



NYUMBA YAAKIBAsari

**Framework
Resettlement Action
Plan
Executive Summary**

AUGUST 2013

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

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Disclaimer

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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.

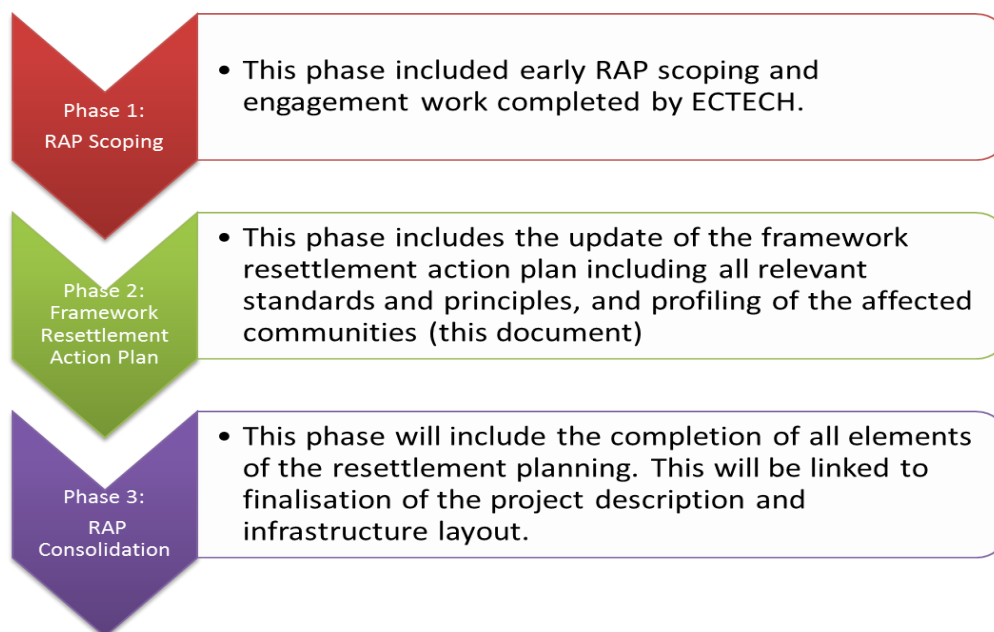
Rationale for Current Resettlement Activities

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 Kimpese.
- 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 rundown, 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 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 hectares¹

Stakeholder Engagement

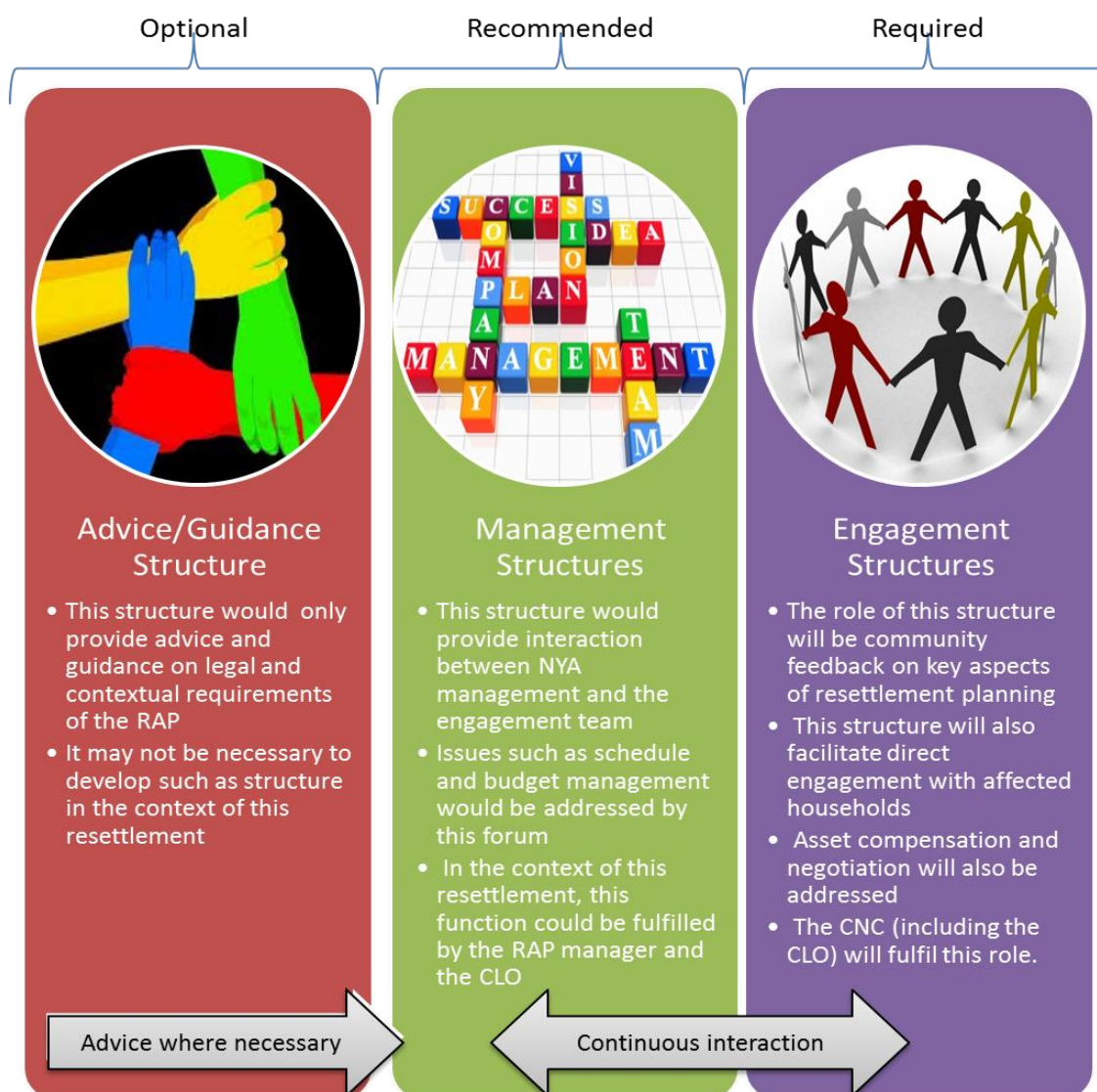
SRK is currently developing a Stakeholder Engagement Plan (SEP) that will detail the stakeholder engagement process, all of the potential stakeholders in the process, their roles and involvement and methods of engagement. Many of the stakeholders identified in this plan will be directly involved or affected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

