

The Republic of South Sudan

**Ministry of Information, Communication Technology and Postal
Services (MICT&PS)**

Eastern Africa Regional Digital Integration Project (P176181)

Resettlement Policy Framework

(Final)

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ACRONYMS AND ABBREVIATIONS

CPA	Comprehensive Peace Agreement
CSO	Civil Society Organization
EAC	East African Community
EARDIP	Eastern Africa Regional Digital Integration Project
EHS	Environment, Health and Safety
EHSG	Environmental Health and Safety Guidelines
E&S	Environmental & Social
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESIA	Environment and Social Impact Assessment
ESS	Environmental and Social Standards
FM	Financial Management
FPIC	Free, Prior and Informed Consent
GB	Giga Byte
GBV	Gender-Based Violence
GoSS	Government of South Sudan
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
HSSE	Health, Safety, Social & Environmental
ICTSDM	Single Digital Market
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IXP	Internet Exchange Point
LGA	Local Government Act
LMP	Labor Management Procedures
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MICT&PS	Ministry of Information, Communications Technology and Postal Services
MOFP	Ministry of Finance and Planning
NEA	Nationwide Enterprise Architecture
NGO	Non-Governmental Organization
PAD	Project Appraisal Document
PAP	Project-Affected Person
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PWD	Person with Disability
RAP	Resettlement Action Plan
REN	Regional Research and Education Network
RPF	Resettlement Policy Framework
SEA/SH	Sexual Exploitation and Abuse and Harassment
SEP	Stakeholder Engagement Plan
SMP	Security Risk Management Plan
SOP	Series of Projects
SSAHUTLC	Sub-Saharan African Historically Underserved Traditional Local Communities
TA	Technical Assistance
TC	Technical Committee
TOR	Terms of Reference
VLD	Voluntary Land Donation
WB	World Bank

Glossary of Terms

Table 1 Glossary of Terms

Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing RAPs.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area or establishing new assets after the cut- off date are not eligible for compensation and/or any other type of resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Economic Displacement	Loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood
Eligibility	Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.
Grievance Redress Mechanism (GRM)	Complaints mechanism through which PAPs and communities may raise concerns or provide feedback to the Project when they believe the project has caused or may cause them harm. The GRM ensures that complaints are being promptly received, assessed and resolved by those responsible for the project.
Host Community	A host community is any community of people living in or around areas to which people physically displaced by a project will be resettled.
Household	A Household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both.
Involuntary	Actions that may be taken without the displaced person's informed consent or power of choice.
Land Acquisition	The process of acquiring land under the legally mandated procedures of eminent domain.
Livelihood Restoration	The measures required to ensure that PAPs have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels.
Physical Displacement	Relocation, loss of residential land, or loss of shelter
Project Affected Person (PAP)	PAPs are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in; a) relocation or loss of shelter;

	<p>b) loss of assets or access to assets;</p> <p>c) loss of income sources or means of livelihood whether or not the person should move to another location; or</p> <p>d) by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</p>
Replacement Cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan	A resettlement action plan (RAP) is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land
Resettlement Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Voluntary Land Donation	The ceding of a property by an owner who is: (a) appropriately informed; and (b) can exercise free will, that is, can refuse to donate

1. INTRODUCTION

1.1. BACKGROUND

South Sudan remains one of the few African countries without an adequate national backbone fiber connection and lacks international redundancy, even though it is now more than a decade since independence. In the absence of an adequate national fiber backbone (the country only has 200 km of fiber optic cables), South Sudan is relying mainly on expensive satellite service. The mobile networks of Zain and MTN are mostly backhauled by microwave, which limits 4G rollout. Internet penetration is very low with a unique mobile broadband subscription rate estimated at 9%. Fixed line networks are almost non-existent as legacy fixed networks were destroyed during the civil war, and the former incumbent, Sudatel, withdrew from the market in 2012. Broadband is expensive with 1GB of data per month costing around 15% of Gross National Income (GNI) per capita.

Inadequate internet connectivity has been identified as a key hurdle hindering development of key digital economy pillars, among others. Lack of high-speed internet connectivity is cited as a major barrier across the board. Educational institutes struggle to provide training on digital skills due to lack of connectivity and ICT infrastructure, digital businesses and financial services are primarily limited to Juba on account of lack of connectivity in the states. Digital public platforms are unable to provide nationwide e-services or conduct internal business in an efficient and transparent fashion. Other challenges of lack of ICT, energy and transport infrastructure, security, access to inputs like capital or talent, or an enabling environment for private sector development also exist.

The Eastern Africa Regional Digital Integration Project (EA-RDIP) will be implemented from 2023-2028 to address connectivity needs for countries in the Horn of Africa region. The proposed project aims to advance the regional integration of digital markets in Eastern Africa through supporting cross-border connectivity, harmonization of data and e-commerce regulations and policies, and removal of trade barriers, with the vision of establishing a Single Digital Market (SDM). Regional efforts to move towards an SDM are envisioned to have economic and welfare gains to all participating economies and will be especially beneficial for smaller economies to tap larger regional markets for economic expansion. It is proposed for the project components to follow the SDM framework and for participating countries (Somalia and South Sudan in phase 1) to tailor each component for its investment and technical assistance needs.

Specifically in South Sudan, the EA-RDIP will support the Government of the Republic of South Sudan (GoSS) to establish digital connectivity and integrate with the regional digital market.

1.2. OBJECTIVES OF THE RPF

The main objectives of this RPF are the following:

- To establish resettlement principles and institutional arrangements to be applied under South Sudan EA-RDIP project activities.
- To provide guidelines for development of appropriate mitigation and compensation measures for resettlement related impacts resulting from the proposed South Sudan EA-RDIP project activities.
- To provide guidelines for the preparation of Resettlement Action Plans (RAPs) and/or Livelihood Restoration Plans (LRPs) for South Sudan EA-RDIP project activities that require

land acquisition/permanent transfer of land or result in access restrictions on land use, involuntary resettlement or any impact on assets.

This RPF covers to all EA-RDIP project activities requiring land acquisition, restrictions on land use or involuntary resettlement. Where necessary, separate Resettlement Action Plans (RAPs) or Livelihood restoration Plans (LRPs) shall be prepared for each subproject, based on the guidelines and procedures provided in this RPF prior to the implementation of the respective planned subproject. This RPF is based on the legal and institutional arrangements of the Government of South Sudan (GOSS) on resettlement and compensation and the provisions of the World Bank ESS5 on land acquisition, restrictions on land use and involuntary resettlement.

This RPF will be implemented alongside with the project's Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP), GBV/SEA/SH Prevention and Response Action Plan, Security Management Plan (SMP) and other related E&S instruments.

1.3. GUIDING PRINCIPLES ON RESETTLEMENT

An Environmental & Social (E&S) screening process for all EA-RDIP subprojects, as laid out in the ESMF, shall be carried out. This initial E&S screening process will identify potential land acquisition, restrictions on land use and involuntary resettlement issues and opportunities for voluntary land donations associated with a specific subproject. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the requirements of GoSS legislation and the World Bank ESS5.

This RPF clarifies resettlement principles and organizational arrangements for subprojects. The objectives of the World Bank's Environmental and Social Standard 5 (ESS5) guiding this RPF include:

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

This RPF sets out resettlement and voluntary land donation procedures acceptable to all stakeholders.

1.4. METHODOLOGY FOR THE PREPARATION OF THE RPF

The preparation of this RPF included a literature review and desk study to assess potential risks and impacts and to develop risk mitigation measures. The reviewed documentation included: The World Bank's Environmental and Social Framework (ESF) to determine applicability, especially of ESS5; relevant legislation of South Sudan; RPFs for other WB-funded projects in the region and in South Sudan; WB Project documents; Project Environmental and Social Commitment Plan (ESCP); project Stakeholder Engagement Plan (SEP).

A variety of national and sub-national stakeholder consultations have been completed for the design of the Project and the preparation of its E&S instruments, including this RPF (see section on stakeholder consultations for details).

1.5. APPROVAL AND DISCLOSURE

The RPF is prepared by the Government of South Sudan and needs to be cleared by the World Bank. The instrument will be available at the relevant institutions at all levels. It will also be disclosed at the World Bank external website. For any amendments to the RPF, the same approval and disclosure protocols will be followed. The Project Implementation Unit (PIU) will translate summaries of the RPF into local languages and communicate its content at the community level.

2. PROJECT DESCRIPTION

2.1. PROJECT COMPONENTS

The Series of Projects (SOP) development objective is to promote the expansion of an integrated digital market across Eastern Africa by increasing cross-border broadband connectivity, data flows and digital trade in the region. SOP Phase I development objectives are to establish the foundations for regional digital market integration in the Eastern Africa region by increasing access to affordable cross-border broadband services and strengthening the enabling environment for cross-border digital services. Table 2 shows the content of Phase 1 in South Sudan.

Table 2 South Sudan project components

COMPONENT	Allocation & Source of Financing (US\$ million)			
	Regional IDA	National IDA	Commercial Financing (Unguaranteed)	Total
Component 1: Connectivity Market Development and Integration	35.5	13.0	20.0	68.5
1.1: Cross-border and backbone network connectivity	27.5	10.0	20.0	57.5
1.2: Last mile connectivity including in borderland areas	6.0	2.0	0.0	8.0
1.3: Enabling legal, regulatory and institutional ICT environment	2.0	1.0	0.0	3.0
Component 2: Data Market Development and Integration	1.5	3.0	0.0	4.5
2.1: Cybersecurity frameworks, infrastructure and capacity	1.0	1.0	0.0	2.0
2.2: Data exchange, governance and protection	0.5	2.0	0.0	2.5
Component 3: Online Market Development and Integration	4.0	1.5	0.0	5.5
3.1: Digital enablers for cross-border trade and service delivery	2.0	0.0	0.0	2.0
3.2: Research and education networks (RENs) and training for digital skills	2.0	1.5	0.0	3.5
Component 4: Project Management and Implementation Support	4.0	4.5	0.0	8.5
Component 5: Contingency Emergency Response	0.0	0.0	0.0	0.0
Total	45.0	22.0	20.0	87.0

Component 1: Connectivity Market Development and Integration

Sub-component 1.1: Cross-border and backbone network connectivity: This subcomponent will support the deployment of key missing cross-border and backbone fiber links to improve the resilience, coverage, and integration of regional connectivity networks. It will support the deployment of up to 2,400 km (covering up to 11% of the population) with new fiber along key backbone and cross-border routes. Gap financing will be provided for the deployment of related new networks routes, using a range of modalities to crowd in private sector financing. Commercial providers are expected to co-finance, design, build, and operate network infrastructure deployed on an open access basis and

at reasonable rates to support affordable service expansion and fair competition. Project financing will cover a) TA to (i) refine the technical network design for prioritized routes, leveraging parallel deployment of linear infrastructure wherever possible¹ and informed by climate risks, (ii) develop technical specification for priority routes, embedding energy efficiency standards; and (iii) survey and provide quality assurance of deployed routes; b) TA to (i) define the modalities of gap financing that will seek to crowd-in and de-risk private sector investment, including the most suitable models for deployment, ownership, management and maintenance, given the local context, developing a commercial transaction manual (“Manual”), embedding core principles, and (ii) provide transaction advisory services to prepare related bidding documents and provide support for launching and administering the commercial transaction c) Public CAPEX contribution for the construction of priority routes, including both related passive (for example, ducts) and active infrastructure (fiber cores), subject to the adoption of a Manual.

Table 3 Priority fiber optic links

Route	Kms of Fiber	Additional population covered (%)	
Juba to Nadapal/ Kenya border (A-B)	361	2%	
Juba to Upper Nile border Northeast Backbone (A-C)	883	5%	
Juba to Northern Bhar El Ghazal Northwest Backbone (A-D)	820	2%	
Wau area to Unity Backbone (2-E)	357	2%	
Total	2,421	11%	

Source: World Bank and TMG. 2022. Horn of Africa Missing Links Study (P176181), World Bank (forthcoming) Digital Economy for Africa South Sudan (P176361)

Sub-component 1.2: Last mile connectivity including in borderland areas. This sub-component will providing catalytic funding to unlock further infrastructure deployment in unserved or underserved areas, which are highly correlated with higher poverty levels and climate vulnerability (including in

¹ This includes deploying underground, aerial, or via OPGW along the power grid planned under the South Sudan Energy Access Project (P178891) or regional transport corridors such as under the Regional Transport, Trade and Development Facilitation Project (P148853) embedding rights of way, and dig-once obligations.

refugee/IDP camps and their host communities, located in rural and borderland areas) and to connect public institutions along fiber route. Infrastructure financed will be deployed using a range of modalities, including reverse auctions, bulk purchase of capacity and/or licensing arrangements, that aim to maximize private sector financing. Project financing will cover: a) TA to identify sites to be connected and subject to market failure well as define modalities of the last-mile access program, as part of the development of a digital inclusion plan strategy and implementation plan; b) Transaction advisory services to prepare related bidding documents and provide support for launching and administering the models selected; c) Service contracts with commercial operators to pre-purchase capacity, connecting public institutions along fiber routes (government offices, schools, hospitals, and other public institutions); d) Public CAPEX financing for the last-mile access program, which may include establishing 4G broadband RANs, nomadic radio access network transceivers and low-cost online facilities such as Wi-Fi hotspots in borderland areas, for host communities and IDP/refugee camps, which can also act emergency response facilities.

Sub-component 1.3: Enabling legal, regulatory and institutional ICT environment. To support the modernization of policy, legal, regulatory, and institutional frameworks governing the telecoms sector, with financing for related TA, capacity building, training, and equipment acquisition needed to support reforms. Project financing will cover: a) TA, software and hardware to enhance regulatory framework related to QoS monitoring, spectrum management, mobile roaming, number portability, infrastructure sharing, type approval, and open access policy and license harmonization; b) Capacity building for the MICT&PS, Universal Service Access Fund (USAF) and ICT Authority through hardware, software and training support.

Component 2: Data Market Development and Integration

Sub-component 2.1: Cybersecurity frameworks, infrastructure and capacity: To strengthen and harmonize cybersecurity frameworks, build capacity for responding to cyber threats/cybercrimes and create greater awareness on cyber security, particularly in the financial sector. Project financing will cover: a) TA on developing a cyber security strategy, including review and update of existing legal frameworks; b) Financing hardware, software and systems for strengthening the CSIRT and digital forensic lab; c) TA and workshops to develop shared protocols and frameworks for regional cybersecurity cooperation, *inter alia* covering information sharing and mutual assistance arrangements; d) Financing support for implementation of National Cyber Security Awareness programs for civil servants, and a wider population including university students.

Sub-component 2.2: Data exchange, governance and protection. To improve the routing efficiency of data transmitted and build resilience for government data storage. Financing support to establish new internet exchange points (IXPs) in strategic locations and creating data-backups through public cloud subscription enabling also disaster risk management. Technical assistance will be provided on policies and institutional governance for data protection policies. Project financing will cover: a) TA on formulating guidelines, policies, institutional governance mechanisms for data protection including assessing options and the feasibility of backup and recovery centers; b) TA on the design, modality of operation and management of data, including data strategy, data classification, hosting, back-up/cloud hosting of government data; c) CAPEX financing towards establishment of IXPs to support the connectivity network; d) CapEx and OpEx financing for deploying resilient and agile hybrid (cloud and on-prem) data hosting solutions, consolidating data hosting for government and climate-proofing related solutions to prevent data loss.

Component 3: Online Market Development and Integration

Sub-component 3.1: Digital cross-border trade, payment and service enablers. To support developing digital public infrastructure to enable greater digital services and trade, through creating better interoperable back-end systems and a portal for citizen feedback/seeking recourse with an aim to expand adoption of e-services. Support to build readiness for partaking in regional trade initiatives will also be provided. Project financing will cover: a) TA and capacity building for the Ministry of Trade to facilitate to South Sudan's participation in regional trade agreements such as the AfCTA and formulating a national trade strategy; b) Financing the establishment of an online complaints portal and call center to ensure effective channels for grievance redress and timely feedback from people who use/seek e-services; c) TA towards designing a nationwide enterprise architecture (NEA).

