REPUBLIC OF BOTSWANA

DEPARTMENT OF ROADS

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RESETTLEMENT POLICY FRAMEWORK (RPF)

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FINAL REPORT
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EXECUTIVE SUMMARY

1.0 Background and Objectives

This Resettlement Policy Framework (RPF) has been developed as a guiding instrument to the implementation of Output Based Long Term Road Contracts (OPRC) in Botswana. The RPF is being prepared in line with the World Bank Safeguard Policy OP 4.12. The main objective of the RPF is to allow the World Bank and the Borrower to agree on principles and procedures that will govern the mitigation of adverse social impacts induced by the proposed Integrated Transport Project (ITP). The RPF covers the following themes:

- Principles and objectives governing resettlement preparation and implementation
- Description of the process for preparing resettlement plans
- Land acquisition and likely categories of impact
- Eligibility criteria for defining various categories of project affected persons
- Legal framework
- Methods of valuing affected assets
- Organizational procedures for the delivery of entitlements
- Implementation process
- Grievance redress mechanism
- Mechanism for consultations and participation of displaced persons
- Arrangement for monitoring and evaluation

2.0 Principles and objectives governing resettlement preparation and implementation

To guarantee that best practices in resettlement/rehabilitation operations are embraced for the ITP road sub-sector projects, the Roads Department, Ministry of Works and Transport will follow procedures consistent with the World Bank operational policies OP 4.12 during all the phases of the project (i.e. identification, preparation, implementation, monitoring and evaluation). World Bank OP 4.12 requires that baseline surveys and a social impact assessment be conducted resulting in the preparation of a resettlement action plan (RAP) to be sent to and approved by the World Bank. In accordance with the World Bank guidelines, a resettlement policy should be guided by the following objectives:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs and
displaced persons must be meaningfully consulted and involved in planning and implementing resettlement programs.

- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.
- In projects involving involuntary restriction of access to legally designated parks or protected areas, the nature of restriction, as well as the type of measures necessary to mitigate adverse impacts should be determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a participatory process framework acceptable to the Bank.

### 3.0 Description of the process for preparing resettlement plans

OP 4.12 calls for the preparation of individual Resettlement Plans that must be consistent with this RPF. The process starts with a screening exercise to identify the land acquisition and land use needs that would cause resettlement. For every specific sub-project which requires land acquisition and which leads to the physical displacement of more than 200 persons, a resettlement action plan (RAP) will be prepared for the Bank's approval. The RAP will be abbreviated or detailed depending on the magnitude of displacement.

In line with World Bank OP 4.12 requirements, resettlement plans would include procedures to ensure that the displaced persons are:

a) Informed about their options and rights pertaining to resettlement
b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
c) Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project
d) Enabled to restore and preferably improve their living standards compared to pre-project ones.

### 4.0 Land acquisition and likely categories of impact

The displaced persons would be classified using identifiable demographics such as individuals, households, vulnerable household, indigenous, host community, community, gender, age groups etc. and their standards of living and specific needs identified, described and assessed. This would be undertaken as part of the RAP. The properties that might be affected by land acquisition will be classified as land, buildings (fixed structures), movable properties (temporary structures), crops and intangible assets.
5.0 Eligibility criteria for defining various categories of project affected persons

In line with the World Bank Policy, any person who suffers loss of or damage to an asset or loss of access to productive resources, as a consequence of the implementation of any of the road projects under the Performance Based Long Term Road Contracts (OPRC) would be considered eligible for compensation and/or resettlement assistance, provided the damage or loss is caused by the project and satisfies the conditions of the cut-off date. Thus all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise are eligible of assistance if they occupied the land before the cut-off date. The displaced persons would be classified using identifiable demographics such as individuals, households, vulnerable households, indigenous, host communities, communities, gender, age groups etc.

6.0 Legal Framework

This section addresses all legal frameworks that the RPF needs to comply with. These are the laws of the Republic of Botswana and the Funding Agency, which is the World Bank. The laws of the Republic of Botswana governing land acquisition are largely consistent with the World Bank policy on payment of compensation for lost assets. Minor inconsistencies identified will be addressed by adhering to the Bank's policy of paying compensation at full replacement cost, prior to the beginning of civil works, offering resettlement assistance and recognizing all affected groups including tenants and squatters.

7.0 Methods of valuing affected assets

In order to satisfy PAPs, the valuation procedures of all assets to be affected, as a result of the implementation of the proposed road projects have been outlined in section 7.5.

The compensation assessment committee would collect all relevant primary and secondary data on affected property as part of the valuation inspection. World Bank OP 4.12 stipulates that where domestic law does not meet standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

8.0 Organizational procedures for the delivery of entitlements

Implementing agencies will follow appropriate procedures for assessing and delivering entitlements to affected persons. The procedures for delivery of entitlements will be detailed in each RAP and would ensure the following:

- Notification and participation by PAPs
- Documentation of holding and assets
• Agreement on compensation and preparation of contracts
• Compensation payment
• Relocation and take over

9.0 Implementation process

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. Resettlement and compensation plans will contain acceptable measures that link resettlement activity to civil works in compliance with the World Bank Policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically and physically) due to civil works activity before compensation is paid and resettlement sites, if required are prepared with adequate facilities and provided for to the individual or homestead affected. A resettlement Action Plan or Abbreviated Plan if needed will be prepared along with technical design for the civil works by the Contractor and submitted to the Department of Roads for review and approval.

10.0 Grievance redress mechanism

The Ministry of Works and Transport, Roads Department shall be responsive to the concerns of the people affected by the project. Both formal and informal dispute resolution mechanisms will be employed. The grievance mechanisms must be accessible to the PAPs. The grievance mechanisms are detailed out under section 7.8.

11.0 Mechanism for consultations and participation of displaced persons

To ensure effective participation of PAPs in resettlement/rehabilitation planning and implementation, section 7.9 of the document addresses the consultation and participation of PAPs, indicating that persons affected by the project, communities, NGOs and all stakeholders will be given opportunity to participate in the resettlement/rehabilitation process. The specific plans/mechanisms for consultation and participation will be detailed in the RAP.

12. Monitoring and Evaluation

The RPF underscores the importance of monitoring and evaluation of the ITP subprojects and highlights mechanisms for internal and external monitoring in section 7.10. The Roads Department will control the implementation of the OPRC activities throughout the project lifespan through a specialized (most probably) outsourced Monitoring Consultant. An audit will be conducted by the Monitoring Consultant to determine whether the efforts to restore the living standards of the affected populations have been properly designed and executed. The Roads Department through its Environmental Expert will ensure that the Monitoring Consultant has the skills to also monitor the implementation of environmental and social parameters contained in the
Contractor’s contract. The Contractor will hire a Resettlement Coordinator to facilitate the consultation with Project Affected Persons, and the redress of complaints received.
1.0 Introduction

The development objective of the proposed Integrated Transport Project is to assist the Government of Botswana to take the first bold step in revamping/modernizing its entire transport system. It aims to start with enhancing its system efficiently in order to eventually take up the challenge of its ambitious vision by positioning itself to be the feeder hub of Southern Africa. To that aim, the proposed project will provide the necessary capacity building and infrastructure improvement which, in turn is expected to increase the country’s competitive edge required for opening up opportunity for export diversification, employment opportunity in non state sector, balance the income distribution to benefit the disadvantaged population groups, improve the poverty indicators in line with the millennium Development Goals (MDGs). It is expected that all civil works for both Total Asset Management (TAM) and urban crossroads will take place within the existing road reserves and that no new land acquisition will be needed. However, if land were to be acquired beyond the existing reserves over the course of project implementation, this Resettlement Policy Framework (RPF) sets forth the objective and operational principles that will guide land acquisition and compensation for the affected people.

The resettlement policy framework is being prepared in line with the World Bank Safeguard Policy OP 4.12. According to OP 4.12, when the land acquisition needs and their socio-economic impacts for a Bank assisted investment are known at the time that the project is prepared, a Resettlement Action Plan (if more than 200 persons are affected) or an Abbreviated Resettlement Plan (if less than 200 are affected) is prepared by the borrower before the proposed project is appraised by the World Bank. When the nature, likely impacts or sites of the planned investment or civil works are not known at the time of project preparation, a resettlement policy framework clarifying the principles, rules and regulations to prepare and implement specific resettlement plans during project implementation, is then prepared before the Bank’s appraisal of the proposed project. Since the subproject activities and type of works intervention for each of the road segments together with their lands needs has not yet been determined, the Government of the Republic of Botswana is not required to prepare a Resettlement Plan. When specific information on the subprojects becomes available and the land/forest/woodland areas needed and/or affected are identified, for the sites that trigger OP4.12, resettlement/compensation plans will be prepared. The resettlement plans will be closely coordinated with the planning and implementation of civil works and prepared consistent with the Resettlement Policy Framework. The resettlement plans will be submitted to the Bank for approval before any land acquisition, resettlement, loss, denial of, and restriction to economic resources or any other impact on livelihoods occurs.

Preparing the Resettlement Policy Framework allows the Bank and the Borrower to agree on principles and processes so that these need not be discussed for every civil works package. The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the
people who may be affected by the project. The RPF is prepared to the standards of the Government of the Republic of Botswana’s own laws and policies on resettlement and the policy of the World Bank, OP4.12. The RPF governs all Botswana Department of Roads activities and is used in conjunction with the Environmental and Social Management Framework (ESMF) that has also been prepared for this project as a separate stand alone document.

2.0 Background

The project objectives include a mix of technical assistance and civil investment. Its main activities as of today are as follows:

a) Technical Assistance

The technical assistance involves:

- The preparation of a series of studies to identify roles of transport sector in the Regional Integration Vision of Botswana: the national multi-modal Transport Master Plan;
- The inter-modal (road-rail) planning to effectively transform the north-south corridor of the country (A1 corridor) into an international corridor of southern Africa.

b) Civil Investment

The civil investment involves:

- The construction of roads network around Gaborone greater area on a pilot phase.
- The technical study and civil works for a few urban roads sections in Gaborone and its peripheral areas that are already heavily congested.

3.0 History of Land Tenure in Botswana

Although Botswana is a large country (582,000 km2) with a small population (1.7 million inhabitants in 2001), it experiences acute land shortages because more than two thirds of its land is desert. Consequently, more than 80 per cent of the country’s population, settlements and economic activities are concentrated along a 200km-wide strip on its eastern border. This strip, which is endowed with better soils and surface water, and also receives more reliable rainfall than the Kalahari Desert, has been occupied by agricultural-pastoralists for over 1,500 years (Campbell, 1982).

During the colonial era, the colonial administration used a number of proclamations, orders and concessions, to divide Botswana’s land into three categories: native reserve land or tribal territories, crown land and freehold land. As a result, Botswana currently
has three main categories of land tenure: tribal or customary land, state land (formerly crown land), and freehold or privately owned land. While freehold and crown land were framed around Anglo-centric conceptions of land rights and ownership, tribal land tenure systems were initially based on unwritten indigenous norms and practices that have been partly modernised and written down by the post-colonial government (Kalabamu, 2006). Contrary to common Eurocentric misconceptions at the time of colonisation, chiefs and headmen did not own tribal land—they only administered its use, allocation and transfer. Ownership of tribal land was vested in the entire tribe, while chiefs acted as trustees or custodians (Schapera, 1994).

The most outstanding feature of the customary tenure systems in their original formulation was the free right of avail—a right that was uniformly applied to all adult men and automatically shared by all men belonging to each tribe (Schapera, 1943; Jeppe, 1980; Kalabamu, 2000). It was from this right of avail that other rights—individual or communal—were deduced. Male siblings had equal rights to be allocated land from their fathers' holdings or the tribal reserve without having to make any payment or tribute to the chief or headman. Allegiance to the chief was the only requirement for acquiring and maintaining land rights. Women accessed land only through their husbands or male relatives in their fathers' lineage.

