

**THE PROJECT FOR CONSTRUCTION OF
NILE RIVER BRIDGE
IN THE REPUBLIC OF SOUTH SUDAN**

**RESETTLEMENT ACTION
PLAN**

Final Report

October 2011

**Ministry of Roads and Bridges
Republic of South Sudan**

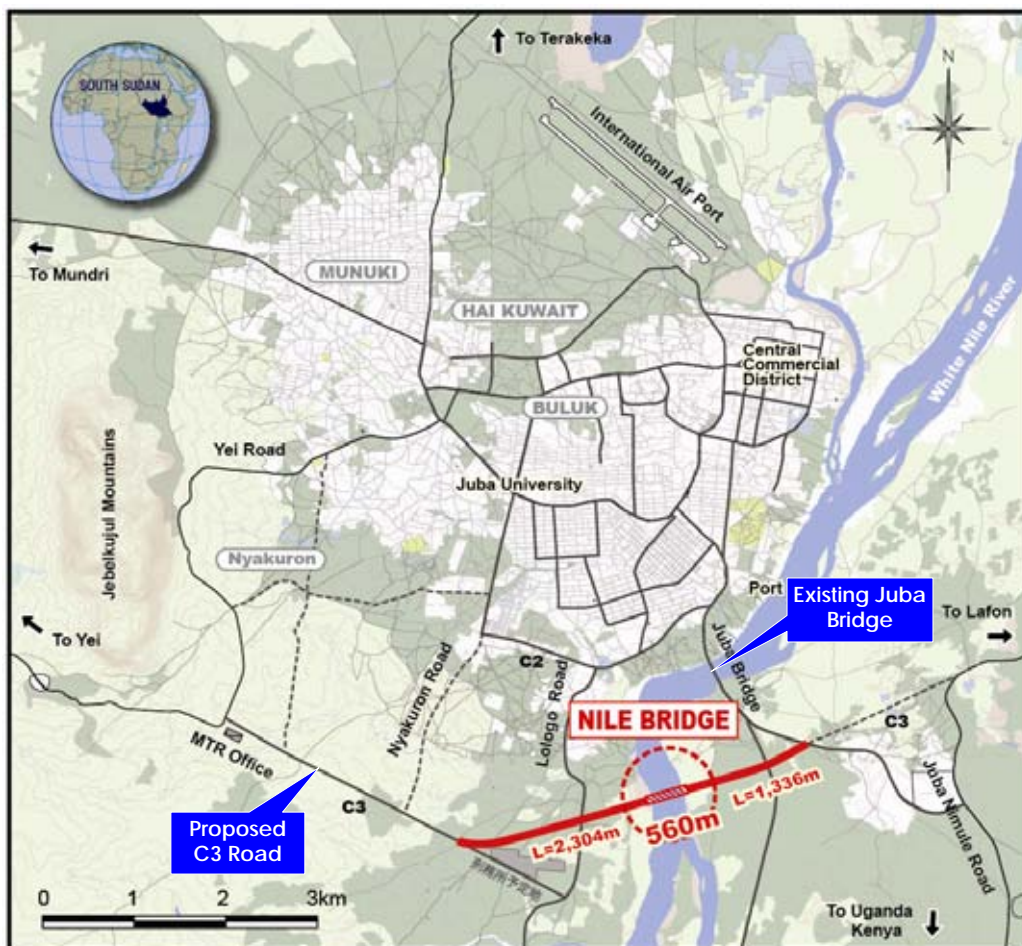
Executive summary

Purpose of this RAP

This is a draft Resettlement Action Plan (RAP) prepared by the Ministry of Roads and Bridges for the Project for Construction of Nile Bridge in the Republic of South Sudan, to be submitted to the Government of the Republic of South Sudan for the approval.

Project Description

The project is to construct a new bridge over Nile River in south-eastern Juba. The Project Site is located in Juba City of the State of Central Equatoria, which is the social and economic center of the RSS (Republic of South Sudan). The proposed location of the new Nile River Bridge is at the upstream of the existing Juba Bridge, for the purpose to form a link for circumferential road C3 as below.



Location of New Nile Bridge

The Project Impacts

- Nile River Bridge Crossing: 560m
- Access Road to the Bridge: 3,640m (2,304m in Lologo, west bank, and 1,336m in Gumbo, east bank) with a width of 30m ROW
- Camp/construction yards
- Relocation sites for affected residents

To avoid/minimize the most serious negative impacts, such as resettlement, route selection of access roads were undertaken for 2 bridge and 6 access route locations, considering both the technical and budgetary requirements. As a conclusion, Alternative 1 (present route) has been chosen with the minimum number of displaced households and construction cost.

Social Survey/Interview

A door-to-door interview was carried-out to determine the social profile and opinion of the affected households. The land at the proposed site is originally Bari Tribe community land. However thru the demarcation by the government and the occupation by returnees (soldiers/IDPs), the ancestral land area was reduced while the ratio of the Bari households dropped down to 30% of total households in the community. Moreover, land titles of about 70 % of the households in the project affected area are not confirmed.

Preliminary Census and Opinion of Affected People

Census for directly affected households was implemented and the results was presented as below.

Results of the Preliminary Census

Items		
Location: Rajaf Payam, Juba		
Land Type: Residential/Agricultural/Open Land		
No. of affected households (AH) excluding police station		80 (100%)
Formal land title holder*	With document confirmed	16(20%)
Quasi-formal land title holder	Verbally approved by community head	3 (4%)
Title not confirmed	Document could not be presented, including empty houses	34 (42%)
	Informal Settlers	27(34%)
Police station		1
House head with age >60 years old		1
House head widowed		4
House head disabled		1
Tenant		14
Shop/stall		6
Empty house/plot/unoccupied/demolished		7
Absent at the time of interview		7

There are about 200 absent land owners (empty plots) estimated as the maximum.

Ratio (%) of Opinion About Relocation (Multiple Replies) from 66 HH Present at the Site

Request for Relocation	Total	Legal	Title Not Confirmed	Reasons
Any place is OK	11% (7)	6% (1)	13% (6)	To follow government's decision
Nearby place	80% (53)	78% (14)	81% (39)	If moved far away, they are afraid to lose: - School, good neighbors - Lologo is comfortable to live - Satisfactory present life level
Want to move to Gumbo	4% (3)	6% (1)	4% (2)	-
Don't want to move	2% (1)	5% (1)	-	- Don't know any other place
No reply	3% (2)	5% (1)	2% (2)	- Absent during interview

Note: Numbers in parenthesis () indicates frequency of response.

Affected Assets

Outline of Affected Assets

Items	Quantity
Land	
Private residential land m ²	86,000
Community residential land m ²	28,000
Agriculture land in Lologo m ²	6,500
Community land other than farm land m ²	36,750
Agriculture land in Gumbo m ²	6,000
Residential houses	
Total house area m ²	4,826
Total house numbers	100
Mud house	
Area m ²	3,244
Number	97
Galvanized house	
Area m ²	39
Number	1
Concrete house	
Area m ²	258
Number	2
Fence	
Number	19
Length m	1,285
Trees	
Mango Number	3
Other trees (Neem) Number	180
Crops	
In Lologo farm m ²	6,500
In Gumbo farm m ²	6,000
Cemetery	
Area to be relocated m ²	3,600

Compensation Policy

Compensation is made based on the Republic of South Sudan's (RSS) policy. However, if it is not consistent with the JICA Environmental and Social Considerations Guidelines, MRB bears the gap between the two.

Implementing Agency

For this project, an Inter-Ministry Committee (IMC) will be established to control resettlement activities, under which, the following sub-committees are to be established as well.

- (1) Value Assessment, Compensation and Resettlement Committee (VACRC)
- (2) Grievance Redressing Committee(GRC)
- (3) Internal Monitoring Committee(IMC)

MRB will act as the Secretariat and performs IMC's administrative function.

Entitlement Matrix

Entitlement Matrix

Item		Legal residents ⁽¹⁾	Illegal residents	Responsible Agency
Land	Residential land	Provision of alternative land at nearby place in community. (<300 Lots)	* Cash compensation for cost of affected structures ⁽²⁾	MRB/MOPI /Payam
	Agricultural land	Replacement cost compensation or provision of alternative land	* Identify relocation site for squatters with an affordable payment system ⁽³⁾	
Assets	House	Replacement cost compensation (SSP 250/m ² for mud house and 500/m ² for galvanized house)	* Option to be included in the UN Habitat Program for resettling squatters ⁽⁴⁾ .	MRB/MOPI
	Fence			
	Tree	SSP 500 (Neem) – 30,000 (Mango) /tree (200 trees of Neem mostly)		
	Crop	SSP 1.4/m ² x 2 seasons/year x 2 years (12,500m ²)		
Other Losses and Assistance	Disturbance allowance during relocation	2 months income (SSP 750/mo x 2 = 1,500) (80 HH)		MRB
	Business loss for shops during relocation (Shops)	2 months income (SSP 1,200/mo = 2,400) (6 Shops)		MRB
	Transportation of private effects	Provide means of transportation (vehicle/manpower) (80 HH)		MOPI/MRB
	Employment Opportunity for PAPs (farmer, fisherman, brick manufacturer and anybody whose livelihood are affected by the project)	Prioritized employment at the construction site as unskilled worker with provision of on-job training ⁽⁷⁾ as skilled workers.		MRB
	Assistance for Tenants	Assistance for compensation equivalent to 3 months' advanced rental fee (SSP 600) (14 HH)		MRB
	Additional Assistance to vulnerable group (house heads of either widow, >60 years old or handicapped)	Provision of food and medical support for 1 month (SSP 750) (14 persons)		MRB

Remarks:

- (1) Numbers of affected households shall be finalized by census done by MOPI/Payam and the compensation rates also may be revised later after formation of the Inter-Ministry Committee.
- (4) The cash compensation amount will be finalized by the Inter-Ministry Committee to cover reasonable costs of the affected structure.
- (5) The MOPI/Rajaf Payam will identify a relocation site with a price and payment system to be agreed upon with the Inter-Ministry Committee. E.g. at Tokiman West Relocation Site, the squatters will pay the SSP 700 for acquiring the lots at SSP 35 for 20 months.
- (6) UN Habitat Program includes following provisions:
 - Technique, material and machine for construction of houses
 - Microcredit
- (7) All the residual land/asset left behind by land acquisition are also compensated.
- (8) In case alternative agricultural land is being provided, the fertile soils from the original farm land shall be scarified and moved to the new site beforehand so that farmer can start cultivation immediately.
- (9) On-job training includes techniques transfer as carpenter, electrician, steeplejack etc under the supervision of specialist for a certain period through actual job. Detail of training plan is proposed by the contractor based on the actual work and is approved by MRB.

Relocation Site

Formal and Informal land title holders will be moved to the nearby relocation sites identified by MOPI/Payam (including Lologo Community Land for Demarcation, Tokiman West Demarcated Residential Area and Jandoro Demarcated Residential Area).

Community Participation

Through public meetings, group discussions and door to door interviews, the opinion/request are collected from project affected persons/residents and their requests incorporated into the RAP as much possible.

Integration with Host Community

For the purpose of promoting integration of relocated people with the host community, improvement of existing infrastructures and facilities available at the proposed relocation sites is a must since the host community is always concerned about the overburden when they accept new settlers.

Grievance Redressing Committee

Grievance redressing mechanism handled by the sub-committee of the IMC, with representative(s) from different agencies and that of the affected communities/residents appointed as committee

members, is established as a so that a free, quick and favorable solution can be made for the affected people who files complaints during resettlement activities.

Implementation Schedule

RSS will request a budget from the government for the relocation of affected persons which is expected to be approved in December 2011. After payment of compensation, relocation will start from March until June 2011.

Compensation Cost and Budget

Total compensation cost of resettlement for the 30m ROW is estimated at **SSP 2.45 million** based on land replacement provided by the government. This estimate shall be finalized by the Value Assessment of Relocation Committee and does not include other costs such as management and relocation of operation, clearing of ROW, preparation of relocation site, internal and external monitoring, IMC activities, etc. It is noted that this cost estimate is made based on the assumption that the relocation site is provided by MOPI/Payam after demarcation.

Monitoring

For the purpose of monitoring, evaluation and report preparation on the activities of the IMC and the progress of resettlement activities being implemented, the IMC sub-committee on Internal Monitoring is formed. Items to be monitored include asset evaluation and estimate of compensation, compensation agreement and payment, relocation and integration with host communities, grievances and complaints, relocation problems and solutions, financial matters, etc.

External monitoring to be done by an independent party such as local/international consultants, NGO or university professor, etc. is proposed to confirm if the resettlement activities are being implemented properly with a cost of SSP450,000(\$150,000) borne by MRB.

Abbreviation

EIA	:	Environmental Impact Assessment
EM	:	External Monitoring
GRC	:	Grievance Redressing Committee
GRM	:	Grievance Redressing Mechanism
RSS	:	The Republic of South Sudan
IEE	:	Initial Environmental Evaluation
IM	:	Internal Monitoring
IMC	:	Inter-Ministry Committee
JICA	:	Japan International Corporation Agency
MRB	:	Ministry of Roads and Bridges
MOE	:	Ministry of Environment
MOFA	:	Ministry of Forestry and Agriculture
MOPI	:	Ministry of Physical Planning
RAP	:	Resettlement Action Plan
SSP	:	South Sudanese Pounds
UNEP	:	United Nations Environment Project
UNICEF	:	United Nations Children's Emergency Fund
VACRC	:	Value Assessment, Compensation and Resettlement Committee
WB	:	World Bank

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G	-	IEE Report for Tokiman Relocation Site
H	-	TOR for External Monitoring

1. Project Background and Description

The project is to construct a new bridge over the Nile River in Juba, Republic of South Sudan . The Project Site is located in Juba City in the State of Central Equatoria, which is the social and economic center of the Government of Republic of South Sudan (RSS), as shown below.



Figure 1-1 Map of South Sudan

After the more than 20-year long civil war, the Juba urban area is exhibiting a continuous increase in population due to the returning of refugees/IDPs displaced by the war, as well as migration of a large number of people from rural areas. The area is thus expanding rapidly due to increasing economic activities in and around Juba, as well as its utilization as a temporary and permanent settlement sites for the returnees. The expansion is, however, proceeding without uniform, functional and harmonious development in Juba. The development is being enhanced in a haphazard manner, without proper road network and land development plan.

Under such condition, the Road Network Master Plan was developed to guide the development of the road infrastructure in Juba Urban Area. Five additional bridges crossing the Nile River are proposed under the master plan with the proposed new Nile Bridge under this project proposed to be completed in 2015.

The proposed location of the new Nile River bridge is at the upstream side of the existing Juba Bridge (bailey bridge), which will form a fix link for circumferential road C3, as shown in Figure 1-2.

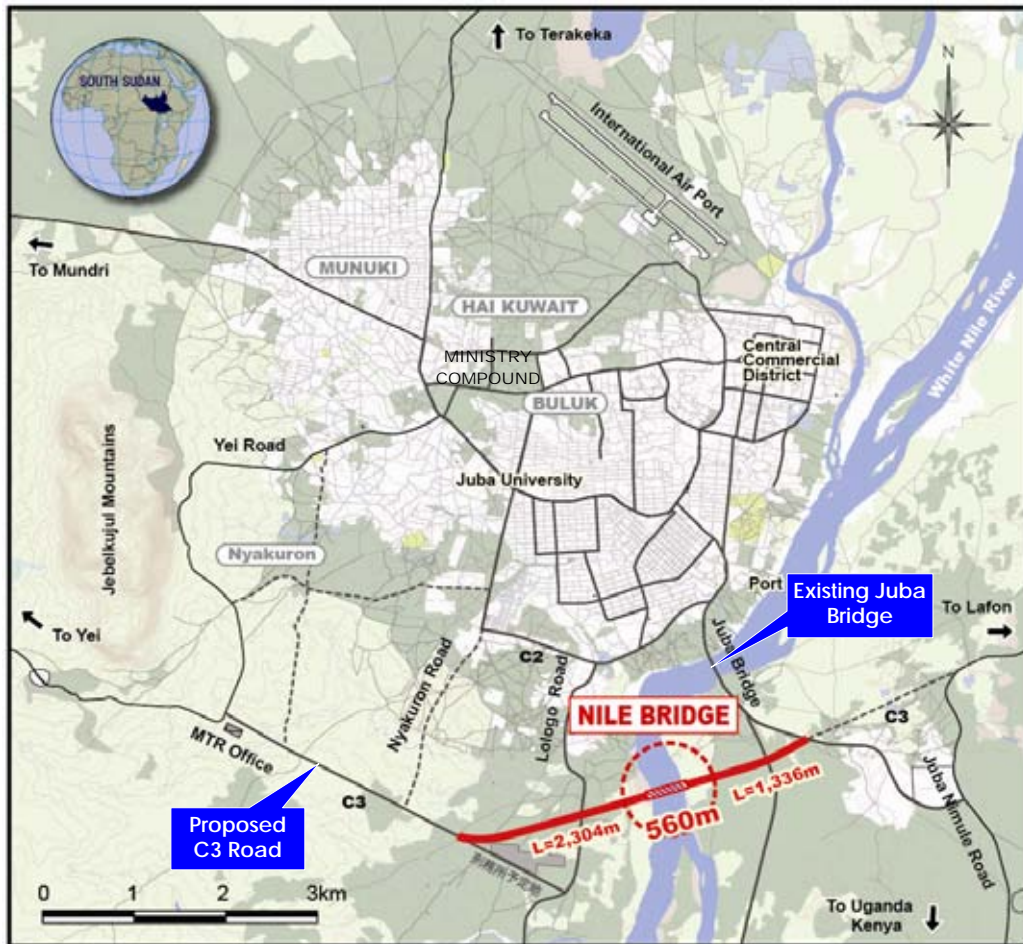


Figure 1-2 Location of New Nile Bridge

The proposed C3 connects the arterial road R1 or the Juba-Yei-Kaya Road with R6 or the Juba-Nimule Road. These international roads (R1 and R6), radiating from the city center, are the economic corridors connecting the Republic of South Sudan to the neighbouring countries of Uganda and Kenya in the south. On the other hand, the Circumferential Road C3, functions as an arterial ring road from the city center which provides a safe and reliable transport corridor, enhances traffic mobility and encourage development around the urban areas.

The construction of a section of the C3 road is, at present, terminated near the Nile River because there is no bridge to cross the river. The new Nile River bridge is therefore required to be constructed urgently.

The land near the project site is a relatively flat area which descends towards the river. The land use condition at and near the proposed bridge and approach roads is a low dense residential area. A few drainage, electric power and water supply, and telephone lines, are being developed in the

city but presently none of these utilities exist in the project site.

The road route/alignment requires a right-of-way (ROW) with a 30m wide corridor. The areas affected by the project are surveyed in consideration of the technical and socio-economic conditions. With regard to the security situation in the project site, no issue exists at present because of no untoward incident in these areas.

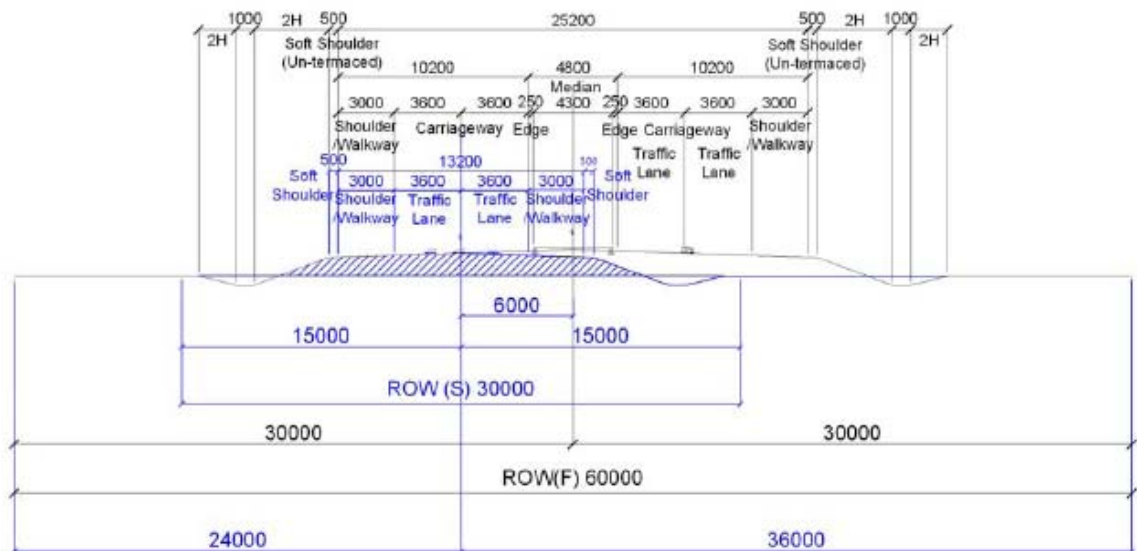
2. Potential Impact

2.1 The Project Component and Activities

The project components are as follows:

- 560m bridge
- 3,640m approach/access road to the bridge (2,304m in Lologo and 1,336m in Gumbo)

During the site preparation phase, prior to construction of the proposed bridge and its access roads, residents living within 30m ROW corridor along the proposed feeder roads in Lologo and Gumbo Communities will be resettled to pave way for construction and operation of the project.



**Figure 2-1 Typical Cross-section of the Proposed Access
(Blue is the proposed project scheme)**

2.2 The Zone of Impact

The impacted zone includes Lologo and Gumbo Communities (Boma) in Rajaf Payam together with surrounding communities. Lologo Community is be divided into 5 sub-communities - Lologo North, South, West, East and Center as illustrated in Figure 2-2.

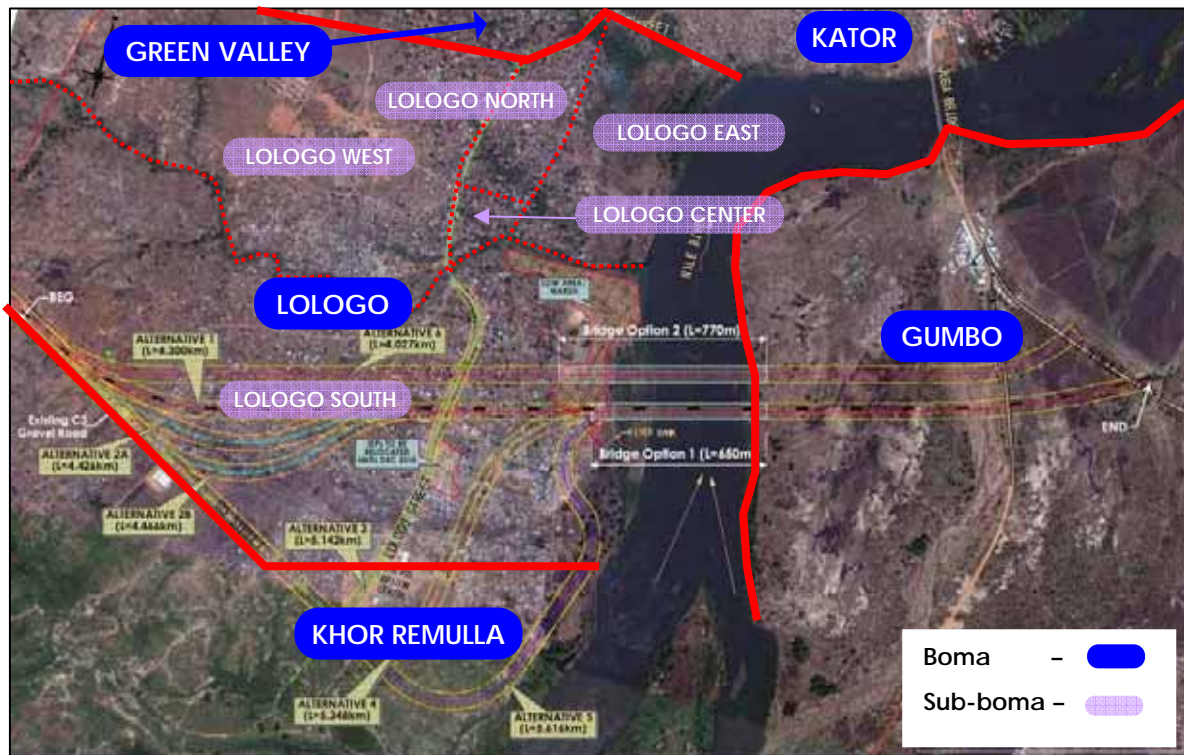


Figure 2-2 Communities Around the Project Site

The impact zone can be summarized into directly and indirectly impacted zones. Directly impacted zones are areas where structures, construction yards and relocation sites are located. They are summarized in Table 2-1 together with approximate areas.

Table 2-1 Outline of Directly Affected Zones

Component		Width m	Length m	Area m ²	Present Land Use
Bridge		15	560	8,400	River and agricultural field
Access to bridge	West bank (Lologo community)	30	2,304	69,120	Residential houses and garden
	East bank (Gumbo community)	30	1,336	40,080	A residential house, some agricultural field and mostly open area
Temporary construction yard	West bank (Lologo community)	100	150	15,000	Open field
	East bank (Gumbo community)	100	200	20,000	Open field
Relocation sites	Lologo (formal title holder)	283 lots – 20m x 20m		113,200	Relocation sites of MOPI/Payam
	Lologo Community	2 lots - 20m x 20m		800	Demarcation of community land
	Gumbo Community	20	20	400	Adjacent lot in Gumbo

Indirectly impacted zones are the surrounding areas, including Khor Mulla, Green Valley and Kator Communities where, although no land is required, it may cause some impacts to life and livelihood.

2.3 The Alternatives Considered to Avoid/Minimize Resettlement

To avoid/minimize the most serious negative impacts such as resettlement, considering both technical and budgetary reasons, a route alternative and selection study of the access roads was undertaken for 2 bridge locations and 6 access road locations (Figure 2-3). As a conclusion, Alternative 1 is chosen with the minimum number of displaced households and construction cost (Table 2-2).

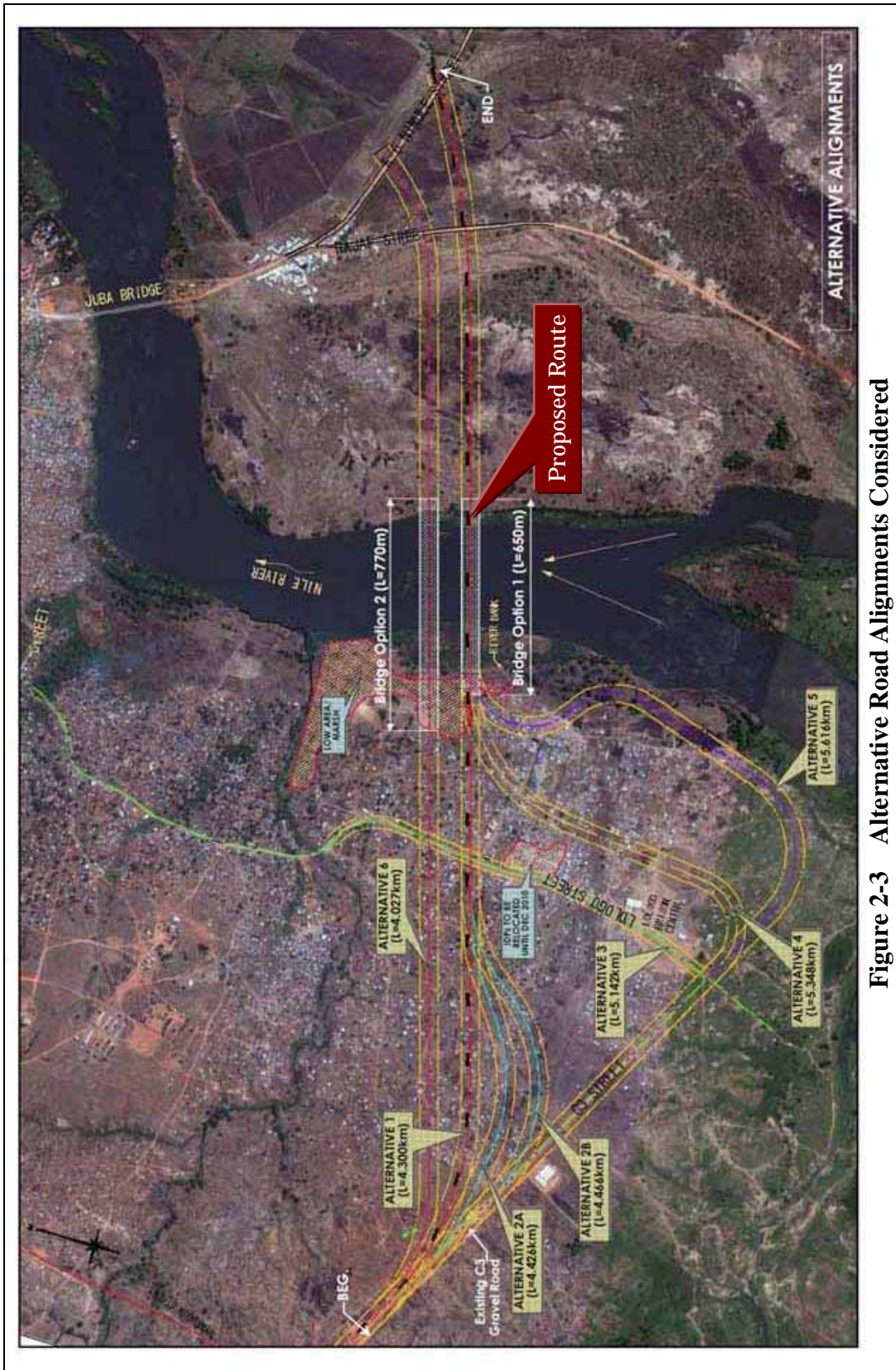


Figure 2-3 Alternative Road Alignments Considered

Table 2-2 Comparison of Alternative Road Alignments

Alternative Items	Alternative 1	Alternative 2A	Alternative 2B	Alternative 3	Alternative 4	Alternative 5	Alternative 6
Route Alignment Description	<ul style="list-style-type: none"> • Straight alignment joining the existing C3 section by a single curve. • Simplest alignment with best geometry for C3 road. 	<ul style="list-style-type: none"> • Beginning section is reverse curve with existing C3 • Joins Alternative 1 at Lologo Street. • Longer length than Alternative 1. 	<ul style="list-style-type: none"> • South of Alternative 2A with similar geometry. • Longer length than Alternative 1 and 2A. 	<ul style="list-style-type: none"> • Temporary use Lologo Street Alignment if ROW acquisition is initially difficult. • Final road alignment similar to Alternative 1 to be constructed later when ROW is available. • Requires box culvert. 	<ul style="list-style-type: none"> • East and running parallel to Lologo Street. • Curve is less than Alternatives 1 & 2. • Low geometric standard for arterial roads. • Requires box culvert. • Requires long embankment protection. 	<ul style="list-style-type: none"> • Utilizing maximum length of existing C3. • Alignment passes thru low and soft ground area. • Low geometric standard for arterial roads. • Require box culvert. • Requires long embankment protection. 	<ul style="list-style-type: none"> • North of Alternative 1 with similar geometry. • Requires ground improvement • Requires higher embankment and longer protection • Requires longer bridge.
Total Length - Approach Road - Bridge	<ul style="list-style-type: none"> • 4,300 m - 3,740m - 560m 	<ul style="list-style-type: none"> • 4,426 m - 3,866m - 560m 	<ul style="list-style-type: none"> • 4,466 m - 3,906m - 560m 	<ul style="list-style-type: none"> • 5,142 m - 4,582m - 560m 	<ul style="list-style-type: none"> • 5,348 m - 4,788m - 560m 	<ul style="list-style-type: none"> • 5,616 m - 5,056m - 560m 	<ul style="list-style-type: none"> • 4,027 m - 3,257m - 770m
Social Impact/ Affected Houses for 30m ROW ^{*)} *() - for 60m ROW	<ul style="list-style-type: none"> • 60 (142) 	<ul style="list-style-type: none"> • 85 (165) 	<ul style="list-style-type: none"> • 115 (229) 	<ul style="list-style-type: none"> • 69 (40m ROW)^{*)} 	<ul style="list-style-type: none"> • 70 (138) 	<ul style="list-style-type: none"> • 40 (68) 	<ul style="list-style-type: none"> • 58 (116)
Total Estimated Cost - Bridge - Approach Road (AC) (Gravel Road Cost)	<ul style="list-style-type: none"> • US\$ 80.89 million - US\$ 67.44 million - US\$ 13.45 million (US\$ 8.83 million) 	<ul style="list-style-type: none"> • US\$ 83.48 million - US\$ 67.44 million - US\$ 16.04 million (US\$ 11.27 million) 	<ul style="list-style-type: none"> • US\$ 83.59 million - US\$ 67.44 million - US\$ 16.15 million (US\$ 11.33 million) 	<ul style="list-style-type: none"> • US\$ 85.48 million - US\$ 67.44 million - US\$ 18.04 million (US\$ 12.37 million) 	<ul style="list-style-type: none"> • US\$ 87.95 million - US\$ 67.44 million - US\$ 20.51 million (US\$ 14.57 million) 	<ul style="list-style-type: none"> • US\$ 93.67 million - US\$ 67.44 million - US\$ 26.23 million (US\$ 19.96 million) 	<ul style="list-style-type: none"> • US\$ 111.64 million - US\$ 95.61 million - US\$ 16.03 million (US\$ 11.92 million)
Evaluation	Recommended	Alternative Option	Not Recommended	Not Recommended	Not Recommended	Not Recommended	Not Recommended

Note: ^{*)} Initial 30m ROW for 1st Phase ROW Acquisition.

^{**)} Based on 40m ROW for Lologo Street (Used temporarily for C-3 Road).

LEGEND

⊙ - Best Option ○ - Alternate Option △ - Acceptable Option ☒ - Not Acceptable

3. Objectives

The objectives² of the Resettlement Action Plan (RAP) are:

- a) To assess the nature and magnitude of the likely displacement,
- b) To explore all viable alternative project designs to avoid, where feasible, or minimize displacement,
- c) To assess the legal framework covering resettlement and policies of the government and implementing agencies,
- d) To identify any inconsistencies between such policies and the JICA's policy,
- e) To review past borrower and likely implementing agencies' experience with similar operation,
- f) To discuss with the agencies responsible for resettlement the policies and institutional, legal, and consultative arrangements for resettlement, including measures to address any inconsistencies between government or implementing agency policies and JICA policy and,
- g) To discuss any technical assistance to be provided to the recipient government.

² after World bank, BP4.12 para.2, 2000

4. Socioeconomic Studies

4.1 Outline of Socioeconomic Conditions

A socioeconomic survey was implemented to about 200 households in Lologo community (183 households) on the west bank and Gumbo Community (13 households) on the east bank. The results are as follows:

- The land at the proposed site is originally a community land of the Bari Tribe. However through the demarcation by the government and the occupation by the returnees (soldiers/IDPs), the ancestral land area became limited.
- The ratio of the Bari households dropped down to 30% of total households in the community. Moreover, the land titles of other 70 % households of non Bari occupants are not confirmed.
- Residents are, on average, does not reach Grade 6 (Primary School) education level and stay in simple thatch roofed and mud walled houses.
- The average number of one household is as high as 9 members or more.
- There is no public electricity or pipeline water network. Residents get water from either well, river or water tank lorry.
- Next to Malaria, water borne diseases are prevailing.

Table 4-1 summarizes the outline of socioeconomic characteristics of the people in the project vicinity while the detailed statistical data is presented in Appendix A.

Table 4.1 Outline of Socioeconomic Features of Residents on East and West Banks

Item	Description
1. Constitutions of Land Tribes	The whole land area on both banks of the river used to be a community land. However, at present, the west side of Lologo Street is a private land demarcated by the government while the east side is still community land.
2. Family	85% of interviewed households are led by male. They are 41 years old on average and most are only primary school graduates while 30% replied they had no education at all. The average family members are 8.5, 4 of which go to school while 3 of which go to work.
3. Occupation and Income	On the west bank, primary occupations are soldiers/police while secondary is business. The income/salary range is SSP 500-800 per month with SSP 750 as the average. Fisherman's income is very cheap at SSP150 only. On the east bank, half of the residents are farmers.
4. Types of House	Most of the residential houses are of mud-walled and corrugated galvanized iron roofed houses with floor areas less than 30m ² . Shops are usually of corrugated galvanized iron sheets.
5. Household Effect	Since there is no power source, they do not have electronic devices except radio and mobile phones.

6. Water	Water is obtained from well, river or delivered by lorry (pumping up from river). They have chlorine disinfection for intake. The well water cost is SSP 1 for 4 liters while lorry water is SSP 4 for 200 liters. Many families consume 200 liters per day.
7. Origin of Residents	30% replied that they are returned soldiers.
8. Land Title	Land title confirmed are less than 20% of house holds interviewed.
9. Satisfaction to Social Service/Infrastructure	They are happy with present social services and infrastructures except transportation.
10. Neighbors	Most replied they go well with their neighbors
11. Commuting	Commuters travel about 5-10km everyday. Commuting fee is expensive.
12. Perception About the Project	More than 95% agree with the Project and ready for relocation. They believe there will be working opportunities but are also concerned about water and air pollution.
13. Gender Issues	Many householders have several wives. The gap of payment is not much high.
14. Children's Right	Young people voluntarily teach reading and writing to children less than 10 years old under the tree in the community. Children's role is important by bringing water, baby sitting and helping their parents.

