibilities

In line with good international industry practice, NYA must retain overall responsibility and accountability for the resettlement process. All implementation activities should be done in consultation with the CNC, and with the cooperation of government agencies at the province, district, territory and national levels.

Whichever of the above implementation options is chosen, the following key functions will be necessary for NYA to undertake:

- **Executive oversight.** Ideally, RAP implementation and monitoring functions should report to the Chief Executive or an appropriate senior manager.
- **Execution coordination.** This should be a dedicated function, ideally undertaken by an official with an overall understanding of the elements of RAP implementation. Under the internal management and execution option, the execution coordinator would have to be supported by a team addressing various implementation tasks.
- **Community engagement.** Even if RAP execution engagement is facilitated by an external agent, NYA should retain and consolidate its own engagement capacity and commitment. A Community Development Officer (CDO) should work closely with the external facilitator (if used) to ensure awareness of community issues and accountability for responses to these issues. The grievance procedure cannot be outsourced.
- **Community development.** Resettlement provides an opportunity for development, and pursuit of development is encouraged in international best practice. An official / officials charged with community development are best placed to promote and oversee livelihood restoration, and to coordinate RAP monitoring.

13.5 Indicative Implementation Schedule

Once the RAP has been prepared, its implementation calls for collaboration from all the stakeholders. The implementation schedule will be pegged on the following processes and milestones:

- CNC is constituted;
- CNC signs off on the RAP. This constitutes NYA acceptance of the terms of the RAP;
- NYA arranges for the surveys;
- NYA draws up offer documents for affected people and advertises the fact that offers will be made;
- The affected households review the offers made and enter into agreements with NYA;
- The affected households will have to identify alternative sites surrender the land and move off the project site.
- Monitoring of the affected households begins.

The implementation schedule presented below is indicative, and is mainly intended to show the lead time required before final implementation, together with the likely duration of the implementation itself.

Table 13-2: Indicative RAP Implementation Schedule

ACTIVITY	Year	1				2				3			
	Responsibility	1	2	3	4	1	2	3	4	1	2	3	4
Formation of CNC	NYA												
Additional Census & Survey	NYA												
Community Consultation	NYA/CNC												
Resettlement Plan Disclosure	CNC												
Affected Area Demarcation	NYA/CNC												
Acquisition Process Initiation	CNC												
Issuance of Notification	Territory/CNC												
Compensation Assessment	CNC												
Payment of Compensation	CNC/NYA												
Grievance Redress	GRC												
Possession of Land/Assets	NYA												
Project Implementation Activity	NYA												
Project Completion	NYA												
Project Operation													

14 Monitoring and Evaluation



14.1 General Objectives of Monitoring and Evaluation

International standards require monitoring and evaluation on the effectiveness of RAP implementation, including resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of income restoration and development efforts among affected communities.

The primary objective of the RAP monitoring and evaluation programme is to ensure that the Plan is fully implemented, and that affected households derive maximum benefit from the agreed compensation and associated development support. Further objectives include the following:

- a) To guide further interactions with affected persons and communities;
- b) To learn lessons that might be fed back into RAP implementation;
- c) To build a base of goodwill and trust between NYA and affected persons/communities;
- d) To secure early warning of problems and potential conflicts; and
- e) To establish a base for feedback with affected households, local government, and other stakeholders.

14.2 Internal and External Monitoring

The monitoring and evaluation programme aims to ensure the RAP meet its objectives and complies with international standards. Internal and external monitoring is an integral component of the RAP process and has the following general objectives:

- a) To assess progress with RAP activities;
- b) To monitor RAP implementation including compensation and resettlement processes;
- c) To determine the impact of resettlement and compensation on affected households;
- d) To prevent potential impacts adversely affecting resettled households; and
- e) To determine the nature and causes of RAP implementation problems and identify solutions.

14.3 Performance Indicators

Key performance indicators assist with monitoring and managing RAP implementation and resettlement impacts. These indicators are classified under three broad categories listed below:

- i) **Process indicators**; Indicating project inputs, expenditures, staff deployment etc. These indicators will largely address NYA's internal arrangements;
- ii) **Output indicators**; Indicating RAP implementation results in terms of numbers of affected people compensated and resettled, livelihood restoration training, etc. These indicators will largely assess the RAP's internal implementation processes and results; and
- iii) **Impact indicators**; Measuring the longer-term effects of resettlement on people affected by physical and economic displacement. Impacts can be determined using the established social baseline and the grievance mechanism. These indicators will largely determine the external impacts of the RAP implementation process.

Table 14-1 outlines a set of key indicators for each of the categories.

Table 14-1: Key performance indicators

Indicator	Description	Measure
Process indicators		
Staff deployment	If required, recruit additional staff members or external consultants to assist with RAP implementation, management and monitoring	- Number of staff - Terms of reference for external consultants and resettlement specialists - Staff training
Internal staff meetings	- Weekly meetings held with staff responsible for resettlement and livelihood restoration - Monthly management meetings with key project personnel	Minutes from management meetings
Meetings with key stakeholders	Monthly meetings with community authorities (i.e. Traditional Authorities)	Minutes from meetings
Reporting	- Monthly progress reports - Annual reporting	Reports
Expenditure	Expenditure on compensation, resettlement and livelihood restoration programmes	RAP budget
Output indicators		
Project affected people	Details of people affected by resettlement including economic and physical displacement	- Numbers of people affected by physical displacement - Number of people affected by economic displacement
Compensation	Descriptions of compensation payments	- Compensation payment amounts - Signed compensation forms
Livelihood restoration training	Review livelihood	- Number of programme participants - Percentage of participants who have started small businesses
Grievances with resettlement	Review the effectiveness of the grievance mechanism	- Number of grievances received - Number of hearings - Percentage of grievances resolved - Percentage of grievances still outstanding
Impact indicators		
Collect socio-economic data on affected households	Undertake a household survey with project affected people	- Updated socio-economic baseline - Determine differences between pre- and post-resettlement income - Percentage of households with improved income
Livelihood restoration	Review the effectiveness of the livelihoods restoration plan	- Percentage of households who have continued farming - Percentage of households pleased with the livelihood restoration process
Perceptions of project affected people	Document changes in households perceptions and evaluate households satisfaction with the resettlement and compensation process	- Percentage of households pleased with the compensation process - Percentage of households pleased with the physical displacement process - Percentage of households with positive sentiments towards NYA - Percentage of households with improved quality of life
Vulnerable households	- Undertake a household survey with vulnerable households - Monitor and do bi-annual visits to vulnerable households	- Updated socio-economic baseline on vulnerable households - Determine differences between pre- and post-resettlement income - Percentage of households with improved income

