

The Republic of Sudan

Resettlement Policy Framework (RPF)

for

SUDAN SOCIAL SAFETY NET PROJECT

December 2015

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Glossary

Nazir	Paramount tribal leader
Omda	Head of tribal clan
Sheikh	Village head
Dar	Tribal homeland
Murhal	Corridors for nomads to avoid agricultural areas
Hafir	Excavated pond to collect water for human and animal use
Trus	Traditional small embankment to collect runoff for cultivation

Definitions of Key Terms

S/No	Word/Term	Definition
1	Compensation	Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.
2	Cut-off-date	The date after which PAPs will NOT be considered eligible for compensation, i.e. they are not included in the list of PAPs as defined by the socio-economic survey.
3	Displaced Persons	All the people affected by a project through land acquisition, relocation, or loss of incomes and includes any person, household, firms, or public or private institutions who as a result of a project would have their; <ul style="list-style-type: none"> (i) Standard of living adversely affected; (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or (iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.
4	Economically-Displaced Persons	Those affected persons who are affected in way that they lose incomes from crops, land, businesses etc.
5	Encroachers	Those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
6	Entitlement	The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.
7	Full Cost of Resettlement	Compensation based on the present value of replacement of the lost asset, resource or income without taking into account depreciation.
8	Household	Is the unit which includes all members living under the authority of a household head, they are both family members and other dependents. Under the Land Act, a household would be members of the family whose consent would be required in case of alienation or undertaking any transaction on the family residential land. These members should ordinarily reside on the land. These members typically include the household head, one or several spouses, children and other members of the larger family, tenants, and employee.
9	Income Restoration	The measures required to ensure that PAPs have the resources to <i>at least</i> restore, if not improve, their livelihoods.
10	Indigenous	The people indigenous to an area and include ethnic minorities as defined by

	peoples	World Bank Operational Policy on Indigenous Peoples (OP 4.10).
11	Involuntary Resettlement	Refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that result in displacement. This occurs in cases of: <ul style="list-style-type: none"> (i) lawful expropriation or restrictions on land use based on eminent domain: and (ii) Negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.
12	Land acquisition	The process whereby a person or household is involuntarily alienated from all or part of the land s/he owns or possesses, to the ownership and possession of a project for public purposes, in return for fair compensation.
13	Land-Owner	An individual/household/institution recognized as owning land either by customary tenure, freehold tenure, or leasehold including customary occupants of former public land.
14	Market Value	The process of determining market value has sought to establish appropriate compensation figures so that the affected population is able to restore their standards of living to levels “at least as good as or better than” than they were prior to the project.
15	Physically Displaced Persons	Those affected persons who have to physically relocate because they reside within the land to be acquired for the ROW or encumbered as a result of the Power Project.
16	Project-Affected Person	Persons who lose assets as a result of the Project, whatever the extent of the loss; lost assets include land rights, structures, crops, business, access or a combination of those losses; not all Project Affected Persons (PAPs) have to physically relocate as a result of the Project
17	Relocation	The physical moving of PAPs from their pre-project place or residence, place for work or business premises.
18	Replacement Cost	WB policies require that all affected assets (land and structures) are compensated for at their replacement cost. Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition. The replacement cost of land is its market value. The replacement cost of structures is equal to the cost of constructing/purchasing a similar new structure, without making any deductions for depreciation, and inclusive of the labor cost.
19	Resettlement Action Plan	The time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
20	Resettlement Policy	A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before project approval. This

	Framework	instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future implementation. The policy framework should be consistent with the principles and objectives of OP 4.12 of the World Bank.
21	Vulnerable	Any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e. female-headed households with dependents; households with disabled heads; landless households with limited means of support; and Ethnic minorities.

Executive Summary

The World Bank is supporting the Government of Sudan with the Sudan Social Safety Nets Project (SSSNP). The objective of the project is to strengthen the capacity of the Ministry of Welfare and Social Security (MoWSS) to transparently and effectively implement the national Cash Transfer (CT) program, and to pilot a Productive Safety Net (PSN) approach for poor households. The two components of the project are: (i) strengthening the implementation of the MoWSS Cash Transfer program; and (ii) piloting a Productive Safety Net program. Component 2 on PSN will involve labor intensive sub-projects which could result in acquisition of land, the loss of assets or access to assets important to production, the loss of income sources or means of livelihood, thereby triggering the World Bank's Operation Policy 4.12 on Involuntary Resettlement.

This Resettlement Policy Framework (RPF) aims to describe and clarify the policies, principles and procedures to be followed in minimizing and mitigating adverse social and economic impacts of during the implementation of Productive Safety Nets (PSN) which will be piloted in the North Kordofan State in 10-15 selected communities. However, the location, and nature and scope of sub-projects and the land acquisition and displacement that their implementation could entail, are not as yet known at the stage of project preparation. The RPF shall serve as a practical tool (e.g. screening checklist) to guide the preparation of Resettlement Action Plans (RAPs) for sub-projects during the implementation of the Project. In the process of developing this RPF, Sudan's land regulations and World Bank Policy directives as stipulated in OP/BP 4.12 were used to guide arrangements for the potential resettlement and compensation of impacted persons. It is vital to note that for each subproject supported under the Project that involves land acquisition or relocation of people, a separate Resettlement Action Plan (RAP) satisfactory to the Bank is required prior to commencement of implementation of the sub-project.

The RPF compares Sudan's legal framework with World Bank's Policy OP/BP 4.12 and its requirements. Under both systems land compensation – if in cash – should be based on its market value. The RPF also details issues related to mitigation instruments, the identification of stakeholders and their social and economic structure and recommends a detailed procedure to identify the nature of impacted land using the Land Acquisition Assessment tool. The RPF also details procedures to resolve conflicts and redress grievance. The methods used are transparent and entail full involvement of the local community leaders and impacted persons.

As land is plentiful and every village has a village perimeter in Sudan, no conflict is likely to arise regarding availability of land for the construction of productive infrastructure and community services. Consultations conducted in North Kordofan State with communities, where the pilot will be implemented, did not reveal any problems related to land acquisition for the potential sub-projects to be supported under the pilot. However, this RPF caters for future SSN development activities and provides procedures for land acquisition, if required.

1. Project Description

1.1 Introduction

The World Bank is supporting the Government of Sudan (GoS) with the Sudan Social Safety Nets Project (SSSNP). The objective of the project is to strengthen the capacity of the Ministry of Welfare and Social Security (MoWSS) to transparently and effectively implement the national Cash Transfer (CT) program, and to pilot a Productive Safety Net (PSN) approach for poor households. The two components of the project are: (i) strengthening the implementation of the MoWSS Cash Transfer program; and (ii) piloting a Productive Safety Net program.

Social support will be delivered to the identified poor households and communities through cash transfers for target poor. In addition, a pilot component on Productive Safety Nets will also be supported wherein members of target households will receive cash for work undertaken on labor-intensive social and economic sub-projects. Social service delivery is a means to facilitate conflict resolution, ensure peace dividends and reduce poverty at the target areas and households.

Consolidating peace while enhancing the government's legitimacy and promoting good governance, economic recovery and social stability takes a prominent place in the development agenda of the GoS. By consolidating the peace dividend and finalizing the Poverty Reduction Strategy Paper (PRSP), the Government intends to address the prevailing poverty and regional disparities in the country through the creation of a Social Safety Net Fund (SSN) to serve as one of the main conduits of donor funding during the upcoming periods. SSN should be viewed as part of a national program that targets all poor people and areas and includes all similarly funded initiatives, which would eventually be integrated under one umbrella.

SSN would complement the Government's programs by providing an efficient and effective alternative to the delivery of urgently needed support and basic social, economic and infrastructure services targeted at deprived households and communities. Viewed as a source of funds for local development, the project would generate support to the Government's reconstruction efforts as it establishes partnerships with the states, localities, and local community groups and organizations.

1.2 Project components

These objectives will be attained through two components:

Component 1: Strengthening the implementation of the MoWSS cash transfer program (US\$ 3.0 million): This component will provide technical assistance, capacity building opportunities and goods/equipment to: (i) improve the MoWSS's institutional capacity to effectively manage, coordinate, and administer the CT program; (ii) strengthen the Poverty Reduction Coordination Center's (PRCC) capacity in data analysis and IT access; (iii) establish an MIS in the PRCC to manage the main components of the SIP (including fiduciary aspects); (iv) improve targeting using the poverty map and a Proxy Means Test (PMT) and establish a common targeting database for the SIP; (v) further develop the cash payment systems including the e-payment pilot to improve timely cash payments; (vi) strengthen monitoring and introduce evaluation to guide the scaling up of the CT program; and (vii) enhance advocacy,

communication and social accountability to strengthen outreach to beneficiaries and key stakeholders. The MIS system and a beneficiary registry will be developed in parallel and housed in the MoWSS.

Component 2: Piloting a Productive Safety Net (PSN) Approach (US\$ 0.5 million): This component will finance a pilot cash for work program modeled after the PSN programs established in the region, particularly Ethiopia's program. The PSN pilot will constitute an integral element for supporting resilience and opportunity in Sudan and an important aspect of the SSN framework, allowing enhanced coordination with ongoing initiatives by providing the poorest households of selected communities with temporary employment during the lean season. The pilot will be implemented by the CDF, and coordinated with the MoWSS. Beneficiaries will be chosen based on a combination of community pre-selection and application of a PMT presently developed by the WB upon request of the MoWSS. The PSN pilot will not only provide short term income and employment opportunities for poor households, but will also create social and productive assets through the work provided by beneficiaries. Possible activities may include soil and water conservation, small-scale irrigation, and social and economic infrastructure. Sub-projects will be determined locally based on a community based participatory planning process. It is envisaged that the majority of activities will focus on the introduction and further enhancement of improved land use management practices to create an enabling environment for more productive livelihoods. In addition, because of new interactions between rural communities and towns, the component will contribute to improved access to education and health services.