4.2 Census

Census was preliminarily implemented to the households within the ROW of 30m width, for the purpose of tentative budget estimation. During the time of the interview, there were about 80 households affected by the project but only 66 households were interview since 14 of the households are either empty of the house head is not present. The results of the census are summarized in Table 4-2 and 4-3. The type of the affected people is likewise summarized in Table 4-2. As indicated, land title of about 76% of the affected households present at the site couldn't be confirmed due to absence of a land title document.

Table 4-2 Results of Census

Site Location		West bank		East bank	Total
		Lologo Community		Gumbo Community	
		West side of Lologo Street	East side of Lologo Street		
Land type		Private land	Community land	Community land	
No. of affected households (AH) excluding tenants and shopkeeper		54(68%)	25(31%)	1(1%)	80(100%)
Formal land title holder	With document confirmed	16(20%)*	0(0%)	0(0%)	16(20%)
Quasi-formal land title holder	Verbally approved by community head	0(0%)	2(3%)	1(1%)	3(4%)
Title not confirmed	Document not confirmed, including empty houses	34(42%)	0(0%)	0(0%)	34(42%)
	Informal Land Owners	4 (5%)	23(29%)	(0%)	27(34%)
Police station		0	1	0	1
House head with age >60 years old		1	0	0	1
House head widowed		2	1	1	4
House head disabled		1	0	0	1
Tenant		14	0	0	14
Shop/stall		2	4	0	6
Empty house		7	0	0	7
Absent at the time of interview		6	1	0	7

* There are another 200 absent land owners estimated in the maximum.

Detailed information of the census is presented in the Appendix B. This result shall be revised based on the final census to be done by VACRC (Value Assessment, Compensation and Resettlement Committee).

Of the 66 households interviewed, of 52% are of Dinka Tribe, 39% of Bari Tribe and 9% of which are either Lokoya, Mundi, Moro, Acholi, Lulubo or Lakata. Table 4-3 below summarizes the opinion of the affected persons about relocation. On the average, the respondents are 37 years old, earning SSP 643 per month and have a family numbers of 8.2. The average length of stay in Lologo is about 5.7 years.

The results of interview are summarized in Tables 4-3 to 4-6. The Questionnaire form is presented in Appendix B.

Table 4-3 Opinion About Relocation from 66 HH Present at the Site

Request for Relocation	Total	Legal	Title Not Confirmed	Reasons
Any place is OK	11% (7)	6% (1)	13% (6)	To follow government's decision
Nearby place	80% (53)	78% (14)	81% (39)	If moved far away, they are afraid to lose: - School, good neighbors - Lologo is comfortable to live - Satisfactory present life level
Want to move to Gumbo	4% (3)	6% (1)	4% (2)	-
Don't want to move	2% (1)	5% (1)	-	- Don't know any other place
No reply	3% (2)	5% (1)	2% (2)	- Absent during interview

Note: 1. Numbers in parenthesis () indicates frequency of response.

2. Percentage is calculated based on: Total – 66 respondents; Legal – 18 respondents; Title Not Confirmed – 48 respondents.

Table 4-4 Number and Ratio(%) of Perception About Disputes in the Community

Perception	Total	Legal	Title not confirmed
There is no dispute at all	86% (57)	67% (12)	94% (45)
While civil war there were some	9% (6)	22% (4)	4% (2)
No reply	5% (3)	11% (2)	2% (1)

Note: 1. Numbers in parenthesis () indicates frequency of response.

2. Percentage is calculated based on: Total – 66 respondents; Legal – 18 respondents; Title Not Confirmed – 48 respondents.

Opinions for relocation from tenants are summarized as:

- they want to move in a nearby place,
- rental fee is in the range of SSP100 – 400 with common rates at SSP200, and
- transportation of private effects is requested.

Based on the results of the census, the necessity of additional assistance were considered and

proposed as described in later chapters.

Table 4-5 Number and Ratio(%) of Items Requested for Relocation (Multiple Replies)

Item	Total	Legal	Title not confirmed
Land	36 (55%)	6 (33%)	30 (63%)
House	26 (39%)	5 (28%)	21 (44%)
Business loss	3 (5%)	-	3 (6%)
Transportation of private effects	55 (83%)	16 (89%)	39 (81%)
Job training	-	-	-
Provision of job	-	-	-
Money	28 (42%)	11 (61%)	17 (35%)
Governmental assistances	1 (2%)	-	1 (2%)

Note: 1. Numbers in parenthesis () indicates percentage of response.
2. Percentage is calculated based on: Total – 66 respondents; Legal – 18 respondents; Title Not Confirmed – 48 respondents.

Table 4-6 Respective Opinion from Vulnerable Group

Type of vulnerability	Legal condition	Place he/she want to move	Other request
1. Disabled	Title not confirmed	Gumbo	Compensation by cash
2. Disabled	Title not confirmed	Nearby place	Land, house and transport of private effects
3. 69 years old	Tenant	Nearby	
4. Widowed	Title not confirmed	Nearby	
5. Widowed	Title not confirmed	Not available at the time of survey	
6. Widowed	Tenant	Nearby	Compensation for land, house and providing transportation of private effects
7. Widowed	Formal land title	Nearby	
8. Widow	Quasi-formal land title holder	Don't know where to go	

4.3 Asset Inventory Survey

All the properties located within the ROW area of 30m width including land, structures, hut, shop, fences, trees and crops were measured by survey the team. Table 4-7 summarizes the total quantities affected by the project.

Table 4-7 Total Quantities of Affected Properties

Items	Quantity	Remarks
Land		
Private residential land m ²	86,000	West side of Lologo Street on the west bank
Community residential land m ²	28,000	East side of Lologo Street on the west bank
Agriculture land in Lologo m ²	6,500	River side flooded plain on the west bank
Community land other than farm land m ²	36,750	On the east bank
Agriculture land in Gumbo m ²	6,000	On the east bank
Residential houses		
Total house numbers	100	1 house only on the east bank and others are located on the west bank
Total house area m ²	4,826	

Mud house		
Area m ²	3,244	
Number	97	
Galvanized house		
Area m ²	39	
Number	1	
Concrete house		
Area m ²	258	
Number	2	
Fence		
Number	19	
Length m	1,285	
Trees		
Mango Number	3	
Other trees (Neem) Number	180	
Crops		
In Lologo farm m ²	6,500	On the west bank
In Gumbo farm m ²	6,000	On the east bank
Cemetery		
Volume of earth to move m ²	3,600	Soil excavated and moved to alternative land in accordance with the tribal custom.

5. Legal Framework

The RSS is a newly developing country and, therefore, has no clear policies yet and laws in place governing the relations between the different levels of governments (state and local governments) and the traditional authorities (chiefs and community elders). It is not clear how the rights of different levels of governments, communities and individuals, are defined in relation to the land held by government or traditionally held by the communities.

Though the Land Act of 2009 provides the basic law for guiding the institutions, the principles of the Land Act need to be operationalized through the enactment of other enabling legislations, principles, and subsidiary laws. However actually, most of the current institutions at all the levels of the government work without enabling laws, have poor staffing, and the process and procedure of land acquisition is not legalized and/or working according to the law.

Communities fear to entrust the power of land acquisition to the RSS and the State governments because the likelihood of abuse of such powers as well as the likelihood of marginalization of traditional leaders will lead to the alienation of communities from their ancestral lands.

Land Act of 2009 specifies that:

- Preparation of a proper resettlement plan for displaced people
- Compensation by market price
- Provision of free land to landless
- Improvement of life and livelihood of the IDP after relocation

Table 5-1 compares and tabulates the gaps of the Land Act of 2009 of the RSS with the safeguard policy of JICA/World Bank. The gaps are, in a word, the necessary commitment of the government of RSS to exactly follow the JICA/World Bank policy when the provision Land Act is weak. Sometimes people are being displaced without due consideration in spite of the act.

Table 5-1 Policy Gap

	Items	JICA Guidelines for Environmental and Social Considerations	Safeguard Policies – Operation Policy (OP) 4.12/OP Annex	Government of the Republic of Southern Sudan LLaw (Land Act 2009)	Gap	Response Policies in this Project (draft)
0.	General	Loss of livelihood and involuntary resettlement shall endeavor to avoid considering every possible way. If avoidance is not possible even after such a study is conducted to minimize the impact, effective measures shall be taken in order to compensate for losses agreements reached on the subject.	Section OP para.2 Involuntary resettlement is avoided wherever possible, and should be minimized through project design that considers a viable alternative if not all. If it is impossible to avoid relocation, a sustainable development programs to transfer the activities and invest sufficient resources allotted to allow residents to benefit from the project due to relocation. Meaningful consultation with residents in line with relocation. They should provide opportunities to participate in planning and conducting the relocation program for relocated residents. Section OP6 The Borrower will prepare a relocation plan.	Section 72 (1) Obligation to prepare a resettlement plan (2) IDP (internally-displaced people) to participate in formulating the RAP (3) IDP / people must be restored after the transfer or living condition increases.	Detail of RAP for project affected persons is not clearly indicated.. There is no policy about compensation/assistances for the involuntary resettlement.	Resettlement policy is established in this RAP
1.	Information, public participation and consultation	Appropriate participation by affected people and their communities must be promoted in the planning, implementation, and monitoring of involuntary resettlement plans and measures against the loss of their means of livelihood.	Section OP para.6 (a) 1) Information pertaining to the selection and transfer of rights 2 R) consultation recommended with the relocated residents. Section OP para.13 (a) The relocation, relocation communities, community planning and acceptance with the full consultation. Can participate in the execution.	Section 74 (1) land acquisition plan will be in consultation with individual communities	No Gap. Secure the implementation.	Public Consultation and small Group discussion conducted
2.	Compensation with replacement cost	Persons affected by the loss of livelihood and involuntary resettlement and adequate compensation must be given appropriate time by the project proponent	Section OP para.6 (a) 2) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and 3) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. Section Annex10 <u>Land acquisition price calculation method</u>	Section 75 (2) Compensation shall be provided after the agreed cash or substitutes. (3) If the relocation of the occupants of the land community to pay the agreed amount (taking	(1) The reality is that there is a gap, which the government fixed price is set very low price than the market. (2) Unknown shop houses on farm	To follow Section 75 word to word. Cash compensation shall be given for the structures/houses of the affected persons while land shall be given in exchange for the loss land designated by the

	Items	JICA Guidelines for Environmental and Social Considerations	Safeguard Policies – Operation Policy (OP) 4.12/OP Annex	Government of the Republic of Southern Sudan LLaw (Land Act 2009)	Gap	Response Policies in this Project (draft)
			Annex A.11 Resettlement measures. A description of the package of compensation and other resettlement measures that will assist each category of eligible displaced persons to the objectives of the policy (see OP4.12 para.6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural performance of the displaced persons, and prepared in consultation with them.	into account market value compensation) Fruit Forest Act for compensation regardless of the type in Section 6.18 (papaya banana without compensation)	animals (3) banana and papaya are also compensated	RSS. All trees shall be compensated.
3	Livelihood and life levels	Project proponent must make efforts to enable people affected by the projects to improve their standard of living, income opportunities and production levels, or at least restore them to pre-project level. Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting means for an alternative sustainable livelihood, and providing expenses necessary for relocation and the re-establishment of community at relocation site.	OP para.2 (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever higher.	Not clear except IDP	Policy is not clear about livelihood and life levels	Provision of necessary compensations for both legal and illegal settlers shall be made to maintain the livelihood and life levels at least, together with other assistances.
4	Vulnerable group	Appropriate consideration must be given to vulnerable social groups, such as women, children, the elderly, and ethnic	OP para.8 To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women	Section 87 An alternative land may be provided to unlawful land occupant when eviction is initiated.	Treatment of these vulnerable groups is not clear.	Allowance for vulnerable group is proposed.

	Items	JICA Guidelines for Environmental and Social Considerations	Safeguard Policies – Operation Policy (OP) 4.12/OP Annex	Government of the Republic of Southern Sudan LLaw (Land Act 2009)	Gap	Response Policies in this Project (draft)
		minorities, all members of which are susceptible to environmental and social impacts and may have little access to the decision-making processes within society.	and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.			
5	Grievance redressing		Annex A.17 Grievance Procedure. Affordable and accessible procedures for third-party settlement of disputes arising from resettlement: such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.	Section 75. Grievance due to land acquisition is filed to the land committee.	The role of land committee in resettlement activities is not clear.	The, Grievance Redressing Committee (GRC) easily accessible and fairly treated for all affected people is established
6	Monitoring	The internal monitoring by the project proponent and the external monitoring by the third party shall be implemented to review, modify and disclose the resettlement activities	Annex A.21 Monitoring and evaluation. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information: performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities: involvement of the displaced persons in the monitoring process: evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been complete; using the results of resettlement monitoring to guide subsequent implementation.	Not specified	Necessity of internal and external monitoring is not clear.	Internal monitoring by the proponent under the Inter-Ministry Committee is to be established and external monitoring by a third party is to be organized by MRB and the results will be disclosed.
7	Relocation site		Annex A.13 Housing, infrastructure, and social services. Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services): plans to ensure comparable services to host populations: any necessary site development, engineering, and architectural designs for these facilities.	Not specified	Provision of same quality relocation site is lacking	To maintain the life level, MRB will prepare the site for relocation with sufficient well/water source for the relocated families. Afterward, necessary infrastructure is provided. In this view, the land plot is sold

	Items	JICA Guidelines for Environmental and Social Considerations	Safeguard Policies – Operation Policy (OP) 4.12/OP Annex	Government of the Republic of Southern Sudan LLaw (Land Act 2009)	Gap	Response Policies in this Project (draft)
						to illegal settlers with affordable price and payment system
8	Eligibility		<p>Criteria for Eligibility. Displaced person may be classified in one of the following three groups:</p> <p>(a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)</p> <p>(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or becomes recognized through process identified in the resettlement plan (see Annex A, para.7(f)); and</p> <p>(c) Theses who have no recognizable legal right or claim to the land they are occupying.</p>	<p>Compensation is made to those either (a) possessing with formal land title or (b) verbally approved by the communities to occupy that land</p>	<p>Any compensation is not made to (c) who are not recognized either (a) title holder or (b) verbally approved.</p>	<p>Same compensation shall be made at least for their assets (houses, trees) except land that does not belong to them.</p>

6. Institutional Framework

As shown in Table 5.1, there are deep gaps between JICA Environmental and Social Considerations Guidelines (JICA Guidelines). For the purpose to implement the resettlement activities properly in accordance with the requirement in JICA Guidelines, MRB is going to establish an Inter-Ministry Committee (IMC) with its own budget of SSP 10 million. Under the IMC, the following subcommittees are to be established as well.

Value Assessment, Compensation and Resettlement Committee (VACRC)

Grievance Redressing Committee(GRC)

Internal Monitoring Committee(IMC)

The functions and committee members are as flows:

Table 6-1 Outlines of Subcommittees

Sub-Committee	Member, representative from	Function
Value Assessment, Compensation and Resettlement Committee (VACRC)	Chairperson Member - MRB - MOPI - MOF (Ministry of Finance) - MOE - MOAF (Ministry of Agriculture and Forestry) - Juba County - Rajef Payam Land Office - Affected community representatives (indigenous) - Affected community representatives (non-indigenous) - Land Commission - University/NGO	- RAP (Resettlement Action Plan) preparation - Compensation policy planning - Budget estimation and requesting - Leaflet making of project outline, compensation policy and grievance application delivered to affected households - Market price survey and compensation prices determination - Public meetings at each step of resettlement activities - Census and asset inventory measurement - Negotiation and contract for compensation - Compensation remittance - Relocation site preparation - Assisting to transport re-settlers' private effects - Looking for rental house and negotiating for tenants - Assist the activity of UN Habitat, if necessary - Providing data to internal monitoring committee timely - Conveying request, complain and question to Grievance Committee
Grievance Redressing Committee	Chairperson Member Neutral person (NGO/University) MPOPI/MRT Payam Land Office Affected Community	- Reception of complaints - Investigate and propose mediation - Announcing the result to the public

		(indigenous) Affected Community (non indigenous) Public Grievance Office	
Internal Monitoring Committee	Chairperson Member	MRB MOF MOPI MOE	Prepares: - Remittance reports every three months - Progress report every 6months - Yearly report

In addition, following organizations are involved in land-administration:

Land Departments of RSS

Under Section 170 of the INC, it is stipulated that the powers reserved for RSS under ICSS shall confirm to Schedules B and D of the INC. Thus the following are included among the powers given to the RSS in land matters:

- Exploitation of subterranean resources;
- Enactment of legislation at RSS level;
- Planning for RSS services;
- Coordination of services; and
- Setting minimum standards and uniform norms

The powers and functions of RSS over land administration, planning, and allocation are clearly stipulated as per the ICSS; the Land Act of 2009; and the Local Government Act of 2009.

The Schedules to the Interim Constitution of Southern Sudan presents what is to be handled by the State or RSS. The Local Government Act does not give the function of the RSS or State. The Local Government Act is ambiguous. Many of the things that may be handled by the RSS are in Schedule C while the concurrent powers are in the Schedule D. For example, all roads connecting capital cities of the States and those of the other states are the responsibilities of RSS while feeder roads are under the states. The function of land administration and allocation is supposed to be the duty of the Local Government. RSS develops the policy and the implementation of the policy is the work of the state.

Table 6-2 Summary of the Provisions of the Land Act Giving Powers to RSS and State.

RSS Powers	State Powers
Has full powers over subterranean resources (S.6[6] of Land Act, 2009)	Coordinates with RSS in subterranean resource exploitation (S.42 [g] Land Act)
Own land through designated level which recognizes customary land rights (S.6[3] of Land Act)	Management of state land and natural resources (S.43[a] of Land Act)
	Lease and utilization of state land (S.43[b] of Land Act)

	Quarrying regulations (S.43[d] of Land Act)
	Protection of customary seasonal rights (S.6[50] of Land Act)
Enactment of policies and legislations (S.42[a] of Land Act)	Regulations of land tenure, usage, and rights (S.43[i] of Land Act)
Real property tax system	State Constitutions, legislations, and policies under Item 1 of Schedule C
Capital city (S.42[c] of Land Act)	State capital [Section 58 of ICCES]
Intervention in town and rural planning (S.42 [b] of Land Act)	Town and rural planning (S.43[e] of Land Act)
	Land zoning and gazetting (S.43[m] of Land Act)
	Supervision and coordination land administration levels in the state (S.43[o] of Land Act)
	State physical planning (S.43[p] of Land Act)

According to Section 54 of the Land Act of 2009, the Land Registry shall be established at the Ministry of Housing, Physical Planning and Environment in RSS and shall be decentralized; hence the State through the concerned Ministry shall keep the Land registry in coordination with the Ministry of Housing, Physical Planning and Environment in RSS.

Land Department of CES

According to Section 180(1) and (2) of the ICSS, the regulation of land tenure, usage, and rights shall be a concurrent competence, exercised at the appropriate level of government in Southern Sudan and rights vested in the RSS shall be exercised through the appropriate or designated level of government in Southern Sudan.

The state has the role of implementing the land policies and laws created by RSS over matters that affect Southern Sudan generally by reducing these laws and policies to meet the peculiar circumstances of the state.

The major and overall functions of the state government in relation to land are that of land regulations and policy making. Most of the attributes given to the state are in terms of setting the regulations and the role of managing, overseeing, and coordinating different levels of land administration and management in the state. Thus management of state land and natural resources, town and rural planning, regulation of land tenure, usage and exercise of rights in land, management of survey office, boundary demarcation between community lands, land zoning and gazetting, and development and implementation of state physical planning are some of the functions of the state government. This is clearly provided for in Section 43 of the Land Act.

At the state level, the following institutions are directly concerned in Lands matters; Ministry of

Physical Infrastructure, the Survey Department, town planning authorities, Ministry of Local Government, the County Authorities of Juba, Payam directors and staff, and the customary authorities.

Land Departments at County Level and Payam

The major roles are given to the County Commissioner and the County Land Authorities. According to the Land Act, the state has the responsibility of specifying, by law and regulations, the structure and organization of the County Land Authority. The state has functions with regard to establishment of the Payam Land Council and as provided by the Land Act, the members of the Council are to be nominated by the concerned ministry of the state upon recommendation of the Commissioner and after consultation with the traditional authority in the Payam.

The County Land Authority and Payam Land Council are not operating at the moment, the legal provisions stipulating their compositions and functions are there.

The major functions of the County Land Authority are to hold and allocate public lands with approval of the state ministry, make recommendations and give advice to the state, facilitate registration and transfer of interest in land, support and assist any cadastral operation and survey in its jurisdiction, and liaise with SSLC. The County Land Authority has the functions of assisting the traditional authorities on their major attributions; liaising between the community leaders and the state ministry; advising the local community on issues related to land tenure, usage, and exercise over land rights; and chairing the consultation process between community and state government.

According to the Land Act, the County Commissioner gives recommendation after due consultation with the concerned ministry regarding any nomination to the membership of the Payam Land Council and the County Land Authority receives appeals from the decisions of the Payam Land Council.²⁵ Further, according to Section 94(1) of the Land Act, 2009, the County Land Authority, the Payam Land Council or the traditional authority have jurisdiction over a dispute that is referred to it for arbitration. The role of mediation is given under Section 92(2) of the Land Act, 2009.

Further, according to Section 88 of the Local Government Act (LGA), 2009, land surveys and land use master plans shall be developed by the state authorities in consultation with the Local Government Councils and the communities concerned and this involves the roles of the County Commissioners.

Role of Customary Authorities

The major function of the traditional authority is in respect to the allocation of customary rights in land. The law has given the traditional authorities powers to allocate land under customary land and this power is exercisable concurrently with that of the government. The traditional authority may allocate customary land for residential, agricultural, forestry, and grazing purposes.

According to the Land Act, the traditional authority is restricted in dealings with land greater than 250 feddans. Beyond this size, such cases are referred to the Payam Land Council or the County Land Authority to be transmitted for approval by the state ministry, and they shall notify the County Land Authority or the Payam Land Council about any transactions on customary land they have carried out.

South Sudan land Commission SSLC

The body mandated to create all the enabling laws and regulations needed in regulating land administration, planning, and allocation. The mandates of the SSLC, as provided originally under Section 2.7 of the Wealth Sharing Protocol of the Comprehensive Peace Agreement, are over arbitration, resolving land claims between contending parties, assessment of compensation payable to aggrieved persons in land disputes, making recommendations to government on land reform policies and recognition of customary land rights, and/or law and advice different levels of government on how to coordinate policies on RSS projects. In so acting, the SSLC is independent and can relate to the RSS, the state, and the local governments to the extent of advice and research.

7. Eligibility

7.1 Policy

All the Project Affected Persons (PAPs) have the right to have compensation/assurances, regardless of their legal conditions, so that their livelihood or life level will be maintained or improved by the Project. For example, the illegal land occupants, so far they have been identified to be there as a resident at the time of census, are provided with some supports for relocation so that their livelihood/life levels will be better off by the relocation.

“Compensation” is made only to formal title holders based on the law of Republic of Southern Sudan while the “assistance” is provided to informal residents without land title. Compensation is to provide alternative with equivalent value or replacement cost able to purchase equivalent alternative. Assistance includes cash/material/technique allocation to them to support/promote their self-effort, fully utilizing existing supporting system by NGO/donors.

7.1 Compensation

Compensation is made only to formal title holders. Entitlement of compensation is shown in Table 7-1

Table 7-1 Compensation to be Made

Title	Land	House	Crop/tree
Formal land title holders	Basically provision of alternative land	Replacement cost compensation	Replacement cost compensation
*Quasi-formal residents recognized by the community head (ancestral land)	Provision of alternative free land in the same community	Replacement cost compensation	Replacement cost compensation
Residents whose titles were not confirmed	Basically not entitled – assistance to identify relocation site	Compensation for affected structures/ houses to be determined by the IMC	Replacement cost compensation

*Quasi-formal residents are treated as formal land holder.

7.2 Assistance

Assistants are provided to maintain/improve the livelihood and life level of PAPs whose land titles were not confirmed and informal residents at the pre-project basis, such as:

- The Rajaf Payam /MOPI will identify a relocation site with an affordable price and payment system to be agreed upon with the Inter Ministerial Committee for those.
- Compensation for affected structures
Structures affected by the project shall be compensated as determined by the IMC.
- Provision of construction technique and material (Optional)

House construction technique, cement and tools/equipment for preparing soil blocks are provided by UN Habitats for them to construct their houses by themselves free of charge.

- Provision of vulnerable assistance

Additional assistance to vulnerable group is provided if the house head is either widow, >60 years old or handicapped. Assistance to households with vulnerable persons shall be determined by the IMC.

- Provision of Microcredit

Microcredit is provided to those who is assisted by UN Habitat Project.

- Priority employment in the bridge/road construction site for the Project
Project employment priority shall be given to project affected persons.

- Provision of on-job training

On-job-training is provided to unskilled PAPs under the instruction/supervision by skilled workers for 2 months to upgrade the skills of the PAPs. Types of required techniques include carpenter, re-bar worker, stage fitter, electrician etc. They are registered and paid as skilled worker afterward based on the technique and experiences he acquired. Full details about job training shall be included in the EMP submitted from the contractor and is approved by MRB. Contractor shall detail this on-job-training in the bidding document.

7.3 Case of not eligible

Not compensation or assistance is applied for the following case:

- Any encroacher after cut-off-day

The government shall take decisive action to the encroachers who try to build house or open shop before, during and after construction. The road side is the best place for residing and small business. They shall be evicted without compensation. For this, the community plays quite important role to immediately inform to the MRB so quick action.

- New development of assets (house or fence), crop after cut-off-day

Even if for the registered affected people, it should be convinced that no compensation will be given for the assets newly developed after cut-off-day, such as improvement of old house or construction of new room/house. Residents has the right to do so, but they should understand no compensation will be made for such a new development.

8. Valuation of and Compensation for Losses

On 27th February 2011, the cut-off-day was declared and all the lands and properties, as had been located before that day, are to be compensated.

Compensation prices are determined by the Value Assessment, Compensation and Resettlement Committee (VACRC). Table 8-1 proposes the entitlement matrix for the affected people.

Table 8-1 Entitlement Matrix

Item		Legal residents ⁽¹⁾	Illegal residents	Responsible Agency
Land	Residential land	Provision of alternative land at nearby place in community. (<300 Lots)	* Cash compensation for cost of affected structures ⁽²⁾	MRB/MOPI /Payam
	Agricultural land	Replacement cost compensation or provision of alternative land	* Identify relocation site for squatters with an affordable payment system ⁽³⁾	
Assets	House	Replacement cost compensation (SSP 250/m ² for mud house and 500/m ² for galvanized house)	* Option to be included in the UN Habitat Program for resettling squatters ⁽⁴⁾ .	MRB/MOPI
	Fence			
	Tree	SSP 500 (Neem) – 30,000 (Mango) /tree (200 trees of Neem mostly)		
	Crop	SSP 1.4/m ² x 2 seasons/year x 2 years (12,500m ²)		
Other Losses and Assistance	Disturbance allowance during relocation	2 months income (SSP 750/mo x 2 = 1,500) (80 HH)		MRB
	Business loss for shops during relocation (Shops)	2 months income (SSP 1,200/mo = 2,400) (6 Shops)		MRB
	Transportation of private effects	Provide means of transportation (vehicle/manpower) (80 HH)		MOPI/MRB
	Employment Opportunity for PAPs (farmer, fisherman, brick manufacturer and anybody whose livelihood are affected by the project)	Prioritized employment at the construction site as unskilled worker with provision of on-job training ⁽⁷⁾ as skilled workers.		MRB
	Assistance for Tenants	Assistance for compensation equivalent to 3 months' advanced rental fee (SSP 600) (14 HH)		MRB
	Additional Assistance to vulnerable group (house heads of either widow, >60 years old or handicapped)	Provision of food and medical support for 1 month (SSP 750) (14 persons)		MRB

Remarks:

- (1) Numbers of affected households shall be finalized by census done by MOPI/Payam and the compensation

rates also may be revised later after formation of the Inter-Ministry Committee.

- (2) The cash compensation amount will be finalized by the Inter-Ministry Committee to cover reasonable costs of the affected structure.
- (3) The MOPI/Rajaf Payam will identify a relocation site with a price and payment system to be agreed upon with the Inter-Ministry Committee. E.g. at Tokiman West Relocation Site, the squatters will pay the SSP 700 for acquiring the lots at SSP 35 for 20 months.
- (4) UN Habitat Program includes following provisions:
 - Technique, material and machine for construction of houses
 - Microcredit
- (5) All the residual land/asset left behind by land acquisition are also compensated.
- (6) In case alternative agricultural land is being provided, the fertile soils from the original farm land shall be scarified and moved to the new site beforehand so that farmer can start cultivation immediately.
- (7) On-job training includes techniques transfer as carpenter, electrician, steeplejack etc under the supervision of specialist for a certain period through actual job. Detail of training plan is proposed by the contractor based on the actual work and is approved by MRB.

9. Relocation Site Selection

Provision of alternative land is the basic policy of the MRB. At the time of this RAP preparation (middle of September 2011), the relocation site is not yet finalized. However, the following are descriptions of the possible alternative sites..

For formal land title holders (and possibly informal title holders):

- (1) Land within Lologo Community and Gumbo Community
- (2) Tokiman West Lukata Moroyok
- (3) Jadoro Relocation Site

Table9-1 Possible Relocations Sites

Relocation Site	Applicability		Land Class	Controlled by	Distant from ministerial compound km	Description
	Legal Residents	Residents whose land titles were not confirmed				
Inside Lologo Community (farm site meeting)	OK	Not accepted	4	Payam	5	Community land east of Lologo road; have to be demarcated
Inside Gumbo Community	OK	Not accepted	4	Payam	8	Large space is remained; have to be demarcated.
Jadoro Relocation Site	OK	OK	4	Payam	7	-
Tokiman West Lukata Moroyok Residence	OK	OK	1-3	MOPI	6	-
Derupi Relocation Site	OK	OK	1-3	MOPI	8	Land is sold at SSP 3,000. At this moment, all the plots have been fully allocated. Surrounding area can be demarcated if necessary.

Remark

- 1st class plot - 30m by 40m and it is issued by MOPI. For upper class people
- 2nd class plot - 25m by 30m or 30m by 30m and also issued by MOPI. For middle class people
- 3rd class plot - 20m by 20m issued by MOPI for lower class people
- 4th class plot - 20m by 20m issued by Payam. This is usually converted to 3rd class after application to MOPI. The difference between 3rd class and 4th class is that later is initiated by Payam and considered temporary rights.

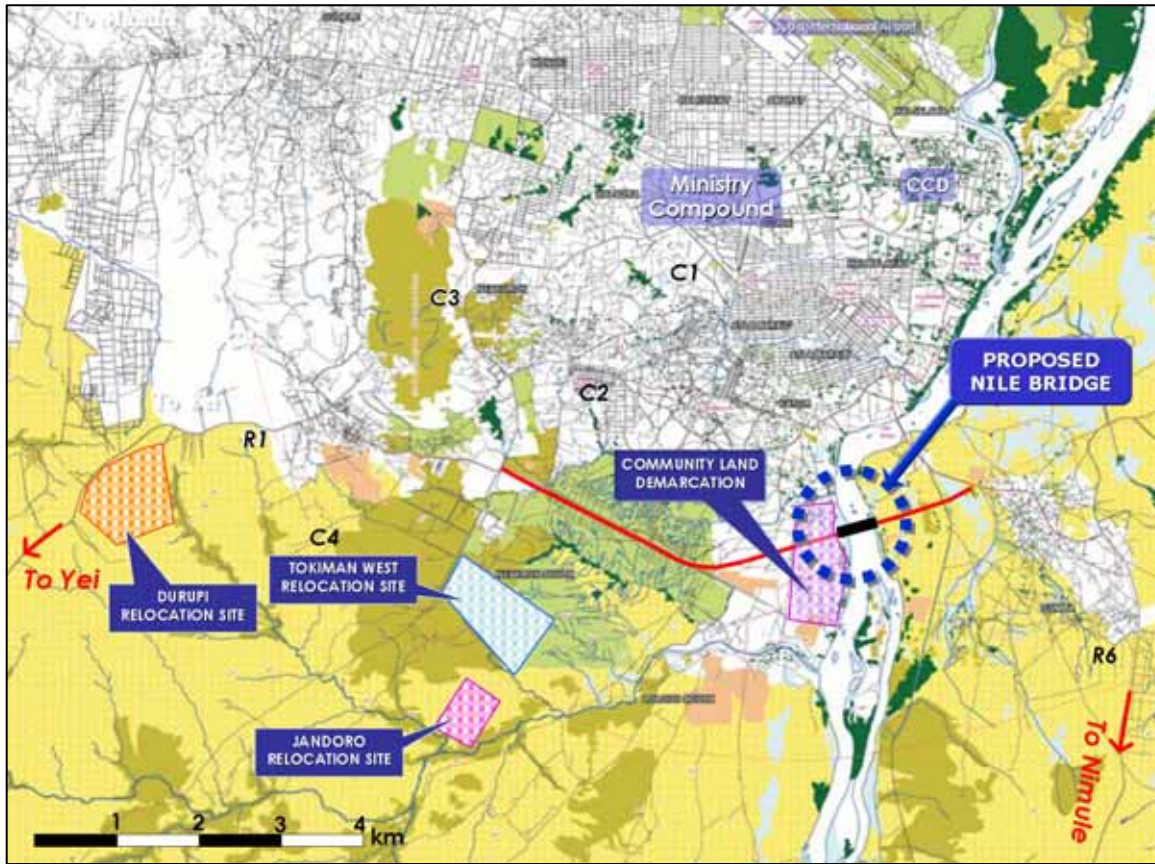


Figure 10-1 Possible Relocation Sites

10. Housing, Infrastructure and Social Services

Housing, infrastructure and social services in the alternative relocation sites are summarized as in Table 10-1.

Table 10-1 Housing and Infrastructures in the Alternatives of Relocation Site

Relocation Site	Housing	Water		Sanitation	Road etc	Clinic/first aid center	Transportation service	Electricity	School	Churches
		Well	Tank lorry						Kinder garden and primary school	for Tribe 1, 2,3...
Inside Lologo Community	Mud and tin houses	5 no.	Available	Not available	Available	Available	Available	Not available	Available	Available
Inside Gumbo Community	Mud house	Not available	No available	Not available	Available	Not available	Available	Not available	Community youths teach kids under trees	Not available
Tokiman West Lukata Moroyok Residence	Mud and tin houses	MRB plans to assist in providing wells to project relocated households		Septic tank to be provided	To be provided with side drain	Not available	Available	Not available	Not available	Available in nearby place
Jandoro Relocation Site	Mud house	Not available	Not available	Not available	Not available	Not available	Available	Not available	Not available	Not available
Derupi Relocation Site	Mud houses	Not yet available	Available	Not available	To be provided with side drain	Not available	Available	Not available	Not available	Not available

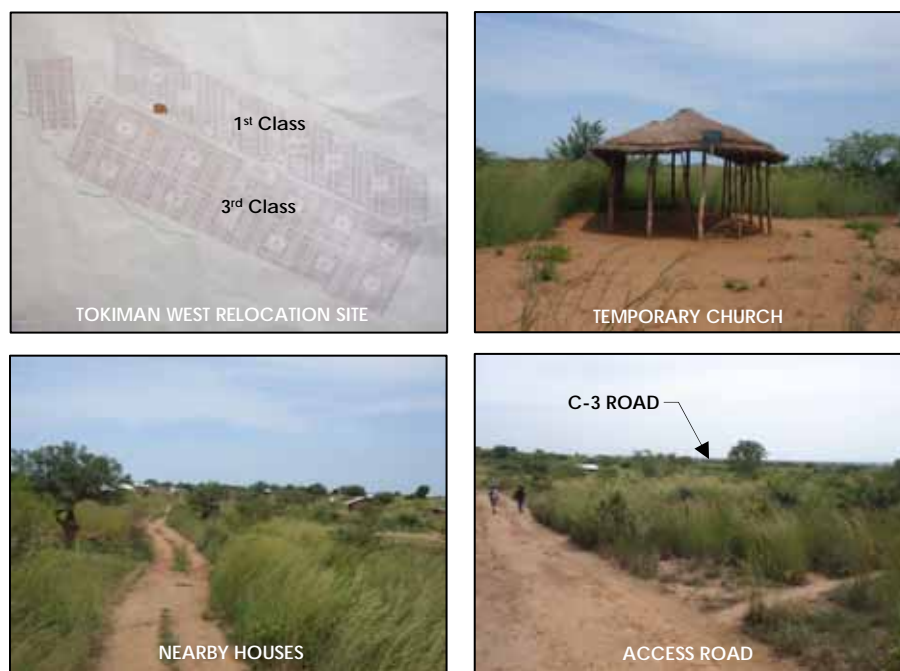


Photo 10-1 Tokiman West Relocation Site and Nearby Areas

11. Environmental Protection and Management

It is required to implement an environmental screening on the relocation site so that the resettlement activities do not cause serious environmental and social impacts to the site and surrounding areas. As of September 2011, although the relocation site is not yet finalized, the feasibility of the following possible alternatives are investigated.