14.4 Monitoring Plan

The proposed RAP monitoring plan is presented in Table 14-2. The Plan identifies the various RAP management domains, some of the key performance areas, broad performance indicators, monitoring responsibilities, timing and frequency of monitoring, reporting, and the overall duration of specific monitoring initiatives. Apart from on-going monitoring, key monitoring intervals will be the following:

- a) On completion of the RAP implementation NYA will commission a Completion Audit to determine whether resettlement and compensation complied with the procedures and policies outlined in this RAP, and more generally with the IFC's Performance Standards.
- b) Six months after resettlement. This will be largely internally managed, and will provide an opportunity to correct deviations from the principles and objectives of the RAP. An evaluation session involving the main stakeholders will be considered. The session will identify key lessons.
- c) One year after resettlement. Internal and external evaluations will take place on this occasion. The internal evaluation will focus on livelihoods restoration activities, and the external on sustainability.
- d) Two years after resettlement. A second external review will take place on this occasion, again focussed on issues of sustainability.

14.4.1 Completion Audit

The objectives of the Completion Audit include the following:

- e) Overall assessment of the RAP implementation against the objectives and procedures set out in this RAP;
- f) Assessment of compliance of implementation with local laws, regulations and international practice including IFC safeguard policies (PS5);
- g) Assessment of fairness, adequacy and promptness of the implemented compensation and resettlement procedures;
- h) Evaluation of the impact of the compensation and resettlement programme on livelihood restoration, measured through incomes and standards of living, with an emphasis placed on the "no worse-off if not better-off" requirement; and
- i) Identification of potential corrective actions necessary to mitigate the negative impacts of the programme, if any, and to enhance its positive impacts.

The Completion Audit will be based on documents and reports generated during the monitoring process

Table 14-2: Proposed RAP Monitoring Plan

RAP Management Domain	Key Performance Areas	Performance Indicators	Monitoring Responsibilities	Timing and Frequency	Reporting	Duration of Monitoring
Operational Issues						
RAP implementation	Implementation against schedule	Check status against schedule	RAP Project Manager	Continuous	Progress reported to: NYA Management	RAP implementation period
Compensation arrangements	Satisfactory conclusion of compensation	- All agreements concluded - All compensation delivered - Grievances addressed	RAP Project Manager	- End of agreement negotiation period - Six months after resettlement	Reporting to: - NYA Management - CNC	Compensation negotiation period and six months after resettlement
Resettlement arrangements	Satisfactory conclusion of resettlement	- All site arrangements concluded - All resettlement completed - Grievances addressed	RAP Project Manager	- Land identification period - End of resettlement process - Six months after resettlement	Reporting t to: - NYA Management - CNC	Land identification and resettlement period and six months after resettlement
Livelihood restoration arrangements	Satisfactory conclusion of LRP initiatives	Refer to indicators listed in Section 12	RAP Project Manager	- Introduction of LRP - Six months after resettlement - One year after resettlement	Reporting t to: - NYA Management - CNC	Initiation of LRP to one year after resettlement
Grievances and comments	Satisfactory resolution of grievances	- Grievance mechanism known - Recording and response system running - Grievances addressed	RAP Project Manager	Continuous	Reporting t to: - NYA Management - CNC	Intensive for six months, as required thereafter
Sustainability Issues						
Effects of livelihoods restoration	Sustainable benefits to recipients	- Effective use of LRP inputs - Extension of LRP by other interests	RAP Project Manager	Survey undertaken six months after resettlement	Reporting to: - NYA Management - CNC	Six months after resettlement

RAP Management Domain	Key Performance Areas	Performance Indicators	Monitoring Responsibilities	Timing and Frequency	Reporting	Duration of Monitoring
		Refer to indicators listed in Section 12				
Use of compensation by resettled households	Productive and sustainable use of compensation	- Use of compensation in a manner that sustains livelihoods - Refer to indicators listed in Section 12	RAP Project Manager	Survey undertaken six months after resettlement	Reporting to: - NYA Management - CNC	Six months after resettlement
Development status of resettled households	Development status against baseline	- Household cash and in-kind incomes - Health status - New livelihoods ventures	RAP Project Manager	- Survey undertaken six n after resettlement - External review one and two years after resettlement	Reporting to: - NYA Management - CNC	- Six months after resettlement - One year after resettlement - Two years after resettlement

Appendices

Appendix A: Census and Asset Inventory Questionnaires

NYUMBA YA AKIBA RAP ASSET INVENTORY

This form should be completed with all affected households following the completion of the census.

1. FIELD CONTROL AND CODIFICATION

Code (refer to census questionnaire for code)	
Name of person interviewed	
Date of interview	/ / 2013
Municipal Ward	
GPS code of household	

2. HOUSEHOLD HEAD (this should be the same as the census)

First names	
Last name	
ID no.	
Contact no.	

3. OWNER OF ASSET/S (if different to the household head/respondent)

First names	
Last name	
ID no.	
Contact no.	

