



**Lesotho Transport Infrastructure and Connectivity Project
(TICP - 155229) IDA Credit no. 6151LS**

LAND ACQUISITION PLAN (LAP)

LOT 4 FOOTBRIDGES

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LIST OF ACRONYMS

ADB	Asian Development Bank
AfDB	African Development Bank
CLO	Community Liaison Officer
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESMU	Environmental and Social Management Unit
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IFC	International Finance Corporation
ITP	Integrated Transport Project
LAP	Land Acquisition Plan
MoPWT	Ministry of Public Works and Transport
PAPs	Project Affected Persons
RD	Roads Directorate
RPF	Resettlement Policy Framework
TICP	Transport Infrastructure and Connectivity Project
WB	World Bank
WBG	World Bank Group

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1. INTRODUCTION

The kingdom of Lesotho has received funding from World Bank for the Lesotho Transport Infrastructure and Connectivity Project (TICP). The project is comprised of four components being: improvement of infrastructure access; improving road safety; institutional support to the transport sector and contingency emergency response. Component 1(b) proposed to construct 35 footbridges in remote communities throughout Lesotho and supports continued improvement of all-weather access for rural communities to markets and social services. Construction of Lot 1 and Lot 2 footbridges is complete and construction of Lot 3 is in progress while Lot 4 footbridges are at the award stages.

1.1 Project Description and Scope

Lot 4 footbridges comprise of 13 footbridges as outlined in Table 1 below. The Lot 4 footbridges will be implemented in the districts of Maseru, Leribe, Mohale's Hoek, Mokhotlong and Quthing.

Footbridge	District	Estimated Duration (Months)	Bridge Span (Meters)
Mokhasi – Luka (A&B)	Mohale's Hoek	5	18 & 9
Pali - Leihloana	Quthing	5	42
Ramosothoana - Ralimpe	Mohale's Hoek	4	21
Sefateng - Baruting	Mohale's Hoek	8	90
Ntlhasinye - Makhetheng	Mohale's Hoek	5	18
Lepeli - Thakeli	Maseru	5	39
Ntja – Jobo	Mohale's Hoek	7	66
Maliele - Mpeli	Maseru	5	33
Thabants'o - Moiketsi	Mohale's Hoek	4	21
Mosisi - Mpeako	Leribe	5	39
Nyokololi-Tiping (A&B)	Mokhotlong	5	21 & 12
Pulane-Sekokoaneng (A & B)	Quthing	5	18 & 12
Malibe-Moone	Quthing	4	15

Table 1. List of Lot 4 Footbridges

1.1.1 Objectives

This Land Acquisition Plan (LAP) outlines land acquisition processes for TICP Lot 4 footbridges. Construction of the footbridges will create physical resettlement effects and induce land acquisition. The overriding principle will be to avoid, then minimise involuntary resettlement as far as possible, by exploring all feasible alternatives. Measures will be taken to avoid, minimize, mitigate and manage adverse impacts. Mitigation measures analysis will be applied, followed by proposals to mitigate, prevent, reduce, remedy or compensate for each of the adverse impacts. The LAP sets out principles, institutional arrangements, schedules and funding mechanisms for compensation and resettlement as per Government of Lesotho and World Bank safeguards requirements for management of impacts.

The main objectives of this Plan are:

- To identify assets that will be affected
- To identify the number of households to be affected
- To outline land acquisition processes
- To describe the participation, consultation and disclosure processes
- To identify measures for mitigation of negative impacts of the project
- To provide compensation and valuation methods and procedures to be used
- To describe institutional arrangements and propose methods for monitoring and evaluation
- To ensure that Projects Affected Persons (PAPs) receive equitable compensation for affected assets and properties

1.2 Potential Impacts

1.2.1 Positive Impacts

Development projects aim to produce positive impacts in the lives of rural communities. Some of the main positive impacts expected are:

- Improvement of access, especially to services
- Reduction in travel times
- Employment generation of local communities during construction

1.2.2 Negative Impacts

Land acquisition requirements for Lot 4 footbridges construction are minimal and will result in marginal disruption of livelihood measures where land is expropriated. The impacts will induce loss of agricultural land. All permanent or temporary impacts will be mitigated in a socially responsible manner and according to good international practice. Loss of land will be mitigated through provision of land for land where possible and monetary compensation if land for land is not feasible.

The Roads Directorate (RD) will ensure that suitable measures are implemented to manage construction impacts. Procedures will be implemented to ensure that any damage to property is restored. All unanticipated impacts that occur during implementation of projects will be assessed and appropriate mitigation or compensation measures will be prepared and applied.

2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A census and asset inventory of all PAPs affected by the project was conducted from 5th to 25th July 2022, to establish the number of affected households, types of impacts as well as extent and quantity of affected assets.