Table 11-1 Environmental Protection and Management Required

Relocation Site	Description of the Site	Environmental/Social Impacts Predicted	Mitigation Measures Proposed	Monitoring Proposed
Inside Lologo Community	Low density residential area. Almost no natural eco-system remained.	Negligible because of on-site relocation (moving a few hundred meters)	Not required	Not required
Inside Gumbo Community	Mostly open area and some agricultural field with several houses. Sparsely vegetated with bush and low trees	Negligible (1HH to be moved)	Not required	Not required
Jandoro Relocation Site	Not confirmed	IEE for Resettlement Site		
Tokiman West Lukata Moroyok Residence	Open land with possible 3,000 3 rd Class and 1,000 1 st Class Residential Lots			
Derupi Relocation Site	Open land with very less vegetation. 3,000 HH are to be moved in			

The environmental study shall be of the level of IEE (Initial Environmental Examination) since no serious impact has been noted. The items to be screened in the proposed IEE activities include:

(1) Natural environment

Biota and ecosystem,

(2) Pollution

Water and soil pollutions, waste, offensive odor

(3) Social environment

Water usage, local economy such as employment and livelihood etc, land use and utilization of local resources, social institutions such as social infrastructure and local-decision making institutions, existing social infrastructures and services, the poor, indigenous of ethnic people, misdistribution of benefit and damage, local conflict of interest, cultural heritage, infection diseases such as HIV/AIDS etc.

Above IEE shall be implemented through:

- Discussion with MOPI/land planner, authorities about legislative information such as

- legislative boundaries, plots number, population, social infrastructure etc.
- Discussion with MOE, MOFA, UNEP for the existence of any of important/red-listed species at the site
 - Site reconnaissance with MOE/MOFA to confirm as baseline information
 - Sampling/chemical analysis if something has been found to be serious
 - Prediction of environmental/social impact if any
 - Proposal of mitigation measure if necessary
 - Planning environmental monitoring if necessary.
 - Preparation of IEE report, summarizing above.

12. Community Participation

The objectives of consultative public participation and meetings in this study were mainly:

To disseminate the project content and implementation schedule, especially for resettlement activities.

To gain views from the public, concern and value in regards of possible impacts due to the activities that will be carried within the site for the proposed project. Through this, it is anticipated that transparency and accountability will be achieved throughout the project cycle, especially during design, construction and operation.

For above, we implemented the following public consultations summarized in Table 12-1. The minutes of meetings are attached in the appendix. Also presented in the table is the proposed public meeting to be held in the future.

Table 12-1 Public Meetings Held/to be Held

No.	Title	Content	Attendants (including .MRB)	Date Conducted (Proposed)
1	The 1 st Stakeholders Meeting	Explanation of the project	MOPI, MOE, Payam, UNHCR	11/9/2011
2	The 2 nd Stakeholders meeting	Explanation of TOR for EIA and RAP	Payam, Paramount chief, community	15/12/2011
3	Group discussion (Site meeting)	Compensation to farm	Payam, farmers	24-25/2/2011
4	The 3 rd Stakeholders Meeting	Declaration of Cut-off-day	MOPI, MOE, Payam, Community	27/2/2011
5	Joint Site Survey	Site reconnaissance	MOPI, MOE, Payam, Community	2-4/3/2011
6	The 4 th Stakeholder Meeting	Meeting especially for Gumba PAPs	Community	17/3/2011
7	The 5 th Stakeholders Meeting	Explanation of study progress	MOPI, MOE, Payam	24/3/2011
8	Inter-Ministry Committee (IMC) Kick-off Meeting (see Appendix D)	Organizing the IMC	MRB, MOPI, MOE, Land Commission, Gumbo Community Leader, Lologo Community, Juba County Commissioner, Rajaf Payam, Village Development Committee, JICA, UN Habitat, and Consultants (CTII, LBG, USAID)	15/09/2011
9	The 6 th stakeholders meeting	Explanation of draft EIA and RAP		(Oct 2011)
10	Public meeting	Explanation of resettlement policy and implementation schedule	MOPI, Payam, Communities and affected tribe association	(Nov 2011)
11	-ditto-	For compensation payment	-ditto-	(Jan 2012)
12	-ditto-	For relocation of titled PAPs	-ditto-	(Jan 2012)
13	-ditto-	For relocation of non	-ditto-	(Jan 2012)

		<i>titled PAPs</i>		
14	<i>Group discussion</i>	<i>For vulnerable group</i>	<i>Small number</i>	<i>(Any time when concerns are raised)</i>

Findings of Public Meetings

There are in total 5 times of public meetings (stakeholders meetings) 1 time group discussion (site meeting) and 1 IMC Meeting held so far. As a conclusion from the total of these meetings, most of PAPs agree with the project for its very positive impacts in term of economic development and increase of business chances in the area, under the condition that a reasonable compensation is to be made for assets and livelihood lost. Table 12-2 summarizes the questions and responses made during the meetings.

Table 12-2 Question Raised and Response

Question/comment	Response/conclusion	Decision made
How do you determine the replacement cost?	Value Assessment Committee will be established.	-
How do you treat landless people?	Minimum plot shall be identified at relocation sites.	A plot 20mx20m is provided very cheaply (SSP700) with monthly payment of 20 months or longer
Importance of information disclosure was stressed	It's impossible to implement project without it	-
Farm land/mango tree are compensated?	Definitely	-
Grievance redressing mechanism shall be installed	-	Grievance Committee is to be established under the IMC
Regarding compensation prices	-	- IMC will finalize compensation cost
How do we know we are affected?	Survey team will determine	-
Alternative land is provided within the same Payam?	Yes	-
They say that the route is designed so to eliminate certain persons?	It is totally false.	-
How to prevent new land encroachment by the new project	- Government will definitely dealt with this unlawful activity	-
How do you treat the graves?	Grave will be excavated and soil/bodies will be shifted to another location in accordance with community custom	-
The project affects the farm, and how do you compensate?	Alternative garden is given by preparing nearby land and bringing fertile soil from original place	-
To get accurate census results is required	To establish a technical committee to identify legal and illegal residents accurately.	Resettlement Committee under the IMC will implement census



A visually impaired woman (left) who is also a widow during a consultative meeting in Lologo. She requested for fair relocation and her condition to be considered.

Findings Regarding Project Perception and Relocation.

Regarding the perception of the project at the time of FGD and interviews in February 2011, 90% of the residents already knew the project as shown below figure. The information source is community through public meetings held in previous occasions. 97% of the interviewed agree with the project. The reason for disagreeable to the project for the few (3%) is that project doesn't help them or they will not be displaced. Further consultation will be provided to them.

13. Integration with Host Population

The success of local integration of relocated people with host communities depends on the cooperation of the government, host communities and relocated people themselves.

Relocated people belonging to Bari Tribes in the community land area, are to be welcomed to the community relocation site of Bari, which is located a few hundreds meters away from previous residential place, and they can continue to enjoy almost same life level with their relatives and friend as before relocation. For household that cannot be accommodated in the community land, a relocation site which is newly demarcated by the MOPI (e.g. Tokiman West) shall be allocated with similar conditions and tribal neighborhood.

People other than Bari Tribe, who may be relocated to other place than the previous community (Lologo) is anxious if their previous life level and life style are to be able to be kept at the new relocation site. They will be sent to the relocation site demarcated by the government but previously owned by some tribes.

The host community, previous owner of the land may be afraid of the new comers since:

- Security problem including HIV/AIDS
New comer may make conflict, dispute, or even criminal behavior or cause health problem?
- Economy/resource problem
They may lose or restricted to the access to affordable home, school, health facilities and potable water among all.
- Custom problems
Different custom performance, that is not familiar to the host community, may not be favorable for them.

To solve these,

1. First of all, the relocated people must be encouraged and assisted to weave themselves into the host community's system's or culture, respecting and following their rules, custom and right as a host community.
2. Secondly, the host community should also respect and trust the new comers without prejudice and share all resources including potable water, social services etc.
3. Thirdly, the government should provide or further improve the present condition

of resources such as potable water by digging well, social services and provision of job opportunity at construction site to the member of the host communities so that they don't feel the chance to access to their own resources have been reduced to the new comers.

14. Grievance Redressing Mechanism

As for grievances arising during contract negotiations, compensation payment or at the time of relocation, Grievance Redressing Committee (GRC) under the IMC shall be established which can immediately solve/mediate dispute at the local level.

Grievance Redressing Committee(GRC)

GRC has the function to make quick recommendation/mediation on the dispute at the local level. Affected people consisted of several tribes. Although committee members are proposed in Chapter 7, it is stressed again that, for purposes of being neutral, even and, at least, not too much disadvantageous recommendation to a certain tribe, the committee chair person shall be a independent person such as NGO/professor of university. In addition, the committee members shall include a representatives of the tribe of affected person. The Chairperson hears the allegation from both side, clarifies the fact, letting them insist freely, and proposes recommendation. The mediation has no force. If the disputer is not satisfied, he can be filed to the court. The result is disclosed to the public through GRC and the external monitoring.

Court

The high court has a land department, especially handling land disputes, consisting of a judge and 2 associated judges, one of which should have the experiences on land dispute.

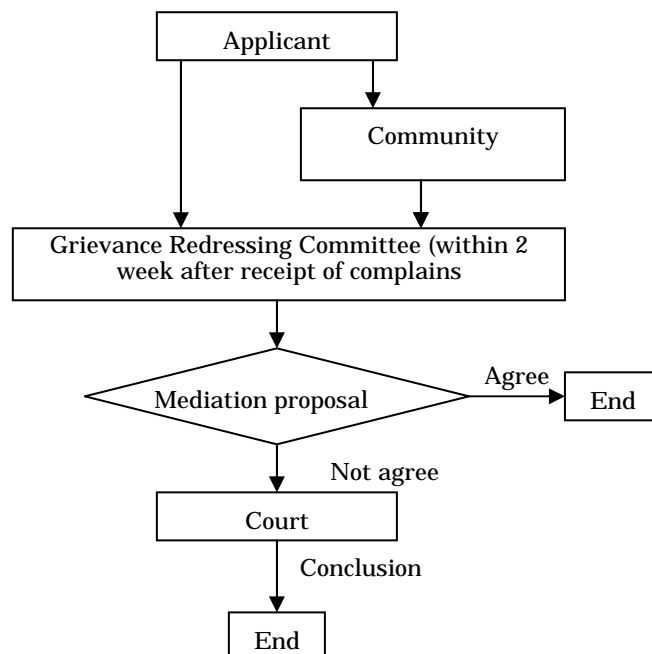


Figure 14-1 Grievance Redressing Committee

15. Organization and Responsibilities

This section describes the responsibilities of organization to implement the proper resettlement activities:

Table 15-1 Organizations and Responsibilities

Responsibility		Organization							
		Value Assessment, Compensation and Resettlement Committee	Grievance Redressing Committee	Ministry of Road and Bridge, RSS	Ministry of Physical Infrastructure, CES	Ministry of Environment, RSS	UN Habitat	UNICEF	External Monitor
1	Implement schedule planning	X		XX	X				
2	Budget preparation			XX	X				
3	RAP approval					XX			
4	Value Assessment	XX		X	X				
5	Public consultation	XX		X	X				
6	Monitoring of resettlement activity	X							XX
7	Grievance redressing	X	XX						
8	Demarcation and land title issuance	X			XX				
9	Preparation of relocation sites	X		X	XX				
10	Provision of house construction technique and material							X X	
11	Census	XX		X	X				
12	Asset measurement and contracting	XX		X	X				
13	Compensation payment	XX		X					
14	Provision of Microcredit						XX		
15	Relocation	XX		X	XX				
16	Provision of well at relocation site			XX	X			X X	
17	Employment of PAPs during construction			XX	X				
18	Provision of vocational training to PAPs		X	XX	X				
19	Provide transportation of private effects	X			XX				

*Value Assessment, Compensation and Resettlement Committee (VACRC) include members from MRB, MOPI, MOE, MOF (Ministry of Finance), MOAF(Ministry of Agriculture and Forestry), Rajaf Payam, Indigenous Community, Non-indigenous Community and the 3rd Party such as NGO/University Professor/Consultant

**Legend XX: Main Responsible X : Assisting

16. Implementation Schedule

The implementation schedule of resettlement is shown in Table 16-1.

Table 16-1 Implementation Schedule of Resettlement Activity for Nile River Bridge

Activity	Responsible Agency	2011				2012												
		9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
1. Approval of RAP	MOE		•															
2. Detailed Asset Survey and Compensation Estimation	IMC - VACRC		•	•														
3. RAP Budget - Submission - Approval	MRB		•		•													
4. Decision of Relocation Site	MRB				•													
5. For Legal Residents (Formal) - Contracting for Compensation - Compensation Payment - Site Preparation (Demarcation) - Relocation of Residents	MRB MRB MOPI MOPI				•	•	•	•		•	•	•	•					
6. For Illegal Residents (Informal) - Contracting for Compensation - Compensation Payment - Identify Relocation Site - Relocation of Residents	MRB MRB MOPI MOPI				•	•	•	•		•	•	•	•					
7. Completion of Relocation	MRB											•						
8. Grievance Redressing	IMC-GRC			•	•	•	•	•	•	•	•	•	•					
9. Site Clearing for Alignment ROW	MOPI/MRB											•	•					
10. Possible Bidding Date	-															•		
11. Possible Start of Construction	-																•	

Notes: 1. Abbreviations:

- MOE - Ministry of Environment
- IMC - Inter-Ministry Committee for Nile River Bridge Construction Project, RSS
- VACRC - Value Assessment, Compensation and Resettlement Committee
- MRB - Ministry of Roads and Bridges, RSS
- MOPI - Ministry of Physical Infrastructure, CES
- GRC - Grievance and Redressing Committee
- JICA - Japan International Cooperation Agency

2. JICA will provide technical support for the RAP Activities.

17. Cost and Budget

For the purposes of making compensation cost estimate to be able to purchase the equivalent alternatives for the lost caused by the project, replacement survey was implemented to obtain market prices of land, houses, crop and tress through several local residents, carpenters/builders, local markets, farmers and governmental institutes concerned. The results were incorporated in the unit prices proposed with details presented in Appendix C.

Table 17-1 Estimated Resettlement Cost

Particulars	Unit price	Unit	Quantity	Unit	Subtotal, SSP
1. Land Area			49,536	m²	389,513
West bank (Lologo)			6,785		264,500
Community Residential Land at East of Lologo St. (20mx20m) ^{a)}	700.0	SSP/lot	70	lots	49,000
Alternative for Demarcated Residential Land at West Side of Lologo St. (20mx20m) ^{a)}	700.0	SSP/lot	215	lots	150,500
Lologo Agricultural Land ^{b)}	10.0	SSP/m ²	6,500	m ²	65,000
East bank (Gumbo)			42,751		125,013
Community Residential Land (20mx20m) ^{a)}	700.0	SSP/lot	1	lot	700
Community Land Other than Agriculture ^{c)}	1.75	SSP/m ²	36,750	m ²	64,313
Gumbo Agricultural Land ^{b)}	10.0	SSP/m ²	6,000	m ²	60,000
2. Buildings (Formal and Informal Settlers)					1,410,750
Mud house	250	SSP/m ²	3,244	m ²	811,000
Galvanized house	500	SSP/m ²	39	m ²	19,500
Concrete house	2,000	SSP/m ²	258	m ²	516,000
Fence	50	SSP/m	1,285	m	64,250
3. Crops			12,500		70,000
West bank					
Lologo Agricultural Land (SSP1.4/season x 2 seasons x 2 years)	5.6	SSP/m ²	6,500	m ²	36,400
East bank (Gumbo)					
Gumbo Agricultural Land (SSP1.4/season x 2 seasons x 2 years)	5.6	SSP/m ²	6,000	m ²	33,600
4. Trees^{d)}					201,500
Mango Trees	30,000	SSP/No	3	no	90,000
Banana	10,000	SSP/No	2	no	20,000
Other trees	500	SSP/No	183	no	91,500
5. Cemetery					145,000
Earth moving (Area = 60mx30m) x 2sites	37.5	SSP/m ²	3,600	m ²	135,000
Ceremony	10,000.0	LS	1	LS	10,000
6. Disturbance Allowance					120,000
2 months income (SSP 750/mo)	1,500.0	SSP/HH	80	HH	120,000
7. Business loss					14,400
2 month income (SSP 1,200/mo)	2,400	SSP/Shop	6	Shop	14,400
8. Vulnerable allowance (aged, widowed, disabled, etc.)					10,500
1 month food and medical support (SSP 750/person)	750	SSP/Person	14	Person	10,500
9. Assistance to tenants					8,400
3 months advanced rental fee (SSP 200/mo)	600	SSP/HH	14	HH	8,400
10. Transportation of Private Effects					80,000
1 lot (SSP 1,000/HH)	1,000	SSP/HH	80	HH	80,000
Grand Total				Total	2,450,063
Notes:					
^{a)} The cost of land is based on the Tokiman West Relocation Site Cost managed by MOPI.					
^{b)} Agricultural land cost covers allotment of community land near the river with improvement for agricultural use (including foot pumps, with training on productive agriculture, etc.)					
^{c)} Cost covers only demarcation of replacement land.					
^{d)} Compensation for Trees are based on the price quotation of Ministry Forestry and Agriculture (CES).					
^{e)} Compensation for affected structures of informal settlers are included in Item 2 - Buildings.					

The compensation cost of **SSP 2.45 million** calculated in Table 17-1 covers basically the costs incurred for relocation and lost of properties within the 30m ROW. The major assumption in the cost estimate is that land shall be provided by the government at a reasonably cheap price after demarcation of the proposed relocation site. Other costs including management and operation of relocation, clearing of ROW, preparation of relocation site (including provision of water wells), internal and external monitoring (SSP450,000), IMC activities, etc shall be provided separately and should be included in MRB's budget for the Nile River Bridge Project. For this, MRB is going to prepare SSP10 million in this financial year.

18. Monitoring and Evaluation

Internal monitoring

In order to monitor, evaluate and report the progress of resettlement activities being implemented, the project proponent will implement an internal monitoring system. Items to be monitored are calculation of compensation, situation of remittance, etc to see the progress in view of financial aspect and to check any problems to be solved. The following reports shall be prepared during the resettlement activities:

- Remittance report for every three months:
- Progress report, describing the progress versus schedule, issues arising and measures taken, for every half year
- Yearly report, detailing issues encountered and proposing mitigation measures for every year
- Final report

External monitoring by an independent party such as local/international consultants, NGO or university is proposed to confirm if the resettlement activities are being implemented properly. The following outlines the external monitoring:

- To evaluate if the resettlement activities are being implemented as scheduled in terms of quality, quantity and time frame and if the final target (improvement of livelihood/life level) has been achieved or not
- The monitoring term covers census/asset inventory, payment, relocation until socially recovered, say 3 years after the completion of relocation.
- Monitoring items and period, and evaluation to be done are tabled below:

Table 18-1 External Monitoring Proposed

Period of monitoring	Activities to be monitored	Indicators to be monitored
January 2012	Basic information on AP households	<ul style="list-style-type: none"> • Location • Composition and structure • Ages • Educational and skill levels • Gender of household head • Ethnic group • Access to health, education, utilities and other social services • • Housing type • Land and other resource owning and using patterns • Occupations and employment patterns • Income sources and levels • Agricultural production data (for rural households)

		<ul style="list-style-type: none"> • Participation in neighborhood or community groups • Value of all assets forming entitlements and resettlement entitlements
March 2012	Compensation Payments and entitlements	<ul style="list-style-type: none"> • Was compensation as described in the RP paid on time? • Were other entitlements distributed on time, relocation grants, loss of income support? • Were there additional costs AP's had to bear? • Were adequate funds available to meet the costs of resettlement?
May 2012	Relocation Site Preparation	<ul style="list-style-type: none"> • Were resettlement sites ready with adequate infrastructure? • • Were AP's satisfied with sites and selection process? • Were transport arrangements adequate? • Were adequate public services available?
July 2012, July 2013 and July 2014	Restoration of living standards	<ul style="list-style-type: none"> • Have APs adopted the housing options developed? • Have community networks been restored? • Have APs achieved replacement of key social and cultural elements? • Were compensation payments sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did transfer and relocation payments cover these costs? • Did income substitution allow for re-establishment of enterprises and production? • Have vulnerable groups been provided with proper assistances ? • Are these effective and sustainable?
	Restoration of Livelihood	<ul style="list-style-type: none"> • Were income restoration activities appropriate to restore or improve living standards? • Were vulnerable groups adequately assisted to improve living standards? • Are the livelihood schemes as described in the RAP being implemented satisfactorily?
	Levels of AP Satisfaction	<ul style="list-style-type: none"> • How much do APs know about resettlement procedures and entitlements? • Do APs know their entitlements? Do they know if these have been met? • • How do APs assess the extent to which their own living standards and livelihoods have been restored? • How much do APs know about grievance procedures and conflict resolution procedures? • How many AP's/households were impoverished as a consequence of resettlement? •

19. Conclusions and Recommendations

Conclusions

- The Republic of South Sudan requested Government of Japan to construct a new Nile Bridge to the south of Juba as a part of the Circumference Road C3.
- In this project, especially for the construction of approach road to the bridge, 80 households with 100 houses existing at the site and land of about 150,000 m² are required based on an ROW of 30m width.
- Compensations and assistances are to be made to all the affected peoples in accordance with both the regulations of the Government of the Republic of South Sudan and Japan International Corporation Agency Guidelines for Environmental and Social considerations (JICA guidelines)
- Through public meetings, group discussion and door to door interviews, the opinion/request are collected from public/affected residents and their request were incorporated into the RAP, as much possible.
- Through the preliminary census, the number of households who were able to present land title documents was 16 only among the 80 households who have to be relocated. This figure will be revised based on the final census to be implemented by VACRC (Value Assessment, Compensation and Resettlement Committee).
- Compensation for assets (land, structures, trees, etc.) is made based on the replacement cost for formal land title holders only as regulation while informal settlers will get compensation for their houses/structures.
- At this moment (September 2011) the relocation site is not yet finalized. However it is likely that formal land title holders are moved to the nearby community land while others may be moved to the governmental relocation site near Lologo community but within Rajaf Payam.
- Informal residents may be provided, if included in UN Habitat Program, with technical assistances of house building technique, cement for making soil blocks and equipment to reconstruct their houses by themselves and microcredit,
- Disturbance allowance, means of transportation of their private effects and shop loss allowance shall be provided for both formal and informal settlers.
- In addition, vulnerable allowance is also provided.
- In order to support the livelihood of affected residents (farmer, brick manufacturer etc), they are also provided, as a priority, with job opportunity at the project site for about 3 years.

- Consultations with stakeholders (central/local government and affected community/residents) were held.
- Grievance redressing mechanism, including affected communities/residents as committee members, shall be established so that a free, quick and favorable solution can be given for affected people who files complaints during resettlement activities.

Recommendations

- Compensations shall be made based on the replacement cost so that the affected people can obtain an equivalent of what they lose by the project.
- Formal land title holders are usually protected by the law more or less. However, informal/illegal residents who may easily lose present livelihood and life level by the relocation should be properly assisted as proposed in the RAP.
- Information disclosure and consultation with affected people shall be continuously and properly implemented so that any unforeseen issues arising may be given immediate measures as be required.
- The relocation site should be provided with enough infrastructures to cover the need of the host community and new comers for their integration.
- The grievance committee shall include the representatives of affected communities/residents so that the solution will not be unfavorable to the complainant.

External monitoring implemented by the third party plays the key role in resettlement activities. They monitor the resettlement activities taken by the government and disclose it to the public, making the activities very transparent. In addition, if any issues noted, such as improper attitude/misconduct to affected people, they can be immediately forwarded to the GRB/Resettlement Committee for modification/correction and propose preventive measures in the future. Finally, external monitoring reports become a good evidence of proper resettlement activities taken, which the donors evaluate as the base of investment. The cost for the external monitoring, SSP450,000 (\$150,000) shall be borne by MRB.

Appendix A

Socioeconomic Data

Socio-economic baseline data

Followings are results of door to door interviews about socio-economic conditions performed in February 2011:

1. Householders

Householders are mostly male of “Father/husband”. Their education level is before the completion of primary school in general. 30% of them replied that they had no education at all.

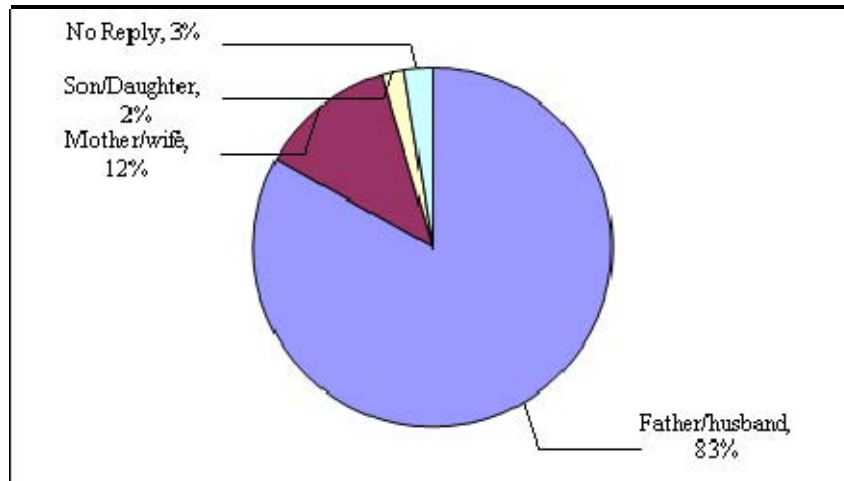


Figure A-1 Householders

Table A-1 Householders

	Number	Percent
Father/hasband	163	83%
Mother/wife	24	12%
Son/daughter	4	2%
No reply	5	3%
Total	196	100%

2. Tribes

Dinka tribe is the most prevailing tribe at the project site, although Central Equatoria State (CES) is said to be “the state of Bari”. Ratio of Bari tribe is only 30%.

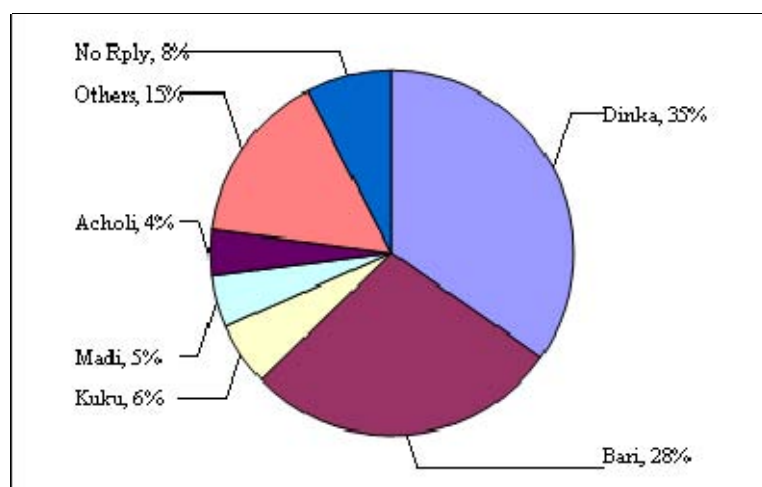


Figure A-2 Ratio of tribes at the site

Table A-2 Ratio of tribes at the site

Tribe	Number	Percent
Dinka	68	35%
Bari	55	28%
Kuku	11	6%
Madi	9	5%
Acholi	8	4%
Others	30	15%
No Rply	15	8%
Total	196	100%

3. Originality

Juba town and surrounded area including the site was used as military purpose only before Comprehensive Peace Agreement (CPA) 2005. After the CPA, many soldiers started to settle in the site. Figure below indicates the originality of settled people according to their replies. About two thirds replied as they are original residents.

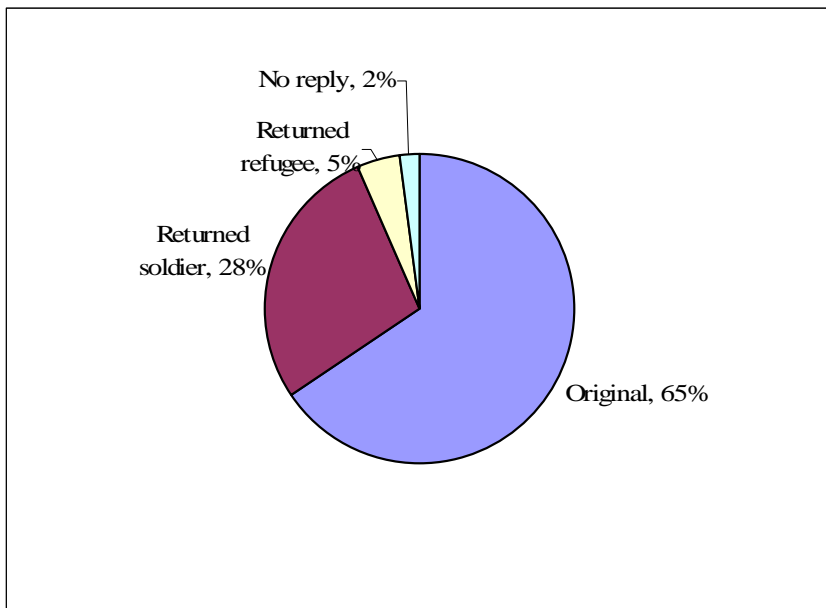


Figure A-3 Originalities of settled people as per replies

Table A-3 Originalities of settled people as per replies

	Number	Percent
Owned	129	66%
Borrowed	63	32%
Others	12	2%

Figure below indicates ratios of tribes of returned soldiers. As shown, nearly 80% of returned soldiers are of Dinka Tribe.

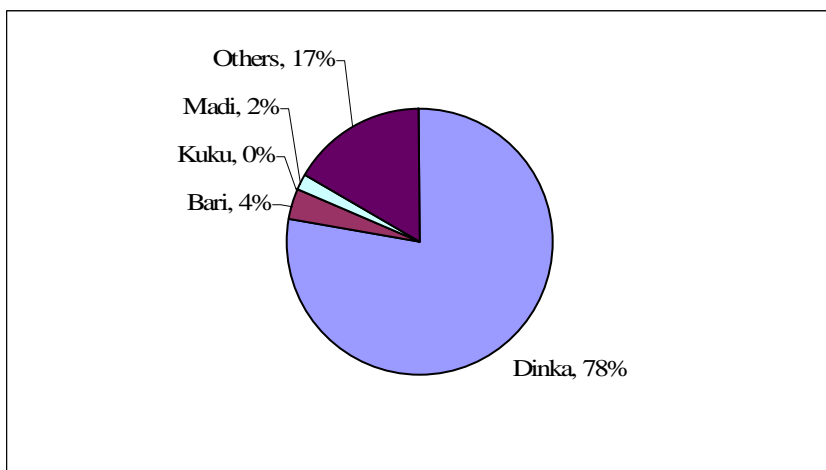


Figure A-4 Ratio of tribes in returned soldier

Figure A-4 Ratio of tribes in returned soldier

	Number	Ratio
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Dinka	152	78%
Bari	8	4%
Kuku	0	0%
Madi	2	2%
Others	16	16%
Total	196	100%

4. Family members

Average family members are 9 persons, ranging to 36 in the maximum. This big figure is due to the polygamous system. In which, 4 members go to school while less than 2 are working in average.

5. Occupation and income

Most popular occupations are soldier (19%) and policeman (14%). Average income is SDG900 (= \$300) only per month. Therefore, the income per one family member nearly drops on the line of \$1 per day which is the absolutely poverty line.

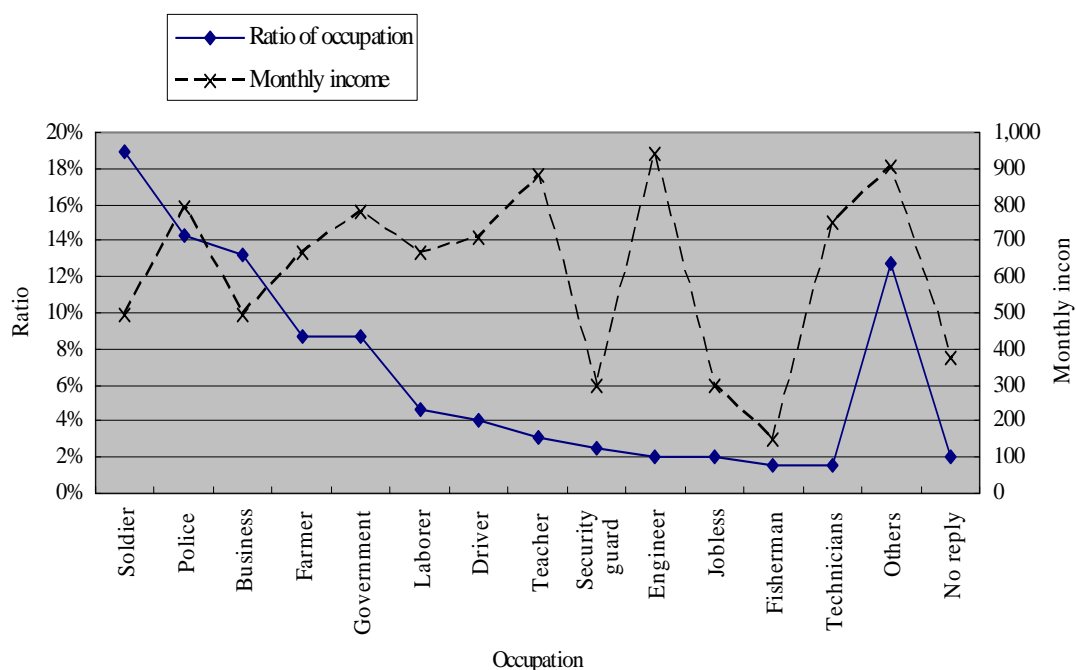


Figure A-5 Occupation and income

Table A-5 Occupation and income

	Number	%	Average income
Soldier	37	19%	493
Police	27	14%	790
Business	25	13%	493
Farmer	18	9%	667
Government	18	9%	778

Laborer	10	5%	667
Driver	8	4%	710
Teacher	6	3%	883
Security guard	6	3%	300
Engineer	4	2%	940
Jobless	4	2%	300
Fisherman	4	2%	150
Technicians	4	2%	750
Others	25	13%	903
No reply	4	2%	375
Total	196	100%	

6. House type

Their residential houses are mostly of brick houses plastered with earth, covered by galvanized ironed sheet (GIS). Sometimes, they stay in the traditional rounded mushroom like thatch roofed house named “tukul”. They own 1-2 houses in average.

7. Toilet

More than half houses own/share cesspit while one third houses replied “open field are their toilets”.

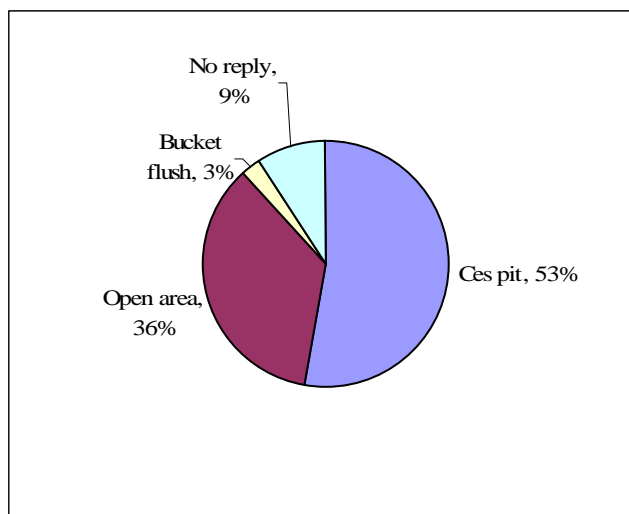


Figure A-6 Toilet types

Table A-6 Toilet types

	Number	Ratio
Open aea	70	62%
Cespit	103	53%
Bucket flush	5	3%
No reply	18	9%
Total	196	100%

8. Water

Their major source (50%) of water is water tank lorry. They pay SDG5.00 for one drum can (200 liter). They have to chlorinate the water since this is pure river water. Other source (30%) is from hand pumps. They have to pay SDG1.00 for one jerry can (5 liter).

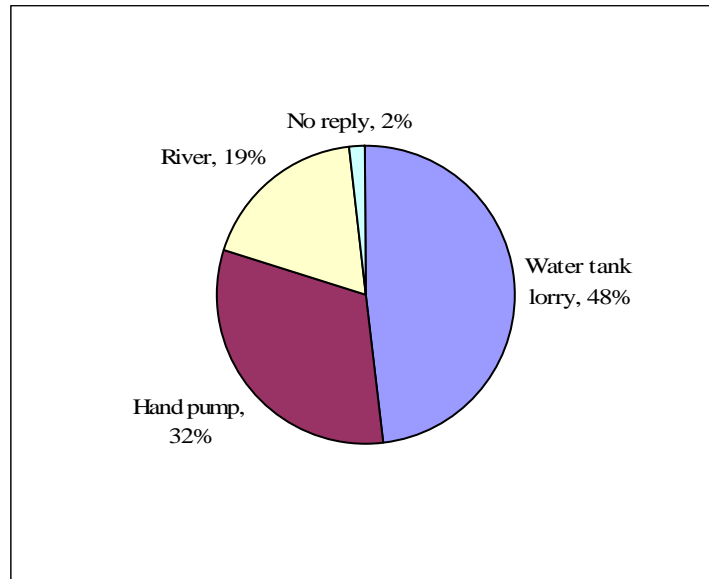


Figure A-7 Primary sources of water

Table A-7 Primary sources of water

	Number	Ratio
Water tank lorry	94	48%
Hand pump	62	32%
River	37	19%
No reply	3	1%
Total	196	100%

9. Electricity

No delivery lines are available at the site. About 80% of the interviewees stay without electricity while 15% rely on small generators. Some utilize battery to see TV.