Within two years of attaining independence, the Government of Botswana passed the Tribal Land Act (1968) which, among other things, transferred the administrative power to allocate land rights from chiefs and headmen to land boards established under the same act. The Tribal Land Act (1968) was extensively amended in 1993 in order to remove ambiguities and contradictions identified during its implementation (Kalabamu, 2000). The major ambiguity related to sections 10(1) and 10(2). While section 10(1) appeared to vest ownership of all tribal land in the relevant land board, section 10(2) appeared to vest the ownership of some pieces of land or rights to water in individuals in their personal and private capacities. The ambiguity led to contradictory interpretations and numerous court cases (Kalabamu and Morolong, 2004; Kalabamu, 2000; and Ngôngola, 1993). In 1993 Section 10(2) was repealed and section 10(1) revised to provide that land in each tribal area belongs and is accessible to all citizens of Botswana.

Section 2.4.1 of the Tribal Land Act empowers land boards to repossess land for the purpose of redistribution, involving the cancellation of customary rights and rezoning of agricultural land for residential, commercial or industrial uses. While the government has tended to pay handsomely for freehold land acquired by the state, the compensation offered by land boards for repossessed tribal land has been inadequate (GOB, 1992a; Kalabamu, 2000; Natural Resource Services, 2003). Land boards have argued that, since tribal land is free it is impossible to quantify, in monetary terms, loss of rights to use a particular piece of land beyond the unexhausted improvements on it (e.g. standing crops, boreholes, fences, buildings, ploughing). Thus, to land boards, compensation does not need to reflect the development value of land, even in peri-urban areas.
The colonial administration considered the Kalahari Desert unutilised, declared it crown land and placed it under the authority of the British monarchy. The High Commissioner was given powers to make grants or leases on crown lands on the terms and conditions he deemed fit. The State Land Act (1966) transferred those powers to the President or his nominee. At present state land is leased to individuals and private companies under Fixed Period State Grants (FPSG) or Certificates of Rights (COR) (Kalabamu, 2000). The FPSG is a 50–99 years capitalised lease, at the end of which the land, together with all improvements thereon, reverts to the state without compensation. The leaseholder may sell or transfer to any person what remains of his or her grant period (Dickson, 1990). Introduced in the 1970s to meet the needs of the urban poor, the COR is a lease system which confers on the holder perpetual usufruct rights for the purpose of erecting an owner-occupied house. It is unregistered title that provides holders with secure tenure while avoiding high cadastral costs. COR plots are provided with basic services (e.g. gravel roads, communal water taps, pit latrines).

### 3.1 Squatters

#### 3.1.1 Urban

Although at the time of independence in 1966 Botswana was a predominantly rural society, it has since urbanised rapidly. The population living in urban areas rose from about 4 per cent in 1964 to 54 per cent by 2001 (GOB, 2003). This transformation resulted from people migrating from rural areas and entering the urban labour market, which has increased demand for urban land and housing. Population increases in Gaborone and its peripheral settlements have had a profound influence on the demand for land and housing resulting in squatting. In the 1970s squatting was restricted to urban areas with squatters on state land. The government adopted a ‘squatter’ upgrading policy in the early 1970s following the receipt of advice from the United Nations Economic Commission for Africa and after realising that government departments and agencies (e.g. the Botswana Housing Corporation) were unable to offer a range of houses affordable by different income groups (GOB, 1983b).

#### 3.1.2 Rural

There are no squatters on tribal land as land is free to all. However, with the growth of urban areas and the development of peri-urban villages, squatting is today evident on tribal land. The demand for tribal land come from people who working in urban areas e.g. Gaborone but are forced to live in surrounding villages (especially Mogoditshane) because it is easier, cheaper, quicker and more certain to obtain land in these villages than in Gaborone (Kweneng District Administrator, 1982). Prior to 1970, chiefs and headmen were responsible for allocating tribal land in Mogoditshane, Tlokweng and other peri-urban villages. An applicant, together with the headman, would identify the piece of land to be allocated. If there were no objections from neighbours or any person within the ward, then the headman would formally allocate the plot to the applicant. This procedure was retained by the land boards, which replaced the chiefs as land administrators in 1970.
Concerned about rapid sprawl in Mogoditshane, Kweneng Land Board directed headmen and land applicants not to identify plots beyond a certain limit defined by the physical planners. The area beyond the limiting line was made subject to ‘modern’ town planning procedures whereby plots would be demarcated before allocation. However, attempts to demarcate plots in the designated areas were abandoned following objections from field owners. The latter denied that they had been consulted on the land board’s intention to repossess their fields and queried the inadequate compensation offered by the board (Sithole, 1995). Subsequently, dissatisfied field owners (including ward headmen) subdivided their fields into residential plots and sold them without consulting the board. Field owners, however, expected that the board would later formalise their allocations, as had been the case with plots allocated by ward headmen (Sithole, 1995).

The government decided that all citizens who had ‘illegally’ acquired and developed land in Mogoditshane and other peri-urban areas should pay a penalty proportionate to the size of plot occupied (GOB, 1992b). One of the ministers implicated was forced to resign. In addition, a subordinate land board for Mogoditshane was established and, the land rights of the occupiers who paid the penalty fee were regularised. However, the properties of those who failed to pay the penalty and subsequent ‘squatters’ were demolished between 2000 and 2002 by the land board with the support of the President and under the supervision of the armed forces. It is estimated that over 500 houses were demolished (Kalabamu, 2006).

4.0 Legal and Policy Framework for Land Acquisition and Compensation

4.1 Relevant Legislation

4.1.1 Tribal Land Act of 1968

The act transferred all the powers previously vested in a chief and a subordinate land authority under customary law in relation to allocation of land to the Land Board. Under this act, the Land Board was established as an institution for managing all tribal/customary land. The Land Board grants customary land rights to citizens of Botswana. The Land Board also leases land under common law forms of tenure. Part V of the Act addresses specifically procedures for dealing with the application of expropriation for tribal land required for public purposes. Section 32 of the Tribal Land Act provides that land may be granted to the state for public purposes only if the president determines that the purpose for which it is acquired is in the interest of the public. The President poses power of the eminent domain for expropriation of land. The president may acquire any real (immovable) property where the acquisition of such is necessary for public purposes. Section 33 (2) of the Tribal Land Act (1968) provides that compensation is payable when land is acquired for a project and the acquiring body is financially responsible for all aspects of the project; this includes payment for
compensation to claimants. The displaced may be granted the right to use other land if available, and is entitled to adequate compensation.

4.1.2. Tribal Land (Amendment) Act (Cap.32:02 of 1993)

The act allows for determination of land use zones in tribal areas. According to the act, a Land Board shall after due consultation with the District Council determine and define land use zones within a tribal area. The Land Board shall not make grants of land for any use which is in conflict with the use for which land is zoned. Land Boards may determine management plans for use and development of the zones.

4.1.3 Environmental Impact Assessment Act of 2005

The Environmental Impact Assessment Act was enacted by Parliament of Botswana on 20th May 2005. It constitutes the main piece of legislation on environmental and social impact assessments in Botswana. This act prescribes that no person shall undertake or implement an activity likely to cause significant adverse effects on the environment unless the environmental impact of the proposed activity is fully taken into account and the impact statement reviewed by a competent authority before authorization. The competent authority may hold a public hearing if after examining the statement, the competent authority is of the opinion that the activity is of such a nature that the public should have an opportunity to make submissions or comments at a public hearing. Section 7 of the act requires that the project proponent seek the views of the people or communities which are likely to be affected by the proposed activity. The environmental impact statement is expected to identify and evaluate the environmental impact of an activity with particular reference to:

- health, safety or quality of life of people;
- archaeological, aesthetic, cultural and sanitary conditions of the environment and;
- configuration, quality and diversity of natural resources

The land acquisition needs of the project implementation, and their resulting impacts on neighboring populations in terms of lost revenues, shelters etc are assessed as part of the EIA scope. The project proponent has to develop an environmental management plan that explicitly outlines the administration of efforts that will be made to manage any significant environmental impact resulting from the implementation of the project. The competent authority may, in issuing an authorization, prescribe, in writing, specific requirements for monitoring during and after implementation of the proposed activity, by technical departments, local authorities and the developer. A person aggrieved by a decision of the competent authority may appeal to the High Court within 30 days of receiving the decision of the competent authority.

4.1.4 Monuments and Relics Act 2001
All archaeological sites and to some extent historic sites are protected under the Monuments and Relics Act (2001). This Act requires that Archaeological Impact Assessment (AIA) is undertaken for all major development projects and that a Development Permit is obtained from the National Museum before any construction can take place. Section 18 prohibits any alteration, damage or removal from original site of any national monument, relic or recent artifacts. Section 19 of the Act provides for pre-development archaeological impact assessments and mitigation where planned developments are likely to disturb the earth’s surface.

4.2 Relevant Policies

4.2.1 Planning and Environmental Impact Assessment of Road Infrastructure, Guideline No. 5 of September 2001

The guideline is used as a guide in the planning and EIA of linear developments, with particular reference to roads. All road project impacts are included in the assessments, both monetary and non-monetary. All significant impacts are described and discussed in order to optimize the benefits of the roads and minimize the adverse effects. The planning and construction of roads is guided by a 6 year National Development Plan (NDP), outlining projects that are to be undertaken during the period of the plan. The guideline sees consultation as necessary for ensuring that the road network is planned and implemented in an accountable and transparent manner.

4.2.2 Ministry of Lands and Housing Compensation Guidelines

The compensation guidelines are in line with the Tribal Land Act of 1968 and deals with both customary land rights and common law grants. The compensation guidelines were prepared by the Department of Lands in 1977 and revised in 2004. There are three main categories of land in Botswana: customary, freehold and state land. Customary land is administered by the Land Boards, and covers over 70% of the total land area. Freehold land is administered by the Department of Lands through the Attorney General’s Chamber, which is responsible for all land transactions. Freehold land entitles the landholder to perpetual and exclusive rights to land and constitutes 5% of the total land area in the country. State land is administered by the Department of Lands and makes up 25% of the land area and comprises National Parks and Wildlife Management Areas (19.4%), Forest Reserves (1%) and all urban land (4.6%).

4.2.2.1 Land Rights and Entitlements

Compensation for tribal land is considered under two categories:

- Customary Land Rights
- Common Law Land Rights

Customary Land Rights
Regarding customary land the displaced people are entitled to adequate compensation for the following, where applicable:

- The value of any standing crops taken over by the state
- The value of any improvements effected to such land, including the value of any clearing or preparation of land for agricultural or other purposes
- The costs of resettlement, and
- The loss of the right of user of such land

**NB** for the last bullet above, refers to where no alternative land is identified or any portion of land taken cannot be replaced. Compensation shall include the value equivalent to loss of right to use that land.

**Common Law Land Rights**

When dealing with leases, there may be complications rising due to the following factors:

- The lease being registered
- The lease being mortgaged
- Subletting of one or more portions of lease property
- The disruption or closure of business operations

**NB** Where there are complications, such cases are referred to the Department of Lands

Acquisition procedures in the case of leased properties are as follows:

- The Land Board acquires vacant possession and negotiates the best price. Where the occupier agrees and there is no burden to personal interest, compensation would follow
- The Land Board may use its powers under the lease to permit construction of pipelines, power lines, roads, drains etc for public purposes. Compensation is paid only for direct damage to improvements, nuisance and for any land taken for the above servitudes and cannot be replaced
- The Land Board may exercise its right to terminate the lease as provided for in the lease agreement in which case “adequate compensation” is payable.