4. IMMOVABLE LAND ASSETS INVENTORY

HOUSING/STRUCTURES

ASSETS	DESCRIPTION OF HOUSING/STRUCTURE							
	Structure 1	Structure 2	Structure 3	Structure 4	Structure 5	Structure 6	Structure 7	Structure 8
Photo numbers								
Description 1 = multifunctional residential 2 = sleeping only 3 = kitchen only 4 = toilet, shower 5 = combined residential, business (specify business) 6 = business only (specify) 7 = spiritual house 8 = other (specify...)								
Round structure 0 = no 1 = yes								
Surface area (m²)								
Length (m)								
Width (m)								
Tenant 0 = no 1 = yes								
Number of rooms (if required)								

NYA Resettlement Action Plan – Asset Inventory

Fitted kitchen 0 = no 1 = yes								
Fitted bathroom 0 = none 1 = bath 2 = shower 3 = toilet								
Walls 0 = none 1 = mud block 2 = mud block with plaster 3 = cement blocks 4 = clay (fired) bricks 5 = reeds or sticks 6 = plastic 7 = corrugated iron 8 = other (specify)								
Roofing 0 = none 1 = thatching straw 2 = corrugated iron 3 = roof tiles 4 = plastic 5 = Other (specify)								
Ceilings 0 = no 1 = yes								

NYA Resettlement Action Plan – Asset Inventory

Floors 0 = none 1 = mud 2 = traditional plaster 3 = concrete 4 = vinyl 5 = ceramic tiles 6 = carpets 7 = other (specify)								
Windows 0 = none 1 = wooden frames 2 = metal frames 3 = other (specify)								
Doors 0 = none 1 = wooden frames 2 = metal frames 3 = other (specify)								
Fencing 0 = none 1 = wood 2 = wood and wire 3 = bricks 4 = cement blocks 5 = other (specify)								
Water sources 0 = none 1 = piped water in house 2 = piped water in yard								

NYA Resettlement Action Plan – Asset Inventory

3 = borehole with pump 4 = hand dug well 5 = other (specify)								
Electricity 0 = none 1 = municipal electricity 2= generator								
Income from structure 1 = R0.00 - R100.00 2 = R100.00 – R500.00 3 = R500.00 – R1000.00 4 = R1000.00 – R5000.00 5 = above R5000.00								
Other (i.e. veranda)								

FIELDS

ASSETS	DESCRIPTION OF FIELDS					
	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6
Photo numbers						
GPS tracking label						
Surface area (m²)						
Type of crop grown 0 = uncultivated/fallow 1 = maize 2 = sugar cane 3 = Mdumbes 4 = other (specify)						
Irrigation 0 = no 1 = yes						
Fencing 0 = none 1 = wood 2 = wood and wire 3 = bricks 4 = cement blocks 5 = other (specify)						

VEGETABLE GARDENS

ASSETS	DESCRIPTION OF GARDENS		
	Garden 1	Garden 2	Garden 3
Photo numbers			
GPS tracking label			
Surface area (m²)			
Sharecropping 0 = no 1 = yes			
Type of vegetables grown 0 = uncultivated 1 = tomatoes 2 = onions 3 = green beans 4 = cabbages 5 = potatoes 6 = sweet potatoes (yams) 7 = other (specify)			
Irrigation 0 = no 1 = yes			
Fencing 0 = none 1 = wood			

2 = wood and wire 3 = bricks 4 = cement blocks 5 = other (specify)			
---	--	--	--

FRUIT TREES

ASSETS	DESCRIPTION OF FIELDS											
	Fruit trees 1		Fruit trees 2		Fruit trees 3		Fruit trees 4		Fruit trees 5		Fruit trees 6	
Photo numbers												
Type of fruit tree 1 = banana 2 = mango 3 = nut trees 4 = guava 5 = avocado 6 = paw paw 7 = orange 8 = lemon 9 = other (specify)												
Number of trees per age group 1 = up to 5 years 2 = up to 10 years 3 = up to 15 years 4 = over 15 years	Age	Number	Age	Number	Age	Number	Age	Number	Age	Number	Age	Number
GPS code												

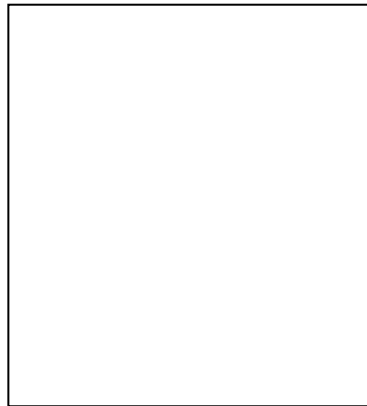
NYA Resettlement Action Plan – Asset Inventory

Irrigation 0 = no 1 = yes						
Fencing 0 = none 1 = wood 2 = wood and wire 3 = bricks 4 = cement blocks 5 = other (specify)						

Thank You

I _____ declare that all the information herein is true and accurate.

Signature/thumbprint of household head:



Date: _____

**NYUMBA YA AKIBA PROJECT
RAP CENSUS AND ASSET INVENTORY, 2013
TO BE COMPLETED WITH ALL AFFECTED HOUSEHOLDS**

1. FIELD CONTROL AND CODIFICATION

1.1 Code	
1.2 Name of person interviewed	
1.3 Date of interview	/ /2013
1.4 Traditional Council/Chef de Terre	
1.5 Municipal Ward	
1.6 GPS coordinates of household	

2. Name of the household head (this should also be the respondent)

First names		2.1
Last name		2.2
ID no.		2.3
Contact no.		2.4

3. Name of the household owner (if different from the household head/respondent)

First names		3.1
Last name		3.2
Contact no.		3.3

4. How did you gain access to residential and farming land (Mark X in the relevant box/es)

Allocated land by the chief		4.1
Inherited land		4.2
Bought land		4.3
Renting (payment in cash)		4.4
Renting (payment in kind)		4.5
Occupation without consent		4.6
Other (specify...)		4.7

5. How long have you been living here (Mark X in the relevant box)

Less than 1 year		5.1
Between 1 and 5 years		5.2
Between 5 and 10 years		5.3
Between 10 and 20 years		5.4
More than 20 years		5.5
Don't know		5.6

HOUSEHOLD COMPOSITION

6. Please tell us about the members who make up your household (refer to coding sheet).

No.	Full name	Relation to HH	Sex	Age	Marital Status	Residence Status	Education level	Main Occupation /livelihood	Special needs
6.1									
6.2									
6.3									
6.4									
6.5									
6.6									
6.7									
6.8									
6.9									
6.10									
6.11									
6.12									
6.13									
6.14									
6.15									
6.16									
6.17									
6.18									

7. Why was the household established here? (Mark X in the relevant box)

Inherited land		7.1
Close to fields		7.2
Close to business opportunities		7.3
Near towns and amenities		7.4
Only available land		7.5
Other (specify).....		7.6

HOUSING

8. Describe your main household dwelling. (Mark X if the dwelling has this feature and if applicable, indicate the number of rooms).