Figure 1: Asset inventory and verification

2.1 Asset inventory and verification

2.1.1 Asset Inventory

The objective of asset inventory is to capture affected land and any other assets; to establish ownership including any economic activity or encroachment into the area of the proposed works; and to identify opportunities to minimise economic and physical displacement.

Land acquisition procedures under this Plan are outlined below:

- Consultations with District Administrators and local authorities
 - Brief on project objectives and land acquisition processes
- Consultations with PAPs in the presence of local authorities (local chief and community councillor)
 - Brief on project objectives and land acquisition process
 - Physical inspection/survey and Identification of land required for expropriation
 - Verification of affected assets
 - Documentation of affected assets
 - Presentation of survey results to PAPs
 - Signing of compensation agreements to effect compensation where necessary
 - Disbursement of compensation
 - Certification by PAPs and local authorities serve as agreement for entity to acquire land and other affected assets

The anticipated footprint of the Lot 4 footbridges will be very small, with a total land area of 134.7 square meters. Affected assets are agricultural land parcels and fruit trees. Physical relocation and physical displacement of households is not anticipated due to the nature and scope of the project. Two households will be affected as outlined in Table 3. Land acquisition processes have been documented and an asset register established.

Temporary occupation and acquisition of land is likely for contractors' site establishment and access roads. If construction works lead to temporary occupation of land, the permanent land acquisition principles will apply. Temporary land occupation is subject to compensation and conditions as agreed between the land owner and the contractor. Compensation under temporary occupation applies to loss of crops if any, for disturbances and any damages to property as set out in the Ministry of Public Works (MoPW's) Compensation and Resettlement Policy. As far as reasonably possible, land should be restored to its original condition before it is returned to the land owner.

Under this subproject, **two** households will receive cash compensations for their affected agricultural land with a total area of **134.7m²** (table 2). Compensation entitlements and procedures applicable for the affected assets will be discussed in Section 6.0 under Valuation and Compensation procedures, and outlines how replacement cost value have been derived for these compensations. The rest of the land that will be acquired for construction of the footbridges is unallocated communal land. The expropriated communal land was agreed with the local chiefs, and councilors. The land is currently not in use for productive activities, and has thus, been donated for the purpose of the public development. Therefore, no compensations shall be payable for this land. Moreover, the Lesotho Land Act 2010, Part IX: ACQUISITION AND EXPROPRIATION OF LAND FOR PUBLIC PURPOSE, section 54 (1)(c) states that no compensation for public servitudes if the works constructed do not interfere substantially with the enjoyment of land.

Footbridge	Type of property	Land ownership/ status	Area (m ²)/ Quantity	Proposed mitigation measure
Maliele – Mpeli	Agricultural land	allocated	76.8	Cash Compensation
	Fruit tree			
Mosisi – Mpeako	Agricultural Land	allocated	57.9	Cash Compensation
Total Area affected 134.7m²				

Table 2: Lot 4 footbridges with compensations, land owners, type of property, land ownership and area expropriated.

Ongoing participatory consultation with affected people and disclosure of information will form integral part of project implementation. Further consultations will include but not be limited to; verification of assets that could potentially be affected by the project during project implementation, disclosure of potential mitigation measures, information on compensation packages, negotiations and disbursement of compensation packages.

Any person found to have occupied the areas of impact on or before respective dates of asset verification will be eligible for compensation and allowances. Those who occupy the project areas after asset verification date will not be eligible for compensation for affected assets, as the asset verification date serves as the cut-off date. The cut-off date will be declared and widely disseminated. The onus will be on a person who is not recorded in the asset register to prove eligibility for project entitlements.

3. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

This LAP is prepared in accordance with Lesotho's national laws, policies and international social safeguard policies, particularly the World Bank requirement OP 4.12 dealing with involuntary resettlement and the Ministry of Public Works and Transport's draft Compensation and Resettlement guidelines. An Environmental and Social Management Plan (ESMP) and Resettlement Policy Framework (RPF) have been prepared which amongst others identified environmental and social impacts of construction and operational activities related to construction of the footbridges. The Environmental and Social Management Framework (ESMF) and RPF are frameworks that will guide preparation of site-specific plans to ensure environmental and social compliance.

There are several national laws that guide this LAP. The Lesotho Constitution is the supreme law of the Government of Lesotho. Land law dealing with issues of adjudication, expropriation and compensations is the Land Act 2010 in line with article 17(1) and (2) stipulated in the Constitution of Lesotho.