**Other Cases**

- Where fixed costs which are compensated can in fact be salvaged and transported to the alternative site, then removal costs shall be payable based on the actual costs incurred or 10% of the total compensation sum per affected household, taking the higher value.
- In the case of existing business operations, the following situations are also covered:
- Loss of goodwill
- Injurious affection and severance where access or other conditions are changed
- The loss sustained by reason of moving to an alternative site (disturbance)

4.2.2.2 Land Acquisition Procedures

When government or a statutory body undertakes a project which is of national importance and the only land suitable for that project is already occupied the President shall determine in accordance with Section 32 of the Tribal land Act that it is in the public interest that the land be acquired for the project. When such land is taken, compensation is payable as per Section 32 (2) of the Tribal Land Act. The Acquiring body is responsible for aspects of the project including payment of compensation direct to the claimants. National projects include new airports, power stations, dams, schools, roads, village expansions etc.

The compensation guidelines requires that the acquiring body informs the relevant land board of its intention at least six months prior to commencement of the project, both of which shall consult the affected parties as appropriate and specified in the guidelines. The required consultation shall involve the District Land Use Planning Unit (DLUPU), District Council, as well as National Conservation Strategy Unit. In accordance with the guidelines, the Land Bard shall in the case of big projects insist that an Environmental Impact Study be commissioned to assess the project’s implications. The results of the study are to be used as a factor in deciding the nature of the development and enable the Land Board to state the appropriate conditions under which the application may be approved. The identification of amelioration measures to overcome the suggested impacts should be included in a programme for compensation.

In the event of acquisition of already occupied tribal land, Regulation 15 of the Tribal Land Regulations of 1970 is invoked. The acquiring authority with the assistance of the Land Board, make reasonable effort to identify and contact all occupiers within the zoned land. If deemed necessary, the Land Board shall request for a kgotla (community) meeting to advise the people of the scheme and their rights. The views of the affected communities are documented to ensure that they are taken into consideration when a decision to implement the project is made. Using an Environmental Impact Study, DLUPU or the National Steering Committee should give an early recommendation, in principle, to the Land Board, which then forms the basis of subsequent detailed recommendations.

Once it has been decided to proceed with the project the compensation assessment committee conducts a physical inspection recording all the details of all improvements to the land and any other fixed assets affected within the zoned area. The inspection report is the basis upon which compensation is assessed. The assessment committee invites the various affected occupiers to submit any additional or counter claims for their improvements if they so wish. Some claimants may engage the services of
professionals and should be given time to do so. The compensation assessment committee then meets to discuss and agree on the appropriate rates of compensation. Compensation rates are reviewed yearly and for improvements they are based on depreciated replacement value. Where only part of the land is required and the part remaining cannot be used by itself because of size, access or negative impact of the project, the assessment report gives full details as the acquiring authority may be required to take the whole land and pay compensation for improvements.

The Land Board should consider the compensation assessment and submit its recommendations to the Department of Lands for checking and adjustment where necessary. The Department of Lands then advises the acquiring authority of the approved report. The acquiring authority then immediately releases payment directly to claimants. In the case of emergencies, an order is issued by the Minister of Lands and Housing to the effect that people should vacate their land before compensation is paid with commitment by the acquiring authority for full compensation at a subsequent date with interest. In the event of the applicants being dissatisfied with the compensation assessment, they are advised to appeal to the Minister of Lands and Housing who may then appoint an arbitrator in accordance with section 25 (2) of the Tribal Land Act, Cap. 32:02. The claimants have the right to take the appeal to Court if they so wish.

NB Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on these appeals.

4.2.2.3 Eligibility criteria for entitlements

All affected parties and assets are eligible for compensation, except the following categories:

- Improvement carried out after the cut-off-date
- No lawful title to the affected improvements
- Loss of rights when the use of the land is in conflict with the use for which the land is zoned
- Loss of improvements when they are in conflict with the land use zoning, unless the affected person can demonstrate that improvements were carried out with the authority of the land board or prior to the zoning of the land in question.

4.2.2.4 Methods of valuing, and validating the census of affected assets section

The census of the affected assets is done using Forms 2.32 and 5 of the Compensation Guidelines and its results are then reported on a plan as per Form 5 of Guidelines. Area photography of the project site, with proper referencing completes the census. The schedule 11 of Form 4 of the Guidelines provides an extensive compensation rates that is renewed on a yearly basis. The rates are based on guides for the most common types of affected assets, but the Committee also exerts its best judgment on a case by case basis, factoring in various other factors.
The result of the census is then read out to the affected parties, who are given the chance to add their views to the results before signing the Form 2 or Form 3, indicating that they were present at the validation of the census or were represented. After the census validation, the Assessment Committee meets to discuss and agrees on appropriated rates, which are entered on the assessment forms for each affected asset.

4.2.2.5 Organizational procedures for delivery of entitlement

Once the Compensation Report has been approved, the programme is then implemented by the Department of Land. Compensations are paid in cash or in kind whenever feasible. Compensation for loss of all assets, displacement and relocation is payable immediately and directly to the project affected parties by the acquiring body. Per section 8.0 of the compensation guidelines, the vacation of acquired land by the affected parties might happen either:

- After the payment of compensation package: this may occur immediately after such payment.
- Not after the payment of the compensation package: in this case, the occupiers will sign a written agreement with the acquiring authority specifying the date by which occupiers must vacate the acquired land (8.0)
- Before the payment of compensation package: in case of emergencies, an order should be issued by the minister to the effect that people should vacate land before compensation is paid. In such instances, a written undertaking must be given by the acquiring body guaranteeing action as per section 6.0 and 7.0 of the compensation guidelines (census and preparation of a compensation report), and the commitment that interest will be paid from the date of taking possession of the land.

4.3 Institutions

4.3.1 Ministry of Works and Transport

The mandate of Ministry of Works and Transport (MWT) is to provide safe, economical and reliable public infrastructure (buildings, roads, aerodromes etc.), government transport and related services, such as road, rail, water and air safety, that will contribute to economic development of Botswana.

The MWT has two major portfolio responsibilities namely;

(i) Public works sector comprising:

- Design, construction and maintenance of government building infrastructure development projects and facilities.
- Design, construction and maintenance of national road network including training of road artisans, road technicians, plant operators.
• Provision and maintenance of electrical and mechanical facilities for government buildings;
• Design, construction and maintenance of aerodromes.
• Setting and regulation building control standards.
• Sewerage schemes for government institutional buildings

(ii) Transport sector comprising;

• Provision and maintenance of government transport including road plant and equipment,
• Provision and management of air services;
• Provision and management of rail services
• Management of road transport and safety including road traffic, and
• Supervision of statutory authorities such as Air Botswana, Botswana Railways.

4.3.2 Ministry of Lands and Housing

The Ministry of Lands and Housing is responsible for the management of land related functions as well as facilitation of housing delivery throughout the country.

4.3.3 Department of Roads

The Roads Department within the Ministry of Works and Transport is responsible for developing and maintaining the countries road network, through its development division. The division works collectively with the Ministerial Planning Unit and the Ministry of Finance and with other funding agencies to ensure funding of projects and to fulfill financing conditions.

4.3.4 Department of Lands

The main purpose of the Department is to administer state land through the State Land Act, to regulate freehold land through Land Control Act and provide professional and technical advice on tribal land matters. The department has four technical divisions that carry out its functions. The four divisions are Administration, Estates and Land Valuation, Land Inventory and Management, Land Use and Development.

4.3.5 Department of Environmental Affairs

The National Assembly of Botswana approved the National Conservation Strategy (NCS) in December 1990. The NCS resulted in the setting up of the NCS Coordinating Agency, the Department of Environmental Affairs (DEA) within the Ministry of Environment, Wildlife and Tourism. DEA liaises with other organizations to ensure that the NCS goals and objectives are achieved. To perform its duties, the NCS Coordinating Agency has three professional divisions, namely Environmental Education (EE), Environmental Research and Monitoring (ERM), and Programmes and Projects (PP). An additional division is the Administrative Support Services division.
The Programmes and Projects Section is responsible for receiving and reviewing Environmental Impact Statements and preparing the basic background work for the carrying out of the Environmental Impact Assessment.

4.3.6 Department of Town and Regional Planning

The Department of Town and Regional Planning (DTRP) was established in 1972. The Department was established as a result of the need to manage the rapid urbanization and growth of rural and urban centres, and the efficient utilization of public and private land. The Settlement Planning Division within DTRP is responsible for the preparation and implementation of development plans for planning areas (urban areas and villages) as well as the preparation of advisory development plans for rural settlements. Settlement plans provide a base or guide for infrastructure provision, growth and direction of the settlement.

4.3.7 The Land Board

The Land Board derives its statutory responsibilities to hold land in trust for the citizens of Botswana from the Tribal Land Act of 1968. The functions of the Land Board involves granting of rights to use land, cancellation of the grant of any rights to use any land, imposition of restrictions on the use of tribal land, authorizing any transfer of tribal land and hearing appeals from decisions of Subordinate Land Board in respect of any of its functions conferred on such Sub-Land Boards. The granting and repossession of tribal land are carried out through the land board and in accordance with the provisions of the Tribal Land Act (1968).

4.3.8 Land Tribunal

The Tribal Land Act was amended in 1993 to provide for the establishment of a specialized court to attend to appeals against the decisions of the Land Boards and for enforcement of the Land Board decisions. The Land Tribunal’s official commencement date was the 13th of October 1997. Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on appeals. Any party who is aggrieved by the decision of the Land Tribunal may appeal to the High Court on a point of law only.

The Land Tribunal is a three member team chaired by a President. The President of the Tribunal is a qualified lawyer appointed in accordance with the provisions of the Public Service Act. The members are also appointed in terms of Public Service Act, on contract terms renewable for two terms. The Tribunal is also empowered to co-opt two advisory members to assist, but not participate in decision making, in any matter before it that involves local cultural or traditional aspects or values.
4.3.9 Compensation Assessment Committee

The compensation assessment committee is set up by the Land Board Secretary and consists of the following:

- Member of the Land Board (other than the Land Board Chairman) who chairs the committee
- Land Board Secretary
- Acquiring Authority
- Land Officer (Land Use)
- District Agricultural Officer
- Sub Land Board Chairman of the relevant area
- Clerk of the relevant Sub Land Board
- Council Chief Technical Officer
- Land Board Technical Officer
- Land Valuer

NB A minimum of five (5) members including a Land Valuer must be present at a compensation assessment exercise.

5.0 World Bank Involuntary Resettlement Policy

The World Bank observes that involuntary resettlement under development projects, if unmitigated, often give rise to severe economic, social and environmental risks. As such, the World Bank’s resettlement policy is guided by the following objectives:

a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs

b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons must be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.
5.1 Impacts Covered

The policy covers direct economic and social impacts caused by:

a) The involuntary taking of land resulting in:
   - Relocation or loss of shelter
   - Loss of assets or access to assets
   - Loss of income sources or means of livelihood

b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. In projects involving involuntary restriction of access to legally designated parks or protected areas, the nature of restriction, as well as the type of measures necessary to mitigate adverse is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a participatory process framework acceptable to the Bank.

The World Bank also requires that:

« Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement option, and offered opportunities to participate in planning, implementing and monitoring resettlement. The Bank requires that appropriate and accessible grievance mechanisms are established for the displaced/affected.
« In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities.
« To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers’ preferences with respect to relocating in preexisting communities and groups are honored.