1.3 Project location

Geographically, the pilot project under Component 2 will be implemented in 10-15 communities in the North Kordofan state. Possible activities may include soil and water conservation, small-scale irrigation, and social and economic infrastructure. Sub-projects will be determined locally based on a community based participatory planning process. It is envisaged that the majority of activities will focus on the introduction and further enhancement of improved land use management practices to create an enabling environment for more productive livelihoods. In addition, because of new interactions between rural communities and towns, the component will contribute to improved access to education and health services.

1.4 Justification for triggering OP/BP 4.12 related to Involuntary Displacement and land Acquisition

Component 2 of the project (productive safety net Subprojects) entails the rehabilitation of social and economic community infrastructure and the creation of select infrastructure that could require the acquisition of land and sites, lead to the loss of assets or access to assets important to production, the loss of income sources or means of livelihood due to the implementation. Depending on their status, the sites/land will be either donated by the community, the local government, private owners, or acquired. Because of the possibility of land acquisition, OP/BP 4.12 has been triggered during project preparation. At the time of project preparation, the location of the subprojects and the possibility and scope of land acquisition and involuntary displacement are not known at the level of each sub-project. This Resettlement Policy Framework (RPF), therefore aims to describe and clarify the policies, principles and procedures to be followed in minimizing and mitigating adverse social and economic impacts of during the

implementation of Productive Safety Nets (PSN). The RPF shall serve as a practical tool (e.g. screening checklist) to guide the preparation of Resettlement Action Plans (RAPs) for sub-projects during the implementation of the Project that would potentially cause involuntary displacement and mandatory land acquisition of land owned or used by individuals, families or other entities. The Sudanese National Legislation and the World Bank Policy and requirements as stated in OP/BP 4.12 provide the guidance for the RPF; in the case of any discrepancy between these two standards OP4.12 will prevail.

The World Bank OP/BP 4.12 details issues of involuntary resettlement, emphasizing the severe economic and environmental risks involved if unmitigated. The World Bank Policy Objectives urge that involuntary resettlement be avoided whenever possible. If unavoidable, the displaced persons need to:

- Share in project benefits;
- Participate in planning and implementation of resettlement programs;
- 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 World Bank Policy covers direct economic and social impacts that both result from Bank – assisted investment projects. This covers taking of land which may result in relocation or loss of shelter, assets, access to assets or loss of income resources or means of livelihood whether or not the affected persons must move to other locations.

This Resettlement Policy Framework (RPF) covers the following elements:

- Project Description
- Policy Trigger
- Sudan’s Legal Framework and Land Laws
- Mitigation Instruments
- Procedures for Identification of Impacted Persons
- Methods for the Resolution of Potential Conflicts or grievances
- Responsibilities for the Implementation of Mitigation Measures
- Monitoring Arrangements and
- Conclusions and Recommendations.

1.5 Methodology for the Preparation of RPF

The RPF for the SSNP was informed by the RPF prepared for the World Bank supported and successfully implemented and now closed Community Development Project. Consultations were held in North Kordofan state with communities to familiarize with the issues on the ground and appreciate the possible environmental and social issues associated with project implementation. Those consulted involved representative of the CDF, potential beneficiary communities and their representatives, and local leaders in one of the 10-15 communities where the PSN pilot will be implemented. A summary of the consultations is in Annex 1.

2. Legal and Administrative Framework

The Sudan is a country divided into 18 States. The two main elements of the policy context are a high level of decentralization of powers to States, together with the creation of a Darfur Regional Authority (DRA). This model characterized by a somewhat asymmetrical but overall decentralized system of governance is adopted by the Constitution. Hence, there are three levels of authority: national level, state level and locality level. The powers over land are divided among the various levels. The Interim Constitution has five Schedules (A – F) which specifically state the powers of the various levels of government on land as shown in Table 2.1.

TABLE 2.1: Powers and responsibilities	
Schedule (A) National Powers	
Section	Title
15.	National Lands and National natural resources
19.	Meteorology
29.	International and Inter-State Transport, including roads, airports, waterways, harbors and railways
30.	National Public Utilities
33	Nile Water Commission, the management of the Nile Waters, trans-boundary waters and disputes arising from the management of interstate waters between Northern states and any dispute between Northern and Southern states
Schedule (C) Powers of States: Regarding land governance, most powers –executive and legislative- are at State level:	
8	State Land and state Natural Resources
13	The management, lease and utilization of lands belonging to the state
17	Local works and undertakings
21	The development, conservation and management of state natural resources and state forestry resources
23	Laws in relation to agriculture within the state
27	Pollution control
28	State statistics, and state surveys
31	Quarrying regulations
32	Town and rural planning
36	State irrigation and embankments
40	State public utilities
Schedule (D) Concurrent Powers: The National Government and state governments, shall have legislative and executive competencies on any of the matters listed below:	
4	Health policy
5	Urban development, planning and housing
7	Delivery of public services
12	River transport
13	Disaster preparedness, management and relief and epidemics control

15	Electricity generation and water and waste management
17	Environmental management, conservation and protection
23	Pastures, veterinary services, and animal and livestock diseases control
27	Water Resources other than interstate waters
31	Human and animal drug quality control
32	Regulation of land tenure, usage and exercise of rights in land.
Schedule (F) Resolution of Conflicts in Respect of Concurrent Powers:	
If there is a contradiction between the provisions of state law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:-	
1	The need to recognize the sovereignty of the Nation while accommodating the autonomy of the states
2	Whether there is a need for National or State norms and standards
3	The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms

Article 43 (2) of the Constitution gives the national government the right to expropriate land for development purposes and to compensate the owners. There are a number of articles related to natural resource management, protection of cultural heritage sites and respect of traditional and customary regulations related to land ownership. The Interim Constitution also specifies land issues which are under national powers (federal level) and those under the control of states as well as joint powers (concurrent powers) shared by federal and states. The states manage lands which are not under national control. This include: management, lease and utilization of lands belonging to states, town and rural planning and agricultural lands within the state boundaries. The government powers include matters related to urban development, planning and housing, electricity generation, waste management, consumer safety and protection, water resources other than interstate waters and regulation of land tenure and rights on land.

The Interim Constitution radically changes the relative powers of the different actors and stakeholders in the field of land by transferring large parts of the powers from the national to the state level. This requires introduction of reforms and changes to the present land laws to conform to the articles of the constitution. The land commissions to be established at national and state level are expected to play important roles in organizing land ownership, resolving disputes and setting arbitration procedures.

2.1 Land Regulations

Specific legislations on land are found in sectoral laws including:

- **Land Settlement and Registration Ordinance, 1925:** provides rules to determine rights on land and other rights attached to it and ensure land registration.
 - **The Land Acquisition Act, 1930:** gives the government the power to appropriate lands for development purposes. It also states detail formalities of acquisition and rules governing assessment and payment of compensation.
- The Civil Transactions Act, 1984:** regulates the different matters related to civil transactions with respect to titles on land, means of land acquisition, easement rights and conditions to be observed by land users.

- **Urban Planning and Land Disposal Act of 1994:** regulates designation of lands for different purposes and urban planning. With respect to land expropriation for public purposes, mentioned in Section 13 of the Act.
- **Forests and Renewable Natural Resources Act of 2002:** The Act provides the framework for the management and protection of forests and renewable natural resources encompassing pasture and range as well as the framework governing the managerial system of the forestry sector. The Act spelled out the National Forests Corporation's objectives in intensifying afforestation activities, developing production of different types of gums, NWFPs, encouraging popular participation and presents a good model for sustainable management.
- **Provincial Forest Act, 1932:** protects an area in the Gezira Province as provincial forest reserve from being interfered with on the same principle as applied to the central forest reserve.
- **Environmental Protection Act 2001, the Environmental Health Act 2009, and the National Public Health Act 2008:** This Act aims to: (a) protect the environment; (b) provide guidance for the development and improvement of the environment as well as guide the use of natural resources; (c) make a connection between environmental protection and development activities; (d) assure and confirm responsibilities of the competent Authorities for the protection of the environment; and (e) activate the role of the competent Authority in environment protection. The Act provides the framework for the establishment of A High Council for Environment and Natural Resources and associated regional councils and outlines their roles and responsibilities.
- **The Environmental Health Act, 2009:** contains detail provisions for the protection of water and air from pollution and assigns defined administrative responsibilities to District Councils with respect to preservation of environmental health in general.

**** The Land Acquisition Act of 1930** outlines detailed procedures to be followed in the acquisition of land and rules governing payment of compensation for land for public purposes. The procedures for land acquisition in any locality are initiated with a notification by the People's Executive Council in a Gazette stating that it appeared to the President of the Republic to authorize the acquisition of land for public purposes (Section 4). It is only after such notification that it shall be lawful to enter into procedures to set out boundaries, mark or survey the land. In addition The Identification of Land and scanned for the year 1905.