Sub-component 3.2: Regional research and education networks (RENs), and training for digital skills. To strengthen the higher educational network through establishment of a REN and integration with regional RENs allowing for network economies and knowledge transfer. Relatedly, leveraging enhanced capacity of universities through RENs and in partnership with the government, digital learning programs would be conducted for civil servants and university students. Project financing will cover: a) Financing CapEx for establishment of the South Sudan NREN, including through pre-purchase of internet international access, membership of the EU AfricaConnect 3 program, purchase of network equipment and campus WiFi networks; b) Financing collaboration with other NRENs in the region, notably KENET (Kenya), EthERNet (Ethiopia) and Somalia Research and Education Network (SomaliREN) through regional capacity building initiatives (study tours, workshops) and regional access to open educational resources; and c) Financing design and implementation of performance-based grants aimed at expanding the availability of digital skills trainings in the country (including in specialized areas where skills gaps have already been identified, such as cyber security and data protection) through existing education institutes, targeting public sector employees and university students, with minimum targets for female beneficiaries.

Component 4: Project Management and Implementation Support

This component will finance the establishment and operations of the PIUs at MICT&PS for project implementation. Implementation would entail functions of project management and coordination, including procurement, financial management (FM), and M&E, as well as environmental and social safeguards management. Specifically, this component would consist of (a) operating and staff costs of the PIU, including the recruitment of expert consultants in key areas; (b) development and maintenance of a dedicated website for the project, and helpdesk for responding to citizen feedback/grievances; (c) support for stakeholder consultations and M&E, including collecting gender disaggregated data; and (d) coordination with the regional PIUs at EAC and IGAD level. This component will also support ESF compliance, with a particular emphasis on addressing the high security- and GBV-related risks associated with the deployment of infrastructure and civil works, including stakeholder consultation, robust grievance redress mechanism, development of site-specific assessments, and plans.

Component 5: Contingency Emergency Response (US\$0.0 million).

2.2. INSTITUTIONAL ARRANGEMENTS

For the implementation of the project, a new PIU will be established at the MICT&PS: Capacity building support will be provided through training. The establishment of the PIU will include the recruitment or appointment of one Project Coordinator, a Financial Management Specialist, a Procurement Specialist, a M&E Specialist, an Environment Specialist, a Social Specialist, a Security Advisor, a Gender

Based Violence/Gender Specialist (as needed) and Technical Specialists with subject matter expertise in areas such as connectivity infrastructure, cybersecurity and data governance.

The responsibilities of the PIU will include project implementation, including overseeing project-related fiduciary functions, M&E and E&S commitments. It will also act as the single point of contact for the regional PIU at the IGAD, and EAC, to facilitate collaboration on designing and implementing common activities. The PIU will submit project reporting to a Project Steering Committee (PSC) as well as to the World Bank and engage with the Technical Committees (TC(s)) on specific matters requiring technical expertise/input on an ad-hoc basis.

Project Steering Committee (PSC): A PSC will be established, which will include the Deputy Minister of MICT&PS as Chair, the Undersecretary of the MICT&PS as Vice-Chair; the PIU Project Coordinator as Secretary; and members from representatives from MICT&PS, National Communication Authority (NCA), International Gateway, USAF, Ministry of Finance and Planning, Ministry of Roads and Bridges, Ministry of Transportation, Ministry of Higher Education, and Ministry of Trade and Industry as well as members of the regional PIU at IGAD and EAC.

The responsibilities of the PSC will include: (a) approval of the annual workplan and budget; (b) biannual review of project implementation progress; (c) review of procurement evaluations and approval; and (d) provision of strategic guidance and recommendations to the PIU and the TC(s) related to project implementation. The Terms of Reference (ToR) for the PSC, including the required participants for quorum, will be detailed further in the PIM, to be prepared before effectiveness.

A Technical Committee will be formed with members from Representatives from MICT&PS, NCA, International Gateway, USAF, Ministry of Finance and Planning, Ministry of Roads and Bridges, Ministry of Transportation, Ministry of Higher Education, and Ministry of Trade and Industry as well as members of the regional PIU at IGAD and EAC.

The responsibilities of the TC will include: convene participation from the private sector and civil society as well as from relevant agencies deemed key to facilitating successful implementation and stakeholder management to support any technical-level decisions that require broader agreement, resolve operational issues or facilitate M&E and supervision. The PIU will interact with TC(s) on an *ad-hoc* basis, and the TC(s) will report to the PSC. The ToRs for the TC(s), some of which may have only a short duration, as dictated by project implementation timelines, will be detailed further in the PIM.

2.3. SOCIO-ECONOMIC CONTEXT

In regards to the socio-economic context of the potential target counties, they consist of a broad variety of ethno-linguistic groups. Those entail three sub categories of speakers of the Nilo-Saharan language family:

- a) speakers of *West Nilotic* languages (Dinka, Nuer, Atuot);
- b) speakers of *Western Nilotic / Luo* languages (Shilluk, Anuak, Maban in Upper Nile and Ethiopian borderlands; Acholi in Eastern Equatoria; and Jur-Luo in Western Bahr el-Ghazal);
- c) and speakers of *Eastern Nilotic* languages (Eastern and Central Equatoria: Bari, Lotuho and Teso).

Furthermore, there are speakers of the *Niger-Congo* language family, including the Zande in Western Equatoria.²

² Joseph H. Greenberg (ed), *Universals of Human Language*, Cambridge Mass. MIT Press, 1963

The Nilotic Dinka, Nuer and Atuot are mainly pastoralists, and their search for pasture shapes most of their socio-cultural life. They may migrate from homesteads on high grounds in the wet season to mobile cattle camps on the dried-out swamps in the dry season. Closely linked to this lifestyle is a social structure, which gives preference to an 'acephalous' ('headless') socio-political organization rather than a central authority. Similarly, systems of exchange are based on social connections established through marriage rather than open markets.³

Farming communities, on the other hand, present a settled lifestyle. This usually goes along with central authority and/or hierarchical leadership structure, such as kingdoms or provincial chiefs (the latter were often instated by foreign rulers). For example, early accounts of the Zande kingdom around Yambio showed state-like elements, such as tribute paying, taxation or the death penalty. Both, the Shilluk and Anuak (Luo speakers) had systems of sacral kingship, which differed from the secular authoritarianism of the Zande state.

In many cases 'traditional' authorities were invented or established by outsiders in order to act as intermediaries for taxation, labor mobilization, and other forms of coercion. This was especially instrumental vis-à-vis the acephalous societies, as they were otherwise difficult to engage with or to rule over. Alongside these instated authorities existed other and older forms of authorities, which were based on local concepts of origin, power and authority.⁴ Many of the different forms of social structures in South Sudan are therefore based on the kinship concepts of a 'segment' or a lineage. Wealth is still a major marker in the social strata and the size of cattle herds – among the pastoralist societies - is a significant indicator for wealth.

Sub-Saharan African Historically Underserved Traditional Local Communities (SSAHUTC): Most of the communities meet the criteria of SSAHUTC, as they have distinct identities and aspirations and are often disadvantaged by traditional models of development.

Regarding land, there are multiple customary tenure systems as well as formal legislation regulating access and ownership to land. The Land Act of 2009 lists customary tenure as a legal form of land tenure. It allows communities to register their collective interests in the land.

The situation has been under duress through the militarization of South Sudan, the returning diaspora, frequent land grabbing and the drawing of administrative boundaries.

A distinct set of land issues stems from returnees, who return to find their land occupied. Disputes can further arise from double selling of land, illegal occupation, military land-grabs, unauthorized building, and attempts to reclaim land without documentation.⁵

The Comprehensive Peace Agreement (CPA) has further changed dynamics around land by bringing about incentives for communities to claim their own administrative units/land rather than encouraging them to share resources with neighboring communities. The emergence of the state and a Land Commission has motivated communities to secure their territorial claims.⁶

³ Naomi Pendle, Marco Pfister, Martina Satschi, Mareike Schomerus, Danielle Stein, Eddie Thomas, Craig Valters, Local Socio-Political Organization and Implications for Community-Driven Development in South Sudan An Analysis of Existing Literature, prepared for the World Bank, unpublished, 2012, p. 14.

⁴ Pendle et al, 2012, p. 15.

⁵ Pendle et al 2012, p. 78.

⁶ Pendle et al 2012, p. 39.

2.4. SCOPE AND NATURE OF LAND REQUIREMENTS

Apart from the technical assistance and capacity building activities of the project, subproject activities under components 1 and 2 will involve physical installations, construction and operational works. These activities may have potential land and resettlement impacts. The type of relevant activities are as follows:

Table 4 Subprojects with potential land and resettlement impacts

Component and Sub-components	Activities with potential impacts on land
<p>Component 1: Connectivity Market Development and Integration</p> <p>Sub-component 1.1: Cross-border and backbone network connectivity</p> <p>Sub-component 1.2: Last mile connectivity including in borderland areas</p> <p>Sub-component 1.3: Enabling legal, regulatory and institutional ICT environment.</p>	<p>Construction of cross-border and backbone fiber links / new networks routes and mobile networks</p> <p>Construction of last mile connectivity</p> <p>Construction of access roads</p>
<p>Component 2: Data Market Development and Integration</p> <p>Sub-component 2.1: Cybersecurity frameworks, infrastructure and capacity</p> <p>Sub-component 2.2: Data exchange, governance and protection</p>	<p>Construction of secure exchange and data storage facilities</p>
<p>Component 3: Online Market Development and Integration</p>	<p>investments in new digital infrastructure in South Sudan which may impact on access to land and rights of communities.</p>

The below figure shows the potential target counties for Component 1&2 subprojects.

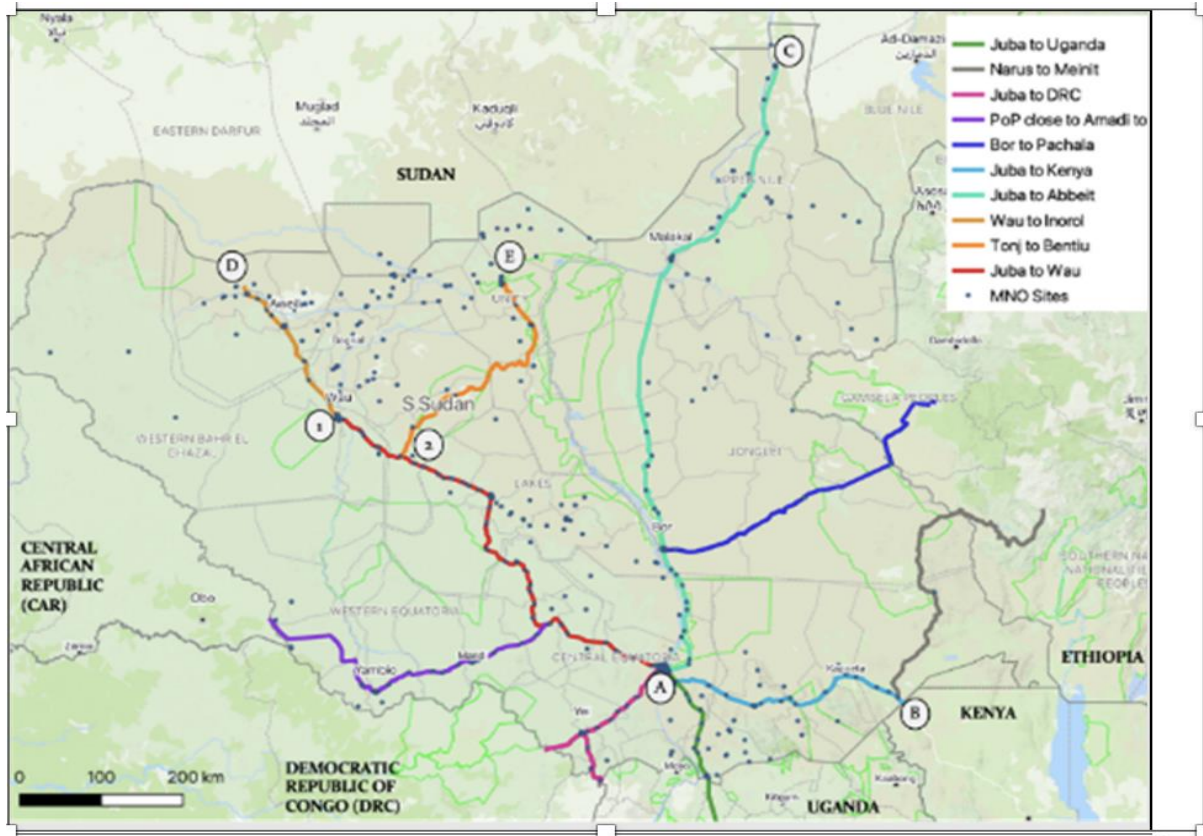


Figure 1 Map showing potential target counties for Component 1&2 subprojects

Sub-components 1.1. and 1.2. are likely to require acquisition of land, which potentially entail physical resettlement and /or economic displacement. Similarly, construction of secure exchange and data storage facilities, proposed under Component 2, though likely to be smaller in terms of geographical footprint, may also result in land acquisition and induce resettlement impacts. Furthermore, there are risks of non-payment of compensation to those entitled.

The estimated scale of resettlement is moderately significant.

2.5. DISPLACEMENT IMPLICATIONS

Table 5 Potential Displacement Impacts

Project Activity	Potential Impacts
Construction of cross-border and backbone fiber links / new networks routes and mobile networks	<ul style="list-style-type: none"> Physical and/ or economic displacement because of permanent and/or temporary land take for fixed line components, access road and other fixed infrastructures under Component 1 and data centers under Component 2, during construction, operation and maintenance phases.
Construction of last mile connectivity	<ul style="list-style-type: none"> Displacements may also occur in areas where the construction materials for road construction are sourced and extracted. Destruction of crops, including fruit trees, standing crops, perennial and non-perennial crops due to the construction and operation of

Construction of access roads	fixed line components, access road and other fixed infrastructures planned by the project.
Construction of secure exchange and data storage facilities investments in new digital infrastructure in South Sudan which may impact on access to land and rights of communities.	<ul style="list-style-type: none"> • loss of assets, sources of income or means of livelihoods, for example where access to businesses is impacted or where roadside vendors have to be removed temporarily and/or permanently. • Works at the nearshore associated with long distance fiber optic cables landing stations may impact on livelihoods such as fishing (grounds and landing sites) and physical displacement. • Disadvantaged and vulnerable groups as well as historically underserved communities may be disproportionately affected by the resettlement process based on their specific status. <ul style="list-style-type: none"> ▪ Impact on social and cultural resources: The activities of the civil works including access roads may encounter to physical cultural resources and/or burial sites and shrines or other non-visible cultural resources that would be affected by the project. ▪ Impact on tenants: Tenants residing in the affected residential house occurring within the project areas of direct influence may be forced to look for alternative residential houses. These tenants will be negatively affected though for short while as they look for the alternative residential houses. • Potential for conflict over land and property by different groups. Land ownership may be contested due to a variety of reasons (weak laws and judicial system, displacement of people in the past, different concepts of communal ownership). • Processes for land expropriation and compensation may not be in place or fully established. As a result, resettlement as well due diligence for establishing ownership for voluntary land donations may be challenging and may lead to disputes. • Displacements may occur in areas where the construction materials are sourced and extracted.

A range of social risks may occur including physical and/ or economic displacement because of land take for component 1 that will finance broadband connectivity infrastructure deployment, including submarine landing stations and terrestrial fiber optic backbones and mobile networks, as well as construction of access roads and other fixed infrastructure likely to require land acquisition and physical and/or economic displacement. The severity of any impacts under sub-components 1.1. and 1.2. will depend on the existing land use, importance of sites for livelihoods, and the ability of landowners to utilize the land where cables are located post-construction. The impacts through the construction of cross-border and backbone fiber links / new networks routes are likely low, since the routes will follow established roads. Temporary physical or economic impacts are more likely than permanent ones. Construction of last mile connectivity, however, may not follow established roads, and since connections will most likely be created through a straight line, physical or economic resettlement impacts are more likely.

Under Component 2, construction of secure exchange and data storage facilities, though likely to be small in terms of geographical footprint, may also require land acquisition and induce resettlement impacts. This may cause adverse impacts to land used by traditional local communities depending on siting of infrastructure. Differential impacts may be experienced by vulnerable groups.