Rooms	Number	
Bedroom		8.1
Kitchen		8.2
Bathroom		8.3
Living area		8.4
Flushing toilet		8.5
Ventilated improved Pit latrine		8.6
Pit latrine/bucket latrine		8.7
Animal enclosure		8.8
Vegetable garden		8.9
Verandah		8.10
Garage		8.11
Fence/walls		8.12
Water taps		8.13

9. Describe your house type and materials

No.	Main purpose of building 1 = Multifunctional residential 2 = Sleeping only 3 = Kitchen only 4 = Toilet, Shower 5 = Combined residential, business (specify business) 6 = Business only (specify) 7 = Spiritual house 8 = Other (specify)	Indicate primary structure (only one structure may be ticked)	Photo No.	No. of Rooms	Round House 0 = no 1 = yes	Length (m)	Width (m)	Description of construction materials		
								Floor 0 = none 1 = mud 2 = traditional plaster 3 = concrete 4 = vinyl 5 = ceramic tiles 6 = carpets 7 = other (specify)	Walls 0 = none 1 = mud block 2 = mud block with plaster 3 = cement blocks 4 = clay (fired) bricks 5 = reeds or sticks 6 = plastic 7 = corrugated iron 8 = other (specify)	Roof 0 = none 1 = thatching straw 2 = corrugated tin 3 = roof tiles 4 = plastic 5 = Other (specify)
1										
2										
3										
4										
5										
6										
7										
8										
TOTAL										

AGRICULTURE

10. Does your homestead currently have access to arable land that you use, or have used, for cultivation?

YES		10.1	NO		10.2
-----	--	------	----	--	------

11. Please provide us with information on your agricultural fields.

Field No.	Cultivated in Last 12 months? 0 = no 1 = yes	Dryland or wetland? 0 = DRY 1 = WET	Primary Crop	Secondary Crop
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

1 = Cassava, 2 = Maize, 3 = Beans, 4 = Rice, 5 = Sweet Potatoes, 6 = Peanuts, 7 = Sugar Cane, 8 = Sorghum, 9 = Sesame, 10 = Millet, 11 = Tomatoes, 12 = Aubergines/brinjals, 13 = Courgettes, 14 = Spinach, 15 = Cabbage, 16 = Onions, 17 = Soya, 18 = Taro, 19 = Potatoes, 20 = Yams, 21 = Peas, 22 = Fallow (Unused), 23 = Other (Specify)

12. Indicate which productive trees you own and if possible, how many.

Type	Number (indicate 0 if not grown)	
Bananas trees		12.1
Lemon trees		12.2
Orange trees		12.3
Avocado trees		12.4
Nut trees		12.5
Mango trees		12.6
Pawpaw trees		12.7

Pine trees		12.8
Eucalyptus trees		12.9
Other wood/fuel trees (specify...)		12.10
Other fruit trees (specify...)		12.11

ADDITIONAL LIVELIHOOD ACTIVITIES

13. In addition to farming does the household use ITS OWN land for any other purposes? (Mark X in relevant box/es and refer to map foldout to locate livelihood activities)

Sharecropping		13.1
Collecting of firewood		13.2
Collecting of wild fruits		13.3
Collecting of medicinal plant		13.4
Grazing		13.5
Burying deceased		13.6
Ritual sites		13.7
Other (specify...)		13.8

14. Does this household use COMMUNAL land for any purposes? (Mark X in relevant box/es and refer to map foldout to locate communal assets)

Farming		14.1
Collecting of firewood		14.2
Collecting of wild fruits		14.3
Collecting of medicinal plant		14.4
Grazing		14.5
Vegetable gardening		14.6
Fishing sites		14.7
Burying deceased		14.8
Other (specify...)		14.9

LIVESTOCK

15. How many of the following livestock does your household possess?

Animal Type	Number owned	
Cattle		15.1
Goats		15.2
Sheep		15.3
Pigs		15.4
Rabbits		15.5
Chickens		15.6
Ducks		15.7
Other (specify)...		15.8

AMENITIES

16. Refer to the fieldworkers map. Please draw the following amenities and indicate the number:

Number	Amenities
	Primary school
	Secondary school
	Clinic
	Hospital
	Cemetery
	Cultural heritage sites
	Church
	Woodlots
	Communal gardens
	Taxi ranks/public transport
	Social grant pay points
	Shops
	Grazing areas
	Fishing areas
	Other (specify...)
	Other (specify...)

STANDARD OF LIVING

17. Has there been a shortage of food in the household at any time last year? (Mark X in the relevant box)

YES		17.1	NO		17.2
-----	--	------	----	--	------

INCOME AND EXPENDITURE

18. How much money (CDF or US\$), if any, was earned by your household from each of the following activities in the last month? (Fill in relevant boxes)

Income generating activities		18.1
Formal employment		18.2
Non-land informal employment		18.3
Agriculture	Livestock sales	18.4
	Crop, vegetable, fruit, nut sales	18.5
	Animal product sales	18.6
	Other	18.7
Migrant remittances		18.8
Pension/social/welfare grants		18.9
Other (specify).....		18.10
TOTAL CASH INCOME FOR LAST MONTH		18.11

19. Was this a good earning month or a below average earning month?

YES		19.1	NO		19.2
-----	--	------	----	--	------

TRANSPORTATION

20. If a household member is employed what are their daily transport costs to places of formal employment?

HH member (ref to Qu6)	Place of work (name of area)		Means of transport		Average daily transport costs (CDF)	
		20.1		20.2		20.3
		20.4		20.5		20.6
		20.7		20.8		20.9
		20.10		20.11		20.12

Means of transport: (0) Working at home, (1) Walking, (2) Bicycle, (3) Taxi, (4) Bus, (5) Car, (6) Motorbike, (7) Other (specify)...