Generally, these Acts provide procedures for land expropriation for development purposes and ways to specify rights in order to compensate the owner. The Urban Planning Act sets specific rules for the separation of industrial areas from residential areas. It should be noted that names of authorizing persons to initiate the process are changed according to federal system. Hence, the powers of initiation are vested on the *Wali* or local authority.

The reviewed Acts and laws provide standards to be considered in land acquisition. It is important to note here that State organs and local laws deal with issues at State or local levels, while the Federal Acts are more concerned with general directives and set limits according to national interest.

2.2 Resettlement Principles According to World Bank OP/BP 4.12 and Sudanese Land Acquisition Policies

The World Bank requirements are detailed in OP/BP 4.12. The directives outline the following principles:

1. Involuntary resettlement should be avoided where feasible or minimized by exploring alternative project designs. If not feasible to avoid resettlement, resources are to be provided to enable the displaced persons to share in the project benefits;
2. The population to be affected by the project are those who may lose as the consequence of the project, all or part of their physical and non-physical assets including homes, farms, productive land, properties, income earning opportunities, social and cultural relations and other losses that maybe identified in the process of resettlement;
3. All project affected person (PAPs) impacted by the project should be consulted and given the opportunity to participate in planning and implementing resettlement programs;
4. All PAPs affected by the project are entitled to be compensated for their lost assets and incomes at full replacement cost and assisted in their efforts to improve their livelihoods and standards of living to pre-project standards;
5. All affected population are equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and without any discrimination;
6. The World Bank policies stipulate that displacement or restriction of access to resources must not occur before necessary measures for resettlement are put in place. This includes provision of compensation and other assistance required for relocation prior to displacement to new sites with adequate facilities. For compensation purposes, preference should be given to land – based strategies for displaced persons whose livelihoods are land – based with land equivalent to the advantages of the land taken. If land is not available, options built around opportunities for employment should be provided in addition to cash compensation for land and other assets lost. In case of land – based livelihoods, cash payment may be appropriate if the land taken is a small fraction of the affected asset and the residual is economically viable particularly, if active market for land exists and the displaced persons have the opportunity to use such markets. Cash compensation should be sufficient to replace the lost land and other assets at full replacement cost in local markets.
7. In all cases, the displaced persons and host communities receiving them are to be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement and appropriate mechanisms for grievance redress are established. It is also important that in resettlement sites or host communities, public services and infrastructure are provided and measures are to be taken to the extent possible to preserve the social and cultural institutions. Special measures are to be taken to protect socially and economically vulnerable groups and people living in extreme poverty from resettlement impacts by avoiding to the extent possible any project activities that will require relocation or loss of shelter or access to livelihood. Alternative land options will be explored given the small nature of activities and the limited land that will be required, if any. When resettlement is inevitable, support and assistance including land from the community land reserve will be provided to the vulnerable groups to relocate, construct

shelter, and/or seek alternative livelihoods. All efforts will be taken to ensure that there is no coercion involved.

According to legal and policy requirements of Sudan, particularly those related to land acquisition and resettlement of persons affected by development projects, the different land regulations as outlined in section 2.1 provide guidance and steps to be taken. The Land Acquisition Act, 1930, provides detailed steps to be taken for land acquisition and payment of compensation for claimants whether in cash or land for land. However, the Unregistered Land Act, 1970, deems any unregistered land as being registered in the name of government, while the local inhabitants have the right to use. This Act created some confusion regarding land acquired through traditional and customary procedures. In some cases, land was taken for development purposes without considering the customary rights of use. This approach led to land – based conflicts particularly, if the land taken was given to investors from outside the local community. However, the most important and radical change is reflected in the Interim Constitution, 2005. The Constitution clearly recognizes the customary tenure and traditional customary regulations and right of use in common land. Furthermore, the constitution establishes National Land Commission and State Land Commissions to regulate land ownership and acquisition through arbitration and consultation of local users. Specifically, Article 43 (2) of the Interim Constitution gives the right for land acquisition for public use and compensation of the claimants either land for land or cash compensation and through committees to decide on replacement costs for lost assets. Still the issues on grazing land are to be solved by the Land Commission but as land is available for such uses, the traditional authorities assign grazing areas for nomads.

There are many similarities between the World Bank policies and the Sudanese policies despite the unresolved issues related to grazing lands. For the project under consideration, land is available for compensation, and in all cases, OP/BP 4.12 will prevail in case of people with no titles as nomads or squatters and measures are usually taken to support them so that they can lead a life at least equal to their pre–project life.

2.3 Customary Land Tenure

The above are formal legislations passed by the government to organize land tenure. However, most of Sudan’s lands are organized by customary and traditional rules and regulations. Private ownership is found only in areas along the Nile where land registration was carried according to Land Registration & Settlement Act of 1925. Most of areas away from the Nile are under traditional communal tenure where rights over land less than full ownership are recognized.

Hence, in these areas four forms of land tenure emerged. These are:

1. Government lands with community rights;
2. Government lands with no community rights (unoccupied lands, wetlands, water catchments, etc);
3. Hawakir (land recognized as tribal homeland – Dar, or areas granted to individuals by previous Sultans);
4. Lease (licence): land granted by the government to investors for a limited number of years.

Within the customary land tenure, there is the tribal homeland (Dar) with demarcated boundaries recognized by neighbouring tribes and local authorities. The tribal land is organized and supervised by Nazir (the chief tribal leader). Within the tribal land, there is clan land organized by Omda. Within the clan land, there are a number of villages, each with its land organized and controlled by the village Sheikh. Within the village land, each villager practices his private ownership respected and recognized by all. The unclaimed land is used as range land or allotted to migrants by the village Sheikh provided that they respect the traditional rule of surrendering 1/10 of the crop to the Sheikh. As a general rule, land allotted to any person cannot be withdrawn unless he/she leaves the village. Under such circumstances, the land abandoned by any person reverts to the community to be allotted to someone else. In all cases, the owner of the land is free to hire part of his land or dispose it off in the way he likes and after death, his children or relatives inherit the land.

These customary rules are to be respected in any development activity. Land needed for public use and according to Civil Transactions Act 1984, the owner must be compensated in any form – land for land, a small fee or in many cases, the village community willingly donate land needed for public use. It is not expected that the SSN projects in the areas selected will cause problems of displacement that needs compensation.

It should be noted here that pasturelands and water resources (pools) are communally owned and utilized. They are not appropriated by individuals and pasturelands are always defined as uncultivated lands. Nomads have corridors (Murhal) to avoid farms and allowed to utilize uncultivated areas. Tribal chiefs usually specify these routes and grazing areas for nomads. Generally, these Acts provide procedures for land expropriation for development purposes and ways to specify rights in order to compensate the owner.

The legal requirements are not confined to the above mentioned Acts. There are other important sectoral laws that must be considered and used as yard sticks to identify its relation to land acquisition. The Environmental Health Act of 1975 and the Public Health Act 1975, provide regulations and restrictions for industries regarding water and air pollution (standards). According to these Acts, protection obligations extend to cover animal and plant life. Specifically, the Acts cover issues related to collection, treatment and disposal of waste. Also, they prohibit water pollution by addition of any solid or liquid wastes, chemicals, sewage and remains of animals on water resources such as rivers, hafirs, and wetlands. On the other hand, the Electricity Act of 2001 controls the electricity market. It provides regulations regarding the protection of network and standards regarding environmental protection. Article 9 of the said Act requires that any developer (investor) must comply with existing laws regarding roads, water courses, communication network, environmental issues and archaeological sites. Article 13 explains the environmental standards that must be taken into consideration when establishing power plants. Article 17 requires compensation to any damage that the project may cause to life and property.

Within the customary land tenure system, different forms of tenure may be identified according to land use as reported in the following sections.

2.4 Farmers Tenure System

Generally, farmers' right to land is established by continuous actual use and cultivation. This well-defined tenure basis may reflect the fact that land has never been an issue of serious dispute in the history of the project area. In other words, land has little value in the sense that unclaimed agricultural land was large enough so that it was not worthwhile to maintain long – term right on it. However, there were some cases where individuals could establish control over land through costs of opening up a new land by clearing and preparation for agriculture. But generally, it was difficult to maintain right if the land was left fallow for a long period.

The only effective way to exercise long–term ownership, is by allowing *hashab* to regenerate on the land and keep protecting it till it becomes a well – defined stand of productive trees. Such ownership is recognized because the occurrence of *hashab* adds to the value of the land in two ways. Firstly, it produces cash and secondly, it renews the fertility of the land.

2.5 Livestock Raising

As mentioned earlier, livestock raising in the area is mainly village–based practiced by sedentary population or by nomads. Goats and sheep are main livestock kinds raised by villagers. There are very little management inputs from the owner side. Animals are often left to graze in the vicinity of the settlement center without proper tending and herding.

Another form of livestock raising, is the nomadic pastoralism operating on an open and vast grazing system which is mainly practiced by visiting tribes. This form of raising has more or less, a well – defined identity and therefore has more interactions with other land users as will be discussed.