Components 2 and 3 could stimulate investments in new digital infrastructure in South Sudan which may impact on access to land and rights of communities.

Given the land tenure situation, the project, where required, shall frame engagement (with households and community leaders) to ensure households with land use rights are not excluded from stakeholder engagement and project benefits, while negotiating with community leaders, hence mitigating the potential risk of elite capture. Project impacts on land tenure could differentially affect vulnerable groups, notably traditional local communities (as per ESS7), as well as women, people living with disabilities, and those with smaller land plots or with informal rights to the land they use. In light of the possible impacts on communities meeting the criteria of ESS7, activities that would require the application of Free Prior Informed Consent (FPIC) will not be eligible for financing.

Given the communal nature of most land, land acquisitions of private land are expected to be minor. Infrastructure activities are likely to be implemented in both urban and rural areas. They may therefore affect communal land, a context in which decisions by the communities and local authorities are required to provide the land for the initiatives. However, given lessons learnt from past experiences, a few individuals may hand out land on behalf of the community, which makes a well-organized consent of the broad community crucial.

In some cases, residential structures may be affected, especially in more urban sites along the roads, or in smaller settlements built in close proximity to the roads. In such cases, it is possible that residential structures have to be removed for the construction. Other structures, such as shops can be affected if they are located in close proximity to the river.

Despite communal ownership of the land, sub-project activities may also affect individual assets on the land, such as crops or fruit trees. Farmers may have planted crops close to the roads, or fruit trees may line the roads. Crops and trees may be impacted by the space required for the construction.

In addition, there are large numbers of pastoralist communities in the project areas (not yet determined), which adhere to nomadic or semi-nomadic lifestyles. For these groups, questions of impacts on land usage will be less relevant, as the land required will be minimal for laying the fiber networks.

Land and resettlement questions may also occur in places where construction materials are sourced and extracted.

PAPs can be categorized into two different categories:

1. *Affected individuals*: These are individuals that risk losing assets, investments, land and property and / or access to economic resources as a result of a project activity
2. *Project-affected households*: These are groups of PAPs, usually a household, that is directly affected by the risk of losing assets, investments, land and property and / or access to economic resources as a result of a project activity

Some individuals or households, including women, girls, women- or child- headed households, youth, children, minority ethnic groups, IDPs⁷ could be vulnerable. There will be intersectionalities that will make some individuals particularly vulnerable, for example female Internally Displaced Persons (IDPs). Most land-related decisions are taken by community leaders and local authorities, who are likely to be men. This can put women into a particularly vulnerable position with regard to land and resettlement matters. The project will pay attention to gender inequalities in land acquisition matters

⁷ See analysis of vulnerable groups in the CRFM Stakeholder Engagement Plan (SEP)

and will generally provide special support to vulnerable groups in compensation and resettlement processes.

The actual sites and footprint of the various activities that will cause displacement are not known at the time of preparing this RPF.

2.6. STAKEHOLDER CONSULTATIONS

Stakeholder Consultations conducted: A series of in-person and virtual technical discussions have been held during project preparations with a variety of groups and individuals. Subproject-specific stakeholder consultations will be undertaken once the subproject sites are known. These will include consultations on environmental and social risks and impacts as well as land-related mitigation measures.

From 21-25 February 2022, a broad array of stakeholders, including from the Ministry of Information, Communications Technology and Postal Services (MICT&PS), the National Communication Authority (NCA), private sector entities, UN partners, the Chamber of Commerce, Industry and Agriculture, Ministry of Trade and Industry, Ministry of General Education, universities and educational centers, telecom providers, insurance providers, public and private commercial banks, digital public platforms, fintech players and digital businesses, and others (see Annex 2).

Stakeholders pointed out that South Sudan was the only country without an expansive national backbone fiber connection and lacked international redundancy. This means that internet penetration is one of the lowest in the world and broadband processes are among the most expensive. At the same time, the ICT governance and regulatory environment is not entirely conducive to attract infrastructure investments. Stakeholders indicated that there is high dependency on the single Juba route, international redundancy can be built through reviving the fiber link to Sudan, connecting to Kenya and subsequently connecting to Ethiopia, DRC and CAR. At the same time, the quality of internet and international capacity in the south can be improved through carrier-neutral data centers that also function as Internet Exchange Points (IXP).

Asked about digital skills existing, stakeholders indicated that without national statistics or third-party surveys it is difficult to tabulate the level of digital literacy. Consultations revealed this is low due to several challenges in the sector. While an ICT curriculum is introduced at schools, this is the only one at secondary level and the majority of children remain out of school in any case. The curriculum provides basic skills in computer science; however, there is a lack of computers and ICT infrastructure at schools. The majority of children are out of school in South Sudan, and thereby there is limited access to any training on digital skills.

Consulted universities stated that they are offering ICT courses at the undergraduate level. However, this service is mainly focused on Juba. The University of Juba and the Kampala University both have basic ICT infrastructure. The Project responded that it was considering a digital skills competency framework to better define and measure the level of digital skills; and to introduce computer science curriculum from the primary education level instead of starting from secondary level.

The Government of South Sudan has recognized the role of digital public platforms in increasing the efficiency and effectiveness of policy design and implementation. It has introduced an e-service platform. However, the platform has suffered from limited interoperability of backend systems, and the absence of a centralized data management system in the country renders data hosting on the platform difficult.

Furthermore, the lack of a consolidated digital government strategy has led to a scattered and siloed understanding of digital development among MDAs. The Project responded with considerations with regard to developing a national vision for digital government; expanding connectivity in government offices; and investments in systems.

Other issues discussed included digital financial services. Stakeholders indicated that these are at an early stage in the country in terms of market development, and availability of supporting infrastructures. Progress is limited by the constraints of 'hard' infrastructure. This is accompanied by missing legal and regulatory frameworks, the lack of basic financial markets. Underinvestment and the lack of appropriate financial products. The Project strongly recommended to address the regulatory and infrastructural gaps.

Asked about digital businesses, stakeholders indicated that there is limited information on the size and nature of such. Consultations showed, however, that digital businesses have been revealed in the last five years. Given the absence of national statistics it is therefore key to continue stakeholder consultations with development partners, NGOs, government agencies, business associations and NGOs to better understand the landscape. Currently, the digital business support ecosystem comprises mainly incubators, led by the private sector or other donor agencies, with limited government support.

Consultations with women's associations and businesses showed that gender disparities are generally staggering in South Sudan – which can be seen in the ICT sector. While there are no gender statistics in the ICT sector, consultations showed the existence of a gender gap. For example, in schools, more boys enroll in ICT courses than girls. Stakeholders expressed that ICT is generally not seen as a women's career option. More girls drop out of ICT programs than boys. Stakeholders also indicated a 'lack of female role model effect in the classroom'. Outside of the classroom, women face barriers in accessing ICT infrastructure such as devices or internet because they have lower purchasing power and mobility.

From August 30 to September 30, 2022, additional stakeholders were consulted, including from the Regional Economic Communities (RECs), Intergovernmental Authority on Development (IGAD) and the East African Community (EAC). From September 2-9, 2022 country-specific stakeholders were consulted, including representatives of the MICT&PS, Ministry of Finance and Planning (MoFP), National Communications Authority (NCA), National Revenue Authority; Ministry of Higher Education, Science and Technology; and the CEO from the South Sudan International Gateway (SSIGW) (see Annex 2). The mission included cross-country exchanges and dialogues between Ethiopia, Somalia and South Sudan, in which countries committed to regional digital integration. Furthermore, consultations indicated that private sector participation in financing for infrastructure development is critical to fill any financing gaps.

Planned Engagements: A Stakeholder Engagement Plan (SEP) has been prepared for the project. The SEP seeks to define a structured, purposeful and culturally appropriate approach to consultation and disclosure of information, in accordance with ESS 10. It recognizes the diverse and varied interests and expectations of project stakeholders and seeks to develop an approach for reaching each of the stakeholders in the different capacities at which they interface with the project. The aim is to create an atmosphere of understanding that actively involves project-affected people and other stakeholders leading to improved decision making. Overall, the SEP serves the following purposes: stakeholder identification and analysis; planning engagement modalities through effective communication, consultations and disclosure; enabling platforms for influencing decisions; define roles and

responsibilities for the implementation of the SEP; define reporting and monitoring measures to ensure the effectiveness of the SEP; and elaborating on the role of grievance redress mechanism (GRM).

Stakeholder engagement has been an integral part of project preparation and overall project design process and will continue throughout all phases of the project. While not every affected party will be a beneficiary, it is crucial to disseminate information and engage with all stakeholders on project modalities, including local communities which are in the vicinity of construction activities. This especially counts for the screening of sites, including for potential physical or economic displacement, as well as for the preparation of RAP/LRP.

Stakeholders are categorized generally as 'project-affected' parties or those that may have an interest in the project, which will be identified as 'other interested' parties. Furthermore, it is important that all processes of information disclosure and consultations are as inclusive as possible to ensure that all sections of the affected communities will benefit from the project, and women, youth, IDPs, refugees and other vulnerable groups are not excluded.

A variety of stakeholders have been identified for this Project: relevant national Ministries, business associations and digital businesses, universities and educational centers, telecom and insurance providers, Internet Service Providers, Telecom regulator and implementing authorities, construction companies, boma and payam representatives, and municipal representatives. Other interested parties are donors and international NGOs. As vulnerable groups have been identified: women and girls, vulnerable households, widows, youth, returnees / IDPs, refugees, ethnic minority groups, and persons with disabilities (PWD).

Information disclosure to all potential stakeholders will rely on the following key methods: website, radio broadcasting, community meetings in coordination with local authorities (county governments, boma and payam leadership), phone communication (SMS), and notices at the payam and boma level. Information will be disclosed in English or the respective local language, where appropriate. Local authorities, such as traditional authorities, religious leaders, and county governors will be requested to inform communities in community meetings and through disclosure at project locations.

The PIU will ensure that women and other vulnerable groups are participating in consultative processes and that their voices are not ignored, especially in all aspects relating to physical or economic displacement. This may require specific meetings with some of the above identified vulnerable groups at the community level, in addition to general community consultations.

3. LEGAL AND INSTITUTIONAL FRAMEWORK

The legal framework guiding the implementation of this RPF and subsequent RAPs is based on South Sudan's applicable laws, regulations and policies and World Bank's ESS5. Where there are gaps or discrepancies between the two, ESS5 will prevail.

3.1. Property and Land Rights in South Sudan

In South Sudan, there is limited legal infrastructure to properly allocate land rights and ensure that they are respected. While the land law from 2009, which is pre-independence, allowed ethnic groups to possess land through customary rights⁸, in the practice today such land can be leased by the government to foreign investors, as there is no formal recognition of the rights to land by landowners. No laws have been passed since independence in 2011 to fill this gap. In addition, some States do not have a County Land Authority ('Payam Land Council') to handle these issues.⁹

In regard to privately owned land, there is minimal legal protection for land owners, as their right to land is often unrecognized by the State government.¹⁰

There is a risk that the absence of legislation can lead to dispossession and displacement. In some anecdotal cases, a few individuals in a Payam signed leases with corporations leading to the displacement of large numbers of community members, without any appropriate consultations of the broader community. In view of EA-RDIP project implementation, obtaining consent from communities is therefore crucial, as well as providing a solid Project GRM to combat such potential challenge.

There are also contradictions among different laws, for example, the Land Act from 2009 stipulates land leases to be restricted to 99 years, while the Investment Promotion Act only allows leases for 30-60 years.¹¹

Transitional Constitution of the Republic of South Sudan, 2011

According to the Transitional Constitution, the people of South Sudan own all the land and the government regulates its usage .

The Constitution prescribes a three-category land tenure system that consists of:

- (i) Public land: all land owned, held or otherwise acquired by any level of government (including land owned by Bomas, Counties, States and federal government or administration and all land that is not otherwise designated as community or private). This means that all land that is not claimed automatically belongs to the government.

⁸ See also land portal site, customary law is instead recognised:

<https://landportal.org/fr/book/countries/south-sudan-context-and-land-governance>

⁹ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

¹⁰ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

¹¹ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

- (ii) Community land: all land traditionally and historically held or used by local communities or their members (including grazing lands for animals, hunting grounds, or locations of traditional sacrifices and worship)
- (iii) Private land: including registered land held by a person under leasehold tenure, investment land acquired under lease from the government, and other land designated as private land in accordance with the law. This means that all investment land is acquired from the government through the leasehold tenure.

The reason for these three categories stipulated in the Transitional Constitution are historical. Prior to independence, all land in Southern Sudan belonged to the Government of Sudan. During this time, widespread displacements of settlements took when every time the government gave away land for investors. For this reason, the Transitional Constitution pronounces that all land belongs to the people. However, at the same time, in reality, land can only be leased from the government, making the government the de facto owner of all land. In most cases, land for Internally Displaced Persons (IDPs) would therefore be provided by the Government.

Among the provisions, Article 43 (2) of the Transitional Constitution of the Republic of South Sudan, provides that the national government has the right to expropriate land for development purposes and compensate the owners. While Article 166 (6) of the Constitution offers the most explicit requirement for public consultation and stakeholder engagement during the preparation and implementation of development projects.

The Land Act of 2009 (State of Southern Sudan)

The Act consists of 101 sections divided into 16 Chapters: Preliminary Provisions (I); Land Ownership (II); Land Classification (III); Rights to Land (IV); Customary Rights to Land (V); Derivative Rights to Land (VI); Land Administration and Management (VII); Registration of Land Rights (VIII); Acquisition of Land for Investment Purposes (IX); Pastoral Lands (X); Land Use, Social and Environmental Preservation (XI); Expropriation of Land for Public Interests (XII); Land Rights Restitution and Compensation (XIII); Unauthorized Occupancy (XIV); Land Disputes Settlement (XV); Miscellaneous Provisions (XVI).

The Land Act also divides land into three categories, public, community and private land. It further recognizes three types of tenure: customary, freehold and leasehold.

The Land Act reinforces the Government's recognition of customary land tenure: Customary land rights including those held in common shall have equal force and effect in law with freehold or leasehold rights. Community land can be allocated to investors as long as investment activity reflects an important interest for the community and contributes economically and socially to the development of the local community. It also requires that state authorities approve land acquisitions above 250 feddans (105 hectares) and create a regulated ceiling on land allocations. Freehold rights include the rights to transfer the land, but the law does not state how freehold land can be acquired. Leasehold can be obtained from customary and freehold land – for up to 99 years. Leases of more than 105 hectares have to be approved by two local government bodies.

One of the key objectives of the Land Act is to promote a land management system, which can protect and preserve the environment and ecology for the sustainable development of South Sudan. It also provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long-standing occupancy or customary use of land is revoked or otherwise interfered with by the Government. It grants a right of restitution if a landholder lost rights to land through involuntary displacement as a result of the 1983 war.

The Land Act requires the Government to consult local communities and consider their views in decisions about community land. The Act also gives pastoralists special protection: ‘No person shall without permission to carry out any activity on the communal grazing land which may prevent or restrict the residents of the traditional communities concerned from exercising their grazing rights’.

The Land Act further stipulates the establishment of County Land Authorities and District-level Payam Land Councils, both including county and district representatives, representatives of a local Civil Society Organization (CSO) and a woman representative, to act as administrators over community land. Their responsibilities include holding and allocation of public land, recommendations on public land planning, advising on resettlement of IDPs, facilitating the registration of land, supporting cadastral operations and surveys, and advising on land tenure and usage. The Payam Land Councils include the boma chiefs, representatives from the Farmers and Herders Association, and a representative of a CSO as well as a woman representative. They are responsible for the administration of land at the district level. Its members are appointed by the State Minister, based on recommendations of the County Commissioner and in consultation with the local traditional authorities. In reality, these two bodies often do not exist.

Furthermore, under the Land Act, state governments and other public authorities are allowed to expropriate private land for public purposes subject to compensation payment. Such expropriation has to be based on consultations with the owners, as well as with pastoralists holding potential secondary rights. In reality however, any community consultations are largely absent.

Among key relevant provisions of the Act, Section 72 (1) states the obligation to prepare a resettlement plan (2) IDP to participate in the process of formulating the RAP (3) IDP / affected people must be restored after the transfer or living condition improved. Section 74 (1) provides that land acquisition plan will be in consultation with individual communities. Section 87 provides that an alternative land may be provided to unlawful land occupant when eviction is initiated. Section 75 provides that any grievance due to land acquisition shall be filed to the land committee.