ENERGY, WATER AND SANITATION

21. What energy sources do you use? (Mark X in relevant box/es)

Municipal electricity		21.1
Generator		21.2
Torch		21.3
Gas		21.4
Paraffin lamp		21.5
Wood		21.6
Candle		21.7
Charcoal		21.8
Other (specify).....		21.9

22. Where is water for domestic purposes obtained? (Mark X in relevant box/es)

Piped water in household		22.1
Piped water in yard		22.2
Borehole with pump		22.3
Hand dug well		22.4
Stream or River		22.5
Other (specify).....		22.6

23. How do you dispose of your household garbage? (Mark X in relevant box)

Municipal collection		23.1
Bury in a hole		23.2
Burn		23.3
None		23.4
Other (specify...)		23.5

HEALTH

24. In the past three months, have any household members been sick? (Mark X in relevant box)

YES		24.1	NO		24.2
------------	--	------	-----------	--	------

25. If yes, how many household members were sick in the past three months? And with what diseases?

Disease	Number of household members	
Common cold		25.1
Fever		25.2
Diarrhoea		25.3
Coughing		25.4
Accident		25.5
Blood pressure		25.6
TB		25.7
Anaemia		25.8
HIV/AIDS		25.9
Dental		25.10
Skin Condition		25.11
Eye		25.12
Ear, nose, throat		25.13
Don't Know/Can't Say		25.14
Other (specify).....		25.15

26. Where did they go for medical assistance? (Mark X in relevant boxes)

Hospital/Healthcare centre		26.1
Pharmacy		26.2
Community health worker		26.3
Friend/relative		26.4
Shop/kiosk		26.5
Herbalist		26.6
Spiritualist		26.7
Prepared a herbal remedy at home		26.8
I did nothing		26.9
Don't know		26.10
Other (specify...)		26.11

27. Has any member of your HH given birth in the last 12 months? (Mark X in relevant box)

YES		27.1	NO		27.2
-----	--	------	----	--	------

28. If yes, where did they give birth?

Hospital/healthcare centre		28.1
Home with community health worker		28.2
Home with friend/relative		28.3
Traditional birth attendant		28.4

Others (specify...)		28.5
---------------------	--	------

COMMUNITY RELATIONS

29. What support do you give or receive from your neighbours/community members?

Monetary support		29.1
Food and other household items		29.2
Take care of children		29.3
Assistance with cultural/religious ceremonies		29.4
Advice and guidance		29.5
Other (specify...)		29.6
Other (specify...)		29.7

30. Are members of your household involved in any community organisations/churches?

Name of organisation/church	
	30.1
	30.2
	30.3
	30.4
	30.5

RESETTLEMENT and COMPENSATION

31. Have you heard that households will be resettled?

YES		31.1	NO		31.2
-----	--	------	----	--	------

32. If you need to be resettled what would your resettlement choice be? (Note: both spouses should be consulted if possible)

Place	Choice	Reason
Resettled to purpose built/planned resettlement area		
Resettled within this area/ward to a new plot		
Resettled to other place of your own choice (name place)		

33. If you were to be resettled, which non-material things would you stand to lose?

(Mark X in relevant box/es)

Non-material losses / Non-quantifiable		
None		33.1
Loss of cultural heritage		33.2
Resettlement-related stress		33.3
Impeded access /convenience		33.4
Loss of access to services		33.5
Loss of access to fishing areas		33.6
Scenery/neighbourhood loss		33.7
Social interactions & support /sense of belonging		33.8
Local administration systems (councils & chiefs)		33.9
Other (specify...)		33.10

34. If your household was moved how do you think resettlement will affect your lives?

POSITIVELY		34.1	NEGATIVELY		34.2
------------	--	------	------------	--	------

35. If you had a resettlement problem where would you go?

Entity/Organisation		
Local traditional administration systems (traditional councils & chiefs)		35.1
Nyumba Ya Akiba		35.2
Ward Councillor		35.3
Local municipality		35.4
Minister/Pastor		35.5
Family/friends		35.6
Other (specify...)		35.7

36. Please tell us what you think about resettlement and how it may impact your household.

37. In the event your household is resettled, who is authorized and mandated by the family to represent this household during resettlement negotiations and the signing all documentation? (Please list at least two family representatives)

1. _____

2. _____

38. Are there any other comments that you would like to make about the proposed mining project?

Thank You

I _____ declare that all the information herein is true and accurate.

Signature of household head: _____

Date: _____

SKETCH OF HOUSEHOLD STRUCTURES

Appendix B: Fields owned by the Yuku Camp community

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE LUYILA (2)								
GPS tracking label	Alt: 298 m S 05 37' 01.4" EO 14 12' 08.8"							
Surface area (m ²)	100 m ²							100 m ²
TYPE of crop	Beans							

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE NSILULU								
GPS tracking label	Alt: 301 m S 05 37' 02.3" EO 14 12' 02.4"	Alt: 298 m S 05 37' 00.4" EO 14 12' 01.8"	Alt: 303 m S 05 36' 56.9" EO 14 11' 59.6"	Alt: 325 m S 05 37' 12.7" EO 14 11' 49.8"	Alt: 319 m S 05 37' 13.7" EO 14 11' 49.7"			
Surface area (m ²)	5649.49 m ²	4074.42 m ²	3200 m ²	2003.76 m ²	2585 m ²			17512.67 m ²
TYPE of crop	Beans	Cassava	Cassava	Peanuts	Beans			
		Peanuts	Peas	Cassava; Peas				