2.5.1 Pastoralists Tenure System

Seasonal stock movements in response to physical/biological and socio–economic factors are often associated with contacts, frictions and conflicts. This, of course, has led to some internal balancing mechanism, particularly, those related to their social structure and tribal administration. It is well documented that through time, the tribal or native administration has articulated itself and crystallized as a powerful organ and institution that caters to the interest, sustenance and stability of the nomadic system. In this system, pasturelands and water sources are communally owned and utilized. They are not appropriated by individuals and pasturelands are always defined as uncultivated lands. Beyond the seasonal routes, also no land is reserved or allotted for grazing. However, such specification of land allocation exists only for cultivation which clearly indicates the tenorial bias against nomadic pastoralism. Within the “*Dar*” (homeland), tribal sub – division, clans and villages have preferential grazing right within their territories. One mechanism of maintaining this preferential grazing right is through the control or access to water sources (this is only possible and feasible if they were established by the community rather than by the government as in case of water yards). Often, customary rules and native administration are the eminent mechanism and institution regulating the tribal use and right on the seasonal routes. However, these rights could be lost if such routes are abandoned or intercepted by sizeable community or government project.

2.6 Hashab (Gum Arabic)

Traditionally, gum production from *hashab* tree constitutes an important source of cash to the farmers. The integration of hashab plantation within the traditional agricultural rotation system is an old practice in the area. This is done by cutting hashab trees when their yield declines, and replaced by crops for 3–4 years. In the meantime, plantations from those trees become tapable when crops productivity starts to decline signaling the decline of soil fertility. Trees from plantations continue to be tapable for 8 – 13 years, and again farmers start cutting these trees to grow crops in place. The hashab crop rotation goes in this sequence. However, this pattern of land use began to lose its importance in many areas. Conflicts were often associated with hashab and grazing damage caused by herders trespassing.

2.6.1 Hashab Tenure System

Hashab ownership in the area constitutes the core of all other forms of land rights. In fact, other ownership rights are often judged in relation to hashab plantations. They form the maximum security of tenure within the customary set of rules.

Hashab tenure system can be traced back to the ancient “*Hakura*” system, whereby individuals, clans and tribes were given land concessions by Sultans. As will be discussed later, the *hakuras* were used and managed according to certain arrangements within the native administration set-up. Through time, the *hakura* system has acquired firm tenure recognition by the people. Slightly different from other lands, hashab areas can be transferred by inheritance, buying and selling.

2.7 Water Spreading Tenure

This is a relatively recent pattern of farming that emerged as one of the coping mechanisms with the drought conditions. This newly emerging form of agriculture is confined to the alluvial soils of the *Wadis* and *Khors*. However, as a new comer, it interacts with other resource users in many aspects including:

- Conflicting with pastoralists access to watering and grazing along the *Wadis* and *Khors*;
- Conflicting with small – holder farmers particularly, traditional producers;
- Conflicting with small farmers who traditionally exploit the residual moisture of the *Khors* for vegetable production.

The status of tenure as regards the lands under water spreading activities is not comparable to other land users’ tenure systems. In fact, there is a great deal of confusion within the customary rules when dealing with tenure issues and conflicts of the water spreading land.

2.8 Formal Recognition

Formal recognition by the government as regards the customary tenure systems in the area is not well-defined. Registration of land as a formal procedure of government recognition is not applied in the project area.

Lack of such formal recognition and registration of land on a permanent basis is considered by many proponents as advantageous and very much compatible with the rural conditions in the country. They always consider the following points of argument:

- Difficulty of keeping and sticking to one piece of agricultural land without shifting in case of dwindling soil fertility. This point is particularly valid in sandy soils and *quz* lands;
- Limiting the mobility of individuals and groups, particularly landless and nomads. Traditionally, customary procedure and communal ownership of the land accommodate and cater for such mobility;
- In case of permanent ownership of the land through formal registration, the native administration powers will be weakened and will lose respect and commitment of the people;
- Complication and cost of formal land registration may impose unnecessary burden on the rural poor.

However, there are some arguments in favor of land registration. Supporters of land registration in rural areas usually consider the following:

- Due to increasing trend of land commercialization in agricultural areas particularly alluvial soils, owners and transactions should be supported by formal land registration documents;
- Land registration documents are often officially required for eligibility of credit and agricultural facilities;
- Small holders will be protected from any future displacement in case of large development projects;
- Permanently secured ownership of land is more likely to induce and encourage rational use of land by the farmer;
- Modern statutory legal system is more consistent, fair and free from any tribal bias than the native or tribal administration.

2.9 Administrative Framework and Relevant Institutions

As mentioned earlier, the Interim Constitution 2005 radically changes the relative powers of the different actors in land issues by transferring a large part of powers from the national to the state level. Hence, the government sector legislations have to be revised to conform to the constitution.

At the national level, the key line Ministries with stake in land issues includes:

- Ministry of Agriculture and Irrigation
- Ministry of Environment, Forestry and Physical Development
- Ministry of Animal Resources
- Minister of Tourism, Antiquities & Wildlife
- Minister of Water resources and Electricity
- Minister of Transport, Roads and Bridges
- Minister of Minerals

All these ministries are now revising their mandates to be in line with the new constitution. For example, the Ministry of Environment and Physical Development revised its mandate given to her according 1994, Urban Planning and Land Disposal Act by transferring most of its powers to the State Ministry of Urban Planning and Public Utilities. The Federal Ministries are to carry out responsibilities of planning, coordination, provision of guidelines and capacity building.

At state level, the state authorities shoulder most of the responsibilities of both ministries and localities. The powers on land are exercised through the traditional Native Administration (Nazir, Mek, Omda, and Sheikh). As the result, the process for land acquisition starts by the lowest level of authority (the Sheikh) and goes up through the different state authorities concerned.

To illustrate this process, two examples are given below in Sections (9) and (10).

2. Steps for Settlement and Registration of Land According to 1925 Act

In this respect, the *Land Settlement and Registration Ordinance of 1925* provides detailed steps to be followed. The steps are as follows:

The settlement officer shall order, after his/ her appointment, publish an announcement of settlement and registration to be held in the competent local office in the province where the settlement area is located and in the Bureau of Land Registration in the Province and appropriate places within the settlement area, and if it deems appropriate, post an announcement in the Official Gazette and any other newspaper. The Announcement specifies:

1. The site and borders of the settlement area.
2. The lands located within the settlement area.
3. The time required from any person claiming any land within the settlement area or any of the franchise shall submit his application.
4. The announcement shall order all claimants within the settlement area and shows the limits of the affected lands and the date that the settlement officer thinks they are suitable.

Designation of the employee mentioned, is the (settlement officer). According to the above-mentioned law, there shall be authorities granted by law for the determination officer, the survey officer and the registration officer in their respective fields

2.11 Forest Reservation

Forest reservation is an administrative legal process whereby an area of land is allocated for forestry and the Act is announced in Sudan's Gazette. The process of forest reservation involves some 14 steps in some eight departments. The process is initiated by a forestry officer identifying a piece of land. He makes a sketch of the area and obtains the preliminary approval of the local authorities (*Omda, Nazir, Shartai*, or Local Government Officer). At this stage, the Federal Director of Forests takes up the process by seeking approval of the Federal Ministry of Agriculture, and a board comprising settlement officer, the Judiciary and Survey Department. The board announces the intent of forestry authorities to reserve the said area and fixes a date for claimants of any interest in the said area to meet the board and present their evidence of claim. The sketch is amended after removal of contented areas and compensation paid. The Survey Department produces a final map. A reservation order is published specifying any residual rights or privileges to local population, herders and forest neighbours such as grazing rights, collection of wood and other forest products for non – commercial use, access to water sources, rights of way, etc.

The Statement of Forest Policy, 1932 recognized two types of forest reserves: Central Forest Reserves; and Provincial Forest Reserves serving both national and local needs. The 1989 Statement of Forest Policy recognized other categories of forest reserves: National (Federal), Provincial (State), Institutional, Community and Private Forests. In September 1993, the President issued a Decree announcing all forests at various reservation stages as forest reserves.

According to Forest Acts since 1930s, Provincial and State authorities administer the forest estates. Forest Policy Statement is augmented with supportive legislation. The latter can be national, state or local order issued by the respective legislature. Specific Acts or regulations can be passed to protect particular trees (endangered). Forest Policy Statement of 1986 called for particular afforestation and reforestation arrangements. The latter obliges owners of irrigated and rain – fed agricultural holdings to put 5% and 10% of their respective area into trees as shelterbelts or woodlots.

3. Description of Stakeholders

The North Kordofan district has the bulk of its population inhabiting the rural areas and practicing rain-fed traditional agriculture (small holders), keep livestock and a small number are nomadic moving with their livestock in search for water and pasture.

North Kordofan localities (Wad Banda, Sodari and Jabra) are ethnically and tribally diverse. The main tribal groups include: Hamar, Kababish, Kawahla, Kaja, Mima, and other minor tribal groups. The localities exhibit rural nature where the rural population is dispersed in villages of different sizes. The four most common crops grown in the area are: millet, sorghum, sesame, and groundnuts. These are basically for subsistence and surpluses are sold in the market. Beside these crops, the inhabitants also cultivate Karkade (Roselle) and water melons, while small plots are under vegetables grown in Wadi alluvial plains. Animal husbandry plays an important role in the local economy. Large herds of sheep, goats and cattle are raised in villages. Camels and sheep are kept by nomads.