The Local Government Act (2009)

The Act defines the primary responsibility of local government and traditional authorities to regulate and manage land, including charging customary institutions with particular responsibilities for the administrations of community land rights. It calls for a Local Government Council at the county level to be the primary institution managing land issues. It also calls for land committees, as part of the Local Government Council, to take on a role as mediators between communities and investors.

Investment Promotion Act (2009)

The Act establishes procedures for the facilitation of access to land for private investment while balancing the interests of the current right holders and investors. It explicitly limits foreign investments to renewable terms of 30 or 60 years respectively. There is often a lack of awareness by local government officials as well as the public in regard to these laws, which impedes their implementation. In reality, customary land laws largely remain intact and regulate land ownership and usage.¹²

¹² USAID, Country Profile South Sudan, Property Rights and Resource Governance, accessed at: https://www.landlinks.org/wp-content/uploads/2016/09/USAID_Land_Tenure_South_Sudan_Profile-1.pdf

Urban Planning and Land Disposal Act, 1994

The Act regulates designation of lands for different purposes and urban planning. With respect to land expropriation for public purposes, Section 13 of the Act recognizes the application of its predecessor – Land Acquisition Act 1930 giving the national government power to expropriate land for development purposes and compensate owners.

Draft Land Policy (2013)

The policy proposes a Land Valuation Act to set standards for land valuation, mainly for taxation purposes. At present, the only institution implementing land valuation is the Judiciary.¹³ Since the formal Judiciary is not easily accessible in many areas of the country, there is a lack of land valuation mechanisms.

3.2. World Bank Environmental and Social Framework (ESF)

The Environmental and Social Framework (ESF) sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of Environmental and Social Standards (ESSs) that are designed to support borrowers' projects with the aim of ending extreme poverty and promoting shared prosperity. The ESSs set out the requirements for borrowers relating to the identification, assessment and management of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, focusing on the identification and management of environmental and social risks, will support borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens.

The key ESF standard related to land acquisition and resettlement is ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Experience and research indicate that physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks: production systems may be dismantled; people face impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate

¹³ South Sudan Law Society, David K. Deng, South Sudan Country Report. Findings of the Land Governance Assessment Framework, 2014, accessed at: <https://documents1.worldbank.org/curated/en/756521504872888898/pdf/119635-WP-P095390-PUBLIC-7-92017-10-34-1-SouthSudanCountryReport.pdf>

adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

Communal decision on communal land should be taken with evidence that the community decision making process is adequate and reflects voluntary, informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.

Given that in South Sudan most land is communal, even where decisions are taken by local leaders, ESS 5 also applies, where restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. It further applies in cases of restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas.

In light of the possible impacts on communities meeting the criteria of ESS7, activities that would require the application of Free Prior Informed Consent (FPIC) will not be eligible for financing. FPIC is required under ESS7 in circumstances where the project has (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities from land and natural resources subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on IP/SSAHUTLCs' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IP/SSAHUTLC s' lives.

3.3. GAPS BETWEEN THE NATIONAL LAND LEGISLATION AND ESS5

The below Table identifies notable gaps between national legislation, mainly the Land Act of South Sudan, 2009, and ESS5. Recommendations to bridge the identified gaps and applied for the project are also presented.

Table 6 Key gaps of national land legislation with ESS5

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Preparation & disclosure of instruments	Preparation of Resettlement Action Plan required through participatory process or consultation	National law requires preparation of RAPs but has no explicit requirement for the disclosure of the RAPs	The RAPs have to be disclosed through publication.
Consultation and Participation	Requirement for the disclosure of relevant information; meaningful consultations with affected persons communities, and other stakeholders; consultations must be on-going and inclusive	The national constitution requires public consultation and stakeholder engagement during the preparation and implementation of development projects. However, continuous all-inclusive consultation is not clearly provided for.	Continuous all-inclusive stakeholder engagement and consultations will be planned for and executed in the project.
Mode of Acquisition	Forms include negotiated purchase; donation; expropriation	The Land Act, 2009 provides for compensation for land acquired. There are no guidelines for land donation in particular.	All land acquisition in the project will be negotiated and where land donation applies, it will be done to the World Bank standards of consultation and documentation.
Impacts Considered	Impacts include loss of assets, disturbance costs and associated expenses, loss of access to resources, and broader socio and economic consequences (physical and economic displacement)	Other than compensation, the national law does not consider other impacts such as disturbance and livelihood disruptions.	All project induced land related impacts will be considered & addressed in this project, as per the provisions of ESS 5.
Physical Displacement	Assist displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, o pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Lack of legislation on displacement	All project induced land related impacts will be considered & addressed in this project, as per the provisions of ESS 5.
Compensation	Options developed in consultation with PAPs through consultation. Cash or in-kind at 'replacement value' e.g., replacement land, replacement houses,	National law requires prompt compensation at market rates. This is not comprehensive enough to include replacement value, livelihood support and other forms of assistance.	The ESS 5 process and applicable forms of compensation and support will apply in this project.

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
	<p>rehabilitation program, community/livelihood support program (for economically displaced), other forms of assistance</p> <p>Compensation provided for temporary acquisition or restrictions on use of land</p>		
Calculation of Compensation	<p>“Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.</p>	<p>Transitional Constitution: Pursuant to Article 32 (2), no right in land shall be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation.</p> <p>The Land Act of 2009 provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy of customary use of land is revoked or otherwise interfered with by the Government.</p> <p>There is no definition of compensation, land valuation is only implemented by the Judiciary</p>	<p>The amount of compensation will be determined during the valuation process, in which the value of the land or assets are assessed.</p>
Replacement Housing	<p>If people living in the project area are required to move to another location, the Borrower will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and (b) provide relocation assistance suited to the needs of each group of displaced persons. New resettlement sites will offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher</p>	<p>No legislation exists in regards to replacement housing.</p>	<p>ESS 5 will be followed in regards to replacement housing</p>
Livelihood Restoration	<p>Livelihood restoration: ensure affected persons restore their income and livelihoods to pre-project levels</p>	<p>The Land Law of 2009 stipulates that IDPs and refugees shall be assisted with efforts to improve their livelihoods</p>	<p>ESS 5 will be followed in regards to livelihood restoration</p>

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Delays in accessing compensation	On an exceptional basis, with prior agreement from the Bank, the Borrower may deposit compensation funds as required by the RAP (plus a reasonable amount for contingencies) into an interest-bearing escrow account or other deposit account and proceed with the relevant project activities.	Not explicitly covered under national law.	ESS 5 requirements will be the governing standard to supplement national requirements for RAP/LRP.
Vulnerable PAPs and gender considerations	Particular attention is paid to the needs of vulnerable groups. Consultations need to ensure that women's perspectives are obtained and that their interests are factored into all aspects of resettlement planning and implementation.	While stakeholder engagement and participation are required under the law in South Sudan, it is not clear how vulnerable PAPs and groups are included in the process.	Vulnerable groups and women will be targeted specifically to capture and include their perspectives in the planning, compensation and support processes.
Eligibility for compensation	All legal claimants and informal occupants and structures on land.	While alternative land may be provided for unlawful occupants, all claimants may not be eligible under national law.	ESS 5 requirements of eligibility will apply in the project where informal occupants and their structures will be covered.
Grievance Mechanism (GM)	Access to grievance mechanism required regarding any project related complaint, no time limit.	According to the Land Act 2009, Section 75, any grievance due to land acquisition shall be filed to the land committee, but there is no provision for a comprehensive GM.	Comprehensive culture responsive GMs will be prepared for the various sub-projects, as per the mechanism described in the SEP.

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Support during transition and M&E	Monitoring and evaluation system is required as part of the RAP; status of PAPs needs to be monitored and evaluated; transitional support provided to economically displaced as necessary.	Not provided under national law and policy	Continued monitoring and support will be entrenched in the project process.
Cut-off date	In conjunction with the census, the Borrower will establish a cut-off-date for eligibility. Per ESS5, the Borrower will give a notification period for displacement.	Cut-off dates and notification periods for displacement are not defined under the law.	This RPF and ESS5 will be followed for EA-RDIP. The RAP preparation process will include cut-off dates and define notification periods for displacement.

4. PROCESSES FOR COMPENSATION AND RESETTLEMENT

4.1. ENVIRONMENTAL AND SOCIAL SCREENING

E&S screening will show potential land related risks and impacts and will help identify the appropriate mitigation measures or the need to assess alternative sites. The E&S screening pays attention to any activity that may require land, impact any community members and vulnerable groups. Furthermore, the screening should indicate where land designated for project activities has previously been used by other communities that had to vacate the land due to conflict, and where the land has been occupied by others. Where such is determined through the E&S screening process, the activity will be ruled out.

All potential activity sites will be screened using the E&S screening form, which is also annexed to the ESMF (see Annex 1 of the ESMF). The form will facilitate an assessment of the need for any land acquisition, restriction on land use and involuntary resettlement, and will help determine whether a RAP or LRP shall be prepared.

The screening will further help to confirm that all reasonable efforts have been made to avoid and minimize land acquisition/resettlement; determine whether proportionate RAP or LRP are required; determine whether there are vulnerable PAPs that require special provisions in the RAP or LRP; and ensure the initiation of consultations for the RAP or LRP preparation. The consultation process provides opportunities for continuous identification and communication of issues of interest for the proper management of the land and resettlement issues.

4.2. PREPARATION OF RAP / LRP

MICT&PS, as the main implementer of the EA-RDIP, will be responsible for the preparation of the appropriate RAP/LRP in accordance with the principles, procedures and provisions of this RPF. This will include the definition of objectives, project site description, description of scope of the RAP/LRP, description of eligibility criteria, description of the planned activities, definition of impacts caused by the activities, description of alternatives that have been considered, definition of the valuation methodology, description of proposed institutional arrangements, description of the GRM, RAP or LRP budget estimate for implementation of the instrument, description of M&E, preparation of survey instrument and monitoring of data collected during census and socio-economic surveys, support to livelihood improvement or restoration program, and the implementation of stakeholder consultations for the preparation of the instrument.

The following steps will have to be implemented as part of the preparation of the RAP or LRP:

Step 1 Consultation Process. Public consultations start during the planning stages of the activity, when designs are decided on, and at the E&S screening stage. Consultations will be held early on during this process, and extend throughout the RAP/LRP preparation process, including throughout the survey activities.

Step 2 Disclosure and Notification. Stakeholders will be informed about the planned project activity, and the RAP or LRP process. A cut-off date is announced to the stakeholders to help determine eligibilities for compensation and other forms of assistance. PAPs must be notified of the cutoff date both in writing and by verbal notification delivered in the presence of all the relevant stakeholders. Where there are no identifiable owner or user of a piece of land or asset, the MICT&PS-PIU team must notify the respective local authorities and leaders. The team may opt to seek further information from the respective PAPs, community leaders (such as Payam/Boma Chiefs), local government authorities or a land valuation experts.

Step 3 Documentation and verification of assets. Meetings with all PAPs will be arranged by the local authorities responsible for the socio-economic survey and determination of PAPs. The meetings will include local government authorities, community leaders, as well as elders. The purpose of the meetings will be to discuss on the compensation and valuation process. For each individual or household affected, the survey team will complete a compensation report containing necessary personal information of the individual or household, their total land holdings, inventory of assets affected, and demographic and socio-economic information for the monitoring of impacts. These reports will be regularly updated and monitored by the respective local authorities.

An important aspect of preparing a RAP is to establish appropriate data to identify the persons/household/community and their assets affected by the individual subproject; determine which people are eligible for compensation and assistance; and discourage the inflow of people ineligible for benefits.

The census will achieve the following:

1. Provide initial information on the scale of resettlement to be undertaken;
2. Identify and provide data to fill those gaps in information and give an indication of further socio-economic research needed to quantify losses to be compensated and, if required, design appropriate development interventions; and
3. Establish indicators that can be measured later during monitoring and evaluation.

The socio-economic survey will be conducted along with Land Asset Inventory to determine the assets affected by the activity and determine which assets require compensation. The survey will be based on data collected with the aim to identify the PAPs that will likely have to be displaced, and/or the PAPs that are eligible for compensation payments and other types of assistance. The data will also provide exact information of the scale of the resettlement and displacement that is necessary for the implementation of the activity; help identify gaps in information and point out any further socio-economic research that will need to quantify the losses; it will help prepare appropriate development interventions where necessary; it will help prepare indicators to assist in the monitoring & evaluation of the implementation of the RAP or LRPs.

The socio-economic survey will be undertaken by the local authorities with assistance from the PIU or implementing partner. For this matter, the PIU will recruit a consultant to conduct the survey. The PIU or implementing partner will assist with the preparation of TORs and the preparation of the RAP document. In addition, a rapid and secure survey methodology will be applied, based on digital media and a database structure associated with the proposed digital forms (see Annex 1).

MICT&PS-PIU will further liaise closely with the respective local authorities in order to obtain their agreement and willingness to support the RAP or LRP process. PIU will then assist the local authorities in the defining of the number of PAPs affected by the activities, implementation of the census and socioeconomic survey of PAPs, the asset inventory, the proposed assistance to the PAPs, and the

development of the options for compensation (including the calculation of compensation amounts, or the types of in-kind compensation, and determination of PAPs to receive compensation or other assistance). PIU will then work closely with the respective local authorities to assist them in the implementation of compensation payments or other measures that are determined by the RAP and/or LRP.

The Land Act of 2009 stipulates that any allocation of land for investment purposes shall be subject to a social, economic and environmental impact assessment to ensure that the social, economic and environmental implications of the activities on the land are taken into account before any decision is made thereon.

Step 4: The valuation report will be prepared, and on the basis of the report, the RAP / LRP will be drafted. MICT&PS-PIU, jointly with the local authority, will submit the draft RAP or LRP to responsible stakeholders, for review. When the RAP/LRP becomes satisfactory, it will be submitted to the World Bank review and approval. The plans must be approved by the World Bank prior to any resettlement and land acquisition for the project activity.

The RAP document will include a description of the sub-project activity; a list of the potential adverse impacts; objectives of the RAP, results from the census / socio-economic survey; description of the legal framework; description of the institutional arrangements for the implementation of the RAP; definition of eligibility of PAPs; valuation of and compensation for losses; description of the community consultations undertaken; implementation schedule, a budget for the implementation of the RAP; and a description of the GRM and M&E processes.

Step 5: Disclosure of draft entitlements matrix, valuation report, RAP/LRP. After World Bank approval is obtained, MICT&PS-PIU will prepare a final version of the plan for public disclosure. The copies of the plans will be prepared in English and in any other local languages that is relevant for communication in a particular area and made accessible to all the project stakeholders and on the World Bank external website. Potential comments from the public consultation will be incorporated into the final plan prior to implementation. The names of the identified PAPs and the respective entitlements will be removed in disclosed versions of the plans.

Consultations in Resettlement Planning and Implementation: Consultations with PAPs and stakeholders is an integral part in the RAP preparation, implementation and monitoring processes. Consultation requires good preparation, prior dissemination of project information that is accessible to community members. Agenda items should be set and information provided on the proposed place and date of consultations. Consultation planning should consider local contexts, women's availability, and mobility.

Consultation should be inclusive. The consultation process should ensure sizeable participation of women, youth, occupational, ethnic and other minority groups, pastoral and agro-pastoral households, elderly and any other groups at risk of exclusion. Consultations should also offer an opportunity to express concerns. During the entire process of preparing the RAP, consultations with the public are essential as it offers the affected persons an opportunity to participate and contribute to both design and implementation of the project activities.

Consultations should happen in the local languages of the PAPs. Separate consultations with women may be required to ensure their full participation. Community institutions and community leaders can play important role as facilitators of consultation.

Public participatory consultations will be done through stakeholders' meetings and workshop at suitable locations. The information will be made available to each household on entitlements and eligibility criteria, modes of compensation, complaints handling and grievances resolution procedures. The project Stakeholder Engagement Plan provides the specifics.