5.2 Required Measures

In accordance with the World Bank Safeguard Policy OP 4.12, a resettlement policy framework in line with the World Bank Policy should address the following:

a) The RPF should include measures to ensure that the displaced persons are:

« Informed about their options and rights pertaining to resettlement
« Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
« Provided prompt and effective compensation at full replacement cost for loss of assets attributable directly to the project.
b) If the impacts include physical relocation, the World Bank RPF includes measures to ensure that the displaced persons are:

« Provided assistance (such as moving allowances) during relocation
« Provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site

c) The RPF should also include measures to ensure that displaced persons are:

« Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living
« Provided with development assistance (such as land preparation, credit facilities, training, or job opportunities) in addition to compensation measures

The World Bank Safeguard Policy OP 4.12 prescribes that compensation must be paid before displacement is effected and that preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. If land is not the preferred option of the displaced persons or sufficient land is not available at reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the World Bank. Payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction of the affected assets. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets. The Bank defines replacement cost as follows:

a) For agricultural land it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

b) For land in urban areas it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

c) For houses and other structures it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of registration and transfer taxes.

In accordance with the Bank requirements, valuation does not take into account depreciation of structures and assets. For losses that cannot easily be valued or
compensated for in monetary terms e.g. access to public services, customers, and suppliers or to fishing, grazing or forest areas, attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

5.3 Special/Vulnerable Groups

The Work Bank policy encourages that special attention should be paid to the needs of vulnerable groups (those below poverty datum line, the landless, the elderly, women and children, indigenous people, ethnic minorities etc.) among the displaced.

5.4 Criteria for Eligibility

According to the World Bank Safeguard Policy OP 4.12, displaced persons may be classified in one of the following three groups:

a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)

b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan

**NB** Persons classified under a) and b) are provided compensation for the land they lose, and other assistance

c) Those who have no recognizable legal right or claim to the land they are occupying. These persons are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance as necessary, if they occupy the project area prior to a cut-off date

6.0 Gap Analysis between the national compensation guidelines and the World Bank OP 4.12

6.1 Gaps between the National Compensation Guidelines and the World Bank OP 4.12

The main gap in the national compensation guidelines and the World Bank 4.12 is related to their main objectives. The World Bank OP 4.12 first and foremost is a policy document, whose operational principles are also informed by key social development objective, which is to restore, if not improve the livelihood of affected persons, while the national compensation guidelines is mainly an operational guidance to acquire land and compensate asset losses for a public interest investment.
6.2.1 World Bank OP 4.12 Policy Objectives

OP 4.12 holds that displaced people should be assisted in their efforts to improve their livelihoods or at least to restore their lives in real terms, to pre investment levels or to levels prevailing prior to the beginning of project implementation or whichever is higher. Where necessary, to achieve the objective of the policy, the resettlement plan or resettlement policy framework also includes measures to ensure that displaced persons are offered support after displacement, and provided with development assistance in addition to compensation measures (e.g.: land preparation, credit facilities, training, or job opportunities, in-kind compensation, or whatever measures have been identified as a subject of concerns to the displaced people.) In conducting communities' consultation and socioeconomic survey for the resettlement plan, special attention is paid to vulnerable households or persons such as: elderly, disabled, single-headed, or child-headed households; but also gender discriminating impacts. Appropriate accompanying measures are taken to assist such households or persons.

6.2.2 Compensation Guidelines Objectives

When the government or a statutory body undertakes a project which is of national importance and the only suitable land for that project is already occupied the president shall determine in accordance with section 32 of the Tribal Land Act that it is in the public interest that the land be acquired for the project. When such land is taken, compensation is payable as per section 33(2) of the Tribal Land Act. The acquiring body is responsible for aspects of the project including payment of compensation direct to the claimants. National projects include new airports, power stations, dams, schools, roads, village expansions etc. The Compensation Guidelines provide a set of practical rules and procedures to deal with land acquisition by ensuring fair and just compensation to the affected people. But beyond the provision of such compensation the guidelines do not seek any further objectives for the sake of the persons/households affected. Admittedly, in the course of implementing a project for the public interest, affected people are at best left in the same state as prior to the project, or worse off, depending on their personal vulnerability situation. If deemed necessary affected people might have to be displaced before payment of compensation.

6.2.3 Operational implications of the identified gap

This main gap has broad operational implications that further create a gap between the country's Compensation Guidelines and the World Bank OP 4.12. The Botswana Compensation guidelines allows for:

- Displacement and taking of land under certain conditions and circumstances before affected people are compensated;
- Physical displacement with no provision for temporary shelter or paying temporary land; meaning that affected persons might find themselves without shelter if the compensation is not paid ahead of time to enable them to build a new housing;
• Displacement of affected people before receiving any compensation if the land taking for civil works is not properly programmed to coincide with the completion of the compensation payments.

• The impoverishment of vulnerable groups if they receive cash compensation, but for various reasons due to age, disability, poverty, lack of opportunities they are not able to use it to restore their livelihoods to pre-project level or pre-displacement level.

The present Resettlement Policy Framework will apply the following principle to fill this operational gap, and fulfill both the requirements of the Government of Botswana and the World Bank's.

6.2.4 Measures to fill the Gap

6.2.4.1 Time Table for preparing and implementing compensation Programme or Resettlement Plan

The Compensation Programme or the Resettlement Plan for the project will be prepared and submitted for review by the competent entities, along with the feasibility study.

To avoid physical displacement or land taking before compensation is paid to the affected people, the timetable for displacing the affected people and land taking will show its chronological link with the start of the civil works.

However, in order not to cause undue delays to the start of civil works, the implementation of some assistance measures like job training should not be linked to civil works planning, as long the approved Compensation Programme or Resettlement Plan shows a clear timeframe, responsibility, and a budget committed to ensure their execution over time. (See table 1 below for other identified gaps and measures to fill them).
<table>
<thead>
<tr>
<th>Subject</th>
<th>Botswana Legislation, policies &amp; guidelines</th>
<th>World Bank Policy Requirement</th>
<th>Measures to Fill Gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timing of compensation payment</td>
<td>Compensation paid before displacement except in the case of emergencies, where an order is issued by the Minister of Lands and Housing to the effect that people should vacate their land before compensation is paid with commitment by the acquiring authority for full compensation at a subsequent date with interest.</td>
<td>Compensation to be paid prior to displacement and relocation. The displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.</td>
<td>Compensation Programme or Resettlement Plan prepared and submitted for review by the competent entities, along with the feasibility study. Timetable for displacing the affected people and land taking to show chronological link with the start of the civil works. The beginning of civil works may not be tied to assistance measures, but the approved Compensation Programme or Resettlement Plan should show a clear timeframe, responsibility, and a budget committed to ensure their execution over time.</td>
</tr>
<tr>
<td>Calculation of compensation</td>
<td>Compensation rates are reviewed yearly and for improvements on the land there are based on depreciated replacement value.</td>
<td>Compensation at full replacement cost for loss of assets attributable directly to the project. Depreciation of structures and assets should not be taken into account.</td>
<td>Botswana laws and Bank OP 4.12. are in agreement that there be compensation for loss of assets. There is however conflict between the Laws of Botswana and Bank OP 4.12 with regard to the assessment of the assets. Where there is conflict between Laws of Botswana and the Bank OP 4.12, the latter must take precedence if the Bank is to fund the sub-project.</td>
</tr>
<tr>
<td>Form of compensation</td>
<td>Land-for-land compensation when land is available. If land is not available, cash compensation is paid for all improvements on the land including the value equivalent to the loss of right to use the land</td>
<td>Recommends land-for-land compensation. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. If land is not available at reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and</td>
<td>Botswana laws and Bank OP 4.12. are in agreement that there be land compensation for land-based livelihoods if available. In cases where land is not available, Botswana laws supports cash payments while Bank OP 4.12 requires cash payments plus other assistance measures. To bridge this gap, all Compensation Programmes or Resettlement Plans must have a budget for other assistance measures in addition to cash compensation if the Bank is to fund the sub-project.</td>
</tr>
<tr>
<td>Squatters/Land users without formal title</td>
<td>No compensation shall be payable in a case where a dispossessed person is not in a position to adduce lawful title to the improvements which are affected by the proposed project. No compensation shall be payable for improvements which are in conflict with the land use zoning unless the owner-occupier can show that developments were carried out with authority of the land Board or were carried out prior to the zoning of the land in question.</td>
<td>Land users without formal title are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance as necessary, if they occupy the project area prior to a cut-off date. The Laws of Botswana will take precedence in as far as it recognizes rights of tenure. In cases where project affected persons have no rights of tenure or his/her land use is in conflict with the land use of the area he/she occupies according to Botswana laws, the provisions of the Bank OP 4.12 would apply in terms of their rights for compensation, consultation, grievance mechanism etc, where they have been affected by the project. Where there is conflict between Laws of Botswana and the Bank OP 4.12, the latter must take precedence if the Bank is to fund the sub-project.</td>
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</tr>
<tr>
<td>Special/vulnerable groups</td>
<td>No specific provision with respect to additional assistance and monitoring</td>
<td>The Work Bank policy encourages that special attention should be paid to the needs of vulnerable groups (those below poverty datum line, the landless, the elderly, women and children, indigenous people, ethnic minorities etc.) among the displaced. All Compensation Programmes or Resettlement Plans must have a budget for other assistance measures in addition to cash compensation if the Bank is to fund the sub-project.</td>
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<tr>
<td>Resettlement Assistance</td>
<td>No specific provision with respect to additional assistance and monitoring</td>
<td>In case of physical relocation, displaced persons are provided assistance (such as moving allowances) during relocation. The displaced should be provided with development assistance (such as land preparation, credit facilities, training, or job opportunities) in addition to compensation measures. Affected persons are</td>
<td></td>
</tr>
<tr>
<td>Information &amp; Consultation</td>
<td>In the event of acquisition of already occupied tribal land, Regulation 15 of the Tribal Land Regulations of 1970 is invoked. The acquiring authority with the assistance of the Land Board, make reasonable effort to identify and contact all occupiers within the zoned land. The EIA Act of 2005 Section 7 states that an applicant shall take all measures necessary to seek the views of the people or communities which are likely to be affected by the activity. The views of the affected communities should be documented to ensure that they are taken into consideration when a decision to implement the project is made.</td>
<td>Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement option, and offered opportunities to participate in planning, implementing and monitoring resettlement.</td>
<td>Both Botswana laws and Bank OP 4.12 values the consultation of affected people. Bank OP 4.12 requires that the affected be involved in designing resettlement options, but Botswana’s consultation process falls short of that as the affected are just informed about the impending displacement and are not involved in designing the resettlement options. Involving the affected in designing resettlement options does not contravene the laws of Botswana and can therefore be adopted if the Bank is to fund the process. The current practice in Botswana is to consult the whole community and not targeting the affected directly. Under this framework, the affected must be targeted and consulted as a group and as individuals.</td>
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<tr>
<td>Grievances</td>
<td>In the event of the applicants being dissatisfied with the compensation assessment, they must be advised to appeal to the Minister of Lands and Housing who may then appoint an arbitrator in accordance with section 25 (2) of the Tribal Land Act, Cap. 32:02. The claimants have the right to take the appeal to Court if they so wish. Section 40 of the Tribal Land (Amendment) Act of 1993 provides for the establishment of the Land Tribunal to assume the responsibility of the Minister in adjudicating on these appeals. Any party who is aggrieved by the decision of the Land Tribunal may appeal to the High Court on a point of law only.</td>
<td>Appropriate and accessible grievance mechanisms to be established</td>
<td>In Botswana there are established grievance mechanisms in place and Bank OP 4.12 requires that these mechanisms be accessible. The Botswana grievance mechanisms seems not very accessible and this framework has recommended new grievance mechanisms which however lack legitimacy as they may not be easy to enforce under Botswana laws as they have not evolved from the Botswana legal system.</td>
</tr>
</tbody>
</table>
7.0 Resettlement Policy Framework

The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by road projects. The RPF is prepared to the standards of the Government of the Republic of Botswana’s own laws and policies on resettlement and the policy of the World Bank, OP4.12 on Involuntary Resettlement. The RPF governs the implementation of civil works under the OPRC project’s component, and is used in conjunction with the Environmental and Social Management Framework (ESMF) that has also been prepared as a separate stand alone document. In preparing this Framework, a social survey was conducted in Maun and Sekoma to assess compensation accorded to persons displaced by the Maun Airport expansion and the Sekoma-Kokotsha Road Project respectively (see annex 1).