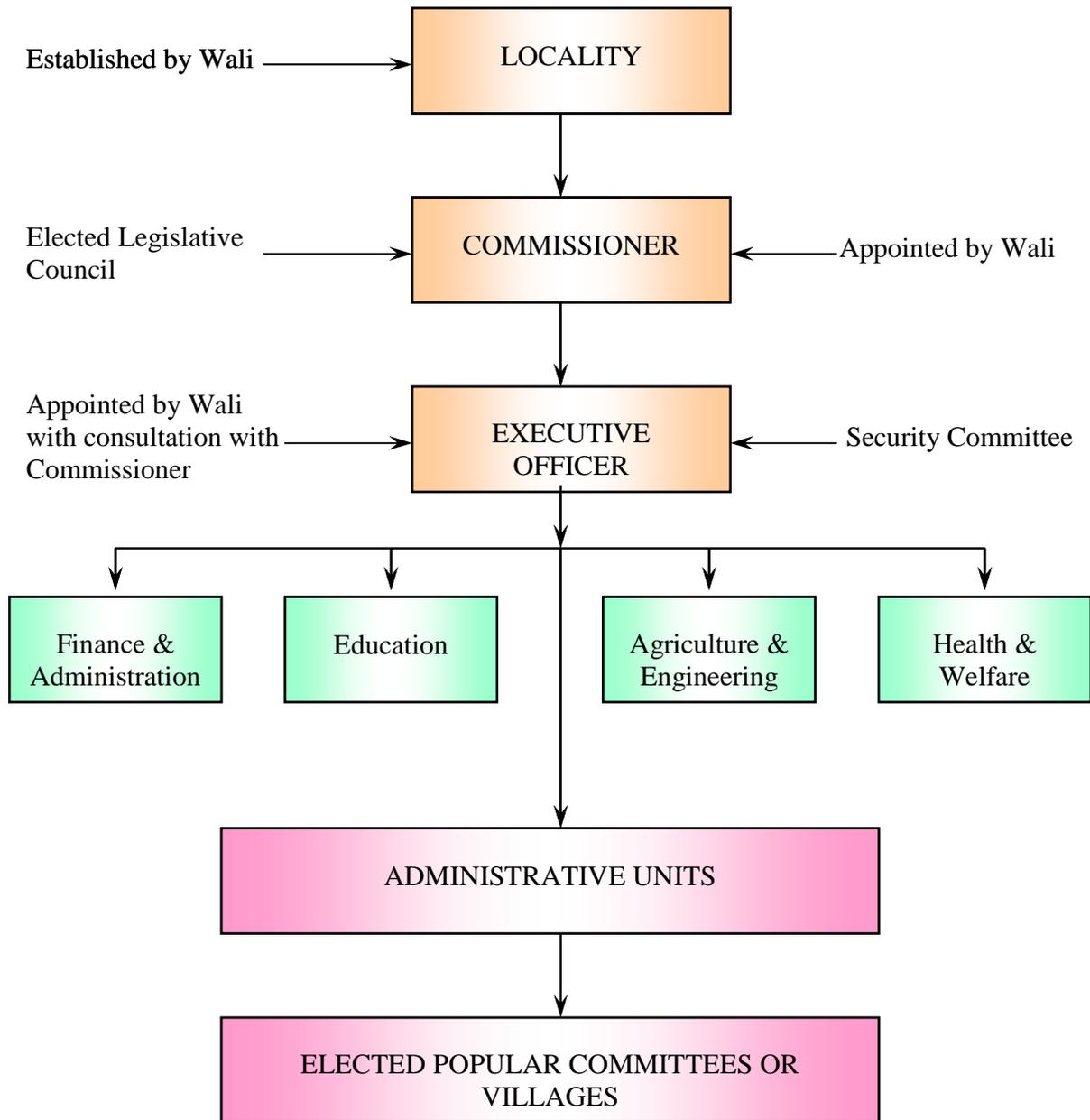
Land is a very strategic socio-economic asset and community owned. The customary land tenure evolved to accommodate the bush-fallow system. The bush-fallow farming system includes animal husbandry and integrates Hashab (*Acacia Senegal*) to produce gum Arabic and maintain soil fertility. Through this system, the farmers have the right to control fallow land and resulting Hashab trees that grow. The system involves 10-15 years cycle on each plot of land where crops are grown for 5-6 years and then the land is left fallow for 3-15 years for Hashab regeneration. Each family, particularly in Wad Banda locality, would control 2-3 plots of land with a total area of about 30-40 acres. Change in productivity which improves during acacia fallow and declines during tillage, motivated the need for land rotation cycle in the bush-fallow system. Gum harvest would continue to about 15 years at which time land is reverted to crop production. This system is organized by tribal chiefs and village Sheikhs. In the targeted localities, there is no problem of land shortages; however, they suffer from poor social services and infrastructure.

Administratively, all the localities in the North Kordofan state has similar set up. At the top is the locality which is administered by a commissioner and decisions are taken by an elected legislative council. Day-to-day activities of the locality are performed by an executive officer assisted by four departments; Finance and Administration, Education, Agriculture, and Engineering and Health and Social Welfare. Under the locality, there are a number of Administrative Units located in semi-urban centers. At the village level, there are elected Popular Committees linked to the Administrative Unit (Fig. 3.1). This structure is in a way linked to the government hierarchy. There is the tribal hierarchy under the Chief Tribal Leader (Nazir, Amir or Mek); under him there are Omdas and the Village Sheikhs. The tribal structure plays a very important role in land issues as reported in Section 3.

In general, and in all localities, land is still plentiful and no displacement or dispossession will take place and in the very extreme cases, a maximum of one percent of the population in a given community may be affected by land expropriation, if at all. Even in this case, the local community will shoulder the responsibility of assigning alternative land for the affected persons. Experience from the implementation of World Bank supported Community Development Fund

project has shown that the communities will donate land from village reserve for the construction of such social services. In fact, every village owns a village perimeter (land reserved for the village) to be used by the community for different purposes such as housing, building social services or grazing.

Figure (3.1) Hierarchy of Localities



4. Compensation Eligibility

All PAPs and organizations (whether public or private or cooperative), who will lose land, buildings, houses, crops or sources of income, will be compensated according to the types and amount of their losses. People with no titles to land will be compensated according to OP/BP 4.12 requirements and hence, squatters will also be supported so that they can lead a life at least equal to the one they had before they became affected by the project. If the project will require the areas used for grazing by nomads, alternative land must be assigned for such use. The cut-off date for compensation eligibility will be set once all detailed measurements have been completed. The cut-off date usually starts from the date of announcement of intention. Cultivating land, constructing buildings or settlements in the affected areas after the cut-off date will not be eligible for compensation. The cut-off date will be decided by Compensation and Relocation Committee in the shortest time possible so that affected persons to be able to restore their normal life as quickly as possible.

4.1 Procedures for Identification of Impacts

The community identifies a particular piece of land to construct a service facility. It is the duty of Locality Project Implementation Unit to assess the legal status of the land using the Land Acquisition Assessment Guidelines (Annex 2). This is a very important tool that assesses the status of the site (Public land, Community land, Leased land, Individual land and others). Based on this assessment, the assessor provides recommendations on whether the community should look for another site, if donated by individuals, there should be a legal document showing such donation, if there is a problem on land, the project will be held back until the problem is solved or an alternative site is provided. The Land Acquisition Assessment findings should be signed by the Assessor, the Sheikh of the village and certified and stamped by the Locality Executive Officer.

4.2 Defining Entitlements and Preparing an Entitlement Matrix

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement will be selected in accordance with Bank Policy OP 4.12 6a(ii) (i.e. affected people will be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives) and the merits of the option.

The CDF Safeguards Specialist will prepare an entitlement matrix with respect to both temporary and permanent displacement and the funds to meet the compensation per the entitlement matrix will be provided by the Ministry of Welfare and Social Security (MoWSS), the responsible Ministry. This matrix will set the measure for the payment for all losses or impacts. It will also list the type of loss, criteria for eligibility and define entitlements as presented in Annex 3.

4.3 Institutional Organization for Implementation

The procedures for land acquisition for public purposes in Sudan involves the formation of Compensation and Relocation Committee which will be responsible for the planning, coordinating the compensation and relocation activities. The committee will be composed of:

- State Land Settlement officer from the concerned locality
- Representative from Nazir (Native Administration)

- Village Sheikh
- Land – use Planner (Urban Planner)
- Surveyor
- Representative of PAPs.

The above is the standard procedure in the Sudan. However, experience in such localities and information gathered from the community showed that such structure is needed in many cases. As mentioned earlier, all villages have reserved land or village perimeter to be used for village expansion or for services. Such land is communally owned and under the control of the Sheikh with community consultation. Hence, the Sheikh and the Village Development Committee established by the project will work together to decide on land acquisition using the Land Acquisition Assessment tool. Their decision will be the responsibility of the Locality Implementation Unit in collaboration with the Village Development Committee and the concerned locality.

4.4 Grievance Redress Mechanism

In order to ensure that PAPs grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed, all possible avenues will be made available for PAPs to air their grievances and an accessible grievance redress mechanism will be established by the project. In the initial instance grievances will be dealt with by the Compensation and Relocation Committee. If the dispute persists, the preferred means of settling such dispute is by arbitration (Ajaweed). The Locality Compensation and Implementing Committee will address the matter. Should an agreement not reached at this level, the complaint maybe taken to Local Authority Level Compensation and Relocation Committee. If complaint is not resolved at this level, the aggrieved party has the right to appeal to court or law. With respect to the term which after thereof, the right of compensation drops, set by the Sudanese laws and subject to the time limit on prosecution by the Civil Transactions Act (1984).