The World Bank safeguard policies and requirements are implemented when a project results in involuntary acquisition and expropriation of land that can potentially result in:

- Loss of assets or access to assets
- loss income sources or means of livelihood, whether or not the affected people must move to another location or not

3.1 Policy Framework

World Bank safeguard policies, and Ministry of Public Works and Transport's draft Compensation Guidelines and Resettlement Policy, ESMF and RPF are the main safeguard instruments that guide this plan. The MoPW's policy document has incorporated international procedures and social safeguard policies on Involuntary Resettlement and land acquisition, and the policy was prepared under the Integrated Transport Project (ITP). The ESMF and RPF have been prepared under TICP.

The Compensation guidelines aim to ensure participatory design of compensation, resettlement and livelihood restoration measures. The policy guidelines also aim to ensure that the measures employed are timely and fair.

3.1.1 International Best Practice and Safeguards

International organizations have developed social safeguard to guide mitigation of adverse impacts in developmental projects. Such organizations include the World Bank Group (WBG) its private arm the International Finance Corporation (IFC), the African Development Bank (AfDB) and the Asian Development Bank (ADB). Social safeguards are vital in ensuring that potentially unpleasant and harmful environmental and social impacts are identified, avoided, minimized and mitigated.

Relevant International Safeguards: World Bank Safeguard policies

The following World Bank safeguards will be triggered:

- *OP 4.01 Environmental Assessment*- “to help ensure the environmental and social soundness and sustainability of investment projects”;

OP 4.01 requires: a) Identification, assessment, evaluation and management of environment and social risks and impacts b) Adoption of a mitigation hierarchy i) Anticipating and avoiding risks and impacts; ii) Where avoidance is not possible, risks and impacts must be minimized or reduced to acceptable levels; iii) Once risks and impacts have been minimized or reduced, mitigate; and iv) Where significant residual impacts remain, compensate for or offset them, where technically and financially viable.

- *OP4.11 Physical Cultural Resources*-“ to assist in preserving physical cultural resources and avoiding their destruction or damage, including resources of archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance”;

The risk of impacts on heritage resources is negligible considering the scale of the Lot 4 footbridges but the possibility of chance finds remains.

- *OP 4.12 Involuntary Resettlement*- “to avoid or minimize involuntary resettlement and where this is not feasible, to assist displaced people in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher”;

The policy is applied when a project displaces people from land or productive resources and applies with or without physical displacement. projects must be environmentally and socially sound and sustainable. The environmental and social assessment must be proportionate to the risks and impacts of the project.

These safeguards and requirements are to be implemented when a project results in involuntary acquisition and expropriation of land that can potentially result in:

- relocation or loss of shelter;
- loss of assets or access to assets; or
- loss of income sources or means of livelihood, whether or not the affected people must move to another location.

World Bank OP 4.12 Policy Objectives:

- Involuntary resettlement should be avoided where feasible, or minimised, 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 people displaced by the project to share in project benefits.

- Displaced people should be meaningfully consulted and should have opportunities to participate in Planning and implementing resettlement programs.
- Displaced people 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.

World Bank OP 4.12 Eligibility Criteria for assistance

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

The Plan will be implemented in accordance with Lesotho's national and World Bank policy principles. This Plan abides by these guidelines:

- The project will not result in any temporary or permanent relocation of structures. Permanent acquisition of agricultural land is envisaged as well as that of fruit trees. Other land uses and asset types will not be affected.
- Consultations and dissemination of information constitute an integral part of this project.

The project will ensure that continuous community and stakeholder engagement during construction. Communities will play a participatory role in matters that affect them, such as through Grievance Redress committees that have been established to help manage grievances and complement Grievance Redress Suggestion Boxes to be installed before commencement of construction on all project sites.

3.1.2 National Policies

Lesotho's National Strategic Development Plan II (NSDP) 2018/19- 2022/2023

NSDP II 'gives priority to pursuing people centred development and commitment to directly engage citizens, empowering individuals and encouraging participation in the development process' and identifies four key priority areas: i) Enhancing inclusive and sustainable economic growth and private sector-led job creation ii) Strengthening human capital (health, education, nutrition and social protection) iii) Building enabling infrastructure and iv) Strengthening national governance and accountability systems.

Environmental Policy (1998)

The Environmental Policy covers social and economic dimensions of environmental management, the management and conservation of natural resources, and the promotion of community participation.

Gender and Development Policy (2003)

The Gender and Development Policy supports systems to encourage equal participation of all genders in development. The policy objective is to facilitate regular gender training and awareness creation and that implementation processes respond to the principles of gender equity and equality.

Transport Sector Policy (2007)

improving travel conditions for men and women. It aims to impart skills to local communities and empower them to use local resources. In the spirit of promoting local governance, the policy mandates consultations with community leaders and local government structures on planning, implementation and maintenance for local or specific roads and access to development projects.