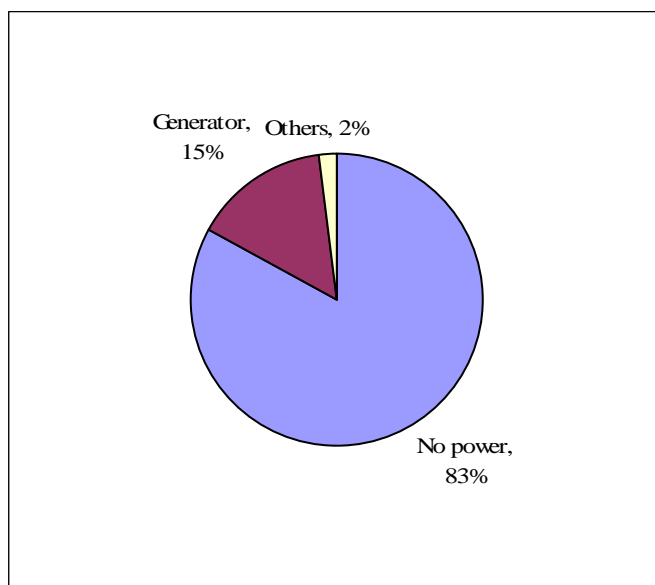


Figure A-8 Source of power

Table A-8 Source of power

	Number	Ratio
No power	163	83%
Generator	29	15%
Others	4	2%
No reply	0	0%
Total	196	100%

10. Private effects

In addition to beds and kitchen goods as the minimum necessity, they possess as below figure. Seldom people possess car, air conditioner or refrigerator.

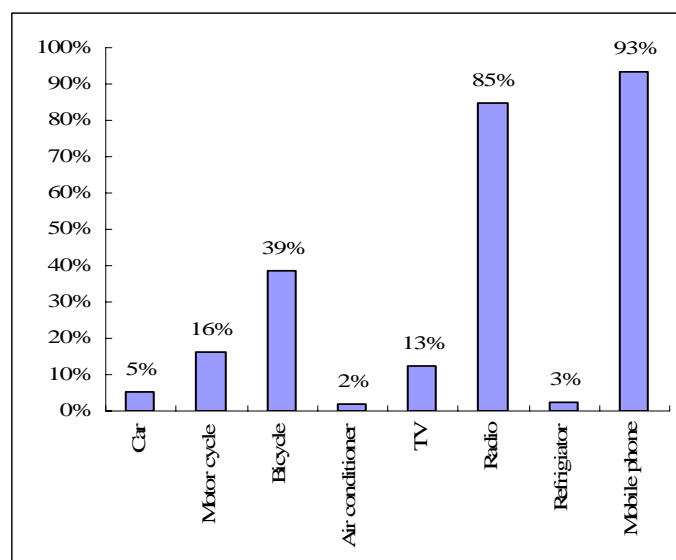


Figure A-9 Personal effects you own

Table A-9 Personal effects you own

	Number	Ratio
Car	10	19%
Motor cycle	31	16%
Bicycle	76	39%
Air conditioner	3	1%
TV	25	13%
Radio	166	85%
Refrigerator	5	3%
Mobile phone	183	93%

Radio is powered by small batteries. Mobile seems to be “must” nearly for all.

11. Live stocks

More than half of interviewees replied they have no live stocks. Most popular live stock they own are chickens.

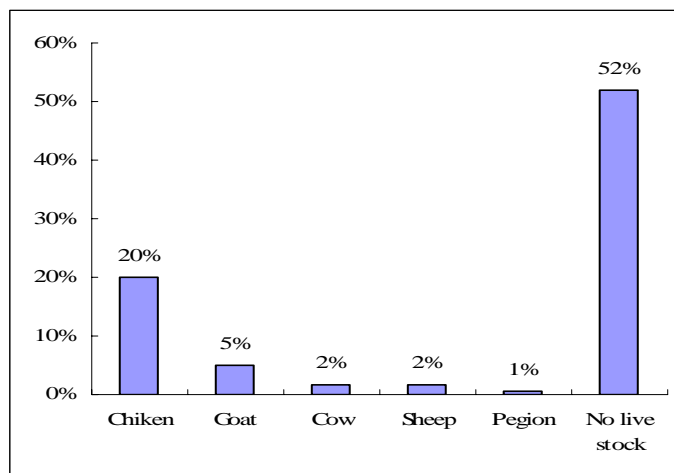


Figure A-10 Ratio of households who have some live stocks

Table A-10 Ratio of households who have some live stocks

	Number	Ratio
Chicken	39	20%
Goat	10	5%
Cow	3	2%
Sheep	3	3%
Pegin	1	13%
No livestock	102	53%

12. Useful trees

The popular tree they replied that they own are neem, papaya and mango. Only 20% replied they don't own any tree. Tree is one of important properties for them.

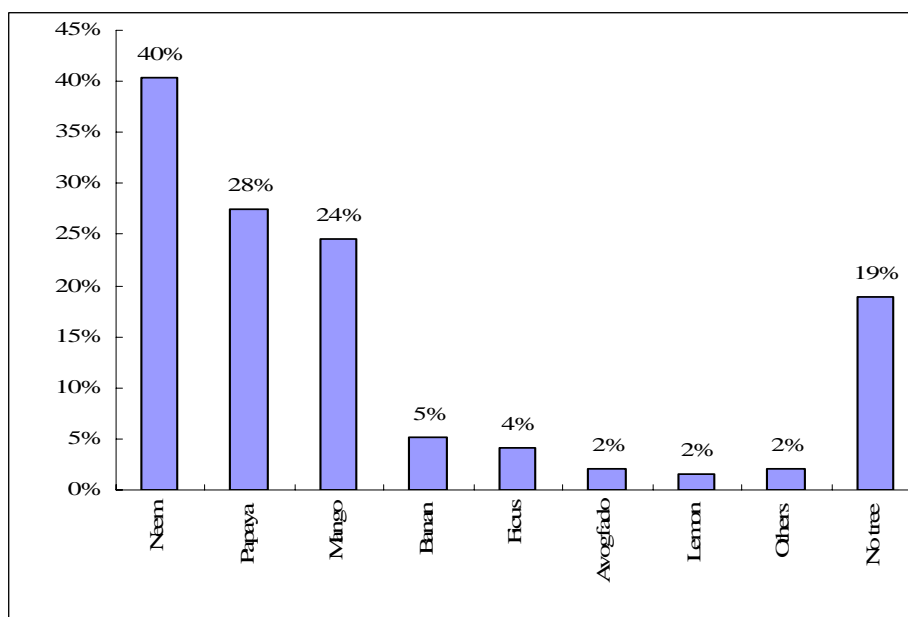


Figure A-11 Types of trees they replied as owning

Type A-11 Types of trees they replied as owning

	Number	Ratio
Neem	79	40%
Papaya	54	28%
Mango	48	24%
Banana	10	5%
Ficus	8	4%
Abogado	3	2%
Lemon	3	2%
Others	3	2%
None	37	19%

13. Social service

Figure below indicate ratios of satisfaction for each social services provided.

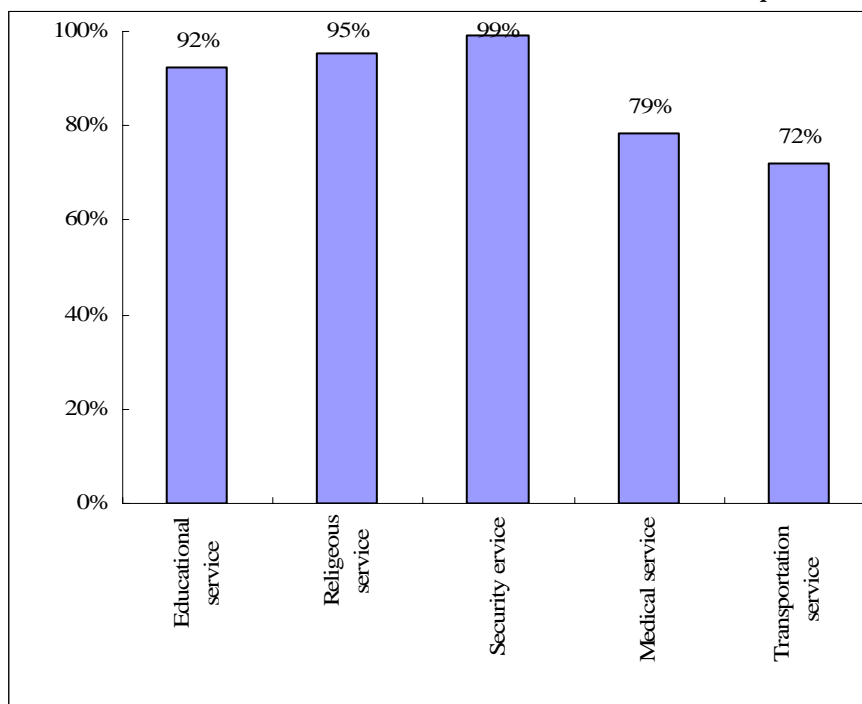


Figure A-12 Ratios of interviewees satisfactory about respective social services provided

Table A-12 Ratios of interviewees satisfactory about respective social services provided

	Number	Ratio
Educational service	181	92%
Religious service	187	95%
Security service	194	99%
Medical service	154	79%
Transportation service	151	72%

Nearly 80% of people are satisfactory about the social services provided at the site except transportation service about which, some complains too expensive.

14. Land ownership

Following figure indicate the conditions of land ownership surveyed. As shown, two thirds replied as they are owner of the land they are occupying.

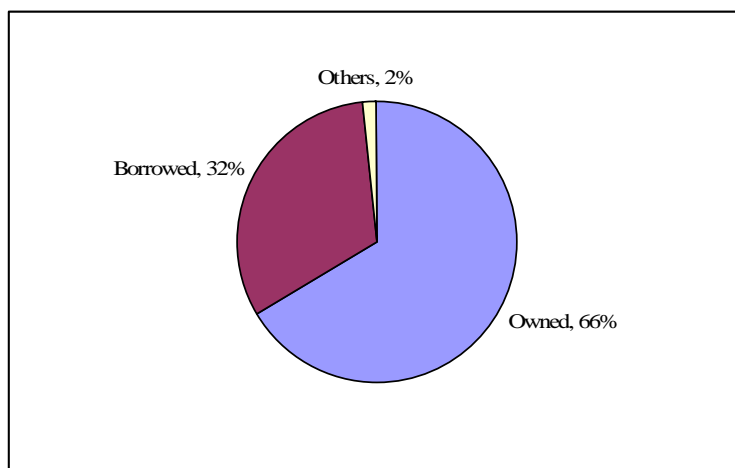


Figure A-13 Conditions of land ownerships

Table A-13 Conditions of land ownerships

	Number	Ratio
Owned	131	66%
Borrowed	63	32%
No reply	2	2%
Total	196	100%

40% replied they inherited their land from their ancestors while 30% said they bought as shown below

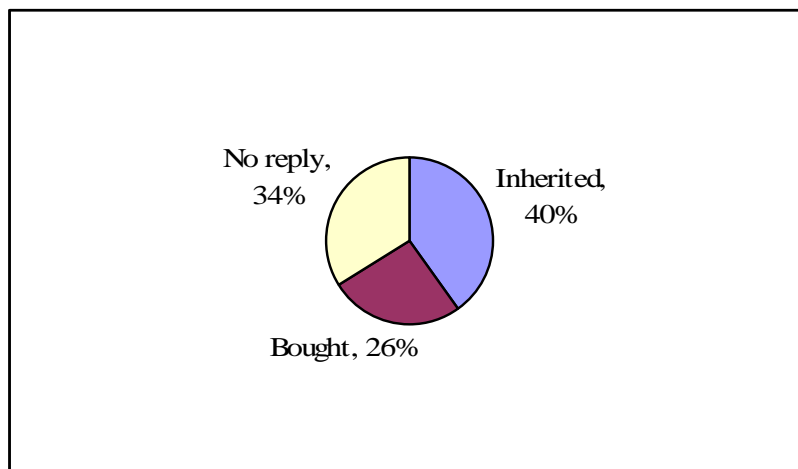


Figure A-14 How they owned land

Table A-14 How they owned land

	Number	Ratio
Inherited	79	40%
Bought	55	28%
No reply	62	34%
Total	196	100%

70% of land owner replied that they already registered their land to the land office. However this figure is quite questionable compared to the results of census where only 16% households were confirmed as formal land title holder based on the documents they showed to the interviewers.

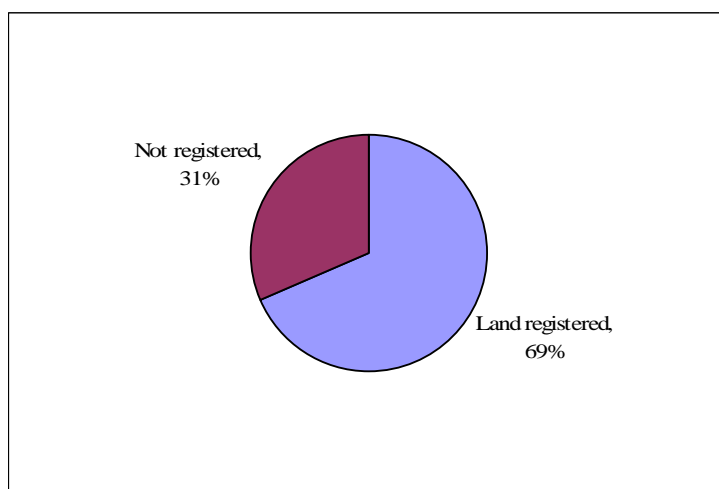


Figure A-15 Situation of land registration of land owner

Table A-15 Situation of land registration of land owner

	Number	Ratio
Land registered	135	69%
Not registered	61	31%
Total	196	100%

15. Perception about the project

At the time of interviews in February 2011, 90% of the residents already knew the project as shown below figure. The information source is community through public meetings held before.

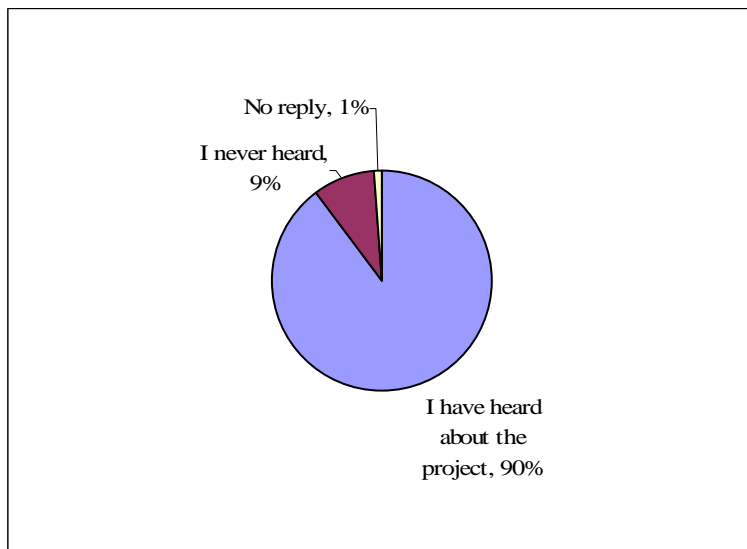


Figure A-16 Ratio of project acquaintance

Table A-16 Ratio of project acquaintance

	Number	Ratio
Land registered	176	90%
Not registered	18	9%
No reply	2	1%
Total	196	100%

16. Opinions about the project

97% of interviewed agree with the project. The reason for disagreeable to the project is that project doesn't help or displacement.

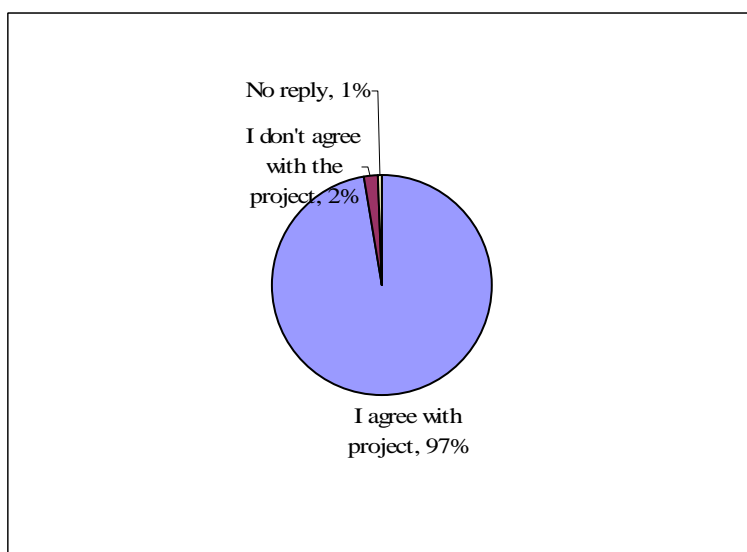


Figure A-17 Ratio of agreeable and disagreeable to the project

Table A-17 Ratio of agreeable and disagreeable to the project

	Number	Ratio
I agree with the project	193	97%
I don't agree	2	2%
No reply	1	1%
Total	196	100%

17. Location they prefer to move

Below figure indicates the location they want to move if they have to be displaced by the project. As shown most of them want to move to nearby since they are satisfied with the social condition of the present site including social net (kins).

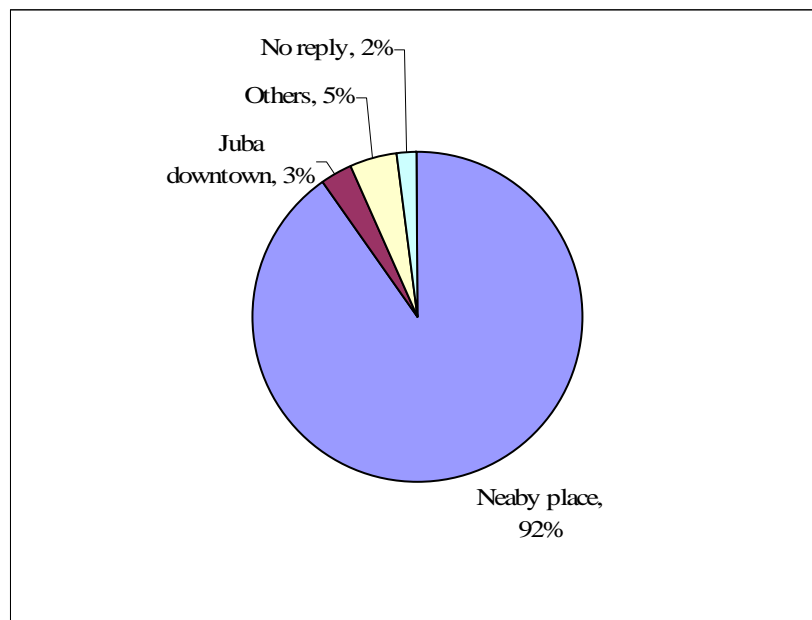


Figure A-18 Locations they want to move to if necessary

Figure A-18 Locations they want to move to if necessary

	Number	Ratio
Nearby place	180	92%
Juba downtown	5	3%
Others	9	5%
No reply	2	2%
Total	196	100%

18. Merits of the project expected

Merits of the project residents believe are transportation system improvement, development of the community etc as shown in the figure below.

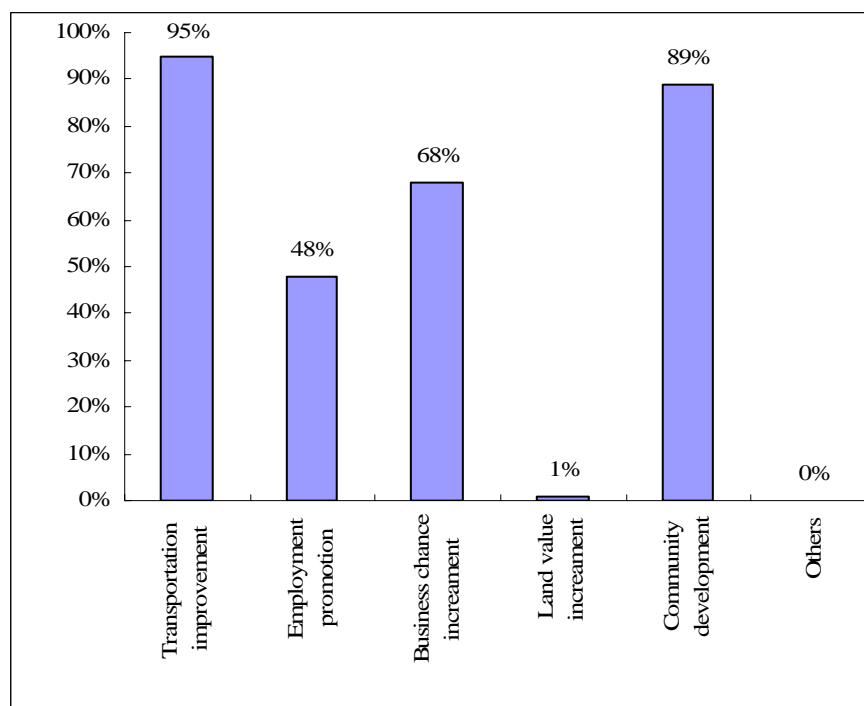


Figure A-19 Project benefits expected

Table A-19 Project benefits expected

	Number	Ratio
Improvement of transportation service	186	95%
Promotion of employment	94	48%
Increment of business chance	133	68%
Increment of land price	1	1%
Development of the village	174	89%
Others	0	0%

19. Demerits of the project concerned

On the other hand, the resettlement issue is the most concern.

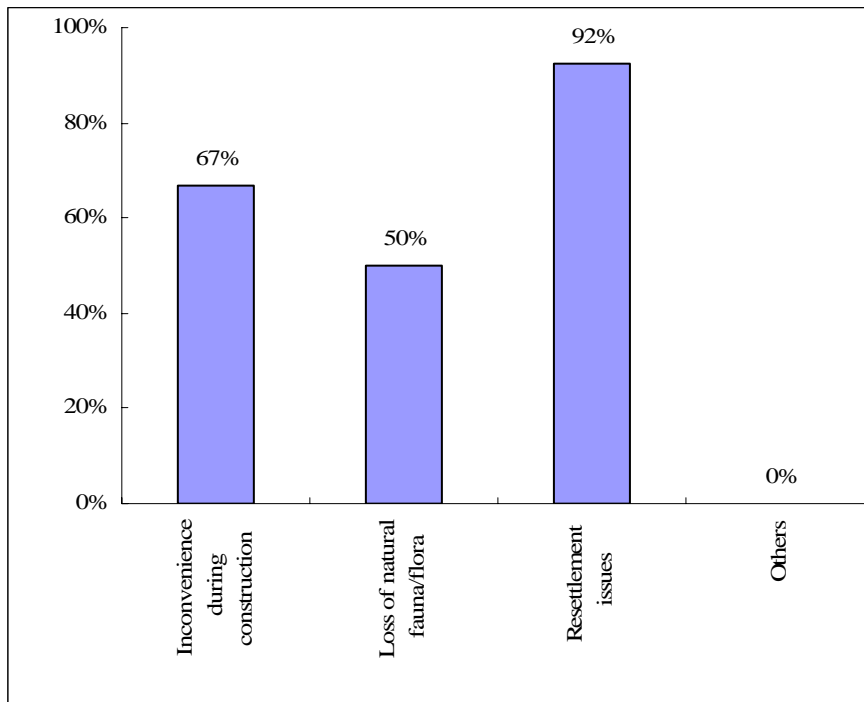


Figure A-20 Project demerits maybe caused

Table A-20 Project demerits maybe caused

	Number	Ratio
Inconvenient during condtruction	131	67%
Loss of natural fauna.flora	98	50%
Resettlement issues	180	92%
Others	0	0%

20. Negative environmental impacts

Negative environmental impacts they imagine are water contamination, loss of fauna and flora, noise and vibration, and deterioration of traffic safety as shown below.

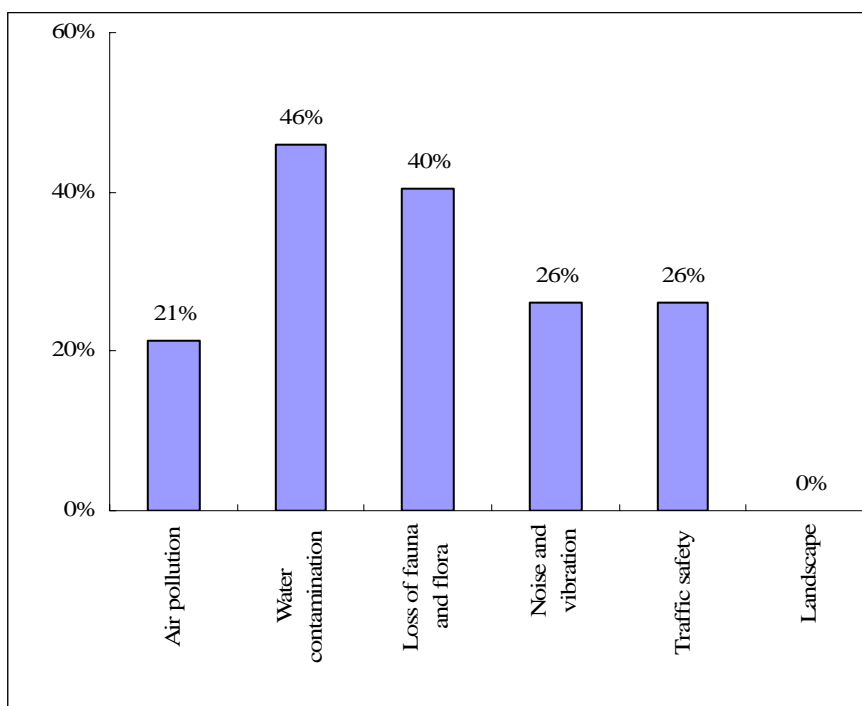


Figure A-22 Possible environmental disadvantages maybe caused, they believe


Table A-22 Possible environmental disadvantages maybe caused, they believe

	Number	Ratio
Air pollution	41	21%
Water contamination	90	46%
Loss of fauna and flora	79	40%
Noise and vibration	51	26%
Traffic safety	50	26%
Others	00	0%

Appendix B

Census Results

AFFECTED HOUSEHOLDS – TITLE AVAILED

Item	Serial No	Name	Age	Tribe	Job. How many family members are working (How Far is the job from the homestead). How much is the bus fare?	Formal, Informal Settler, Tenant (If tenant who is the owner of the house)	Monthly income SDG/month. If more than one person working what is the total income?	Number of family members	Length of stay there, years	Have you heard of any conflict/dispute here?	Do you think you may suffer from relocation?	Opinion about relocation	What you have to be provided from government for relocation?	Photos
1	136 (rented out to Betty Justin for 150 SDG Per month) & 137	Abraham Korsuk.	69 (3)	Bari	Retired. Formerly working ministry of Agric	Formal. Title number 80 Block AIII (Vulnerable)	retired 140 SDG pension per month	9	35	No	Yes. Lose Land and House	I can only move to a nearby place. The tenant says she will look for an alternative house somewhere else	Free Land, House and assistance with transportation	 
2	135	Benesto Loro.	35	Bari	Earns a living from making clay bricks	Formal. Title No 128 Block AIII	Did not state	7	1	No	Yes. Lose Land and House	I can only move to a nearby place.	Free Land, House and assistance with transportation	
3	132, 132a, 133 & 134 (demolished)	Mathew Aliso.	37	Bari	Retired former SAF soldier. Now Jobless. Vulnerable person stays in the house as well (hunchback)	Formal. Title 79 Block AIII	Earns 172 SDG average from casual works	12	since 1976	No	Yes. Lose Land and House	I can only move to a nearby place.	Free Land, House and assistance with transportation	   
4	129	(1) Hellen Keji (widow).	55	Bari	Supported by daughter who stays with her. The daughter works as a tax collector Kator Payam. Bus fare 3 SDG	Formal. Title No 64 'A' AIII	300 SDG	21	Stayed from long time ago	No	Yes. Lose Land and House	I can only move to a nearby place.	Free Land, House and assistance with transportation	
5	152	Mahamud Enusa.	52	Mundi	Welder. Busfare 4 SDG one way	Formal. Title No 129 Block A III	100 SDG per day	11	over 35yrs	No	No where to go	I would prefer to be relocated to Gumbo	Compensation for Land, House and assistance with transportation	




AFFECTED HOUSEHOLDS – TITLE AVAILED

6	158 & 158a (Shop empty)	Morris Joseph (Vulnerable 65 year old man stays in the house).	29	Mundu	New graduate	Formal. Number 83 Block A III	350SDG	4	9months	No	Yes. Lose Land and House	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
7	176	Moses Manja.		Bari	House unoccupied and owner absent during this followup survey. Works at sudan council of churches	Formal. Number 88 Block A III 4th class Lologo											
8	177	William Abdalla. House occupied by tenants.		Bari	Hellen Roman tenant	Formal. Title no 97Block A III	pays rent of 200SDG per month	11	2	No	will look for another house	nearby place	assistance with transporting private effects				
9	193	Steven Loding.	35	Acholi	Farmer.	Formal. Title No 58 block A III	250 SDG	6	2	No	no where to go	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
10	206, 206a, 206b & 206 c	Kiju Benaya.	25	Kuku	student	Formal. Title No 15 B II HAI Lologo 4th Class	Nil	8	20	No	no where to go	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
11	220 & 352	Gabriel Jada Martin.	30	Lulubo	Traffic policeman working in Juba. Busfare 4 SDG one way	Formal. Number 32 Block B II Lologo (registered under Samuel Kenyi former owner)	400 SDG	17	4	No	no where to go	I can only move to a nearby place. I got school going kids	Compensation for Land, House and assistance with transportation				

AFFECTED HOUSEHOLDS – TITLE AVAILED

12	232 & 233	Jacob Wani Samuel. 232 occupied by a tenant	unknown	Bari	SPLA Soldier in Abyei	Formal. Title no 28B-K BII	400 SDG Salary. Rent generates 600SDG per month	No of occupants 16	232 – 10. 233 – 6	No	We will move to another place	Move to another house	Transportation for private effects				
13	240 plus fence	Falirano Osuru.	50	Latuka	works in Torit with CEO rural council. Busfare 60 SDG one way	Formal. Title No 48B-K BII	3000SDG	9	15	No	no where to go	I can only move to a nearby place. I got school going kids	Compensation for Land, House and assistance with transportation				
14	280	Timon Lonkere.	23	Bari	Student. Vulnerable person 65 yrs housed too	Formal. Number 58, Block BII		8	3	No	no where to go	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
15	313	Matea Yatta Simon, Plot occupied by a single toilet (Neighbour on picture).		Bari		Formal. Title no 2 Block C 1							compensate my toilet and land				
16	332	Postino Legge.	46	Bari	Mason	Formal. Title No 399 Block AIII	500SDG	House unoccupied		No	My house and land must be compensated	Nearby place only	Another Land at a nearby place close to the main road. Compensation for my house.				

AFFECTED HOUSEHOLDS – FORMAL, TITLE NOT AVAILED

Item	Serial No	Name	Age	Tribes	Job. How many family members are working (How Far is the job from the homestead). How much is the bus fare?	Formal, Informal Settler ,Tenant (if tenant who is the owner of the house)	Monthly income SDG/month. If more than one person working what is the total income?	Number of family members	Length of stay there, years	Have you heard of any conflict/dispute here? No. Yes it is 1. Land dispute 2. Religion 3. Tribe custom 4. Money 5. Others (Specify)	Do you think you may suffer from relocation? No. Yes, because 1. No land to go 2. No money to build house 3. No school for kids 4. Loss of job 5. Loss of friend/relatives 6. Others (specify)	Opinion about relocation 1. I can go any place 2. Nearby place only 3. I don't want to move because (choose from left question) 4. Others (specify)	What you have to be provided from government for relocation? Nothing I need 1. Land (able to pay how much?) 2. House 3. Compensation for business loss while moving 4. Transportation of private effects 5. Provision of job training 6. Provision of job at the construction sit 7. Others (Specify)	Photos
1	Empty fenced plot behind 155	Simon Mandulu. (According to the neighbours)	Unknwon	Bari	Empty fenced plot. Wife to the deceased by the name of Angelina Mandulu was not present during this follow up survey.	Formal. Title not availed								
2	155 & empty empty plot infront	Wilson Anthony. House Occupied by tenant Ugo Aburi	54	Lokoya	Teacher	Formal. Title not availed	200SDG	2	6months	No	Don't know where to go	Nearby place only	need assistance with transportation of personal effects	
3	151,153 & 154	Ibrahim Awadh (House occupied by tenants)	not known	Bari	Tenant works in Juba. Busfare 4 SDG one way	Formal . Title not availed	rent generates 400 SDG per month	8	6 months	No	We will move to another place	nearby place	need assistance with transportation of personal effects	  
4	166 (House rented). Tenants absent during survey	Julius Sadick	47	Moro	Retired SAF soldier. Tenants not available at the time of survey	Formal . Title not availed	not sure	3	not known	No				
5	167,169 & 169b	Biatri Janabio	45	Bari	Works with Ministry of Electricity	Formal . Title not availed	not sure	13	4	No	Yes. Lose Land and House	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation	  

AFFECTED HOUSEHOLDS – FORMAL, TITLE NOT AVAILED

6	170 (occupied by a vulnerable, aged tenant)	Anthony Bisensu		Bari	Farmer growing vegetables. House occupied by 60 year old tenant	Formal . Title not availed	the tenant is helped by well wishers	4	2	No	I will need assistance	nearby place	assistance with transporting private effects			
7	173	James Togun is the tenant			Neighbours claim she Sells groceries in the market	Formal . Title not availed	pays rent of 200SDG per month									
8	188,188a & 188b. Main house has a shop	Remijo Lokang Lado	57	Acholi	Works at Juba teaching hospital. Busfare 4 SDG one way	Formal . Title not availed	not given	35	since 1992	No	Yes. Lose Land and House	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation			 
9	205	Lubajo Joseph. House occupied by tenants		Acholi	the tenant Lilian Kiden is a farmer	Formal . Title not availed	rent generates 200 SDG per month	5	5	No	will look for another house	nearby place	assistance with transporting private effects			
10	229	Farida Kaku		Bari	husband is a policeman working in Torit. Busfare 60 SDG per day	Formal . Title not availed	400 SDG	4	2	No	no where to go	I can only move to a nearby place. I got school going kids	Compensation for Land, House and assistance with transportation			
11	230 & 231	Emmanuel. House occupied by tenant Christine Amana		Bari		Formal. Title not availed		4	5 months	No	will move to another house	nearby place	will appreciate if assited with transport to move my belongings			





AFFECTED HOUSEHOLDS – FORMAL, TITLE NOT AVAILED

12	231a	Santolina Mowle. Absent during the survey		Bari		Formal. Title not availed												
13	234, 235, 237 and 238a	Jackline William (Divorced)	30	Bari	Tea Vendor in Lologo	Formal. Title not availed		4	2 yrs	No	no where to go	I can only move to a nearby place. I got school going kids	Compensation for Land, House and assistance with transportation					
14	236	Peter Dominic. Not present		Bari		Formal. Title not availed	House was originally wood frame during last survey. Now it's a complete mud house.											
15	Empty Plot before 235	Name Unknown				Formal. Title not availed												
16	251 & 252 plus fence	Joseph Oriho	50	Lopit	Works for government in Torit	Formal . Title not availed	3000SDG	4	3	No	no where to go	I can only move to a nearby place. I got school going kids	Compensation for Land, House and assistance with transportation					
17	253	Joseph Subea. Not available during time of survey				Formal. Title not availed												











AFFECTED HOUSEHOLDS – FORMAL, TITLE NOT AVAILED

18	286	William Wani. House occupied by tenant Nabasa Margaret		Bari		Formal. Title not availed	rent 100 SDG	1	1yr	No	No	I will move to another house	assistance with transporting belongings			
19	299	Marraco Walle. House now destroyed and owner not available during this followup survey.		Madi		Formal . Title not availed										
20	302	Joseph Subek Tapelo	unknown	Bari	House occupied by relatives. Two vulnerable elderly persons stay in the house	Formal. Title not availed	Not given	6	unspecified	No	No where to go	Nearby place only	Land, House and assistance to relocate			
21	324	(1) Jacinta Achang John (Widow). Vulnerable	35	Achli	Brews local beer	Formal . Title not availed	200SDG	10	1	No	yes. No Place to go to	Nearby place only	Land and compensation from structure. I just come from khartoum			
22	323 & 322	No One Available. House unoccupied				Formal. Title not availed										
23	328	John Wani Kuju.	47	Bari	Mason. Adding a new structure(frame with roof see picture) within the 30m alignment. Also neighbour building a new house within the 30m alignment. See picture	Formal. Title not availed	700SDG	3	6	No	Yes. I will loose my house and land	Nearby land	Another Land at a nearby place close to the main road. Compensation for my house.			 