Special attention will be paid to vulnerable groups such as those experiencing extreme poverty, female headed households, and the aged for whom loss of land/property could lead to further hardship by avoiding to the extent possible any project activities that will require relocation or loss of shelter or access to livelihood. In order to ensure that resettlement does not further exacerbate the conditions of those groups, certain consideration will be given to them in consultation with community representatives. Alternative land options will be explored given the small nature of activities and the limited land that will be required, if any. When resettlement is inevitable, support and assistance including land from the community land reserve will be provided to the vulnerable groups to relocate, construct shelter, and/or seek alternative livelihoods. All efforts will be taken to ensure that there is no coercion involved.

The principles for compensation are based on Sudanese Federal Laws and regulations stipulated by the State Authority and as outlined in the World Bank Operational Policy. The compensation should be fair and it includes the land as well as physical structures on land or crops and to ensure pre-project standard of living and to consider all PAPs, legal or illegally occupying the land. The principles also state that no land acquisition will take place prior to satisfactory compensation and resettlement of PAPs.

The schedule for implementing land acquisition and resettlement must be tied to compensation schedule so as to allow enough time for impacted persons to resume their normal life.

5. Monitoring Arrangements

It is the responsibility of the project to conduct regular monitoring of the resettlement performance operation (if any). This is to verify that the valuation of assets lost and compensation given has been carried according to Sudanese regulations and World Bank OP 4.12. It is also to verify that funds for compensation are used in accordance with the Resettlement and Compensation Committee. Normally, compensation is decided by a special technical sub-committee selected by the Relocation and Compensation Committee including representatives of the impacted persons. The Monitoring and Evaluation Unit within SSN Project in consultation and participation of local community representatives and the Locality Implementation Unit will shoulder this responsibility. The main indicators to be monitored include:

- Compliance with approved regulations;
- Payment or land compensation was carried before implementation schedule; and
- Information for grievance redress was made available to impacted persons.

The monitoring results will indicate the appropriateness of mitigation measures and enhancement of affected persons' living conditions to pre-project standards. It may also indicate the degree of satisfaction and changes of the affected persons towards the project.

6. Resettlement Action Plans (RAPs)

The RPF is intended to guide the preparation of RAPs during implementation of sub-projects where needed. As land is plentiful and all villages have land reserved for development activities and designated as village perimeter or reserve, no problem should arise in acquiring land for the proposed potential sub-projects. The experience of SSN sub-projects, as community driven projects, implemented under different programs shows that the community participates in all procedures in assigning land for such services through the land acquisition assessment form.

Despite the smooth process in acquiring land for SSN sub-projects and no displaced persons as a result, it is important to provide procedures for the preparation of Resettlement Action Plans (RAPs) in case needed in other phases of the SSN project.

Procedures for preparation of RAPs are detailed in Annex (4) which outlines the minimum elements to be included. Beside the consideration of the policy and legal requirements, RAP must survey the affected persons, their property and means of access to resources and to determine types of assistance needed bearing in mind the resettlement principles outlined in section (2.2). The RAP must identify compensation for loss of agricultural land, compensation for houses, loss of employment, business and allowances for moving or any other losses that may happen as the result of the project. In determining the extent of impacts on affected persons, the Compensation and Relocation Committee as outlined in section (4.2) will be responsible for planning, coordinating and monitoring compensation and relocation activities and settle any grievances.

Public Consultation and Participation

After socio-economic census and identification of affected parties, a RAP will be developed. This will be coordinated by the sub-project compensation committees and overseen by the county authorities. It is anticipated that this activity will be done by the project staff (alternatively the Project would hire a consultant). The RAP will be prepared by the CDF staff in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

Public consultation and participation by the affected communities and individuals will be an essential element of the land acquisition, compensation and in the resettlement process; and will be undertaken by the CDF staff responsible for the implementation of the PSN component of the project. Throughout the process, and particularly during screening, all stakeholders will be adequately consulted and involved. The need for stakeholder's consultation is to secure the informed participation and consent of all people affected and consulted should particularly be focused in the following areas:

- Alternative project design
- Assessment of project impacts
- Resettlement strategy
- Compensation rates and eligibility for entitlements
- Choice of resettlement sites and timing of relocation

- Development of opportunities and initiatives
- Development of procedures for redressing grievances and resolving disputes
- Mechanisms for monitoring and evaluation and for implementing corrective actions.

The consultation process will ensure that all those identified as stakeholders are involved and consulted. Information about the project will be shared with the public to enable fruitful contribution and enhance the success of the project. The public consultation strategy will evolve around provision of full participation of all stakeholders especially PAPs. Therefore, as a matter of strategy public consultation will be a continuous process throughout the project cycle.

- Disseminating information about proposed project interventions and consultations to identify impacts and issues;
- Joint walk through and consultations for mitigations and design enhancement measures;
- Regular monitoring for impacts and;
- Monitoring for post implementation benefits and lessons.

Depending up on the sub-project selected the requirement of land will be determined - the building of small bridges on seasonal streams to facilitate movement during the rainy season will not cause problems of land acquisition, and the improving the feeder road is usually carried on an existing road to make it all - weather road. If only a new road is designed, the road alignment may pass through agricultural land and a narrow strip of land will be occupied by the road and lost for agricultural production. Hence, procedures for settlement of any claim (if needed) must be carried out. RAP study must be conducted, after deciding on the road alignment, to determine the impacted persons and land to be lost permanently for the feeder road.

Experience from similar projects implemented in Sudan show that cash compensation is always avoided because of risks associated of raising expectations that encourage land speculators to grab public land. Under such circumstances, and as land is available in such rural areas and it is organized by traditional authorities, land compensation is more appropriate. This is in line with the resettlement principles as outlined in section 2.2, which states that “for compensation purposes, preference should be given to land – based strategies for displaced persons whose livelihoods are land – based with land equivalent to the advantages of the land taken”. Despite the above statements and in very rare cases, cash compensation require decision by the GoS and the sub – project implementation will be on hold until the issue is settled.

As mentioned earlier, the feeder roads and the small bridges are not expected to cause problems of land acquisition. However, an estimated budget is provided taking into consideration the following assumptions:

1. The feeder road to be improved is not expected to be more than 3 kms in length and width of 5 meters;
2. The expected agricultural land lost will not be more than two feddans (2 acres) for each road (13 feeder roads);
3. The prevailing land price in rural areas is used to estimate the compensation which is about \$200/acre with additional compensation for lost crops;

4. The land for construction the small bridges will always be a public land with no claimants (seasonal streams are state land according to the Interim Constitution, 2005 and communally owned).

Estimated Budget for Preparation of RAP (Feeder Roads):

1. Consultant for 5 weeks to carry surveys	US\$ 10,200.00
2. Agricultural land lost (26acres x \$200)	US\$ 5,200.00
3. Transport	US\$ 3,000.00
4. Contingency (20%)	US\$ 3,680.00
Total Budget	US\$ 22,080.00

The monitoring will be undertaken by the SSN M&E Unit as part of the project monitoring and therefore a separate budget is not envisaged for monitoring. Should any displacement or land acquisition take place during implementation, the cost of compensation and displacement will be provided from the GoS budget. It is understood that no construction works or investment of any sort will take place until the compensation process is completed in a satisfactory manner to the World Bank and the displacement or land acquisition issues are satisfactorily solved by and with the community. Otherwise, subproject implementation should be on hold till the arising conflict is solved by the concerned community and concerned government authority.

To enable the Compensation and Relocation Committee and the Locality Implementation Unit (LIU), as well as other decision makers involved in the SSN project carry out their duties according to World Bank OP/BP 4.12 and Sudanese regulations, training courses are suggested to be conducted for staff implementing the project in North Kordofan state. The suggested training courses include:

- a) Addressing land acquisition and access to resources through resettlement planning and compensation: This training course suggested for two days in each state is to explain World Bank OP/BP 4.12 and Sudan land regulations and procedures to conduct RAPs.
- b) Customary Land Tenure issues: This training course for two days to explain customary land tenure issues, customary rights, role of traditional authorities in organizing land issues and conflict resolution mechanisms.

Estimated Budget for conducting two Training Courses in North Kordofan State

The Costs include:

1. Consultant for 20 days	US\$ 4,000.00
2. Training course costs, catering and logistical support for 16 days	<u>US\$ 5,000.00</u>
Total cost	US\$ 9,000.00

7. Conclusions and Recommendations

The RPF discusses issues related to land acquisition. Important legal frameworks in the Sudan include the Interim Constitution (2005), which transferred most of the powers on land to the states. Also, the Constitution established Land Commissions at national and state levels to resolve conflicts over land. Beside the Constitution, there are a large number of sectoral laws dealing with land issues. All these sectoral laws provide procedures and details regarding land acquisition and rules governing assessment and payment of compensation. Customary land tenure is still dominant in the targeted localities and is organized by traditional leadership (Native Administration).

The Sudanese legal requirements comply with the World Bank OP/BP 4.12 in the sense that both require fair compensation for the impacted persons and set procedures to resolve conflicts starting from the lowest level to the court of law.

The RPF suggests arrangements for monitoring and responsibility of the project to conduct such monitoring in case of resettlement operation. Such monitoring must be participatory involving local leaders and representatives of the impacted persons.