The RPF covers the following sections:

A) Principles and objectives governing resettlement preparation and implementation
B) A description of the process for preparing and approving resettlement plans
C) Land acquisition and likely categories of impact
D) Eligibility criteria for defining various categories of project affected persons
E) A legal framework reviewing the fit between the laws of Botswana and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.
F) Methods of valuing affected assets
G) Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer
H) A description of the implementation process, linking resettlement implementation to civil works
I) A description of the grievance redress mechanisms
J) A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation and monitoring
K) Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

7.1 Principles and objectives governing resettlement preparation and implementation

The World Bank experience with development projects’ implementation around the world show that involuntary resettlement, if unmitigated, often give rise to severe economic, social and environmental risks. Based upon those experiences, the World Bank evolved a resettlement policy guided by the following objectives:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs
Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons must be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

In projects involving involuntary restriction of access to legally designated parks or protected areas, the nature of restriction, as well as the type of measures necessary to mitigate adverse impacts should be determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a participatory process framework acceptable to the Bank.

In line with the World Bank objectives above therefore, this Resettlement Policy Framework provides:

a) Involuntary resettlement would be averted where possible and where population displacement is unavoidable, other viable project options would be explored to minimize impact. In case of displacement, all types of losses would be identified, clearly defined and properly categorized to reflect the nature of the loss.

b) Compensation would be given to project displaced persons before their relocation and/or land acquisition and/or loss of incomes associated with change in land use due to the project.

c) Appropriate methods for estimating the compensation and/or benefit to the displaced persons for their losses would be adopted. The compensation and/or benefit estimation would be in line with World Bank Operational Policies (OP 4.12) that specifies that resettlement activity would be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits. The compensation and/or benefit to the displaced is intended to ensure that the living standards of the project affected persons are maintained or raised to a substantial level.

d) Displaced persons would be given timely and relevant information on eligibility, modes of compensation and benefit, the restoration and monitoring plan, update on the project, and involved in the implementation of resettlement arrangements (community participation). The PAPs would be consulted and given the chance to participating in the design, implementation and monitoring of the resettlement.

e) The implementing agency would supervise the resettlement activities including the payment of compensation as well as monitoring and evaluation. A comprehensive database, based on which values will be assessed, validated in the event of disputes and more importantly serve as the database for monitoring and evaluation of the resettlement instrument.
7.2 **A description of the process for preparing resettlement plans**

OP 4.12 calls for the preparation of individual Resettlement Plans that must be consistent with this RPF. The first stage in the process of preparing the individual resettlement plans is the screening process to identify the land acquisition and land use needs that would cause resettlement. The resettlement plan would contain the analysis of alternative sites undertaken during the land screening process. For every specific sub-project which requires land acquisition and which leads to the physical displacement of more than 200 persons, a resettlement action plan (RAP) will be prepared for the Banks approval. The RAP will be abbreviated or detailed depending on the magnitude of displacement. In projects where no affected persons is displaced and less than 10% of the productive assets are affected or where fewer than 200 people are displaced, an abbreviated resettlement action plan will be prepared.

In line with World Bank OP 4.12 requirements, resettlement plans would include procedures to ensure that the displaced persons are:

a) Informed about their options and rights pertaining to resettlement
b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
c) Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project
d) Enabled to restore and preferably improve their living standards compared to pre-project ones.

A) **Outline of a Resettlement Action Plan:**

a) *Description of the project* — general description of the project and identification of the project area

b) *Potential impacts* — identification of the project component or activities that give rise to resettlement; the zone of impact of such component or activities; the alternatives considered to avoiding or minimizing resettlement; and the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

c) *Socio-economic studies* — a socio-economic study to be conducted in the early stages of the project to obtain information on; current occupants of the affected area, standard characteristics of displaced households, the magnitude of the expected loss, vulnerable groups or persons, displaced people’s livelihoods, and standards of living, land tenure and transfer systems including an inventory of common property natural resources from which people derive their livelihoods and sustenance, patterns of social interaction, public and social infrastructure that will be affected, and social and cultural characteristics of displaced communities.

d) *Eligibility criteria (including vulnerable groups)* — definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off date
e) Valuation of and compensation of losses — the methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets (see section on methods of valuing affected properties of this RPF).

f) Site selection, site preparation, and relocation — alternative relocation sites considered and explanation of those sites selected.

g) Community consultation and participation — description of strategies for involving resettler and host communities in design and implementation of the resettlement activities; a summary of views expressed and how the views were taken into account; a review of resettlement alternatives presented and the choices made by the displaced persons; and the institutional arrangements by which the displaced persons can communicate their concerns and measures to ensure the participation and representation of vulnerable groups.

h) Integration with host community — measures to mitigate the impact of resettlement on any host communities.

i) Organizational responsibility — the organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures needed to strengthen the implementing agencies’ capacity to design and carry out resettlement activities; provisions for transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

j) Implementation schedule — an implementing schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

k) Cost and budget — tables showing itemized cost estimates for all resettlement activities, including contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

l) Mechanism for conflict resolution and appeals — affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. (See section on description of the grievance redress mechanisms).
m) Monitoring, evaluation – arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process, evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

B) Outline of an Abbreviated Resettlement Plan

In the case where fewer than 200 people are displaced or no PAP is displaced and less than 10% of their productive assets are affected, an abbreviated resettlement action plan would be prepared. The abbreviated resettlement plan covers the following minimum elements:

a) A census of the displaced persons and valuation of assets  
b) Description of compensation and other resettlement assistance to be provided  
c) Consultations with displaced people about acceptable alternatives  
d) Institutional responsibility for implementation and procedures for grievance redress  
e) Arrangements for monitoring and implementation  
f) A timetable and budget

C) Outline of a Process Framework

If any of the sub-projects involves restriction of access to any natural resource, parks, or Protected Areas, a process framework would be prepared for appraisal by the Bank. The process framework describes the participatory process by which the following activities will be accomplished:

a) Project components will be prepared and implemented  
b) Criteria for eligibility of affected persons will be determined  
c) Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified  
d) Potential conflicts or grievances within or between communities will be resolved  
e) Administrative and legal procedures  
f) Monitoring arrangements

7.3 Land acquisition and likely categories of affected parties

The displaced persons would be classified using identifiable demographics such as individuals, households, indigenous, gender, age groups etc. and their standards of living and specific needs identified, described and assessed. This would be undertaken as part of the RAP. This is because the exact sub-project locations are have not yet been determined and it would not be possible to estimate the likely number of people who may be affected since the technical details of the sub-
projects have not been developed and are unknown. However, the likely impacted/affected parties can be classified into five groups namely:

i. Individual – an individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the project activities and to whom compensation is due.

ii. Household – a household is affected if one or more of its members’ losses assets or investments, land and property and/or access to natural and/or economical resources as a result of project activities.

iii. Vulnerable households – includes those below poverty datum line, the landless on communal land, the elderly, women, children, orphans, those afflicted by HIV/AIDS, and indigenous people. These groups of people are identified through the socio-economic and baseline study. These groups of people are normally marginalized and often do not have a voice. Identifying them ensures that special attention would be paid to them by identifying their needs and ensuring that they are not left out in the participatory process of the project activities. Special attention is paid to monitoring them to ensure that their pre-project livelihood is indeed improved and are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project.

iv. Host communities – strain on existing infrastructure and services resulting from the increased population resulting from the resettlers.

v. Communities (when common goods such as schools, meeting places, place of worship are affected)

**7.4 Eligibility criteria for defining various categories of project affected persons**

In accordance with the World Bank Safeguard Policy OP 4.12, displaced persons may be classified in one of the following three groups:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan
- Those who have no recognizable legal right or claim to the land they are occupying.

Those covered under a) and b) above are to be provided compensation for the land they lose, and other assistance in accordance with the World Bank Policy. Persons covered under c) are to be provided with resettlement assistance if they occupy the project area prior to a cut-off date. In line with the World Bank Policy, any person who suffers loss of or damage to an asset or loss of access to productive resources, as a consequence of the implementation of any of the road projects under the Performance Based Long Term Road Contracts (OPRC) would be considered eligible for compensation and/or resettlement assistance, provided the damage or loss is caused by the project and satisfies the conditions of the cut-off date. The cut-off date will be decided and put into effect during the socio-economic survey. The cut-off date is the date the census begins.
It could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. This idea of a cut-off date is consistent with the laws of Botswana and the World Bank Policy.

The laws, policies and compensation guidelines for Botswana do not recommend compensation for persons without recognizable legal rights or claim to land and those with claims which are in conflict with the land use zoning unless the owner-occupier can show that developments were carried out with authority of the land Board or were carried out prior to the zoning of the land in question. The Laws of Botswana will take precedence in as far as it recognizes rights of tenure. In cases where project affected persons have no rights of tenure or his/her land use is in conflict with the land use of the area he/she occupies according to Botswana laws, the provisions of the Bank OP 4.12 will apply in terms of their rights for compensation, consultation, grievance mechanism etc, where they have been affected by the project. Where there is conflict between Laws of Botswana and the Bank OP 4.12, the latter must take precedence if the Bank is to fund the sub-project. The implementing agencies will consider various forms of evidence as proof of eligibility including establishing non-formal, undocumented or unrecognized claims to eligibility such as:

- Official declarations signed by the landlords and tenants
- Witnessing or evidence by recognized traditional authority e.g. chiefs, headmen or ward heads, and elders in the general community

Thus all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise are eligible of assistance if they occupied the land before the cut-off date. Persons who encroaches the area after the cut-off date are not entitled to compensation or any form of assistance. However, such persons could still lodge any grievances through the set up and accepted grievance mechanisms. The provision is meant to cater for cases where some persons are away from the project affected area at the time of the inventory and enumeration.

### 7.5 Methods of valuing affected assets

The compensation assessment committee would collect all relevant primary and secondary data on affected property as part of the valuation inspection. The data collected would serve as the basis for assessment of loss. This data would also be used for monitoring, evaluating and auditing to see whether the livelihoods of the displaced people have been restored to pre-displacement levels or even improved. Below is a list of properties likely to be affected by roads projects under the OPRC (precise property lists would be verified in the RAP).
Table 2 showing likely categories of impact, valuation process and categorization of loss and impacts

<table>
<thead>
<tr>
<th>Category</th>
<th>Valuation process</th>
<th>Categorization of loss and/or impact</th>
<th>Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>• Acquire location details of land</td>
<td>• Loss of urban land for residential, commercial and industrial use</td>
<td>• Full replacement cost</td>
</tr>
<tr>
<td></td>
<td>• Mark out the boundaries of the area of the land to be affected</td>
<td>• Loss of rural land for cultivation, forestry, grazing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Determine the size of the land area to be affected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings (fixed structures)</td>
<td>• Take pictures and measurements of all affected fixed properties (both inside and outside)</td>
<td>• Main buildings</td>
<td>• Full replacement cost</td>
</tr>
<tr>
<td></td>
<td>• Note down all property details together with construction details and external works</td>
<td>• Ancillary buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Fence walls</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Other civil works</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Loss of location and expense for moving structures</td>
<td></td>
</tr>
<tr>
<td>Temporary structures</td>
<td>• Note down all temporary structures together with construction details, size, use and all external works</td>
<td>• Loss of business, residential or industrial, accommodation or room</td>
<td>• Full replacement cost</td>
</tr>
<tr>
<td>(movable properties)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops</td>
<td>• Stage of growth</td>
<td>• Loss of food crops</td>
<td>• Full replacement cost</td>
</tr>
<tr>
<td></td>
<td>• Size of farm under crops</td>
<td>• Loss of fruit trees</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Loss of shade trees</td>
<td></td>
</tr>
<tr>
<td>Intangible assets</td>
<td>• Obtain demographics of the affected persons</td>
<td>• Loss of business goodwill</td>
<td>• Full replacement cost</td>
</tr>
<tr>
<td></td>
<td>• Obtain data on livelihoods of the affected persons</td>
<td>• Loss of rented income</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Determine intangible loss on households, business and livelihoods</td>
<td>• Loss of wage income</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Loss of fees from trainees or apprentices</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Loss of access to utilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Disturbance</td>
<td></td>
</tr>
</tbody>
</table>
World Bank OP 4.12 stipulates that where domestic law does not meet standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. The Bank maintains that for land based livelihoods, compensation should be land compensation. For livelihoods that are not land based, cash compensation levels must be sufficient to replace the lost land and other assets at full replacement cost in the local market. The compensation will be in cash, in-kind and/or through assistance. Cash compensation would be calculated in Botswana Pula and rates would be adjusted for inflation. In-kind compensation may include items such as land, houses, other buildings, building materials, agricultural inputs and financial credits for equipment. Assistance may include moving allowance, transportation and labor. Table 3 below shows the method of valuation.