4.3. RAP/LRP Implementation Procedures and Implementation Schedule

All compensation and other forms of short-term assistance will have to be completed prior to the commencement of activities. Compensation payments will be clearly explained to the eligible individual and households, including the basis for valuing all assets. Monetary or in-kind compensation payments will be undertaken by the local authorities in the presence of the PAPs and the Payam or Boma leaders. Acquired assets will be compensated at replacement costs, and in calculating replacement cost, depreciation of structures and assets is not taken into account. For houses and other structures, the replacement value, if provided as cash compensation, is the market cost of materials to build a similar or better structure than the one affected, plus costs of labor/contractors, and the cost of any registration and transfer taxes. For agricultural land, the replacement cost is the pre-project or pre-displacement (whichever is higher) market value of land that is of equal size or use plus the cost of any registration and transfer taxes.

Displaced individuals or households will receive relocation assistance for the costs of moving to the new location, as well as an allowance equal to the local average costs of living during a two month period to resettle in their new location of residence or business.

Community Payments: In cases where land or assets belong to an entire community and no individual owner or user can be allocated, the community will be compensated. Such compensation can be in the form of reconstruction of the facility (in case of damages) or replacement (at least the same standard or equivalent or better standard). This will be determined in consultation with affected communities.

4.4. Special Restoration Measures for Disadvantaged and Vulnerable Groups/PAPs

As part of the objectives of ESS5 'to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.' Vulnerable or "at-risk" groups includes people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

During the preparation of the RAP or LRP, the PIU will pay particular attention to the identification of disadvantaged and vulnerable groups and ensure that their specific needs are considered. In the case of the project area this includes women, female/child headed households, physically disabled, marginalized ethnic groups, pastoralists etc. The RAP or LRP will include a vulnerable group support plan with a detailed implementation arrangement.

The RAPs and LRPs will include solutions to the following aspects:

- Ensure that local decision-making mechanisms for land allocation and ownership pay attention to women land users and other vulnerable or marginalized groups (as stipulated in EA-RDIP's Stakeholder Engagement Plan) and their needs.
- Ensure that compensation payments are made to women directly in the case of women headed households.
- Provide livelihood trainings to women groups and other vulnerable groups organized in Micro and Small Enterprises (MSE's) with special attention to female-headed households.
- Provide special attention to the impact of resettlement on women and other vulnerable groups during monitoring and evaluation of the RAP or LRP.
- Income restoration measures must target the vulnerable persons or groups to ensure that they are reasonably assisted to overcome potential economic shocks and maintain the quality of life not less than prior to the activity.
- Ensure that assessments identify potential risks and impacts as well as mitigation measures, especially those that affect vulnerable groups.
- Where necessary, conduct a social, legal and institutional assessment in order to identify potential economic and social risks and impacts, in particular those of vulnerable groups.
- Consider alternative project design to avoid and minimize land acquisition or restrictions on land use, with particular attention to vulnerable groups.
- When establishing entitlements, pay particular attention to gender aspects and the needs of vulnerable groups.

Since vulnerable individuals or groups often do not participate in decision-making meetings, it is crucial to identify them prior to any consultations. The PIU will assess vulnerabilities and their cause and impacts, based on identification mechanism proposed by the respective communities, as well as those developed during the implementation of the SEP.

Payment of compensation and any other type of assistance will then be adjusted to the vulnerable persons' requests and needs. This can include assistance in the compensation payment procedure (e.g. specifically explain the process and procedures, make sure that documents are well understood); assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery; assistance in moving, e.g. by providing vehicle, driver and assistance at the moving stage, assistance in the identification of a resettlement plot; assistance in construction, including through provision of materials and work force; assistance during the post-resettlement period, particularly if the solidarity networks that the vulnerable person was relying on have been affected: food support, health monitoring, etc. and health care if required at critical periods, particularly the moving and transition periods.

4.5. APPROVAL OF RESETTLEMENT ACTION PLANS

Where a subproject environmental and social screening determines that there will be involuntary resettlement impacts, the PIU will prepare a resettlement action plan (RAP)/ Livelihood Restoration Plan (LRP) in accordance with this RPF. These will be reviewed by the respective stakeholders and submitted to the World Bank for review and clearance. The preparation and implementation of the RAPs (including the payment of all resettlement costs) will be the responsibility of the PIU in conjunction with the GoSS. The RAPs will cover the following information:

- General description of the subproject and identification of potential impacts

- Objectives of the resettlement program
- Census survey and baseline socio-economic studies: The findings of socioeconomic studies to be conducted in the early stages of subproject preparation and with the involvement of potentially displaced people
- Legal framework: the findings of an analysis of the legal framework, covering the scope of the power of eminent domain and the nature of compensation associated with it, the applicable legal and administrative procedures, environmental and social legislation and regulation and any legal steps necessary
- Institutional framework: including the identification of agencies responsible for resettlement activities and non-government organizations (NGOs) that may have a role in project implementation; an assessment of their institutional capacity, and any steps that are proposed to enhance their institutional capacity
- Eligibility: definition of affected persons and criteria for determining their eligibility for compensation and other resettlement assistance
- Valuation of and compensation for losses
- Resettlement measures in case of physical displacement
- Compensation rates evaluation methodology
- Contractual arrangements to ensure better involvement of PAPs in resettlement operations
- Community consultation and participation
- Implementation schedule, costs and budget
- Grievance mechanism: affordable and accessible procedures for settlement of disputes arising from resettlement
- Monitoring and evaluation

Only after the World Bank have approved RAPs can resettlement and rehabilitation activities begin. Such activities must be completed before commencement of civil works.

5. ELIGIBILITY AND ENTITLEMENT

5.1. Eligibility

The purpose of preparing RAPs is to ensure that affected persons have sufficient opportunities to replace their lost assets, and to improve or at least restore their income level and living standard. To realize this purpose, all affected persons should be identified, and the subproject should ensure that all affected persons consider that remedies outlined in the RAP are fair and appropriate.

The World Bank's ESS 5 provides compensation for the loss of assets at replacement cost to both title and non-titled owners. Examples of non-titled owners include squatters, encroachers and unregistered tenants. Resettlement assistance and rehabilitation is also provided for lost income and livelihoods. Special measures will be taken for any disadvantaged and vulnerable affected persons, groups and communities. Vulnerable persons are those who because of their particular circumstance may be disadvantaged.

Eligibility classification as per ESS 5 includes persons a) who have formal legal right to land or assets; b) who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law; c) who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons affected by land acquisition, and relocation and/or rehabilitation of assets are entitled to a combination of compensation measures and resettlement assistance, depending on the nature and extent of loss and impact, to enable them to return to their pre-displacement levels. During planning and design of subproject activities, efforts will be made to minimize the impacts on land, people and property. However, where screening determines that land acquisition will be required, processes in line with this RPF, ESS 5 and national legislation will be followed. In South Sudan, as land is subject to unregistered communal land rights, where arrangements for transfer of formal tenure is challenging, a combination of national laws and regulations on land tenure and expropriation needs to be considered against the realities of customary land tenure, especially in rural communities, including communally owned and used land.

5.2. Voluntary Land Donation (VLD)

There are situations in which people are willing to donate a portion of their land for project purposes for no compensation or reduced compensation. Also, voluntary land donations may involve some monetary or non-monetary benefits or incentives provided to the land donor by the project or by community members benefiting from the project. Both can be broadly classified as a voluntary land donation, because the transfer of assets takes place without payment of compensation at replacement value. However, the ceding of a property by an owner requires he or she is: (a) appropriately informed; and (b) can exercise free will. To guide the process, VLD procedures to be followed by this project is developed and included at the end of this RPF.

ESS does not apply to voluntary land transactions, as will also be relevant for the proposed EA-RDIP. Voluntary, legally recorded market transactions are those in which the seller has the opportunity to retain the land (as well as to refuse to sell it) and is fully informed about his options. While the legal system in some areas is too weak to allow the project the purchase of land, in some of the urban areas this may be possible. However, ESS5 will apply where a voluntary land transaction may result in the displacement of persons other than the seller, who occupy, use or claim rights to the land in question.

As individual land ownership and respective land titling is not widely established, the project will consider any household using lands prior to disclosed subproject commencement as having legitimate land use rights and such rights can be donated freely to the project, if the noted land is considered necessary for subproject implementation. Thus, in the following paragraphs “owner” refers to the owner of land-use-rights.

Voluntary land donations should only be authorized for activities or sub-projects if they can clearly document (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land. Procedures must be put into place to ensure that the donation is indeed voluntary, that the donor is the legitimate owner of land-use-rights on such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property. If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented.

The following basic provisions must be complied with:

- Community-owned land to be donated, permanently or temporarily must be identified by the community through a participatory approach (this approach should include the chiefs; however, chiefs will not be able to decide alone on land donations)
- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor’s livelihood or that of his/her household. It should not exceed 10% of the donor’s total land.
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land; land donations by chiefs or other communal authorities is not sufficient.
- Verification must be obtained from each person donating land (through proper documentation)
- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose is returned to the donor.

Each instance of voluntary land donation in a sub-project must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donor for registration of the land transfer, if applicable, should be covered in full by the implementation agency. The implementation agency maintains a record with documentation for each instance of land donation. The documentation is

made available for review in any grievance that may arise and is provided to the World Bank upon request.

Grievances may be referred to the Project Grievance Redress Mechanism (GRM). The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

It is possible to distinguish between “pure” donations without any compensation or support given to the person affected, vis-à-vis “partial” donations which involve some monetary or non-monetary benefits or incentives provided to the affected person. Both can be broadly classified as “voluntary donations” in the sense that the transfer of assets is done without involving the payment of compensation at replacement value. The project will apply the “partial” donation approach for vulnerable households, to avoid even small donations leading to livelihood impacts and will provide additional support to ensure no impact from the land donation. Voluntary land donation may be allowed if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works) but always conditional on the application of the above noted provisions. Voluntary land donations cannot exceed 10% of the affected person’s property to not adversely impact his / her livelihoods. If this amount is exceeded, proper compensation payments should be considered. Backyard small gardens, in which women often produce food for the family, generally must be avoided in such voluntary donations to not affect livelihoods.

All family members (including spouses) must be aware of the donation and must sign the transfer documents in order to minimize the risks of women users of land being donated being passed over in decision-making and the risks of cross-generational conflicts. Individuals using or occupying community or collective lands must provide consent to the donation to minimize the risks of settlers or migrants being passed over in decision-making about land donation. The prior assessment of a subproject shall also take into consideration temporary users of lands and/or eventual access issues for them, including to water sources and in such cases ensure agreement on the subproject with such groups (e.g. pastoralists). The land donation processes will be monitored.

Table 7 Guidelines for Voluntary Land Donation for EA-RDIP

1. Land to be donated must be identified by the community through a participatory approach.
2. Impacts of proposed activities on donated land must be fully explained to the donor.
3. The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document that the donor will sign.
4. The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
5. The donor may request monetary or non-monetary benefits or incentives as a condition for donation.
6. The proportion of land that may be donated cannot exceed the area required to maintain the donor’s livelihood or that of his/her household.
7. Donation of land cannot occur if it requires any household relocation.
8. For community or collective land, donation can only occur with the consent of individuals using or occupying the land.
9. Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses);
10. The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry. In addition,
11. Donors must be engaged individually, i.e., away from those who could potentially coerce them.
12. All of the above, needs to be documented adequately.

5.3. Practical guidance:

STEP 1: Establish a rapport with the chief/local leader and community representatives to explain the objective of the project and how it will benefit the community and the need for consultations.

STEP 2: For unregistered community land: a comprehensive survey of all occupiers and regular users of land (including nomadic pastoralists, other ethnic groups who may use the area as a drought fall back reserve, women and other vulnerable and marginalized groups including other groups that may have claims on the land).

STEP 3: A community baraza (minutes and with a photo and signed participant's list indicating name, ID, sublocation, gender of participants to which all occupiers and users of the land are invited in which there is overwhelming consensus that the land under question should be allocated for this use and nominate 5 representatives to sign the community land resolution and agreement form on their behalf. The public or community meeting MUST explain the voluntary land requirements for World bank CDD projects given above including:

- a) The impacts of proposed activities on donated land.
- b) That the community can refuse to donate the land.
- c) Ensure that the donation of the land is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
- d) That they could request monetary or non-monetary benefits or incentives as a condition for donation (although cash compensation would be held in kind by the county government on their behalf).
- e) The proportion of land that they are donating does not exceed the area required to maintain the community members' livelihoods or that of his/her household.
- f) The donation of land will not require any household relocation.
- g) The people agreeing to the donation of the community land should indicate when they sign the participants list.
- h) There are no encumbrances or encroachments or any dispute about the ownership of the land.

STEP 4: Community land resolution and agreement form signed by the chief, administrator, land registrar, the physical planning department, the project team leaders, and the local representative from the relevant line ministry.

STEP 5: The project staff to complete the summary safeguards reporting format for voluntary land donations, explaining how all requirements have been met, attaching the minutes of the community meeting and community land resolution form.

5.4. Cut-off- Dates

The cut-off date is the time when the affected persons and their properties are assessed. No person will be eligible for houses built and crops sown in the project area after the census and inventory of assets. It is important to set a cut-off date to avoid opportunistic invasions/rush migration into the chosen land areas for the project implementation thus posing a risk. The setting of a cut-off date is therefore of critical importance. This RPF has applied a cut-off-date procedure, which is defined as the date of completion of census and asset inventory of PAPs who will be affected by the project activities. Once a sub-project/subcomponent activity is defined with a land requirement which may result in Involuntary Resettlement, a RP will be prepared for the sub-project. As part of the RAP, a census will

be conducted to determine the cut-off-date for resettlement and compensation eligibility. To record the cut-off date used, the site-specific RAP to be established for the subcomponent activities under the project is required. It is therefore critical that this date be clearly communicated to all potential PAPs in the affected project area, with sufficient time for these individuals to ensure that they are eligible for the Census. The cut-off-dates will be set by the directives and regulations and will be updated. The potential PAPs will be informed by both formal written notification and verbal notification given in the presence of the community leaders or their representatives.

As stated in World Bank ESS 5, it is not appropriate for the project to compensate or assist opportunistic settlers who invade the project area after the eligibility cut-off date. Nevertheless, the project should accommodate individuals or groups who were not present at the time of registration (for example pastoralist populations) but with a legitimate claim to membership of the affected community. These groups may include absent members of the family engaged in migrant wage labor, or pastoralists who use seasonal local resources.

5.5. Entitlement

National regulations and requirements define that no land shall be expropriated by law in the public interest and in consideration for a prompt and fair compensation (Transitional Constitution Article 32 (2). The Land Act of 2009 provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy use of land is revoked or otherwise interfered with by the Government. However, practice has shown that there is a limited legal infrastructure to properly allocate land rights and ensure that they are respected. The below entitlement matrix does include the eligibility criteria defined in the South Sudan legal framework, but entitlements are solely based on guidance in ESS5.

Below table represents eligible groups and their entitlements, as they are anticipated at this stage. This will help standardize entitlements across the project for similar types of cases. RAPs developed for specific project activities will also be based on socio-economic surveys and other research and insights, which will feed into the updating and refining of this matrix for each RAP.

Table 8 Entitlement matrix applicable for the project

Asset	Type of Impact	Eligible Person or Group	Entitlement
Commercial Land	Land use permanently affected	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> Assist the PAP in identifying and acquiring new land. As a secondary option, provide monetary compensation in case of non-identification of replacement land. Provide guarantees of land security to avoid land conflicts . Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> Assist the PAP in identifying and acquiring new land. As a secondary option, provide monetary compensation in case of non-identification of replacement land. Provide guarantees of land security to avoid land conflicts . Assistance with identification of new rental location if temporary or permanent move necessary. Rent and deposit refund along with relocation assistance in cash or in kind
	Limited Temporary loss	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> With restrictions on land use, compensation will be offered at replacement cost and other assistance as may be necessary to help improve or at least restore standards of living.
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. Livelihood restoration and improvement programs will commence in a timely fashion In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.
	Premise used severely affected, remaining land	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> Assist the PAP in identifying and acquiring new land. As a secondary option, provide monetary compensation in case of non-identification of replacement land. Provide guarantees of land security to avoid land conflicts .

	not fit for use		<ul style="list-style-type: none"> • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Livelihood restoration and improvement programs will commence in a timely fashion • In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. •
Residential Land	Land used for residence affected	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Provide new land to the PAP. As a secondary option, provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions)
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher.