AFFECTED HOUSEHOLDS – FORMAL, TITLE NOT AVAILED

24	333	Occupied by tenant Carmella Luka who is very old and vulnerable. Owner not known				Formal. Titled not availed										
25	335 fence also affected	Demolished house. Formally used to be a brick making area. Kiln now removed				Formal . Title not availed										
26	332	Postino Legge.	46	Bari	Mason	Formal. Title No 399 Block AIII	500SDG	House unoccupied	No	My house and land must be compensated	Nearby place only	Another Land at a nearby place close to the main road. Compensation for my house.				
27	353	Prudensio Wani			Unoccupied/uninhabited house	Formal. Title not availed										

AFFECTED HOUSEHOLDS – ANCESTRAL LAND

Item	Serial No	Name	Age	Tribe	Job. How many family members are working (How Far is the job from the homestead). How much is the bus fare?	Formal, Informal Settler, Tenant (If tenant who is the owner of the house)	Monthly income SDG/month. If more than one person working what is the total income?	Number of family members	Length of stay there, years	Have you heard of any conflict/dispute here?	Do you think you may suffer from relocation?	Opinion about relocation	What you have to be provided from government for relocation?	Photos
1	109, 110 and fence	Reimando Gore	42	Bari	Works at Fisheries department Juba town. Busfare 4 SDG	Inherited land from his parents. Ancestral Land. (Special Case)	264 SDG	9	Was born there	Yes during the civil wars in 1992	yes. This is my ancestral land and the GOSS will not recognise	Nearby place only	Compensation for Land, House And assistance with Transportation of personal belonging	  
2	123, 124 & 125	David Gore	35	Bari	Works with CES in Juba town. Busfare 4 SDG one way.	Inherited land from his parents. Ancestral Land.(Special Case)	unknown	11	Was born there	Yes during the civil wars in 1992	yes. This is my ancestral land and the GOSS will not recognise	Nearby place only	Compensation for Land, House And assistance with Transportation of personal belonging	  
3	338 . Gumbo. Includes farm 15m radius from the hut growing variety of vegetables.	(1) Rose Kaku Legga (widow)	26	Bari	Farmer. Vulnerable old blind woman also stays in the hut	ancestral community land. Special Case	100 SDG	8	since she was born	during war19	no where to go	I only know this place all my life. Have no where else to go	I just want another land and house in gumbo area	   


AFFECTED HOUSEHOLDS – INFORMAL

Item	Serial No	Name	Age	Tribe	Job. How many family members are working (How Far is the job from the homestead). How much is the bus fare?	Formal, Informal Settler, Tenant (if tenant who is the owner of the house)	Monthly income SDG/month . If more than one person working what is the total income?	Number of family members	Length of stay there, years	Have you heard of any conflict/dispute here? No. Yes it is 1. Land dispute 2. Religion 3. Tribe custom 4. Money 5. Others (Specify)	Do you think you may suffer from relocation? No. Yes, because 1. No land to go 2. No money to build house 3. No school for kids 4. Loss of job 5. Loss of friend/relatives 6. Others (specify)	Opinion about relocation 1. I can go any place 2. Nearby place only 3. I don't want to move because (choose from left question) 4. Others (specify)	What you have to be provided from government for relocation? Nothing I need 1. Land (able to pay how much?) 2. House 3. Compensation for business loss while moving 4. Transportation of private effects 5. Provision of job training 6. Provision of job at the construction sit 7. Others (Specify)	Photos
East of Lologo Street	6	Daniel Atemy. Has two wives and five kids	40	Dinka	Sole family breadwinner. Businessman selling household item and food items	Informal Settler (squatter)	unknown. The family monthly expense is upto 1000SDG per month	15	5	No	Yes. No Place to go to	It will depend on the decision of the government but I would want a nearby place	I would need assistance during relocation in terms money and new land	
	15	Deborah Abuol Reech	40	Dinka	Husband by the name Deng Jok is a 45years old businessman in Konyokonyo. Pays 3SDG busfare for one way every morning to his work place	Informal Settler (squatter)	unknown. The family monthly expense is upto 1500SDG per month	14	5	No	Yes. No Place to go to	It will depend on the decision of the government but I would want a nearby place	I would need assistance during relocation in terms money and new land	
	16	John Madit (Soldier SPLA. Rank Major)	29	Dinka	Both Husband and wife (policewoman) are working. Busfare for each to there work place is 5SDG for one way	Informal Settler (squatter)	Total income is 978 SDG per month	3	5	No	Yes. No Place to go to	Willing to relocate if government offered a new place	Money to buy new land or given land where land has already been surveyed. In the end money is more preferable compared to land	
	17, 18 & 19	Joseph Jok Jok. Also has a shop which is run by the second wife.	45	Dinka	Sole Family breadwinner. Businessman selling household item and food items in Konyo Konyo. Busfare 3 SDG for one way per day	Informal Settler (squatter)	Unknown. Monthly expense is 100 SDG per month	12	5	No	We will not know what to do	I prefer to be moved closer to my work place in Konyo Konyo	Transport for relocation, Land nearby, compensation for my house	  
	20 & 21	Maker Thiook Gail Kur	35	Dinka	Sole Family breadwinner. Businessman selling grains in Konyo Konyo. Busfare 3 SDG for one way per day	Informal Settler (squatter)	Unknown. Monthly expense is 1000 SDG per month	5	3	No	No where to go	I will agree to move but to a Nearby place	Prefer to be paid enough money to buy land and build instead of land and also to be provided with transport to move my belonging	 

AFFECTED HOUSEHOLDS – INFORMAL

23& 26 (Shop)	(2) Elizabeth Yar Garang. Husband by the name of Daniel Kelei is physically disabled	50	Dinka	Both Husband (SPLA) and wife (Prison Officer) are working. Busfare for each to there work place is 5SDG for one way. Wife number two Deborah Anyot	Informal Settler (squatter)	Total income is 1500 SDG per month	15	6	No	No where to go and Kids attend the local school. Loss of business	I can move to anywhere but preferably Gumbo side	I prefer to paid in cash and also don't want to be moved far from here. We also want compensation for business loss			
31	Kon Aguil Mandut	28	Dinka	Sole Family bread winner. Policeman based in Nimule busfare is 50 SDG one way	Informal Settler (squatter)	400SDG	4	5	No	No Land to go	Nearby place only	I cannot pay for land and need complete assistance if I am to be moved			
32,34,35 &39	Boul Mabei Jok	50	Dinka	Both husband and wife work as prison officers	Informal Settler (squatter)	800 SDG in total	9	6	No	No Money and Land to go to	I will agree to move if given a place	Free Land, House and assistance with transportation			
33 & 40	Maguet Ayuen Jok	50	Dinka	Sole Family bread winner. Retired military officer surviving on pension	Informal Settler (squatter)	300 SDG	22	5	No	Yes. I will lose land, my house and my kids will lose school	I will agree to relocate only on condition I am given a place	Free Land, House and assistance with transportation			
46	Tiller Achiek	30	Dinka	Sole family breadwinner. Prison officer working in Juba town paying a busfare of 4SDG for one way every day.	Informal Settler (squatter)	480 SDG	4	6	No	Yes. Lose Land, House and friends as well	I can go to any place	Free Land, House and assistance with transportation			
41	Aluel Atem Bol	30	Dinka	Both Husband (John Jok SPLA) and wife (SPLA) are working in Buluk busfare 4SDG for each one way per day	Informal Settler (squatter)	Total income 1850 SDG	10	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
36	Maluel Malek Chal	30	Dinka	Husband – SPLA Bentiu and Wife - Cleaner Juba Town. Busfare 4 SDG per day one way per day	Informal Settler (squatter)	Total income 700 SDG	7	5	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			

AFFECTED HOUSEHOLDS – INFORMAL

38.42 & 45	Agany Santino	32	Dinka	Traffic policeman working in Juba. Busfare 4 SDG one way	Informal Settler (squatter)	300 SDG	7	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
75	Bior Garr	25	Dinka	Driver with GOSS. Place of work jebel Kujur. Busfare 4SDG one way per day	Informal Settler (squatter)	1550 SDG	6	3	No	Yes. Lose Land, House and friends as well	I would be prefer to be moved to Gumbo area	Free Land, House and assistance with transportation			
76	Gaar Bol	40	Dinka	Policeman. Place of work Customs. Busfare 3SDG one way per day	Informal Settler (squatter)	390 SDG	5	3	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
77	Jacob Thon Kuei	37	Dinka	Works with Security firm (BS) in Juba town. Busfare 4 SDG one way	Informal Settler (squatter)	500SDG	2	1	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
78.79 & 84	Adau Arok	40	Dinka	Works with Ministry of Commerce and Industry Juba town. Wife works as a midwife in a hospital. Busfare for each 4SDG one way per day	Informal Settler (squatter)	Total income 850 SDG	9	4	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
74 (Shop)	Jiet Malueth Garang	20	Dinka	Single. Operates the Shop. Sales Charcoal	Informal Settler (squatter)	200 SDG per day	1	4	No	Will lose land shop and business	Nearby place only	Free Land, Compensation for business loss, money and transportation of private effect.			







AFFECTED HOUSEHOLDS – INFORMAL

96 (Blind woman Vulnerable)	Mary Nyang Koor	age unknown	Dinka	Supported by son who is a soldier SPLA stationed in upper Nile state	Informal Settler (squatter)	unknown	2	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
97	Gaar Leek Gaar	unknown. Son to above	Dinka	SPLA soldier based in upper Nile state. Busfare 400SDG	Informal Settler (squatter)	700	6	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
85 & 88	Akur Aguto Makuech(widow) (1)	35	Dinka	Prison officer based in JUBA. Busfare 4 SDG one way	Informal Settler (squatter)	300	9	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
89	Abion Malueth	not known	Dinka	Prison officer.	Informal Settler (squatter)	300	2	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
90 (Shop)	Gieth Alier Ngeth	17	Dinka	Owens and Runs the shop	Informal Settler (squatter)	500 SDG	1	5	No	Yes. I will lose my shop and business	Nearby place only	Free land, Compensation for business loss, money and transportation of private effect.			
91	Anchiek Malueth	33	Dinka	Prison officer in Juba. Busfare 4 SDG one way	Informal Settler (squatter)	400SDG	8	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			

AFFECTED HOUSEHOLDS – INFORMAL

92	Deng Garang	27	Dinka	Unemployed	Informal Settler (squatter)	claims to earn close to 500 SDG from casual works	4	3	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
93	Atheng Atem	30	Dinka	Casual Labourer	Informal Settler (squatter)	not sure	13	6	No	Yes. Lose Land, House and friends as well	I can only move to a nearby place	Free Land, House and assistance with transportation			
98	Yom Chol Manyiel	30	Dinka	Prison Officer working in Juba. Busfare 4 SDG one way	Informal Settler (squatter)	900	6	6	No	Yes. Lose Land and House	I can only move to a nearby place	Free Land, House and assistance with transportation			
106	Lueth Manyang		Dinka	Policeman. Place of work Juba. Busfare 4SDG one way per day	Informal Settler (squatter)	400SDG	6	6	No	Yes. Lose Land and House	I can only move to a nearby place	Free Land, House and assistance with transportation			
111,112 & 113 includes fence	Mak Awar		Dinka	Police captain based in Bor. Busfare 150 SDG one way	Informal Settler (squatter)	850 SDG	12	5	No	Yes. Lose Land and House	I can only move to a nearby place	Free Land, House and assistance with transportation			
98a	Garang Achuol		Dinka	Absent at the time of survey	Informal Settler (squatter)										

AFFECTED HOUSEHOLDS – INFORMAL

West Of Lologo Street	266	makir Jok		Dinka	SPLA soldier based in Rumbek. Busfare 200 SDG	informal	600SDG	6	6	No	no where to go	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
	279	Chao Maker – deceased. Relative/caretaker occupies the house		Dinka	House occupied by relative/caretaker. Few information given	Informal			Not Given			Few information given by the relative. The son of the HH owner stays in JUBA town while the HH is deceased.					
	283 & 282	Jacob Magok Gurec	28	Dinka	SPLA Abyei. Busfare 400SDG	informal	1000SDG	12	6	No	no where to go	I can only move to a nearby place.	Compensation for Land, House and assistance with transportation				
	285 & 285a	Anna Yardeng Achol. House occupied by tenant		Dinka		informal	rent 200SDG per month	3	1 month	No	No	I will move to another house	assistance with transporting belongings				

Appendix
Question made to relocated people

Serial No	Name (Not required)	Age	Tribe	Job. How many family members are working (How Far is the job from the homestead). How much is the bus fare?	Formal, Informal Settler, Tenant (If tenant who is the owner of the house)	Monthly income SDG/month. If more than one person working what is the total income?	Number of family members	Length of stay there, years	I Have you heard of any conflict/dispute here?	J Do you think you may suffer from relocation?	K Opinion about relocation	L What you have to be provided from government for relocation?
6		40	Dinka	Sole family breadwinner. Businessman selling household item and food items	Informal Settler (squatter)	unknown. The family monthly expense is upto 1000SDG per month	15	5	No	Yes. No Place to go to	It will depend on the decision of the government but I would want a nearby place	I would need assistance during relocation in terms money and new land
14 & 15		40	Dinka	Husband by the name Deng Jok is a 45years old businessman in Konyokonyo. Pays 3SDG busfare for one way every morning to his work place	Informal Settler (squatter)	unknown. The family monthly expense is upto 1500SDG per month	14	5	No	Yes. No Place to go to	It will depend on the decision of the government but I would want a nearby place	I would need assistance during relocation in terms money and new land
16		29	Dinka	Both Husband and wife (policewoman) are working. Busfare for each to there work place is 5SDG for one way	Informal Settler (squatter)	Total income is 978 SDG per month	3	5	No	Yes. No Place to go to	Willing to relocate if government offered a new place	Money to buy new land or given land where land has already been surveyed. In the end money is more preferable compared to land
17, 18 & 19		45	Dinka	Sole Family breadwinner. Businessman selling household item and food items in Konyo Konyo. Busfare 3 SDG for one way per day	Informal Settler (squatter)	Unknown. Monthly expense is 100 SDG per month	12	5	No	We will not know what to do	I prefer to be moved closer to my work place in Konyo Konyo	Transport for relocation, Land nearby, compensation for my house
20, 21 & 22		35	Dinka	Sole Family breadwinner. Businessman selling grains in Konyo Konyo. Busfare 3 SDG for one way per day	Informal Settler (squatter)	Unknown. Monthly expense is 1000 SDG per month	5	3	No	No where to go	I will agree to move but to a Nearby place	Prefer to be paid enough money to buy land and build instead of land and also to be provided with transport to move my belonging

Appendix C
Replacement Cost Survey

Replacement Cost Study for the Proposed Nile Bridge

Revised Sept 14th 2011

REPORT ON REPLACEMENT COST STUDY FOR THE PROPOSED NILE BRIDGE

I. INTRODUCTION

The hereby replacement cost study was to gather the Market price of ROW in Lologo and Gumbo, the main two areas where the project bridge and its access roads traverse.

II. METHODOLOGY

The replacement costs study has been carried out based on information collected from direct interviews with people who are affected and not affected directly. Desk research has focused on relevant publications and materials of Government Authorities

Direct interview has been implemented with reliable persons of PAPs and none PAPs living near the project sites.

The number of samples for the study is specific for asset as following:

- **House/structure:** interviewing with 200 house/structure owners and retailing construction material shops.
- **Land:** interviewing with land owners and local authorities.
- **Crops and tree:** identifying the location of crops and trees which will be affected by the project.

III. RESULT OF THE STUDY

3.1 *Findings from the Market / Replacement Cost Survey*

To get unbiased prices of commodities different peoples were consulted and a comparison was made. These groups include;

- contractors
- Local Payam leaders
- Ministry of Physical Infrastructure, CES
- A survey of commodity prices at two big markets (Konyo Konyo and Jebel) in Juba.

3.2 *Types of Assets*

The types of assets are classified into three main categories as following.

- House/structure
- Land
- Crops and trees

3.2.1 House/Structures

Housing is not arranged in blocks. Traditional compounds and housing (brick mud houses with thatch roof, "tukuls" as local name) are the dominant feature in most areas. The number of tukuls on a family plot varies depending on the number of people in the household, what the family can afford, and whether or not the household is renting out tukuls. The cost of building a tukul is estimated at around SSP 3000. Poorer households tend to live in shacks. Other households had well-built mud/brick houses with iron sheeting roofs on foundations which are reported to cost around US\$1,000 or more.

Most households west of Lologo Street have clearly defined plots with boundaries either marked by fences, poles, or plants, depending on what the household could afford.

3.2.2 House/Structure Category and Price

The houses/structures which will be affected by the project have been categorized into four main types as following in accordance with the Project.

- 1st Category or Type 1: mud houses with thatched roof
- 2nd Category or Type 2: mud houses with galvanized iron roof
- 3rd Category or Type 3: Bamboo houses or shanty dwellings
- 4th Category or Type 4: Fences.

Based on the study, the prices of house/structure were slightly different along the project sites. The consultants interviewed house constructors in Lologo to determine the prices of house structures and their prices within the project site (Table 3.1). The findings were compared with results obtained from the Ministry of Physical Infrastructure (MOPI) in Juba (Table 3.2).

Table 3.1: House Structure Category and Price¹:

Table List of Original Data

Name		Shop1	Shop 2/Contractor	Shop 3/Contractor	Shop 4/Contractor
Address		Lologo1	Lologo2	Juba downtown	
Brick house	Walls	200 SSP / m ²	200 SSP / m ²	200 SSP / m ²	200 SSP / m ²
	Roof	30Gauge 43SSP 28Gauge 48	30Gauge 45SSP 28Gauge 50	30Gauge 45SSP 28Gauge 50	30Gauge 45SSP 28Gauge 50
		34Gauge 34	34Gauge 34	34Gauge 35	34Gauge 35
	Unit Pirce SSP/m ²				
Tukul Dia 3m – 5m		1000- 2500 SSP.(950- 2500 SSP.	980- 2400 SSP.	990- 2450 SSP.

¹ Information obtained after interviewing house constructors in Lologo in Feb. and Sept. 2011

Fro the brick/earth wall house (4m x 5m) with zinc plate roof, the cost can be estimated as:

$$\begin{aligned}\text{Total cost} &= \text{Wall cost} + \text{Roof cost} \\ &= \text{Wall unit price}^2 \times \text{wall area} + \text{roof unit price} \times \text{roof area} \\ &= \text{wall unit price} \times \text{height} \times \text{width} \times \text{length} + \text{zinc plate unit price} \times \text{plate no.} \\ &= 200\text{SSP} \times 2\text{m} \times 4\text{m} \times 5\text{m} \times 2 + 34\text{SSP} \times 40 \\ &= 8,650\text{SSP}\end{aligned}$$

$$\begin{aligned}\text{Unit cost} &= \text{total cost} / \text{area} \\ &= 8,650 / 4/5 = 428\text{SSP/m}^2 \quad 500\text{SSP/m}^2\end{aligned}$$

For Tukul(dia.4m), unit cost is estimated:

$$\begin{aligned}\text{Unit cost} &= \text{total cost} / \text{area} \\ &= 2,500 / 2/2/ = 199\text{SSP/m}^2 \quad 250\text{SSP/m}^2\end{aligned}$$

² About 30 bricks are used per 1m² wall

Table 3.2: House Structures Category and Price:

Construction Material	Average Price (SSP)			Shop1/contractor	Shop2/contractor	Shop3/contractor	Shop4/contractor
Brick SSP/piece ³	Mud brick	Small size at 500 at 1000SSP		500 bricks at 1000SSP	500 bricks at 1000SSP	500 at 1000SSP	500 at 1000SSP
		Big size at 70 pieces at 1000		70 bricks at 1000SSP	70 bricks at 1000SSP	70 bricks at 1000SSP	70 p bricks at 1000SSP
Concrete brick	Hollow brick, size 15 at 5.50 per 1 brick			5.50	6	5.50	6
	Solid brick size 15 at 4.50 per 1 brick			5	5	4.50	4.50
Cement SSP/bag ⁴	61 for 50kg bag cement (Rhino and Portland Pozzoland Cement)			61	61	61	61
Wood column (dia.10cm) SSP/m	4 by 2 goes for 22 per piece.			21	22	24	22
	3 by 2 goes for 20			19	22	18	20
	2 by 2 goes for 12			12	10	12	12
	12 by 1 goes for 35			34	35	33	35
Bamboo SSP/m	50 per bundle			45	50	50	50
Thatcher SSP/bundle	10			10	10	10	10
Galvanized iron sheets	30Gauge,	28Gauge,	34Gauge,	Prices per Gauges in different shops			

³ The consulted bricks layers were: River Bank Brick, Kor William Bricks, (Mr. Kose Tel. 0924228501), Kor Lormula Brick and Gahar Gebel all in Lologo area.

⁴ Prices acquired from cement shops in Thong Ping (Abdunassa Kamule, Tel 0955916532) and Juba Juba Malakia.

Appendix C
 Replacement cost survey report
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	45SSP	50 SSP	35 SSP	43, 48, 34	45, 50, 34	43, 50, 34	43, 48, 35
Corrugated tin sheets	50			50	50	50	50
Earth for wall	10 tones – 800			800	800	800	800

3.2.3 Other Structures and Prices

The people own other structures such as well, water pump and fence, among others. These structures have to be compensated at the market price. The results of the replacement cost survey of specific rates of structures are listed in table 3.2 as following.

Table 3.3: Other Structure and Prices

No.	TYPE OF ASSETS	UNIT	Average Unit Cost, SSP	Shop 1	Shop 2	Shop 3
				Gumbo	Juba Downtown	-
1	Hand water pump	1	40000 SDG for drilling a borehole.	Price for drilling borehole from professional firms is standard. (White Nile Engineering)		
2	Graves (Communal graveyard)	2	18,000	n/a	n/a	n/a
3	TREES⁵					
	Mango	1	30,500	n/a	n/a	n/a
	Banana	1	10,000	n/a	n/a	n/a
	Guava	1	12,700	n/a	n/a	n/a
	Other trees (e.g. Neem)	1	500	n/a	n/a	n/a
	FENCES	1,396 meter	69, 788	n/a	n/a	n/a

⁵ Information about trees and fruits prices was obtained from the Office of Director of Planning & Statistics, Department of Forestry, CES, Juba. On 15. 09. 2011. Tel. 0955758747.

3.2.4 Land Rates

Land registration rates are divided into classes as shown below. The following cost includes surveyor fee of 500 SSP per lot, court fee of 50 SSP. The surveyor's fee for 4th class is 125 SSP per lot and a registration fee of 50SSP:

4 Land rates

Name/location		Average	Lologo	Gumbo	Juba Downtown
Private residential land (SSP per Lot)	Class 1	670	N/A	N/A	670
	Class 2	650	N/A	N/A	650
	Class 3	642	N/A	N/A	642
	Class 4	175	175	175	175
Community Residential Land (SSP per Lot after demarcation)		700	700	700	N/A
Agricultural Land SSP/m ²		4.4	4.4	4.4	N/A
Community Land other than agriculture SSP/m ²		1.75	1.75	1.75	N/A

The cost for undemarcated land (community Land) has been derived from existing rates based on the Tokiman west relocation site cost managed by MOPI assuming this land will ne demarcated. Agricultural Land cost covers allotment of community land near the River with improvement for agricultural use including foot pumps and training on productive agriculture. As information, from Land department, the private Land Prices, which distance between 30m to 100m from main road, are divided into the following compensation rates below:

Land Area, West Bank

Private residential land

62.5 SDG / m²

Community residential land	4.0 SDG / m2	
Private agricultural land of residential land)	10 SDG / m2	(Half
<u>Land Area, East Bank</u>		
Community agricultural land	3.0 SDG / m2	

1.1. *Land Classes*

The current land administration and regulations in Southern Sudanese towns is based on the Disposal of Town Lands Scheme Act (TLS) of 1947. The Act stipulates that leases are given to urban residents based on four classes of residential plot. These were kept geographically separate in town plans which were based on a simple grid system. This derives from the colonial practice of segregating different ethnic groups wherein first-class areas were allocated to whites working with the colonial government, second-class areas were allocated to Northern Sudanese and Egyptians officials, and third-class were allocated to educated Southerners employed in government service. Fourth-class areas were for “temporary urban workers” who were given no leasehold and who were not allowed to use permanent materials. According to the regulations, access to services is also concentrated in first-class areas where plots are bigger than other plot classes. Higher standards of construction are also required. The TLS also had associated regulations which set out lease terms, charges, and allotment procedures for first-, second-, and third-class plots along with building standards. These subdivisions remain today, although during the second civil war in Juba, the fourth-class plot classification was merged with third-class. State MOPI has been directly involved in the distribution of first, second and third class residential areas. Payams which are lower than the counties in hierarchy at the local government are involved in distribution of land for residential areas. The payams are responsible for fourth class and allocation of shops (‘kushuks). Payam also has the right to cancel fourth-class plots issued on communal land.

- 1st class plot -30m by 40m and it is issued by MOPI. For upper-class people 2nd class plot - 25m by 30m or 30m by 30m and also issued by MOPI. 3rd class plot - 20m by 20m issued by MOPI for lower-class people

- 4th class plot - 20m by 20m issued by Payam. This is usually converted to 3rd class after application to MOPI. The difference between 3rd class and 4th class is that later is initiated by Payam.

1.2. *Agricultural Products*

In general, a development project affects both crop (garden products) and trees in the project area. The project would need temporary land and it affected the crops of the people. This impact has to be compensated at the market price. The project needs to cut or move a lot of trees in project area. They also needed to be compensated at the market price.

Table 3.5: Agricultural Products

Agricultural Product	Unit	Average Price (SSP)	Shop I for Jack Nalumasi	Shop II for Diana Nattabi	Shop III for Elizabeth Gar
Mango	1/SSP	2	2	3	2
Papaya	1/SSP	12	12	12	12
Banana	12SSP per bananas cluster	9	7	9	12
Maize	50kg	65	70	65	65
Cassava flour (<i>Bafla</i>)	1kg/packet	6	5	6	6
Rice	1kg/packet	16	5	7	6
Potato	1kg	4	4	3	4
Tomato	1kg	5	5	4	5
Cabbage	1 bunch	6	5	6	6
Carrot	1kg	8	8	7	8
Okra	SSP/Heap of 5-6 pods	5	5	5	5

Appendix C
Replacement cost survey report
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Cowpea (soya bean)	Kg	10kg	9	10	10
Regilla	SSP/bunch	1	1	1	1

Source: Market Price Survey (Konyokonyo/Jabel markets) and MOAF, Juba, 2011.

Appendix D
Inter-Ministry Committee



REPUBLIC OF SOUTH SUDAN

Ministry of Transport & Roads

JUBA, SOUTH SUDAN

Office of the Undersecretary

Date: September 10th, 2011

Dear sir/madam,

SUB: INVITATION TO THE FORMATION OF INTER-MINISTERIAL COMMITTEE (IMC) FOR THE CONSTRUCTION OF NEW NILE BRIDGE IN JUBA CITY

BACKGORUND

The existing bridge in Juba built about forty years ago is the only one across the river Nile connecting Eastern bank to the West. Technically and compounded by lack of maintenance, the bridge has outlived its design period. The north-bound lane yielded to this effect in 2007 and collapsed when a 50 ton truck was crossing the bridge.

Though the bridge was rehabilitated, the present increase of heavy traffic entering South Sudan justifies the need for alternative bridge.

The approved master plan for Juba Urban Transport Infrastructure identified 22 small bridges for rehabilitation; six of which are now under construction with the support from the Japanese Grant Aid for Peace and Conflict Prevention. The master plan also proposes new Nile Bridge that falls on circumferential road No. 3. (See attached map).

While efforts are ongoing to rehabilitate arterial and main roads within Juba Urban road network, circumferential road no. 3 is planned for completion by 2015 and the New Nile Bridge is planned for completion at about the same time.

With our present financial condition, the Republic of South Sudan (RoSS) requested further assistance from the Government of Japan to finance the construction of the New Nile Bridge. It is then the obligation of the RoSS to acquire and secure the Right-of-Way in an internationally accepted manner for which the IMC will be established.

PURPOSE OF IMC

Inter-ministerial committee will comprise of government institutions at RoSS and State level and non-governmental organizations.

The functions of IMC will be, but not limited to the following:

- a) Oversee the overall implementation of the Nile River Bridge project and related projects,
- b) Undertakes and monitors the legal framework of Right of Way (RoW) acquisition and Resettlement Action Plan (RAP) activities,

- c) Manages the funds allocated for the Nile River Bridge Project,
- d) Documents Project Affected Persons (PAP, formal and informal) including Claims for Compensation,
- e) Mediates and makes recommendation on local disputes arising from RoW acquisition, compensation payment, relocation, etc,
- f) Monitors all activities related to RoW acquisition, asset evaluation, and contract negotiation, compensation, relocation, livelihood and integration of relocated persons with community, grievances, etc.

In this regard, the Ministry of Roads and Bridges would like to kindly request your participation in achieving the aforementioned targets and final construction of the New Nile Bridge. If this gesture on your part helps us ease our current outstanding issues, we will be very pleased of your participation.

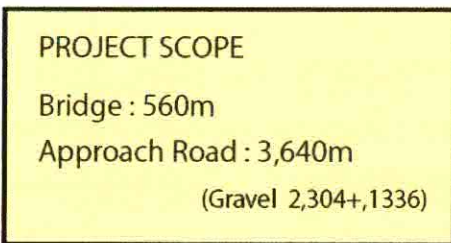
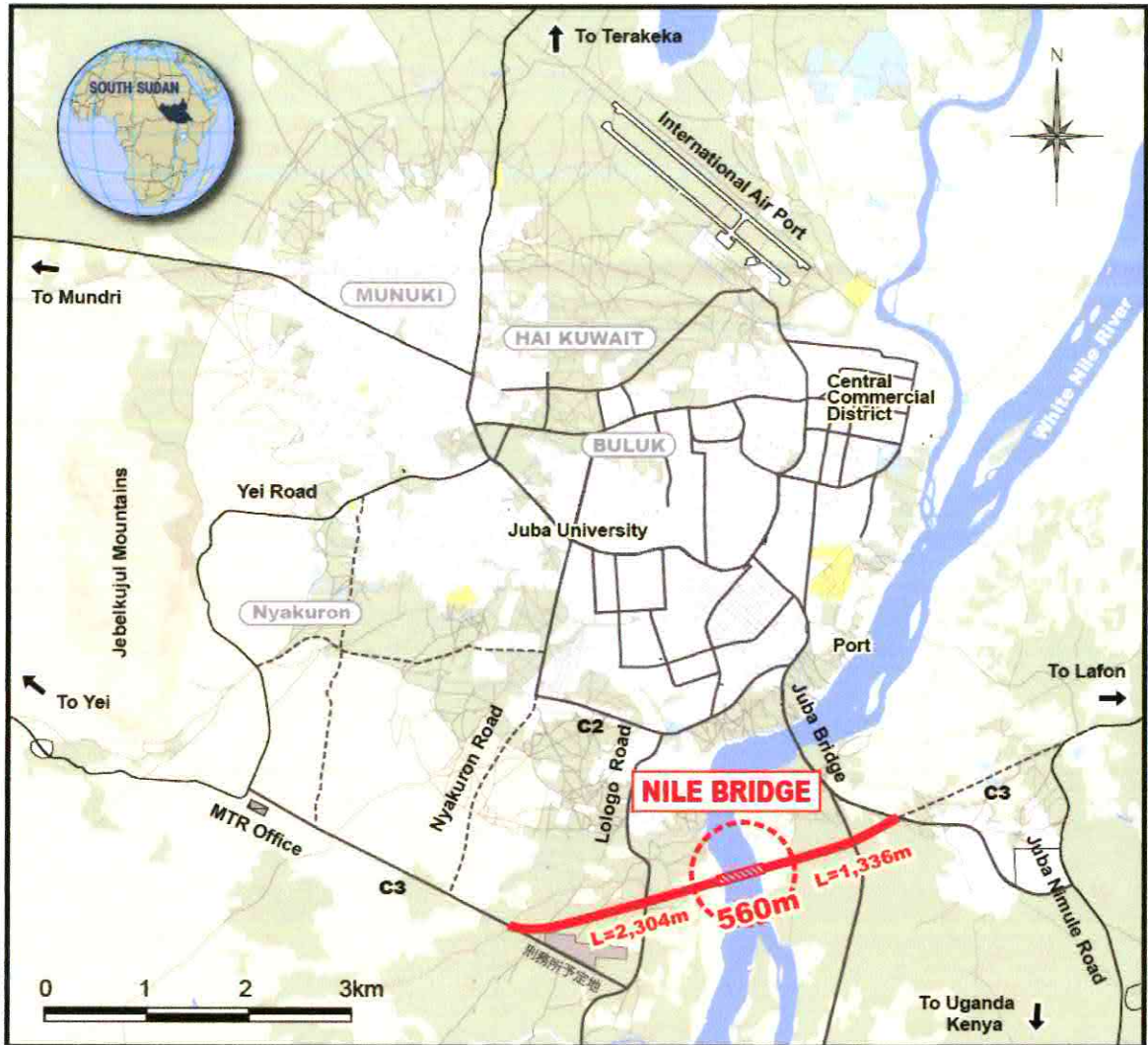
The meeting is scheduled for Wednesday 14th, September, 2011 at Ministry of Roads and Bridges, Jebel Kujur Office, boardroom.

We remain yours sincerely,

**THE OFFICE OF THE UNDERSECRETARY
MINISTRY OF TRANSPORT AND ROADS
GOVERNMENT OF SOUTH SUDAN, JUBA.**

Engr. JACOB MARIAL MAKER
Undersecretary
Ministry of Transport and Roads
Republic of South Sudan
Juba

- Cc. Minister, Ministry of Roads and Bridges
 - Cc. Minister, State Ministry of Physical Infrastructure, CES
 - Cc. Director General for Roads and Bridges, MRB
 - Cc. Ministry of Environment
 - Cc. Ministry of Agriculture and Forestry
 - Cc. Southern Sudan Center for Census, Statistics and Evaluation
 - Cc. Ministry of Finance
 - Cc. Land Commission
 - Cc. South Sudan Commission for Census, Statistics and Evaluation
 - Cc. Commissioner, Juba County
 - Cc. Mayor, Juba City/Town Council
 - Cc. Executive Director, Rejaf Payam, CES
 - Cc. Chiefs, Rejaf Payam
 - Cc. Community/Village Development Committees
 - Cc. UN-HABITAT
 - Cc. Japan International Cooperation Agency, JICA
 - Cc. File
-



The Project for the Construction of the New Nile River Bridge

MEETING HIGHLIGHTS

Inter-Ministry Committee Kick-off Meeting September 15, 2011 Boardroom MRB Compound

1. Agenda:

Inter-Ministry Committee for the New Nile River Bridge Construction			
Project in the Republic of South Sudan			
KICK-OFF MEETING			
Conference Room , Ministry of Roads and Bridge			
September 14, 2011 (10:00 am)			
AGENDA			
1.	Registration/Attendance	Secretariat, MRB	9:45 – 10:00am
2.	Opening/Welcome Remarks	Jacob Mariel Maker/1 st DG Lewis MRB/MOPI	10:00 –10:10
3.	Project Background and Introduction of Inter-Ministry Committee	Mr. Otim Bong Deputy Director Ministry of Roads and Bridge	10:10 –10:30
4.	Organizing the Inter-Ministry Committee and Sub-Committees <ul style="list-style-type: none">- Mandate, Functions- Responsibilities- Chairman and Members- Frequency of Meetings- Others	Facilitator: Mr. Otim Bong Chairman of IMC:	10:30 –12:00
5.	Other Matters	MRB	12:00-12:15
6.	Recap of the Meeting <ul style="list-style-type: none">- Formal Organization of IMC and Sub-Committees- Chairman of IMC- Chairman of Sub-Committee- Next Meeting	MRB	12:15 –12:30
7.	Closure	Gabriel Makur Director General, MRB	12:30-12:40

2. Meeting Highlights:

- 2.1 The meeting was called to order at 10:50am with the Juba County Commissioner Tomas Peter Lado giving the welcome remarks (in Arabic) giving his support for the project and appreciation to the Government of Japan for the assistance.
- 2.2 Otim (MRB) then presented the project background outlining the scope of the Nile Bridge Project and the relationship with the Road Network Master Plan prepared by JICA in 2010. He then introduced the concept of the Inter-Ministry Committee for the Nile River Bridge – its functions and responsibilities, and stressed the need to establish the IMC and its committees, for which the meeting is called. He further noted that since the construction of the New Nile Bridge is a Grant from the Government of Japan, the Republic of South Sudan has the responsibility to secure the project right-of-way in an internationally accepted manner and that the project be implemented smoothly.