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE NOWA								
GPS tracking label	Alt: 299 m S 05 37' 00.0" EO 14 12' 06.1"	Alt: 297 m S 05 37' 00.5" EO 14 12' 06.7"	Alt: 300 m S 05 36' 59.9" EO 14 12' 07.4"	Alt: 296 m S 05 36' 59.1" EO 14 12' 07.3"	Alt: 310 m S 05 37' 11.3" EO 14 12' 25.7"	Alt: 306 m S 05 37' 15.7" EO 14 12' 24.3"	Alt: 296 m S 05 37' 19.7" EO 14 12' 27.7"	
Surface area (m ²)	653.6 m ²	324.3 m ²	1066.02 m ²	1644.93 m ²	13686.2 m ²	13424 m ²	64153.4 m ²	94952.45 m ²
TYPE of crop	Peanuts	Beans	Cassava	Peanuts	Cassava	Cassava	Cassava	
	Maze		Peas	Maze, Cassava				

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE NSIMBA								
GPS tracking label	Alt: 304 m S 05 37' 01.3" EO 14 12' 03.8"	Alt: 293 m S 05 37' 00.9" EO 14 12' 05.5"	Alt: 297 m S 05 36' 54.9" EO 14 12' 04.2"	Alt: 316 m S 05 07' 00.7" EO 14 12' 14.4"				
Surface area (m ²)	2278.5 m ²	4969.44 m ²	5962.32 m ²	2825.56 m ²				16035.82 m ²
TYPE of crop	Onions	Peanuts, Beans	Cassava	Cassava				
		Chilli , Cassava	Yams , Peas	Beans, Tomatoes				

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE NGENDA								
GPS tracking label	Alt: 301 m	Alt: 299 m						

	S 05 36' 53.9" EO 14 12' 06.1"	S 05 07' 01.4" EO 14 12' 01.7"						
Surface area (m ²)	1338.35 m ²	1912.52 m ²						3250.87 m ²
TYPE of crop	Peanuts	Beans						
	Peas, Cassava							

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE LUYILA								
GPS tracking label	Alt: 298 m S 05 37' 01.4" EO 14 12' 08.8"							
Surface area (m ²)	1405.79 m ²							1405.79 m ²
TYPE of crop	Cassava, beans							

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE MALAMBU								
GPS tracking label	Alt: 295 m S 05 36' 59.9" EO 14 12' 08.5"	Alt: 295 m S 05 36' 45.6" EO 14 12' 36.4"						
Surface area (m ²)	1053 m ²	5092 m ²						6145 m ²
TYPE of crop	Beans	Cassava						
	Tomatoes, Maze	Peas						

Assets	Field 1	Field 2	Field 3	Field 4	Field 5	Field 6	Field 7	Total
HOUSE MAVAKALA								
GPS tracking label	Alt: 294 m S 05 36' 36.7" EO 14 12' 39.1"	Alt: 294 m S 05 36' 36.6" EO 14 12' 38.7"	Alt: 297 m S 05 36' 33.1" EO 14 12' 34.7"	Alt: 304 m S 05 36' 31.1" EO 14 12' 29.8"	Alt: 294 m S 05 36' 36.7" EO 14 12' 39.1"			
Surface area (m ²)	1179.25 m ²	191.25 m ²	3696.75 m ²	4800 m ²	991.6 m ²			10858.85 m ²
TYPE of crop	Peanuts	Cassava	Cassava	Cassava	Cassava			
		Beans						

Appendix C: Detail of fields impacted by project infrastructure

Cement Plant Site

#	Name of owner	Dimensions (metres)			GPS Coordinates		Cultivated Crops
		Length	Width	Total (m ²)	Latitude S	Longitude E	
1	Baninginina Malata Carine	50.70	50.10	2540	05° 38' 04.2"	14° 12' 10.5"	Manioc, Arachides, Haricots et Patates douces
		43	44.7	1892	05° 37' 57.1"	14° 12' 10.8"	Manioc
2	Masunda Josephine	30	43	1290	05° 38' 01.7"	14° 12' 11.3"	Manioc, Arachides, Haricots et Patates douces
		10	10	100	idem	idem	idem
3	Kuvumusu Philippe	63	42	2646	05° 37' 59.7"	14° 11' 59.4"	Manioc, Arachide et Haricots
		40	26	1040	idem	idem	idem
		39	32.8	1248	05° 37' 54.9"	14° 12' 13.5"	Manioc
4	Nzinga Bethy	50	49	2450	05° 38' 05.7"	14° 12' 02.5"	Manioc, Haricots et Patates douces
5	Mazela	30	45	1350	05° 38' 03.7"	14° 12' 05.1"	Manioc et Haricots
		25	15	375	idem	idem	idem
6	Binasala Makiese Sidonie	25.8	43.2	1130	05° 37' 59.7"	14° 11' 59.4"	Manioc
7	Lelo Matondo Emilie	47.4	28.20	1336	05° 37' 57.6"	14° 12' 09.1"	Manioc
8	Tadi Lydie	18.20	28.20	513	05° 37' 57.1"	14° 12' 10.5"	Manioc
9	Nsimba Kiaku Hortense	79.20	24.90	1972	05° 37' 48.8"	14° 12' 30.1"	Manioc et Haricots
10	Nsilulu Lusivikadio Josephine	30	22.5	675	05° 37' 47.5"	14° 12' 32.8"	Manioc et Haricot
11	Miesi Kimbembe Mamie	10	06	60	05° 37' 44.3"	14° 12' 19.9"	Haricots
12	Nlandu Nduakulu	23.50	28.50	669	05° 37' 42.1"	14° 12' 10.5"	Manioc et Haricots
		10	10	100			
13	Ndungisila Mabanza Georges	19.20	134.70	2586	05° 37' 43.6"	14° 12' 11.2"	Manioc et Haricots
14	Kinsamba Marie	10	10	100	05° 37' 48.5"	14° 12' 11.2"	Manioc et Haricots
15	Mampova Celine	34.40	38.40	1320	05° 37' 54.1"	14° 12' 10.1"	Manioc et Haricots

16	Matesa Celine	26	20.30	527	05° 37' 51.9"	14° 12' 08.8"	Manioc
----	---------------	----	-------	-----	---------------	---------------	--------