			<ul style="list-style-type: none"> • Livelihood restoration and improvement programs will commence in a timely fashion • In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions)
Limited temporary loss, and the remaining land remains viable for use	Persons with formal legal rights to the asset		<ul style="list-style-type: none"> • With restrictions on land use, compensation will be offered at replacement cost and other assistance as may be necessary to help improve or at least restore standards of living.
	Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use		<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Livelihood restoration and improvement programs will commence in a timely fashion • In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. •
Premise used for residence severely impacted, remaining area insufficient for use or smaller than minimally accepted	Persons with formal legal rights to the asset		<ul style="list-style-type: none"> • Provide new land to the PAP. As a secondary option, provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions)
	Persons with a claim to land or assets that is recognized or recognizable under national law;		<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation;

		or persons with no recognizable legal right or claim to the land or assets they occupy or use	<p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Livelihood restoration and improvement programs will commence in a timely fashion • In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions) •
Agricultural or pasture land	Full use	Persons whose agricultural or pasture land (or other productive land) is in part or in total, affected by the project (including formal or no-formal tenants and squatters)	<ul style="list-style-type: none"> • Assist the PAP in identifying and acquiring new land. As a secondary option, provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation for lost assets is calculated at replacement cost • Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being loss will be offered where feasible;
	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected by the project (including formal or no-formal tenants and squatters)	<ul style="list-style-type: none"> • Census to identify seasonal use • Market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. • The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. • Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living: For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost will be offered where feasible;
	Structure partially affected, but the	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Compensation for lost assets is calculated at replacement cost

Buildings and structures	remaining premise remains viable for continued use		<ul style="list-style-type: none"> The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees⁵ and transaction costs, such as registration, transfer taxes, and moving costs.
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. Livelihood restoration and improvement programs will commence in a timely fashion In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.
	Entire structure affected / structure partially affected but the remaining structure is not suitable for use	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> Compensation for lost assets is calculated at replacement cost The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees and transaction costs, such as registration, transfer taxes, and moving costs.
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; <p>Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site</p> <ul style="list-style-type: none"> New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. Livelihood restoration and improvement programs will commence in a timely fashion In order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

		persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> • Cash compensation equivalent to one month of net income based on estimates from comparable businesses • Right to salvage material without deduction from compensation • Relocation assistance to cover moving costs
		All PAPs	<ul style="list-style-type: none"> • Provide arrangements to allow dwellers to obtain adequate housing with security of tenure • Where dwellers own structure, compensation for the loss of assets other than land, such as dwelling and other improvements to the land, at replacement cost • Based on consultation with affected persons, relocation assistance in lieu of compensation for land sufficient for them to restore their standard of living at an adequate alternative site
Communal Structures	Communal structure affected		<ul style="list-style-type: none"> • Compensation for lost assets is calculated at replacement cost • The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees and transaction costs, such as registration, transfer taxes, and moving costs.
Cultural Heritage Sites	Cultural heritage site affected	All PAPs	<ul style="list-style-type: none"> • Subprojects affecting cultural heritage sites will be ruled out.
resources or ecosystem services	Loss of access to resources	All PAPs	<ul style="list-style-type: none"> • Provide alternative access
Trees - timber	Cut/uprooted (loss of timber)	All PAPs	<ul style="list-style-type: none"> • Compensation for lost assets is calculated at replacement cost. The market value of the natural resources • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	<ul style="list-style-type: none"> • Compensation for lost assets is calculated at replacement cost. The market value of the natural resources • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available
Standing Crops	Crops affected by land acquisition or temporary	All PAPs	<ul style="list-style-type: none"> • Compensation for lost assets is calculated at replacement cost. The market value of the natural resources

	acquisition or easement		<ul style="list-style-type: none"> • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available
Business	Loss of access	All PAPs	<ul style="list-style-type: none"> • Economically displaced persons who face loss of assets or access to assets will be compensated for such loss at replacement cost • In cases where land acquisition or restrictions on land use affect commercial enterprises, affected business owners will be compensated for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities. • Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities;

6. VALUATION OF AFFECTED ASSETS

Compensation for all affected assets will be determined based on full replacement value. All affected assets will be recorded and verified in the presence of the owner of the assets. Geo-referencing of assets is also recommended. Each asset will be enumerated and inscribed on a database. The valuation of the assets will be undertaken by a registered valuer in the RAP Preparation Team. Values will be captured in the register of affected asset and will be explained to the owner. When valuing assets, the registered valuer will take account of rates on the open market, and information gathering during consultations with PAPs to ensure that compensation is at replacement value. Market surveys will be conducted at the time of the inventories of each RAP/LRP, in order to establish compensation rates that are locally relevant to the period of implementation of the RAP/LRP. The final valuation will be based on the principle of improving, or at least restoring, their livelihoods and living standards, in real terms, to pre-displacement levels. Compensation payments will be made by cheque and deposited into the joint bank account (that is, husband and wife) of project-affected households. The values will be reviewed by the Value Assessment, Compensation and Resettlement Committee (VACRC). The RAP will include a detailed implementation schedule to outline the time by which resettlement-related activities will be completed which will ensure timely payment of compensation. Where project-related land acquisition affects livelihoods or income, a Livelihood Restoration Plan (LRP) will allow affected persons to improve, or at least restore, their incomes or livelihoods. Specific considerations taken into account include the following:

Table 9 Considerations in valuing assets

Type of Asset	Considerations
Land	Review recent value of land transfer. Determine whether established rates are sufficient to purchase same size and quality of land in a similar location.
Structures	Evaluate whether compensation will enable the PAPs to acquire or rebuild the affected structure, based on a review of: Types of structures, sizes, levels, land, in a similar location, and the nature and quality of materials used. Cost of labour to rebuild. Cost of materials and transport costs. Comparison with other assets in the area.
Trees and Crops	Collect information to determine average price of items e.g., currently market prices in consultation with County Agricultural Office and County Forest Office
Livelihoods and income	Collect information on the income and livelihood of the PAP and prepare LRP.

7. ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENT

The PIU jointly with the Local Government Council at the County level will lead the delivery of affected person entitlement compensation. The PIU with the assistance of the Local Government Council must ensure that all procedures are understood in the community involved, and applied in the best possible way through local resources. Firstly, all affected assets must be confirmed by means of asset inventory documentation prepared for this purpose. Then compensation agreements can be drawn up based on confirmed data on the affected assets.

The PIU, with assistance from the Local Government Council will coordinate the involvement of technicians from other relevant government entities, including the municipality or county governments, depending on the case, to confirm assets and verify possession of a bank account or mobile phone. Where necessary, they will also validate the identification needed to open new accounts. After engaging the PAP, signing of the agreements, and providing accounts for payment, the PIU will pay the PAP by cheque or transfer through authorized financial institutions (bank accounts and mobile accounts offered by telephone operators) before displacement, with funds originating from the central government, but not the project. Proof of transfer or cheques will be handed over in the presence of witnesses and managed by the local authorities. Only when there is no facility to receive compensation in any other way can affected person receive cash. In the case of cheques and cash, a satisfactory security system must be put in place to guarantee the confidentiality of payment to avoid theft or loss of money.

The PIU and implementing partners will focus on building household/community capacity during and after compensation, as necessary.

The PIU, with assistance from the Local Government Council will work with the PAPs to inform them of their rights and responsibilities, the mechanisms for submitting complaints and appeals, and the implementation procedures. The PIU or implementing partner will verify if cash compensation has been carried out transparently before the affected persons are displaced. They will work with the affected persons to ensure that they select areas to cultivate or trade, and livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighbouring communities included.

The PIU, with assistance from the Local Government Council is also responsible for organizing adequate assistance for displaced persons who have lost most of their income source. Such assistance may include agricultural inputs, transport, etc. to continue agricultural / commercial practices elsewhere or guidance on alternative livelihood strategies.

The PIU shall ensure that contractors are given written instructions so that they do not start construction on sub-project sites that are occupied until their occupants have been resettled and the areas physically vacated.

A central aspect of the compensation process is the provision of resources for affected household or persons to restore their standard of living. PAPs will be engaged to confirm the assets to be lost and inform them of the project policy that sets standards and keeps them informed about matters of interest to them, such as:

- The general schedule of the project and, in particular, the various milestones with direct implications for their livelihoods;
- The replacement value must correspond to the (current) market value of affected assets;

- The amount must be paid in order to give the affected person the opportunity to improve their living standards or at least to maintain the living standards that prevailed before the start of the sub-project;
- Compensation for all assets must be provided and completed before works and displacement start;
- Whenever applicable (for households that can choose to replace their affected assets) they can be helped to rebuild the structures lost to the project;
- Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets;

Assistance transporting goods: All affected persons moving temporarily or permanently will receive moving allowances/assistance.

Assistance to vulnerable people: Assistance to vulnerable people will take the following forms, depending on the needs and demands of the people and goods concerned:

- Dedicated consultation and monitoring to ensure livelihoods provided/restored and the vulnerability not increased;
- Assistance in the identification of suitable replacement land and in strategic location / design of the houses;
- Assistance in the clearing procedure (further clarification on the process, ensuring that the documents are understood, supporting the person in the bank, etc.);
- Assistance in the period after payment, so that compensation is safe and that the risks of misuse or theft are limited;
- Assistance directed at moving: providing transportation (vehicle and logistics) and helping the person to find their resettlement location, to ensure that others do not settle there, etc.;
- Assistance in the reconstruction of replacement structures.
- Where applicable personalized architecture design and provision, in kind, - specified for the vulnerability demand (e.g. wheelchair ramps on road designs, community areas, markets etc...);
- Where necessary, food aid and / or medical assistance during critical periods, especially during resettlement and subsequent transition; and
- Assistance in the post-relocation period, especially if the solidarity networks (food aid, health, surveillance, etc.) benefiting vulnerable people cannot be reinstated immediately.

Sensitization to discourage the improper use of compensation: It will always be important to raise the awareness of PAPs receiving cash compensation (mainly in cash) to use it to make up for the loss of assets or income to improve the family's condition. This aspect will be the responsibility of the local authorities.

Representativeness and delivery of compensation: The following principles must be taken into account when designing compensation delivery systems:

- Whenever possible, compensation must be delivered directly to the legitimate affected party. When delivered to a representative, the reasons for the substitution must be specified and these must be approved by witnesses such as local leaders, where appropriate. These representatives must have a power of attorney giving him the right, which will be put on record/file.
- At the household level, it is important to involve men and women (not just men) in the management of all aspects of compensation, especially receiving compensation (in cash and in kind). The affected households will be sensitized on this aspect.

- If deeds are issued, there should be the option to register the names of the husband and wife for the new dwelling, land or stall. It is hoped that involving women will help ensure that restoration measures are used to build family capital;
- The act of delivering the compensation must be duly witnessed, documented, and the respective confirmation receipts obtained. For registration and accountability purposes, photographs of all compensation delivery events must be taken and filed in the project database;
- Proof of payment is filed by the affected person and the local authorities, showing the identification and signature of the affected person, the signature of local witnesses (leader and / or local representative).

Assistance in accessing employment with the project: Where affected persons are qualified to work competently they can be involved in the project. They should be encouraged to make their contribution as temporary and / or permanent workers and as a priority workforce to be selected in the location. Whenever appropriate, jobs should be given to women, especially single mothers and widows. A degree of training should also be included to increase opportunities to employ local people, with cost effective measures applied to provide such training. Once employed, the affected person must be made aware that they have the same rights and duties as other workers, in terms of meeting schedules, attendance, respecting the guidance of their superiors, etc. These requirements must be made clear in the selection documents, the contracts and the Code of Conduct.

Compensation payments: The census and compensation agreement will indicate whether the affected household/person has a bank account, which other financial services they use, the value of the entitlement and preferences for receiving the monetary compensation.

Planning the payment timing: Payment of compensation for loss of crops should preferably be made at a time directly related to the preparation of the replacement cultivation areas. This serves to ensure that the money is more likely to be used to guarantee the long-term benefits of subsistence agricultural activities.

Payment for loss of income: Compensation for temporary loss of income sources (e.g. agricultural and business) will be calculated to cover the period until the affected person has an income again. Payments should be made according to the time the income is suspended.

Assistance in opening an account: Assistance in opening a mobile account can be provided to households without a bank or mobile account. Assistance in opening an account (bank or mobile) will include advice (on account types, form and transaction costs, security requirements and the non-transferability of security codes, etc.), facilities on opening the account and payment by the project, the respective costs of opening an account and handling cheques and debit cards. It is recommended that an exemption from these costs be negotiated with the operator and that it provides the training/counselling for those affected, or if unavoidable, they be covered by the project.

Assistance in utilizing money: Vulnerable households with difficulty in travelling to operate a bank or mobile account (e.g. disabled and old people) will be helped by the local authorities to purchase the items they request until the process is finalized.

Post-Resettlement: Monitoring will continue even after physical resettlement and payment of compensation for the duration of the subproject. It will also include livelihood restoration measures. Monitoring will be conducted by the PIU, with the Project GRM available for grievances to be filed. If situations are detected where people may not be adapting or are unable to take advantage of the opportunities offered to them for an adequate recovery of their livelihoods, additional assistance should be given.

8. INSTITUTIONAL ARRANGEMENT FOR IMPLEMENTATION OF RPF

The PIU has the overall responsibility for the management of the Project. It will be responsible for all technical planning, financial management, procurement, social and environmental risk management, and communications vis-à-vis the World Bank. It will cascade down responsibilities in these areas to all other implementers, contractors and sub-contractors, and will maintain overall monitoring and supervisory responsibility in regard to these activities. This includes responsibility for the implementation of this RPF. For that purpose, the PIU will deploy a Social Specialist. The Specialist will be embedded in the E&S Unit of the PIU and report directly to the Project Manager. The Social Specialist will oversee the compliance with the RPF and any RAPs/LRPs.

The PIU's E&S Unit will further be responsible for the regular monitoring and supervision of the implementation of all risk mitigation measures. The PIU is responsible for the guidance on, and clearance of, correctional activities required, on the basis of monitoring activities. The E&S Team will report any non-compliance to the PIU Project Manager. Requests for corrections will then be added by the PIU staff to the monitoring schedule.

The PIU E&S team will either conduct or receive all E&S screening assessments of site-specific activities from the technical teams (either within the PIU or in the form of implementing partners). The PIU E&S Specialists will review screening results and provide the PIU's no-objection to the screening results and proposed mitigation measures for the activity or the preparation of additional instrument. At this stage, potential land and resettlement impacts will become clear, and decisions will be taken by the technical team to prepare additional RAPs or LRPs, where necessary or to conduct a specific land screening exercise to identify retroactively how specific parcels of land were acquired.

The E&S Team will then play a central role in the implementation of the RAPs/LRPs with assistance by the respective local governments. While the PIU will provide no-objections to land screening outcomes, it will review, validate and submit RAP/LRPs to the World Bank for approval, and will facilitate the implementation of the RAP/LRPs prior to commencement of any activities.

The PIU will further ensure that sufficient training and capacity building is provided to all implementers on resettlement related issues and this RPF, including the local authorities.

The implementation of RAPs/LRPs will be the responsibility of the PIU and the respective implementing partner with assistance from the local governments. The project will not pay or administer any compensation payments for land acquisition, or for any economic losses. Compensation payments will need to be paid by central government funds and administered by local governments. The specific responsibilities between the project and local authorities will be laid out in the activity-specific RAP or LRP.

The PIU E&S Team will also be responsible for the monitoring of the RAP/LRP implementation. Furthermore, the E&S Team will be responsible for the implementation of a GRM, through which PAPs can file complaints and provide feedback, including on land and resettlement issues, or the implementation of RAPs/LRPs. It will be the responsibility of the PIU to handle complaints filed under this mechanism.

9. ESTIMATED BUDGET

MICT&PS shall ensure that budget is allocated for the implementation of compensation payment for the expropriated property for fixed line components, access road and other fixed infrastructures under Component 1 and data centers under Component 2 project activities to be implemented. The MICT&PS will update the compensation estimate in consultation with property valuation designated bodies that is to be established as per South Sudanese land laws established to pay compensation before the construction of project components.