**Table 3 Methods of valuation**

<table>
<thead>
<tr>
<th>Types of Loss</th>
<th>Method of Valuation</th>
</tr>
</thead>
</table>
| Loss of land  | Urban area: should be based upon comparative market sales method in urban areas  
Rural areas: it should be based upon the market price of labor invested and if replacement land is available, it must be the same size and comparable quality as land lost, determinable by the farmer |
| Loss of buildings and other works | Replacement cost or open market price method (whichever offers a commensurate value) |
| Loss of trees, perennial crops, food crops | Replacement cost or open market price method. For vegetable gardens the replacement cost will be calculated based on the average amount that an average person or household spends buying vegetables for one year per adult from the local market. Fruit trees, used for commercial purposes will be compensated at market value based on historical production records. Fruit trees used for domestic consumption will be compensated based on providing fruit tree seedlings as well as cash payments to offset lost yearly income. Compensation will be paid to households/individuals for shade tress located on their land. With regard to compensation for crops, the compensation will cover the average cost of clearing, cultivating, sowing, and weeding. The actual crops will be compensated based upon market value at low season. |
| Loss of business income and loss of business goodwill | Comparative market price/sales ÷ compare to businesses in the area doing similar business |
| Loss of income from rent and expenditure incurred for alternative accommodation during reinstatement period | Comparative market price/sales ÷ compare to rental houses in the area |
| Expenditure incurred for transfer of movable properties and temporary structures | Comparative market price/sales ÷ compare to transportation rates in the area |
| Loss of wages, loss of fees from apprentice and loss of job training | Comparative market price/sales ÷ compare to local income rates for similar activities in the area |
7.6 Organizational procedures for the delivery of entitlements

The full cost of resettlement activities necessary to achieve the objectives of the project is included in the total cost of the project. Implementing agencies will follow appropriate procedures for assessing and delivering entitlements to affected persons. The procedures for delivery of entitlements will be detailed in each RAP and would ensure the following:

- Notification and participation by PAPs once the boundary of the needed land has been determined all within the boundary must be immediately informed and a cut-off date set. PAPs must be involved in project planning, implementation, monitoring and evaluation. By the time the compensation process kick start, none of the PAPs is simply "notified" one day that they are affected, but would have been involved from the beginning.

- Documentation of holding and assets for each PAP a compensation database containing necessary personal information on, the affected party and also those that he/she claims as household members, total land holdings, inventory of assets affected, and information on monitoring their future situation will be developed by the compensation assessment committee.

- Agreement on compensation and preparation of contracts the compensation assessment committee will arrange meetings with affected individuals and households to discuss compensation. At these meetings, all types of compensation are to be clearly explained to the individual and households involved. The PAPs are allowed to accept or reject the compensation offer and offer a counter claim. In case of disagreements, the PAPs seek redress under the grievance procedures established. If the compensation offer is accepted, the compensation assessment committee draws up a contract listing all property and land being surrendered, and the types of compensation selected. The Compensation Assessment Committee communicates the amount to be paid by the acquiring agency to the Department of Lands, Ministry of Lands and Housing which then ensures that the amounts are fair and adequate. Approval of payments will be given by the Minister of Works and Transport, Roads Department.

- Compensation payment - full payment of compensation is done before possession of acquired sites by the acquiring authority. Payments are made to the affected persons personally by the acquiring agency in the presence of the Compensation Assessment Committee and an independent witness of the affected persons and proper receipts are issued and comprehensive reports of payment are made.

- Relocation and take over before take over and demolition of existing structures on the project site, adequate notice will be served to affected persons concerning date of demolition, to afford them the opportunity to conveniently move out and/or salvage any building materials.
7.7 A description of the implementation process, linking resettlement implementation to civil works

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual resettlement plan of action. For project activities that restrict access to or income from the use of natural resources, alternative arrangements to secure equal or greater resources through income schemes, alternative assignment of resources, the domestic planting of medicinal plants if possible, and other schemes should be in place before restrictions are fully enforced.

Resettlement and compensation plans will contain acceptable measures that link resettlement activity to civil works in compliance with the World Bank Policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically and physically) due to civil works activity before compensation is paid and resettlement sites, if required are prepared with adequate facilities and provided for to the individual or homestead affected. A resettlement Action Plan or Abbreviated Plan if needed will be prepared along with technical design for the civil works by the Contractor and submitted to the Department of Roads for review and approval. Once the resettlement plan is approved by the local and national authorities, the resettlement plan will be sent to the World Bank for final review and approval.

7.8 A description of the grievance redress mechanisms

The Ministry of Works and Transport, Roads Department shall be responsive to the concerns of the people affected by the project. Both formal and informal dispute resolution mechanisms will be employed. At the time Resettlement Action Plans (RAPs) are approved and individual compensation contracts are signed, the PAPs would have been informed of the process of expressing dissatisfaction and to seek redress. As much as possible the grievance procedure will be simple, administered as far as possible at the local level to facilitate access. The implementing agency will facilitate the setting up of grievance committees comprising members nominated by the Project Affected Persons (PAPs) in each affected settlement, the Chief and representatives of the Village Development Committee. These committees will receive grievances from the PAPs to redress. If the grievance committee is unable to address the concerns (or the affected persons decide not to use the grievance committee), a formal report may be made to the Compensation Assessment Committee and/or implementing agency either by the PAP or his/her representative. The Land Board is a key member of the compensation assessment committee and have offices in all districts and sub-districts and therefore accessible to the PAPs. If the PAP is dissatisfied with the solution provided at that level he/she may seek redress from the Minister of Lands and Housing or Land Tribunal. If still not satisfied, the PAP may appeal to the High Court as provided for in the laws of Botswana.
7.9 A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation and monitoring

The project affected persons will be consulted and involved in all resettlement activities: planning, implementation and monitoring. The participation of PAPs afford them better appreciation of the project, the resettlement issues and gives them a chance to voice their concerns about the project, and they may put forward options and concessions that are predisposed to promote implementation. Public consultation would occur during the preparation of the socio-economic study, resettlement and compensation plan, and the environmental impact assessment study. In Botswana, all major development projects like road construction are subjected to an EIA process. The Botswana Environmental Impact Assessment Act of 2005, Section 7 requires that the project proponent seek the views of the people or communities which are likely to be affected by the proposed activity. Public participation and consultation will take place through meetings, interviews, questionnaire administration, timely provision of project information to PAPs (through fliers and brochures) etc. PAPs will be involved in grievance committees and monitoring teams. The participation of the Affected Persons will be facilitated by a Resettlement Coordinator recruited by the implementing Agency for the OPRC (Contractor).

7.10 Arrangements for implementing and Monitoring the RPF.

During project preparation:
The Consultant recruited for the conceptual design of the OPRC component, and who will prepare the bidding documents and criteria of payment to the Contractor through the Level of Service (quantitative and qualitative criteria) will attach the RPF as social safeguards specifications in the bidding documents. The Consultant will also develop remedial measures (when, how, how much) that will be deducted from the Contractor if these social specifications are not met, as required by the RPF.

During the entire Project's lifecycle, the Contractor will design and implement all civil works under the OPRC scheme according to the social standards described in the RPF.

During project implementation:

Since OPRC is an output-based contract, i.e. Contractor is only paid if it reaches the Level of Service parameters, the Road Department will control the implementation of the OPRC activities throughout the project lifespan through a specialized (most probably) outsourced Monitoring Consultant.

In case of land acquisition leading to loss of shelter, incomes or income sources, or leading to the restriction of access to natural resources, parks or protected areas, a Resettlement Plan, or an Abbreviated Resettlement Plan per the Resettlement Policy Framework, depending on the magnitude of impacts will be prepared by the Contractor along with the technical engineering design and submitted for approval to the Road Department and the World Bank, prior to approval of the proposed engineering design.
Once approved, the Resettlement or Abbreviated Plan will be disclosed in-country among the affected communities and at the World Bank InfoShop prior to its implementation.

The Resettlement Plan or Abbreviated Plan should be implemented by the Contractor prior to the start of civil works; specifically, affected people should be compensated before any land taking occurs.

All complaints lodged with the Contractor by PAPs should be resolved before payment occurs, provided that the resolution of these complaints is within its capacity.

Furthermore, the Contractor will hire a Resettlement Coordinator to facilitate the consultation with Project Affected Persons, and the redress of complaints received. In order to reduce the number of complaints on the amount of compensation paid, the Contractor will also ensure through the Resettlement Coordinator that the valuation of affected assets is conducted by skilled professional valuers. The Monitoring Consultant and the Road Department will ensure that the valuation is conducted by qualified valuers.

Last but not least, the Monitoring Contractor will ensure that the Contractor has the skills/staff needed to prepare and implement the Resettlement Plan.

**Impacts evaluation:**

An audit will be conducted by the Monitoring Consultant to determine whether the efforts to restore the living standards of the affected populations have been properly designed and executed. This audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate the mitigation actions prescribed in the RAP have had the desired effects. The findings of the audit will be reported in a Completion Audit. The baseline conditions of the affected parties before relocation will be used as a measure against their socioeconomic status after the resettlement activities.

A number of indicators will be used in order to determine the status of the affected people:

- land being used compared to before displacement,
- standard of housing compared to before displacement,
- level of participation in project activities,
- number of unresolved complaints (by various authorities),
- level of satisfaction with compensation payment
- Level of satisfaction with grievances redress.

In order to assess whether these goals are met, the Resettlement Plans will indicate specific parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The relevant data will be collected by the Contractor as part of RAP implementation, and included in the Completion Audit. These data will be checked by the Monitoring Consultant, who will also review the Completion Audit.
Oversight of RPF implementation

The Roads Department through its Environmental Expert will ensure that the Monitoring Consultant has the skills to also monitor the implementation of environmental and social parameters contained in the Contractor’s contract.

7.11 Institutional Capacity to implement the RPF

The Road Department has hired an environmental expert since September 2007. This in-house Expert will be in charge for overseeing the implementation of the RPF by the Contractor, through the Monitoring Consultant. Specifically, the Environmental Expert at the Road Department will ensure that (i) the social safeguards specifications are enclosed in the bidding documents; (ii) that the Contractor has recruited a Resettlement Coordinator expert in case of new land acquisition leading to loss of shelter, incomes, income sources, or restriction of access (involuntary resettlement), (iii) that the Monitoring Consultant has the skills/staff to supervise the implementation of social parameters per the RPF provisions. Furthermore, the Environmental Expert will review the Resettlement Plans and the Completion Audit prepared by the Contractor to ensure its consistency with the RPF.