Quarry

#	Name of owner	Dimensions (metres)			GPS Coordinates		Cultivated Crops
		Length	Width	Total (m ²)	Latitude S	Longitude E	
1	Mavakala Kennedy	60	42	2520	05° 36' 31.7"	14° 12' 30.5"	Manioc, Arachides, et Mais
2	Mbiyavanga	75	40	3000	05° 36' 32.6"	14° 12' 34.2"	Manioc, Arachides, et Mais
3	Nsimba Vangu Pitshou	61	96	5856	05° 37' 54.1"	14° 12' 06.3"	Manioc, Haricots et Patates douces
4	Paulin	26	07	182	05° 38' 54.1"	14° 12' 06.5"	Manioc, Haricots
5	Nsilulu Semi Didier	40	34	1400	05° 36' 59.3"	14° 12' 02.5"	Manioc, Haricots et Patates douces
6	Luyindula Kilebe Jerome	78.50	53	4160	05° 36' 58.9"	14° 11' 58.1"	Manioc, Arachides, Haricots et Bananiers.

Waste Landfill

#	Name of owner	Dimensions (metres)			GPS Coordinates		Cultivated Crops
		Length	Width	Total (m ²)	Latitude S	Longitude E	
1	Diakanoa Madeleine	48.00	19.20	921.60	05° 38'10.1"S	14° 11'16.3"S	Manioc et Haricots
2	Mampasi Lulienne	51.00	40.40	2060.40	05° 38'08.9"S	14° 11'16.4"S	Manioc et Haricots
		65.00	50.00	3250.00	05° 38'03.6"S	14° 11'21.1"S	Manioc et Haricots
3	Makiese Mamputu	61.00	40.40	2464.40	05° 38'07.5"S	14° 11'23.2"S	Manioc
4	Senda Maleke Joacin	85.00	35.00	2975.00	05° 38'05.2"S	14° 11'25.1"S	Manioc et Patates douces
5	Makanzu Wayikwa hantal	50.00	48.00	2400.00	05° 38'03.8"S	14° 11'25.1"S	Manioc et Haricots
		34.50	16.00	552.00	05° 38'01.3"S	14° 11'27.7"S	Manioc
6	Bakembo Mayelele Jean	138.00	50.00	6900.00	05° 38'01.2"S	14° 11'26.8"S	Manioc et haricots
7	Loleko Nsambu	55.00	50.00	2750.00	05° 37'58.6"S	14° 11'24.5"S	Manioc, Haricots,

	Odillon						patates douces et manguier
8	Lukua Wempanga Marie Jeanne	57.00	43.00	2451.00	05° 37'56.7"S	14° 11'20.6"S	Manioc, haricots, patates douces, avocatier
9	Mondo Papy	66.00	31.00	2046.00	05° 37'56.7"S	14° 11'20.6"S	Manioc, haricots et ananas
10	Makiese Zozo	100.00	50.00	5000.00	05° 38'05.8"S	14° 11'29.8"S	Manioc

Stockpile Overburden

#	Name of owner	Dimensions (metres)			GPS Coordinates		Cultivated Crops
		Length	Width	Total (m ²)	Latitude S	Longitude E	
1	Bic et Prefet Minkelo Ecole	233.00	63.00	14679.00	05° 36'42.6"S	14° 11'01.6"S	Manioc, haricots et Courges
2	Prefet Minkelo ecole	60.00	58.00	3480.00	05° 36'41.9"S	14° 10'59.1"S	Manioc et haricots
3	Ndefi	52.00	40.00	2080.00	05° 36'41.9"S	14° 10'59.1"S	Manioc et haricots
4	Adelard	73.00	50.00	3650.00	05° 36'42.6"S	14° 10'57.1"S	Manioc et bananiers
5	Mayala Mpaka Ley	113.00	81.00	9153.00	05° 36'42.8"S	14° 10'53.1"S	Manioc, haricots, cannes a sucre, ananas et bananiers
6	Prof Samuel	110.00	60.00	6600.00	05° 36'46.4"S	14° 10'56.2"S	Manioc
7	Melanie	41.00	30.00	1230.00	05° 36'46.4"S	14° 10'56.2"S	Manioc
8	Mangetimona Francois	100.00	52.00	5200.00	05° 36'18.9"S	14° 15'29.8"S	Manioc, haricots et bananiers
9	Mansueki Mansambi	30.00	23.00	690.00	05° 36'18.9"S	14° 15'29.8"S	Manioc et Haricots
10	Kimpidinga	40.00	30.00	1200.00	05° 36'10.9"S	14° 11'42.6"S	Manioc et haricots
11	Premier	41.00	32.00	1312.00	05° 36'32.1"S	14° 11'24.7"S	Manioc, haricots et patates douces

Waste Management Facility (Alternative 1)

#	Name of owner	Dimensions (metres)			GPS Coordinates		Cultivated Crops
		Length	Width	Total (m ²)	Latitude S	Longitude E	
1	Noah Michel et Lelo Selipa	180.00	72.00	12960.00	05° 37'03.3"S	14° 12'45.2"S	Manioc, haricots et patates douces
2	Luango Heleine et Elisabeth	54.00	49.00	2646.00	05° 37'13.1"S	14° 11'57.7"S	Manioc et Haricots

	Malambu						
3	Claire Malambu	41.00	32.00	1312.00	05° 37'11.8"S	14° 12'25.6"S	Manioc et haricots

Appendix D: Memorandum of Understanding with local communities

For Tandu - (illegible)
KIVUULA JEAN (Signature)
NDONGALA KANAVANGAU (Signature)
22/12/2012

For Mawete
MABIZ NSIMBA TUH
(Signature)

DRAFT AGREEMENT BETWEEN NYUMBA YA AKIBA S.A.R.L. AND THE LOCAL COMMUNITY BENEFICIARIES WITH CUSTOMARY RIGHT

BETWEEN

The company NYUMBA YA AKIBA S.A.R.L., limited liability company of by Congolese law, registered with the New Registry under number 55949 / Kinshasa, identified nationally under n° 01-09-N41523H, having its registered office on Avenue Ngongo – Lutete, town of Kinshasa, Democratic Republic of Congo, District of Gombe, represented by Mr PATRICK VANDEWALLE, its General Director.