Once the budget is finalized, it will be subject to approval by responsible departments in the government of South Sudan. The Finance Division of the MICT&PS- PIU will be responsible for processing the estimated fund and finally the compensation payment will be disbursed through the relevant local government offices.

Since specific sites, number of Subprojects and number of PAPs are unidentified; it is impossible to state the comprehensive budget for the RAP. The cost estimations in this section are based on current market values. The items are covered in the following way:

- Preparation and Implementation of RAPs and LRPs (including awareness raising on GRM, community capacity building to monitor and report on progress and issues).
- 40 RAP/LRPs are budgeted for an average of 5 affected households per plan.
- The cost of management, supervision and technical assistance of compensation by central and local authorities
- Mitigation measures during implementation
- Construction of replacement houses, cash compensation for loss of crops and few structures
- Livelihood restoration and assistance to vulnerable persons.
- M&E costs include an audit if necessary, on compensation that may have also required significant livelihoods restoration support

Table 10 Items to be covered and estimated budget

Nr.	Item	Quantity	Unit Cost US\$	Total Amount in US\$	Source of Funds
1	Management Organization and Supervision (PIU) - Cost of travel / trip (5,000 per year)	4	5,000	20,000	Project
2	Preparation of RAP or LRP - including community consultation and district government participation in assessing assets - extensive field survey / socio-economic surveys	40 consultations / surveys	5,000	200,000	Project
	Disclosure or RAP/LRPs (40 x 5,000)	40	5,000	200,000	
3	Implementation of RAP/LRP - Implementation of RAP/LRP by PIU - additional assistance to PAPs and livelihood restoration activities, training and community consultation, participation of district government personnel.	40 consultations/trainings	5,000	200,000	Project
4	Technical assistance	40	3,000	120,000	Project

	(resettlement specialist) - hiring of a resettlement/community land development specialist and trainings (40 x 6 days x 500 USD)				
5	Construction of replacement houses	20	20,000	200,000	Central Govt budget
6	Cash compensation measures (crops, good / physical property) - In-kind and cash compensations for trees, crops, physical and commercial goods/properties, and interrupted income.	20	2,500	50,000	Central Govt budget
7	Livelihood restoration - ensure affected persons restore their income and livelihoods to pre-project levels	20 x restoration assistance	2,500	50,000	Central Govt. budget
8	Assistance to vulnerable persons	20 x assistance package to vulnerable groups in community	2,500	50,000	Central Govt budget
9	External evaluation by consultant / annual audit of RPF implementation (20 days x 500)	20	5,000	100,000	Project
	total			1,190,000	
	20% contingency costs			238,000	
	Total estimate for implementation of RPF			1,428,000	

10. GRIEVANCE REDRESS MECHANISM

A project-level grievance redress mechanism (GRM) system is established, as part of the SEP, to enable stakeholders to raise any questions or concerns. In particular, the GRM will allow the questions and grievances in relation to any land acquisition or compensation process to be raised and addressed. As part of consultations, PAPs will be sensitized on the GRM and their ability to access the mechanism to raise complaints in regard to land acquisition such as asset valuation, compensation entitlement and livelihoods impacts and mitigation measures. The GRM will be fully functional at the beginning of the census activities.

The GRM is outlined further in the SEP and comprises a multi-step process for the raising and escalation of complaints, where complaints are unsatisfactorily addressed. The PIU will designate a grievance officer at the subproject level to receive, record, conduct evaluation, and forward grievances as required for resolution to the appropriate committee or body. As per capacity building mechanisms in the ESMF and SEP, the grievance officer will receive training on dealing with grievances related to land acquisition and resettlement, and livelihood restoration. In addition, the grievance officer will be oriented on basic legislation related to land acquisition, gaps in comparison to ESS5 and international good practice, and additional measures that may be required to meet the ESF.

This RPF adopts the GRM described in detail in the SEP. In a nutshell, the GRM value chain consists of the following (see details in the GRM process and complaints form and grievance register in the SEP):

Step 1: Grievance Uptake: Multiple channels will be available for stakeholders to file their complaint, grievance, or feedback. The stakeholder must be able to select the most efficient institution, the most accessible means of filing a grievance, may include a phone number for a hotline operator: (a) The hotline operator is set up and managed by the PIU. Any concerned party can call the hotline number and file a grievance with the Project; (b) A help desk will be set up during the implementation of sub-project activities in a specific locality, especially where construction activities are undertaken. It should be managed by the MICT&PS PIU staff, in close coordination with local authorities. At the help desk, stakeholders can inquire about information in regard to project activities, or they can file a grievance directly with the person manning the desk; (c) Relevant assigned personnel available in each project site will be required to accept grievances and ensure that avenues for lodging grievances are accessible to the public. The first point of contact for all potential grievances from community members may be the contractor or a local government official. Such personnel will be required to accept formal grievances; or they can point out the Hotline Operator's number, the Help Desk or Suggestion Box. If no reasonable other modality of filing a grievance is available for the respective complainant, the staff has to accept and register the grievance. (d) A suggestion box will be installed at the nearest Boma or Payam office of the sub-project site. Suggestion boxes provide a more anonymous way of filing a grievance or for providing feedback. Grievances or feedback submitted to the suggestion box must be expressed in writing.

Step 2: Sort and Process: All registered grievances will be transferred to the PIU GRM Officer – either by the Hotline Operator, local personnel, or the Help Desk Officer. The GRM Officer will categorize the complaint. Worker-related grievances will be handed over to a workers' GRM. Where grievances are of sexual nature, the focal point has to handle the case appropriately, and refer the case to the GBV reporting protocols and referral system, defined in the SEA/SH Action Plan. Dedicated training on how to respond to and manage complaints related to Sea/SH will be required for all GRM operators and relevant project staff.

Where grievances can be handled locally, the GRM Officer will return these grievances to the appropriate local structures to be handled by existing dispute settlement mechanisms. However, these can only be involved if the GRM Officer assesses that the complainant is not a member of a

vulnerable group or minority that would not be catered for by the local mechanism in an equal manner.

For grievances handled under the general Project GRM, the GRM Officer will determine the most competent and effective level for redress and the most effective grievance redress approach. The Officer will further assign timelines for follow-up steps based on the priority of the grievance and make a judgment and reassign the grievance to the appropriate staff or institution. The person will exclude grievances that are handled elsewhere (e.g., at the court). The GRM Offer should offer the complainant option/s for resolution of their grievance. The GRM Officer will also transfer the grievance information into a more comprehensive grievance register.

Step 3: Acknowledgement and Follow-Up: The PIU will decide whether a grievance can be solved locally, with local authorities, contractors, or NGOs, and whether an investigation is required. The first ports of call will have in-depth knowledge of communal socio-political structures and will therefore be able to recommend to the GRM Officer the appropriate individuals that could be addressed with the case, if the case can be solved at the local level. At all times, the GRM Officer will provide feedback promptly to the aggrieved party (unless the case was filed anonymously), within 5 working days after the grievance is filed. Feedback can be provided through the phone, in writing or through the community facilitators. Feedback is also communicated through stakeholder meetings and beneficiary meetings during Project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

Step 4: Verify, Investigate and Act: The GRM Officer will then undertake activity-related steps in a timely manner. The activities will include verifying, investigating, redressing action and plan.

Verification: Check for eligibility (objectively based on set standards and criteria) of the complaint in terms of relevance to the project; escalate outright grievances that require high level interventions; refer outright grievances that are outside the project jurisdiction (e.g. refer to PIU Project Manager or relevant external institution). Once eligibility is determined, the GRM Officer will categorize the complaint into defined categories:

Investigation:

- GRM Officer to appoint an independent investigator (E&S Specialists, professional outside the Implementing institution) who is a neutral investigator with no stake in the outcome of the investigation
- Collect basic information (reports, interviews with other stakeholders while ensuring triangulation of information, photos, videos)
- Collect and preserve evidence
- Analyze to establish facts and compile a report

Grievance Action Plan

- Based on the findings determine the next steps and make recommendations: (i) direct comprehensive response and details of redress action; (ii) referral to the appropriate institution to handle the grievance, where the IP has no jurisdiction
- undertake mutually agreed follow-actions
- Update of complainant
- Provide complainant with a grievance redress status update and outcome at each stage of redress,
- Update the PIU on grievance redress across the GRM value chain.

Step 5: Monitor, Evaluate and Provide Feedback: The GRM Officer will provide feedback to GRM users and the public at large about: results of investigations; actions taken; why GRM is important; enhance the visibility of the GRM among beneficiaries; and increase in users’ trust in the GRM.

The PIU will undertake the following monitoring actions: develop indicators for monitoring the steps of GRM value chain (disaggregated by gender); track grievances and assess the extent to which progress is being made to resolve them; conduct a stakeholder satisfaction survey for the GRM services; conduct analysis of the raw data on the following: average time to resolve grievances, percentage of complainants satisfied with action taken, and number of grievances resolved at first point of contact; provide a report on grievance redress actions pertaining to the steps of GRM value chain.

The PIU will evaluate the GRM by analyzing grievance data to reveal trends and patterns; sharing GRM analysis in management meetings; and taking corrective action on project implementation approaches to address the grievances.



Table 11 Flowchart of GRM

11. MONITORING AND EVALUATION OF RESETTLEMENT OPERATION

Monitoring of project activities as they relate to the RPF will help review any impacts and will help understand if mitigation measures improve (or at least restore) incomes, livelihoods and living standards. The Project will therefore implement monitoring and evaluations, as part of the general Project M&E Plan. The concrete objectives of the monitoring are to determine whether PAPs were paid in full and whether they were paid prior to the activity implementation; whether PAPs have a better standard of living than before, or at least if their standards of living are unchanged; whether grievances were solved in a timely manner; whether assistance to vulnerable persons was provided; and whether livelihood restoration was effective. The PIU will be mainly responsible for monitoring activities, specifically the E&S Specialists and the M&E Specialist.

The specific instruments to be prepared, the RAPs/LRPs, will indicate the parameters to be monitored. They will provide the concrete monitoring tools and frameworks and indicate the resources required to carry out the monitoring.

The monitoring and evaluation processes is closely linked to the Project's general M&E Plan and will be embedded in the broader monitoring of environmental and social monitoring plans as part of the implementation of the ESMF and other E&S instruments and their respective methodologies. With that, the overall monitoring of the implementation of the RPF and its related instruments will be the responsibility of the PIU, especially the Social Specialist embedded in the PIU.

Periodic monitoring will be made and progress reports prepared, which assess the effectiveness of the system, report on the number of grievances and complaints, resolutions and pending cases, and allow for a trend analysis. Consultations with community members, including vulnerable groups, will allow for participatory monitoring of impact indicators of the RAPs and LRPs. In case of any issues identified during monitoring, redress or assistance will be provided. Local stakeholders identified in the SEP will act as the main local interlocutors in the monitoring exercises. The PIU will collect monitoring data and confirm it with these community stakeholders. Results will be captured in the progress reports.

Monitoring and reporting will collect and present data on the implementation of the respective RAPs and LRPs, in view of: the status of the assets, occupation and living conditions, and supervision of implementation of compensation as agreed upon with the PAPs; implementation status of all aspects of the RAP/LRP; timely and sufficient disbursement of funds; list of complaints and grievances and their status and responses to them; livelihoods restoration progress.

The PIU Social Specialist will travel to activity sites and will monitor RAP and LRP implementation using a performance review checklists that has been prepared for in the RAP or LRP. The Specialist will keep a record of information from monitoring the RAP/LRP and prepare a report on the conclusion of compensation for presentation in consultation with the PAPs. Corrective actions will be taken whenever deviations are identified. The Specialist will then prepare regular progress reports in an agreed format focusing on performance indicators.

Final Evaluation: A final evaluation will be implemented in order to determine the resettlement results. This will help ensure that the resettlement process has been completed and that livelihoods are properly restored. The evaluations will further provide lessons and help improve future RAP and LRPs. The evaluation will include leadership dynamics, representation, and equality and treatment of individuals vulnerable to particular difficulties.

The evaluation will be undertaken by the PIU, which will recruited an independent contractor for the Project. If necessary, a final audit can be conducted on the outcomes of the compensation.

The evaluation process will be participatory and will include the PAPs and other relevant stakeholders at the county, payam and boma levels. It will be implemented after the RAP or LRP has been concluded.

The evaluation will include an evaluation of the inventory survey, or the socio-economic project impact on the PAPs, on the supervision of the implementation of the RAPs and LRPs, an assessment whether the RAPs and LRPs improved or at least maintained the living standards of the PAPs.

Indicators: The two key objectives of the RAPs or LRPs are to allow PAPs to maintain their quality of life prior to the activity, and if they subsequently are able to improve it; and that local communities continue to support the project. These two objectives also guide the main indicators during the monitoring and evaluation processes.

Detailed indicators will be used to help determine the situation of PAPs in before and after the implementation of the RAP or LRF. Baseline data for the 'before' situation will be established through household or other surveys during the preparation of the RAPs or LRPs. The data will include the sources of livelihoods, land use, housing patterns, household incomes, access to services, number of children in school, and health standards.

Presented below are some standard indicators that can be used in the RAPs and LRPs and can help guide the monitoring and evaluation processes.

Table 12 Sample Indicators and monitoring methods

Type of Activity	Sample indicators	Method	Responsibility	Frequency
Identification of all involved parties and their profiling and definition of roles and responsibilities	List of relevant project stakeholders	Collect documentation	E&S Specialist together with M&E Specialist	At the end of RAP/LRP implementation
Handling of effective management and reporting system	Household data sheets	Collect information from implementation team	E&S Specialist together with M&E Specialist	At the end of RAP/LRP implementation
	Final contracts/agreements with the PAPs Existence of GRM	Collect data from GRM Specialist		
Implementation of formal notification of all PAPs of intention to acquire land and the need for resettlement and initial dissemination of RAP schedule	# of radio, leaflets, letters, word of mouth, meetings dedicated to notification of land taking	Collect information from implementation team	E&S Specialist together with M&E Specialist	During RAP/LRP preparation
Continuous communication and dissemination of information to all stakeholders, including on cut-off dates	# of radio shows, leaflets, letters, word of mouth, meetings dedicated to communication of cut-off dates and other issues related to the RPF or LRP	Collect information from implementation team GRM	E&S Specialist together with M&E Specialist	During clearance process of RAP/LRP
Demarcation of authorized area to be affected	# of stickers or other markers demarcating area of Impact	Field visits	E&S Specialist together with M&E Specialist	During clearance process of RAP/LRP
Tracking and finding absent PAPs	# of PAPs identified after RAP commencement	Collect information from implementation team	E&S Specialist together with M&E Specialist	During RAP/LRP preparation
Prepare PAPs for receipt of compensation; e.g. communication on impacts and options for compensation	Minutes of meetings on project impacts and options for compensation	Collect information from implementation team	E&S Specialist together with M&E Specialist	During implementation of RAP/LRPs

Prepare lists of PAPs to be compensated according to method of payment.	Lists and # of PAPs and entitlements	Collect information from implementation team	E&S Specialist together with M&E Specialist	During clearance process of RAP/LRP
Oversee that PAPs receive cash compensation	% of PAPs with compensation paid	Collect information from implementation team Field visits	E&S Specialist together with M&E Specialist	After implementation of RAP/LRP
Ensure that areas vacated are not encroached again	# of incidents of encroachment	Collect information from implementation team Field visits	E&S Specialist together with M&E Specialist	After implementation of RAP/LRP
Monitoring of complaints / Handling of grievances filed in regards to land and resettlement issues	# of grievances filed Typology of grievances filed # of complaints handled in a timely manner # of recorded GBV cases % of PAPs satisfied with resolution	Obtain data from GRM Specialist	E&S Specialist together with M&E Specialist	After implementation of RAP/LRP
Assisting compensated households to normalize and where possible to improve their livelihood systems in relevant areas	Assessment of income and livelihoods in project-affected areas as compared to pre-RAP implementation	Obtain data from evaluator	E&S Specialist together with M&E Specialist	After subproject completion
Restoration of living standards	Status of entitlements Status of alternative suitable house provided Status of housing compliance to agreed standards Status of payment of transitional and other allowances	Obtain data from evaluator	E&S Specialist together with M&E Specialist	After subproject completion

	Status of provision of special needs of vulnerable groups.			
Restoration of livelihoods	<p>Status of provision of training to PAPs</p> <p>% of PAPs with change in income status</p> <p>Status of livelihoods and access to services (improved or at least the same as pre- displacement)</p> <p>Additional measures required to improve livelihood</p>	Obtain data from evaluator	E&S Specialist together with M&E Specialist	After subproject completion
Reporting	# of periodic RAP/LRP monitoring reports produced and transmitted	Obtain from PIU	E&S Specialist together with M&E Specialist	After subproject completion

12. CAPACITY BUILDING

The MICT&PS as lead implementing agency does not have adequate experience working as an implementation agency with the World Bank, including in undertaking land acquisition and resettlement activities under World Bank-supported projects. Details of capacity building on implementation of the RPF is captured within the project Environmental and Social Management Framework (ESMF). The PIU, in particular the Social Specialist, will be required to undertake any capacity building sessions on the ESF, and in particular on ESS 5, including in assessing impacts on land, identifying affected persons, undertaking consultations, determining compensation, and implementing RAPs. Any NGOs supporting the implementation of resettlement activities will also be required to undergo orientation and trainings in resettlement policy particularly on the World Bank's ESS 5.