3.2 Legal Framework

There are several national laws that guide this Plan. The Lesotho Constitution is the supreme law of the country.

3.2.1 Constitution of Lesotho

Article 17 (1) addresses compulsory acquisition of movable or immovable property and indicates that it can only be done under certain conditions being “in the interest of public interest,... town and country Planning, or development of any property in such manner as to promote public benefit.”

Article 17 (2) “grants a person with an interest in or right over property that is compulsorily acquired a right of direct access to the High Court for:

the determination of his interest or right, the legality of the taking of possession for acquisition of the property, interest or right and the amount of any compensation to which he is entitled; and the purpose of obtaining prompt payment of that compensation.”

The Constitution of Lesotho also addresses Protection of the Environment as outlined in Article 36 that “Lesotho shall adopt policies designed to protect and enhance the natural and cultural environment ...for the benefit of both present and future generations and shall endeavour to assure to all citizens a sound and safe environment adequate for their health and well-being”.

The Constitution also stipulates that a person with interest or rights over property that has been involuntarily acquired should be duly and promptly compensated for such property.

Adoption of policies that do not discriminate against any person are also entrenched into the Constitution.

The Government of Lesotho endorses policies that provide opportunity to disadvantaged groups in society. Therefore, the Constitution of Lesotho sets platform for laws to be put in place that facilitate development while also protecting PAPs against exploitation and ensuring that their rights over land and other assets are recognized and compensations are paid accordingly

3.2.2 Land Act 2010 supported by Land Regulations 2011

The Land Act of 2010 as amended is the principal legislation through which land is managed in Lesotho. The Land Act 2010 states that all land is vested in the Basotho Nation and is held in trust by the King (Part II4 (1)) who has all powers to grant titles. This Act sets out processes for acquisition and expropriation for public purpose and/or public interest. This includes the need for prior adjudication of the land proposed for expropriation and negotiations with holders of land rights before resorting to expropriation.

The Land Act 2010 establishes Land Courts to “hear and determine disputes, actions and proceedings concerning land”. District Land Courts and a Land Court shall be setup, with District Land Courts being subordinate courts at district level, and the Land Court as a division of the High Court.

In relation to compensation, the Land Act 2010 stipulates that compulsory acquisition of property entitles the person having rights over such property to be compensated at market value. It specifies that the body conducting the expropriation will be responsible for the compensation and all compensations must precede expropriation. Part IX, section 54 (1) of the Act further indicates that no compensation shall be payable for public servitudes where the works constructed do not interfere substantially with the enjoyment of land.

3.2.3 Roads Act 1969

Roads Act 1969 (under review) provides for the “locating, constructing, opening, maintaining, protecting, working and closing of roads”.

The Roads Act 1969 also provides for compensation for any direct damage resulting from road construction or maintenance “to dwellings, buildings, gardens, plantations, crops, cultivated trees or lands under irrigation (not being land which is capable of irrigation but not actually under irrigation).” The Roads Act further states that the compensation payable “shall be determined by agreement between the parties.”

3.2.4 Local Government Act 1997, as amended by Act (no.53) 2004, and the Local Government Regulations (no.48) 2005

The Local Government Act is the main legislation regulating local government policies and establishing local authorities. Organisational structure of the local authorities consists of the Community, Urban/Municipal and District Councils and the powers and functions of these authorities are defined in the Act. All the relevant local structures will be consulted on an ongoing basis from planning to implementation of project.

3.2.5 Legal Capacity of Married Persons Act No. 9 of 2006

The Act confers equal powers to both spouses married in community of property. The Act requires the other spouse's consent regarding actions relating to immovable property and gives both parties equal capacity to dispose of the assets of the joint estate, contract debts for which the joint estate is liable, and administer the joint estate.

Other laws that are relevant include:

- Environment Act 2008
- Valuation and Rating Act 1980
- Historical Monuments, Relics, Fauna and Flora Act 1967, and the National Heritage Bill 2006
- Chieftainship Act (No. 22) 1968
- Forestry Act (No.17) 1998
- Mines and Minerals Act (No.4) 2005
- Town and Country Planning Act 1980
- Building Control Act 1995

3.3 Conflict in the laws

Where there are conflicts between the Lesotho Government laws and The World Bank (WB) safeguard policy principles, the WB principles will be considered over the conflicting laws, as the WB principles form part of the credit agreement and the agreement is an internationally binding legal agreement. Therefore, this Plan will uphold the WB social safeguards.

3.4 Institutional Framework

The Environment and Social Management Unit (ESMU) of the Roads Directorate in the Ministry of Public Works is responsible for overall implementation, supervision, management, monitoring of this LAP. RD implementation of this LAP will be monitored by TICP through the project's Environment and Social Specialist.