The capacity to implement the country’s compensation guidelines is low with respect to valuation methodology, and consultation with affected persons. A stakeholders’ workshop will be organized to present the RPF, explain and clarify the role of other stakeholders (DEA, Department of Lands, and concerned Land Board) in its implementation, address the gaps identified between the country laws and the World Bank Policies, discuss the common issues encountered in the valuation of affected assets and the consultation process with affected people.

7.12 Lessons learned from the implementation of compensation in the country and included in the design of the Transport Integrated Project

The extension of the Maun Airport physically displaced 34 people, all of which indicated in a post-displacement survey that the compensation received was not adequate, and 25 of them lodged complaints in that respect (16 with the Developer, 5 with the Land Board, 1 with the Ministry of Lands and Housing and 1 with the Department of Lands), but no action was taken by these authorities. In the same vein, the civil works for the Sekoma-Kokotsa Road Project partially affected 14 people and 2 lodged complaints with the Land Board regarding the level of compensation received, but did not receive any feedback.

The PAPs complained among other things about the short notice prior to displacement (3 months in the case of Maun Airport extension), the lack of infrastructures and social services at the host site, the lack of adequate consultation and compensation. Drawing lessons from these two projects, the institutional arrangement for RPF implementation provides the following:

- The Contractor should have a full time Resettlement Coordinator who is fully involved in the consultations with the PAPs and in receiving grievances from them. The Resettlement Coordinator should ensure that the assets valuation is conducted by skilled valuers, in order to reduce the number of complaints.
• One of the social parameters to be included in the social specification is that all complaints lodged by the PAPs with the Contractor should be resolved before payment occurs (Level of Service).
• The approach to grievance management is both (i) preventive, with the recruitment of Relocation Coordination to facilitate consultation and grievance redress; and (ii) local, with the establishment of Grievance Committees by the Contractor.

7.13 Budget

The budget for the stakeholders’ workshop for the RPF is estimated at P30,000.00

As part of preparation for the implementation of OPRC operations, it is necessary that an implementation budget for the RPF be in place. It is, therefore, recommended that the Department of Roads draws up a detailed budget that will ensure effective implementation of this RPF. Budgetary requirements for successful implementation of the RPF will require resource allocation for:

• Institutional development activities
• The training program for communities, extension teams and local authorities to implement their RPF responsibilities
• Technical assistance to local authorities and extension teams
• The preparation of RAPs
• Paying compensation for affected persons
8.0 References


Department of Lands, revised April 2006. Compensation Guidelines for Tribal Areas. Ministry of Lands and Housing, Botswana


Dickson, w. l. (1990), *Land Tenure and Management in a Developing Country*, Gaborone, University of Botswana, NIR Working Paper No. 54.


Kweneng district administrator (1982), ‘Mogoditshane: Gaborone’s refuge or traditional village’ (unpublished memo).


Schapera, I. (1943), Native Land Tenure in the Bechuanaland Protectorate, Cape Town, Lovedale.


9.0 Annexes

9.1 Annex 1

9.1.1 Maun Airport Expansion Project (see attached survey instrument as Annex 2)

The majority 68.9% of the people displaced are females

Table 1: Showing gender of respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Male</td>
<td>9</td>
<td>26.5</td>
<td>26.5</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>25</td>
<td>73.5</td>
<td>100.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 2: Showing marital status of respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Married</td>
<td>7</td>
<td>20.6</td>
<td>20.6</td>
</tr>
<tr>
<td></td>
<td>Single</td>
<td>24</td>
<td>70.6</td>
<td>91.2</td>
</tr>
<tr>
<td></td>
<td>widowed</td>
<td>3</td>
<td>8.8</td>
<td>100.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 3: Showing whether respondent is household head or not

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Yes</td>
<td>31</td>
<td>91.2</td>
<td>91.2</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>3</td>
<td>8.8</td>
<td>100.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 4: Showing source of Income for the respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Formal Employment</td>
<td>9</td>
<td>26.5</td>
<td>26.5</td>
</tr>
<tr>
<td></td>
<td>Self-employed</td>
<td>4</td>
<td>11.8</td>
<td>11.8</td>
</tr>
<tr>
<td></td>
<td>Farming</td>
<td>2</td>
<td>5.9</td>
<td>5.9</td>
</tr>
<tr>
<td></td>
<td>Unemployed</td>
<td>19</td>
<td>55.9</td>
<td>55.9</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
### Table 5: Showing income for the respondents

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below P1,000.00</td>
<td>7</td>
<td>20.6</td>
<td>20.6</td>
<td>20.6</td>
</tr>
<tr>
<td>Between P1,000.00 and</td>
<td>4</td>
<td>11.8</td>
<td>11.8</td>
<td>32.4</td>
</tr>
<tr>
<td>P5,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Above P10,000.00</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>35.3</td>
</tr>
<tr>
<td>No Income</td>
<td>22</td>
<td>64.7</td>
<td>64.7</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

### Table 6: Showing when respondent was informed about the impending displacement?

<table>
<thead>
<tr>
<th>Year</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>3</td>
<td>8.8</td>
<td>8.8</td>
<td>8.8</td>
</tr>
<tr>
<td>2005</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>11.8</td>
</tr>
<tr>
<td>2006</td>
<td>12</td>
<td>35.3</td>
<td>35.3</td>
<td>47.1</td>
</tr>
<tr>
<td>2007</td>
<td>2</td>
<td>5.9</td>
<td>5.9</td>
<td>52.9</td>
</tr>
<tr>
<td>Does not remember</td>
<td>16</td>
<td>47.1</td>
<td>47.1</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

### Table 7: Showing respondents opinion on the adequacy of compensation

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>6</td>
<td>17.6</td>
<td>17.6</td>
<td>17.6</td>
</tr>
<tr>
<td>No</td>
<td>28</td>
<td>82.4</td>
<td>82.4</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

### Table 8: Showing reasons why respondents think compensation is not adequate

<table>
<thead>
<tr>
<th>Reason</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>We were just told and not consulted</td>
<td>18</td>
<td>52.9</td>
<td>52.9</td>
<td>52.9</td>
</tr>
<tr>
<td>We were give a short time to move</td>
<td>10</td>
<td>29.4</td>
<td>29.4</td>
<td>82.4</td>
</tr>
<tr>
<td>N/A</td>
<td>6</td>
<td>17.6</td>
<td>17.6</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

### Table 9: Showing the effects of the project on the respondents

<table>
<thead>
<tr>
<th>Effect</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completely displaced</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 10: Showing types of compensation given to the respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Given alternative</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>land and cash</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>compensation for</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>improvements on</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the land</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 11: Showing other assistance accorded to the respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No assistance</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 12: Showing respondents assessment as to whether they recovered from their losses

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>No</td>
<td>33</td>
<td>97.1</td>
<td>97.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 13: Showing reasons why the respondents have not recovered from their losses

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation money was</td>
<td>25</td>
<td>73.5</td>
<td>73.5</td>
<td>73.5</td>
</tr>
<tr>
<td>not adequate + resettlement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>area has no infrastructural</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and social services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation not based on</td>
<td>5</td>
<td>14.7</td>
<td>14.7</td>
<td>88.2</td>
</tr>
<tr>
<td>current replacement value</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>3</td>
<td>8.8</td>
<td>8.8</td>
<td>97.1</td>
</tr>
<tr>
<td>No services + compensation</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>100.0</td>
</tr>
<tr>
<td>not based on replacement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>value</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 14: Showing the respondents opinion on whether the compensation was adequate

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 15: Showing whether the respondent lodged any complaint regarding compensation

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Yes</td>
<td>25</td>
<td>73.5</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>9</td>
<td>26.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>34</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 16: Showing the different authorities the respondents lodged their complaint

<table>
<thead>
<tr>
<th>Authorities</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister of Lands and Housing</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>5.9</td>
</tr>
<tr>
<td>Land Board</td>
<td>5</td>
<td>14.7</td>
<td>14.7</td>
<td>20.6</td>
</tr>
<tr>
<td>Developer</td>
<td>16</td>
<td>47.1</td>
<td>47.1</td>
<td>67.6</td>
</tr>
<tr>
<td>Chief</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>70.6</td>
</tr>
<tr>
<td>Minister, Chief and Developer</td>
<td>1</td>
<td>2.9</td>
<td>2.9</td>
<td>73.5</td>
</tr>
<tr>
<td>N/A</td>
<td>9</td>
<td>26.5</td>
<td>26.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 17: Showing the outcome of complaints lodged by respondents

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>No action was taken</td>
<td>24</td>
<td>70.6</td>
</tr>
<tr>
<td></td>
<td>Was advised to get a lawyer</td>
<td>1</td>
<td>2.9</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>9</td>
<td>26.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>34</td>
<td>100.0</td>
</tr>
</tbody>
</table>
9.1.2 Sekoma-Kokotsha Road Project (see attached survey instrument as annex 2)

Table 18: Showing gender of respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>5</td>
<td>35.7</td>
<td>35.7</td>
<td>35.7</td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
<td>64.3</td>
<td>64.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 19: Showing marital status of respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>4</td>
<td>28.6</td>
<td>28.6</td>
<td>28.6</td>
</tr>
<tr>
<td>Single</td>
<td>9</td>
<td>64.3</td>
<td>64.3</td>
<td>92.9</td>
</tr>
<tr>
<td>widowed</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 20: Showing whether respondent is household head or not

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>13</td>
<td>92.9</td>
<td>92.9</td>
<td>92.9</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 21: Showing source of Income for respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Employment</td>
<td>3</td>
<td>21.4</td>
<td>21.4</td>
<td>21.4</td>
</tr>
<tr>
<td>Self-employed</td>
<td>2</td>
<td>14.3</td>
<td>14.3</td>
<td>35.7</td>
</tr>
<tr>
<td>Farming</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
<td>42.9</td>
</tr>
<tr>
<td>Unemployed</td>
<td>8</td>
<td>57.1</td>
<td>57.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 22: Showing income of respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below P1, 000.00</td>
<td>6</td>
<td>42.9</td>
<td>42.9</td>
<td>42.9</td>
</tr>
<tr>
<td>No Income</td>
<td>8</td>
<td>57.1</td>
<td>57.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
Table 23: Showing when respondent was informed about the impending displacement

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>10</td>
<td>71.4</td>
<td>71.4</td>
</tr>
<tr>
<td>2007</td>
<td>2</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td>Does not remember</td>
<td>2</td>
<td>14.3</td>
<td>85.7</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 24: Showing respondents opinion on the adequacy of compensation

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>9</td>
<td>64.3</td>
<td>64.3</td>
</tr>
<tr>
<td>No</td>
<td>5</td>
<td>35.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Taken 25: Showing reasons why respondents think compensation is not adequate

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>We were just told and not consulted</td>
<td>5</td>
<td>35.7</td>
<td>35.7</td>
</tr>
<tr>
<td>N/A</td>
<td>9</td>
<td>64.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 26: Showing the effects of the project on the respondents

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completely displaced</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
</tr>
<tr>
<td>Part of my land was taken</td>
<td>10</td>
<td>71.4</td>
<td>78.6</td>
</tr>
<tr>
<td>Part of my improvements on the land was destroyed</td>
<td>3</td>
<td>21.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 27: Showing types of compensation given to the respondents

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Given alternative land and cash compensation for improvements on the land</td>
<td>1</td>
<td>7.1</td>
</tr>
<tr>
<td></td>
<td>Given cash compensation for improvements or crops on the land</td>
<td>13</td>
<td>92.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>14</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 28: Showing other assistance accorded to the respondents

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No assistance</td>
<td>14</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 29: Showing respondents assessment as to whether they recovered from their losses

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>11</td>
<td>78.6</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>3</td>
<td>21.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>14</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 30: Showing reasons why the respondents have not recovered from their losses

