

F Land acquisition and access to resources

Resettlement Policy Framework (RPF)

The World Bank's policy on Involuntary Resettlement (OP 4.12) applies to all land acquisition, impact on assets, or loss of livelihood and any changes in access. The policy applies whether or not affected persons must move to another location. The Bank describes all these processes and outcomes as "involuntary resettlement," or simply resettlement, even when people are not forced to move.

Involuntary resettlement – if affected people do not have the option to retain the livelihood situation that they have before a subproject begins. The Bank's policy on involuntary resettlement requires a RAP for any subproject that involuntarily displaces people from land or productive resources, and the displacement results in:

- i. relocation, the loss of shelter, the loss of assets or access to assets important to production;
- ii. the loss of income sources or means of livelihood; or
- iii. the loss of access to locations that provide higher incomes or lower expenditures to businesses or persons.

The Bank's overall objectives when dealing with involuntary resettlement:

- 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 programmes, providing sufficient investment resources to enable the persons affected by the project to share in project benefits. Affected persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programmes.
- c. Affected 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 to levels prevailing prior to the beginning of project implementation, whichever is higher.

The Conservancy Committee (with TA) is responsible for developing a RAP and the process must be consultative and transparent. Annex 7 provides guidance for i) identifying the need for a RAP and ii) if necessary, developing the RAP. Once the RAP is developed it will undergo the below steps toward approval.

- a. The RAP must be submitted to the Land Board for the region within which the conservancy is based, and the board should provide its opinion about the appropriateness of the RAP (figure 3, p. 33).
- b. The presence of all the key government ministries on the Land Board (which is chaired by the Governor) enables multi-sector input and screening at local level.
- c. Thereafter, the Land Board submits the RAP, together with recommendations, to the Ministry of Environment and Tourism (MET) who in turn invite comments from the World Bank.
- d. Once these are received, the MET and the MLRR jointly evaluate the RAP, taking account of the comments made by the Land Board and the World Bank.
- e. Once they approve of the RAP, the MLRR formally communicates this decision to the conservancy, providing a copy of its approval to the Land Board. It is thereafter the

responsibility of the conservancy to implement the RAP, and to provide feedback (on the basis of an agreed monitoring and evaluation plan) to MET.

The conservancy committee is obliged, through its management plan in the first instance and the RAP in the second, to keep a record of all the communications and decisions and, to produce a final report on the RAP after three years after its implementation. The structure of the final report should be guided by the review criteria below.

The review by both the World Bank and Namibian government will be identical, and will be based on the following checklist:

CRITERIA	YES	NO
1. Is there a clearly articulated need for resettlement, based on the conservancy management plan and zonation map?		
2. Is the plan constitutional, in accordance with Namibian laws and policies and, World Bank Policies?		
3. Have the affected people been fully involved in the process of developing the RAP and is there evidence that their concerns have been taken into account?		
4. Will the affected people enjoy an equal or better lifestyle in the place to which they will be resettled, compared to that which they enjoyed previously?		
5. Are the measures necessary to re-establish and protect their economic and social structures, in place?		
6. Is there a clear and realistic timetable of activities?		
7. Is there a defined budget for financing the activities involved?		
8. Is the source of funds identified and are the funds available?		
9. Are the institutions responsible for implementing the required steps and activities, including monitoring follow-up, and adjustments if necessary, to ensure that the needs of resettled people are being met and respected, in place?		

If these questions are answered satisfactorily, the World Bank and the Namibian Government approve the RAP and authorize its implementation.

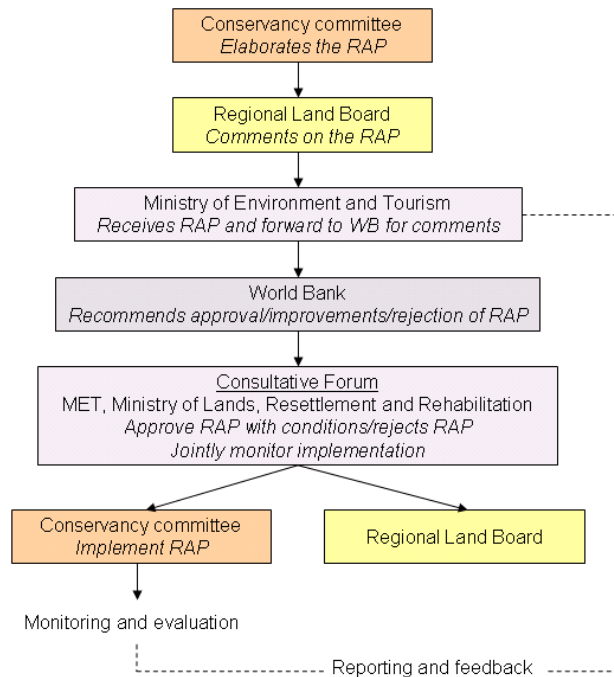


Figure 3: Shows the process for review and approval of a RAP.