The authority for overseeing construction and maintenance of roads is the Roads Directorate within the Ministry of Public Works. RD is responsible for construction, upgrading, rehabilitation and maintenance of all primary, secondary and tertiary roads on the Lesotho Road Network. RD's other functions include:

- Acquisition and protection of land earmarked for road network development;
- Determining and making recommendations to the Minister on the need to declare road reserve and building restrictions along the road;
- Ensuring mitigation of negative environmental impacts from road construction and rehabilitate affected areas, in accordance with environmental guidelines;

The ESMU within the RD will implement, supervise, manage, monitor and evaluate this Plan. The ESMU will implement all aspects of this Plan and will ensure that all obligations of the Plan are fulfilled. The unit is staffed with three officers composed of Manager Environment

and Safety, Valuation Officer and Road Safety Engineer. The Valuation Officer is directly responsible for implementation of this Plan.

The Ministry of Local Government and Chieftainship is an important stakeholder in the process. This Ministry will play a vital role in facilitating implementation of the Plan. Main role players within the Local Government Ministry are the government valuer, council structures and chieftainship structures.

4. SOCIO-ECONOMIC CONDITIONS

The proposed Lot 4 footbridges will be constructed in remote areas of Lesotho where household livelihoods are based on subsistence farming. The farming practices include both cultivation and rearing of animals. Fortunately, expropriation will be very minimal and remedial measures will be put in place to minimize any impacts.

4.1 Population

The population of Lesotho was estimated at 2,008,801 in 2016 and national average household size estimated at 3.7. The population is projected¹ to rise to 2,090,482 in 2022. Quthing had the household size of 4.4, while Maseru, Leribe, Mohale's Hoek and Mokhotlong recorded household sizes of 3.3, 3.7, 4.1 and 4.4 respectively. Lesotho has a young population with 31.8 percent of the population below the age of 15. Household size is an important indice for development as it affects the pool of economic resources and increases the demand for social support services.

In 2016, the population of Maseru was 519,186, Leribe was 337,521 while Mohale's Hoek and Mokhotlong had populations of 165,590 and 100,442 respectively. In all the districts, female population surpassed male population, even though most households are male headed households. Unemployed population is mostly distinct in rural communities with about 56.3 percent of the population. The project will have minimal adverse impact on livelihoods and all effects will be mitigated to ensure that households are not left worse off.

4.2 Economic Activity

Lesotho's labour force has increased from 551,989 in 2006 to 655,702 in 2016 with an increase of 20 percent for the 2006 to 2016 period. In 2016 the employed constituted 86.7 percent and unemployed constituted 13.6 percent of total population in the labour force with more unemployed males accounting for 65.8 percent than unemployed females with 34.2 percent. In 2016, the district of Maseru had 30.1 percent proportion of labour force while the districts of Mohale's hoek, Leribe, Quthing and Mokhotlong recorded 7.4 %,16.9 %, 5.9% and 4.7% respectively.

¹ *Bureau of Statistics* LESOTHO POPULATION PROJECTIONS 2016-2036 REPORT Volume VI: Population Projections(2019)

4.3 Education

Lesotho is said to have a high literacy rate and promoting universal access to education, as in general school attendance has increased and proportion of those who left school declined in the period 2006 to 2016. Population that was still attending school recorded 68.7 percent and 1.9 percent never attended school. However, the Mokhotlong district was one of two districts with majority of population that never attended school, while Quthing has high proportion of school leaving learners. Low educational attainment is related to higher prevalence of low standard of living.

4.4 Land tenure

There are three types of land titles in Lesotho; form C, title deed and lease. According to the Lesotho Demographic Survey of 2011, most households in Lesotho hold form C titles and have acquired land from local authorities. Very few people acquire land through private developers within both urban and rural setting.

5. PUBLIC CONSULTATIONS AND COMMUNITY ENGAGEMENT

5.1 Public Consultations

Public consultations will be carried out through methods that will foster transparency, inclusiveness and accountability. The District and local authorities and PAPs have been engaged in the planning stages of the project. The relevant community councilors and local chiefs formed part of the team during asset identification and verified ownership of assets. The exercises were carried out in the presence of owners of assets to be affected to witness and confirm asset registration.

Public consultation is vital for the success of any development project, to ensure two-way communication between the project developer and relevant stakeholders. Participatory engagement results in project developments that are more sustainable and cost-effective. Participation also promotes project acceptance by those who are affected directly or indirectly as the process provides an opportunity for all stakeholders to express their views and opinions on a project. Consultation will be continuous and information will be disseminated timeously.

6. VALUATION AND COMPENSATION PROCEDURES

Entitlement for compensation under this Plan covers loss of categories of land and assets already recorded and any unforeseen impacts from construction works.