For smooth land acquisition, the following are recommended:

1. Involvement of local leadership particularly, Native Administration (Nazir, Omda, Sheikh) when selecting sites for public utilities;
2. Pay attention to customary land tenure regulations;
3. Pay attention to nomadic usufruct rights and avoid corridors set for the nomads;
4. Within government lands, consider right of use given to local communities; and
5. In deciding the market value of land, it is important to involve experienced persons to decide on the land value.

Annex 1: Summary of Consultations on the RPF

Subject/Ref	Consultative meeting for Social Assessment for the proposed SSN Project
Venue	Alain ALsofaya community
Date of Meeting	29/09/2015
Present	<p>CDF north Kordofan coordinator, CDF North Kordofan social mobilizers, community Sheikh (Ali Adam), head of community public committee (Ismail Mustafa), Head of Alfalah women society (Fatima Adam), community members.</p> <p>Names (Attendances) :</p> <ol style="list-style-type: none"> 1- Rashda Hassan Dafallah – CDF Coordinator 2- Ibrahim Ahmed – CDF social Mobilizer 3- Alnour Ahmed Alnour - CDF Social Mobilizer 4- Wali Aldin Abd Algader - CDF Social Mobilizer 5- Abdalrahim Abd allah - CDF Social Mobilizer 6- Nadia Mohammed Toum - CDF Social Mobilizer 7- Ahlam Ahmed Hamid - CDF Social Mobilizer <p>Community participants list: (Attached)</p>

Introduction:

The meeting started with Quran by community member, followed by welcoming remarks from the head of the community public committee, He introduced CDF coordinator to start the meeting. The coordinator thanked the community for the time they allocated for the team especially in this time of the year (agricultural season), and then introduced the team. The coordinator explained the purpose of the meeting and gave a brief orientation about the project. The meeting was attended by community members and leaders (24 males, 24 females).

Issues raised during the meeting:

The community members and leaders were so delighted and expressed their enthusiasm to make this project successful especially it touches one of their most important needs.

Mr. Ismail the head of the community public committee stated that:

We are one of the most nearest communities to the H.Q of the state but we have less development interventions, this will be one of the most appropriate interventions. Our priority is rehabilitation of the school we built it completely by community efforts, the idea of establishing came when we noticed that our children go for long distance to reach the nearest school, we sat as a community and all we agreed that we should have our own school so we started immediately in the procedures and we get the approval on 2004 in the same year of signing the

comprehensive peace agreement that is why we named our school Alsalam mixed primary school.

Village sheikh Ali Adam is so happy about the project and mentioned that we have many relative advantages the can help in the success of the project E.g (fertile lands, national road, adequate water and readiness), but we suffer from the herders who comes for fodder and water for their cattle which sometimes leads to conflicts.

Mrs. Fatima Adam Head of Alfalah women society mentioned that the women in this village were very active and productive but they lack to funds and training in some income generating activities. We participated in building the school and in plantation and irrigation of trees brought to us by the CDF, we as women are ready to engage in this project and contribute to its success. One community leader mentioned that we have been neglected for many years but today we feel we are lucky to have this project with us our location enabled us to exchange and gain experience with and from the surrounding communities and the state beside the bypassing people from other states and the herders who came during the rainy season and stay for some months.

Mariam Abu ALqasim community member rose that we have no legal midwife and that because the women refuse to be selected and this is one of our important issues.

Alsaied Alhilo community member said that the roof of one classroom and two offices was damaged by wind this year and till now is not fixed.

Mr. Ismaiel commented on this issue saying we made our contacts with the minister of education and he volunteered to finance the rehabilitation of the classroom and two offices, the minister of finance approved the budget but we still did not receive the money.

Questions and clarifications

Alnour Ahmed team member asked them do you have latrines in the school?

Batra Mohamed PTA member said there is only one traditional latrine for the teachers.

Mr. Ismaiel commented the public committee contacted some NGOs (SOS) and applied to them to build latrines in our community and the school and we are waiting their response.

Ahlam Ahmed team member asked them what you do to the human and other organic waste.

Nawal Hamdan community member for human waste we just leave it to the sun but the dead animals either we bury or burn them.

Ibrahim Ahmed: Team Leader asked the community about how to stop the wrong practices regarding dealing with hazards materials?

Mohamed Iesa: Community member said first we need someone to teach us about the harms of these materials and how to deal with it, then if a volunteer from our community to start stop

doing these wrong practices then gradually all the community will get rid of it because it was deeply rooted in the community.

Ayman Ahmed team member asked the community members and how do you deal with the pest sides and their containers?

Hasab siedo farmer said before taking it to the field we keep it away from the reach of our children and we warn them not touch it, at field we burn the container. For strange materials we asked other people who have knowledge about it to let us know how to deal with it.

Hamid Musa community member asked the team: you spent remarkable time with us and took a lot of information will that bring benefits to us our just a waste of time like many other promises from government and NGOs?

Ibrahim Ahmed: team Leader as Mrs. Rashda told you at the beginning of the meeting we depend on your readiness and active participation to help you help yourselves if that is available definitely all this information we gathered will bring benefits to you.

Pilot details:

Name : Alsalm primary mixed school rehabilitation (194 boys + 131 girls) and 10 female teachers.

and type of classrooms: (7classrooms) kindergarten from local materials (1 classrooms and 2 offices) from bricks with roof need to be reconstructed.

Land Acquisition: Public land free of conflicts.

School provision: The committee consulted the community about establishing the school they get the signatures of all community members then applied to the ministry of education through administration unit and the administration of education at the locality, the school was approved.

Importance of the pilot: 4 other villages have their students in this school, although it is from local material but some of its students now in universities.

At the end of the meeting the sheikh and the head of the community public committee thanked the team and promised to fulfill any requirements.

Conclusion:

The community is very organized and unified and has clear vision about their pilot and have common consensus about it. They are ready to fulfill any requirements and have good practice in contribution and participation, the pilot is their real needs and priorities.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

رقم الوصول ٤٠١٠٤٠٤

رقم	الاسم	الهيئة	التلفون
١-	الملك صليح محمد	مزارع	٩١٨٤١٩٩٤٧
٢-	عبد الرحمن محمد	مزارع	٩١٩٤٨٠٧٦
٣-	محمد ادم محمد	مزارع	٩١٢٨٤١٤٦٦
٤-	صديقه الامين كميل الدين	سبا	
٥-	صليح محمد محمد	سائمه	
٦-	محمد ادم محمد	مزارع	
٧-	السيد احمد السيد	سائمه	
٨-	محمد صليح	سائمه	
٩-	السيد احمد الفايه	سائمه	
١٠-	محمد ادم محمد	مزارع	
١١-	عبد المنعم محمد	مزارع	
١٢-	محمد ادم محمد	سائمه	
١٣-	محمد محمد محمد	مزارع	
١٤-	محمد صليح السيد	مزارع	
١٥-	السيد احمد الدين	سبا	
١٦-	السيد احمد	مزارع	
١٧-	محمد صليح محمد	مزارع	
١٨-	محمد محمد	مزارع	
١٩-	محمد محمد محمد	سائمه	
٢٠-	محمد ادم محمد	مزارع	
٢١-	محمد محمد محمد	سائمه	
٢٢-	محمد محمد محمد	مزارع	
٢٣-	محمد محمد محمد	مزارع	
٢٤-	محمد محمد محمد	مزارع	

محمد صليح محمد
٩١٨٤١٩٩٤٧

الرقم	الاسم	الصفة	التلفون
١	فاطمة ادم حسبي سيدي	ربة منزل	٩١٥٢٩٢٤٩١
٢	قسمة احمد المستور	ربة منزل	٩١١٢٤١٩٩٥
٣	لكثوم ادم حسبي سيدي	ربة منزل	
٤	سكينة محمد صديق الله	ربة منزل	
٥	شريا بزيمة	ربة منزل	
٦	فاطمة محمد مصطفى	ربة منزل	
٧	قسمة علي حسبي سيدي	ربة منزل	
٨	ليلى علي حسبي سيدي	ربة منزل	
٩	مريم ابو القاسم	ربة منزل	
١٠	زينب ادم حسبي سيدي	طالبة	
١١	صه عامر	ربة منزل	
١٢	فاطمة السمر	ربة منزل	
١٣	مهزة عبد التارقي	طالبة	٩٠٩٠٧١٤٩٠٩
١٤	راية عمر	ربة منزل	
١٥	عائشة محمد احمد	ربة منزل	
١٦	الرسالة يحيى	ربة منزل	
١٧	قطومه عمر	ربة منزل	
١٨	عائشة سمير	ربة منزل	
١٩	فاية التوفيق محمد	ربة منزل	
٢٠	لقوه محمد نور	ربة منزل	
٢١	ياسرة محمد احمد	ربة منزل	
٢٢	عواظق علي حسبي سيدي	ربة منزل	
٢٣	عبد ادم رحمه	ربة منزل	
٢٤	توال حملات	ربة منزل	


 ايمان حسبي سيدي
 ٠٩١٨٤١٩٩٤٧

Annex 2: Land Acquisition Assessment Tool

Date:

Name of the Assessor:

Title of the Assessor:

Affiliation:

Name of the site:

Location (village, Admin Unit, Locality and state):

Size of the Site:

Status of the Site

- Public land with no use
- Public land with leased
- Community land.
- Individual land.
- Collective private land.
- Public land but squatted.
- Other status (specify).