The scale of compensation for the Project component 1 and 2 activities is foreseen to be moderately significant. It is likely that it will require E&S specialists in the PIUs to work with support from local governments in the preparation and implementation of RAPs/LRPs. Due to limited capacity within the PIU to carry out all the activities in regards to the RAPs under the World Bank's ESF guidelines, there is need to identify capacity building needs and design respective interventions to develop the necessary skills among PIU staff and local governments.

Following an institutional capacity assessment and analysis of PIU and the respective local governments, a sub-project specific training and awareness program will be suggested.

In general, the objective of training and awareness programs for implementation of the RAP/LRPs is to:

- sensitize the various stakeholders on the linkages between environment and social impacts and sub-projects,.
- demonstrate the role of the various key players in the implementation and monitoring of the E&S instruments by disseminating these instruments and by drawing up and disseminating lessons learned;
- sensitize representatives and leaders of community groups and associations (who will in turn convey the message to their respective communities) on the implementation and management of the mitigation measures; and on their roles in achieving social sustainability;
- ensure that local government personnel are able to provide leadership and guidance as well as supervise the implementation of their components in the RAP/LRP;
- Strengthen local NGOs and facilitators to provide services aimed at facilitating the development and implementation of RAP/LRPs to the affected persons and project beneficiaries.

The stakeholders have different training needs for awareness raising, sensitization, and comprehensive training, namely:

- awareness-raising for participants who need to appreciate the significance or relevance of social issues (i.e. gender mainstreaming, social accountability and/or grievance redress mechanism, etc.);
- sensitization for participants who need to be familiar with the RAP/LRP and to monitor respective implementation; and
- Comprehensive training for participants who will need to understand the potential adverse social impacts and who will at times supervise implementation of mitigation measures and report to relevant authorities.

Training should be as practical as possible. Working sessions to prepare the various forms that need to be filled under resettlement preparation (e.g. screening of sub-projects for their social implications), implementation (e.g. census/socio-economic surveys) and monitoring (e.g. grievance documents) should be at the forefront of the capacity building process.

ANNEX 1: SAMPLE CENSUS SURVEY AND LAND ASSET INVENTORY FORM

The household-level census identifies and enumerates affected persons, and, with the involvement of affected persons, land surveys, structures and other fixed assets to be affected by the activity, as part of the RAP or LRP. The below forms are samples that can be used in the RAPs and LRPs. The forms will be applied digitally.

Table 13 Household Survey

Name of Head of Household		
Name of Head of extended Family		
Name of Interviewer		Signature:
Name of Supervisor		Signature:
Date of Interview		
Boma / Payam / County / State		

ANNEX 2: STAKEHOLDER CONSULTATIONS

The below stakeholders were consulted during the World Bank mission to South Sudan from 21-25 February 2022.

Table 8 Stakeholders consulted during mission in February 2022

DE4A Technical Committee

	Name	Affiliation
1	Dr. Lado Wani Kenyi, Undersecretary	MICT&PS
2	Napoleon Adok, Director General	NCA
3	Papiti Okwaci, CEO	South Sudan International Gateway (SSIG)
4	Thomas Gatkuoth, Director General of Telecommunications	MICT&PS
5	Branya Jibi, Director of IT	MICT&PS
6	Chol Mayen, Director of Technical Services	NCA

DE4A Technical Committee

Key Stakeholders Consulted

S No.	Session	Affiliation/Entity Represented
1	DE4A Kick-off/ Orientation	DE4A Committee – Government of the Republic of South Sudan (GRSS) including MICT&PS, NCA, SSIG
2	Understanding ICT structure, priorities, and plans	DE4A Committee – Government of the Republic of South Sudan (GRSS) including MICT&PS, NCA, SSIG
3	Regional integration; Horn of Africa Initiative	DE4A Committee – Government of the Republic of South Sudan (GRSS) including MICT&PS, NCA, SSIG
4	Donor Partners and Multilateral efforts	<ol style="list-style-type: none"> 1. United Nations Development Programme (UNDP) 2. UNESCO 3. UN Women 4. GIZ 5. JICA 6. South Sudan Internet Governance Forum 7. African Development Bank
5	South Sudanese Business Associations/Ministries/Authorities	<ol style="list-style-type: none"> 1. South Sudan Chamber of Commerce, Industry, and Agriculture 2. Ministry of Trade and Industry
6	Universities and Educational Centres	<ol style="list-style-type: none"> 1. University of Juba 2. Kampala University
7	Telecom Providers	<ol style="list-style-type: none"> 1. MTN 2. ZAIN 3. Digitel
8	Insurance Providers	<ol style="list-style-type: none"> 1. UAP 2. Britam 3. Baping
9	Accelerators, Incubators, start-ups, early-stage tech businesses, and digital training providers	<ol style="list-style-type: none"> 1. Dynamic Consult 2. Komax Consult 3. Komakech Denis Don 4. Koneta Hub 5. JICTS 6. Foundation for Youth Initiative (FYI)

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		5. ATXNET Ltd
25	Foreign Exchange, taxation and accounts	<ol style="list-style-type: none"> 1. Bank of South Sudan 2. National Revenue Authority

10	Public Commercial Banks	1. Alpha Bank 2. Cooperative Bank South Sudan
11	ISP	1. Liquid Intelligent Technologies 2. Muya 3. RCS – Radio & Satellite Communication Limited 4. Eden Technologies Ltd 5. IPTEC Limited
12	Digital Public Platforms	1. Ministry of Public Service and HRD 2. Ministry of Labour
13	Private Commercial Bank	1. Kush Bank 2. Ecobank South Sudan 3. Kenya Commercial Bank
14	ISP	1. Horizon IT Solutions Limited 2. DishNet Africa Limited 3. Fast Network Limited 4. Supernet Limited 5. 4G Telecom Limited
15	Education Sector overview	1. Ministry of General Education and Instruction
16	Fintech Players and Digital Businesses	1. Trinity Technologies 2. Linkspay 3. South Sudan Women Finance 4. Vision Capital
17	Telecomm Regulator and Implementing Authorities	1. National Community Authority (NCA) 2. Universal Service and Access Fund (USAF) 3. South Sudan International Gateway (SSIGW)
18	Digital Businesses	1. Agoro 2. Sosuda Tech 3. Nileboda
19	E-service platforms	1. Crawford Capital Limited 2. Ministry of Interior
20	ISP	1. Smart Network Limited 2. Deltanet Co Ltd (Deltanet Fiber) 3. ATX Net 4. Voda Network System Limited
21	Education Sector	1. Ministry of Higher Education, Science, and Technology 2. University of Juba
22	Gender Priorities in ICT	1. Ministry of Gender, Social Welfare, and Religious Affairs 2. GoGirls ICT Initiative 3. UN Women 4. South Sudan Women’s Entrepreneurs’ Association 5. South Sudan Women Finance
23	Cyber Security	1. NCA 2. MICT&PS
24	ISP	1. Pivotal System Ltd 2. Talia 3. Nile Fibertech Company Limited 4. Tonlect Enterprise (SSND) Co Ltd

Table 9 List of stakeholders engaged in regional validation workshop 26-30 September 2022

No.	NAME	POSITION
East African Community (EAC)		
1.	Mr. Obura Carolos E. Assai	Deputy Director for Entrepreneurship, Ministry of Trade and Industry, The Republic of South Sudan
2.	Dr. Fred Simiyu	Ag. Director, Research and Trade Policy Analysis, State Department of Trade and Enterprise Development, Ministry of Industrialization, Trade and Enterprise Development, The Republic of Kenya
3.	Mr. Leonidas Ndayahundwa	Head of Legal and Consumer Protection Affairs, Telecommunications Regulatory and Control Agency, The Republic of Burundi
4.	Mr. Sosthene Bwigenge	Smart Cities and Communities Outreach Specialist, Ministry of ICT and Innovation, The Republic of Rwanda
5.	Mr. Samuel Walusimbi	Systems Administrator, Ministry of East African Community Affairs, the Republic of Uganda
6.	Eng. Peter Mwasalyanda	Assistant Director for ICT Systems and Service Development, Ministry of Information, Communications and Information Technology, the United Republic of Tanzania
7.	Pantaleo Kessy	Principal Physical Policy EAC
8.	Gabriel Kinu	ICT Expert Customs EAC
9.	James Kivuva	Senior Meteorologist EAC
10.	Aileen Mallya	Webmaster EAC
11.	Alexis Songorwa	Senior Accountant EAC
12.	Damaris W Nyaga	Resource Mobilization Officer
13.	Aime Vwase	Acting Director Planning EAC
14.	Maria Sembua	IT Officer Trade Uganda
15.	Sarah Kabaluna	Communication Expert EAC
16.	Irene Charles Isaka	Director Social Sector EAC
17.	Pascal Mbayahaca	ICT Central Bank Burundi
18.	Edna Mbasa	ICT EALA Legislative Assembly
19.	Jean Paul	Chief Digital Officer Ministry of Trade Uganda
20.	Ngezi K	Chief Digital Officer
21.	Faith Didas Matoli	Ministry of Information Communication and IT
22.	Jean Bosco Ndikumana	Board Advisor in charge of Payment Systems
23.	Alice Zanza	Senior Financial Sector Specialist
24.	Zaid Mkwangwa	East African Health Research Commission

25.	Opiyo Andrew Nyawango	Director of ICT
26.	Daniel Murenzi	Chief Principal Information Technology Officer - EAC
World Bank		
27.	David Satola	Lead Counsel
28.	Tim Kelly	Lead Digital Development Specialist
29.	Cecilia Paradi-Guilford	Senior Digital Development Specialist
30.	Martin Molinuevo	Senior Private Sector Specialist
31.	Victor Kyalo	Senior Digital Development Specialist
32.	Anat Lewin	Senior Digital Development Specialist
33.	Rory Macmillan	Consultant; Partner, Macmillan Keck, Attorneys & Solicitors
34.	Evalyn Anyango Oloo	Digital Development Consultant
35.	Lamia Naji	Digital Development Consultant

The following stakeholders were consulted during the World Bank mission to Addis Ababa and South Sudan from 30 August – 30 September 2022.

Table 10 Officials met during Mission

S/ N o.	NAME	POSITION, ORGANIZATION
1	Hon. Dr. Jacob Maiju Korok	Deputy Minister, Ministry of Information, Communication Technology and Postal Services (MICT&PS)
2	Dr. Lado Wani Kenyi	Undersecretary, Ministry of Information, Communication Technology and Postal Services (MICT&PS)
3	Mr. Thomas Gatkuoth Nyak	Director General of Telecom, Ministry of Information, Communication Technology and Postal Services (MICT&PS)
4	Mr. Peter Ajang Nyibong	Director General of Planning, MOFP
5	Mr. Papiti Okwaci Nyilek Ajak	CEO, South Sudan International Gateway (SSIGW)
6	Mr. Chol Joseph Mayen Dut	Director of Technical Services, National Communication Authority (NCA)
7	Mr. Henry Owera Bakata	Deputy Director of Policy, Ministry of Information, Communication Technology and Postal Services (MICT&PS)
8	Mr. Gabriel Gong Baak Madut	Assistant Director of Aid Coordination, Ministry of Finance and Planning (MoFP)
9	Ms. Alma Gabriel Korsuk	Ministry of Higher Education, Science and Technology (MoHEST)
10	Mr. Kennedy Alfred Remo Musa	Commissioner of ICT, National Revenue Authority (NRA)
11	Mr. Kenyi Alex Simon Monokoteng	Director of Accounts, Ministry of Information, Communication Technology and Postal Services (MICT&PS)
12	Mr. Tereka Moses Lumori	Senior Inspector of Procurement, Ministry of Information, Communication Technology and Postal Services (MICT&PS)

Annex 3: Outline for RAPs

Table 15 Outline for RAPs

Outline For RAP		
	Section	Description of Content
1.	Sub-project or activity	Description of the sub-project or activity
2.	Potential Impacts	<p>Description of activities that will cause displacement, including explanation why the selected land must be acquired for use within the timeframe of the activity</p> <p>Description of the zone of impact;</p> <p>Description of the scope of land acquisition and impacts on structures and other fixed assets;</p> <p>Description of any project-imposed restrictions on use of or access to land or natural resources;</p> <p>Listing of alternatives that have been considered to avoid or minimize displacement and why those were rejected;</p> <p>Description of mitigation measures to minimize displacement</p>
1.	Objectives	Description of objectives of RAP
2.	Census / socio-economic survey	<p>Description of characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;</p> <p>Information on vulnerable groups or persons for whom special provisions may have to be made;</p> <p>Description of public or community infrastructure, property or services that may be affected;</p> <p>Description of design and budget of resettlement activities;</p>

		<p>In conjunction with establishment of a cut-off date, provide a basis for excluding ineligible people from compensation and resettlement assistance;</p> <p>Description of baseline conditions for monitoring and evaluation purposes.</p>
6.	Legal framework	<p>Description of the applicable legal and administrative procedures, including a description of the remedies available to PAPs in the judicial process and the normal timeframe for such procedures, and the available GRM;</p> <p>Description of laws and regulations relating to the agencies responsible for implementing resettlement activities;</p> <p>Analysis of gaps, if any, between laws of the Republic of South Sudan and ESS5, and the mechanisms to bridge them.</p>
7.	Institutional Arrangements	Description of entities responsible for resettlement activities
8.	Eligibility	Provision of definition of displaced persons and criteria for determining eligibility for compensation and other resettlement assistance, including cutoff dates.
9.	Valuation of and compensation for losses	<p>Description of methodology for valuing losses to determine replacement cost;</p> <p>Description of the proposed types and levels of compensation for land, natural resources and other assets under the national law and such supplementary measures as necessary to achieve replacement cost for them.</p>
10.	Community consultations	<p>List involvement of communities in the in the design and implementation of the resettlement activities;</p> <p>Provision of a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;</p> <p>Provision of a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and</p> <p>Presentation of arrangements through which displaced people can communicate their concerns to the project, and measures to ensure that vulnerable groups are adequately represented.</p>
11.	Additional Planning requirements	List additional planning requirements where resettlement involves economic displacement

		<p>Provision of measures relating to livelihood improvement or restoration (establish entitlements of affected persons or communities; pay particular attention to gender aspects and the needs of vulnerable groups)</p> <p>Provision of arrangements to monitor the effectiveness of livelihood measures</p>
12.	Implementation Schedule	Provision of an implementation schedule with dates for displacement, and estimated initiation and completion dates for all resettlement plan activities – and linkages to the overall project.
13.	Costs	<p>Table showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies;</p> <p>Timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement.</p>
14.	GRM	Description of GRM including the availability of judicial recourse and customary dispute settlement mechanisms.
15.	M&E	<p>Description of the monitoring of displacement and resettlement activities by the local authorities, supplemented by Independent Verification Agents (IVA) to ensure complete and objective information;</p> <p>Listing of performance indicators to measure inputs, outputs, and outcomes for resettlement activities;</p> <p>Description of involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.</p>
16.	Arrangements for adaptive management	Provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.