Categories of Affected Persons	Compensation Entitlement
Persons with formal legal rights to land or assets, including customary and traditional rights recognized under the laws of Lesotho.	Compensated for the land and assets they lose, and entitled to other assistance as provided for in the project's Resettlement Plan.
Persons with no formal legal rights to land, but with 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.	Compensated for the land and assets they lose, and entitled to other assistance as provided for in the project's Resettlement Plan.
Persons with no recognizable legal right or claim to the land they are occupying.	Assistance as provided for in the project's Resettlement Plan, if they have occupied the area prior to an agreed cut-off date for entitlements.

Table 3: Scope of Entitlement

6.1 Compensation Procedures

An Entitlement Matrix (Appendix 1) shows categories of entitlement in relation to this Plan. Therefore, the desired compensation is land for land and monetary compensation where not feasible; PAPs will be provided with an alternative site to be identified by the relevant Community Councils in consultation with other relevant authorities. Where land is cultivated, the project will allow for harvesting of standing crops before land is expropriated. Assets such as trees used for household consumption will be in a form of once off cash compensation or compensated with saplings as per preference of the PAP. A once off disturbance allowance will be provided per household for land affected.

Cash compensation will be in accordance with the determined per square meter rate. Compensation for the loss of fruit bearing trees; PAPs are entitled to trees that they privately owned and are felled by the project; thus, the trees will remain property of the owner concerned.

Compensation procedures under this Plan are outlined below:

Compensation procedures:

1. Consultations with PAPs on proposed compensation rates and how they have been determined and what the compensation packages will cover
2. Negotiations on compensation packages
3. Distribution of compensation agreement Forms for signing by PAPs. Signing of

the forms denotes acceptance of compensation offered.

4. Announcement of the date for disbursement of compensations in collaboration with Local Authorities
5. Disbursement of compensations to PAPs

6.2 Valuation Methods

This LAP will not acquire new compensation rates due to urgency in implementation of the project and will therefore apply rates for Lot 3 footbridges. The rates used for Lot 3 had been adopted from recent project of similar local context, and did not prejudice beneficiaries. The rates had been determined as stipulated in Land Act 2010 for valuation to be; “certified by an odd number of valuers, one of whom shall be the Government valuer, having regard to the present and future replacement value; and to the expenses incidental to any necessary change of residence or of place of interest”. Inflation rate has been applied to the rates using the Consumer Price Index and increase from M15.00 to M16.71 for agricultural land. As required in relevant national land laws and principles of the World Bank, compensation is to be disbursed before commencement of works.



Figure 2: Affected land at Maliehe-Mpeli



Figure 3: Affected land at Mosisi- Mpeako

Footbridge	District	Type of Property Affected	Estimated area of land for expropriation (m ²)	Quantity	Compensation Rate (Maloti)	Disturbance Allowance (Maloti)	Total (Maloti)
Maliehe-Mpeli	Maseru	Agricultural land	76.8	0	16.71	5,000.00	6,283.32
		Fruit tree	-	1	1600	-	1,600.00
Mosisi-Mpeako	Leribe	Agricultural land	57.9	0	16.71	5,000.00	5,967.50
Total							M13,850.82

Table 4: Summary of Affected assets

7. GRIEVANCE REDRESS MECHANISM

An aggrieved person can lodge a claim on any of the issues of this Plan or implementation thereof. This LAP proposes Grievance Redress Committees (GRCs) to be comprised of the following persons as set out in the ESMP:

- Project Affected Representative
- Environmental and Social Specialist from TICP
- Representatives from RD
- Contractor
- Supervising Engineer
- Women and Youth Representatives
- Representation of active NGO or CBO (in project area)

A Grievance Redress Mechanism (GRM) will be established for TICP sub-projects for receiving of grievances, concerns and as a feedback mechanism. Project Affected Persons and other stakeholders were informed of processes and multiple channels available for redress of grievances. GRCs are voluntary groups and communities will be encouraged to nominate members from different villages to ensure greater representation and accessibility of GRM to communities.

The grievance mechanism shall be based on the principles of: Transparency; fairness; accessibility and cultural appropriateness; Openness and communication regularity; Written records; Dialogue and timely resolution.

The local chief of the aggrieved person will serve as primary point of contact for grievance redress. It is a norm that the local chief is regarded as representative of the people and is there to serve the needs and concerns of the community. Grievances should be resolved early and informally at project level where possible and ensure confidentiality. The TICP Community Liaison Officer (CLO) will keep the record of all community and other stakeholder complaints received and how they are attended to on project implementation. There are multiple channels for lodging of grievances as indicated:

A grievance can be lodged through the following structures:

- Community Liaison officer
- Grievance Redress Committee
- GRM box
- Local Authorities
- RD website www.rd.org.ls

A grievance register will be kept on site to document grievances and their outcomes. A GRM box will also be kept on location to be agreed upon by community members. The location should be easily accessible and will be managed by the Community Liaison Officer. The grievance records will assist in the decision making for improving future project public relations. The record will also inform the project management on conflict resolution

Grievance Redress Stages:

The following redress approach will be used as recommended by the RPF.