- 2.3 Dir. Gen. Makur (MRB) gave a brief talk on the on-going road development projects in Juba, including the Bridges and Culverts Grand Aid Project from Japan. He further noted that the Construction of the New Nile River Bridge will be funded from the additional Grant Aid from Japan. Based on his experience from the bridges and culverts project, he emphasized that the role and responsibility of the Republic of South Sudan on Grant Aid projects is to acquire the right-of-way and to make sure that the project is implemented smoothly according to the conditions set forth in the Exchange of Notes between the governments.
- 2.4 The participants exchanged their opinions and concerns about the project and the formation of the IMC which includes the following issues/comments:
- the IMC shall be formed to show ownership of the project by the community and the government,
 - project information shall be disseminated not only to the project affected persons but to the whole community,
 - studies conducted for the project including EIA and RAP shall be submitted to the IMC for their review,
 - the members of the IMC Value Assessment and Resettlement Committee must go to the site to identify the project affected persons, conduct proper consultation, get their opinion and determine necessary actions to be done for resettlement and compensation,
- 2.5 The IMC is then formally organized with members for the different Sub-Committees (Secretariat/Administration, Value Assessment, Compensation and Resettlement Committee, Grievance and Redressing Committee and the Internal Monitoring Committee) nominated by the attendees (the list of members will be provided by Otim). MRB encourages the attendees to consult their colleagues in the different ministries/agencies to nominate other members for the different committees.
- The IMC will be chaired by the MRB Undersecretary and Co-chaired by the MOPI 1st Director General. The Secretariat will be based on MRB who will coordinate all activities of the IMC and its sub-committees.
- MRB will establish an External Monitoring Committee that will give an independent feedback on the activities of the IMC.
- Otim/MRB suggested that a follow-up meeting will be held to finalize the functions and responsibilities of the different sub-committees. MRB will inform the members of the different sub-committees on the date and venue of the next meeting.
- 2.6 The Paramount Chief of Community Denis Deramollo gave the closing remarks, requesting cooperation from all concerned and expressing appreciation to the Government of Japan for the project.
- 2.7 The meeting was attended by members and representatives of the MRB, MOPI, MOE, Land Commission, Gumbo Community Leader, Lologo Community, Juba County Commissioner, Rajaf Payam, Village Development Committee, JICA, UN Habitat, and Consultants (CTII, LBG,USAID).

Prepared by:

J Santos

APPENDIX A



JUBA COUNTY COMMISSIONER OPENING REMARKS



MRB DIRECTOR GENERAL OPENING REMARKS



PRESENTATION BY MRB (OTIM)



DISCUSSIONS



FORMING THE IMC - VALUE ASSESSMENT SUBCOMMITTEE



PARAMOUNT CHIEF CLOSING REMARKS

APPENDIX B

THE PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE IN THE REPUBLIC OF SOUTH SUDAN

Ministry of Roads and Bridges, RoSS
Ministry of Physical Infrastructure, CES

Location Map

Facility	No. Lanes	Length (m)
Bridge	2	560
Road	2	3,640

Project Objective

The objective of the project is to construct a new Nile River Bridge and its approach roads to divert and distribute the traffic within and around the city areas without concentrating at the central part of Juba.

Juba Road Network Master Plan

Related Projects

Alternative Alignment/Bridge Locations

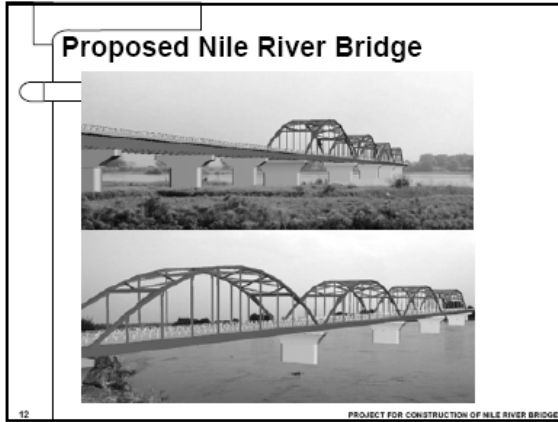
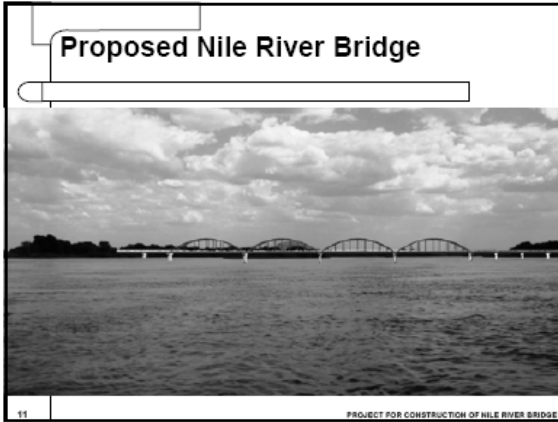
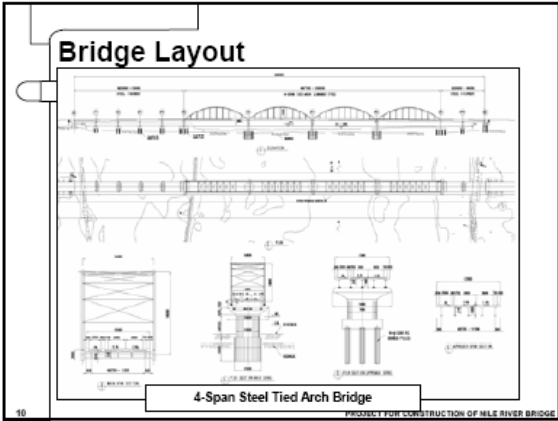
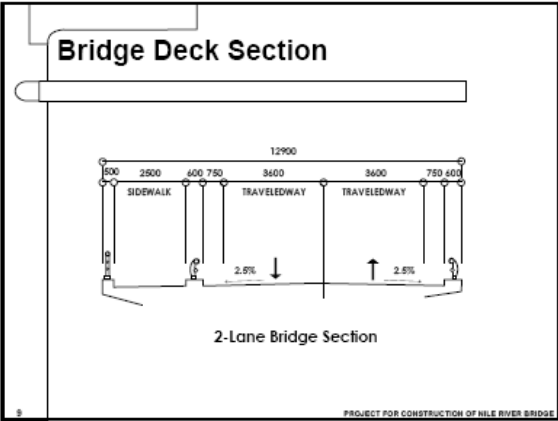
Approach Road Section

2-Lane Approach Road

Construction Access Road Section

2-Lane Construction Access Road

APPENDIX B



The Inter-Ministry Committee for the New Nile River Bridge Project

Inter-Ministry Committee (IMC) for the Nile River Bridge Project

- Oversee the Overall Implementation of the Nile River Bridge Project and Related Projects
- Undertakes and monitors the legal framework of ROW acquisition and RAP Resettlement Activities
- Manages the funds allocated for the Nile River Bridge Project
- Other functions related to the Nile River Bridge Project
- Lead Ministry/ Chairman: Ministry of Roads and Bridge (MRB)
Co-Chairman: Ministry of Physical Infrastructure (MOPI)

PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

The Inter-Ministry Committee for the New Nile River Bridge Project

Secretariat/Administration

- Performs the secretariat and administrative function of the IMC
- Coordinates all Activities and Meetings of the IMC
- Responsible for Accounting and Disbursement of Funds
- Secretariat: Ministry of Roads and Bridge (MRB)

PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

The Inter-Ministry Committee for the New Nile River Bridge Project

Value Assessment, Compensation and Resettlement Committee

- Undertakes detailed measurement survey of affected lands, structures, properties, crops, trees, etc. within the ROW
- Assess and evaluates the proper compensation costs for the ROW acquisition including compensation of formal and informal settlers, transportation, etc.
- Prepares Estimate of Compensation Total Cost
- Documents Project Affected Persons (PAP, Formal and Informal) including Claims for Compensation.
- Prepares the required amount for compensation for each PAP
- Requests the Secretariat/Administration for Payment of Compensation for PAP
- In-charge of resettlement of Project Affected Persons, including transportation and assistance to relocation site.
- Coordinates with the community and relocation site.

17 PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

The Inter-Ministry Committee for the New Nile River Bridge Project

Grievance and Redressing Committee

- Mediates and makes recommendation on local disputes arising from ROW acquisition, compensation payment, relocation, etc.

18 PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

The Inter-Ministry Committee for the New Nile River Bridge Project

Internal Monitoring Committee

- Monitors all activities related to ROW acquisition, asset evaluation, and contract negotiation, compensation, relocation, livelihood and integration of relocated persons with community, grievances, etc.

19 PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

The Inter-Ministry Committee for the New Nile River Bridge Project

External Monitoring Committee

- External party, NGO, Consultants, University Professors, etc.
- Monitors all activities of IMC related to ROW acquisition, asset evaluation, and contract negotiation, compensation, relocation, livelihood and integration of relocated persons with community, grievances, etc.

20 PROJECT FOR CONSTRUCTION OF NILE RIVER BRIDGE

APPENDIX C

Date: 14/9/2011

List of Participants,

No.	Name	Designation/Position	Institution	Contact number and e-mail	SIGNATURE
1	Justin Tetta	Land Management Expert	East Sudan Land C	0955592629 / jstest@	
2	Jackson N. Roberts	UN-Habitat/Consultant	UN-Habitat	nyantuo2011@gmail.com	
3	ANTONY LAMBA	PROGRAMME MANAGER	UN-HABITAT	0955649107 / antony.lamba@unhabitat.org	
4	DORINA KEJI	Ministry of Environment	A/misp for GIS	0915307103, R.K. Dorin2007@yahoo.com	
5	Emmanuel Longo	LBG/SISP-Engineer		0955168885 / elongo@sisp-sudan.org	
6	Patricia Gibriil W.	MTR/PMT/MRB	Environmental Officer	0955000370 / patricia.gibriil@gmail.com	
7	JOHN KENTI SASA	MTR/DIRECTOR	HIWAYS MRB	0955031046	
8	PITIM MORBE	Community leader	Geamba	097428522	
9	DIMITRI LACU MORI	Community leader	Geamba	0903981188	
10	Andrew Lado Tada	Community leader	Geamba	0906334515	
11	Maria SWAKA	Chairman /okimur V-D-C	USAID/Local Gov.	maswikap.usaid.gov 0955997474	
12	ANTHONY PETER SWAKA	D/Director Housing C-E-S	HOUSING C-E-S	0955551735	
13	Thomas Khami Paulina	Rep. Leiluggu Community		0911856295	
14	OTIM BON G	Deputy Director, MRB	MIN. OF ROADS & BRIDGES	0955934086	
15	Jackson Kenny	Executive of TVDC	TVDC Community Leiluggu	0916737515	
16	Lewis Gere	1st AG Physical Infra.	Min. of Physical Infrastructure	0477112364	
17	Emmanuel Matang	AG Housing CES	PHLO PI	0477113034	
18	Jelly Etionai Andino	D/Lands & Town planning	M O P I (CES)	091136629	

APPENDIX C

Date: 14/9/2011

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2	Jackson N. Roberts	UN-Habitat/Consultant	UN-Habitat	nyantuo2011@gmail.com	
3	ANTONY LAMBA	PROGRAMME MANAGER	UN-HABITAT	095564107 / antony.lamba@unhabitat.org	
4	DORINA KEJI	Ministry of Environment	A/misp for GIS	0915307103, Rk.dorin2007@yahoo.com	
5	Emmanuel Longo	LBG/SISP-Engineer		0955168885 / elongo@sisp-sudan.org	
6	Patricia Gibri W.	MTR/PMT/MRB	Environmental Officer	0955500030 / patricia.gibri@gmail.com	
7	JOHN KENTI SASA	MTR/DIRECTOR	HIGHWAYS MRBB	0955031046	
8	PITIM MORBE	Community leader	Gumbo	0992428522	
9	DIMITRY LONG MORI	Community leader	Gumbo	0903981183	
10	Andrew Lado Tada	Community leader	Gwondage	0906334515	
11	Marti SWAKA	Chairman Prokoma V-DC	USPIO/Local Gov.	mswaka@usaid.gov 0955997474	
12	Anthony Peter Swaka	D/Director Housing C-ES	Housing C-ES	0955551735	
13	Thomas Hani Paulino	Rep. Luluggu Community		0911856295	
14	OTIM BONG	Deputy Director, MRB	MIN. OF ROADS & BRIDGES	0955934086	
15	Jackson Kenny	Executive of TVDC	Community Luluggu	0916737515	
16	Lewis Gere	1st D/G Physical Infra.	Min. of Physical Infrastructure	0477112364	
17	Emmanuel Matang	AGI HOUSING CES	MLO PI	0477113034	
18	Jelly Elionai Andino	D/Lands & Town planning	MOP (CES)	0991136629	

APPENDIX C

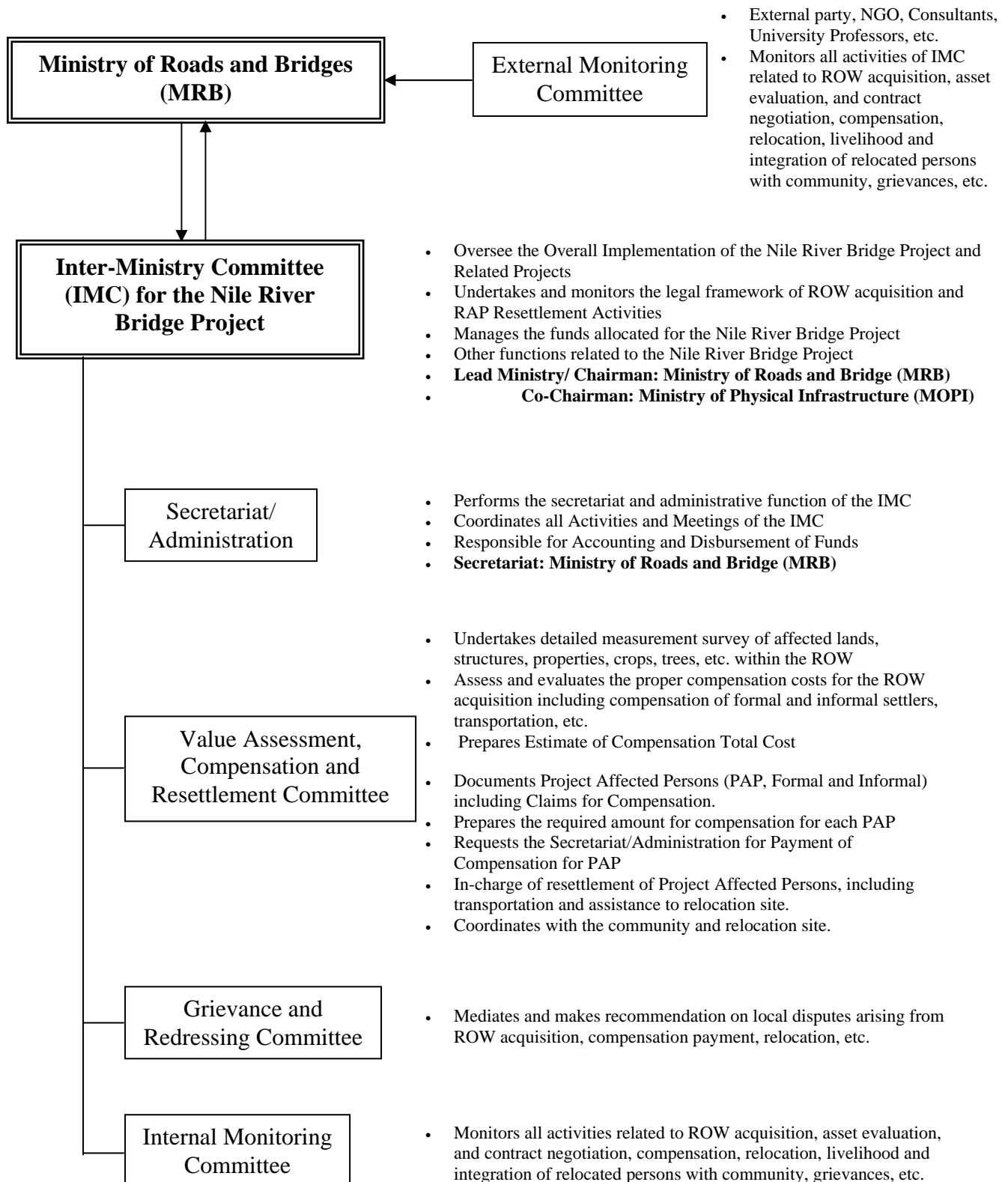
Date:.....

List of Participants,

No.	Name	Designation/Position	Institution	Contact number and e-mail
37	Dennis L. Laita Buan	Chief Executive Officer	Rejaf Payam	0128320805
38	Dennis Doramallo	P/Chief Tokimaru	" "	0126711352
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SIGNATURE


The Project for the Construction of the Nile River Bridge in the Republic of South Sudan



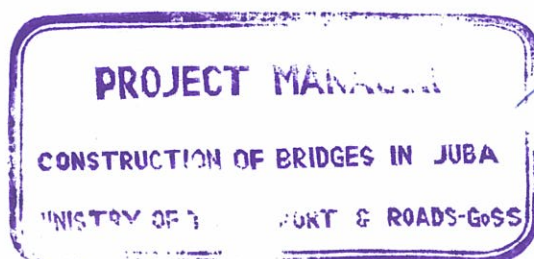
Appendix E
Entitlement Matrix Approved by MRB

Table Tentative Entitlement Matrix Required as a Minimum

Item		Legal residents ⁽¹⁾	Illegal residents	Responsible Agency
Land	Residential land	Provision of alternative land at nearby place in community.	* Cash compensation for cost of affected structures ⁽²⁾	MRB/MOPI /Payam
	Agricultural land	Replacement cost compensation or provision of alternative land	* Identify relocation site for squatters with an affordable payment system ⁽³⁾	
Assets	House	Replacement cost compensation (SSP 250/m ² for mud house and 500/m ² for galvanized house)	* Option to be included in the UN Habitat Program for resettling squatters ⁽⁴⁾ .	MRB/MOPI
	Fence			
	Tree	SSP 500 (neem) – 30,000 (mango) /tree (200 trees of neem mostly)		
	Crop	SSP 1.4/m ² x 2 seasons/year x 2 years (12,500m ²)		
Other Losses and Assistance	Disturbance allowance during relocation	2 months income (SSP 750/mo x 2 = 1,500) (80 HH)		MRB
	Business loss for shops during relocation (Shops)	2 months income (SSP 1,200/mo = 2,400) (6 Shops)		MRB
	Transportation of private effects	Provide means of transportation (vehicle/manpower) (80 HH)		MOPI/MRB
	Employment Opportunity for PAPs	Prioritized employment at the construction site as unskilled worker with provision of on-job training as skilled workers.		MRB
	Assistance for Tenants	Assistance for compensation equivalent to 3 months' advanced rental fee (SSP 600/mo) (14 HH)		MRB
	Additional Assistance to vulnerable group (house heads of either widow, >60 years old or handicapped)	Provision of food and medical support for 1 month (SSP 750) (14 persons)		MRB

Remarks:

- (1) Numbers of affected households shall be finalized by census done by MOPI/Payam and the compensation rates also may be revised later after formation of the Inter-Ministry Committee.
- (2) The cash compensation amount will be finalized by the Inter-Ministry Committee to cover reasonable costs of the affected structure.
- (3) The MOPI/Rajaf Payam will identify a relocation site with a price and payment system to be agreed upon with the Inter-Ministry Committee. E.g. at Tokiman West Relocation Site, the squatters will pay the SSP 700 for acquiring the lots at SSP 35 for 20 months.
- (4) UN Habitat Program includes following provisions:
 - Technique, material and machine for construction of houses
 - Microcredit



Appendix F
The Land Act 2009

LAWS OF SOUTHERN SUDAN

The Land Act, 2009

- (25) Notice of Intention to Terminate a Lease for Non Payment of Rent
- (26) Termination of a Lease for Other Reasons
- (27) Lease on Customary Land Rights
- (28) Easements
- (29) Easement by Contract
- (30) Termination of Easement
- (31) Usufruct
- (32) Contract of Usufruct
- (33) Rights of the Usufructuary
- (34) Termination of the Usufruct
- (35) Rights to Land Used as Surety
- (36) Mortgage
- (37) Community Mortgage
- (38) Mortgage Contract
- (39) Evidence of Rights to Land
- (40) Termination of the Right of Ownership

**CHAPTER VII
LAND ADMINISTRATION AND MANAGEMENT**

- (41) General Principles
- (42) Government of Southern Sudan Relation to Land
- (43) State Government Relation to Land
- (44) The County Land Authority
- (45) Composition of the County Land Authority
- (46) Attribution of the County Land Authority
- (47) Appeal
- (48) The Payam Land Council
- (49) Composition of the Payam Land Council
- (50) Functions of the Payam Land Council
- (51) Appeal
- (52) Southern Sudan Land Commission

**CHAPTER VIII
REGISTRATION OF LAND RIGHTS**

- (53) General Principles
- (54) Land Registry
- (55) Initial Registration
- (56) Registration of Encumbrances and Transfers
- (57) Certificate of Title
- (58) Community Land Registration
- (59) Community Land Enquiry
- (60) Effect of Registration

**CHAPTER IX
ACQUISITION OF LAND FOR INVESTMENT PURPOSES**

- (61) General Principles
- (62) Prerequisite for Access to Land
- (63) Community Interest
- (64) Compensation for the Community
- (65) Termination of Activities

LAWS OF SOUTHERN SUDAN

THE LAND ACT, 2009

Arrangement of Sections

Section

CHAPTER I PRELIMINARY PROVISIONS

- (1) Title and Commencement
- (2) Repeal and Saving
- (3) Purpose
- (4) Definitions
- (5) Objectives

CHAPTER II LAND OWNERSHIP

- (6) General Principles
- (7) Ownership and Tenure System
- (8) Protection of Land Rights

CHAPTER III LAND CLASSIFICATION

- (9) Classification of Land
- (10) Public Land
- (11) Community Land
- (12) Private Land

CHAPTER IV RIGHTS TO LAND

- (13) Rights of Citizens
- (14) Rights of Non-Citizens

CHAPTER V CUSTOMARY RIGHTS TO LAND

- (15) Allocation of Customary Rights
- (16) Cancellation of Customary Rights

CHAPTER VI DERIVATIVES RIGHTS TO LAND

- (17) General Principles
- (18) Lease
- (19) Long Term Lease
- (20) Short Term Lease
- (21) Sub-Lease
- (22) The Duties of the Lessor
- (23) The Rights and Duties of the Lessee
- (24) Breach of Lease Agreement

**CHAPTER X
PASTORAL LANDS**

- (66) Protection of Pastoral Lands
- (67) Community Grazing Land
- (68) Penalties

**CHAPTER XI
LAND USE, SOCIAL AND ENVIRONMENTAL PRESERVATION**

- (69) Protection of Land
- (70) Environmental and Social Impact Assessment
- (71) Environmental Restoration
- (72) Resettlement Plan

**CHAPTER XII
EXPROPRIATION OF LAND FOR PUBLIC INTERESTS**

- (73) Reasons for Expropriation of Land for Public Interests
- (74) Procedure for Expropriation
- (75) Compensation
- (76) Compensation Committee
- (77) Court Proceedings

**CHAPTER XIII
LAND RIGHTS RESTITUTION AND COMPENSATION**

- (78) General Principles
- (79) Filing of Claims
- (80) Compensation
- (81) Evidence
- (82) Statute of Limitation
- (83) Mitigation Measures

**CHAPTER XIV
UNAUTHORIZED OCCUPANCY**

- (84) Unlawful Occupancy
- (85) Notice of Eviction
- (86) Eviction Order
- (87) Alternative Settlement
- (88) Appeal
- (89) Bona Fide Occupancy
- (90) Irregular Allocation

**CHAPTER
LAND DISPUTES SETTLEMENT**

- (91) Mechanisms of Disputes Resolution
- (92) Mediation
- (93) Functions of the Mediator
- (94) Rights of Parties to Arbitration

- (95) Powers of the Arbitration Committee
- (96) Awards
- (97) Fees
- (98) Litigation
- (99) Land Court Proceedings

**CHAPTER XVI
MISCELLANEOUS PROVISIONS**

- (100) Fees.
- (101) Rules and Regulations

LAWS OF SOUTHERNSUDAN
THE LAND ACT, 2009

In accordance with the provisions of Article 59(2) (b) read together with Article 85(1) of the Interim Constitution of Southern Sudan, 2005 the Southern Sudan Legislative Assembly, with the assent of the President of the Government of Southern Sudan, hereby enacts the following:

CHAPTER I
PRELIMINARY PROVISIONS

Section 1. Title and Commencement

This Act may be cited as "The Land Act, 2009" and shall come into force as from the date of its signature by the President.

Section 2. Repeal and Saving

Upon the effective date of this Act, any national law addressing issues under this Act shall cease to operate in Southern Sudan *provided that* all proceedings, orders and regulations taken or made thereunder, except to the extent they are repealed by or are otherwise inconsistent with the provisions of this Act, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Act.

Section 3. Purpose

This Act shall regulate land tenure and protect rights in land in Southern Sudan while creating an enabling environment for economic development in the land and natural resources sectors.

Section 4. Interpretations

In this Act, unless the context otherwise requires the following words and expressions shall have the meanings assigned to them:-

“Act of God” means an event caused by nature, and not by any person;

“Alienation” means the transfer of ownership or other rights from a natural or judicial person to another.

“Allocation of land” means the process by which a right to hold and use land is provided for by government or customary institutions to an individual, group or corporate body.

“Boma” means the lowest administrative unit in the local government structure in Southern Sudan.

“Bona fide occupant”	means any person who in good faith occupies or infringes the land rights of others, unless such ignorance results from a grave mistake on his/ her part.
“Cadastral registration”	means a form of registration of right that accurately describes a land parcel in an identifiable map.
“Citizenship”	means citizenship as defined in Article 48 (1) of the Interim Constitution of Southern Sudan, 2005.
“Commission”	means the Southern Sudan Land Commission as established by Article 181 of the Interim Constitution of Southern Sudan.
“Commissioner”	means the most senior executive official in a County.
“Communal grazing land”	means an area of grazing land which is directly owned in undivided shares by all members of a community.
“Community tenure system”	means unwritten land ownership practices in certain communities in which land is owned or controlled by a family, clan or a designated community leader.
“Compensation”	means remuneration in consideration for a wrong done or right removed, according to the market value of the property when this remuneration is recognized and done in accordance with the law.
“Compensation committee”	means a duly constituted committee that is charged with the function of looking into issues of compensation related to the expropriation process done in accordance with the Law.
“Concerned Ministry”	means the ministry managing and administering land in the Government of Southern Sudan or the State.
“Constitution”	means the Interim Constitution of Southern Sudan, 2005.(ICSS);
“Council”	means the Land Council at the Payam administrative level.
“County”	means the administrative unit between the State and the Payam as described in the Interim Constitution of Southern Sudan.

- ‘County Land Authority’** means the body administering and managing land at the County level.
- “Customary land rights”** means rights on land conferred by or derived from customs or customary law and/or practices.
- “Customary law”** means the conventions and rules which a particular community observes, developed over time and usually uncodified.
- “Derivative right”** means a right to occupy and use land derived out of a right of ownership including a lease, a sublease, a usufructuary rights and any interest analogous to these rights.
- “Easement”** means a legal or equitable right acquired by the owner of one piece of land to use or refrain from using, or prevent the use of land by another person for a special purpose.
- “Encumbrance”** means a liability to which a lease or ownership is subject and that includes a sublease, mortgage, easement, restrictive agreement and a profit.
- “Eviction”** means expulsion or removal of any unlawful occupant from occupation of a building or structure, or land on which such building or structure is erected.
- “Freehold”** means a form of land ownership held in perpetuity with the rights to transfer and dispose of such land.
- “Foreign company”** means a company as defined by the Southern Sudan Investment law.
- “Government”** means the Government of Southern Sudan, the State or Local Government, established in accordance with the provisions of the Interim Constitution of Southern Sudan.
- “Improvements”** means anything resulting from expenditure of capital or labor and that, includes carrying out of any building, engineering or other operations in, on, over or under land, or the making of any material change in the use of any building or land and charges for services provided and any other expenses incurred in the development of land.
- “Investment Authority”** means the authority established by the Southern Sudan Investment Promotion law;

- “Land”** means all land-based natural resources, including urban land, rural land, forest land, pastureland, swampland, floodplains, flora, and local fishing grounds, and lands under which subterranean resources exist, but not those subterranean resources themselves.
- “Lease”** means an agreement between the owner of land and another party by which the owner transfers possession and occupancy of such land to another party in consideration for rent but not ownership.
- “Lessee”** means the proprietor of a lease or the successor in interest.
- “Lessor”** means any person who has granted a lease or the successors in interest.
- “Local Community”** means a group of families or individuals, living in a circumscribed territorial area at the level of a locality, which aims at safeguarding their common interests through the protection of areas of habitation, agriculture, whether cultivated or fallow, forests, sites of cultural importance, pastures, and area of expansion.
- “Mediation”** means a process for resolving disputes where two or more parties to a dispute over land meet and attempt to settle a matter with the assistance of a mediator.
- “Mortgage”** means an interest in a right of ownership or a lease securing the payment of money or worth of money or the fulfilment of a condition including a sub-mortgage and the instrument creating the mortgage.
- “Natural resources”** means land-based resources, including ecosystems, fauna, wildlife, flora, forests, plantations, water and subterranean resources.
- “Order”** means a statement made by a competent court or authority requiring from someone to do or to refrain from doing any action in compliance with the law.
- “Ownership”** means the right within the limits provided by law to possess occupy and use land in perpetuity; the right thereon can be inherited by devise or intestacy, and is subject to lease, sale, mortgage, or other transfers and transmissions within the limits of the law.

“Pastoral land”	means the land used by livestock for grazing, pasture and watering, including routes provided for their mobility and space ancillary to the activities.
"Parcel"	means an area of land or plot delineated by a survey plan prepared by or under the direction of the Department of Survey.
“Payam”	means the intermediate administrative unit between the County and the Boma.
"Periodic tenancy"	means a tenancy from year to year, half year to half year, quarterly, month to month, and week to week.
“Public land”	means any land owned or/and held by the Government of Southern Sudan, State or Local Government.
“Public authority”	means Government of Southern Sudan, State Government, municipality, or other public bodies as may be prescribed by law.
“Register”	means the official repository of records pertaining to interests in land.
“Registration”	means a procedure describing a parcel of land and identifying its current owner and the form of ownership and other registerable rights in land under this Act or other law dealing with registration.
“Resettlement”	means the act of settling again in a place in accordance with the provisions of this Act and the law.
“Reintegration”	means the re-entry of formerly internally displaced persons into the social, economic, cultural and political fabric of their original community..
“Rights in land”	means rights to own land or limited to occupancy and use of land or right to use the land under certain conditions.
“Southern Sudan”	means the territory that constituted the three former provinces of Bahr el Ghazal, Equatoria, and Upper Nile in their boundaries as they stood on January 1, 1956.

- “Subterranean resource”** means any substance, whether in solid, liquid or gaseous form, occurring naturally in, under or on the earth or in or under water and which was formed by or subjected to a geological process, and includes sand, gold, diamond, uranium, stone, rock, gravel, clay, soil and any mineral occurring in residue stockpiles or in residue deposits, including water taken from land or lake for the extraction of any mineral from such water, petroleum, and peat.
- “Survey”** means identification and measurement of the location and boundaries of a parcel so that they can be re-established should uncertainty concerning them arise.
- “Systematic registration”** means the registration without request that is systematically undertaken by the land administration in a particular area.
- “Tenure system”** means the way in which ownership of land or rights to land are organized through a system that may be determined by statute, agreed precedent or by customary practices.
- “The Court”** means the Supreme Court, Court of Appeal, High Court, County Court, Payam Court and any other court established by law.
- “Title deed”** means a certificate of ownership issued on the basis of details in a register describing the parcel and the owner, and that may only be given for ownership interests, not leasehold or other non-ownership interests.
- “Traditional Authority”** means a body of traditional community with administrative jurisdiction within which customary powers are exercised by traditional leaders on behalf of the Community as stipulated in Article 174 of the Interim Constitution of Southern Sudan.
- “Transmission”** means the passage of land or a charge from one person to another by inheritance or operation of law.
- “Unlawful occupant”** means any person who occupies land belonging to another person without title or permission from the initial owner or holder of the land.

Section 5. Objectives

In the application of this Act, the following objectives shall be observed and pursued:-

- a) Resolving land disputes, taking due consideration of the customary practices and interest of the people of Southern Sudan;
- b) Ensuring equal rights to acquire or own land for the people of Southern Sudan, legal entities, communities, State Governments and Government of Southern Sudan as regulated by law;
- c) Recognizing customary law and practices related to land owned by communities as part of the normative system of land regulation as long as they are consistent with the provisions of the Interim Constitution of Southern Sudan 2005, this Act and other laws;
- d) Establishing a land administrative system efficient and close to issues related to land based on participation of different communities and individuals in Southern Sudan;
- e) Promoting a land regime favorable to investment opportunities and the development of Southern Sudan as an incentive for investment and economic growth;
- f) Facilitating the reintegration and resettlement of Internally Displaced Persons, Returnees and other categories of persons whose rights to land were or are affected by the civil war;
- g) Promoting a land management system to protect and preserve the environment and ecology for the sustainable development of Southern Sudan; and
- h) Guaranteeing a fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy of customary use of land is revoked or otherwise interfered with by the Government under this Act or any other law.

CHAPTER II LAND OWNERSHIP

Section 6. General Principles

- (1) The regulation of land tenure, usage and exercise of rights thereon shall be a concurrent competence, exercised at the appropriate level of government in Southern Sudan.
- (2) Rights in the land owned by the Government of Southern Sudan shall be exercised through the appropriate or designated level of government in Southern Sudan, which shall recognize customary land rights under customary land law
- (3) All levels of government in Southern Sudan shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, local heritage and international trends and practices.
- (4) All lands traditionally and historically held or used by local communities or their members shall be defined, held, managed and protected by law in Southern Sudan.

- (5) Customary seasonal access rights to land shall be respected, provided that these access rights shall be regulated by respective states taking into account the need to protect agricultural production, community peace and harmony, and without unduly interfering with or degrading the primary ownership interest in the land, in accordance with customary law.
- (6) Without prejudice to the provisions of Article 180 (7) of the ICSS and the provisions of this Act, subterranean natural resources shall be owned, regulated and managed by the Government of Southern Sudan.
- (7) Communities and persons enjoying rights in land shall be consulted and their views duly taken into account in decisions to develop subterranean natural resources in the area in which they have rights; they shall share in the benefits of that development.

Section 7. Ownership and Tenure System

- (1) All land in Southern Sudan is owned by the people of Southern Sudan and its usage shall be regulated by the Government.
- (2) Land may be acquired, held and transacted through the following tenure systems:-
 - a) Customary;
 - b) Freehold; and
 - c) Leasehold.

Section 8. Protection of Land Rights

- (1) Every person shall have the right to acquire or own property as regulated by law and as stipulated in Article 32 (1) of the Constitution.
- (2) Pursuant to Article 32 (2) of the Constitution, no right in land shall be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation.
- (3) Rights in land under customary tenure shall be an assured security of occupancy irrespective of whether or not their interest is held individually or in association with others.
- (4) Any person or group of persons holding a customary land right before the commencement of this Act shall continue to hold the same.
- (5) Customary land shall be demarcated and registered in accordance with the provisions of this Act and any other law.
- (6) Customary land rights including those held in common shall have equal force and effect in law with freehold or leasehold rights acquired through statutory allocation, registration or transaction.
- (7) Without prejudice to the provisions of section 43 of this Act, any attributions on land conferred upon any State by this Act shall be exercised for the common

benefit of all people in Southern Sudan in accordance with the provisions of this Act and any other Law.

CHAPTER III LAND CLASSIFICATION

Section 9. Classification of Land:

All land in Southern Sudan shall be classified as public, community or private land.

Section 10. Public Land

- (1) Public land is land owned collectively by all people of Southern Sudan and held in trust by the appropriate level of government.
- (2) Public land includes:
 - a) land lawfully held, used or occupied by any government ministry, department or agency or local authority, except where such land is occupied under a private lease;
 - b) land transferred to the Government of Southern Sudan, State Government or local government by way of reversion or surrender;
 - c) land in respect of which no private ownership including customary ownership may be established by any legal process;
 - d) land in respect of which no heir may be identified by any legal process;
 - e) all roads, railways airports, and thoroughfare as specified by law;
 - f) all rivers, lakes, canals, haffirs, wetlands and other areas of water:-
 - i. for which no customary or other ownership may be established; or
 - ii. which has been voluntarily surrendered for public benefit as:-
 - a. land which has been compulsorily acquired for special protection, benefit or use of the community;
 - b. land for investment; or
 - c. land as agreed by any international treaty;
- (iii) The above category shall not include any pool, stream, swamp or secondary river that is traditionally owned and managed by a community and which has agreed to abide by and be held legally accountable for its environmental use.
- g) all forest and wildlife areas which are formally gazetted as national reserves or parks for ecological or tourist purposes for the common good of all people in

Southern Sudan in accordance with the Wildlife Conservation and National Parks law.

- h) land which has been formally and willingly surrendered by a community within the area of its jurisdiction as land available for the provision of public services to serve itself or other communities as appropriate, but does not include land provisionally set aside by a community for other purposes;
- i) all land not classified as private or customary under the Constitution and other laws; and
- j) any other land declared to be a public land by law.