Hereafter referred to as “NYUMBA YA AKIBA S.A.R.L.” on the one hand,

AND *For Kinsua*
MAKIADI NSINDANI ZYK
(Signature) 22/12/2012

For Nkondo Nkomba
ADOLPHE LUBIXILI
(Signature) 22/12/2012

The Community of beneficiaries from the villages surrounding the NYUMBA YA AKIBA site in SONGOLOLO here-after; KINSUA; MAWETE; NKONDO-KIOMBA; NKONDA; TANDU and NIONGA; all residing in the SONGOLOLO territory, Lower-Congo Province, Democratic Republic of Congo, represented by the representatives whose names are mentioned in the list in annexure.

Hereafter referred to as “THE BENEFICIARIES”, on the other hand,

Shall be hereafter collectively named “the parties” and individually “the party”.

PREAMBLE

For Niongo
MPAKA NENDIMBA FRANCOIS
(Signature) 22/12/2012

CONSIDERING THAT

- The company NYUMBA YA AKIBA S.A.R.L. wishes to build a modern cement factory with a production capacity of 1,200,000 tons of cement per year, on the customary lands of the aforementioned villages, in the Songololo Territory, Lower-Congo Province;
- For Nkonda*
NDONGALA BONIFACE
(Signature) 22/12/2012
- Chief of Sector*
(Signature)

- NYUMBA YA AKIBA S.A.R.L. is driven, on the one hand, by the will to participate to the local communities' development and the improvement of the living conditions of the populations from the different villages where the cement factory shall be established;
- Following the minutes of the meeting held in MAWETE on July 31st, 2012 and in presence of the Chef of sector of LUIMA, the representatives of the villages in which the concession of the NYUMBA YA AKIBA company is located suggested to the latter a series of community interest projects to be carried out;
- Considering the need for the parties to define a legal framework in order to govern their relations pertaining to the present project ;

FROM WHAT IS MENTIONNED HEREBOWE, IT HAS BEEN AGREED AND DECIDED AS FOLLOWS

Article 1: Object

By the present accord, the parties mean to define their expectations and commitments on the one hand, with the operating of a modern cement factory by the company NYUMBA YA AKIBA on the customary lands of the aforementioned villages, and on the other hand, the development of the local community.

Article 2: Duration of the Memorandum of understanding and application

The present agreement shall be concluded for an undetermined duration which shall start running as from the date of its signature.

Article 3: Commitments of the parties

In order to favour the development of the local community by the construction of social infrastructures within the project area, the two parties shall agree to the following commitments:

A. Commitments by NYUMBA YA AKIBA SARL

NYUMBA YA AKIBA SARL commits to:

- Build a modern school in one of the aforementioned villages housing its concession, and to rehabilitate the school located in the NKONDA village.
- Build a modern clinic in the concession and a market in one of the villages that shall be defined in the near future. In the aforementioned clinic, only the consultations shall be free of charge. All the other fees shall be borne by the patients.
- Build a bridge made of lasting materials over the Sansikwa river and the roads according to the company's development plan and the company's needs. The aforementioned roads may be used by the local communities provided that some measures be taken for security reasons.
- Recruit some of its employees within the local community depending on the employment availability and their qualifications.
- Develop water supply sources in order to permit local villagers to have regularly access to water.
- Supply to local communities 200 plastic chairs and 200 metal sheets per village.
- Every end of year, supply to local communities a number of goods in kind, of which the content shall be decided at the discretion of the NYUMBA YA AKIBA company's hierarchy. However, this allocation shall only be granted during the first two year of the factory's construction.
- Sell to local communities the cement at factory price following a quota that shall be determined by the hierarchy of the company NYUMBA YA AKIBA.

B. Commitments by the benefiting local community

The Community commits to:

- Accept the relocation, for the company's exploitation needs, of some villages, namely YUKU, in return for compensation by new constructions in the surrounding villages.
- Accept the relocation of the farming activities in return for compensation, after assessment by an agricultural expert named by local authorities.
- Support the project, and not carry out any act likely to bloc or sabotage the fulfilment of the project.

C. Joint commitments

Both parties commit to:

- Closely collaborate for the good and complete fulfilment of the present agreement, and jointly try to find the necessary possibilities and means to warranty the good functioning of the project. To that effect, the parties shall agree to put in place a permanent consulting framework for the application of the present agreement.

Article 4: Timing to carry out the projects

All the above-mentioned community interest projects shall be carried out as from the first year of production of cement and shall be spread out in time. However, some projects for which the costs to carry them out are not too high may be carried out during the construction period. It shall be up to the hierarchy of the company NYUMBA YA AKIBA SARL to choose the projects that shall be carried out during that period.

Article 5: Termination

The present agreement shall be terminated should one of the parties not carry out its contractual commitments. A one month prior notice shall be sent to the failing party.

Article 6: Domiciliation

Any notification or communication pertaining to the present memorandum of understanding shall be considered as duly transmitted if it is validly made in writing and handed out personally to one or the other party, or transmitted by special letter to the addresses mentioned here-after or any other address that each party shall take care to notify to the other.

For NYUMBA YA AKIBA SARL

Avenue Ngongo Lutete n°1
Commune de la Gombe / Kinshasa
Tel.: 00243 81 769 84 91
E-mail: annie@grouperawji.com

For the benefiting local communities

Offices of the Chief of sector of LUIMA in SONGOLOLO

Article 8: Litigation settlement

The conflicts which may arise from the application of the present agreement shall be settled out of court by the parties or the local administrative authorities should the litigation continue.

Done at SONGOLOLO, on .../.../2012 in two original copies, each party acknowledges having received its copy.

FOR NYUMBA YA AKIBA SARL

FOR THE LOCAL COMMUNITY