Stage 1- Any person aggrieved by compensation payments made or not made by Roads Directorate in connection with the acquisition of his/her land, housing or other assets or rights by any TIC sub-project shall lodge a written grievance to the Roads Directorate Environmental and Social Management Unit (ESMU) desk. The sub-project's community consultation structure may be brought in as necessary to assist in the resolution process, including Local authority representatives (e.g. Traditional Authority, Community Councillors). If the grievance is successfully solved, a confirmation form will be signed by the aggrieved person, the RD and local authority representative (e.g. Chief/Community Councillor) as necessary. The entire grievance resolution process will be recorded, and a copy made available to the aggrieved person.

Stage 2 - first appeal stage (RD level): if the grievance is not resolved at this level, the claimant may bring his/her grievance to the office of RD's Chief Executive.

Stage 3 – second appeal stage (MoPW level): if the dispute is not resolved at this RD level, the aggrieved person may lodge an appeal with the MoPW level (Principal Secretary's office).

Stage 4 - third appeal stage (Ministerial level): should the grievance not be resolved at this Ministry administrative level, the aggrieved person may lodge an appeal with the Minister of Public Works.

Stage 5 – fourth appeal stage (courts of law level): if the aggrieved person is not satisfied at this ministerial level attempt, then the grievance may be brought to Lesotho's courts of law. Legal costs will be apportioned /paid according to applicable national practice and procedures. Lesotho's Legal Aid Department offers free legal representation to those who cannot afford their own lawyers.

A written record of all grievances raised and dealt with will be ultimately kept by RD. The grievance log will include the following information:

- date of submission;
- details of aggrieved person and nature of grievance;
- details on agreed corrective actions;
- the date that the grievance was closed; and
- outstanding actions for grievances that have not been resolved.

8. MONITORING AND EVALUATION

The overall objective of monitoring will be to provide feedback on the implementation process. It will also enable identification of problems and successes as early as possible, so that timely adjustment of implementation arrangements can be made.

Monitoring and evaluation will be both internal and external. The ESMU of the MoPW and of RD will carry out internal monitoring of the Plan and will use indicators to assess effectiveness.

Indicators will include, but not limited to:

- Frequency of community consultations
- Timely disbursement of compensations
- Establishment of required institutions
- Levels of satisfaction by beneficiaries

There will also be periodic reporting in the form of progress reports. TICP environmental and social specialist will monitor implementation by RD ESMU.

External monitoring and evaluation will include:

- Verification that mitigation measures have been implemented in accordance with this Plan
- Appropriateness of consultation processes
- Grievances have been resolved in a timely manner or mechanism put in place

8.1 Resettlement Implementation Completion Report

A completion report of the resettlement process will be prepared within 1 month after completion of compensation processes.

The report will include:

- Scope of impacts and mitigation measures used
- Number of affected persons and affected assets
- Implementation process
- Number of PAPs compensated and assets
- Total sum disbursed
- Complaints lodged and resolution measures taken
- Lessons learned

9. IMPLEMENTATION SCHEDULE

All activities related to this LAP are planned to ensure that compensation is disbursed prior to commencement of civil works construction.

ITEM	MAIN ACTIVITIES	TIMING
1. Public Consultations	Consultations with stakeholders including local authorities and PAPs	July 2022
2. Asset Inventory/ Surveys	Documentation of assets and ownership	July 2022
3. Asset verification	Verification of assets and ownership	July 2022
4. Disclosure of Entitlements	Dissemination of information to PAPs and types of entitlements and survey results	July 2022
5. Preparation of compensation measures	Comparison of alternatives to PAPs and impact mitigation measures to be used and choice of method	July 2022
6. Signing of Compensation Agreements	Signing of Compensation Agreements as acceptance of compensation	July 2022
7. Disbursement of Compensations	Payments to PAPs for affected assets	August 2022

Table 5: Implementation Schedule

10. COSTS AND BUDGET

Costing and budgeting include costs associated with carrying out all related activities, including those related to implementation and monitoring. Estimated costs and budget for implementation, monitoring and evaluation of this LAP is **M35,543.36**. Source of funding for this LAP will be Government of Lesotho.