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Compensation money was not adequate + resettlement area has no infrastructural and social services</td>
<td>2</td>
<td>14.3</td>
</tr>
<tr>
<td></td>
<td>Compensation not based on current replacement value</td>
<td>1</td>
<td>7.1</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>11</td>
<td>78.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>14</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Table 31: Showing the respondents opinion on whether the compensation was adequate

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Yes</td>
<td>4</td>
<td>28.6</td>
<td>28.6</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>10</td>
<td>71.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 32: Showing whether the respondent lodged any complaint regarding compensation

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Yes</td>
<td>2</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>12</td>
<td>85.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 33: Showing the different authorities the respondents lodged their complaint

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Land Board</td>
<td>2</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>12</td>
<td>85.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 34: Showing the outcome of complaints lodged by respondents

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>No action was taken</td>
<td>2</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>12</td>
<td>85.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
9.1.3 Developer/Acquiring Authority/Department of Civil Aviation – Maun Airport Expansion Project (also see annex 3)

The following issues were raised by the Department of Civil Aviation representative:

« The Department of Civil Aviation informed the affected community through Kgotla meetings about the airport expansion project and the impending displacement
« The Compensation Assessment Committee also sent letters of Notice to acquire to the affected members of the community
« The Department of Civil Aviation feels that the affected community was adequately consulted
« The affected were informed three (3) months prior to displacement
« There was complete displacement of the affected community
« The airport expansion displaced land uses like residential, arable and commercial and industrial
« The displaced had customary, leasehold and some no rights to the lost land
« The displaced were given alternative land plus cash compensation. Those without improvements on their land were given alternative land but no cash compensation
« No extra assistance was given to the displaced, except that the old were supposed to be given transportation assistance and was never given
« The Department of Civil Aviation representative did visit the displaced in their newly settled area and observed that the displaced had not recovered from their losses as their area lacks infrastructural and social services
« The Department of Civil Aviation representative maintains that the compensation was adequate even though there were complaints by the displaced about the compensation. Complaints were registered with the Department of Lands, Tawana Land Board, Department of Civil Aviation and one complainant engaged the services of a lawyer and case is still pending. In some instances, some properties were re-valued.
« The displaced complained about the amount of compensation for their losses and also about lack of infrastructure and services in the resettlement area
« The Department of Civil Aviation representative complained about the use of unskilled and or untrained valuers. He observed that there is a disparity between the range of fees paid by Valuers to the displaced for similar properties. Some valuers gave the highest range at 700 and others give lower ranges at 200 for the same type of property. He suggested that agricultural plots must be assessed by people with an agricultural background and building structures by building engineers.
9.1.4 Tawana Land Board (Technical Officer, Lands) – Maun Airport Expansion Project
(also see annex 3)

The following issues were raised by the Tawana Land Board representative (Technical Officer Lands):

« After being approached by the Department of Civil Aviation about the need to expand the airport, Tawana Land Board identified the area needed for the airport expansion and marked it out. Once identified and marked out, Tawana Land Board consulted the affected communities though Kgolla meetings. Tawana Land Board representative indicated that they also made individual visits with the affected. He however, believes that the affected community was not adequately consulted. This is because the affected community did not attend the consultation meetings in good numbers and most claim that they did not receive letters of invitation to such meetings.

« The displaced were given alternative land plus cash compensation.

« The displaced complained about the amount of compensation for their losses and also about lack of infrastructure and services in the resettlement area. Complaints were registered with the Compensation Assessment Committee. In most instances, some properties were re-valued.

« The Land Board Technical Officer suggested that every project that involves resettlement should have a full time Resettlement Coordinator who is fully involved in consultations and in receiving grievances from the displaced.
9.2 Annex 2: Survey instrument for the displaced

SURVEY INSTRUMENT FOR DISPLACED

PROJECT

Demographic Data

Instruction: Tick appropriate response in the box next to the code number

Age:
A) Below 21          [1][ ]
B) 21 ÷ 60           [2][ ]
C) 60+               [3][ ]

Sex:
A) Male            [1][ ]
B) Female         [2][ ]

Marital status:
A) Married       [1][ ]
B) Single         [2][ ]
C) Divorced      [3][ ]
D) Widowed       [4][ ]

Household head:
A) Yes           [1][ ]
B) No            [2][ ]

Source of Income:
A) Formal employment   [1][ ]
B) Self-Employed (specify)          [2][ ]
C) Farming             [3][ ]
D) Other (specify)     [4][ ]

Income: P________

Questions

1. Who informed you that your land or property might be affected by the project? -----------------------------
-----------------------------------------------------------------------------------------------------------------
2. When were you informed?  

3. How were you informed?  

4. In your opinion do you think that you have been adequately consulted before displacement?  
   A) Yes [ ]  
   B) No [ ]  

5. If not, why?  

6. How were you affected by the above project?  
   A) Completely displaced [ ]  
   B) Part of my land was taken [ ]  
   C) Part of my improvements on the land was destroyed [ ]  
   D) Other (specify) [ ]  

7. If not completely displaced, how much of your land was taken by the above project? (Indicate exact land lost if you know)  
   A) one quarter [ ]  
   B) Half [ ]  
   C) Three quarters [ ]  
   D) --------- hectares/meters square [ ]  

8. What was the land used for?  
   A) Arable farming [ ]  
   B) Pastoral farming [ ]  
   C) Residential [ ]  
   D) Commercial and Industrial [ ]  
   E) Other (specify) [ ]  

9. What land rights did you have on that land?  
   A) Customary Land Rights [ ]  
   B) Common Law Land Rights [ ]  
   C) No land rights, but used the land (specify use) [ ]  

10. What was the zonation of the area you were displaced from?  
    A) Residential [ ]
B) Arable farming [2][ ]
C) Pastoral farming [3][ ]
D) Commercial and Industrial [4][ ]
E) Other (specify) [5][ ]

11. How were you compensated for your losses?
A) Given alternative land and cash compensation for improvements on the land [1][ ]
B) Given alternative land [2][ ]
C) Given cash compensation for improvements or crops on the land [3][ ]
D) Other (specify) [4][ ]

12. If cash compensated, how much were you given? P------------------

13. In the case where no alternative land was given, where you compensated for loss of right to use that land?
A) Yes [1][ ]
B) No [2][ ]

14. What other assistance was given to you? e.g. costs of resettlement
A) Transport [1][ ]
B) Assisted with rent [2][ ]
C) Other (specify) [3][ ]

15. Have you been able to recover from your losses?
A) Yes [1][ ]
B) No [2][ ]

16. If not, why? --------------------------------------------------

17. In your opinion do you think the compensation was adequate?
A) Yes [1][ ]
B) No [2][ ]

18. If, not, did you lodge any complaint?
A) Yes [1][ ]
B) No [2][ ]

19. Where did you lodge your complaint?
A) Court [1][ ]  
B) Minister of Lands and Housing [2][ ]  
C) Department of Lands [3][ ]  
D) Land Board [4][ ]  
E) Developer (Project Proponent) [5][ ]  
F) Chief [6][ ]  
G) Other (specify) [7][ ]

20. What was the outcome of your complaint?  
------------------------------------------------------------------------------------------------------------------------
------------------------------------------------------------------------------------------------------------------------
------------------------------------------------------------------------------------------------------------------------

---------------------------------------
9.3 Annex 3: Survey responses for authorities

SURVEY INSTRUMENT FOR AUTHORITIES

PROJECT: EXPANSION OF MAUN AIRPORT

Name: Makgale Kgotele
Organisation: Compensation assessment Committee Member (Representing Acquiring Authority)
Contacts: 3655109

Questions

1. Who informed members of the displaced community that their land and property will be affected by the project?

Response: The Department of Civil Aviation informed the affected community through Kgotla meetings and the Compensation Assessment Committee sent letters of Notice to acquire to the affected members of the community.

2. When were they informed?

Response: The affected community was informed/consulted three (3) prior to displacement

3. How were they informed?

Response: The affected community members were visited individually

4. In your opinion, do you think that they were adequately consulted before displacement?

A) Yes [1]
B) No [2]

5. If not, Why?

Response: N/A

6. How was the affected community affected by the project?

A) Completely displaced [1]
B) Part of their land was taken [2]
C) Part of the improvements on their land was taken [3]
D) Other (Specify) [4]

7. State the different land use types that were displaced

A) Arable farming [1]
B) Pastoral farming [2]
8. What land rights did they have on the land?

A) Customary Land Rights [1]
B) Common Law Land Rights [2]
C) No Land Rights, but used the land [3]

9. How were the displaced compensated for their losses?

A) Given alternative land and cash compensation for the improvements on the land [1]
B) Given alternative land [2]
C) Given cash compensation for the improvements or crops on the land [3]
D) No cash compensation for land not improved [4]
E) Other (Specify) [5]

10. In the case where no alternative land was given, were they compensated for loss of right to use land?

A) Yes [1]
B) No [2]

11. What other assistance was given to them? e.g. cost of resettlement.

A) Transport [1]
B) Assisted with rent [2]
C) Other (Specify) (The old were to be assisted with transport) [3]

12. Have you visited people who have been displaced by the project recently?

A) Yes [1]
B) No [2]

13. If yes, have they been able to recover from their losses?

A) Yes [1]
B) No [2]

14. If not, why?

Response: The area they have relocated to does not have basic infrastructure like water, roads, and electricity.

15. In your opinion do you think their compensation was adequate?
A) Yes [1]
B) No [2]

16. Did they lodge any complaints?
A) Yes [1]
B) No [2]

17. Where did they lodge their complaints?
A) Court [1]
B) Minister of Lands and Housing [2]
C) Department of Lands [3]
D) Land Board [4]
E) Developer (Project Proponent) [5]
F) Chief [6]
G) Other (Specify) Engaged lawyer) [7]

18. What was the outcome of their complaints?
Response: In most of the cases, property was re-valued and other cases are still outstanding

19. What was the most common complaint?
Response: The displaced complained about the amount of compensation for their losses and also complained about lack of infrastructure and services in the resettlement area

20. Other comments
Response: There is need to engaged trained and qualified Valuers. As is the case now, there is a disparity between the range of fees paid by Valuers. Some give the highest range at 700 and others give lower ranges at 200 for the same type of property. Agricultural plots must be assessed by people with an agricultural background and building structures by Building Engineer
SURVEY INSTRUMENT FOR AUTHORITIES

PROJECT: EXPANSION OF MAUN AIRPORT

Name: Olebogeng Dintwe
Organisation: Tawana Land Board (Technical Officer, Lands)
Contacts: 6860292

Questions

1. Who informed members of the displaced community that their land and property will be affected by the project?

Response: First we identified the area needed for the airport expansion and marked it out. Once identified, we consulted the affected communities though Kgotla meetings and we also visited individually in their homes.

2. In your opinion, do you think that they were adequately consulted before displacement?

A) Yes  
B) No

3. If not, Why?

Response: The affected people did not attend the consultation meetings in good numbers and also claimed that they did not receive letters of invitation to such meetings.

4. How were they compensated for their losses?

A) Given alternative land and cash compensation for the improvements on the land  
B) Given alternative land  
C) Given cash compensation for the improvements or crops on the land  
D) No cash compensation for land not improved  
E) Other (Specify)

5. Did they lodge any complaints?

A) Yes  
B) No

6. Where did they lodge their complaints?

A) Court  
B) Minister of Lands and Housing  
C) Department of Lands  
D) Land Board
7. What was the outcome of their complaints?

**Response:** In most of the cases, property was re-valued

8. What was the most common complaint?

**Response:** The displaced complained about the amount of compensation for their losses

9. Other comments

**Response:** Every project that involves resettlement should have a full time Resettlement Coordinator who is fully involved in consultations and in receiving grievances from the displaced.