Section 11. Community Land

- (1) Community land shall be held by communities identified on the basis of ethnicity, residence or interest.
- (2) For the purpose of sub-section (1) above, "community land" includes:
 - (a) land lawfully registered in the name of group representatives under section 57 of this Act or any other law for the time being in force;
 - (b) land lawfully held, managed or used by specific community as community forests, cultivation, grazing areas, shrines and any other purposes recognized by Law;
 - (c) land lawfully transferred to a specific community by any process of law; and
 - (d) any other land declared to be community land by law.

Section 12. Private Land

Private land includes:-

- (1) any registered land held by any person under a freehold tenure; or
- (2) land held by any person under leasehold tenure; or
- (3) any other land that may be declared private land by law.

CHAPTER IV RIGHTS TO LAND

Section 13. Rights of Citizens to Land

- (1) Right to land shall not be denied by the Government of Southern Sudan, State Government or community on the basis of sex, ethnicity or religion.

- (2) Every person shall have access to land for housing, cultivation, pasture, grazing, or fishing as shared resources as shall be regulated by this Act, rules and regulations.
- (3) Any person may have access to land for investment purposes under this Act and the Investment law.
- (4) Women shall have the right to own and inherit land together with any surviving legal heir or heirs of the deceased as stipulated in Article 20(5) of the Constitution.

Section 14. Rights of Non-Citizens to Land

Subject to the provisions of section 16 of this Act, individual or collective foreign entities may acquire leasehold or other interest in Land for a specified period and not freehold in land in Southern Sudan, for residential or investment purposes or for any other reasons in conformity with the interest of the people of Southern Sudan and in accordance with the provisions of the Investment law or any other Law.

CHAPTER V CUSTOMARY RIGHTS TO LAND

Section 15. Allocation of Customary Rights to Land

- (1) Notwithstanding the provisions of section 26 of this Act, Traditional Authority within a specific community may allocate customary land rights for residential, agricultural, forestry, and grazing purposes.
- (2) Subject to consultation with other members of the community, the Traditional Authority shall determine the size and the boundaries of the portion of land in respect of which the right is allocated in accordance with the customary law and practices.
- (3) Prior to allocation of a customary land right, the Traditional Authority which allocated the land shall forthwith notify the County Land Authority or the Payam Land Council or any other relevant land administration thereof, and furnish the relevant information pertaining to the allocation for records.
- (4) The procedures described in sub-section (3) above may not prevent the persons transacting from undertaking the registration procedure in the prescribed form for acquiring the piece of land upon agreement between the new holder and the members of the community therein.
- (5) Any allocation of a piece of land beyond 250 feddans for commercial, agricultural, forestry, ranch, poultry or farming purposes shall be approved by

the Concerned Ministry in the State after transmission by the County Land Authority or the Payam Land Council.

- (6) Pursuant to the provisions of sub-section (5) above, any allocation shall be based on a land ceiling that shall be prescribed by regulations.
- (7) If the size of the land is over 250 feddans, the Concerned Ministry in the State or its duly designated representatives shall verify the following:-
 - (a) the purpose for which land is to be used and its compliance with rules and regulations in the State;
 - (b) compatibility of such an activity with the land use system in the area;
 - (c) consensus on the allocation between members of the community;
 - (d) allocation does not exceed such a size that the Minister finds against principles of equity and fairness; and
 - (e) the social and environmental impact that activity may cause.
- (8) Except to the extent of the provisions of section 14 of this Act and subject to the conditions of allocation agreed upon, and unless the right is relinquished by the holder, a customary land right allocated under this Act may endure for the natural life of the person to whom it is allocated. Such a right may be inherited, subject to encumbrances but can not be alienated.
- (9) Without prejudice to the provisions of this section and section 27 of this Act, any person may have access to customary land under usufruct or sharecropping contract as regulated in Chapter VI of this Act.

Section 16. Cancellation of Customary Rights to Land

- (1) Traditional Authority may on behalf of the community, in accordance with customary law and practices, cancel a customary land right allocated if:
 - a) the holder of the right fails to observe any condition or restriction attached to the right under customary law and practices, this Act and regulations;
 - b) the land is being used predominantly for a purpose not sanctioned under customary law and practices; or
 - c) On any other ground as may be prescribed by customary practices, this Act or any other law.
- (2) Any cancellation of a customary land right by Traditional Authority shall be notified to the appropriate level of land administration.
- (3) Subject to the provisions of section 56 of this Act, the registration office shall be notified of the cancellation referred to in sub-section (2) above if the land was duly registered in the prescribed form.

CHAPTER VI
DERIVATIVE RIGHTS TO LAND

Section 17. General Principles

- (1) A Derivative right to land shall confer the right of occupancy or usage upon a person or community and shall be registered by the Land administration.
- (2) Derivative rights to land shall include lease, sub-lease, usufruct, easement and any interest analogous to these rights.

Section 18. Lease

- (1) Any person owning land in Southern Sudan may lease this right to another person or persons for a fixed period of time in accordance with the provisions of this Act.
- (2) The contract of lease shall not be more than 99 years.
- (3) Unless otherwise provided for in this Act or any other law, the provisions of subsection (1) above, shall apply to all leases including those governed by customary law and any other law.

Section 19. Long Term Lease

- (1) A long term lease is a lease for more than one year and such a lease shall be in a written form.
- (2) A long term lease shall not exceed 99 years, and any lease for more than 99 years shall be considered a lease for 99 years with in the meaning of this section.

Section 20. Short term lease

- (1) A short term lease is a lease for one year or less and includes a tenancy for a year renewable every year.
- (2) Such a lease may be oral or written.
- (3) Where the short term lease is oral, the validity for such lease shall require witnesses on both sides in accordance with the provisions of the Evidence Act, 2006.

Section 21. Sub-Lease

- (1) Subject to any provision affecting rights on lease, the holder of a registered lease may, according to the terms of the contract of lease sub-lease her or his right for any period that is equal to or less than the remainder of the period of the lease.
- (2) The provisions of this Act affecting leases, lessors and lessees shall apply to sub-lease sub-lessors and sub-lessees with such adaptation as are necessary for application.
- (3) If a lease is terminated by the operation of law or by any other reason stipulated in the contract of lease, such termination shall end the sub-lease.

Section 22. The Duties of Lessor

- (1) The Lessor shall refrain from any conduct contrary to the lease agreement that may interfere or suspend the enjoyment of the lease.
- (2) The lessor shall ensure that the leased land does not contain any latent defect that renders it unfit for its normal use.
- (3) Land leased under a long term lease may be subject to development and alteration, *provided that* such activities shall not destroy or fundamentally alter the original nature of the land, except as specifically determined in the lease agreement.

Section 23. The Rights and Duties of Lessee

- (1) The lessee shall inspect the leased land and improvement made therein if any, before taking possession and failure to do so shall be presumed that the conditions stipulated in the lease are complied with.
- (2) The lessee shall be responsible for the normal maintenance of the ownership and shall deliver it back without fundamental alteration, including the cost of damages resulting from abnormal use, except as otherwise provided by the lease.
- (3) Where the lessee intends to carry out any activity different from the one planned in the lease agreement, the same shall consult the lessor and if necessary they shall review the agreement accordingly.

Section 24. Breach of Lease Agreement

- (1) A lessor may terminate a lease for failure to pay rent due under the lease agreement.
- (2) A lessor or a lessee may terminate the lease for failure to comply with the conditions of the lease contract.

(3) Failure to reach a consensus over the termination of a lease for the reasons mentioned in subsection (1) above, the parties may refer the dispute for mediation in accordance with the provisions of section 91 of this Act.

Section 25. Notice of Intention to Terminate Lease for Non Payment of Rent

(1) Where a lessee is in arrears for more than ninety calendar days without a reason for which late payment is allowed under the lease, the lessor may serve a notice of intention to terminate the lease.

(2) A notice served on a lessee under this section shall adequately specify the following:-

- a) the nature and extent of the breach complained of;
- b) the amount which shall be paid as remedy for the breach;
- c) the period shall not be more than thirty calendar days from the date of the service of the notice within which the lessee shall remedy the breach; and
- d) if the breach is not remedied the lessor may apply to the court for termination of the lease.

Section 26. Termination of Lease for Other Reasons

(1) Where a lessee or lessor is in breach of an agreement or conditions in the lease, either party may serve a notice of intention to terminate the lease.

(2) A notice served under sub-section (1) above, shall adequately inform the recipient of the following:-

- a) the nature and extent of the breach; and
- b) whether the breach is capable of being remedied.

(3) If either party considers that the breach is capable of being remedied, the notice shall also specify:

- a) the action which must be taken or desist from, in order to remedy the breach; and/or
- b) the amount of compensation, if any, which the aggrieved party shall be paid to remedy the breach and to reimburse reasonable expenses incurred in connection with the breach.

(4) In case either party fails to remedy the breach as demanded, the aggrieved party may apply to the court for termination of the lease.

(5) Upon termination of the lease, the lessor or the successor thereof shall acquire the full ownership of any construction.

(6) Without prejudice to the provisions of sub-section (5) above, the lessee and the lessor may agree on a compensation system for any improvement and permanent

investment on the land upon termination of the lease contract as stipulated in the initial contract.

Section 27. Lease on Customary Land Rights

- (1) Subject to consensus between members of the community, Traditional Authority may recommend the grant to a person or company, whether national or foreigner, a right of leasehold in respect of a portion of community land to the appropriate land administration.
- (2) A Land size of not more than 250 feddans shall be granted by the Traditional Authority in consultation with the County Land Authority and the Payam Land Council.
- (3) Without prejudice to the rights of the community to land, the Concerned Ministry in the State shall in consultation with the Investment Authority approve the lease contract granted by the Traditional Authority if the leasehold contract is for more than 250 feddans.
- (4) Pursuant to the provisions of subsection (3) above, the concerned Ministry shall ensure that:
 - a) the activity planned complies with the rules governing land use and environmental regulations;
 - b) the conditions and term of the lease contract are in compliance with the provisions of this Act and other laws;
 - c) that the members of the community are duly consulted;
 - d) the size of land being leased is in accordance with the law and regulations; and
 - e) the project for which the land has been leased contributes to the social and economic development of the community, the County or/and the State.
- (5) A right of leasehold may be granted for such period not exceeding 99 years, as the Community and the grantee of the right may agree upon.
- (6) Subject to the provisions of section 56 of this Act, the leasehold contract between community and the grantee shall be notified to the County Land Authority or Payam Land Council and registered in the prescribed form by the appropriate registration office.
- (7) Upon completion of the leasehold contract, and in the absence of renewal, the leased land shall revert back to the community.

(8) The compensation in case of termination of a lease, shall be in accordance with the provisions of the lease contract, and where such terms were not set, shall be in accordance with the provisions of this Act, rules and regulations.

Section 28. Easements

(1) For the purpose of this section an easement is a burden on land, referred to as servient or lower land belonging to a person for the use and benefit of another land, referred to as the dominant or upper land, belonging to another person.

(2) Subject to the provisions of this Act and any other law applicable to the use of land, the rights capable of being created by an easement are:

- (a) the right to do something over, under or upon the servient land;
- (b) the right that something should not be so done;
- (c) the right to require the occupier of a servient land to do something over, under or upon that land; and
- (d) the right to graze stock on the servient land.

Section 29. Easement by Contract

(1) An owner of land may establish under contract any easement as long as that complies with public order, and in favor of the owners or occupiers of other land.

(2) The use and the scope of the easement shall be regulated by the contract.

(3) An owner who establishes an easement on his or her land shall be deemed to have consented to everything that is necessary for such an easement.

(4) An easement by contract may be oral or written.

(5) If the easement is written, it shall be registered in accordance with the provisions of section 56 of this Act

Section 30. Termination of Easement

An easement may be terminated under the following:

- (1) by act of God;
- (2) when the dominant and servient lands become owned by the same person;
- (3) by the total destruction of the land on which the easement was created; or
- (4) by the termination of the agreement of easement; or
- (5) any other manner provided in the contract.

31. Usufruct

- (1) Usufruct refers to the use and enjoyment by a person of the land as an owner by law or by agreement for a period which shall not be longer than the life of the usufructuary.
- (2) The usufructuary shall have all the easements and rights granted by the owner.
- (3) Without prejudice to the provisions of sub-section (2) above, the usufructuary shall not have the right to dispose of the ownership.

Section 32. Contract of Usufruct

- (1) A usufruct contract may be in written or oral form as stipulated in section 38 of this Act.
- (2) Where there is no provision in the contract on time restriction, the usufruct shall be deemed to last for the life time of the usufructuary.

Section 33. Rights of the usufructuary

- (1) The usufructuary shall have the right to enjoy all the fruits, either natural or civil, generated by the land in respect of which he or she has the usufruct.
- (2) Any natural fruit attached to the land at the time the usufruct begins shall be to the benefit of the usufructuary.
- (3) Any natural fruit attached to the land at the end of the usufruct shall be to the benefit of the owner without mutual compensation for ploughing, harrowing and harvesting of the seeds.
- (4) If there is a tenant farmer or sharecropper at the commencement or at the end of the usufruct, he or she shall not lose his or her shares of the fruits which he or she is entitled to receive.
- (5) The usufructuary may enjoy the usufruct personally, lease it out, sharecrop it and may assign the right for valuable consideration or gratuitously to another.
- (6) In case of lease or sharecropping agreement, the agreement shall not exceed a period of three years. In case of renewal of a lease with a tenant farmer or a sharecropper, the new contract shall be terminated at least one year before the expiration of the usufruct.

Section 34. Termination of the Usufruct

The usufruct may be terminated through the following:

- (1) upon the expiration of the time limit or time specified in the contract;
- (2) by agreement that the usufructuary waives his or her right;
- (3) by act of God; or
- (4) by a decision of the Court upon the complaint of the bare owner where the usufructuary abuses his or her rights of enjoyment.

Section 35. Rights to Land Used as Surety

An owner of land may use it as surety to secure the payment of a debt by way of mortgage.

Section 36. Mortgage

- (1) An owner of land may by an instrument in the prescribed form, mortgage his or her registered title to secure the payment of an existing, a future, a contingent debt or other money or worth of money.
- (2) This section shall apply to all mortgages and interest in land including mortgages related to customary land coming into effect after the commencement of this Act.
- (3) A mortgage shall have effect as a security and shall only operate as a security interest in the land from the borrower to the lender.

Section 37. Community Mortgage

A Community, whose land is registered in accordance with the provisions of section 57 of this Act, may acquire perpetual succession regardless of change of its membership and may also acquire and hold rights and incur obligation and ownership encumbered by mortgage as regulated by law.

Section 38. Mortgage Contract

- (1) The mortgage contract shall be registered in the Land registry in accordance with the provisions of section 56 of this Act.
- (2) The mortgage contract shall clearly specify the state of ownership, its nature, the easements or charges determined by any relevant regulations and its value.

Section 39. Evidence of Rights to Land

- (1) The rules governing evidence related to land shall be applicable to both the right of ownership and derivative rights.
- (2) Right of ownership and all derivative rights to land shall be proven by a prima facie legal title in accordance with the provisions of this Act.

- (3) Right of ownership and derivative rights to land may be proven by any other practices recognized by communities in Southern Sudan in conformity to equity, ethics and public order.

Section 40. Termination of the Right of Ownership

The ownership over land may be terminated by any of the following:

- (1) voluntary renunciation of ownership of the right to land; in this case the land reverts to the Government of Southern Sudan;
- (2) foreclosure of the land at the demand of a creditor;
- (3) land expropriated by Government for public use as mentioned in section 73 of this Act; and
- (4) the right of the Government of Southern Sudan of escheat in case of failure of heirs.

CHAPTER VII LAND ADMINISTRATION AND MANAGEMENT

Section 41. General Principles

- (1) The regulation of land tenure, usage and exercise of rights over land thereon shall be exercised at the appropriate level of Government in Southern Sudan as stipulated by Article 180(1) of the Constitution.
- (2) The land administration shall be based on the principles of decentralization, participation and transparency for the benefit of all the people of Southern Sudan.
- (3) Prior to any decision related to their lands whether in urban or rural area the land administration shall consult with the communities concerned.
- (4) Without prejudice to the rights of the Government of Southern Sudan on Land, each State Government shall be charged with the management and administration of land within its jurisdiction for the benefit of the people of Southern Sudan in accordance with Schedule (C) of the Constitution and this Act.
- (5) Land in Southern Sudan shall be managed in a uniform and coordinated manner in which the State Government assigns the management responsibilities to Concerned Ministry at the State level, the County Land Authority and the Payam Land Council.

Section 42. Government of Southern Sudan Relation to Land

Without prejudice to the provisions of Schedule (B) of the Constitution, the attributions of the Government of Southern Sudan in relation to land shall be as follows:-

- (1) Land and Natural resources regulation by enacting policy and legislations;
- (2) Intervention in Town and rural planning;
- (3) Development of a master and physical plan for the capital city, define and demarcate its territory;
- (4) Solving disputes arising from the management of interstate waters within Southern Sudan;
- (5) Management of Government of Southern Sudan Lands;
- (6) Resettlement, Rehabilitation and reconstruction;
- (7) Management and exploitation of subterranean resources in coordination with the States including right to prospect and remove any mineral resources as regulated by law;
- (8) Manage and protect historical sites of common interest for Southern Sudan;
- (9) Develop a real property tax system;
- (10) Keep and manage the Land cadastre and registration system in Southern Sudan;
- (11) Undertake systematic registration operation upon request of the State or on its own motion;
- (12) Control and restoration of the environment; and
- (13) Any other function it deems appropriate or as may be conferred upon it by any other law.

Section 43. State Government Relation to Land

Without prejudice to the provisions of Schedule (C) of the Constitution, the attributions of a State Government in Southern Sudan in relation to land shall be as follows:

- (1) Management of State Land and natural resources;
- (2) Management, lease and utilization of State Land;
- (3) Development, conservation and management of state natural resources and forestry resources;
- (4) Quarrying regulation;
- (5) Town and rural planning;
- (6) State cultural and heritage sites;
- (7) State irrigation and embankments;
- (8) Resettlement, rehabilitation and reconstruction;
- (9) Regulation of land tenure, usage and exercise of rights in land;
- (10) Management of the survey office;
- (11) Delimitation of boundaries between community lands;
- (12) Contiguous registration within the state;
- (13) Land zoning and gazetting;
- (14) Land quality evaluation;
- (15) Oversee and coordinate different levels of land administration and management in the State;

- (16) Development and implementation of State physical planning; and;
- (17) Any other function that may be conferred upon it by law.

Section 44. The County Land Authority

There shall be established at the County Level a body to be known as “the County Land Authority” that shall consist of such persons appointed by the Governor in accordance with provisions of section 45 below and the recommendation of the Concerned County Commissioner in the State as the case may be.

Section 45. Composition of the County Land Authority

- (1) the County Land Authority shall consist of the following persons:
 - (a) The Commissioner as Chairperson;
 - (b) One representative from each town and municipal council recommend by the County Commissioner;
 - (c) Representative from the Concerned Ministry to Land appointed by the Minister;
 - (d) Representative of traditional authority in the county recommended by the authority;
 - (e) Representative of Civil Society Group to be appointed by the group; and .
 - (f) one woman representative recommended by County Women Association.
- (2) The tenure of the members of the County Land Authority shall be four (4) years subject to renewal for one additional term.
- (3) At least one of the members of the County Land Authority shall have qualifications and experience on matters pertaining to land.
- (4) The structure and organization of the County Land Authority shall be specified by a State law and regulations.

Section 46. Attribution of the County Land Authority

The County Land Authority shall have the following attributions:

- (1) Hold and allocate public lands vested in it with the approval of the Concerned State Ministry in the State subject to town and municipal planning in the County;
- (2) Make recommendations to the Concerned State Ministry on gazetted land planning;
- (3) Advise the Concerned State Ministry on any matter connected with the resettlement of persons in the County;
- (4) Facilitate the registration and transfer of interest in land;
- (5) Support and assist any cadastral operation and survey in its jurisdiction;
- (6) Assist the Traditional authorities on the exercise of their attributions, and liaise between them and the State Ministry Concerned;

- (7) Advise the local community on issues related to land tenure, usage, and exercise over land rights;
- (8) Chair the consultation process between community and State Government if required;
- (9) Liaise with the Southern Sudan Land Commission;
- (10) Any other function or duty prescribed by this Act, and any other law, rules and regulations.

Section 47. Appeal

- (1) Any person who is aggrieved by a decision of the County Land Authority may appeal to the Concerned Ministry in the State within a period of one year from the date he or she became aware of such decision.
- (2) The aggrieved party shall have the right to institute court proceedings after dismissal of the appeal by the Concerned Ministry mentioned in sub-section (1) above.

Section 48. The Payam Land Council

There shall be established at the Payam level a Payam Land Council that shall be responsible for the management and administration of land in the different Bomas composing the Payam.

Section 49. Composition of the Payam Land Council

- (1) The Payam Land Council shall be composed of the following:
 - a) Payam Administrator as Chairperson
 - b) The Executive Chief of each Boma within the Payam;
 - c) A Representative of Farmers and Herders Association;
 - d) One representative of the Civil Society Group; and
 - e) one woman representative recommended by the Payam women Association and again insert section 49(1) (f) to read:
 - f) such other members as the concerned County Commissioner deems appropriate.
- (2) The members of the Council shall be nominated by the concerned Ministry of the State upon recommendation of the Concerned Commissioner after consultation with the Traditional Authority in the Payam.
- (3) The tenure of the members of the Council shall be four (4) years renewable for one additional term.
- (4) The structure and organization of the Council shall be specified by a State Legislation..

Section 50. Functions of the Payam Land Council

The functions of the Payam Land Council shall be as follows:

- (1) Allocation of public land vested in it with the approval of the Concerned Commissioner;
- (2) Land planning and demarcation;
- (3) Support the registration and transfer of interests in land;
- (4) Protection of customary land rights of communities;
- (5) Assisting Traditional Authorities and Leaders in the management of the community's lands;
- (6) Protection of communal grazing land, forest, wetlands and water resources;
- (7) Dispute resolution through arbitration and mediation on issues related to land;
- (8) Protection of environment;
- (9) Maintenance of standard sanitation and hygiene;
- (10) Liaising with the County Land Authority
- (11) Perform any other function or duty prescribed in any other law or regulations.

Section 51. Appeal

(1) Any person who is aggrieved by a decision of the Payam Land Council may appeal to the County Land Authority, within a period of one year from the date upon which he or she became aware of such decision.

(2) The aggrieved party may institute court proceedings, after dismissal of the appeal by the concerned state Ministry, as mentioned in sub-section (1) above.

Section 52. Southern Sudan Land Commission

Without prejudice to the jurisdiction of the Courts, the Southern Sudan Land Commission shall exercise the functions and duties as stipulated in Article 181(1) of ICSS, 2005.

CHAPTR VIII REGISTRATION OF LAND RIGHTS

Section 53. General Principles

(1) Subject to the principles laid down in this Act, the registration and recording of land shall be regulated by law.

(2) Land collectively or individually owned in Southern Sudan shall be registered and given a title in accordance with this Act.

(3) Land owned by different levels of government in Southern Sudan shall be registered.

(4) All land in Southern Sudan not registered before the coming into operation of this Act shall be registered in accordance with the provisions of this Act and regulations.

Section 54. Land Registry

(1) The Land Registry shall be established within the Ministry of Housing, Physical Planning and Environment in the Government of Southern Sudan and shall be decentralized throughout Southern Sudan.

(2) At the State Level, the Concerned Ministry shall keep the Land registry in coordination with the Ministry of Housing, Physical Planning and Environment in the Government of Southern Sudan.

(3) Registration offices shall be established at each level of land administration in Southern Sudan.

Section 55. Initial Registration

(1) Initial registration shall consist of the opening of a folio in respect of the parcel to be registered and the entry therein:

- a) the name of any person entitled to be registered as owner of the parcel;
- b) the particulars of the plan of the parcel to be identified on the registry map; and
- c) the particulars of all interest as prescribed in the land.

(2) Initial land registration shall be implemented through systematic land registration or/and upon request.

(3) The Concerned Ministry in the State may by order declare any area to be a systematic registration area from such date as may be specified in that order and may at any time by a subsequent order vary the limits of any such area.

(4) Subject to section 42 of this Act, any systematic registration referred to sub-section (3) above shall be carried out by the Ministry of Housing, Physical Planning and Environment of the Government of Southern Sudan upon request of the Concerned Ministry in the State or on its own motion.

Section 56. Registration of Encumbrances and Transfers

- (1) An owner of land, by an instrument in the prescribed form, may transfer his or her land, lease or charge to any person.
- (2) The transfer shall be completed by registration of the transferee as owner of the land, lease or charge.
- (3) A lease for a specified period exceeding two years or a lease which contains an option whereby the lessee may require the lessor to grant him or her a further term which together with the original term, exceeds two years, shall be registered in the prescribed form.
- (4) A transfer of land ownership or any charge through inheritance shall be made in writing and registered in the closest registration office.

Section 57. Certificate of Title

- (1) The registration office shall, if requested by any owner of land registered under this Act or the holder of a lease of such land, issue to him or her a certificate of title or a certificate of lease, as the case may be, in the prescribed form showing all entries in the Register affecting that land or lease subsisting at the date of issuance of the certificate.
- (2) A certificate issued under this section shall be evidence of the matters shown therein as at the date of issuance of such certificate.
- (3) A certificate of title issued under subsection (2) above, shall contain:
 - a) a unique parcel reference number and location of the parcel;
 - b) reference to the parent folio in the register;
 - c) the date of issuance;
 - d) the name of the person to be registered and the nature of the interest in or the extent of the title to land to which the certificate relates;
 - e) a schedule of and the order of priority of all current encumbrances, charges, restrictions, conditions and other interests whether benefiting or burdening the land to which the certificate of title relates; and
 - f) any other relevant and necessary information.

Section 58. Community Land Registration

- (1) Upon demarcation, the title relating to community land or other deeds registered in respect of such land shall be endorsed by the registration office in the prescribed form.

- (2) Community land may be registered in the name of the following:
- a) a community;
 - b) a clan or a family in accordance with the customary practices applicable;
 - c) a community association in accordance with the document constituting the association; or
 - d) a traditional leader in trust for the community and with the consent of the members of the community.

(3) Individual members of a specific community may be entitled to request individual registration after the particular plot of land has been partitioned from the relevant community.

(4) Such partition referred to in subsection (3) above, shall be operated in respect to custom and practices of the community.

Section 59. Community Land Enquiry

(1) Prior to registration of community land rights, the representatives of the Land Registration Office may conduct an enquiry.

(2) The matters enquired into shall be recorded and preserved in the registration office as evidence of the intention of the parties in the process of registration.

(3) The land enquiry shall include but not limited to the following:

- (a) the nature and extent of competing rights, interests, and tenure of land;
- (b) the option available for legally secured rights;
- (c) the provision of access to land on equitable basis;
- (d) special planning, land use management and land development plan;
- (e) demarcation of land and easement over the community land;
- (f) the purpose for which the community purports to use the land in question; and
- (g) any other reason prescribed by this Act or regulations.

Section 60. Effect of Registration

The registration of any person or any community, as owner, with title over land shall vest in that person or community the ownership of that land or piece of land together with all rights and privileges belonging or appurtenant thereof, free from any other interests and claims but subject to:-

- (1) leases, charges and other encumbrances, and to the conditions and restrictions, if any, shown in the register; and
- (2) such liabilities, rights and interests as affected by the same and are declared by easements under section 28 of this Act, unless the contrary is expressed in the register;
 - a) *Provided that:* nothing in this section shall be taken to relieve any owner from any duty or obligation to which he or she is subject to as a trustee; and
 - b) the registration of any person or community as owners under this Act shall not confer upon that person or Community any exclusive right to any subterranean

resource in accordance with the Constitution and the law.

CHAPTER IX ACQUISITION OF LAND FOR INVESTMENT PURPOSES

Section 61. General Principles

- (1) Any citizen and non-citizen may have access to land in Southern Sudan for investment purposes in accordance with the provisions of this Act or any other law.
- (2) In accordance with the provisions of the Investment Act, 2008, land may be delineated into zones within every State in Southern Sudan based on a comprehensive Land Use Plan, which shall be vested in the Southern Sudan Investment Authority in order to encourage private investment.
- (3) Pursuant to the provisions of sub-section (2) above, the Government of Southern Sudan and any State Government may adopt a land zoning system in consultation with the community concerned in Southern Sudan in compliance with the existing Land Use Plan.

Section 62. Prerequisite for access to land

Any person or company applying for a plot of land for investment purposes shall provide the following information:

- (1) general nature of activities;
- (2) duration of the period of investment;
- (3) Certificate of investment;
- (4) nationality of the investor;
- (5) geographical area of interest;
- (6) financial Guarantees; and
- (7) environmental guarantees.

Section 63. Community Interest

- (1) The activity to be carried out by the investor shall reflect an important interest for the community or people living in the locality.
- (2) It shall contribute economically and socially to the development of the local community.
- (3) The Concerned Ministries in the Government of Southern Sudan and the State and the Investment Authority shall consult with the Community concerned on any decision related to the land that the investor intends to acquire and the view of the Community shall duly be taken into consideration.

Section 64. Compensation for the Community

Notwithstanding the provisions of section 72 of this Act, any community or persons affected by such activities in the area of investment shall be compensated in accordance with the provisions of section 75 of this Act and Article 180(7) of the Constitution.

Section 65. Termination of Activities

- (1) The Governor of a State may after consultation with the Investment Authority; the relevant Ministry in the Government of Southern Sudan and the local community concerned and in accordance with the provisions of the Investment Act, 2008, terminate any economic activities over land for the following reasons:
 - a) non-respect of the Plan of investment ; or/and
 - b) violation of laws and regulations related to land and investment which negatively affect the objective of the investment.
- (2) Where such a violation causes losses of income or property to individuals or to the entire community, compensation shall be paid.
- (3) Any investor who is not satisfied with the decision taken in accordance with the provisions of sub-section (1) above, may appeal against such a decision before a competent Court.

CHAPTER X PASTORAL LANDS

Section 66. Protection of Pastoral Lands

- (1) Without prejudice to the provisions of section 61 of this Act, pastoral lands in Southern Sudan shall be delineated and protected by the appropriate level of land administration and management based on a comprehensive land use planning system.
- (2) Customs and practices related to land used by pastoral communities shall be taken into consideration as long as they comply with the provisions of this Act and any other applicable law.

Section 67. Communal Grazing Land

Subject to the provisions of section 61 of this Act, no person shall without permission:

- (1) obstruct the approaches to any water point in the communal grazing land or to

- other appurtenances installed or constructed at such a watering place; or
- (2) carry out any activity on the communal grazing land which may prevent or restrict the residents of the traditional communities concerned from exercising their grazing rights; and
- (3) any other measure that the community land users find appropriate to take in order to protect such an area.

Section 68. Penalties

Any person who contravenes the provisions of section 67 above shall on conviction be guilty of an offense and shall be liable to imprisonment for a term not exceeding two years or with fine or both.

**CHAPTER XI
LAND USE, SOCIAL AND ENVIRONMENTAL PRESERVATION**

Section 69. Protection of Land

Individuals, communities and organizations shall protect land in order to keep it in a productive condition in which problems such as land degradation will be adequately managed in accordance with the provisions of Article 44 of the Constitution.

Section 70. Environmental, Economic and Social Impact Assessment

- (1) Any allocation of land for investment purposes shall be subject to a social, economic and environmental impact assessment to ensure that the social, economic and environmental implications of the activities on the land are taken into account before any decision is made thereon.
- (2) The process shall involve an analysis of the possible effects on the environment, biodiversities, people and assets.
- (3) A social, economic and environmental impact assessment shall be undertaken by both public and private sectors prior to any activities that may have impact on the environment and the people as determined by law, this Act or any other law or regulations.

Section 71. Environmental Restoration

- (1) The Government of Southern Sudan, State Government, Local Community, any individual or organization shall restore the land which has been degraded due to economic activities or misuse.
- (2) Where the misuse of land endangers the population or nature, the authority concerned may requisite the rights of occupancy of people living in the area after

consultation and subject to relocation and/or compensation as mentioned in section 75 of this Act.

Section 72. Resettlement Plan

(1) The Government of Southern Sudan, State Government or private company shall proceed with a resettlement plan for the communities affected by an expropriation plan described in Chapter XII of this Act or by any investment activity.

(2) Internally displaced persons shall be consulted and shall have opportunities to participate in planning and implementing resettlement programs.

(3) In addition to the provisions of section 75 of this Act, the Government of Southern Sudan, State Government and private companies shall assist internally displaced persons and returnees in their efforts to improve their livelihood.

CHAPTER XII EXPROPRIATION OF LAND FOR PUBLIC INTERESTS

Section 73. Reasons for Expropriation of Land for Public Interests

(1) The Government of Southern Sudan, State Governments and any other Public Authority may expropriate land for public purposes subject to compensation and upon agreement as prescribed by this Act or any other law.

(2) Without prejudice to the provisions of Schedule (B) of the Constitution, the Ministry of Housing, Land and Public Utilities in consultation with the duly constituted committee as provided for in section 76 of this Act, shall carry out any expropriation plan initiated by the Government of Southern Sudan in coordination with the State Government.

(3) Without prejudice to the provisions of Schedule (C) of the Constitution, the Concerned Ministry in the State shall in consultation with the duly constituted committee as provided for in section 76 of this Act carry out any expropriation plan initiated by the State Government.

(4) Subject to the provisions of sub-section (3) above, municipality and town council as the case may be, shall coordinate with the Concerned Ministry in the State where an expropriation is required for the conduct of their activities within their jurisdiction.

(5) For the purpose of this section, public interest includes but not limited to:

- a) exclusive for government or general public use;
- b) planning of any new Government area or the extension or improvement of any existing Government premises;
- c) sanitary improvements and urban development;
- d) social housing, resettlement and reintegration;

- e) control over land contiguous to any port, airstrip or airport;
- f) control over land required for defense purposes;
- g) control over land whose values enhanced by the construction of any railway, road, or public works about to be undertaken or provided by the Government; and
- h) any other activity with a public purpose undertaken by the government as specified by any other law.

Section 74. Procedure for Expropriation

- (1) The procedure for expropriation shall be based on a consultative process with the communities or individuals concerned prior to conception of the plan of expropriation.
- (2) A public hearing may be carried out before expropriation for public purposes for large scale development.
- (3) The history of the acquisition of the ownership shall be considered, whether community, individual or private.
- (4) The plan of expropriation shall lay out:
 - a) a description of the land to be expropriated;
 - b) the nature of the interest intended to be expropriated and whether the interest is intended to be subject to any existing interest in the land;
 - c) an indication of the public purposes for which the interest is required; and
 - d) a statement of the reasons of expropriation by the Public Authority as provided for in this section.
- (5) Subject to the provisions of sub-section (1) above , any concerned Minister ascribed in section 73 of this Act shall serve a notice containing the information referred to sub-section (4) above on the owner of the land likely to be expropriated and on the owner of any land that may be affected by the expropriation plan.
- (6) Such a notice shall also be made available to the public and published in the newspapers and any other media which can inform people about the expropriation plan.

Section 75. Compensation

- (1) The compensation shall be just, equitable, and shall take into account the following factors:
 - a) the purpose for which the land is being utilized;
 - b) the land market value; and
 - c) the value of the investment in it by those affected and their interest.
- (2) The compensation shall be in cash or in kind or both according to the agreement.

(3) Where any land expropriated for public purpose is necessary to remove any person therefrom in customary occupation, compensation shall be paid as may be agreed upon.

(4) Where any land expropriated for public purpose is the subject of a lease under this Act, compensation shall be paid to the lessee as may be agreed upon.

(5) No transfer of ownership or rights over land shall be made until the type, amount, method and timing of the payment of compensation has been agreed upon with those affected.

(6) Subject to the provisions of sub-section (1) herein, if no agreement is reached in the compensation modalities, the case may be determined by the Southern Sudan Land Commission ascribed in section 52 of this Act.

(7) Where payment of compensation is not made within sixty days of transfer of the property, the affected persons shall, in addition, receive interest on the sum due at commercial rates, recoverable until such compensation is fully paid.

Section 76. Compensation Committee

The amount of compensation shall be determined by a Committee where the expropriation is effected and this shall be composed of:

- (1) representative of the Concerned Ministries in the Government of Southern Sudan;
- (2) representative of the Investment Authority;
- (3) representative of the Concerned Ministries at the State Level;
- (4) the concerned County Commissioner;
- (5) representatives of the community concerned or affected; and
- (6) representative of the County Land Authority or Payam Land Council, as the case may be.

Section 77. Court Proceedings

Any person affected by the plan of expropriation, without consequent compensation, may resort to court proceedings for compensation and any other consequence deriving from the expropriation.

CHAPTER XIII
LAND RIGHTS RESTITUTION AND COMPENSATION

Section 78. General Principles

- (1) A person may be entitled to restitution of a right in land if he or she lost her or his right after an involuntary displacement as a result of the civil war starting from May 16, 1983.
- (2) The restitution may be done regardless of whether the right in land referred to was taken over by an individual or the government.
- (3) In addition to the primary owner of the land, subsidiary parties such as family members at the time of the displacement, spouses and legal heirs and any other person having interest in the land, shall have their rights recognized in restitution.
- (4) Any claimant shall have the right to submit a request to regain the rights in this section within 3 years from the date of commencement of this Act.
- (5) Claims shall be addressed on a case by case basis following the principle set out in sub-section (1) above.