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

- 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 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

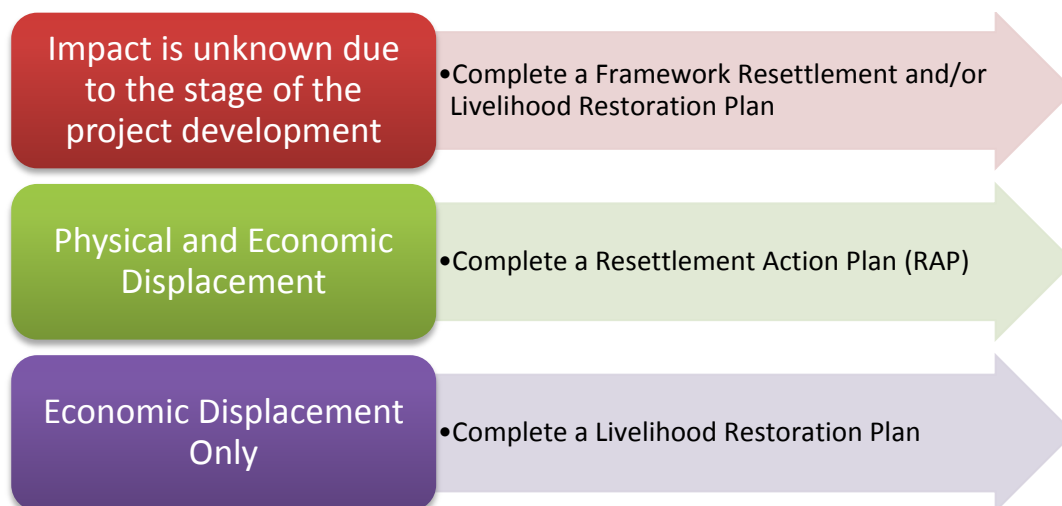
Households affected by economic and physical displacement will be eligible to participate in the livelihood restoration programme. Some of the options that might be considered for the LRP include the following:

- 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:

- Development of resettlement sites, including planning, survey, dwelling and infrastructure design, construction and inspection.
- Development of replacement land, including clearing, land preparation and allocation.
- 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.
- Implementation of the livelihoods restoration programme, including the finalisation of delivery arrangements and the launch of the various programme elements.
- Implementation of transitional assistance and assistance to vulnerable households.
- Implementation of the physical resettlement.
- 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:

- 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.
- 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.
- 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.
- Two years after resettlement. A second external review will take place on this occasion, again focussed on issues of sustainability.