If public land with lease:

- Who is using the land (provide the name of the beneficiary and the duration of the lease).
- What is the land used for.
- Is there any infrastructure? Yes No
- If yes, specify

If community land

- What is the current use of land?
- Who is currently using the land?
- Is there any infrastructure? Yes No
- If yes, specify

If individual private land

- Identity the owner
- What is the current use of the land?
- Who benefits presently from the land (owner or leased to someone else)
- Is there any infrastructure? Yes No
- If yes, specify

If Collective Private Land

- Who are the owners
- What is the current use of the land
- Who benefits from the land (one, several or all the owners or leased to someone else or others)
- Is there any infrastructure? Yes No
- If yes specify

If public land but squatted

- Who are the squatter(s) (name, identity and where he/she or they come from)
- What is the use of the land
- Is there any infrastructure put in place by the squatter/s? Yes No
- If yes specify

If other

- What is the land used for
- Who uses it
- Is there any infrastructure? Yes No
- If yes Specify

Conclusion/Recommendations: the Assessor provides recommendation based on the findings:

- Land is free of claims; it is public with no use: state that the sub-project can go ahead

- If public land but leased, the Assessor should recommend that the beneficiaries must get another lease or different site before the sub-project starts.
- If Community land or individual private land or collective private land and the owner(s) are donating the site on a voluntary basis, the Assessor should recommend that owner(s) provide legalized and signed document showing their good will to donate the land before the sub- project starts.
- If community land or individual private land or collective private land and the owner (s) or some of the owners are not willing to give the land voluntarily or somehow unhappy, then the Assessor should recommend that the sub – project be held back until the problem is solved or an alternative site with no claims is provided.
- If public land is squatted, the Assessor should recommend the sub-project to be held back until a suitable solution is found for the squatters including helping them find another place to settle.
- The Assessor could provide any other useful recommendation(s) including for land with other status.

Signature of the Assessor

Date

Signature of Sheik

Date

Signature of Local Government Official

Date

Annex 3: Resettlement Entitlement Matrix

CATEGORY OF AFFECTED PEOPLE	TYPE OF LOSS	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of Assets	Compensation for Loss of Income	Moving Allowance	Other Assistance
Property Owners	Loss of Land	----	Land replacement at new site, plus land clearing by subproject	Crops at market cost in scarce season	----	Food from WFP during construction of new site
	Loss of economic or perennial trees Loss of food crops			Full market value for assessed crops/plants		
	Loss of structure – residential or business	Compensation at full replacement value not depreciated	Fences (wire or wood) at \$3/m Hand-dug wells at \$200	For loss of rental income, lump sum payment of 6 months rent per tenant	Moving to be paid by subproject	Disturbance allowance of \$100
Residential tenant	Loss of rental accommodation	No loss of structure, no entitlement to housing at new site	Replacement cost for non-movables if installation was agreed with owner	----	Project-paid moving if notification before deadline	6 months rent; equivalent for disturbance
Business tenant	Loss of premises	----	Replacement cost for facilities that cannot be moved	For loss of business income, payment of half of turnover for 6 months	Project-paid moving if notification before deadline	----
Encroachers (using land)	Loss of land	----	Relocation to resettlement site of choice, with payment of rental fee for land. For crops, fences and wells – as above for owners	----	----	Food from WFP during construction of new site

Squatters (living on site)	Loss of shelter	Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent	---- For crops, fences and wells – as above for owners	Payments in lieu of wages while rebuilding	----	Disturbance allowance of \$100
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For the vulnerable populations, to the extent possible, resettlement impacts will be avoided. Where inevitable, they will supported with resettlement allowance and support for construction of shelter and food support in resettled site; and will be provided opportunity for wage labor on project supported subprojects and further support for livelihoods activities.

Annex 4: Resettlement Action Plan

A Resettlement Action Plan (RAP) should include, at a minimum, the elements outlined below¹.

1. Introduction and Resettlement Problem

Describe the subproject and its location. Identify the executing agency and person(s) responsible for preparing the RAP, along with their qualifications.

Describe the subproject activities that will cause displacement and efforts made to reduce the number of people displaced. Describe the site and the services currently available (schools, houses of worship, public transportation, health posts, markets etc.) and their distance from the site.

2. Legal Framework

Provide a brief review of local laws, regulations and procedures on land acquisition and resettlement. Where gaps exist between local laws and World Bank policy, describe the ways to bridge these gaps.

3. Survey of Affected Properties, Families and/or Businesses

Collect data to complete Tables 1, 2, and 3 below.

Include additional information on dwelling value, willingness to be resettled, consultation meetings, etc.

4. Impacts Caused by Displacement

Provide the necessary level of detail to capture the extent of the impact of displacement. At a minimum complete Tables 4a and 4b.

5. Proposed Assistance to Resettled Families

Provide a detailed description of the types of assistance (e.g., compensation, resettlement to new housing, assistance for relocation) to be provided to oustees. Also describe the terms of agreement with oustees and the willingness of oustees to work with the discussed assistance and timetable. In addition:

- Describe how efforts will be made to restore or enhance incomes;
- Describe how special attention will be given to people who are aged, invalids, single mothers or otherwise in need of special assistance;

¹ Source: *Simplifying Safeguards: Addressing Environmental & Social Issues in Health Projects*. World Bank, SMART (Draft 1Feb04)

- Describe how access to services will be restored or enhanced;
- Show how families or community groups will be preserved;
- Describe measures to reestablish socioeconomic networks; and
- Describe possible impacts on host groups and measures taken to avoid rejection or other negative reactions.

Using Table 5 below, identify the solutions agreed to with each oustee.

6. Responsible Agency

Provide the name of the entity that will be responsible for monitoring and implementation of activities involved in implementing the RAP.

7. Source of Budget and Cost Estimate

Include the cost of land, housing, moving costs, administrative costs, moving allowances, and settle-in allowances.

8. Resettlement Schedule

Describe the resettlement schedule, including the activities involved, dates, and budget, along with pertinent comments. Include any follow up activities to assess whether oustees have been able to reestablish their livelihoods/living situation. This schedule should be tailored to correspond to the schedule for design and construction of the civil works, and should be presented as in Table 6 below.

9. Monitoring/Follow up Activities

Describe how the responsible agency – CDF, will follow up the implementation of the Plan and address activities required to achieve the goals of the Plan.

10. Evaluation

Describe how evaluation of the Plan will be conducted. No later than 6-12 months after the relocation date, CDF - the responsible agency should make reasonable efforts to locate and follow up on the relocated families to determine if they have been able to reestablish their livelihoods and living situation. If this is not the case for any or all of the persons relocated, further assistance should be provided by the responsible agency.

Table 1: Property (Goods and Assets Affected)

Household number ¹	Business number ²	Name of household head or business owner	Plot area	Description of houses and constructions	Uses of the property (housing, economic activity, other)	Level of effect (total, partial, minimum) ³	Tenure status (titled owner, owner without documents, tenant, sharecropper, etc.)	Employment status of all adults	Comments

¹ Households should be defined as commensal units i.e. people who eat out of the same pot.

² Business should be defined as any economic activity.

³ “Partial” in cases where family/business can develop activities involving listed goods and assets; “Total” where activities cannot be developed as a result of displacement.

⁴ If they are not owners, include the name and address of the owner.

Table 2: Socioeconomic Characteristics of Families

Name of interviewer ID Code		Signature
Name of supervisor ID Code		(after verification of interview)

Location		Number of Concession (GPS Coordinates)	
----------	--	---	--

Date:

Day

Month

Year

Name of Head of Extended Family	
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)	

Name	Relationship to head of family	Sex		Place of birth	Age	Marital Status	Residence Tenure	Religion	Education Level	Income Earner		Economic activities	
		M	F							Yes	No	Primary	secondary
1.													
2.													
3.													
4.													
5.													
6.													
7.													
8.													

Relation to Head of Family

1 HOH; 2 Spouse of Hoh; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 9 other (specify); 0 No answer

Marital Status 1 Married 2 Widowed; 3 Divorced; 4 Unmarried; 0 No answer

Residential status 1PRP (Permanent Resident) 2 RA (Resident Absent) 3 Member of non-resident HH; 4 Visitor; 9 other (specify); 0 No answer

Occupations

Principle Occupation

1 Farmer 2 Shepherd; 3 household; 4 Merchant; 5 Religious leader; 6 Artisan; 7 Transport;
8 Unemployed; 9 other (specify); 0 No answer

Secondary Occupations

Educational Level 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary school ; 5 Technical School; 6 Religious School; 0 No Answer

Religion 1 Muslim; 9 Other (specify); 0 No Answer

Table 3: Socioeconomic Characteristics of Business

Business number	Name of business owner	Age of business owner	Type of activity	No. of employees	Monthly income average	Destination of production	Place of selling	Duration of existence of business in affected location	Comments

Table 4a: Impacts Caused by Displacement (Households)

Household Number	Loss of land	Loss of house	Loss or decrease of income	Loss or difficulty of access to educational services	Loss of access to health services	Loss of access to public services	Loss of social networks	Comments

Table 4b: Impacts Caused by Displacement (Businesses)

Business Number	Loss of land	Loss of Business place	Loss or decrease of income	Loss of economic networks	Comments

Table 5: Agreed Solutions

Household or business number	Resettlement Solution	Comments

Table 6: Resettlement Schedule

Activities	Dates	Budget	Comments
Planning of census and surveys			
Information to people affected			
Conduct census and socioeconomic survey			
Analysis of data and identification of impacts			
Definition of assistance measures			
Relocation/assistance			
Follow-up Visit by Responsible Agency			