Section 79. Filing of Claims

- (1) Traditional procedures and customary law and practices within communities dealing with restitution claims are legally recognized as long as they comply with equity, natural justice, morality and public order.
- (2) Traditional authority and any designated community representative may receive land restitution claims from members of the community or people from outside of the community.
- (3) Without prejudice to the attribution of the courts and subsection(2) above, any person who is of opinion that he or she is entitled to claim restitution of a right in land may file such claim to the Southern Sudan Land Commission ascribed in section 52 of this Act.
- (4) The claim shall include, on the form prescribed by the Commission, the description of the land in question and any improvement carried out, and the nature of the right being claimed.
- (5) The Commission shall establish branch offices in the States of Southern Sudan.

- (6) The Commission may, through a member or members of the Commission or any other person duly authorized thereto, carry out the following activities:-
- (a) conduct an investigation
 - (b) demand from any person including any government department such particulars, documents and information as may be necessary for carrying out any investigation;
 - (c) by notice in writing, addressed and delivered to any person, directing such person, in relation to an investigation, to appear before a member of the Commission and to produce all documents or objects in the possession or custody or under the control of such person and which are relevant to that investigation.
- (7) Subject to the provisions of Article 181 of the Constitution, the parties to the land restitution claim shall be bound by the decision of the Commission on the basis of mutual consent and upon registration of the award in a court of law.
- (8) The Commission shall apply the law of the locality where the restitution claim takes place, whether customary or statutory law agreed upon by the parties.
- (9) Where an agreement is not reached between parties to a restitution claim before the Commission, the parties may refer the matter therein to a court of law.

Section 80. Compensation

- (1) If the party claiming restitution to his or her right could not be restituted for some obvious reasons as the Commission finds appropriate, he or she may request the Commission or the court, as the case may be, to be awarded compensation instead.
- (2) The compensation may either be in cash, or in kind, or both as the party to the dispute and the Commission deem appropriate.

Section 81. Evidence

- (1) Subject to the provisions of section 39 of this Act, in the proceedings of restitution claims, priority shall be given to written evidence in order to prove the rights of any claimant in land.
- (2) Notwithstanding the provisions of sub-section (1) above, oral evidence such as testimony and any other forms of evidence conforming to public order may be used to prove ownership or other rights in land.

Section 82. Statute of Limitation

- (1) Any person who in good faith occupied a land belonging to another person or group of persons may not be deprived of the right therein without compensation.

- (2) Without prejudice to the provisions of sub-section (1) above, claims based on good faith shall be addressed on a case by case basis.
- (3) Where restitution is requested in sub-section (1) above, the defendant and the plaintiff may agree upon a full compensation for any improvement done or building erected thereon based on the market value.
- (4) Any person who unlawfully occupies a piece of land for 30 years without interruption in an urban area, from May 16, 1983 shall be granted legal title or rights thereon.
- (5) Where the land is used for public purposes, restitution action may not be applicable.
- (6) Subject to the provisions of sub-section (5) above, the claimant shall be entitled to compensation in accordance with the provisions of section 75 of this Act.

Section 83. Mitigation Measures

The Government of Southern Sudan or a State Government may acquire land for people who lost their right in land because of an acquisitive prescription action or for any other reasons as effects of the civil war.

CHAPTER XIV UNAUTHORIZED OCCUPANCY

Section 84. Unlawful Occupancy

- (1) Proceedings for eviction may be instituted against any person who unlawfully occupied a piece of land in contravention of the provisions of this Act or any other law.
- (2) For the purpose of this section, any person who settles or occupies a land without a customary or legal title or without the express consent of the owner or person legally in charge of the said land before the commencement of this Act, shall be considered an unlawful occupant.
- (3) Any public authority or person who owns or holds land may institute proceedings for the eviction of an unlawful occupant.
- (4) An unlawful occupant as defined in subsection (2) shall be evicted from land by a court order.
- (5) Without prejudice to the provisions of sub-sections (2) and (3) above, any person who unlawfully occupies a piece of land after the enactment of this Act shall be given an unconditional notice of seven days to vacate the land so illegally occupied.

Section 85. Notice of Eviction

- (1) Any public authority, owner or person having right of ownership over land who intends to evict an unlawful occupier shall give him or her not less than one calendar month written notice of the intention to file an order of eviction.
- (2) The notice shall determine a suitable date, time and circumstances on which such occupant shall vacate the land.
- (3) The notice referred to in subsection (1) herein, shall contain the grounds on which such intended eviction is based.

Section 86. Eviction Order

- (1) The court may grant an order of eviction if it deems it just and equitable to do so after considering all the relevant circumstances.
- (2) The order of eviction shall determine:
 - a) a just and equitable date on which the unlawful occupier shall vacate the land; and
 - b) the date on which an eviction order may be executed if the unlawful occupant did not vacate the land on the date contemplated in paragraph (a) above.
- (3) The court may permit the unlawful occupant to:-
 - a) demolish such structures and improvements as were erected and to remove any materials salvaged or recovered therefrom; and
 - b) tend a crop to which he or she is entitled until it is ripe and thereafter reap and harvest it.
- (4) Any order of eviction shall be executed in the presence of a duly authorized law enforcement officer.

Section 87. Alternative Resettlement

Where the eviction is initiated by a public authority against an unlawful occupant ascribed in section 84 (2) of this Act, minimum standard alternative resettlement conditions may be provided by the authorities.

Section 88. Appeal

- (1) Any person, or persons, or community that is aggrieved by the decision of the court of first instance shall have the right to appeal to a higher court as prescribed by law.
- (2) The court shall have jurisdiction to hear any appeal against such decision or order before execution.

Section 89. Bona fide Occupancy

- (1) Notwithstanding the provisions of section 90 below, a person may not be considered an unlawful occupant if that person in good faith occupied or infringed the rights of others, unless such an act is due to a mistake that no reasonable person would have made.
- (2) Without prejudice to the provisions of sub-section (1) above, claims based on good faith shall be addressed on a case by case basis.
- (3) Subject to the provisions of subsection (1) above, the occupier in good faith may be compensated by the person evicting for any improvement and enhancement brought into the value of the land prior to eviction.

Section 90. Irregular Allocation

- (1) Any allocation of land that is initially available for allocation but in circumstances where the administrative procedures were not observed, shall be considered an irregular allocation under this Act.
- (2) An irregular allocation of land may be nullified by a court upon request of a public authority or a private individual with an interest, provided that the application is made within one year after the applicant knew or should have known of the irregular nature of the allocation.
- (3) Any attempt to allocate land that is not available for allocation or allocating it in contravention of the regulations shall be considered an abuse of office under this Act and shall be punished by law.

CHAPTER XV LAND DISPUTES SETTLEMENT

Section 91. Disputes Resolution Mechanisms

- (1) In resolving disputes related to land, priority shall be given to:

- a) alternative dispute resolution which includes dispute resolution processes and mechanisms that fall outside the government judicial process; and
- b) traditional dispute resolution mechanisms.

(2) Customary law and practice of the locality shall apply to resolve disputes related to land.

Section 92. Mediation

(1) Where a dispute related to land occurs, the parties may agree to use mediation to resolve the dispute.

(2) The mediator shall be designated upon request by the parties from amongst members of the County Land Authority, the Payam Land Council or Traditional Authority depending on the area where the conflict occurs.

(3) The mediation shall take place in a private or in informal settings where the parties participate in the negotiation and design of the format of the settlement agreement.

Section 93. Functions of the Mediator

(1) The mediator shall have the power to bring together persons to a dispute and settle the dispute through the following functions:

- (a) convene meetings for hearing of disputes from parties and keep record of the minutes;
- (b) establish ground rules for the conduct of the parties;
- (c) structure and manage the negotiation process and help clarify facts and issues; and
- (d) help the parties to generate options to resolve their dispute.

(2) The mediator shall ensure that the discussion remains focused, organized and dignified.

(3) The mediator shall not have the power to make decisions about the case or impose a resolution.

Section 94. Rights of Parties to Arbitration

(1) Parties to a dispute may apply for arbitration to the County Land Authority, the Payam Land Council or Traditional Authority depending on the area where the conflict occurred.

(2) An Arbitration committee shall be appointed and given powers to arbitrate without prejudice to the provisions of the Civil Procedure Act, 2007.

Section 95. Powers of the Arbitration Committee

The arbitration committee shall have power to:

- (1) summon witnesses;
- (2) take evidence upon oath or affirmation; and
- (3) require the production of any documents deemed necessary for the arbitration.

Section 96. Awards

- (1) The parties shall be bound by the award delivered by the arbitration committee subject to their mutual consent.
- (2) The parties may appeal against the decision of the Committee referred to in section 95 above, before the Commission.

Section 97. Fees

- (1) The Commission and the appropriate land authority in the locality shall institute a fair and reasonable fee system after consultation with the Minister of Finance and Economic Planning of the Government or the State, as the case may be.
- (2) Where the arbitration process incurred some expenses, the parties shall proportionally pay the expenses related to the resolution of the dispute.

Section 98. Litigation

- (1) Parties to a land dispute may institute court proceedings in accordance with provisions of Article 24 of the Constitution.
- (2) Rules and principles of litigation shall be regulated in accordance with the provisions of the Civil Procedure Act, 2007.

Section 99. Land Court Proceedings

- (1) Subject to the provisions of Article 127(e) of the Constitution, there shall be established a Land Division in the High Court in every State consisting of a Judge and two assessors.
- (2) One assessor shall be representative of the Traditional authority and possessing a good knowledge of customary law and practices related to land.
- (3) The High Court shall have the following functions:
 - (a) Land dispute resolution;
 - (b) Registration of Awards;
 - (c) Litigation related to expropriation for public purposes and compensation; and
 - (d) any other attribution conferred upon it by this Act or any other law or regulations.

- (4) Parties to a conflict related to land may petition the High Court to resolve the issue in question and may peruse their appeal, if any, to the higher Courts.
- (5) Any person who contravenes the provisions of this Act shall be punished as prescribed by law.

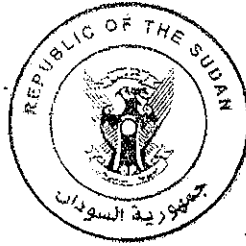
**CHAPTER XVI
MISCELLANEOUS PROVISIONS**

Section 100. Fees

The Southern Sudan Land Commission shall determine the fees and charges in consultation with the Minister of Finance and Economic Planning and the Ministries concerned in the State.

Section 101. Rules and Regulations

The Southern Sudan Land Commission shall issue rules and regulations for efficient and effective implementation of the provisions of this Act.



**GOVERNMENT OF SOUTHERN SUDAN
(GOSS)**

Southern Sudan Assembly

Ref.: L.A.2.....

Date: 26/1/2009.....

SSLA Resolution No.60/2009

Subject: SSLA Resolution No. 60/2009 dated 26th January 2009

In its sitting No. 30/2009 of the Second Session dated 26th January 2009, the august House of the Southern Sudan Legislative Assembly (SSLA) considered a presentation of the "Report of the Committees of Legislation and Legal Affairs; Land, Natural Resources and Environment on the Land Bill, 2009" and resolved to pass the bill in its Third and final Reading Stage.

Signed under my hand in Juba this 26th day of the month of January 2009.

Hon. Dr. Laurence Lual Lual
Deputy Speaker, Southern Sudan Legislative Assembly
SSLA- Juba





**GOVERNMENT OF SOUTHERN SUDAN
(GOSS)**

Southern Sudan Assembly

Ref.: *L.A.2*.....

Date: *26/1/2009*.....

CERTIFICATE

I hereby certify that the Southern Sudan Legislative Assembly has passed The Land Act, 2009 in its sitting No.30/2009 of the Second Session dated 26th January 2009.

Signed under my hand in Juba this 26th day of the month of January, 2009.

Hon. Lt. Gen. James Wani igga
Speaker
Southern Sudan Legislative Assembly,
SSLA- Juba

Assent of the President of the Government of Southern Sudan

In Accordance with the Provision of Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, I, General Salva Kiir Mayardit, President of the Government of Southern Sudan, do hereby Assent to the Land Act, 2009 and sign it into Law.

Signed under my Hand in Juba, this 16th day of the month of FEBRUARY in the year 2009.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line through it, and the letters 'K I' below it.

H.E General Salva Kiir Mayardit,
First Vice President of the Republic, and
President of the Government of Southern Sudan

Appendix G
IEE Report for Tokiman Relocation Site

**Initial Environmental Evaluation (IEE)
for the Proposed Tokiman West
Resettlement Site, Juba.**

JUBA NILE BRIDGE PROJECT

September 2011

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EXECUTIVE SUMMARY

The new Juba Nile Bridge Project whose proponent is GOSS and funded by JICA has its access road, traversing settlement areas in Lologo and Gumbo. Through this, people who live within the project area, - 30m ROW, will have to be relocated elsewhere to pave way for construction and operation of the proposed initiative.

However, its JICAs policy for its entire funded project that proposed project activities should not affect the livelihoods of those living within its proximity. A resettlement Action Plan (RAP) was therefore mandatory for the project. To address this situation, MOPI has provided a relocation place for the project affected persons, located within the outskirts of Juba at Tokiman West about 3km from the project area.

It's against this background that an Initial Environmental Evaluation (IEE) was carried out for the proposed resettlement site. The objective of the IEE is to provide project information in order to assess the potential for sustainable development.

After visiting the proposed relocation site and carrying out an IEE, the following IEE relevant findings, options and conclusions were made¹:

- I. There is an existing development settlement plan, with plot demarcations which was carried out by MOPI surveyors in 2011.
- II. MOPI development plan for the area has included space for the following infrastructures: schools kindergarten/primary/secondary, play ground, open space, market, churches and community reserve areas.
- III. There are no areas of sensitive ecological importance or of any cultural value within the proposed resettlement site.
- IV. The site has not been an ex-dumping site with unexploded ordinances (such as discarded land mines).
- V. Currently, there is presence of access gravel roads and a primary school within the proposed project site.
- VI. Hard rocks are common within the proposed resettlement site. Quarrying of hard rocks within the area is common,

¹ See a list of the consulted persons in chapter 7 of this report.

The currently closest source of water is from River Nile. There are no boreholes which were identified within the vast unsettled land. However, few settlements in the area use a common water point provided by the local brewery (SSBL) as part of its corporate social responsibility (CSR).

The proposed area will not have any significant negative environmental impacts and therefore it is appropriate for the proposed initiative.

1 PROJECT DESCRIPTION

1.1 Objective of the Project

Settlements in Lologo and Gumbo area will be traversed by the planned road which will be joining the proposed Nile Bridge. Through this, people who live within the project area will have to be relocated elsewhere to pave way for construction and operation of the proposed initiative. To address this situation, MOPI has provided a relocation place within the outskirts of Juba and 3km from the project area at Tokiman West.

The proposed resettlement site for this IEE is within Tokiman West, Lukata Moroyok residential area, 1st and 3rd Class² residential areas within the outskirts of Juba. The plot size measures 20 by 20 meters. There are a total of 750 plots. However, there are plots slightly bigger, set aside for markets, schools (kindergarten/primary/secondary), health centre, open space, petrol station, police station, Payam administration office and community reserve area.

The identified resettlement area is for the people who will be relocated from the 30m ROW corridor for the proposed Nile Bridge and its access roads, people who will be willing to settle at Tokiman. The project Affected Persons (PAPs) are mainly from Lologo and only one from Gumbo area.

1.2 Description of the Baseline Environment

The proposed resettlement site is a vast grassy land with very few settlements with patches of cultivated plots. The main economic activity is quarrying of hard stones, which are crushed to make ballast, and later sold. There is also soil harvesting which are loaded onto Lorries and later ferried for construction of mud houses in other areas.

The main communities who have settled east of the project site and close to the South Sudan Brewery are:

- Kakwa tribe
- Kuku tribe.

² 1st Class residential area in Juba refers to a plot measuring 30m by 40m while 3rd Class refers to 3rd class plot is 20m by 20m and all issued by MOPI. This land classification system was introduced by British in 1950's for different classes/zoning of residential areas in Juba and it's still in use.

Although they have not settled within the proposed resettlement site, they have however constructed temporary houses awaiting allocation within the demarcated plots. Some of them are government employees while others are casual workers in Juba³.



Photo 1.1: Typical house type close to the proposed project site.



Photo 1.2: Typical landscape of the proposed site: grass and thicket covered with earth access roads.



Photo 1.3: Noticeable small economic activities: Selling of ballast crushed from hard stones and small scale farming. A heap of crushed hard stone ready for sale and maize farm.

³ Information acquired from Alex Mawa, (Tel. 0477137450), a Tokiman resident during consultative interview on 18th Sept 2011 in Tokiman.



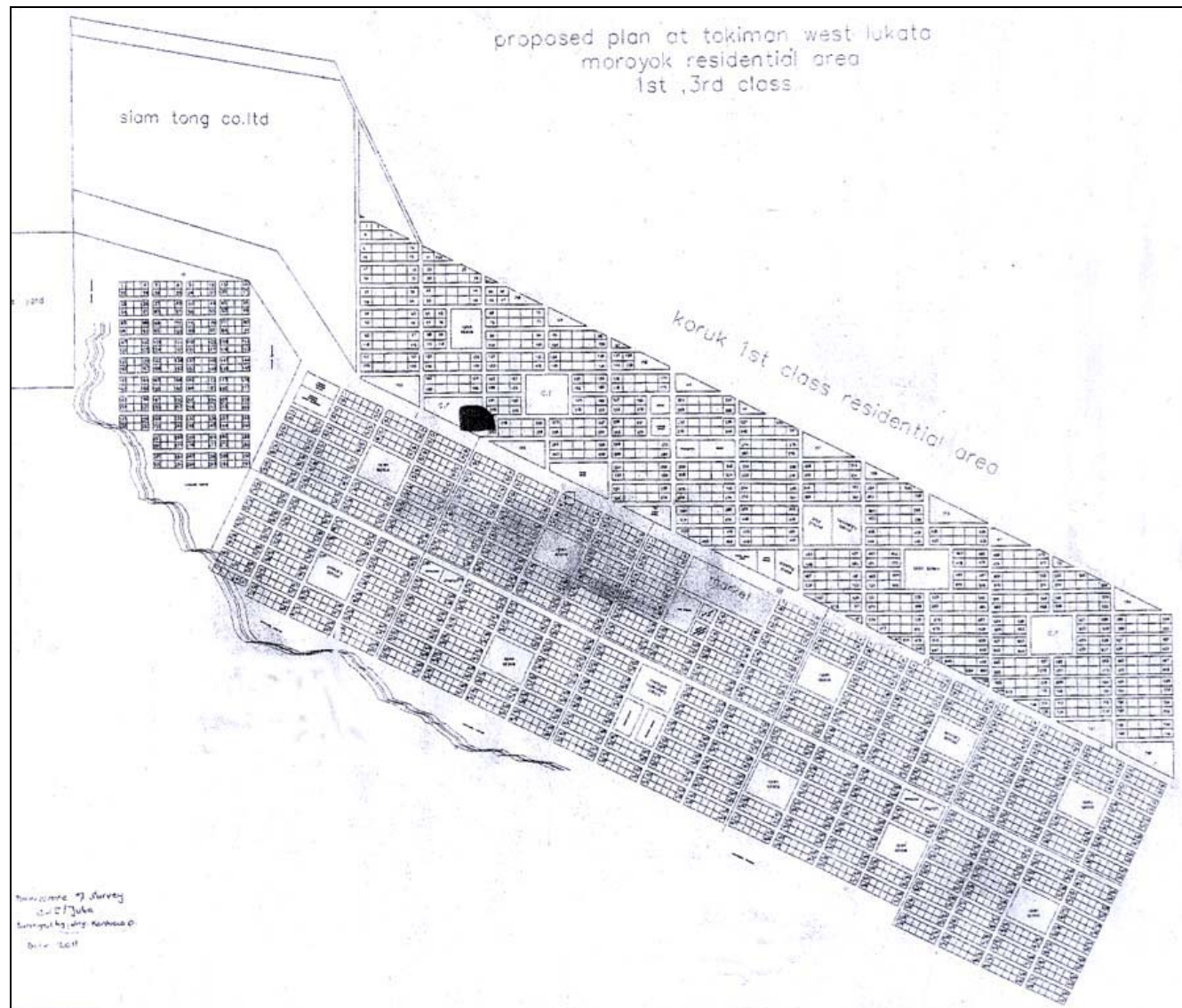
Photo 1.4: One of the very few structures found within the project site.

Figure1: The Project Area and its Immediate Environment



Source: Google Earth

Figure 2: The Demarcated Plots within Tokiman West



Source: Survey Dept, MOPI 2011.

2 POLICY AND LEGAL FRAMEWORK FOR THE PROPOSED INITIATIVE

2.1 GOSS Regulatory Framework for Environmental Management

The interim constitution of the Government of South Sudan (GOSS) spells out in Section that every people shall have the right to have the environment protected for the benefit of present and future generations, through reasonable legislative action and other measures that prevent pollution and ecological degradation; (b) promote conservation; (c) secure ecologically sustainable development and use of natural resources while promoting national economic and social development so as to protect bio-diversity.

There are two draft regulations on Environmental Impact Assessment (EIA) Regulation *Environmental Protection Bill 2010*: It specifies (a) the members of administrations in the levels of GOSS, states, county, payam and boma, (b) process of environmental impact assessment, (c) consideration of the statement, (d) obligation of the proponent, environmental audit, (e) establishment of environmental standards of air quality, water quality, discharge, odor, noise and vibration, soil quality etc, (f) management of environment for water courses, community, mountainous areas, waste management, control of pollution, environmental restoration order and so on. The problem is that this bill is not authorized. So there is no legal procedure is authorized for environmental activities this moment. After the approval, based on this bill, the administrative committee shall be set up and environmental standards shall be proposed immediately.

In housing sector within MOPI, GOSS utilizes a combination of pre-existing official planning and laws, housing and property classification into first, second and third class as well as the customary law

2.2 JICA's Principles on Environmental and Social Considerations

The objective of the JICA guideline is to encourage the recipient governments to take appropriate considerations of environmental and social factors as well as to ensure that JICA's support and examination of environmental and social considerations are conducted accordingly.

Basic principles of the JICAs guideline are as follows:

- A wide range of impacts to be addressed is covered.
- Measures for environmental/social considerations are implemented at an early stage.

- JICA incorporates stakeholder opinions into decision-making processes regarding environmental and social considerations.
- JICA discloses information on environmental and social considerations in collaboration with the recipient governments, in order to ensure accountability and to promote participation of various stakeholders.

3.2 Institutional Arrangement

For fulfilling of requirement proposed, following Institutions are related:

- Ministry of Roads and Bridges (MRB), Republic of South Sudan
- Ministry of Environment (MOE), Republic of South Sudan
- Ministry of Physical Infrastructure (MOPI), Central Equatoria State
- Tokiman Community

5 IDENTIFICATION AND EVALUATION OF IMPACT

There will be no physical impact apart from construction of houses only. The construction of houses, which will be mainly mud houses, will not create any significant impact on the natural environment. Some of the noticeable impacts, though minimal, will include:

Social Impact

The newcomers from Lologo will be welcomed by the host community. They will be expected to cooperate with the host community and integrate smoothly within their new settlement site.

Site Clearance

During pre-construction and construction phase of the houses, existing small subsistence agricultural land (plots) will be damaged during site clearance to pave way for house construction. This will impact negatively to the peasant farmers.

Impacts Related to the South Sudan Brewery Ltd. (SSBL)

The SSBL will not have any impacts on the proposed project site. On one hand, it is situated far away from the demarcated plots (*See graphic on SSBL location and proposed project site*), and on the other hand, wind blowing from the factory chimneys blows mainly North West, away from the proposed site. The SSBL smokestacks (*see photo 5.1*) are high enough and no smoke flows near the ground to affect not even the closest area within the SSBL environ.

Also, though uncertain, the presence of SSBL will be a positive impact since there will be possibility of the people who will settle at the proposed site and close to the brewery acquiring jobs. The South Sudan Brewery is situated far away from the proposed resettlement site (see location map) it will therefore be having positive impact due to possible employment opportunities to those who will relocate to Tokiman West.



The South Sudan Brewery, situated far away from the project site.

Photo 5.1: The South Sudan Breweries and its long smokestacks.

Impacts for River Khor Romula

Debris from construction site can end up being dumped into the nearby *Khor Romula* river. Water from the river is used for domestic purpose and for livestock. If contaminated with debris, the waste might end up affecting people and livestock.



River *Khor Romula* bordering proposed settlement site: Bricks laying is common along the river banks

Photo 5.2: River Khor Romula

6 MITIGATION MEASURES

6.1 *Identified Impacts and Mitigation Measures*

Identified Impacts	Suggested Mitigation Measures
Quarrying activities within various project site (there are small quarrying activities within the project site)	<ul style="list-style-type: none"> • Inspectorate unit of the MOE to monitor quarrying activities and make sure no quarry is abandoned without being rehabilitated. • Informal quarrying group to be incorporated in construction work of the proposed houses.
Accidents during construction of houses	<ul style="list-style-type: none"> • Sensitive motorists and community living or working near the site. • Sensitize workforce.
Soil Erosion	<ul style="list-style-type: none"> • Excavations of the site should be confined only within the sections (plots) upon which construction is taking place, • Excavated earth should be held away from existing drainage channels around the site and on locations of the site not susceptible to surface runoff of storm water, • The earth removed for external disposal will require to be deposited on sites without the risk of being washed down during rains and where it will not compromise other land use activities in those areas, • Extra precautions on control of soil erosion will be required on construction during periods of heavy rainfall.
Impact on Flora	<ul style="list-style-type: none"> • It is highly recommended that the site layout considers the avoidance of cutting down of mature trees on the site as much as is practically possible.

6.2 Management of Solid Waste from the Project Sites during Constructions

Table 6.2: Solid Waste Management

Solid Waste Management Issues		Waste Management and Disposal Methods / Provisions
1	Responsibility of waste generators (house constructors, owners, tenants) during houses construction phase.	<ul style="list-style-type: none"> Waste shall be disposed in designated waste receptacles only. Waste generated shall be collected, segregated at the source and disposed off in designated waste receptacles only (e.g. excavated materials from the site during site preparation). Waste not to be dumped into River <i>Khor Romula</i> or within the exposed quarrying site near the relocation site.
2	Segregation of waste by generators	<ul style="list-style-type: none"> Use the 3R Waste Management Approach, i.e. <i>Reduce, Reuse and Recycle</i> whereby waste shall be segregated – plastics, glass, tins, papers, wood, metals etc (later to be re-used or recycled). Develop alternatives to disposal of composting organic solid waste Provide avenue for reuse of old and disposable items hence reducing the volume of the garbage at the site during the whole project cycle.
4	Waste Transportation	<ul style="list-style-type: none"> During the construction of the houses, all the waste transport vehicles from the proposed project shall be approved by the Authority Inspectorate MOE, upon recommendation from Lead Agency or project monitoring agent.

Source: Consultant Team, Juba Sept. 2011.

7 Consultation and Participation Arrangements

Selected stakeholders were consulted. First, the officers in the Ministry of Environment, (CES) made a reconnaissance trip through the proposed project. Possible impacts were noted and discussed with the officers. The consultant also identified further resource persons within Tokiman West and carried out open interviews with them. Table 7.1 has a list of consulted person

Table 7.1: Consulted Persons during the IEE Process

	Contacted Person	Designation/Occupation	Relevant Input to the IEE	Tel. No.
1	Abdalla Wani Kamilo	Inspector for Pollution Control, Ministry of Environment, CES, Juba	Preliminary assessment (visit) of the project site and review of possible sources of pollution within the proposed project site.	0955169090
2	Paul Lado Demetry	Inspector for Biodiversity/ Ag. Head of Environmental Information Centre, Ministry of Environment, CES, Juba	Preliminary assessment of the project site (visit)	0912617531
3	MOPI officials	Survey Department MOPI.	Map for the surveyed area, Tokiman West	
4	Gwido Gore	Chief, Tokiman West	Demarcations in Tokiman West	0128569181
5	Alex Mawa	Resident of Tokiman West/Government employee, Min. of Commerce.	Communities living in Tokiman West and reasons for settlement.	0477137450
6	Lodu Daud Loko	Resident of Khor Romula, Tokiman West	Tokiman West communities and.	0924489686
	Moses lokudu Lasu	Resident, Tokiman West/Employee with Min. of Agriculture & Forestry, CES, Juba.	Problem of water at Tokiman and endeavours of the South Sudan Brewery in assisting nearby community.	0955271815
7	Archangelo Wani Lasi	Resident, Tokiman West/ Driver, Ministry of Environment, GOSS	<i>River Khor Romula</i> and the current economic activities within the proposed project site.	0955271815
	James Yuggu Lawrence	Resident, Tokiman West/Student, Juba University	Assessment of River Khor Romula and translation services, Juba Arabic/English	0927324276

Photo 7.1: Consultative Meeting at the project site.



Stone crushers at Tokiman West in a consultation with the Inspector for Pollution Control, Ministry of Environment, CES, Juba ((left) and inspector for Biodiversity/ Ag. Head of Environmental Information Centre (second left), from the same ministry



Photo 7.2: A private school under construction near the project site. There will be however more public schools in the area, from kindergarten, primary, and secondary schools.

Appendix H
TOR for External Monitoring

TOR

External Monitoring & Evaluation

1. Scope of External Monitoring & Evaluation

In addition to internal monitoring and evaluation (M&E), projects require external (or independent) monitoring and evaluation to provide an objective and periodic assessment of resettlement implementation plans and their impacts. It is also vital to verify internal M&E findings, and to suggest adjustment of delivery mechanisms and procedures. To function effectively, the external monitoring organization should be independent of the implementing agency.

An important function of external agency is verification of internal reports, which includes checking delivery of the following:

- . • Payment of compensation and timing;
- . • Land readjustment;
- . • Preparation and adequacy of resettlement sites;
- . • House construction;
- . • Provision of employment, adequacy and income levels;
- . • On job training;
- . • Rehabilitation of vulnerable groups;
- . • Infrastructure repair, relocation or replacement;
- . • Shop relocation, compensation and its adequacy; and
- . • Transition assistance.

The involvement of affected people and host population in monitoring helps resolve many problems that arise almost daily during the project implementation phase. The Resettlement Action Plan (RAP) should provide for participation of Affected Peoples (APs) and NGOs in monitoring. They should be associated at all stages of the M&E process, including determination of monitoring indicators.

The main objectives of an external monitoring and evaluation is to review implementation and assess the achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

The scope of activities include but are not limited to:

(a) Verification of Internal Reports, by Field Check:

- Payment of compensation including its levels and timing
- Land readjustment
- Preparation and adequacy of resettlement sites
- House construction
- Provision of employment, its adequacy and income levels
- Training
- Rehabilitation of relocated APs and, among all, vulnerable groups
- Infrastructure repair, relocation or replacement

- Enterprise relocation, compensation and its adequacy
- Transition allowances

(b) Survey and Inventory, Demographically of the Following Persons Affected by the Project:

- 20% of persons who had property, assets, incomes and activities severely affected by Project works and had to relocate either to group resettlement sites or who chose to self-relocate, or whose agricultural income was severely affected.
- 10% of persons who had property, assets, incomes and activities marginally affected by Project works and did not have to relocate.
- 10% of those affected by indirect project activities such as contractors and subcontractors, including employment, use of land for contractor's camps, pollution, public health etc.

(c) Evaluation of Delivery and Impacts of Entitlements:

- Identification of the categories of impacts and evaluation of the quality and timeliness of delivering entitlements (compensation and rehabilitation measures) for each category and how the entitlements were used and their impact and adequacy to meet the specified objectives of the RAP.
- The quality and timeliness of delivering entitlements, and the sufficiency of entitlements vis-à-vis the RP should be verified by an independent monitor.
- Investigate and analyze the pre-and post-project socio-economic conditions of the affected people. In the absence of database based on baseline socio-economic data on income and living standards, and given the difficulty of APs having accurate recollection of their pre-project income and living standards, develop some quality checks on the information to be obtained from the APs. Such quality checks could include verification by neighbours and local village leaders. The methodology for assessment should be very explicit, noting any qualifications.

(d) Evaluation of Consultation and Grievance Procedures:

- Identify, quantify and qualify the types of conflicts and grievances reported and resolved and the consultation and participation procedures.

(e) Declaration of Successful Implementation:

- Provide a summation of whether involuntary resettlement was implemented (a) in accordance with the RP, and (b) in accordance with the stated policy.

(f) Actions Required:

- Describe any outstanding actions that are required to bring the resettlement activities in line with the policy and the RAP. Describe further mitigation measures needed to meet the needs of any affected person or families judged and/or perceiving themselves to be worse off as a result of the Project.
- Provide a timetable and define budget requirements for these supplementary mitigation measures and detail the process of compliance monitoring and final "signing off" for these APs.

(g) Lessons Learnt:

- Describe any lessons learned that might be useful in developing the new national resettlement policy and legal/institutional framework for involuntary resettlement.

2. Methodology and Approach

The general approach to be used is to monitor activities and evaluate impacts ensuring participation of all stakeholders especially women and vulnerable groups. Monitoring tools could include both quantitative and qualitative methods:

- Baseline household survey of a representative sample, disaggregated by gender and vulnerable groups, to obtain information on the key indicators of entitlement delivery, efficiency, effectiveness, impact and sustainability.
- Supplemented by Focused Group Discussions (FGD) which would allow the monitors to consult h a range of stakeholders (local government, resettlement field staff, NGOs, community leaders, and, most importantly, APs):
- Key informant interviews: Select local leaders, village workers or persons with special knowledge or experience about resettlement activities and implementation.
- Community public meetings: Open public meetings at resettlement sites to elicit information about performance of various resettlement activities.
- Structured direct observations: Field observations on status of resettlement implementation, plus individual or group interviews for crosschecking purposes.
- Informal surveys/interviews: Informal surveys of APs, host villages, workers, resettlement staff, and implementing agency personnel using non-sampled methods.

3. Institutional Arrangement & Monitoring Team

- Describe the institutional arrangement in terms of human resources, logistics, computers and other resources allocated for the project.
- There should be a dedicated monitoring team with adequate gender representation. Field level data collection is essential.
- The skill of team members plays a crucial role in effective monitoring. Hence, the team needs to have members who are trained and skilled in data base management, interview techniques, social and economic assessments and financial audit.
- Unless when resettlement is insignificant, effective monitoring can not be undertaken by one person.
- The team may ideally include: -
 - . • A team leader
 - . • Social scientist
 - . • Gender specialist

- . • Research and Statistical specialist
- . • Accounts & Financial expert

4. Reporting

- Provide a monitoring and evaluation report covering the following:
 - Whether resettlement activities have been completed as planned and budgeted
 - The extent to which specific objectives and expected outcomes/results have been achieved and factors affecting their achievement or non achievement
 - The extent to which the overall objective of the Resettlement Plan and the desired impact of improving living standards, income earning capacity and production levels or at least restoring them to pre-project levels, have been achieved and the reasons for achievement / non achievement.
- . • Major lessons learnt
- . • Key risk factors
- . • Recommendations
- Reports shall be provided two weeks after completion of field survey and delivered to JICA office with explanation.

5. Schedule for External monitoring and Indicators for Evaluation

Period monitoring	Activities to be monitored	Indicators to be monitored
January 2012	Basic information on AP households	<ul style="list-style-type: none"> • Location • Composition and structure • Ages • Educational and skill levels • Gender of household head • Ethnic group • Access to health, education, utilities and other social services • • Housing type • Land and other resource owning and using patterns • Occupations and employment patterns • Income sources and levels • Agricultural production data (for rural households) • Participation in neighborhood or community groups • Value of all assets forming entitlements and resettlement entitlements
March 2012	Compensation Payments and entitlements	<ul style="list-style-type: none"> • Was compensation as described in the RP paid on time? • Were other entitlements distributed on time, relocation grants, loss of income support? • Were there additional costs AP's had to bear? • Were adequate funds available to meet the costs of resettlement?
May 2012	Relocation Site Preparation	<ul style="list-style-type: none"> • Were resettlement sites ready with adequate infrastructure? • • Were AP's satisfied with sites and selection process? • Were transport arrangements adequate? • Were adequate public services available?

July 2012, July 2013 and July 2014	Restoration of living standards	<ul style="list-style-type: none"> • Have APs adopted the housing options developed? • Have community networks been restored? • Have APs achieved replacement of key social and cultural elements? • Were compensation payments sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did transfer and relocation payments cover these costs? • Did income substitution allow for re-establishment of enterprises and production? • Have vulnerable groups been provided with proper assistances ? • Are these effective and sustainable?
	Restoration of Livelihood	<ul style="list-style-type: none"> • Were income restoration activities appropriate to restore or improve living standards? • Were vulnerable groups adequately assisted to improve living standards? • Are the livelihood schemes as described in the RAP being implemented satisfactorily?
	Levels of AP Satisfaction	<ul style="list-style-type: none"> • How much do APs know about resettlement procedures and entitlements? • Do APs know their entitlements? Do they know if these have been met? • How do APs assess the extent to which their own living standards and livelihoods have been restored? • How much do APs know about grievance procedures and conflict resolution procedures? • How many AP's/households were impoverished as a consequence of resettlement? •