ITEM	COST ESTIMATES (MALOTI)
1. Disturbance Allowance	10,000.00
2. Compensation for land	2,250.82
3. Compensation for fruit trees	1,600.00
4. Implementation and Monitoring	20,000.00
Subtotal	33,850.82
Contingency at 5%	1,692.54
Total	35,543.36

Table 6: LAP cost estimates

11. DISCLOSURE

Project information dissemination and disclosure for local people will be the office of the District Councils, the Community Councils and local chiefs. English and Sesotho versions will be made available.

This Plan will be disclosed in Lesotho through the Roads Directorate website. Hard copies will also be availed at the RD offices and availability publicized through a national newspaper. Disclosure of this LAP by The World Bank will be through its Infoshop after the Government of Lesotho authorizes its disclosure to the World Bank.

12. ANNEXURES

Annex 1. Entitlement matrix

CULTIVATION LAND			
Permanent loss of cultivation land	Landowner	<p>(1) The full or partial loss of productive or fallow cultivation land required for transport sector developments will be compensated.</p> <p>a. Fallow land includes land that remains unproductive for one or more successive seasons and for various reasons, including resting or in anticipation of an appropriate opportunity to till the land.</p> <p>b. The ownership of abandoned cultivation land (<i>moshoqa</i>) will be confirmed with local authorities and compensation will be in accordance with the provisions of prevailing land legislation.</p> <p>(2) Compensation for cultivation land losses will be in the form of cash compensation or where possible, the provision of replacement land. Cash compensation will be in accordance with an agreed per square meter rate.</p> <p>(3) Where the acquired land is less than 1000m², compensation will be in the form of a once-off lump-sum cash payment only.</p> <p>(4) Where agricultural land greater than 1000m² is acquired and the owner wishes to be provided with replacement land, or where the provision of replacement land is considered to be in the best interests of the affected household, the project authorities will endeavour to secure acceptable replacement land. This would entail one or more of the following:</p> <p>a. enquiring from the local authorities (e.g. the Land Allocation Standing Committees of Community Councils) about the</p>	<ul style="list-style-type: none"> If the land in question is cultivated according to a sharecropping arrangement at the time of acquisition, compensation for the lost crops will be apportioned according to the arrangement. However, persons with secondary land rights (such as sharecroppers or renters) will not be entitled to any compensation for the loss of the land. Sharecroppers will be given advice on alternative subsistence and livelihood strategies, and assisted (through MOHSW) to gain access to poverty alleviation/social welfare programmes if required. Notice to vacate will be served at least 120 days prior to acquisition date.

		<p>availability of land, either through allocation or by purchasing;</p> <p>b. arranging for the payment of fees from the compensation entitlement for the purchasing of identified replacement land and for the payment of the remaining (if any) compensation entitlement to the affected landowner (lump sum or investment);</p> <p>c. securing legal tenure (lease) to the land in the name of the affected owner; or</p> <p>d. arranging for compensation in cash (lump sum or investment) where suitable replacement land could not be found.</p> <p>(5) A landowner who loses more than 75% of his/her total landholding will have the option to relinquish the remainder of the landholding in return for cash compensation or assistance with the identification of replacement land.</p>	<ul style="list-style-type: none"> • Compensation for all losses payable prior to acquisition. • All transfer costs/taxes will be the responsibility of the project.
Temporary Occupation of Land	Property owner;	<p>(1) Compensation for crop losses for the duration of temporary occupation.</p> <p>(2) Compensation for other disturbances and damages caused to property.</p>	<ul style="list-style-type: none"> • A temporary occupation contract should be signed with the affected land owner specifying; • Period of occupation • Formula for calculation of production losses (market value of crops normally produced on the land) and annual inflation adjustments • Frequency of compensation payments • And land protection and rehabilitation measures.

OTHER PRIVATE RESOURCES

Trees and thickets	Property owner; other evidence of ownership	<p>(1) Compensation for the lost production from individually owned fruit-bearing and non-fruit-bearing trees that are mainly used for own consumption will be in the form of one of the following options:</p> <p>a. compensation at net present value based on the total loss of production over the whole productive live of trees, irrespective of the age or production cycle stage of lost trees; or</p> <p>b. compensation at net present value calculated for the period of lost production (i.e. for the period until the replacement saplings reach maturity and start producing) plus five replacement saplings per affected tree.</p> <p>(2) Commercial orchards - compensated at commercial rates.</p> <p>(3) All resources from privately-owned trees that are felled (e.g. timber/fuelwood) will remain the property of the concerned owner.</p> <p>(4) Trees that are not required to be moved from a road reserve will either remain the property of the owner if not compensated for (as agreed), or become the property of the road authority where compensation is paid</p>	<ul style="list-style-type: none">• Affected persons to receive advance notice to harvest crops, if applicable.
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Annex 2. Land acquisition forms

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Government of Lesotho (1993) *The Constitution of Lesotho.*

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